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EUROPEAN ECONOMIC AREA

DECISION OF THE EEA JOINT COMMITTEE

No 59/2011

of 1 July 2011

amending Annex I (Veterinary and phytosanitary matters) and 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 I to the Agreement was amended by Decision of the EEA Joint Committee No 115/2010 of 10 November 2010 ⁽¹⁾.
- (2) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 50/2011 of 20 May 2011 ⁽²⁾.
- (3) Regulation (EC) No 220/2009 of the European Parliament and of the Council of 11 March 2009 amending Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, as regards the implementing powers conferred on the Commission ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 1161/2009 of 30 November 2009 amending Annex II to Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards food chain information to be provided to food business operators operating slaughterhouses ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 1162/2009 of 30 November 2009 laying down transitional measures for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Directive 2008/97/EC of the European Parliament and of the Council of 19 November 2008 amending Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists ⁽⁶⁾ is to be incorporated into the Agreement.
- (7) Council Decision 2009/436/EC of 5 May 2009 correcting Directive 2008/73/EC simplifying procedures of listing and publishing information in the veterinary and zootechnical fields ⁽⁷⁾ is to be incorporated into the Agreement.
- (8) Commission Decision 2009/712/EC of 18 September 2009 implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation ⁽⁸⁾ is to be incorporated into the Agreement.
- (9) Commission Decision 2009/719/EC of 28 September 2009 authorising certain Member States to revise their annual BSE monitoring programmes ⁽⁹⁾ is to be incorporated into the Agreement.
- (10) Commission Decision 2009/830/EC of 11 November 2009 amending the Annex to Decision 2007/453/EC as regards the BSE status of Chile, Colombia and Japan ⁽¹⁰⁾ is to be incorporated into the Agreement.
- (11) Commission Decision 2009/852/EC of 26 November 2009 on transitional measures under Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of

⁽¹⁾ OJ L 58, 3.3.2011, p. 69.⁽²⁾ OJ L 196, 28.7.2011, p. 29.⁽³⁾ OJ L 87, 31.3.2009, p. 155.⁽⁴⁾ OJ L 314, 1.12.2009, p. 8.⁽⁵⁾ OJ L 314, 1.12.2009, p. 10.⁽⁶⁾ OJ L 318, 28.11.2008, p. 9.⁽⁷⁾ OJ L 145, 10.6.2009, p. 43.⁽⁸⁾ OJ L 247, 19.9.2009, p. 13.⁽⁹⁾ OJ L 256, 29.9.2009, p. 35.⁽¹⁰⁾ OJ L 295, 12.11.2009, p. 11.

non-compliant raw milk in certain milk processing establishments in Romania and the structural requirements of such establishments ⁽¹⁾ is to be incorporated into the Agreement.

- (12) Commission Decision 2009/861/EC of 30 November 2009 on transitional measures under Regulation (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Bulgaria ⁽²⁾ is to be incorporated into the Agreement.
- (13) Commission Decision 2009/960/EU of 14 December 2009 amending Decision 2004/407/EC as regards authorising imports of photographic gelatine into the Czech Republic ⁽³⁾ is to be incorporated into the Agreement.
- (14) Commission Decision 2009/975/EU of 14 December 2009 amending Decision 2009/177/EC as regards eradication programmes and disease-free status of certain Member States, zones and compartments for certain aquatic animal diseases ⁽⁴⁾ is to be incorporated into the Agreement.
- (15) Commission Decision 2010/66/EU of 5 February 2010 amending Decision 2009/719/EC authorising certain Member States to revise their annual BSE monitoring programmes ⁽⁵⁾ is to be incorporated into the Agreement.
- (16) Commission Decision 2010/89/EU of 9 February 2010 on transitional measures concerning the application of certain structural requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council to certain establishments for meat, fishery products and egg products and cold stores in Romania ⁽⁶⁾ is to be incorporated into the Agreement.
- (17) Regulation (EC) No 1162/2009 repeals Commission Regulation (EC) No 2076/2005 ⁽⁷⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (18) Decision 2009/712/EC repeals Commission Decision 2007/846/EC ⁽⁸⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (19) Decision 2009/719/EC repeals Commission Decision 2008/908/EC ⁽⁹⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (20) Council Directive 2008/73/EC ⁽¹⁰⁾ was incorporated into Chapter I of Annex I to the Agreement by Joint Committee Decision No 1/2010, which does not apply

to Iceland. However, Directive 2008/73/EC amends Council Directive 91/496/EEC ⁽¹¹⁾ which is incorporated into the Agreement and which is partly applicable to Iceland in accordance with paragraph 2 of the Introductory Part of Chapter I of Annex I. This Decision should therefore make Directive 2008/73/EC partly applicable to Iceland.

- (21) Decisions 2009/436/EC and 2009/712/EC are related to Directive 2008/73/EC, and are therefore also partly applicable to Iceland.
- (22) 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 ⁽¹²⁾.
- (23) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2

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

- (1) in point 54zzzh (Regulation (EC) No 852/2004 of the European Parliament and of the Council) the indents under the heading 'The transitional arrangements set out in the following acts shall apply:' shall be replaced by the following indents:

— **32009 D 0852:** Commission Decision 2009/852/EC of 26 November 2009 on transitional measures under Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Romania and the structural requirements of such establishments (OJ L 312, 27.11.2009, p. 59).

— **32010 D 0089:** Commission Decision 2010/89/EU of 9 February 2010 on transitional measures concerning the application of certain structural requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council to certain establishments for meat, fishery products and egg products and cold stores in Romania (OJ L 40, 13.2.2010, p. 55).;

- (2) in point 54zzzh (Regulation (EC) No 852/2004 of the European Parliament and of the Council) the heading 'The transitional arrangements set out in the Annexes to the Act

⁽¹⁾ OJ L 312, 27.11.2009, p. 59.

⁽²⁾ OJ L 314, 1.12.2009, p. 83.

⁽³⁾ OJ L 330, 16.12.2009, p. 82.

⁽⁴⁾ OJ L 336, 18.12.2009, p. 31.

⁽⁵⁾ OJ L 35, 6.2.2010, p. 21.

⁽⁶⁾ OJ L 40, 13.2.2010, p. 55.

⁽⁷⁾ OJ L 338, 22.12.2005, p. 83.

⁽⁸⁾ OJ L 333, 19.12.2007, p. 72.

⁽⁹⁾ OJ L 327, 5.12.2008, p. 24.

⁽¹⁰⁾ OJ L 219, 14.8.2008, p. 40.

⁽¹¹⁾ OJ L 268, 24.9.1991, p. 56.

⁽¹²⁾ OJ L 100, 10.4.2008, p. 27.

of Accession of 25 April 2005 for Romania (Annex VII, Chapter 5, Section B, Part I) shall apply' and the first indent (Commission Decision 2007/23/EC) shall be deleted;

- (3) in point 54zzzh (Regulation (EC) No 852/2004 of the European Parliament and of the Council) the heading 'The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 4, Section B) shall apply' and the first indent (Commission Decision 2007/26/EC) shall be deleted.

