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(¹) Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 309/2011

of 30 March 2011

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

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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 31 March 2011.

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

Done at Brussels, 30 March 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
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	IL	61,9
	JO	68,6
	MA	53,2
	TN	97,4
	TR	80,5
	ZZ	72,3
0707 00 05	EG	158,2
	TR	141,6
	ZZ	149,9
0709 90 70	MA	40,6
	TR	109,9
	ZA	49,8
	ZZ	66,8
0805 10 20	EG	50,6
	IL	78,1
	MA	50,1
	TN	49,6
	TR	54,0
	ZZ	56,5
0805 50 10	TR	57,6
	ZZ	57,6
0808 10 80	AR	82,8
	BR	81,4
	CA	87,6
	CL	90,9
	CN	133,4
	MK	45,6
	US	126,7
	UY	70,6
	ZA	90,1
	ZZ	89,9
0808 20 50	AR	91,1
	CL	88,6
	CN	58,6
	US	79,9
	ZA	110,7
	ZZ	85,8

⁽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'.

DIRECTIVES

COMMISSION DIRECTIVE 2011/37/EU

of 30 March 2011

amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles ⁽¹⁾, and in particular Article 4(2)(b) thereof,

Whereas:

- (1) Directive 2000/53/EC prohibits the use of lead, mercury, cadmium or hexavalent chromium in materials and components of vehicles put on the market after 1 July 2003, other than in cases listed in Annex II to that Directive and under the conditions specified therein. Pursuant to Article 4(2)(b) of Directive 2000/53/EC, Annex II to that Directive should be adapted to scientific and technical progress by the Commission on a regular basis.
- (2) Annex II to Directive 2000/53/EC lists vehicle materials and components exempted from the prohibition set out in Article 4(2)(a) thereof. Vehicles put on the market before the expiry date of a given exemption may contain lead, mercury, cadmium or hexavalent chromium in materials and components listed in Annex II to Directive 2000/53/EC.
- (3) Certain materials and components containing lead, mercury, cadmium or hexavalent chromium should continue to be exempted from the prohibition set out in Article 4(2)(a) of Directive 2000/53/EC, since the use of such substances in those specific materials and components is still technically or scientifically unavoidable. It is therefore appropriate to prolong the expiry date of those exemptions until the use of the prohibited substances becomes avoidable.
- (4) The use of lead in automotive thermoelectric materials in applications reducing CO₂ emissions by recuperation of exhaust heat is currently technically and scientifically unavoidable. Those materials should therefore be temporarily exempted from the prohibition set out in Article 4(2)(a) of Directive 2000/53/EC.
- (5) Certain materials and components containing lead, mercury, cadmium or hexavalent chromium should continue to be exempted from the prohibition set out in Article 4(2)(a) of Directive 2000/53/EC without an expiry date, since the use of such substances in the specific materials and components listed in Annex II to that Directive is still technically or scientifically unavoidable.
- (6) Annex II to Directive 2000/53/EC provides that spare parts put on the market after 1 July 2003 which are used for vehicles put on the market before 1 July 2003 are exempted from the provisions of Article 4(2)(a) of that Directive. The exemption allows for the repair of vehicles put on the market before the entry into force of the prohibition set out in that Article with spare parts meeting the same quality and safety requirements as the parts with which they were originally equipped.
- (7) Spare parts for vehicles put on the market after 1 July 2003 but before the expiry date of a given exemption of Annex II to Directive 2000/53/EC are not covered by that exemption. Hence, spare parts for those vehicles should be heavy metal free, even if they are used to replace parts which originally contained heavy metals.
- (8) In certain cases it is technically impossible to repair vehicles with spare parts other than original ones as this would require changes in dimensional and functional properties of entire vehicle systems. Such spare parts cannot fit into the vehicle systems originally manufactured with parts containing heavy metals and these vehicles cannot be repaired and may need to be prematurely disposed of. Annex II to Directive 2000/53/EC should therefore be amended to enable the repair of such vehicles.

⁽¹⁾ OJ L 269, 21.10.2000, p. 34.

(9) Directive 2000/53/EC should therefore be amended accordingly.

(10) The measures provided for in this Directive are in accordance with the opinion of the Committee established under Article 18(1) of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste ⁽¹⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 2000/53/EC is replaced by the text set out in the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2011 at the latest.

Article 3

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 30 March 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 114, 27.4.2006, p. 9.

ANNEX

‘ANNEX II

Materials and components exempt from Article 4(2)(a)

Materials and components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with Article 4(2)(b)(iv)
Lead as an alloying element		
1(a). Steel for machining purposes and batch hot dip galvanised steel components containing up to 0,35 % lead by weight		
1(b). Continuously galvanised steel sheet containing up to 0,35 % lead by weight	Vehicles type approved before 1 January 2016 and spare parts for these vehicles	
2(a). Aluminium for machining purposes with a lead content up to 2 % by weight	As spare parts for vehicles put on the market before 1 July 2005	
2(b). Aluminium with a lead content up to 1,5 % by weight	As spare parts for vehicles put on the market before 1 July 2008	
2(c). Aluminium with a lead content up to 0,4 % by weight	(²)	
3. Copper alloy containing up to 4 % lead by weight	(²)	
4(a). Bearing shells and bushes	As spare parts for vehicles put on the market before 1 July 2008	
4(b). Bearing shells and bushes in engines, transmissions and air conditioning compressors	1 July 2011 and spare parts for vehicles put on the market before 1 July 2011	
Lead and lead compounds in components		
5. Batteries	(²)	X
6. Vibration dampers	Vehicles type approved before 1 January 2016 and spare parts for these vehicles	X
7(a). Vulcanising agents and stabilisers for elastomers in brake hoses, fuel hoses, air ventilation hoses, elastomer/metal parts in the chassis applications, and engine mountings	As spare parts for vehicles put on the market before 1 July 2005	
7(b). Vulcanising agents and stabilisers for elastomers in brake hoses, fuel hoses, air ventilation hoses, elastomer/metal parts in the chassis applications, and engine mountings containing up to 0,5 % lead by weight	As spare parts for vehicles put on the market before 1 July 2006	
7(c). Bonding agents for elastomers in powertrain applications containing up to 0,5 % lead by weight	As spare parts for vehicles put on the market before 1 July 2009	
8(a). Lead in solders to attach electrical and electronic components to electronic circuit boards and lead in finishes on terminations of components other than electrolyte aluminium capacitors, on component pins and on electronic circuit boards	Vehicles type approved before 1 January 2016 and spare parts for these vehicles	X (¹)

