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⁽¹⁾ Text with EEA relevance

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 547/2009**of 24 June 2009****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 June 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	25,6
	TR	56,6
	ZZ	41,1
0707 00 05	JO	156,8
	MK	25,2
	TR	108,9
	ZZ	97,0
0709 90 70	TR	105,0
	ZZ	105,0
0805 50 10	AR	54,2
	BR	104,3
	TR	64,0
	ZA	64,7
	ZZ	71,8
0808 10 80	AR	84,5
	BR	79,0
	CL	94,2
	CN	91,2
	NZ	104,6
	US	134,0
	UY	61,5
	ZA	79,5
	ZZ	91,1
0809 10 00	TR	225,5
	ZZ	225,5
0809 20 95	TR	355,6
	US	377,7
	ZZ	366,7
0809 30	TR	113,9
	ZZ	113,9
0809 40 05	AU	289,7
	CL	108,6
	ZZ	199,2

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 548/2009**of 24 June 2009****amending Regulation (EC) No 760/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards authorisations for the use of casein and caseinates in the manufacture of cheeses**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 121(i), in conjunction with Article 4 thereof,

Whereas:

(1) Article 100 of Regulation (EC) No 1234/2007 as amended by Council Regulation (EC) No 72/2009 of 19 January 2009 on modifications to the Common Agricultural Policy by amending Regulations (EC) No 247/2006, (EC) No 320/2006, (EC) No 1405/2006, (EC) No 1234/2007, (EC) No 3/2008 and (EC) No 479/2008 and repealing Regulations (EEC) No 1883/78, (EEC) No 1254/89, (EEC) No 2247/89, (EEC) No 2055/93, (EC) No 1868/94, (EC) No 2596/97, (EC) No 1182/2005 and (EC) No 315/2007 ⁽²⁾ provides for the possibility of granting aid for skimmed milk processed into casein and caseinates.

(2) Following the amendment of Article 119 of Regulation (EC) No 1234/2007 by Regulation (EC) No 72/2009, prior authorisation for using casein and caseinates in cheese manufacture is no longer required unless aid is paid under Article 100 of Regulation (EC) No 1234/2007 and the Commission decides to make the use of casein and caseinates in the manufacture of cheese subject to that authorisation.

(3) When aid for Community-produced skimmed milk processed into casein and caseinates is fixed in accordance with Article 100 of Regulation (EC) No 1234/2007, the detailed rules for granting such authorisations should be respected.

(4) Commission Regulation (EC) No 760/2008 ⁽³⁾ has established the rules for the prior authorisations of the use of casein and caseinates that had to be granted under Article 119 before its amendment by Regulation (EC) No 72/2009. In view of the current situation where the aid is fixed at zero, and the prior authorisation is no longer mandatory, the scope of Regulation (EC) No 760/2008 should be amended to lay down the conditions under which those rules are applicable

(5) It is therefore necessary to amend Regulation (EC) No 760/2008 accordingly.

(6) The proposed amendment should apply from 1 July 2009, the date on which the relevant amendments introduced by Regulation (EC) No 72/2009 apply.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 760/2008, paragraph 1 is replaced by the following:

‘1. This Regulation lays down the rules as regards the granting of authorisations for the use of casein and caseinates in the manufacture of cheese when:

(a) an aid is fixed pursuant to Article 100 of Regulation (EC) No 1234/2007; and

(b) such use is considered necessary for the manufacture of cheese as provided for in Article 119 of that Regulation.

Those authorisations shall be granted for a period of 12 months, at the request of the undertakings concerned, subject to a prior undertaking in writing to accept and comply with the provisions of Article 3 of this Regulation.’

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 30, 31.1.2009, p. 1.

⁽³⁾ OJ L 205, 1.8.2008, p. 22.

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 June 2009.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 549/2009**of 24 June 2009****amending Regulation (EC) No 214/2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed milk powder**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 43(d), in conjunction with Article 4 thereof,

Whereas

- (1) Article 10(1)(f) of Regulation (EC) No 1234/2007 provides for public intervention of skimmed milk powder.
- (2) Commission Regulation (EC) No 214/2001 ⁽²⁾ has laid down the detailed rules concerning the public intervention on the market in skimmed milk powder.
- (3) In view of the current and foreseeable market situation characterised by low prices on dairy products and in particular skimmed milk powder, combined with difficulties to obtain commercial credits for normal dairy operations, it is appropriate to advance the payment for selling skimmed milk powder into intervention. The current payment period of 120–140 days should therefore be reduced to 45–65 days thereby providing a harmonisation of all payment periods for intervention products in the dairy sector.
- (4) Regulation (EC) No 214/2001 should be amended accordingly.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 214/2001 is amended as follows:

1. Article 8 is replaced by the following:

‘Article 8

The intervention agency shall pay for the skimmed milk powder taken over between the 45th and the 65th day following the date of taking-over, provided that it is found to comply with the requirements laid down in Article 2;’

2. Article 20(1) is replaced by the following:

‘1. The intervention agency shall pay for the successful tenderer the price indicated in his tender as referred in Article 15(2)(c) between the 45th and the 65th day following the date on which the skimmed milk powder is taken over, provided that it is found to comply with Article 2(1), (2), (3), (5), (6) and (7) and Article 15(3)a).’

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

It shall apply to tenders where the time limit set in Article 14(2) of Regulation (EC) No 214/2001 is after the date of entry in force of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 June 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 37, 7.2.2001, p. 100.

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COMMISSION

COMMISSION DECISION

of 16 June 2009

on criteria to be followed in order to decide when the performance of an organisation acting on behalf of a flag State can be considered an unacceptable threat to safety and the environment

(notified under document number C(2009) 4398)

(Text with EEA relevance)

(2009/491/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Where a Member State decides, with respect to ships flying its flag, either to authorise organisations to undertake fully or in part inspections and surveys related to certificates in accordance with the relevant international conventions and, where appropriate, to issue or renew the related certificates, or to rely upon organisations to undertake fully or in part the said inspections and surveys, it shall entrust these duties only to organisations recognised in accordance with Article 4 of Directive 94/57/EC.
- (2) A good record of safety and pollution prevention performance of a recognised organisation — measured in respect of all ships classed by it, irrespective of the flag they fly — is an important indication of the performance of that organisation.