Article 3

The texts of Regulations (EC) No 220/2009, (EC) No 1161/2009 and (EC) No 1162/2009, Directive 2008/97/EC and Decisions 2009/436/EC, 2009/712/EC, 2009/719/EC, 2009/830/EC, 2009/852/EC, 2009/861/EC, 2009/960/EU, 2009/975/EU, 2010/66/EU and 2010/89/EU in the Icelandic and Norwegian languages, and the text of Directive 2008/73/EC, in the Icelandic language, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 4

This Decision shall enter into force on 2 July 2011, provided that all the notifications pursuant to Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 5

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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

ANNEX

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

- (1) the following shall be added in the seventh indent (Council Directive 2008/73/EC) of point 5 (Council Directive 91/496/EEC) in Part 1.1, the second indent (Council Directive 2008/73/EC) of point 2 (Council Directive 88/661/EEC), the first indent (Council Directive 2008/73/EC) of points 3 (Council Directive 89/361/EEC), 4 (Council Directive 90/427/EEC) and 5 (Council Directive 90/428/EEC) in Part 2.1, the fifth indent (Council Directive 2008/73/EC) of point 3 (Council Directive 2001/89/EC), the sixth indent (Council Directive 2008/73/EC) of point 4 (Council Directive 92/35/EEC), the first indent (Council Directive 2008/73/EC) of point 5a (Council Directive 2005/94/EC), the fourth indent (Council Directive 2008/73/EC) of point 6 (Council Directive 92/66/EEC), the eighth indent (Council Directive 2008/73/EC) of point 9 (Council Directive 92/119/EEC) and the fifth indent (Council Directive 2008/73/EC) of points 9a (Council Directive 2000/75/EC) and 9b (Council Directive 2002/60/EC) in Part 3.1, the 15th indent (Council Directive 2008/73/EC) of point 1 (Council Directive 64/432/EEC), the 12th indent (Council Directive 2008/73/EC) of point 2 (Council Directive 91/68/EEC), the 11th indent (Council Directive 2008/73/EC) of point 3 (Council Directive 90/426/EEC), the 14th indent (Council Directive 2008/73/EC) of point 4 (Council Directive 90/539/EEC), the fifth indent (Council Directive 2008/73/EC) of point 6 (Council Directive 89/556/EEC), the seventh indent (Council Directive 2008/73/EC) of point 7 (Council Directive 88/407/EEC), the fourth indent (Council Directive 2008/73/EC) of point 8 (Council Directive 90/429/EEC) and the 11th indent (Council Directive 2008/73/EC) of point 9 (Council Directive 92/65/EEC) in Part 4.1, the second indent (Council Directive 2008/73/EC) of point 54 (Council Decision 2000/258/EC) in Part 4.2 and the eighth indent (Council Directive 2008/73/EC) of point 2 (Council Directive 90/426/EEC), the 13th indent (Council Directive 2008/73/EC) of point 3 (Council Directive 90/539/EEC), the fifth indent (Council Directive 2008/73/EC) of point 5 (Council Directive 89/556/EEC), the sixth indent (Council Directive 2008/73/EC) of point 6 (Council Directive 88/407/EEC), the fourth indent (Council Directive 2008/73/EC) of point 7 (Council Directive 90/429/EEC) and the eighth indent (Council Directive 2008/73/EC) of point 15 (Council Directive 92/65/EEC) in Part 8.1:

‘, as amended by:

— **32009 D 0436**: Council Decision 2009/436/EC of 5 May 2009 (OJ L 145, 10.6.2009, p. 43).’;

- (2) the texts of point 135 (Commission Regulation (EC) No 2076/2005) in Part 1.2 and point 55 (Commission Regulation (EC) No 2076/2005) in Part 6.2 shall be deleted;

- (3) the following points shall be inserted after point 144 (Commission Decision 2008/654/EC) in Part 1.2:

‘145. **32009 D 0712**: Commission Decision 2009/712/EC of 18 September 2009 implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation (OJ L 247, 19.9.2009, p. 13).

This act applies also to Iceland for the areas referred to in paragraph 2 of the Introductory Part.

146. **32009 R 1162**: Commission Regulation (EC) No 1162/2009 of 30 November 2009 laying down transitional measures for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council (OJ L 314, 1.12.2009, p. 10).’;

- (4) the following point shall be inserted after point 33 (Commission Regulation (EC) No 504/2008) in Part 2.2:

‘34. **32009 D 0712**: Commission Decision 2009/712/EC of 18 September 2009 implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation (OJ L 247, 19.9.2009, p. 13).

This act applies also to Iceland for the areas referred to in paragraph 2 of the Introductory Part.’;

- (5) the following point shall be inserted after point 43 (Commission Regulation (EC) No 616/2009) in Part 3.2:

‘44. **32009 D 0712**: Commission Decision 2009/712/EC of 18 September 2009 implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation (OJ L 247, 19.9.2009, p. 13).

This act applies also to Iceland for the areas referred to in paragraph 2 of the Introductory Part.’;

- (6) the text of point 83 (Commission Decision 2007/846/EC) in Part 4.2 shall be deleted;
- (7) the following shall be added in point 89 (Commission Decision 2009/177/EC) in Part 4.2:
- ‘, as amended by:
- **32009 D 0975**: Commission Decision 2009/975/EC of 14 December 2009 (OJ L 336, 18.12.2009, p. 31).’;
- (8) the following point shall be inserted after point 90 (Commission Regulation (EC) No 180/2008) in Part 4.2:
- ‘91. **32009 D 0712**: Commission Decision 2009/712/EC of 18 September 2009 implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation (OJ L 247, 19.9.2009, p. 13).
- This act applies also to Iceland for the areas referred to in paragraph 2 of the Introductory Part.’;
- (9) in point 16 (Regulation (EC) No 852/2004 of the European Parliament and of the Council) in Part 6.1, the indents under the heading ‘The transitional arrangements set out in the following acts shall apply.’ shall be replaced by the following indents:
- **32009 D 0852**: Commission Decision 2009/852/EC of 26 November 2009 on transitional measures under Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Romania and the structural requirements of such establishments (OJ L 312, 27.11.2009, p. 59).
- **32010 D 0089**: Commission Decision 2010/89/EU of 9 February 2010 on transitional measures concerning the application of certain structural requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council to certain establishments for meat, fishery products and egg products and cold stores in Romania (OJ L 40, 13.2.2010, p. 55).’;
- (10) in points 16 (Regulation (EC) No 852/2004 of the European Parliament and of the Council) and 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council) in Part 6.1 the heading ‘The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Romania (Annex VII, Chapter 5, Section B, Part I) shall apply’ and the first indent (Commission Decision 2007/23/EC) shall be deleted;
- (11) the following indent shall be added in point 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council) in Part 6.1:
- **32009 R 1161**: Commission Regulation (EC) No 1161/2009 of 30 November 2009 (OJ L 314, 1.12.2009, p. 8).’;
- (12) in point 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council) in Part 6.1, the indents under the heading ‘The transitional arrangements set out in the following acts shall apply.’ shall be replaced by the following indents:
- **32009 D 0852**: Commission Decision 2009/852/EC of 26 November 2009 on transitional measures under Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Romania and the structural requirements of such establishments (OJ L 312, 27.11.2009, p. 59).
- **32009 D 0861**: Commission Decision 2009/861/EC of 30 November 2009 on transitional measures under Regulation (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Bulgaria (OJ L 314, 1.12.2009, p. 83).
- **32010 D 0089**: Commission Decision 2010/89/EU of 9 February 2010 on transitional measures concerning the application of certain structural requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council to certain establishments for meat, fishery products and egg products and cold stores in Romania (OJ L 40, 13.2.2010, p. 55).’;

- (13) in point 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council) in Part 6.1 the heading 'The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 4, Section B) shall apply' and the first indent (Commission Decision 2007/26/EC) shall be deleted;
- (14) the following indent shall be added in point 1 (Council Directive 96/22/EC) in Part 7.1:
- **32008 L 0097**: Directive 2008/97/EC of the European Parliament and of the Council of 19 November 2008 (OJ L 318, 28.11.2008, p. 9).;
- (15) the following indent shall be added in point 12 (Regulation (EC) No 999/2001 of the European Parliament and of the Council) in Part 7.1:
- **32009 R 0220**: Regulation (EC) No 220/2009 of the European Parliament and of the Council of 11 March 2009 (OJ L 87, 31.3.2009, p. 155).;
- (16) the following indent shall be added in point 42 (Commission Decision 2004/407/EC) in Part 7.2:
- **32009 D 0960**: Commission Decision 2009/960/EU of 14 December 2009 (OJ L 330, 16.12.2009, p. 82).;
- (17) the following shall be added in point 49 (Commission Decision 2007/453/EC) in Part 7.2:
- ‘, as amended by:
- **32009 D 0830**: Commission Decision 2009/830/EC of 11 November 2009 (OJ L 295, 12.11.2009, p. 11).;
- (18) under the heading 'ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT' the text of point 41b (Commission Decision 2008/908/EC) in Part 7.2 shall be replaced by the following:
- 32009 D 0719**: Commission Decision 2009/719/EC of 28 September 2009 authorising certain Member States to revise their annual BSE monitoring programmes (OJ L 256, 29.9.2009, p. 35), as amended by:
- **32010 D 0066**: Commission Decision 2010/66/EU of 5 February 2010 (OJ L 35, 6.2.2010, p. 21).’
-