Materials and components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with Article 4(2)(b)(iv)
8(b). Lead in solders in electrical applications other than soldering on electronic circuit boards or on glass	Vehicles type approved before 1 January 2011 and spare parts for these vehicles	X ⁽¹⁾
8(c). Lead in finishes on terminals of electrolyte aluminium capacitors	Vehicles type approved before 1 January 2013 and spare parts for these vehicles	X ⁽¹⁾
8(d). Lead used in soldering on glass in mass airflow sensors	Vehicles type approved before 1 January 2015 and spare parts of such vehicles	X ⁽¹⁾
8(e). Lead in high melting temperature type solders (i.e. lead-based alloys containing 85 % by weight or more lead)	⁽³⁾	X ⁽¹⁾
8(f). Lead in compliant pin connector systems	⁽³⁾	X ⁽¹⁾
8(g). Lead in solders to complete a viable electrical connection between semiconductor die and carrier within integrated circuit flip chip packages	⁽³⁾	X ⁽¹⁾
8(h). Lead in solder to attach heat spreaders to the heat sink in power semiconductor assemblies with a chip size of at least 1 cm ² of projection area and a nominal current density of at least 1 A/mm ² of silicon chip area	⁽³⁾	X ⁽¹⁾
8(i). Lead in solders in electrical glazing applications on glass except for soldering in laminated glazing	Vehicles type approved before 1 January 2013 and spare parts for these vehicles ⁽⁴⁾	X ⁽¹⁾
8(j). Lead in solders for soldering in laminated glazing	⁽³⁾	X ⁽¹⁾
9. Valve seats	As spare parts for engine types developed before 1 July 2003	
10(a). Electrical and electronic components which contain lead in a glass or ceramic, in a glass or ceramic matrix compound, in a glass-ceramic material, or in a glass-ceramic matrix compound. This exemption does not cover the use of lead in: — glass in bulbs and glaze of spark plugs, — dielectric ceramic materials of components listed under 10(b), 10(c) and 10(d).		X ⁽⁵⁾ (for components other than piezo in engines)
10(b). Lead in PZT based dielectric ceramic materials of capacitors being part of integrated circuits or discrete semiconductors		
10(c). Lead in dielectric ceramic materials of capacitors with a rated voltage of less than 125 V AC or 250 V DC	Vehicles type approved before 1 January 2016 and spare parts for these vehicles	
10(d). Lead in the dielectric ceramic materials of capacitors compensating the temperature-related deviations of sensors in ultrasonic sonar systems	⁽³⁾	

Materials and components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with Article 4(2)(b)(iv)
11. Pyrotechnic initiators	Vehicles type approved before 1 July 2006 and spare parts for these vehicles	
12. Lead-containing thermoelectric materials in automotive electrical applications to reduce CO ₂ emissions by recuperation of exhaust heat	Vehicles type approved before 1 January 2019 and spare parts for these vehicles	X

Hexavalent chromium

13(a). Corrosion preventive coatings	As spare parts for vehicles put on the market before 1 July 2007	
13(b). Corrosion preventive coatings related to bolt and nut assemblies for chassis applications	As spare parts for vehicles put on the market before 1 July 2008	
14. As an anti-corrosion agent of the carbon steel cooling system in absorption refrigerators in motor-caravans up to 0,75 weight -% in the cooling solution except where the use of other cooling technologies is practicable (i.e. available on the market for the application in motor caravans) and does not lead to negative environmental, health and/or consumer safety impacts		X

Mercury

15(a). Discharge lamps for headlight application	Vehicles type approved before 1 July 2012 and spare parts for these vehicles	X
15(b). Fluorescent tubes used in instrument panel displays	Vehicles type approved before 1 July 2012 and spare parts for these vehicles	X

Cadmium

16. Batteries for electrical vehicles	As spare parts for vehicles put on the market before 31 December 2008	
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(¹) Dismantling if, in correlation with entry 10(a), an average threshold of 60 grams per vehicle is exceeded. For the application of this clause electronic devices not installed by the manufacturer on the production line shall not be taken into account.

(²) This exemption shall be reviewed in 2015.

(³) This exemption shall be reviewed in 2014.

(⁴) This exemption shall be reviewed before 1 January 2012.

(⁵) Dismantling if, in correlation with entries 8(a) to 8(j), an average threshold of 60 grams per vehicle is exceeded. For the application of this clause electronic devices not installed by the manufacturer on the production line shall not be taken into account.

Notes:

- A maximum concentration value up to 0,1 % by weight and in homogeneous material, for lead, hexavalent chromium and mercury and up to 0,01 % by weight in homogeneous material for cadmium shall be tolerated,
- The re-use of parts of vehicles which were already on the market at the date of expiry of an exemption shall be allowed without limitation since it is not covered by Article 4(2)(a),
- Spare parts put on the market after 1 July 2003 which are used for vehicles put on the market before 1 July 2003 shall be exempted from the provisions of Article 4(2)(a) (*).

(*) This clause shall not apply to wheel balance weights, carbon brushes for electric motors and brake linings.'

DECISIONS

COMMISSION DECISION

of 29 March 2011

pursuant to Regulation (EC) No 45/2001 of the European Parliament and of the Council on the adequate level of protection provided by Japan for personal data transferred from the European Union in the specific cases of transfer by the European Commission to Japanese customs authorities under Decision No 1/2010 of the Joint Customs Cooperation Committee pursuant to Article 21 of the Agreement between the European Community and the Government of Japan on cooperation and mutual administrative assistance in customs matters regarding mutual recognition of authorised economic operator programmes in the European Union and in Japan and for the exclusive and specific purposes of Decision No 1/2010 of the Joint Customs Cooperation Committee

(2011/197/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁽¹⁾, and in particular Article 9(1) and (2) thereof,

After consulting the European Data Protection Supervisor,

Whereas:

- (1) On 24 June 2010 the Joint Customs Cooperation Committee, set up pursuant to Article 21 of the Agreement between the European Community and the Government of Japan on cooperation and mutual administrative assistance in customs matters⁽²⁾ adopted Decision No 1/2010 regarding mutual recognition of authorised economic operators programmes in the European Union and in Japan⁽³⁾, (hereafter, 'JCCC Decision No 1/2010').
- (2) JCCC Decision No 1/2010 provides in Section IV for an exchange of information between customs authorities as defined in Article 1(c) of the Agreement between the European Community and the Government of Japan on

cooperation and mutual administrative assistance in customs matters. According to that definition, the Japanese Ministry of Finance and the competent services of the Commission are deemed to be a customs authority.