- (3) The safety and pollution prevention performance records of recognised organisations must be derived from the data produced by the Paris Memorandum of Understanding on Port State Control and/or by similar schemes. Other indications may be derived from an analysis of the casualties involving ships classed by the recognised organisations.

- (4) Since recognised organisations operate all over the world, it is appropriate that their performance records are based on a sufficiently wide geographical area.

- (5) Both the United States Coast Guard and the Tokyo Memorandum of Understanding on Port State Control periodically publish data based on port State control in a similar way to the Paris Memorandum of Understanding. They should be considered comparably reliable sources in terms of continuity and accuracy of data from which to derive an assessment of the safety and pollution prevention performance records of recognised organisations.

- (6) The data published by the Paris Memorandum of Understanding, the Tokyo Memorandum of Understanding and the United States Coast Guard are subject to prior appeal mechanisms, allowing the recognised organisations concerned to contest them. Those data should, therefore, be considered as sufficiently reliable sources and should be used for the establishment of the assessment criteria as to the safety and pollution prevention performance of recognised organisations.

⁽¹⁾ OJ L 319, 12.12.1994, p. 20.

- (7) Analysis of records on the detention of ships should, where such information is available, take specific account of recognised organisation-related detentions. It should also be designed in such a way as to reduce the risk that small and/or flag-specific populations, as may be the case of fleets classed by certain organisations with limited recognition, give rise to statistical distortions.
 - (8) Data sources must be transparent, impartial and capable of providing sufficiently reliable, exhaustive and continuous data. Therefore, in the absence of sufficiently complete public sources, data on marine casualties may be obtained from commercial data sources and taken into consideration provided that reasonable assurance can be gained that the aforementioned criteria are met.
 - (9) Reports produced by Member States on the basis of Article 12 of Directive 94/57/EC should also be taken into consideration in assessing the safety and pollution prevention performance records of the organisations.
 - (10) A recognised organisation's safety and pollution prevention records, including other indications such as marine casualties, should be assessed with a view to allowing the adoption of fair and proportionate decisions based on the organisation's structural capacity to meet the highest professional standards. It is therefore necessary to compare these records over a reasonable period of time.
 - (11) In order to guarantee the usefulness and fairness of the assessment system, it is necessary to allow a reasonable period of time for recognised organisations to take it into account in their management decisions, while at the same time giving the Commission the opportunity to evaluate its functioning and, as appropriate, make the necessary adjustments.
 - (12) The measures provided for in this Decision are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,
2. 'Paris Memorandum of Understanding' (hereinafter Paris MOU) means the Memorandum of Understanding on Port State Control, signed in Paris on 26 January 1982, as it stands at the date of adoption of this Decision;
 3. 'Tokyo Memorandum of Understanding' (hereinafter Tokyo MOU) means the Memorandum of Understanding on Port State Control in the Asia Pacific Region, signed in Tokyo on 1 December 1993, as it stands at the date of adoption of this Decision;
 4. a 'recognised organisation-related detention' means that the ship's recognised organisation that carried out the relevant survey or that issued a certificate had a responsibility in relation to the deficiencies which, alone or in combination, led to detention, as defined in the applicable instructions of the relevant port State control scheme;
 5. a 'marine casualty' means a marine casualty as defined in IMO resolution A. 849(20).

Article 2

The criteria to be followed in order to decide when the performance of an organisation acting on behalf of a flag State can be considered an unacceptable threat to safety and the environment are set out in Annex I.

Article 3

1. The Commission, in determining whether an organisation acting on behalf of a flag State must be considered an unacceptable threat to safety and the environment may, in addition to the criteria set out in Annex I, take into account the cases that come to its knowledge where:

- (a) it has been proven in a court of law or in an arbitration procedure that a marine casualty involving a ship in the class of a recognised organisation has been caused by a wilful act or omission or gross negligence of such recognised organisation, its bodies, employees, agents or others who act on its behalf; and
- (b) it can be considered, based on the information available to the Commission, that such wilful act, omission or gross negligence has been due to shortcomings in the organisation's structure, procedures and/or internal control.

HAS ADOPTED THE FOLLOWING DECISION:

Article 1

For the purpose of this Decision:

1. 'recognised organisation' means an organisation recognised in accordance with Article 4 of Directive 94/57/EC;

2. The Commission shall take into account the gravity of the case, and shall seek to determine whether recurrence or any other circumstances reveal the organisation's failure to remedy the shortcomings referred to in paragraph 1 and improve its performance.

Article 4

1. Three years after the entry into force of this Decision, the Commission shall evaluate the criteria set out in Annex I.
 2. Where appropriate it shall, in accordance with the procedure referred to in Article 7(2) of Directive 94/57/EC, amend Annex I in order to:
 - (a) adjust the said criteria to ensure their usefulness and fairness;
 - (b) define thresholds triggering the application of the measures provided for in Articles 9(1) and 10(2) of the said Directive.
-

Article 5

In submitting reports to the Commission and to the other Member States in accordance with Article 12 of Directive 94/57/EC, the Member States shall make use of the harmonised form set out in Annex II.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 16 June 2009.