DECISION OF THE EEA JOINT COMMITTEE

No 60/2011

of 1 July 2011

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 115/2010 of 10 November 2010 ⁽¹⁾.
- (2) Commission Regulation (EU) No 176/2010 of 2 March 2010 amending Annex D to Council Directive 92/65/EEC as regards semen collection and storage centres, embryo collection and production teams, and conditions for donor animals of the equine, ovine and caprine species and for handling semen, ova and embryos of those species ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 388/2010 of 6 May 2010 implementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the maximum number of pet animals of certain species that may be the subject of non-commercial movement ⁽³⁾ is to be incorporated into the Agreement.
- (4) Regulation (EU) No 438/2010 of the European Parliament and of the Council of 19 May 2010 amending Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Decision 2007/371/EC of 29 May 2007 amending Decisions 84/247/EEC and 84/419/EEC as regards herd-books for animals of the bovine species ⁽⁶⁾ is to be incorporated into the Agreement.
- (7) Commission Decision 2010/188/EU of 29 March 2010 amending Annex III to Decision 2003/467/EC as regards

the declaration that certain administrative regions of Poland and Portugal are officially free of enzootic bovine leukosis ⁽⁷⁾ is to be incorporated into the Agreement.

- (8) Commission Decision 2010/193/EU of 29 March 2010 amending Decision 2003/135/EC as regards the eradication and emergency vaccination plans for classical swine fever in feral pigs in certain areas of North Rhine-Westphalia and Rhineland-Palatinate (Germany) ⁽⁸⁾ is to be incorporated into the Agreement.
- (9) Commission Decision 2010/270/EU of 6 May 2010 amending Parts 1 and 2 of Annex E to Council Directive 92/65/EEC as regards the model health certificates for animals from holdings and for bees and bumble bees ⁽⁹⁾ is to be incorporated into the Agreement.
- (10) Commission Decision 2010/271/EU of 11 May 2010 amending Annex II to Decision 2008/185/EC as regards the inclusion of Ireland in the list of regions where an approved national control programme for Aujeszky's disease is in place ⁽¹⁰⁾ is to be incorporated into the Agreement.
- (11) Commission Decision 2010/367/EU of 25 June 2010 on the implementation by Member States of surveillance programmes for avian influenza in poultry and wild birds ⁽¹¹⁾ is to be incorporated into the Agreement.
- (12) Commission Decision 2010/391/EU of 8 July 2010 amending the Annexes to Decision 93/52/EEC as regards the recognition of Lithuania and the region of Molise in Italy as officially free of brucellosis (*B. melitensis*) and amending the Annexes to Decision 2003/467/EC as regards the declaration of certain administrative regions of Italy as officially free of bovine tuberculosis, bovine brucellosis and enzootic-bovine-leukosis ⁽¹²⁾ is to be incorporated into the Agreement.
- (13) Commission Decision 2010/434/EU of 6 August 2010 amending Annexes I and II to Decision 2008/185/EC as regards the inclusion of Slovenia in the list of Member States free of Aujeszky's disease and of Poland and regions of Spain in the list of Member States where an approved national control programme for that disease is in place ⁽¹³⁾ is to be incorporated into the Agreement.

⁽¹⁾ OJ L 58, 3.3.2011, p. 69.

⁽²⁾ OJ L 52, 3.3.2010, p. 14.

⁽³⁾ OJ L 114, 7.5.2010, p. 3.

⁽⁴⁾ OJ L 132, 29.5.2010, p. 3.

⁽⁵⁾ OJ L 192, 23.7.2010, p. 1.

⁽⁶⁾ OJ L 140, 1.6.2007, p. 49.

⁽⁷⁾ OJ L 83, 30.3.2010, p. 59.

⁽⁸⁾ OJ L 84, 31.3.2010, p. 56.

⁽⁹⁾ OJ L 118, 12.5.2010, p. 56.

⁽¹⁰⁾ OJ L 118, 12.5.2010, p. 63.

⁽¹¹⁾ OJ L 166, 1.7.2010, p. 22.

⁽¹²⁾ OJ L 180, 15.7.2010, p. 21.

⁽¹³⁾ OJ L 208, 7.8.2010, p. 5.

- (14) Commission Decision 2010/435/EU of 9 August 2010 amending Annex XI to Council Directive 2003/85/EC as regards the list of laboratories authorised to handle live foot-and-mouth disease virus ⁽¹⁾ is to be incorporated into the Agreement.
- (15) Commission Decision 2010/436/EU of 9 August 2010 implementing Council Decision 2000/258/EC as regards proficiency tests for the purposes of maintaining authorisations of laboratories to carry out serological tests to monitor the effectiveness of rabies vaccines ⁽²⁾ is to be incorporated into the Agreement.
- (16) Commission Decision 2010/470/EU of 26 August 2010 laying down model health certificates for trade within the Union in semen, ova and embryos of animals of the equine, ovine and caprine species and in ova and embryos of animals of the porcine species ⁽³⁾ is to be incorporated into the Agreement.
- (17) Directive 2009/156/EC repeals Council Directive 90/426/EEC ⁽⁴⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (18) Decision 2010/367/EU repeals Commission Decision 2007/268/EC ⁽⁵⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (19) Decision 2010/436/EU repeals Commission Decision 2004/233/EC ⁽⁶⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.

(20) Decision 2010/470/EU repeals Commission Decisions 95/294/EC ⁽⁷⁾, 95/307/EC ⁽⁸⁾, 95/388/EC ⁽⁹⁾ and 95/483/EC ⁽¹⁰⁾ which are incorporated into the Agreement and are therefore to be repealed under the Agreement.

(21) This Decision is not to apply to Iceland and Liechtenstein,

HAS ADOPTED THIS DECISION:

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 (EU) No 176/2010, (EU) No 388/2010 and (EU) No 438/2010, Directive 2009/156/EC and Decisions 2007/371/EC, 2010/188/EU, 2010/193/EU, 2010/270/EU, 2010/271/EU, 2010/367/EU, 2010/391/EU, 2010/434/EU, 2010/435/EU, 2010/436/EU and 2010/470/EU in the 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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

⁽¹⁾ OJ L 209, 10.8.2010, p. 18.

⁽²⁾ OJ L 209, 10.8.2010, p. 19.

⁽³⁾ OJ L 228, 31.8.2010, p. 15.

⁽⁴⁾ OJ L 224, 18.8.1990, p. 42.

⁽⁵⁾ OJ L 115, 3.5.2007, p. 3.

⁽⁶⁾ OJ L 71, 10.3.2004, p. 30.

⁽⁷⁾ OJ L 182, 2.8.1995, p. 27.

⁽⁸⁾ OJ L 185, 4.8.1995, p. 58.

⁽⁹⁾ OJ L 234, 3.10.1995, p. 30.

⁽¹⁰⁾ OJ L 275, 18.11.1995, p. 30.

(*) No constitutional requirements indicated.

ANNEX

- (1) the following indent shall be added in point 10 (Regulation (EC) No 998/2003 of the European Parliament and of the Council) in Part 1.1:

— **32010 R 0438**: Regulation (EU) No 438/2010 of the European Parliament and of the Council of 19 May 2010 (OJ L 132, 29.5.2010, p. 3).;

- (2) the following point shall be inserted after point 146 (Commission Regulation (EC) No 1162/2009) in Part 1.2:

‘147. **32010 R 0388**: Commission Regulation (EU) No 388/2010 of 6 May 2010 implementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the maximum number of pet animals of certain species that may be the subject of non-commercial movement (OJ L 114, 7.5.2010, p. 3).