- (3) The information to be exchanged between the Japanese Ministry of Finance and the competent services of the Commission comprises of details on economic operators, which may also contain personal data. The transfer of data of economic operators falls within the tasks of the Commission to be carried out under JCCC Decision No 1/2010.

- (4) Personal data to be exchanged are listed in Section IV(4)(a) to (f) of JCCC Decision No 1/2010. The duration of the transfers is for the whole period of time for which the Japanese Ministry of Finance uses the information in order to grant to European economic operators benefits under the terms of JCCC Decision No 1/2010. The Commission will regularly transfer updated and modified data of European economic operators to the Japanese Ministry of Finance. With regard to the exchange of information, Section IV(6) of JCCC Decision No 1/2010 restricts the use of any such data to the purposes of implementing the mutual recognition of authorised economic operator programmes between the European Union and Japan as established by that decision. The Agreement between the European Community and the Government of Japan on cooperation and mutual administrative assistance in customs matters also ensures that any such information, including personal data, is used by the Japanese Ministry of Finance solely for the purposes of their recognition as authorised economic operators in Japan. Authorised economic operator (AEO) data may not be transferred onward by the recipient authority to other authorities or services in or outside Japan because this would amount to a change of purpose not covered by JCCC Decision No 1/2010.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

⁽²⁾ OJ L 62, 6.3.2008, p. 24.

⁽³⁾ OJ L 279, 23.10.2010, p. 71.

- (5) Processing of personal data by Japanese public authorities, such as the Japanese Ministry of Finance, is governed by the Japanese Act on the Protection of Personal Information Held by Administrative Organs. The right of access to and procedures for consulting 'Administrative Documents' is laid down by the Japanese Act on Access to Information Held by Administrative Organs. Provisions on confidentiality of data handled by Japanese public authorities and data transfers between the Minister of Finance and foreign customs authorities respectively are included in the National Public Service Law and the Customs Law.
- (6) Japanese data protection legislation requires Japanese public authorities, amongst which the Japanese Ministry of Finance, to provide data subjects with fair disclosure of information. Data subjects have a right to access, to initiate rectification and deletion of data relating to them.
- (7) Japanese legislation ensures that organisational security measures, appropriate to the risks presented by data processing, are taken by the Japanese Ministry of Finance.
- (8) Japanese legislation provides for an investigative mechanism in the form of a Review Board, which undertakes administrative appeals and investigation. This may be regarded as sufficient for the specific data transfer provided for by JCCC Decision No 1/2010 given the limited and non-sensitive nature of the data and the purposes of the data processing.
- (9) The above provisions ensure that appropriate enforcement mechanisms are in place in Japan in order to guarantee the protection of the personal data which maybe transferred by the Commission for the purpose of identifying European economic operators with regard to their recognition as authorised economic operators in Japan.
- (10) In the light of all the circumstances surrounding the set of the specific data transfer operations to be performed by the Commission in implementing JCCC Decision No 1/2010, the nature of the data, the purpose and duration of the proposed processing operation or operations, the rules of law, both general and sectoral, in force in Japan and the professional rules and security measures which are complied with in Japan, the level of protection provided in Japan for the transfer of personal data

from the competent services of the Commission to the Japanese Ministry of Finance in implementing JCCC Decision No 1/2010 is considered to be of an adequate level.

- (11) This Decision should be limited to the specific situation referred to in JCCC Decision No 1/2010 as the assessment of Japanese data protection legal framework was based on the limited categories of data to be transferred, on the limited purpose for processing and on the limited duration of use of such data. Therefore this Decision is limited to the protection afforded to personal data transferred from the EU to Japan by the European Commission under the abovementioned JCCC Decision in view of the specific purpose and circumstances of their processing in Japan.
- (12) This Decision is without prejudice to findings of the Commission in application of Article 25(4) and (6) of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾,

HAS ADOPTED THIS DECISION:

Article 1

An adequate level of protection is offered by Japan to personal data transferred from the European Union by the European Commission to Japan in view of the mutual recognition of authorised economic operator programmes pursuant to JCCC Decision No 1/2010 for the purpose of implementation of JCCC Decision No 1/2010 in accordance with Article 9(1) and (2) of Regulation (EC) No 45/2001.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 29 March 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

COMMISSION IMPLEMENTING DECISION

of 30 March 2011

amending Decision 2011/44/EU concerning certain protection measures against foot-and-mouth disease in Bulgaria

(notified under document C(2011) 2023)

(Text with EEA relevance)

(2011/198/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) A case of foot-and-mouth disease in wild boar and a number of outbreaks of that disease in livestock were confirmed in Bulgaria in January 2011. As a consequence, Bulgaria has taken measures in the framework of Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease ⁽³⁾.
- (2) In addition, Commission Decision 2011/44/EU of 19 January 2011 concerning certain protection measures against foot-and-mouth disease in Bulgaria ⁽⁴⁾ was adopted, as it was necessary to reinforce the control measures taken by Bulgaria. That Decision is to apply until 31 March 2011.
- (3) On 19 March 2011, Bulgaria reported an outbreak of foot-and-mouth disease in beef cattle grazing in the

municipality of Sredets, situated in the region of Burgas, west of the municipality of Malko Tarnovo where the last outbreak was reported on 31 January 2011.

- (4) It is therefore necessary to prolong the measures laid down in Decision 2011/44/EU, until 30 June 2011.
- (5) Decision 2011/44/EU should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

In Article 16 of Decision 2011/44/EU, the date '31 March 2011' is replaced by '30 June 2011'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 March 2011.

For the Commission

John DALLI

Member of the Commission⁽¹⁾ OJ L 395, 30.12.1989, p. 13.⁽²⁾ OJ L 224, 18.8.1990, p. 29.⁽³⁾ OJ L 306, 22.11.2003, p. 1.⁽⁴⁾ OJ L 19, 22.1.2011, p. 20.