For the Commission

Antonio TAJANI
Vice-President

ANNEX I

1. PORT STATE CONTROL

1.1. Number of recognised organisation-related detentions in relation to total inspections over a three-year period

being

$$U_l = N \cdot p + 0,5 + z \cdot [N \cdot p \cdot (1 - p)]^{1/2}$$

$$U_h = N \cdot p - 0,5 - z \cdot [N \cdot p \cdot (1 - p)]^{1/2}$$

where

n = number of recognised organisation-related detentions

 U_l = threshold low to medium performance U_h = threshold medium to high performance

N = total number of inspections (minimum number = 60)

p = fixed yardstick = 0,02

z = statistical significance factor = 1,645

1.1.1. Paris MOU

n > U_l 6 points $U_l \geq n \geq U_h$ 3 points $U_h > n$ 0 points1.1.2. US Coast Guard ⁽¹⁾n > U_l 6 points $U_l \geq n \geq U_h$ 3 point $U_h > n$ 0 points

1.1.3. Tokyo MOU

n > U_l 6 points $U_l \geq n \geq U_h$ 3 points $U_h > n$ 0 pointsIf $U_h < 0$, then it is considered that $U_h = 0$.If n = 0, then 0 points will be given, irrespective of the U_h value.

1.2. Percentage of recognised organisation-related detentions in relation to total number of inspections

1.2.1. Paris MOU

Annual — compared to previous three years

increase 1 point

unchanged 0 point

decrease - 1 point

⁽¹⁾ When using US Coast Guard data, the total number of distinct vessels arrivals may be considered instead of the total number of inspections if data on the later are not available.

1.2.2. *US Coast Guard* ⁽¹⁾

Annual — compared to previous three years

increase 1 point

unchanged 0 points

decrease – 1 point

1.2.3. *Tokyo MOU*

Annual — compared to previous three years

increase 1 point

unchanged 0 points

decrease – 1 point

When a recognised organisation presents a 0 % detention rate for two consecutive periods, it will be considered a positive performance and the same number of points as for a decrease in the detention rates will be given.

1.3. **Number of detentions in relation to total number of inspections over a three-year period**

being

$$U_l = N \cdot p + 0,5 + z \cdot [N \cdot p \cdot (1 - p)]^{1/2}$$

where

n = number of detentions

 U_l = threshold low performance

N = total number of inspections (minimum number = 60)

p = fixed yardstick = 0,05

z = statistical significance factor = 1,645

1.3.1. *Paris MOU* $n > U_l$ 1 point $U_l \geq n$ 0 points1.3.2. *US Coast Guard* ⁽¹⁾ $n > U_l$ 1 point $U_l \geq n$ 0 points1.3.3. *Tokyo MOU* $n > U_l$ 1 point $U_l \geq n$ 0 points1.4. **Two recognised organisation-related detentions of the same ship over the last 12 months (annual; as per Paris MOU, US Coast Guard and Tokyo MOU)**

Number of cases points

1 or 2 1 per ship

3 to 5 2 per ship

> 5 3 per ship

- 1.5. Two recognised organisation-related detentions of the same ship over the last 24 months (annual, for the last 24 months; as per Paris MOU, US Coast Guard and Tokyo MOU)

1 point for every ship. Occurrences already counted under 1.4 are excluded.

- 1.6. Three or more recognised organisation-related detentions of the same ship over the last 24 months (annual, for the last 24 months; as per Paris MOU, US Coast Guard and Tokyo MOU)

3 points for every ship — adding to points allocated under 1.4 or 1.5

- 1.7. Difference in performance for black listed and white listed flags (recognised organisation-related detentions — rate as per Paris MOU)

Percentage point difference

> 2	+ 3 points
$1 - 2$	+ 2 points
$0,5 - 1$	+ 1 point
$< 0,5$	- 1 point

Where there is not sufficient data for the calculation of the difference in performance for a recognised organisation, then 0 points will be attributed.

- ## 2. REPORTS FROM MEMBER STATES

1 point for every reported case up to a maximum of 3 points.

ANNEX II

REPORT

in accordance with Article 12 of Council Directive 94/57/EC

'In exercising their obligations as port States, Member States shall report to the Commission and other Member States, and inform the flag State concerned, the discovery of the issue of valid certificates by organisations acting on behalf of a flag State to a ship which does not fulfil the relevant requirements of the international conventions, or of any failure of a ship carrying a valid class certificate and relating to items covered by that certificate. **Only cases of ships representing a serious threat to safety and the environment or showing evidence of particularly negligent behaviour of the organisations shall be reported for the purpose of this Article.** The recognised organisation concerned shall be advised of the case at the time of the initial inspection so that it can take appropriate follow-up action immediately.'

For the purpose of identifying the cases in which failures by the recognised organisation (hereinafter RO) to detect serious defects in the conditions of the surveyed vessels shall be reported to the Commission, the other Member States and the flag State concerned, the following criteria shall be applied:

1. the failure is related to statutory surveys performed by the RO and is manifestly due to gross negligence, recklessness or omission by the RO,
2. defects not properly addressed by the RO involve structural elements of the hull and/or machinery and/or safety equipment and are serious enough to result in:
 - (a) suspension, withdrawal or conditional endorsement of the safety certificate by the flag State; or
 - (b) prevention of operation under Council Directive 1999/35/EC ⁽¹⁾ or a detention order under Council Directive 95/21/EC ⁽²⁾ being issued by the host or the port State where deficiencies cannot be repaired in less than five days.

The report shall include an account of the case detailing why the above criteria were considered met.

The following evidence material should also be attached where applicable:

1. copy of the safety certificates;
2. documents related to the statutory work performed by the RO before the defects were detected;
3. evidence of the action taken by the flag State, port State or host State;
4. copy of the class survey report issued as a result of the class attending the vessel after the defects were detected;
5. digital photographs of the defective areas.

The attached format shall be used for reporting.

The report shall be forwarded to the European Commission, EMSA and all Member States.

⁽¹⁾ OJ L 138, 1.6.1999, p. 1.

⁽²⁾ OJ L 157, 7.7.1995, p. 1.