This act shall not apply to Iceland.’;

- (3) the following shall be added in points 1 (Commission Decision 84/247/EEC) and 2 (Commission Decision 84/419/EEC) in Part 2.2:

‘, as amended by:

— **32007 D 0371**: Commission Decision 2007/371/EC of 29 May 2007 (OJ L 140, 1.6.2007, p. 49).;

- (4) the following indent shall be added in point 1a (Council Directive 2003/85/EC) in Part 3.1:

‘— **32010 D 0435**: Commission Decision 2010/435/EU of 9 August 2010 (OJ L 209, 10.8.2010, p. 18).;

- (5) the text of point 38 (Commission Decision 2007/268/EC) in Part 3.2 shall be deleted;

- (6) the following point shall be inserted after point 44 (Commission Decision 2009/712/EC) in Part 3.2:

‘45. **32010 D 0367**: Commission Decision 2010/367/EU of 25 June 2010 on the implementation by Member States of surveillance programmes for avian influenza in poultry and wild birds (OJ L 166, 1.7.2010, p. 22).

This act shall not apply to Iceland.’;

- (7) under the heading ‘ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT’ the following indent shall be added in point 20 (Commission Decision 2003/135/EC) in Part 3.2:

‘— **32010 D 0193**: Commission Decision 2010/193/EU of 29 March 2010 (OJ L 84, 31.3.2010, p. 56).;

- (8) the following indents shall be added in point 9 (Council Directive 92/65/EEC) in Part 4.1 and point 15 (Council Directive 92/65/EEC) in Part 8.1:

‘— **32010 R 0176**: Commission Regulation (EU) No 176/2010 of 2 March 2010 (OJ L 52, 3.3.2010, p. 14),

— **32010 D 0270**: Commission Decision 2010/270/EU of 6 May 2010 (OJ L 118, 12.5.2010, p. 56).;

- (9) the text of point 3 (Council Directive 90/426/EEC) in Part 4.1 and point 2 (Council Directive 90/426/EEC) of Part 8.1 shall be replaced by the following:

‘**32009 L 0156**: Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae (OJ L 192, 23.7.2010, p. 1).

This act shall not apply to Iceland.’;

- (10) the following indent shall be added in point 14 (Commission Decision 93/52/EEC) in Part 4.2:

‘— **32010 D 0391**: Commission Decision 2010/391/EU of 8 July 2010 (OJ L 180, 15.7.2010, p. 21).;

(11) the following indents shall be added in point 70 (Commission Decision 2003/467/EC) in Part 4.2:

— **32010 D 0188:** Commission Decision 2010/188/EU of 29 March 2010 (OJ L 83, 30.3.2010, p. 59),

— **32010 D 0391:** Commission Decision 2010/391/EU of 8 July 2010 (OJ L 180, 15.7.2010, p. 21).;

(12) the following indents shall be added in point 84 (Commission Decision 2008/185/EC) in Part 4.2:

— **32010 D 0271:** Commission Decision 2010/271/EU of 11 May 2010 (OJ L 118, 12.5.2010, p. 63),

— **32010 D 0434:** Commission Decision 2010/434/EU of 6 August 2010 (OJ L 208, 7.8.2010, p. 5).;

(13) the text of points 33 (Commission Decision 95/294/EC), 34 (Commission Decision 95/307/EC), 36 (Commission Decision 95/388/EC), 40 (Commission Decision 95/483/EC) and 76 (Commission Decision 2004/233/EC) in Part 4.2 shall be deleted;

(14) the following points shall be inserted after point 91 (Commission Decision 2009/712/EC) in Part 4.2:

‘92. **32010 D 0436:** Commission Decision 2010/436/EU of 9 August 2010 implementing Council Decision 2000/258/EC as regards proficiency tests for the purposes of maintaining authorisations of laboratories to carry out serological tests to monitor the effectiveness of rabies vaccines (OJ L 209, 10.8.2010, p. 19).

This act shall not apply to Iceland.

93. **32010 D 0470:** Commission Decision 2010/470/EU of 26 August 2010 laying down model health certificates for trade within the Union in semen, ova and embryos of animals of the equine, ovine and caprine species and in ova and embryos of animals of the porcine species (OJ L 228, 31.8.2010, p. 15).

This act shall not apply to Iceland.

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

The date ‘31 August 2010’ in Articles 2(a) and (b) and 4(a) and (b) shall for the EFTA States read ‘the day before the date of the entry into force of Decision of the EEA Joint Committee No 60/2011’. The date ‘1 September 2010’ in Articles 2(b) and 4(b) shall for the EFTA States read the date of the entry into force of Decision of the EEA Joint Committee No 60/2011.’.

DECISION OF THE EEA JOINT COMMITTEE

No 61/2011

of 1 July 2011

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 115/2010 of 10 November 2010 ⁽¹⁾.
- (2) Commission Regulation (EU) No 175/2010 of 2 March 2010 implementing Council Directive 2006/88/EC as regards measures to control increased mortality in oysters of the species *Crassostrea gigas* in connection with the detection of Ostreid herpesvirus 1 μ var (OsHV-1 μ var) ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 200/2010 of 10 March 2010 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of *Salmonella* serotypes in adult breeding flocks of *Gallus gallus* ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 346/2010 of 15 April 2010 amending Regulation (EC) No 1251/2008 as regards the placing on the market and import requirements for consignments of aquaculture animals intended for Member States or parts thereof with national measures approved by Decision 2010/221/EU ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EU) No 505/2010 of 14 June 2010 amending Annex II to Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Regulation (EU) No 506/2010 of 14 June 2010 amending the Annex to Council Regulation (EC)

No 21/2004 as regards ovine and caprine animals kept in zoos ⁽⁶⁾ is to be incorporated into the Agreement.

- (7) Commission Regulation (EU) No 558/2010 of 24 June 2010 amending Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin ⁽⁷⁾ is to be incorporated into the Agreement.
- (8) Commission Regulation (EU) No 595/2010 of 2 July 2010 amending Annexes VIII, X and XI to Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption ⁽⁸⁾ is to be incorporated into the Agreement.
- (9) Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in Traces ⁽⁹⁾ is to be incorporated into the Agreement.
- (10) Commission Decision 2009/822/EC of 15 October 2009 amending Decision 2009/821/EC as regards the list of border inspection posts ⁽¹⁰⁾ is to be incorporated into the Agreement.
- (11) Commission Decision 2009/847/EC of 20 November 2009 amending Decision 2005/176/EC laying down the codified form and the codes for the notification of animal diseases pursuant to Council Directive 82/894/EEC ⁽¹¹⁾ is to be incorporated into the Agreement.
- (12) Commission Decision 2009/870/EC of 27 November 2009 amending Decision 2009/821/EC as regards the list of border inspection posts ⁽¹²⁾ is to be incorporated into the Agreement.
- (13) Commission Decision 2010/160/EU of 17 March 2010 amending Decision 2005/176/EC laying down the codified form and the codes for the notification of animal diseases pursuant to Council Directive 82/894/EEC ⁽¹³⁾ is to be incorporated into the Agreement.

⁽¹⁾ OJ L 58, 3.3.2011, p. 69.

⁽²⁾ OJ L 52, 3.3.2010, p. 1.

⁽³⁾ OJ L 61, 11.3.2010, p. 1.

⁽⁴⁾ OJ L 104, 24.4.2010, p. 1.

⁽⁵⁾ OJ L 149, 15.6.2010, p. 1.

⁽⁶⁾ OJ L 149, 15.6.2010, p. 3.

⁽⁷⁾ OJ L 159, 25.6.2010, p. 18.

⁽⁸⁾ OJ L 173, 8.7.2010, p. 1.

⁽⁹⁾ OJ L 296, 12.11.2009, p. 1.

⁽¹⁰⁾ OJ L 296, 12.11.2009, p. 59.

⁽¹¹⁾ OJ L 307, 21.11.2009, p. 7.

⁽¹²⁾ OJ L 315, 2.12.2009, p. 11.

⁽¹³⁾ OJ L 68, 18.3.2010, p. 21.