III

(Other acts)

EUROPEAN ECONOMIC AREA

DECISION OF THE EEA JOINT COMMITTEE

No 128/2010

of 10 December 2010

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 67/2010 of 11 June 2010 ⁽¹⁾.
- (2) Directive 2009/107/EC of the European Parliament and of the Council of 16 September 2009 amending Directive 98/8/EC concerning the placing of biocidal products on the market as regards the extension of certain time periods ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Directive 2010/7/EU of 9 February 2010 amending Directive 98/8/EC of the European Parliament and of the Council to include magnesium phosphide releasing phosphine as an active substance in Annex I thereto ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Decision 2010/71/EU of 8 February 2010 concerning the non-inclusion of diazinon in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Decision 2010/72/EU of 8 February 2010 concerning the non-inclusion of certain substances in Annex I, IA or IB to Directive 98/8/EC of the

European Parliament and of the Council concerning the placing of biocidal products on the market ⁽⁵⁾ is to be incorporated into the Agreement.

- (6) Commission Decision 2010/84/EU of 9 February 2010 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council ⁽⁶⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

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

- (1) the following indents shall be added in point 12n (Directive 98/8/EC of the European Parliament and of the Council):

— **32009 L 0107**: Directive 2009/107/EC of the European Parliament and of the Council of 16 September 2009 (OJ L 262, 6.10.2009, p. 40),

— **32010 L 0007**: Commission Directive 2010/7/EU of 9 February 2010 (OJ L 37, 10.2.2010, p. 33).;

- (2) the following points shall be inserted after point 12zt (Commission Decision 2009/603/EC):

‘12zu. **32010 D 0071**: Commission Decision 2010/71/EU of 8 February 2010 concerning the non-inclusion of diazinon in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 36, 9.2.2010, p. 34).

⁽¹⁾ OJ L 244, 16.9.2010, p. 19.

⁽²⁾ OJ L 262, 6.10.2009, p. 40.

⁽³⁾ OJ L 37, 10.2.2010, p. 33.

⁽⁴⁾ OJ L 36, 9.2.2010, p. 34.

⁽⁵⁾ OJ L 36, 9.2.2010, p. 36.

⁽⁶⁾ OJ L 38, 11.2.2010, p. 15.

12zv. **32010 D 0072**: Commission Decision 2010/72/EU of 8 February 2010 concerning the non-inclusion of certain substances in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 36, 9.2.2010, p. 36).

12zw. **32010 D 0084**: Commission Decision 2010/84/EU of 9 February 2010 setting a new deadline for the submission of dossiers for certain substances to be examined under the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council (OJ L 38, 11.2.2010, p. 15).'

Article 2

The texts of Directives 2009/107/EC and 2010/7/EU, and Decisions 2010/71/EU, 2010/72/EU and 2010/84/EU 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 11 December 2010, 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, 10 December 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 129/2010

of 10 December 2010

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 101/2010 of 1 October 2010 ⁽¹⁾.
- (2) Commission Directive 2010/4/EU of 8 February 2010 amending, for the purpose of adaptation to technical progress, Annex III to Council Directive 76/768/EEC concerning cosmetic products ⁽²⁾ 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:

— **32010 L 0004:** Commission Directive 2010/4/EU of 8 February 2010 (OJ L 36, 9.2.2010, p. 21).'

Article 2

The text of Directive 2010/4/EU 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 11 December 2010, 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, 10 December 2010.

*For the EEA Joint Committee**The President*

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 332, 16.12.2010, p. 51.

⁽²⁾ OJ L 36, 9.2.2010, p. 21.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 130/2010

of 10 December 2010

amending Annex II (Technical regulations, standards, testing and certification), Annex XIII (Transport) and Annex XIV (Competition) 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 57/2006 of 2 June 2006 ⁽¹⁾.
- (2) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 123/2010 of 10 November 2010 ⁽²⁾.
- (3) Annex XIV to the Agreement was amended by Decision of the EEA Joint Committee No 91/2010 of 2 July 2010 ⁽³⁾.
- (4) Commission Directive 2008/63/EC of 20 June 2008 on competition in the markets in telecommunications terminal equipment (codified version) ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Council Regulation (EC) No 169/2009 of 26 February 2009 applying rules of competition to transport by rail, road and inland waterway (Codified version) ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Directive 2008/63/EC repeals Commission Directive 88/301/EEC ⁽⁶⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (7) Regulation (EC) No 169/2009 repeals Council Regulation (EEC) No 1017/68 ⁽⁷⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (8) Regulation (EC) No 1490/2007 of the European Parliament and of the Council ⁽⁸⁾ repeals Council Regulation (EEC) No 954/79 ⁽⁹⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.

- (9) Council Regulation (EC) No 1419/2006 ⁽¹⁰⁾ repeals Council Regulation (EEC) No 4056/86 ⁽¹¹⁾ with a transitional period of two years for certain provisions. The period of two years has expired and both acts, which have been incorporated into the Agreement, are therefore now to be repealed under the Agreement. Regulation (EC) No 1419/2006 is to be repealed under Annexes XIII and XIV, but the reference to the act in Protocol 21 of the Agreement will remain as it amends Council Regulation (EC) No 1/2003 ⁽¹²⁾.

- (10) Decision of the EEA Joint Committee No 60/1999 of 30 April 1999 ⁽¹³⁾ repealed Commission Regulation (EEC) No 1629/69 ⁽¹⁴⁾, Commission Regulation (EEC) No 1630/69 ⁽¹⁵⁾, Commission Regulation (EEC) No 4260/88 ⁽¹⁶⁾ and Commission Regulation (EEC) No 4261/88 ⁽¹⁷⁾ under Protocol 21 to the Agreement. The same acts should also be repealed under Annex XIII to the Agreement.

- (11) Commission Regulation (EC) No 1459/2006 ⁽¹⁸⁾ has expired and is therefore to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 4zzo (Commission Decision 2005/631/EC) of Chapter XVIII of Annex II to the Agreement:

'4zzp. **32008 L 0063:** Commission Directive 2008/63/EC of 20 June 2008 on competition in the markets in telecommunications terminal equipment (Codified version) (OJ L 162, 21.6.2008, p. 20) ⁽¹⁾.

⁽¹⁾ Listed here for purposes of information only. For application, see Annex XIV on competition.'

Article 2

Annex XIII to the Agreement shall be amended as follows:

- (1) the text of point 7 (Council Regulation (EEC) No 1017/68) shall be replaced by the following:

⁽¹⁾ OJ L 245, 7.9.2006, p. 3.

⁽²⁾ OJ L 58, 3.3.2011, p. 81.

⁽³⁾ OJ L 277, 21.10.2010, p. 44.

⁽⁴⁾ OJ L 162, 21.6.2008, p. 20.

⁽⁵⁾ OJ L 61, 5.3.2009, p. 1.

⁽⁶⁾ OJ L 131, 27.5.1988, p. 73.