REPORT

submitted by (State reporting authority)

I. General particulars	
Name of vessel:	
IMO number:	
Recognised organisation:	
Type of inspection:	
Port of inspection:	
Date of inspection:	
Follow up action:	
Duration of detention:	
Duration of the prevention of operation:	

II. Detailed account of the inspection and/or port State control inspection report

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III. Considerations on the behaviour of the recognised organisation

IV. Follow-up action by the inspecting State, the flag State and the recognised organisation

V. Documentary evidence provided

IV

(Other acts)

EUROPEAN ECONOMIC AREA

THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 41/2009

of 24 April 2009

amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 22/2009 of 17 March 2009 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1237/2007 of 23 October 2007 amending Regulation (EC) No 2160/2003 of the European Parliament and of the Council and Decision 2006/696/EC as regards the placing on the market of eggs from Salmonella infected flocks of laying hens ⁽²⁾ is to be incorporated into the Agreement.
- (3) Council Regulation (EC) No 1560/2007 of 17 December 2007 amending Regulation (EC) No 21/2004 as regards the date of introduction of electronic identification for ovine and caprine animals ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Decision 2007/616/EC of 5 September 2007 amending Decisions 2001/881/EC and 2002/459/EC as regards the list of border inspection posts ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Decision 2007/843/EC of 11 December 2007 concerning approval of Salmonella control programmes in breeding flocks of *Gallus gallus* in certain third countries in accordance with Regulation (EC) No 2160/2003 of the European Parliament and of the Council and amending Decision 2006/696/EC, as regards certain public health requirements at import of poultry and hatching eggs ⁽⁵⁾ is to be incorporated into the Agreement.

⁽¹⁾ OJ L 130, 28.5.2009, p. 6.

⁽²⁾ OJ L 280, 24.10.2007, p. 5.

⁽³⁾ OJ L 340, 22.12.2007, p. 25.

⁽⁴⁾ OJ L 254, 28.9.2007, p. 1.

⁽⁵⁾ OJ L 332, 18.12.2007, p. 81.

- (6) Commission Decision 2007/848/EC of 11 December 2007 approving certain national programmes for the control of salmonella in flocks of laying hens of *Gallus gallus* ⁽¹⁾ is to be incorporated into the Agreement.
- (7) Commission Decision 2007/849/EC of 12 December 2007 approving amendments to the national programme for the control of salmonella in breeding flocks of *Gallus gallus* submitted by Finland ⁽²⁾ is to be incorporated into the Agreement.
- (8) Commission Decision 2007/873/EC of 18 December 2007 approving the national programme for the control of salmonella in breeding flocks of *Gallus gallus* submitted by Bulgaria ⁽³⁾ is to be incorporated into the Agreement.
- (9) Commission Decision 2007/874/EC of 18 December 2007 approving the national programme for the control of salmonella in breeding flocks of *Gallus gallus* submitted by Romania ⁽⁴⁾ is to be incorporated into the Agreement.
- (10) This Decision shall not apply to Liechtenstein.
- (11) This Decision shall apply to Iceland with the transitional period specified in paragraph 2 of the Introductory Part of Chapter I of Annex I for the areas which did not apply to Iceland prior to the review of this Chapter by Decision of the EEA Joint Committee No 133/2007 of 26 October 2007,

HAS DECIDED AS FOLLOWS:

Article 1

Chapter I of Annex I to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

The texts of Regulations (EC) No 1237/2007 and (EC) No 1560/2007 and Decisions 2007/616/EC, 2007/843/EC, 2007/848/EC, 2007/849/EC, 2007/873/EC and 2007/874/EC, in the Icelandic and Norwegian language, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 25 April 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 24 April 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 333, 19.12.2007, p. 83.

⁽²⁾ OJ L 333, 19.12.2007, p. 85.

⁽³⁾ OJ L 344, 28.12.2007, p. 45.

⁽⁴⁾ OJ L 344, 28.12.2007, p. 46.

(*) Constitutional requirements indicated.

ANNEX

Chapter I of Annex I to the Agreement shall be amended as follows:

1. The following indent shall be added in point 7b (Council Regulation (EC) No 21/2004) in Part 1.1:

‘— **32007 R 1560**: Council Regulation (EC) No 1560/2007 of 17 December 2007 (OJ L 340, 22.12.2007, p. 25).’

2. The following indent shall be added in points 39 (Commission Decision 2001/881/EC) and 46 (Commission Decision 2002/459/EC) in Part 1.2:

‘— **32007 D 0616**: Commission Decision 2007/616/EC of 5 September 2007 (OJ L 254, 28.9.2007, p. 1).’

3. The following indent shall be added in point 8b (Regulation (EC) No 2160/2003 of the European Parliament and of the Council) in Part 7.1:

‘— **32007 R 1237**: Commission Regulation (EC) No 1237/2007 of 23 October 2007 (OJ L 280, 24.10.2007, p. 5).’

4. Under the heading ‘ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT’ the following points shall be inserted after point 4d (Commission Decision 2006/759/EC) in Part 7.2:

‘4e. **32007 D 0843**: Commission Decision 2007/843/EC of 11 December 2007 concerning approval of Salmonella control programmes in breeding flocks of *Gallus gallus* in certain third countries in accordance with Regulation (EC) No 2160/2003 of the European Parliament and of the Council and amending Decision 2006/696/EC, as regards certain public health requirements at import of poultry and hatching eggs (OJ L 332, 18.12.2007, p. 81).

4f. **32007 D 0848**: Commission Decision 2007/848/EC of 11 December 2007 approving certain national programmes for the control of salmonella in flocks of laying hens of *Gallus gallus* (OJ L 333, 19.12.2007, p. 83).

4g. **32007 D 0849**: Commission Decision 2007/849/EC of 12 December 2007 approving amendments to the national programme for the control of salmonella in breeding flocks of *Gallus gallus* submitted by Finland (OJ L 333, 19.12.2007, p. 85).

4h. **32007 D 0873**: Commission Decision 2007/873/EC of 18 December 2007 approving the national programme for the control of salmonella in breeding flocks of *Gallus gallus* submitted by Bulgaria (OJ L 344, 28.12.2007, p. 45).

4i. **32007 D 0874**: Commission Decision 2007/874/EC of 18 December 2007 approving the national programme for the control of salmonella in breeding flocks of *Gallus gallus* submitted by Romania (OJ L 344, 28.12.2007, p. 46).’