- (14) Commission Decision 2010/171/EU of 22 March 2010 amending Annex I to Decision 2009/177/EC as regards surveillance programmes for Ireland and Hungary and the disease-free status of Ireland for certain aquatic animal diseases ⁽¹⁾ is to be incorporated into the Agreement.
- (15) Commission Decision 2010/221/EU of 15 April 2010 approving national measures for limiting the impact of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43 of Council Directive 2006/88/EC ⁽²⁾ is to be incorporated into the Agreement.
- (16) Commission Decision 2010/276/EU of 10 May 2010 amending Annexes I and II to Decision 2009/861/EC on transitional measures under Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards the processing of non-compliant raw milk in certain milk processing establishments in Bulgaria ⁽³⁾ is to be incorporated into the Agreement.
- (17) Commission Decision 2010/277/EU of 12 May 2010 amending Decision 2009/821/EC as regards the lists of border inspection posts and veterinary units in Traces ⁽⁴⁾ is to be incorporated into the Agreement.
- (18) Commission Decision 2010/280/EU of 12 May 2010 amending Decision 2006/968/EC implementing Council Regulation (EC) No 21/2004 as regards guidelines and procedures for the electronic identification of ovine and caprine animals ⁽⁵⁾ is to be incorporated into the Agreement.
- (19) Commission Decision 2010/300/EU of 25 May 2010 amending Decision 2001/672/EC as regards time periods for the movements of bovine animals to summer grazing areas ⁽⁶⁾ is to be incorporated into the Agreement.
- (20) Commission Decision 2010/301/EU of 25 May 2010 amending Decision 2004/407/EC as regards authorising imports of photographic gelatine into the Czech Republic ⁽⁷⁾ is to be incorporated into the Agreement.
- (21) Regulation (EU) No 200/2010 repeals Commission Regulation (EC) No 1003/2005 ⁽⁸⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (22) Decision 2009/821/EC repeals Commission Decisions 91/398/EEC ⁽⁹⁾, 2001/881/EC ⁽¹⁰⁾ and 2002/459/EC ⁽¹¹⁾

which are incorporated into the Agreement and are therefore to be repealed under the Agreement.

- (23) Decision 2010/221/EU repeals Commission Decision 2004/453/EC ⁽¹²⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.

- (24) 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 ⁽¹³⁾.

- (25) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

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 (EU) No 175/2010, (EU) No 200/2010, (EU) No 346/2010, (EU) No 505/2010, (EU) No 506/2010, (EU) No 558/2010 and (EU) No 595/2010 and Decisions 2009/821/EC, 2009/822/EC, 2009/847/EC, 2009/870/EC, 2010/160/EU, 2010/171/EU, 2010/221/EU, 2010/276/EU, 2010/277/EU, 2010/280/EU, 2010/300/EU and 2010/301/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 75, 23.3.2010, p. 28.

⁽²⁾ OJ L 98, 20.4.2010, p. 7.

⁽³⁾ OJ L 121, 18.5.2010, p. 10.

⁽⁴⁾ OJ L 121, 18.5.2010, p. 16.

⁽⁵⁾ OJ L 124, 20.5.2010, p. 5.

⁽⁶⁾ OJ L 127, 26.5.2010, p. 19.

⁽⁷⁾ OJ L 128, 27.5.2010, p. 9.

⁽⁸⁾ OJ L 170, 1.7.2005, p. 12.

⁽⁹⁾ OJ L 221, 9.8.1991, p. 30.

⁽¹⁰⁾ OJ L 326, 11.12.2001, p. 44.

⁽¹¹⁾ OJ L 159, 17.6.2002, p. 27.

⁽¹²⁾ OJ L 156, 30.4.2004, p. 5.

⁽¹³⁾ OJ L 100, 10.4.2008, p. 27.

^(*) No 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:

— **32010 R 0506**: Commission Regulation (EU) No 506/2010 of 14 June 2010 (OJ L 149, 15.6.2010, p. 3).;

- (2) the following indent shall be added in point 12 (Regulation (EC) No 854/2004 of the European Parliament and of the Council) in Part 1.1:

— **32010 R 0505**: Commission Regulation (EU) No 505/2010 of 14 June 2010 (OJ L 149, 15.6.2010, p. 1).;

- (3) the texts of points 2 (Commission Decision 91/398/EEC) and 46 (Commission Decision 2002/459/EC) in Part 1.2 shall be deleted;

- (4) the text of point 39 (Commission Decision 2001/881/EC) in Part 1.2 shall be replaced by the following:

‘**32009 D 0821**: Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in Traces (OJ L 296, 12.11.2009, p. 1), as amended by:

— **32009 D 0822**: Commission Decision 2009/822/EC of 15 October 2009 (OJ L 296, 12.11.2009, p. 59),

— **32009 D 0870**: Commission Decision 2009/870/EC of 27 November 2009 (OJ L 315, 2.12.2009, p. 11),

— **32010 D 0277**: Commission Decision 2010/277/EU of 12 May 2010 (OJ L 121, 18.5.2010, p. 16).

This act applies also to Iceland for the areas referred to in paragraph 2 of the Introductory Part.’;

- (5) the following shall be added in point 112 (Commission Decision 2001/672/EC) in Part 1.2:

‘, as amended by:

— **32010 D 0300**: Commission Decision 2010/300/EU of 25 May 2010 (OJ L 127, 26.5.2010, p. 19).;

- (6) the following shall be added in point 132 (Commission Decision 2006/968/EC) in Part 1.2:

— **32010 D 0280**: Commission Decision 2010/280/EU of 12 May 2010 (OJ L 124, 20.5.2010, p. 5).

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

The date ‘30 June 2010’ in point 6 of Chapter II of the Annex shall for the EFTA States read ‘the date of the entry into force of Decision of the EEA Joint Committee No 61/2011.’;

- (7) the following indents shall be added in point 32 (Commission Decision 2005/176/EC) in Part 3.2:

— **32009 D 0847**: Commission Decision 2009/847/EC of 20 November 2009 (OJ L 307, 21.11.2009, p. 7),

— **32010 D 0160**: Commission Decision 2010/160/EU of 17 March 2010 (OJ L 68, 18.3.2010, p. 21).;

- (8) in point 32 (Commission Decision 2005/176/EC) in Part 3.2, the sentence ‘This act shall not apply to Iceland’ shall be deleted;

- (9) the following point shall be inserted after point 45 (Commission Decision 2010/367/EU) in Part 3.2:

‘46. **32010 R 0175**: Commission Regulation (EU) No 175/2010 of 2 March 2010 implementing Council Directive 2006/88/EC as regards measures to control increased mortality in oysters of the species *Crassostrea gigas* in connection with the detection of Ostreid herpesvirus 1 μ var (OsHV-1 μ var) (OJ L 52, 3.3.2010, p. 1).;

- (10) the text of point 79 (Commission Decision 2004/453/EC) in Part 4.2 shall be deleted;

- (11) the following shall be added in point 86 (Commission Regulation (EC) No 1251/2008) in Part 4.2:
- ‘, as amended by:
- **32010 R 0346**: Commission Regulation (EU) No 346/2010 of 15 April 2010 (OJ L 104, 24.4.2010, p. 1).;’
- (12) the following shall be added in point 89 (Commission Decision 2009/177/EC) in Part 4.2:
- ‘— **32010 D 0171**: Commission Decision 2010/171/EU of 22 March 2010 (OJ L 75, 23.3.2010, p. 28).;’
- (13) the following point shall be inserted after point 93 (Commission Decision 2010/470/EU) in Part 4.2:
- ‘94. **32010 D 0221**: Commission Decision 2010/221/EU of 15 April 2010 approving national measures for limiting the impact of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43 of Council Directive 2006/88/EC (OJ L 98, 20.4.2010, p. 7).;’
- (14) the following indent shall be added in point 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council) in Part 6.1:
- ‘— **32010 R 0558**: Commission Regulation (EU) No 558/2010 of 24 June 2010 (OJ L 159, 25.6.2010, p. 18).;’
- (15) the following shall be added in the second indent (Commission Decision 2009/861/EC) under the heading ‘The transitional arrangements set out in the following acts shall apply:’ in point 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council) in Part 6.1:
- ‘, as amended by:
- **32010 D 0276**: Commission Decision 2010/276/EU of 10 May 2010 (OJ L 121, 18.5.2010, p. 10).;’
- (16) the following indent shall be added in point 9b (Regulation (EC) No 1774/2002 of the European Parliament and of the Council) in Part 7.1:
- ‘— **32010 R 0595**: Commission Regulation (EU) No 595/2010 of 2 July 2010 (OJ L 173, 8.7.2010, p. 1).;’
- (17) the text of point 25 (Commission Regulation (EC) No 1003/2005) in Part 7.2 shall be deleted;
- (18) the following indent shall be added in point 42 (Commission Decision 2004/407/EC) in Part 7.2:
- ‘— **32010 D 0301**: Commission Decision 2010/301/EU of 25 May 2010 (OJ L 128, 27.5.2010, p. 9).;’
- (19) the following point shall be inserted after point 52 (Commission Regulation (EC) No 199/2009) in Part 7.2:
- ‘53. **32010 R 0200**: Commission Regulation (EU) No 200/2010 of 10 March 2010 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of *Salmonella* serotypes in adult breeding flocks of *Gallus gallus* (OJ L 61, 11.3.2010, p. 1).’
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DECISION OF THE EEA JOINT COMMITTEE