⁽⁷⁾ OJ L 175, 23.7.1968, p. 1.

⁽⁸⁾ OJ L 332, 18.12.2007, p. 1.

⁽⁹⁾ OJ L 121, 17.5.1979, p. 1.

⁽¹⁰⁾ OJ L 269, 28.9.2006, p. 1.

⁽¹¹⁾ OJ L 378, 31.12.1986, p. 4.

⁽¹²⁾ OJ L 1, 4.1.2003, p. 1.

⁽¹³⁾ OJ L 284, 9.11.2000, p. 38.

⁽¹⁴⁾ OJ L 209, 21.8.1969, p. 1.

⁽¹⁵⁾ OJ L 209, 21.8.1969, p. 11.

⁽¹⁶⁾ OJ L 376, 31.12.1988, p. 1.

⁽¹⁷⁾ OJ L 376, 31.12.1988, p. 10.

⁽¹⁸⁾ OJ L 272, 3.10.2006, p. 3.

'32009 R 0169: Council Regulation (EC) No 169/2009 of 26 February 2009 applying rules of competition to transport by rail, road and inland waterway (Codified version) (OJ L 61, 5.3.2009, p. 1) ⁽¹⁾.

⁽¹⁾ Listed here for purposes of information only. For application, see Annex XIV on Competition.';

- (2) the text of points 8 (Commission Regulation (EEC) No 1629/69), 9 (Commission Regulation (EEC) No 1630/69), 50 (Council Regulation (EEC) No 4056/86), 50a (Council Regulation (EC) No 1419/2006), 51 (Commission Regulation (EEC) No 4260/88), 52 (Council Regulation (EEC) No 954/79) and 61 (Commission Regulation (EEC) No 4261/88) shall be deleted.

Article 3

Annex XIV to the Agreement shall be amended as follows:

- (1) the text of point 10 (Council Regulation (EEC) No 1017/68) shall be replaced by the following:

'32009 R 0169: Council Regulation (EC) No 169/2009 of 26 February 2009 applying rules of competition to transport by rail, road and inland waterway (Codified version) (OJ L 61, 5.3.2009, p. 1).';

- (2) the text of points 11 (Council Regulation (EEC) No 4056/86), 11d (Council Regulation (EC) No 1419/2006) and 11e (Commission Regulation (EC) No 1459/2006) shall be deleted;

- (3) the heading **'H. PUBLIC UNDERTAKINGS'** shall be replaced by **'H. INFORMATION AND COMMUNICATION TECHNOLOGIES'**;

- (4) the text of point 12 (Commission Directive 88/301/EEC) shall be replaced by the following:

'32008 L 0063: Commission Directive 2008/63/EC of 20 June 2008 on competition in the markets in telecommunications terminal equipment (Codified version) (OJ L 162, 21.6.2008, p. 20).'

Article 4

The texts of Regulation (EC) No 169/2009 and Directive 2008/63/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 5

This Decision shall enter into force on 11 December 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 6

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, 10 December 2010.

For the EEA Joint Committee
The President

Stefán Haukur JÓHANNESSON

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 132/2010
of 10 December 2010
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 123/2010 of 10 November 2010 ⁽¹⁾.
- (2) Commission Regulation (EU) No 1266/2009 of 16 December 2009 adapting for the tenth time to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 21 (Council Regulation (EEC) No 3821/85) of Annex XIII to the Agreement:

‘— **32009 R 1266**: Commission Regulation (EU) No 1266/2009 of 16 December 2009 (OJ L 339, 22.12.2009, p. 3).’

Article 2

The text of Regulation (EU) No 1266/2009 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 11 December 2010, 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, 10 December 2010.

For the EEA Joint Committee
The President
Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 58, 3.3.2011, p. 81.

⁽²⁾ OJ L 339, 22.12.2009, p. 3.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 133/2010
of 10 December 2010
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 123/2010 of 10 November 2010 ⁽¹⁾.
- (2) Commission Decision 2010/79/EC of 19 October 2009 amending Decisions 2006/679/EC and 2006/860/EC as regards technical specifications for interoperability relating to subsystems of the trans-European conventional and high-speed rail systems ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in points 37i (Commission Decision 2006/679/EC) and 37j (Commission Decision 2006/860/EC) of Annex XIII to the Agreement:

‘— **32010 D 0079**: Commission Decision 2010/79/EC of 19 October 2009 (OJ L 37, 10.2.2010, p. 74).’

Article 2

The text of Decision 2010/79/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 11 December 2010, 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, 10 December 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 58, 3.3.2011, p. 81.

⁽²⁾ OJ L 37, 10.2.2010, p. 74.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 134/2010
of 10 December 2010
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 123/2010 of 10 November 2010 ⁽¹⁾.
- (2) Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (Recast) ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2009/16/EC repeals, with effect from 1 January 2011, Council Directive 95/21/EC ⁽³⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement with effect from 1 January 2011,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as follows:

1. point 56b (Council Directive 95/21/EC) shall be renumbered as point 56aa;

2. the following point shall be inserted after the new point 56aa (Council Directive 95/21/EC):

'56b. **32009 L 0016**: Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (Recast) (OJ L 131, 28.5.2009, p. 57).';

3. the text of point 56aa (Council Directive 95/21/EC) shall be deleted with effect from 1 January 2011.

Article 2

The text of Directive 2009/16/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 11 December 2010, 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, 10 December 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 58, 3.3.2011, p. 81.

⁽²⁾ OJ L 131, 28.5.2009, p. 57.

⁽³⁾ OJ L 157, 7.7.1995, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 135/2010
of 10 December 2010
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 123/2010 of 10 November 2010 ⁽¹⁾.
- (2) Commission Regulation (EU) No 428/2010 of 20 May 2010 implementing Article 14 of Directive 2009/16/EC of the European Parliament and of the Council as regards expanded inspections of ships ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 56bb (Regulation (EC) No 725/2004 of the European Parliament and of the Council) of Annex XIII to the Agreement:

'56bc. **32010 R 0428**: Commission Regulation (EU) No 428/2010 of 20 May 2010 implementing Article 14 of Directive 2009/16/EC of the European Parliament and of the Council as regards expanded inspections of ships (OJ L 125, 21.5.2010, p. 2).'

Article 2

The text of Regulation (EU) No 428/2010 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 11 December 2010, 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, 10 December 2010.