DECISION OF THE EEA JOINT COMMITTEE

No 42/2009

of 24 April 2009

amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 24/2009 of 17 March 2009 ⁽¹⁾.
- (2) Commission Regulation (EC) No 775/2008 of 4 August 2008 establishing maximum residue limits for the feed additive canthaxanthin in addition to the conditions provided for in Directive 2003/7/EC ⁽²⁾ is to be incorporated into the Agreement.
- (3) This Decision is not to apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 1zzzzq (Commission Regulation (EC) No 554/2008) of Chapter II of Annex I to the Agreement:

'1zzzzr. **32008 R 0775**: Commission Regulation (EC) No 775/2008 of 4 August 2008 establishing maximum residue limits for the feed additive canthaxanthin in addition to the conditions provided for in Directive 2003/7/EC (OJ L 207, 5.8.2008, p. 5).'

Article 2

The text of Regulation (EC) No 775/2008, in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 25 April 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 24 April 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 130, 28.5.2009, p. 12.

⁽²⁾ OJ L 207, 5.8.2008, p. 5.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 43/2009

of 24 April 2009

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 96/2008 of 26 September 2008 ⁽¹⁾.
- (2) Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Directive 2008/89/EC of 24 September 2008 amending, for the purposes of its adaptation to technical progress, Council Directive 76/756/EEC concerning the installation of lighting and light-signalling devices on motor vehicles and their trailers ⁽³⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Chapter I of Annex II to the Agreement shall be amended as follows:

1. The following indent shall be added in point 21 (Council Directive 76/756/EEC):

‘— **32008 L 0089**: Commission Directive 2008/89/EC of 24 September 2008 (OJ L 257, 25.9.2008, p. 14).’;

2. The following shall be added in point 45zt (Regulation (EC) No 715/2007 of the European Parliament and of the Council):

‘, as amended by:

— **32008 R 0692**: Commission Regulation (EC) No 692/2008 of 18 July 2008 (OJ L 199, 28.7.2008, p. 1).’;

3. The following point shall be inserted after point 45zt (Regulation (EC) No 715/2007 of the European Parliament and of the Council):

⁽¹⁾ OJ L 309, 20.11.2008, p. 15.

⁽²⁾ OJ L 199, 28.7.2008, p. 1.

⁽³⁾ OJ L 257, 25.9.2008, p. 14.

‘45zu. **32008 R 0692**: Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 199, 28.7.2008, p. 1).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

In Annex XIII, the following shall be added in point 3.2:

“IS for Iceland

FL for Liechtenstein

16 for Norway” ’.

Article 2

The texts of Regulation (EC) No 692/2008 and Directive 2008/89/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 25 April 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 24 April 2009.

For the EEA Joint Committee

The President

Alan SEATTER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 44/2009

of 24 April 2009

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 29/2009 of 17 March 2009 ⁽¹⁾.
- (2) Commission Directive 2008/42/EC of 3 April 2008 amending Council Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting Annexes II and III thereto to technical progress ⁽²⁾, as corrected by OJ L 136, 24.5.2008, p. 52, is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 1 (Council Directive 76/768/EEC) of Chapter XVI of Annex II to the Agreement:

— **32008 L 0042:** Commission Directive 2008/42/EC of 3 April 2008 (OJ L 93, 4.4.2008, p. 13), as corrected by OJ L 136, 24.5.2008, p. 52.'

Article 2

The text of Directive 2008/42/EC, as corrected by OJ L 136, 24.5.2008, p. 52, in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 25 April 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 24 April 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 130, 28.5.2009, p. 22.

⁽²⁾ OJ L 93, 4.4.2008, p. 13.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE**No 45/2009****of 9 June 2009****amending Annex X (Audiovisual services) and Annex XI (Telecommunication services) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex X to the Agreement was amended by Decision of the EEA Joint Committee No 161/2007 of 7 December 2007 ⁽¹⁾.
- (2) Annex XI to the Agreement was amended by Decision of the EEA Joint Committee No 47/2009 of 24 April 2009 ⁽²⁾.
- (3) Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market ⁽³⁾ is to be incorporated into the Agreement.
- (4) Acts concerning audiovisual services and currently referred to in Annex X should henceforth be incorporated into Annex XI,

HAS DECIDED AS FOLLOWS:

Article 1

Annexes X and XI to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

The text of Directive 2006/123/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on the day following the last notification to the EEA Joint Committee under Article 103(1) of the Agreement ^(*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 9 June 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 124, 8.5.2008, p. 27.

⁽²⁾ See page 28 of this Official Journal.

⁽³⁾ OJ L 376, 27.12.2006, p. 36.

^(*) Constitutional requirements indicated.

ANNEX

Annexes X and XI to the Agreement shall be amended as follows:

1. The text of Annex X shall be replaced by the following:

‘SERVICES IN GENERAL

List provided for in Article 36(2)

INTRODUCTION

When the acts referred to in this Annex contain notions or refer to procedures which are specific to the Community legal order, such as:

- preambles,
- the addressees of the Community acts,
- references to territories or languages of the EC,
- references to rights and obligations of EC Member States, their public entities, undertakings or individuals in relation to each other, and
- references to information and notification procedures.

Protocol 1 on horizontal adaptations shall apply, unless otherwise provided for in this Annex.