No 62/2011

of 1 July 2011

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 115/2010 of 10 November 2010 ⁽¹⁾.
- (2) Commission Decision 2010/684/EU of 10 November 2010 amending Part 1 of Annex E to Council Directive 92/65/EEC as regards the model health certificate for animals from holdings ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Decision 2010/695/EU of 17 November 2010 amending the Annexes to Decision 93/52/EEC as regards the recognition of Estonia, Latvia and the Autonomous Community of the Balearic Islands in Spain as officially free of brucellosis (*B. melitensis*) and amending Annexes I and II to Decision 2003/467/EC as regards the declaration of Estonia as officially tuberculosis-free and officially brucellosis-free as regards bovine herds ⁽³⁾ is to be incorporated into the Agreement.
- (4) This Decision is not to apply to Iceland and Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

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

- (1) the following indent shall be added in point 9 (Council Directive 92/65/EEC) in Part 4.1 and point 15 (Council Directive 92/65/EEC) in Part 8.1:

— **32010 D 0684**: Commission Decision 2010/684/EU of 10 November 2010 (OJ L 293, 11.11.2010, p. 62.);

- (2) the following indent shall be added in points 14 (Commission Decision 93/52/EEC) and 70 (Commission Decision 2003/467/EC) in Part 4.2:

— **32010 D 0695**: Commission Decision 2010/695/EU of 17 November 2010 (OJ L 303, 19.11.2010, p. 14).;

Article 2

The texts of Decisions 2010/684/EU and 2010/695/EU in the 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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 58, 3.3.2011, p. 69.

⁽²⁾ OJ L 293, 11.11.2010, p. 62.

⁽³⁾ OJ L 303, 19.11.2010, p. 14.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 63/2011

of 1 July 2011

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 115/2010 of 10 November 2010 ⁽¹⁾.
- (2) Commission Regulation (EU) No 1142/2010 of 7 December 2010 amending Regulation (EC) No 1266/2007 as regards the period of application of the transitional measures concerning the conditions for exempting certain animals from the exit ban provided for in Council Directive 2000/75/EC ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Decision 2010/591/EU of 1 October 2010 authorising a laboratory in Russia to carry out serological tests to monitor the effectiveness of rabies vaccines ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Decision 2011/91/EU of 10 February 2011 authorising a laboratory in the Republic of Korea to carry out serological tests to monitor the effectiveness of rabies vaccines ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) This Decision is not to apply to Iceland and Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

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

- (1) the following indent shall be added in point 40 (Commission Regulation (EC) No 1266/2007) in Part 3.2:

— **32010 R 1142:** Commission Regulation (EU) No 1142/2010 of 7 December 2010 (OJ L 322, 8.12.2010, p. 20).;

- (2) the following points shall be inserted after point 94 (Commission Decision 2010/221/EU) in Part 4.2:

‘95. **32010 D 0591:** Commission Decision 2010/591/EU of 1 October 2010 authorising a laboratory in Russia to carry out serological tests to monitor the effectiveness of rabies vaccines (OJ L 260, 2.10.2010, p. 21).

This act shall not apply to Iceland.

96. **32011 D 0091:** Commission Decision 2011/91/EU of 10 February 2011 authorising a laboratory in the Republic of Korea to carry out serological tests to monitor the effectiveness of rabies vaccines (OJ L 37, 11.2.2011, p. 18).

This act shall not apply to Iceland.’.

Article 2

The texts of Regulation (EU) No 1142/2010 and Decisions 2010/591/EU and 2011/91/EU in the 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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 58, 3.3.2011, p. 69.

⁽²⁾ OJ L 322, 8.12.2010, p. 20.

⁽³⁾ OJ L 260, 2.10.2010, p. 21.

⁽⁴⁾ OJ L 37, 11.2.2011, p. 18.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 64/2011

of 1 July 2011

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 28/2011 of 1 April 2011 ⁽¹⁾.
- (2) Commission Decision 2010/468/EU of 27 August 2010 providing for the temporary marketing of varieties of *Avena strigosa* Schreb. not included in the common catalogue of varieties of agricultural plant species or in the national catalogues of varieties of the Member States ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Decision 2010/680/EU of 9 November 2010 releasing Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Spain, France, Cyprus, Latvia, Lithuania, Malta, the Netherlands, Poland, Slovenia, Slovakia, Finland, Sweden and the United Kingdom from the obligation to apply to certain species Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 1999/105/EC, 2002/54/EC, 2002/55/EC and 2002/57/EC on the marketing of fodder plant seed, cereal seed, material for the vegetative propagation of the vine, forest reproductive material, beet seed, vegetable seed and seed of oil and fibre plants respectively ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Decision 2011/43/EU of 21 January 2011 amending Decision 2010/468/EU providing for the temporary marketing of varieties of *Avena strigosa* Schreb. not included in the common catalogue of varieties of agricultural plant species or in the national catalogues of varieties of the Member States ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Decision 2010/680/EU repeals Commission Decisions 70/47/EEC ⁽⁵⁾, 73/188/EEC ⁽⁶⁾, 74/5/EEC ⁽⁷⁾, 74/358/EEC ⁽⁸⁾, 74/360/EEC ⁽⁹⁾, 74/361/EEC ⁽¹⁰⁾,

74/362/EEC ⁽¹¹⁾, 74/491/EEC ⁽¹²⁾, 74/532/EEC ⁽¹³⁾, 75/752/EEC ⁽¹⁴⁾, 79/355/EEC ⁽¹⁵⁾, 86/153/EEC ⁽¹⁶⁾, 89/101/EEC ⁽¹⁷⁾, 90/209/EEC ⁽¹⁸⁾, 2005/325/EC ⁽¹⁹⁾, 2005/886/EC ⁽²⁰⁾, 2008/462/EC ⁽²¹⁾, 2009/786/EC ⁽²²⁾, 2010/198/EU ⁽²³⁾ and 2010/377/EU ⁽²⁴⁾ which are incorporated into the Agreement and are therefore to be repealed under the Agreement.

(6) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

Part 2 of Chapter III of Annex I to the Agreement shall be amended as follows:

- (1) the following shall be inserted after point 55 (Commission Directive 2009/145/EC):

'56. **32010 D 0468:** Commission Decision 2010/468/EU of 27 August 2010 providing for the temporary marketing of varieties of *Avena strigosa* Schreb. not included in the common catalogue of varieties of agricultural plant species or in the national catalogues of varieties of the Member States (OJ L 226, 28.8.2010, p. 46), as amended by:

— **32011 D 0043:** Commission Decision 2011/43/EU of 21 January 2011 (OJ L 19, 22.1.2011, p. 19);

- (2) under the heading 'ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT' the text of points 1 (Commission Decision 70/47/EEC), 3 (Commission Decision 73/188/EEC), 4 (Commission Decision 74/5/EEC), 6 (Commission Decision 74/358/EEC), 7 (Commission Decision 74/360/EEC), 8 (Commission Decision 74/361/EEC), 9 (Commission Decision 74/362/EEC), 12 (Commission Decision 74/491/EEC), 14 (Commission Decision 74/532/EEC), 17 (Commission Decision 75/752/EEC), 40 (Commission Decision 79/355/EEC), 59 (Commission Decision 86/153/EEC), 64 (Commission Decision 89/101/EEC), 68 (Commission Decision 90/209/EEC), 75 (Commission Decision 2005/325/EC), 76

⁽¹⁾ OJ L 171, 30.6.2011, p. 27.