For the EEA Joint Committee
The President
Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 58, 3.3.2011, p. 81.
⁽²⁾ OJ L 125, 21.5.2010, p. 2.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 136/2010
of 10 December 2010
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 123/2010 of 10 November 2010 ⁽¹⁾.
- (2) Commission Directive 2007/71/EC of 13 December 2007 amending Annex II of Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 56i (Directive 2000/59/EC of the European Parliament and of the Council) of Annex XIII to the Agreement:

‘— **32007 L 0071**: Commission Directive 2007/71/EC of 13 December 2007 (OJ L 329, 14.12.2007, p. 33).’

Article 2

The text of Directive 2007/71/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 11 December 2010, 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, 10 December 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 58, 3.3.2011, p. 81.

⁽²⁾ OJ L 329, 14.12.2007, p. 33.

^(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 137/2010

of 10 December 2010

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

‘, as amended by:

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,

— **32010 R 0297**: Commission Regulation (EU) No 297/2010 of 9 April 2010 (OJ L 90, 10.4.2010, p. 1).’

Whereas:

Article 2

The text of Regulation (EU) No 297/2010 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 11 December 2010, 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*.

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 123/2010 of 10 November 2010 ⁽¹⁾.
- (2) Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 ⁽²⁾ was incorporated into the Agreement by Decision of the EEA Joint Committee No 69/2009 ⁽³⁾ of 29 May 2009, with country specific adaptations.
- (3) Commission Regulation (EU) No 297/2010 of 9 April 2010 amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security ⁽⁴⁾ is to be incorporated into the Agreement,

Done at Brussels, 10 December 2010.

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be added in point 66ha (Commission Regulation (EC) No 272/2009) of Annex XIII to the Agreement:

For the EEA Joint Committee
The President
Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 58, 3.3.2011, p. 81.

⁽²⁾ OJ L 97, 9.4.2008, p. 72.

⁽³⁾ OJ L 232, 3.9.2009, p. 25.

⁽⁴⁾ OJ L 90, 10.4.2010, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 138/2010
of 10 December 2010
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 123/2010 of 10 November 2010 ⁽¹⁾.
- (2) Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 ⁽²⁾ was incorporated into the Agreement by Decision of the EEA Joint Committee No 69/2009 ⁽³⁾ of 29 May 2009, with country specific adaptations.
- (3) Commission Regulation (EU) No 185/2010 of 4 March 2010 laying down detailed measures for the implementation of the common basic standards on aviation security ⁽⁴⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 358/2010 of 23 April 2010 amending Regulation (EU) No 185/2010 of 4 March 2010 laying down detailed measures for the implementation of the common basic standards on aviation security ⁽⁵⁾ is to be incorporated into the Agreement.
- (5) Regulation (EU) No 185/2010 repeals Commission Regulations (EC) No 1217/2003 ⁽⁶⁾, (EC) No 1486/2003 ⁽⁷⁾, (EC) No 1138/2004 ⁽⁸⁾ and (EC) No 820/2008 ⁽⁹⁾, which are incorporated into the Agreement, but which should continue to apply until, and therefore only be repealed under the Agreement with effect from, the day of the entry into force of the last of the Decisions of the EEA

Joint Committee incorporating into the Agreement the measures ⁽¹⁰⁾ necessary for the applicability of Regulation (EC) No 300/2008,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as follows:

- (1) the following point shall be inserted after point 66hd (Commission Regulation (EU) No 1254/2009):

‘66he. **32010 R 0185**: Commission Regulation (EU) No 185/2010 of 4 March 2010 laying down detailed measures for the implementation of the common basic standards on aviation security (OJ L 55, 5.3.2010, p. 1), as corrected by OJ L 253, 28.9.2010, p. 61, as amended by:

— **32010 R 0358**: Commission Regulation (EU) No 358/2010 of 23 April 2010 (OJ L 105, 27.4.2010, p. 12).

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

This Regulation shall apply as from the date on which the last of the Decisions of the EEA Joint Committee incorporating into the Agreement the measures necessary for the applicability of Regulation (EC) No 300/2008 enters into force.;

- (2) the following shall be added in points 66i (Commission Regulation (EC) No 820/2008), 66j (Commission Regulation (EC) No 1217/2003) and 66m (Commission Regulation (EC) No 1138/2004):

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

⁽¹⁾ OJ L 58, 3.3.2011, p. 81.

⁽²⁾ OJ L 97, 9.4.2008, p. 72.

⁽³⁾ OJ L 232, 3.9.2009, p. 25.

⁽⁴⁾ OJ L 55, 5.3.2010, p. 1.

⁽⁵⁾ OJ L 105, 27.4.2010, p. 12.

⁽⁶⁾ OJ L 169, 8.7.2003, p. 44.

⁽⁷⁾ OJ L 213, 23.8.2003, p. 3.

⁽⁸⁾ OJ L 221, 22.6.2004, p. 6.

⁽⁹⁾ OJ L 221, 19.8.2008, p. 8.

⁽¹⁰⁾ Commission Regulation (EC) No 272/2009 of 2 April 2009, Commission Regulation (EU) No 1254/2009 of 18 December 2009, Commission Regulation (EU) No 18/2010 of 8 January 2010, Commission Regulation (EU) No 72/2010 of 26 January 2010, Commission Regulation (EU) No 185/2010 of 4 March 2010, Commission Regulation (EU) No 297/2010 of 9 April 2010, Commission Regulation (EU) No 357/2010 of 23 April 2010, Commission Regulation (EU) No 358/2010 of 23 April 2010, Commission Decision C(2010) 774 final of 13 April 2010 and Commission Decision C(2010) 2604 final of 23 April 2010.

This Regulation shall apply until the date on which the last of the Decisions of the EEA Joint Committee incorporating into the Agreement the measures necessary for the applicability of Regulation (EC) No 300/2008 enters into force.;

(3) the text of point 66k (Commission Regulation (EC) No 1486/2003) shall be amended as follows:

- (i) the current adaptation shall be numbered as adaptation (a);
- (ii) the following adaptation shall be inserted after the new adaptation (a):

‘(b) This Regulation shall apply until the date on which the last of the Decisions of the EEA Joint Committee incorporating into the Agreement the measures necessary for the applicability of Regulation (EC) No 300/2008 enters into force.’;

(4) the text of points 66i (Commission Regulation (EC) No 820/2008), 66j (Commission Regulation (EC) No 1217/2003), 66k (Commission Regulation (EC) No 1486/2003) and 66m (Commission Regulation (EC) No 1138/2004) shall be deleted with effect from the date on which the last of the Decisions of the EEA Joint Committee incorporating into the Agreement the measures necessary for the applicability of Regulation (EC) No 300/2008 enters into force.