ACTS REFERRED TO

1. **32006 L 0123**: Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) In Article 3(3), “rules of the Treaty” shall read “rules of the EEA Agreement”;
- (b) In Article 4(1), “Article 50 of the Treaty” shall read “Article 37 of the EEA Agreement”;
- (c) In Articles 4(2) and 4(3), “Article 48 of the Treaty” shall read “Article 34 of the EEA Agreement”;
- (d) In Article 4(5), “Article 43 of the Treaty” shall read “Article 31 of the EEA Agreement”;
- (e) Article 4(8) shall read:

““overriding reasons relating to the public interest” means, without prejudice to Article 6 of the EEA Agreement, reasons recognised as such in the rulings of the Court of Justice of the European Community, including the following grounds: public policy; public security; public safety; public health; preserving the financial equilibrium of the social security system; the protection of consumers; recipients of services and workers; fairness of trade transactions; combating fraud; the protection of the environment and the urban environment; the health of animals; intellectual property; the conservation of the national historic and artistic heritage; social policy objectives and cultural policy objectives;”;

- (f) The following subparagraph shall be inserted after the first subparagraph of Article 15(7):

“When the Commission and the EFTA Surveillance Authority, in accordance with paragraph 4(d) of Protocol 1 to the EEA Agreement, exchange information on notifications received from the EU Member States or the EFTA States respectively, the Commission shall communicate the information received from the EFTA Surveillance Authority to the EU Member States and the EFTA Surveillance Authority shall communicate the information received from the Commission to the Standing Committee of the EFTA States. Furthermore, the EFTA Surveillance Authority shall inform the Standing Committee of the notifications received from the EFTA States.”;

(g) The following subparagraph shall be inserted in Article 21(2):

“When the Commission and the EFTA Surveillance Authority, in accordance with paragraph 4(a) of Protocol 1 to the EEA Agreement, exchange information on the names and contact details received from the EU Member States or the EFTA States respectively, the Commission shall communicate the information received from the EFTA Surveillance Authority to the EU Member States and the EFTA Surveillance Authority shall communicate the information received from the Commission to the Standing Committee of the EFTA States.”;

(h) Article 22(1)(d) shall not apply with regard to the EFTA States;

(i) The following shall be added in Article 28(8):

“With regard to the EFTA States, it shall be the EFTA Surveillance Authority to periodically inform them about the functioning of the mutual assistance provisions.”;

(j) The following shall be added in Article 39(2):

“Without prejudice to paragraph 4(d) of Protocol 1 to the EEA Agreement, the Commission shall forward the reports received from the EU Member States to the EFTA Surveillance Authority for distribution to the EFTA States and the EFTA Surveillance Authority shall forward the information received from an EFTA State to the other EFTA States, to the Standing Committee of the EFTA States and to the Commission for distribution to the EU Member States. The Commission and the EFTA Surveillance Authority shall exchange information on the observations received from the EU Member States and the EFTA States respectively.”;

(k) The following shall be added in Article 39(3):

“The EFTA States may also present their reports and observations in the Committee.”;

(l) The following subparagraph shall be added in Article 39(5):

“When the Commission and the EFTA Surveillance Authority, in accordance with paragraph 4(d) of Protocol 1 to the EEA Agreement, exchange information on the requirements transmitted by the EU Member States or the EFTA States respectively, the Commission shall communicate the information received from the EFTA Surveillance Authority to the EU Member States and the EFTA Surveillance Authority shall communicate the information received from the Commission to the Standing Committee of the EFTA States. Furthermore, the EFTA Surveillance Authority shall inform the Standing Committee of the requirements transmitted by the EFTA States.”

2. The title of Annex XI ‘TELECOMMUNICATIONS SERVICES’ shall be replaced by ‘ELECTRONIC COMMUNICATION, AUDIOVISUAL SERVICES AND INFORMATION SOCIETY’.

3. The following shall be inserted after point 5o (Commission Decision 2006/215/EC) of Annex XI:

‘Audiovisual services

5p. **389 L 0552:** Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 298, 17.10.1989, p. 23), as amended by:

— **397 L 0036:** Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 (OJ L 202, 30.7.1997, p. 60).

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

(a) In Article 2(5), “Article 52 and following of the Treaty establishing the European Community” shall read “Article 31 and following of the Agreement on the European Economic Area”;

(b) with regard to EFTA States, the works referred to in Article 6(1)(c) of the Directive are also works made, as described in Article 6(3), by and with producers established in European third countries with which the EFTA State concerned has agreements to this effect.

If a Contracting Party intends to conclude an agreement as mentioned in Article 6(3), it shall inform the EEA Joint Committee thereof. Consultations concerning the contents of such agreements may take place at the request of any Contracting Party;

(c) the following shall be added to Article 15 of the Directive:

“The EFTA States shall be free to compel cable companies operating on their territories to scramble or otherwise obscure spot advertisements for alcoholic beverages in programmes of television broadcasters whose main audience is in an EEA EFTA State. For the purpose of assessing whether a particular programme or spot advertisement falls within the scope of this adaptation, importance shall be attached to the following factors, *inter alia*:

- whether the broadcast is, *de facto*, primarily received in one of the EEA EFTA States,
- whether the goods or services advertised are available in the country of reception,
- whether the language of the country in which the broadcasts are received is used in the programmes or advertisements,
- whether points of sale in the country of reception are referred to or mentioned in the advertisements,
- whether the prices are quoted in the currency of the country of reception.

The scrambling or otherwise obscuring of spot advertisements shall not have the effect of restricting the retransmission of parts of television programmes other than advertising spots for alcoholic beverages.

The Contracting Parties shall jointly review this exception in 2003.”

Detailed arrangements for the association of Liechtenstein, Iceland and Norway in accordance with Article 101 of this Agreement:

Each EFTA State may designate one representative of the competent authority designated by each EFTA State who is to participate in the meetings of the Contact Committee on television broadcasting activities to which reference is made in Article 23a of Council Directive 89/552/EEC.

The EC Commission shall in due time inform the participants of the dates of the meetings of the Contact Committee and shall transmit to them the relevant information.

5q. **398 L 0084**: Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access (OJ L 320, 28.11.1998, p. 54).’

4. The following shall be inserted after point 30 (Council Resolution 96/C 376/01) of Annex XI:

‘Audiovisual services

31. **394 Y 0702(02)**: Council Resolution 94/C 181/02 of 27 June 1994 on a framework for Community policy on digital video broadcasting (OJ C 181, 2.7.1994, p. 3).
32. **398 X 0560**: Council Recommendation 98/560/EC of 24 September 1998 on the development of the competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity (OJ L 270, 7.10.1998, p. 48).
33. **499 Y 0205(01)**: Resolution 1999/C 30/01 of the Council and of the Representatives of the Governments of the Member States, meeting within the Council of 25 January 1999 concerning public service broadcasting (OJ C 30, 5.2.1999, p. 1).
34. **32005 H 0865**: Recommendation 2005/865/EC of the European Parliament and of the Council of 16 November 2005 on film heritage and the competitiveness of related industrial activities (OJ L 323, 9.12.2005, p. 57).’