⁽²⁾ OJ L 226, 28.8.2010, p. 46.

⁽³⁾ OJ L 292, 10.11.2010, p. 57.

⁽⁴⁾ OJ L 19, 22.1.2011, p. 19.

⁽⁵⁾ OJ L 13, 19.1.1970, p. 26.

⁽⁶⁾ OJ L 194, 16.7.1973, p. 16.

⁽⁷⁾ OJ L 12, 15.1.1974, p. 13.

⁽⁸⁾ OJ L 196, 19.7.1974, p. 15.

⁽⁹⁾ OJ L 196, 19.7.1974, p. 18.

⁽¹⁰⁾ OJ L 196, 19.7.1974, p. 19.

⁽¹¹⁾ OJ L 196, 19.7.1974, p. 20.

⁽¹²⁾ OJ L 267, 3.10.1974, p. 18.

⁽¹³⁾ OJ L 299, 7.11.1974, p. 14.

⁽¹⁴⁾ OJ L 319, 10.12.1975, p. 12.

⁽¹⁵⁾ OJ L 84, 4.4.1979, p. 23.

⁽¹⁶⁾ OJ L 115, 3.5.1986, p. 26.

⁽¹⁷⁾ OJ L 38, 10.2.1989, p. 37.

⁽¹⁸⁾ OJ L 108, 28.4.1990, p. 104.

⁽¹⁹⁾ OJ L 109, 29.4.2005, p. 1.

⁽²⁰⁾ OJ L 326, 13.12.2005, p. 39.

⁽²¹⁾ OJ L 160, 19.6.2008, p. 33.

⁽²²⁾ OJ L 281, 28.10.2009, p. 5.

⁽²³⁾ OJ L 87, 7.4.2010, p. 34.

⁽²⁴⁾ OJ L 173, 8.7.2010, p. 73.

(Commission Decision 2005/886/EC), 78 (Commission Decision 2008/462/EC), 79 (Commission Decision 2009/786/EC), 80 (Commission Decision 2010/198/EU) and 81 (Commission Decision 2010/377/EU) shall be deleted;

(3) under the heading 'ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT' the following point shall be inserted after point 81 (Commission Decision 2010/377/EU):

'82. **32010 D 0680:** Commission Decision 2010/680/EU of 9 November 2010 releasing Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Spain, France, Cyprus, Latvia, Lithuania, Malta, the Netherlands, Poland, Slovenia, Slovakia, Finland, Sweden and the United Kingdom from the obligation to apply to certain species Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 1999/105/EC, 2002/54/EC, 2002/55/EC and 2002/57/EC on the marketing of fodder plant seed, cereal seed, material for the vegetative propagation of the vine, forest reproductive material, beet seed, vegetable seed and seed of oil and fibre plants respectively (OJ L 292, 10.11.2010, p. 57).'

Article 2

The texts of Decisions 2010/468/EU, 2010/680/EU and 2011/43/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 65/2011

of 1 July 2011

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 28/2011 of 1 April 2011 ⁽¹⁾.
- (2) Commission Decision 2010/667/EU of 4 November 2010 amending Decision 2007/66/EC on a temporary experiment with regard to increasing the maximum weight of a lot of certain fodder plant seeds under Council Directive 66/401/EEC ⁽²⁾ is to be incorporated into the Agreement.
- (3) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

The following shall be added in point 50 (Commission Decision 2007/66/EC) in Part 2 of Chapter III of Annex I to the Agreement:

‘, as amended by:

— **32010 D 0667**: Commission Decision 2010/667/EU of 4 November 2010 (OJ L 288, 5.11.2010, p. 23).’

Article 2

The text of Decision 2010/667/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 171, 30.6.2011, p. 27.

⁽²⁾ OJ L 288, 5.11.2010, p. 23.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 66/2011

of 1 July 2011

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 10/2011 of 1 April 2011 ⁽¹⁾.
- (2) Directive 2009/139/EC of the European Parliament and of the Council of 25 November 2009 on statutory markings for two- or three-wheel motor vehicles ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2009/139/EC repeals Council Directive 93/34/EEC ⁽³⁾ which is incorporated into the Agreement and which is therefore to be repealed from the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The text of point 45n (Council Directive 93/34/EEC) in Chapter I of Annex II shall be replaced by the following:

'**32009 L 0139**: Directive 2009/139/EC of the European Parliament and of the Council of 25 November 2009 on statutory markings for two- or three-wheel motor vehicles (OJ L 322, 9.12.2009, p. 3).'

Article 2

The text of Directive 2009/139/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 171, 30.6.2011, p. 7.

⁽²⁾ OJ L 322, 9.12.2009, p. 3.

⁽³⁾ OJ L 188, 29.7.1993, p. 38.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 67/2011

of 1 July 2011

amending Annex II (Technical regulations, standards, testing and certification) and Annex IV (Energy) 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 2/2011 of 11 February 2011 ⁽¹⁾.
- (2) Annex IV to the Agreement was amended by Decision of the EEA Joint Committee No 7/2011 of 1 April 2011 ⁽²⁾.
- (3) Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 347/2010 of 21 April 2010 amending Commission Regulation (EC) No 245/2009 as regards the ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Directive 2009/125/EC repeals Directive 2005/32/EC of the European Parliament and of the Council ⁽⁵⁾, which has been incorporated into the Agreement and which is therefore to be repealed under the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

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

- (1) the text of point 6 (Directive 2005/32/EC of the European Parliament and of the Council) shall be replaced by the following:

'**32009 L 0125:** Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).

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

The EFTA States shall participate fully in the work of the Committee established by Article 19, but shall not have the right to vote.;

- (2) the following indent shall be added in point 10 (Commission Regulation (EC) No 244/2009):

— **32010 R 0347:** Commission Regulation (EU) No 347/2010 of 21 April 2010 (OJ L 104, 24.4.2010, p. 20).;

Article 2

Annex IV to the Agreement shall be amended as follows:

- (1) the text of point 26 (Directive 2005/32/EC of the European Parliament and of the Council) shall be replaced by the following text:

'**32009 L 0125:** Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).

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

The EFTA States shall participate fully in the work of the Committee established by Article 19, but shall not have the right to vote.;

- (2) the following shall be added in point 34 (Commission Regulation (EC) No 245/2009):

‘, as amended by:

— **32010 R 0347:** Commission Regulation (EU) No 347/2010 of 21 April 2010 (OJ L 104, 24.4.2010, p. 20).;

Article 3

The texts of Regulation (EU) No 347/2010 and Directive 2009/125/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.

⁽¹⁾ OJ L 93, 7.4.2011, p. 31.

⁽²⁾ OJ L 171, 30.6.2011, p. 1.

⁽³⁾ OJ L 285, 31.10.2009, p. 10.

⁽⁴⁾ OJ L 104, 24.4.2010, p. 20.

⁽⁵⁾ OJ L 191, 22.7.2005, p. 29.

Article 4

This Decision shall enter into force on 2 July 2011, provided that all the notifications pursuant to Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 5

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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 68/2011

of 1 July 2011

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 50/2011 of 20 May 2011 ⁽¹⁾.
- (2) Commission Regulation (EU) No 1161/2010 of 9 December 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 1162/2010 of 9 December 2010 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health ⁽³⁾ is to be incorporated into the Agreement.
- (4) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

The following points shall be inserted after point 54zzzzt (Commission Regulation (EU) No 257/2010) in Chapter XII of Annex II to the Agreement:

'54zzzzu. **32010 R 1161:** Commission Regulation (EU) No 1161/2010 of 9 December 2010 refusing to authorise a health claim made on foods, other

than those referring to the reduction of disease risk and to children's development and health (OJ L 326, 10.12.2010, p. 59),

54zzzzv. **32010 R 1162:** Commission Regulation (EU) No 1162/2010 of 9 December 2010 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health (OJ L 326, 10.12.2010, p. 61).'