Article 2

The texts of Regulations (EU) No 185/2010 and (EU) No 358/2010 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 11 December 2010, 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, 10 December 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 139/2010
of 10 December 2010
amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

Article 1

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,

The following indent shall be added in point 66he (Commission Regulation (EU) No 185/2010) of Annex XIII to the Agreement:

‘— **32010 R 0357**: Commission Regulation (EU) No 357/2010 of 23 April 2010 (OJ L 105, 27.4.2010, p. 10).’

Whereas:

Article 2

(1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 123/2010 of 10 November 2010 ⁽¹⁾.

The text of Regulation (EU) No 357/2010 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

(2) Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 ⁽²⁾ was incorporated into the Agreement by Decision of the EEA Joint Committee No 69/2009 ⁽³⁾ of 29 May 2009, with country specific adaptations.

This Decision shall enter into force on 11 December 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

(3) Commission Regulation (EU) No 357/2010 of 23 April 2010 amending Regulation (EU) No 185/2010 of 4 March 2010 laying down detailed measures for the implementation of the common basic standards on aviation security ⁽⁴⁾ is to be incorporated into the Agreement,

Done at Brussels, 10 December 2010.

For the EEA Joint Committee
The President
Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 58, 3.3.2011, p. 81.

⁽²⁾ OJ L 97, 9.4.2008, p. 72.

⁽³⁾ OJ L 232, 3.9.2009, p. 25.

⁽⁴⁾ OJ L 105, 27.4.2010, p. 10.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 140/2010

of 10 December 2010

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 123/2010 of 10 November 2010 ⁽¹⁾.
- (2) Commission Regulation (EU) No 127/2010 of 5 February 2010 amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 66q (Commission Regulation (EC) No 2042/2003) of Annex XIII to the Agreement:

‘— **32010 R 0127**: Commission Regulation (EU) No 127/2010 of 5 February 2010 (OJ L 40, 13.2.2010, p. 4).’

Article 2

The text of Regulation (EU) No 127/2010 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 11 December 2010, 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, 10 December 2010.

*For the EEA Joint Committee**The President*

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 58, 3.3.2011, p. 81.

⁽²⁾ OJ L 40, 13.2.2010, p. 4.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 141/2010

of 10 December 2010

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 109/2010 of 1 October 2010 ⁽¹⁾.
- (2) Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (codified version) ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Directive 2009/161/EU of 17 December 2009 establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC ⁽³⁾ is to be incorporated into the Agreement.
- (4) Directive 2009/148/EC repeals Council Directive 83/477/EEC ⁽⁴⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XVIII to the Agreement shall be amended as follows:

1. the text of point 5 (Council Directive 83/477/EEC) shall be replaced by the following:

'**32009 L 0148:** Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on

the protection of workers from the risks related to exposure to asbestos at work (codified version) (OJ L 330, 16.12.2009, p. 28).';

2. the following indent shall be added in point 16j (Commission Directive 2000/39/EC):

'— **32009 L 0161:** Commission Directive 2009/161/EU of 17 December 2009 (OJ L 338, 19.12.2009, p. 87).';

3. the following point shall be inserted after point 16je (Directive 2006/25/EC of the European Parliament and of the Council):

'16jf. **32009 L 0161:** Commission Directive 2009/161/EU of 17 December 2009 establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC (OJ L 338, 19.12.2009, p. 87).'

Article 2

The texts of Directives 2009/148/EC and 2009/161/EU 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 11 December 2010, 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, 10 December 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 332, 16.12.2010, p. 59.

⁽²⁾ OJ L 330, 16.12.2009, p. 28.

⁽³⁾ OJ L 338, 19.12.2009, p. 87.

⁽⁴⁾ OJ L 263, 24.9.1983, p. 25.

(*) No constitutional requirements indicated.

EFTA SURVEILLANCE AUTHORITY DECISION

No 8/11/COL

of 26 January 2011

amending the list contained in point 39 of Part 1.2 of Chapter I of Annex I to the Agreement on the European Economic Area listing border inspection posts in Iceland and Norway agreed for veterinary checks on live animals and animal products from third countries and repealing EFTA Surveillance Authority Decision No 43/10/COL of 10 February 2010

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to points 4(B)(1) and (3) and point 5(b) of the Introductory Part of Chapter I of Annex I to the EEA Agreement,

Having regard to the Act referred to at point 1.1.4 of Chapter I of Annex I to the EEA Agreement (Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries), as amended and adapted to the EEA Agreement by the sectorial adaptations referred to in Annex I to that Agreement, and in particular to Article 6(2) thereof,

Having regard to the Act referred to at point 1.1.5 of Chapter I of Annex I to the EEA Agreement (Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC), as amended and adapted to the EEA Agreement by the sectorial adaptations referred to in Annex I to that Agreement, and in particular to Article 6(4) thereof,

Having regard to the Act referred to at point 1.2.111 of Chapter I of Annex I to the EEA Agreement (Commission Decision 2001/812/EC of 21 November 2001 laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries), as amended, and in particular to Article 3(5) thereof,

Whereas:

EFTA Surveillance Authority (the Authority), by Decision No 43/10/COL of 10 February 2010 ⁽¹⁾, repealed its Decision No 301/08/COL of 21 May 2008 ⁽²⁾ and drew up a new list of border inspection posts in Iceland and Norway approved for veterinary checks on live animal and animal products from third countries.

The Government of Norway requested to add a new border inspection post (BIP) in Florø for the categories NHC-NT(6)(16) and to list a new BIP in Larvik for the category

HC(2). The Government of Norway also requested to list additional categories in the inspection centre (IC) Skutvik under BIP Ålesund, HC-T(CH)(1)(2)(3), HC-NT(6) and NHC-NT(6) and to list an additional category in the BIP Kirkenes, HC-NT(1)(2)(3).

From 8 to 12 November 2010, the Authority carried out a joint inspection with the European Commission. In the course of that inspection, the proposed border inspection posts of Larvik and Florø, as well as the border inspection posts of Ålesund Port (TRACES code NO AES 1), Kirkenes Port (TRACES code NO KKN 1) were visited.

On the basis on the observations made during the joint inspection, a common recommendation was signed on 12 November 2010 by inspectors of the Authority and of the European Commission.