DECISION OF THE EEA JOINT COMMITTEE

No 46/2009

of 24 April 2009

amending Annex XI (Telecommunication services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XI to the Agreement was amended by Decision of the EEA Joint Committee No 31/2009 of 17 March 2009 ⁽¹⁾.
- (2) Regulation (EC) No 1007/2008 of the European Parliament and of the Council of 24 September 2008 amending Regulation (EC) No 460/2004 establishing the European Network and Information Security Agency as regards its duration ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be added in point 5cp (Regulation (EC) No 460/2004 of the European Parliament and of the Council) of Annex XI to the Agreement:

‘, as amended by:

- **32008 R 1007**: Regulation (EC) No 1007/2008 of the European Parliament and of the Council of 24 September 2008 (OJ L 293, 31.10.2008, p. 1).’

Article 2

The text of Regulation (EC) No 1007/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 25 April 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 24 April 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 130, 28.5.2009, p. 25.

⁽²⁾ OJ L 293, 31.10.2008, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 47/2009

of 24 April 2009

amending Annex XI (Telecommunication services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XI to the Agreement was amended by Decision of the EEA Joint Committee No 31/2009 of 17 March 2009 ⁽¹⁾.
- (2) Commission Decision 2008/393/EC of 8 May 2008 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Jersey ⁽²⁾ is to be incorporated into the Agreement.
- (3) In the joined cases C-317/04 and C-318/04 the European Court of Justice annulled Commission Decision 2004/535/EC ⁽³⁾, which is incorporated into the Agreement and which is consequently to be deleted under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XI to the Agreement shall be amended as follows:

1. the following point shall be inserted after point 5ej (Commission Decision 2004/535/EC):
'5ek. **32008 D 0393**: Commission Decision 2008/393/EC of 8 May 2008 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Jersey (OJ L 138, 28.5.2008, p. 21).';
2. the text of point 5ej (Commission Decision 2004/535/EC) shall be deleted.

Article 2

The text of Decision 2008/393/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 25 April 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 24 April 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 130, 28.5.2009, p. 25.

⁽²⁾ OJ L 138, 28.5.2008, p. 21.

⁽³⁾ OJ L 235, 6.7.2004, p. 11.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 48/2009
of 24 April 2009
amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 35/2009 of 17 March 2009 ⁽¹⁾.
- (2) Commission Decision 2008/232/EC of 21 February 2008 concerning a technical specification for interoperability relating to the 'rolling stock' sub-system of the trans-European high-speed rail system ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as follows:

1. The following shall be added in point 37af (Commission Decision 2002/735/EC):

', as amended by:

— **32008 D 0232**: Commission Decision 2008/232/EC of 21 February 2008 (OJ L 84, 26.3.2008, p. 132).',

2. The following point shall be inserted after point 37ag (Commission Decision 2008/284/EC):

'37ah. **32008 D 0232**: Commission Decision 2008/232/EC of 21 February 2008 concerning a technical specification for interoperability relating to the 'rolling stock' sub-system of the trans-European high-speed rail system (OJ L 84, 26.3.2008, p. 132).'

Article 2

The text of Decision 2008/232/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 25 April 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 24 April 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 130, 28.5.2009, p. 29.

⁽²⁾ OJ L 84, 26.3.2008, p. 132.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 49/2009
of 24 April 2009
amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 35/2009 of 17 March 2009 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1321/2007 of 12 November 2007 laying down implementing rules for the integration into a central repository of information on civil aviation occurrences exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 66g (Directive 2003/42/EC of the European Parliament and of the Council) of Annex XIII to the Agreement:

'66ga. **32007 R 1321**: Commission Regulation (EC) No 1321/2007 of 12 November 2007 laying down implementing rules for the integration into a central repository of information on civil aviation occurrences exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council (OJ L 294, 13.11.2007, p. 3).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

The following subparagraph shall be added in Article 2(2):

"In view of the fact that Liechtenstein and Switzerland have a joint national database according to Directive 2003/42/EC, relevant data originating from Liechtenstein will be integrated in the central repository together with the Swiss data."

Article 2

The text of Regulation (EC) No 1321/2007 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 25 April 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 24 April 2009.

For the EEA Joint Committee
The President
Alan SEATTER

⁽¹⁾ OJ L 130, 28.5.2009, p. 29.

⁽²⁾ OJ L 294, 13.11.2007, p. 3.

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 50/2009

of 24 April 2009

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 35/2009 of 17 March 2009 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1330/2007 of 24 September 2007 laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrences referred to in Article 7(2) of Directive 2003/42/EC of the European Parliament and of the Council ⁽²⁾ is to be incorporated into the Agreement.
- (3) Due to the bilateral cooperation with Switzerland as regards civil aviation occurrences in Liechtenstein, Liechtenstein will handle incoming requests according to Regulation (EC) No 1330/2007 in close collaboration with Switzerland,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 66ga (Commission Regulation (EC) No 1321/2007) of Annex XIII to the Agreement:

'66gb. **32007 R 1330:** Commission Regulation (EC) No 1330/2007 of 24 September 2007 laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrences referred to in Article 7(2) of Directive 2003/42/EC of the European Parliament and of the Council (OJ L 295, 14.11.2007, p. 7).'

Article 2

The text of Regulation (EC) No 1330/2007 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 25 April 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 24 April 2009.

*For the EEA Joint Committee**The President*

Alan SEATTER

⁽¹⁾ OJ L 130, 28.5.2009, p. 29.

⁽²⁾ OJ L 295, 14.11.2007, p. 7.