Accordingly, it is proposed to:

- add to the listing of the Inspection Centre Skutvik under BIP Ålesund the additional categories of chilled, packed fishery products, HC-T(CH)(1)(2)(3) and liquid fats, oils, fish oil for human and non-human consumption, HC-NT(6) and NHC-NT(6),
- add to the listing of the BIP Kirkenes the product category packed fishery products for human consumption to be stored at ambient temperature HC-NT(1)(2)(3),
- add to the listing a new BIP with a new TRACES code, the BIP Larvik (TRACES code NO LAR 1), type P with the product category packed products for human consumption,
- add to the listing a new BIP with a new TRACES code, the BIP Florø (TRACES code NO FRO 1), type P with the product category fish oil and fishmeal not intended for human consumption. The BIP should be listed as NHC-NT(6)(16).

The Authority, by its Decision No 467/10/COL referred the matter to the EFTA Veterinary Committee assisting the EFTA Surveillance Authority. The measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

⁽¹⁾ OJ L 256, 30.9.2010, p. 30 and EEA Supplement No 53, 30.9.2010, p. 1.

⁽²⁾ OJ L 41, 12.2.2009, p. 28 and EEA Supplement No 7, 12.2.2009, p. 6.

HAS ADOPTED THIS DECISION:

Article 1

Veterinary checks on live animals and animal products brought into Iceland and Norway from third countries shall be carried out by the competent national authorities at the agreed border inspection posts listed in the Annex to this Decision.

Article 2

The EFTA Surveillance Authority Decision No 43/10/COL of 10 February 2010 is hereby repealed.

Article 3

This Decision shall enter into force on 26 January 2011.

Article 4

This Decision is addressed to Iceland and Norway.

Article 5

This Decision shall be authentic in the English language.

Done at Brussels, 26 January 2011.

For the EFTA Surveillance Authority

Per SANDERUD

President

Sverrir Haukur GUNNLAUGSSON

College Member

ANNEX

LIST OF AGREED BORDER INSPECTION POSTS

Country: Iceland

1	2	3	4	5	6
Akureyri	IS AKU1	P		HC-T(1)(2)(3), NHC(16)	
Hafnarfjörður	IS HAF 1	P		HC(1)(2)(3), NHC-NT(2)(6)(16)	
Húsavík	IS HUS 1	P		HC-T(FR)(1)(2)(3)	
Ísafjörður	IS ISA1	P		HC-T(FR)(1)(2)(3)	
Keflavík Airport	IS KEF 4	A		HC(1)(2)(3)	O(15)
Reykjavík Eimskip	IS REY 1a	P		HC(1)(2)(3), NHC-NT (2)(6)(16)	
Reykjavík Samskip	IS REY 1b	P		HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3), NHC-NT(2)(6)(16)	
Þorlákshöfn	IS THH1	P		HC-T(FR)(1)(2)(3), HC-NT(6), NHC-NT(6)	

Country: Norway

1	2	3	4	5	6
Borg	NO BRG 1	P		HC, NHC	E(7)
Båtsfjord	NO BJF 1	P		HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	
Egersund	NO EGE 1	P		HC-NT(6), NHC-NT(6)(16)	
Florø EWOS	NO FRO 1	P		NHC-NT(6)(16)	
Hammerfest	NO HFT 1	P	Rypefjord	HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	
Honningsvåg	NO HVG 1	P	Honningsvåg	HC-T(FR)(1)(2)(3)	
			Gjesvær	HC-T(1)(2)(3)	
Kirkenes	NO KKN 1	P		HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	
Kristiansund	NO KSU 1	P	Kristiansund	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3) HC-NT(6), NHC-NT(6)	
Larvik	NO LAR 1	P		HC(2)	
Måløy	NO MAY 1	P	Grotteberg	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
			Trollebø	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
Oslo	NO OSL 1	P		HC, NHC	
Oslo	NO OSL 4	A		HC, NHC	U, E, O
Sortland	NO SLX 1	P	Melbu	HC-T(FR)(1)(2)(3)	
			Sortland	HC-T(FR)(1)(2)(3)	
Storskog	NO STS 3	R		HC, NHC	U, E, O

1	2	3	4	5	6
Tromsø	NO TOS 1	P	Bukta	HC-T(FR)(1)(2)(3)	
			Solstrand	HC-T(FR)(1)(2)(3)	
Vadsø	NO VOS 1	P		HC-T(FR)(1)(2)(3)	
Ålesund	NO AES 1	P	Breivika	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
			Ellingsøy	HC-T(FR)(1)(2)(3)	
			Skutvik	HC-T(1)(2)(3), HC-NT(6), NHC-T(FR)(2)(3), NHC-NT(6)	

1 = Name

2 = TRACES Code

3 = Type

A = Airport

F = Rail

P = Port

R = Road

4 = Inspection centre

5 = Products

HC = All products for Human Consumption

NHC = Other Products

NT = No temperature requirements

T = Frozen/chilled products

T(FR) = Frozen products

T(CH) = Chilled products

6 = Live Animals

U = Ungulates: cattle, pigs, sheep, goats, wild and domestic solipeds

E = Registered equidae as defined in Council Directive 90/426/EEC

O = Other animals

5-6 = Special remarks

(1) = Checking in line with the requirements of Commission Decision 93/352/EEC taken in execution of Article 19(3) of Council Directive 97/78/EC

(2) = Packed products only

(3) = Fishery products only

(4) = Animal proteins only

(5) = Wool hides and skins only

(6) = Only liquid fats, oils, and fish oils

(7) = Icelandic ponies (from April to October only)

(8) = Equidae only

(9) = Tropical fish only

(10) = Only cats, dogs, rodents, lagomorphs, live fish, reptiles and other birds than ratites

(11) = Only feedstuffs in bulk

(12) = For (U) in the case of solipeds, only those consigned to a zoo; and for (O), only day old chicks, fish, dogs, cats, insects, or other animals consigned to a zoo

(13) = Nagylak HU: This is a border inspection post (for products) and crossing point (for Live animals) on the Hungarian Romanian border, subject to transitional measures as negotiated and laid down in the Treaty of Accession for both products and live animals. See Commission Decision 2003/630/EC

(14) = Designated for transit across the European Community for consignments of certain products of animal origin for human consumption, coming to or from Russia under the specific procedures foreseen in relevant Community legislation

(15) = Aquaculture animals only

(16) = Fish meal only

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Note to the reader (see page 3 of the cover)

NOTE TO THE READER

Decision of the EEA Joint Committee No 131/2010 was withdrawn prior to adoption and is therefore blank.

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