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 51/2009

of 24 April 2009

amending Annex XVIII (Health and safety at work, labour law, and equal treatment for men and women) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XVIII to the Agreement was amended by Decision of the EEA Joint Committee No 36/2009 of 17 March 2009 ⁽¹⁾.
- (2) Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer (Codified version) ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2008/94/EC repeals Council Directive 80/987/EEC ⁽³⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The text of point 24 (Council Directive 80/987/EEC) of Annex XVIII to the Agreement shall be replaced by the following:

'32008 L 0094: Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer (Codified version) (OJ L 283, 28.10.2008, p. 36), as amended by:

— **1 94 N:** Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments of the Treaties on which the European Union is founded (OJ C 241, 29.8.1994, p. 21 as amended by OJ L 1, 1.1.1995, p. 1).'

Article 2

The text of Directive 2008/94/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 25 April 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

⁽¹⁾ OJ L 130, 28.5.2009, p. 30.

⁽²⁾ OJ L 283, 28.10.2008, p. 36.

⁽³⁾ OJ L 283, 28.10.1980, p. 23.

(*) No constitutional requirements indicated.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 24 April 2009.

For the EEA Joint Committee

The President

Alan SEATTER

DECISION OF THE EEA JOINT COMMITTEE
No 52/2009
of 24 April 2009
amending Annex XX (Environment) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XX to the Agreement was amended by Decision of the EEA Joint Committee No 30/2009 of 17 March 2009 ⁽¹⁾.
- (2) Commission Regulation (EC) No 669/2008 of 15 July 2008 on completing Annex IC of Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 32c (Regulation (EC) No 1013/2006 of the European Parliament and of the Council) of Annex XX to the Agreement:

‘— **32008 R 0669**: Commission Regulation (EC) No 669/2008 of 15 July 2008 (OJ L 188, 16.7.2008, p. 7).’

Article 2

The text of Regulation (EC) No 669/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 25 April 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*), or on the day of the entry into force of Decision of the EEA Joint Committee No 73/2008 of 6 June 2008, whichever is the later.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 24 April 2009.

For the EEA Joint Committee
The President
Alan SEATTER

⁽¹⁾ OJ L 130, 28.5.2009, p. 23.

⁽²⁾ OJ L 188, 16.7.2008, p. 7.

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 53/2009

of 24 April 2009

amending Annex XXI (Statistics) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XXI to the Agreement was amended by Decision of the EEA Joint Committee No 38/2009 of 17 March 2009 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1178/2008 of 28 November 2008 amending Council Regulation (EC) No 1165/98 concerning short-term statistics and Commission Regulations (EC) No 1503/2006 and (EC) No 657/2007 as regards adaptations following the revision of statistical classifications NACE and CPA ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XXI to the Agreement shall be amended as follows:

1. The following indent shall be added in point 2 (Council Regulation (EC) No 1165/98):
‘— **32008 R 1178**: Commission Regulation (EC) No 1178/2008 of 28 November 2008 (OJ L 319, 29.11.2008, p. 16).’
2. The following shall be added in point 2c (Commission Regulation (EC) No 1503/2006):
‘, as amended by:
— **32008 R 1178**: Commission Regulation (EC) No 1178/2008 of 28 November 2008 (OJ L 319, 29.11.2008, p. 16).’,

Article 2

The text of Regulation (EC) No 1178/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 25 April 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 24 April 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 130, 28.5.2009, p. 33.

⁽²⁾ OJ L 319, 29.11.2008, p. 16.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 54/2009
of 24 April 2009
amending Annex XXI (Statistics) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XXI to the Agreement was amended by Decision of the EEA Joint Committee No 38/2009 of 17 March 2009 ⁽¹⁾.
- (2) Regulation (EC) No 762/2008 of the European Parliament and of the Council of 9 July 2008 on the submission by Member States of statistics on aquaculture and repealing Council Regulation (EC) No 788/96 ⁽²⁾ is to be incorporated into the Agreement.
- (3) Regulation (EC) No 763/2008 of the European Parliament and of the Council of 9 July 2008 on population and housing censuses ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 960/2008 of 30 September 2008 implementing Regulation (EC) No 808/2004 of the European Parliament and of the Council concerning Community statistics on the information society ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Regulation (EC) No 762/2008 repeals Council Regulation (EC) No 788/96 ⁽⁵⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XXI to the Agreement shall be amended as follows:

1. The text of point 25d (Council Regulation (EC) No 788/96) shall be replaced by the following:

'32008 R 0762: Regulation (EC) No 762/2008 of the European Parliament and of the Council of 9 July 2008 on the submission by Member States of statistics on aquaculture and repealing Council Regulation (EC) No 788/96 (OJ L 218, 13.8.2008, p. 1).';

2. The following point shall be inserted after point 18x (Council Regulation (EC) No 362/2008):

'18y. 32008 R 0763: Regulation (EC) No 763/2008 of the European Parliament and of the Council of 9 July 2008 on population and housing censuses (OJ L 218, 13.8.2008, p. 14).

⁽¹⁾ OJ L 130, 28.5.2009, p. 33.

⁽²⁾ OJ L 218, 13.8.2008, p. 1.

⁽³⁾ OJ L 218, 13.8.2008, p. 14.

⁽⁴⁾ OJ L 262, 1.10.2008, p. 6.

⁽⁵⁾ OJ L 108, 1.5.1996, p. 1.

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

The EFTA States shall not be bound by the regional breakdown of the data as required by this Regulation.;

3. The following point shall be inserted after point 28c (Commission Regulation (EC) No 847/2007):

‘28d. **32008 R 0960**: Commission Regulation (EC) No 960/2008 of 30 September 2008 implementing Regulation (EC) No 808/2004 of the European Parliament and of the Council concerning Community statistics on the information society (OJ L 262, 1.10.2008, p. 6).’.

Article 2

The texts of Regulations (EC) No 762/2008, (EC) No 763/2008 and (EC) No 960/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 25 April 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 24 April 2009.

For the EEA Joint Committee

The President

Alan SEATTER

(*) No constitutional requirements indicated.

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