Article 2

The texts of Regulations (EU) No 1161/2010 and (EU) No 1162/2010 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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 196, 28.7.2011, p. 29.

⁽²⁾ OJ L 326, 10.12.2010, p. 59.

⁽³⁾ OJ L 326, 10.12.2010, p. 61.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 69/2011

of 1 July 2011

amending Annex I (Veterinary and phytosanitary matters) and 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 I to the Agreement was amended by Decision of the EEA Joint Committee No 9/2011 of 1 April 2011 ⁽¹⁾.
- (2) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 50/2011 of 20 May 2011 ⁽²⁾.
- (3) Commission Regulation (EU) No 115/2010 of 9 February 2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 893/2010 of 8 October 2010 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acequinocyl, bentazone, carbendazim, cyfluthrin, fenamidone, fenazaquin, flonicamid, flutriafol, imidacloprid, ioxynil, metconazole, prothioconazole, tebufenozide and thiophanate-methyl in or on certain products ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EU) No 957/2010 of 22 October 2010 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk and to children's development and health ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Regulation (EU) No 958/2010 of 22 October 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health ⁽⁶⁾ is to be incorporated into the Agreement.
- (7) Commission Decision 2009/980/EU of 17 December 2009 authorising a health claim on the effect of water-soluble tomato concentrate on platelet aggregation and

granting the protection of proprietary data under Regulation (EC) No 1924/2006 of the European Parliament and of the Council ⁽⁷⁾ is to be incorporated into the Agreement.

- (8) Commission Recommendation 2010/307/EU of 2 June 2010 on the monitoring of acrylamide levels in food ⁽⁸⁾ is to be incorporated into the Agreement.
- (9) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

The following indent shall be added in point 40 (Regulation (EC) No 396/2005 of the European Parliament and of the Council) of Chapter II of Annex I to the Agreement:

— **32010 R 0893:** Commission Regulation (EU) No 893/2010 of 8 October 2010 (OJ L 266, 9.10.2010, p. 10).¹

Article 2

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

- (1) the following indent shall be added in point 54zzy (Regulation (EC) No 396/2005 of the European Parliament and of the Council):

— **32010 R 0893:** Commission Regulation (EU) No 893/2010 of 8 October 2010 (OJ L 266, 9.10.2010, p. 10).²

- (2) the following points shall be inserted after point 54zzzzv (Commission Regulation (EU) No 1162/2010):

‘54zzzzw. **32009 D 0980:** Commission Decision 2009/980/EU of 17 December 2009 authorising a health claim on the effect of water-soluble tomato concentrate on platelet aggregation and granting the protection of proprietary data under Regulation (EC) No 1924/2006 of the European Parliament and of the Council (OJ L 336, 18.12.2009, p. 55),

54zzzzx. **32010 R 0115:** Commission Regulation (EU) No 115/2010 of 9 February 2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters (OJ L 37, 10.2.2010, p. 13),

⁽¹⁾ OJ L 171, 30.6.2011, p. 5.

⁽²⁾ OJ L 196, 28.7.2011, p. 29.

⁽³⁾ OJ L 37, 10.2.2010, p. 13.

⁽⁴⁾ OJ L 266, 9.10.2010, p. 10.

⁽⁵⁾ OJ L 279, 23.10.2010, p. 13.

⁽⁶⁾ OJ L 279, 23.10.2010, p. 18.

⁽⁷⁾ OJ L 336, 18.12.2009, p. 55.

⁽⁸⁾ OJ L 137, 3.6.2010, p. 4.

54zzzzzy. **32010 R 0957**: Commission Regulation (EU) No 957/2010 of 22 October 2010 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk and to children's development and health (OJ L 279, 23.10.2010, p. 13),

54zzzzzz. **32010 R 0958**: Commission Regulation (EU) No 958/2010 of 22 October 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health (OJ L 279, 23.10.2010, p. 18).;

(3) under the heading 'ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE' the following point shall be inserted after point 65 (Commission Recommendation 2008/103/EC):

'66. **32010 H 0307**: Commission Recommendation 2010/307/EU of 2 June 2010 on the monitoring of acrylamide levels in food (OJ L 137, 3.6.2010, p. 4).'

Article 3

The texts of Regulations (EU) No 115/2010, (EU) No 893/2010, (EU) No 957/2010 and (EU) No 958/2010, Decision 2009/980/EU and Recommendation 2010/307/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 4

This Decision shall enter into force on 2 July 2011, provided that all the notifications pursuant to Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 5

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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 70/2011

of 1 July 2011

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 50/2011 of 20 May 2011 ⁽¹⁾.
- (2) Commission Regulation (EU) No 1266/2010 of 22 December 2010 amending Directive 2007/68/EC as regards labelling requirements for wines ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Directive 2011/8/EU of 28 January 2011 amending Directive 2002/72/EC as regards the restriction of use of Bisphenol A in plastic infant feeding bottles ⁽³⁾ is to be incorporated into the Agreement.
- (4) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

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

- (1) the following indent shall be added in the sixth indent (Commission Directive 2007/68/EC) in point 18 (Directive 2000/13/EC of the European Parliament and of the Council):

‘— **32010 R 1266**: Commission Regulation (EU) No 1266/2010 of 22 December 2010 (OJ L 347, 31.12.2010, p. 27).’;

- (2) the following indent shall be added in point 54zzb (Commission Directive 2002/72/EC):

‘— **32011 L 0008**: Commission Directive 2011/8/EU of 28 January 2011 (OJ L 26, 29.1.2011, p. 11).’.

Article 2

The texts of Regulation (EU) No 1266/2010 and Directive 2011/8/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

⁽¹⁾ OJ L 196, 28.7.2011, p. 29.

⁽²⁾ OJ L 347, 31.12.2010, p. 27.

⁽³⁾ OJ L 26, 29.1.2011, p. 11.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 71/2011

of 1 July 2011

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 25/2010 of 12 March 2010 ⁽¹⁾.
- (2) Commission Decision 2010/453/EU of 3 August 2010 establishing guidelines concerning the conditions of inspections and control measures, and on the training and qualification of officials, in the field of human tissues and cells provided for in Directive 2004/23/EC of the European Parliament and of the Council ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 17 (Commission Communication on parallel imports of proprietary medicinal products for which marketing authorisation have already been granted) under the heading 'ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE' of Chapter XIII of Annex II to the Agreement:

- '18. **32010 D 0453**: Commission Decision 2010/453/EU of 3 August 2010 establishing guidelines concerning the conditions of inspections and control measures, and on the training and qualification of officials, in the field of human tissues and cells provided for in Directive 2004/23/EC of the European Parliament and of the Council (OJ L 213, 13.8.2010, p. 48).'

Article 2

The text of Decision 2010/453/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

⁽¹⁾ OJ L 143, 10.6.2010, p. 18.

⁽²⁾ OJ L 213, 13.8.2010, p. 48.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 72/2011

of 1 July 2011

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 25/2010 of 12 March 2010 ⁽¹⁾.
- (2) Commission Regulation (EC) No 249/2009 of 23 March 2009 amending Council Regulation (EC) No 297/95 as regards the adjustment of the fees of the European Medicines Agency to the inflation rate ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2009/35/EC of the European Parliament and of the Council of 23 April 2009 on the colouring matters which may be added to medicinal products ⁽³⁾ is to be incorporated into the Agreement.
- (4) Directive 2009/53/EC of the European Parliament and of the Council of 18 June 2009 amending Directive 2001/82/EC and Directive 2001/83/EC, as regards variations to the terms of marketing authorisations for medicinal products ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Directive 2009/120/EC of 14 September 2009 amending Directive 2001/83/EC of the European Parliament and of the Council on the Community code relating to medicinal products for human use as regards advanced therapy medicinal products ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Directive 2009/35/EC repeals Council Directive 78/25/EEC ⁽⁶⁾ which is incorporated in the Agreement and is therefore to be repealed under the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

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

⁽¹⁾ OJ L 143, 10.6.2010, p. 18.

⁽²⁾ OJ L 79, 25.3.2009, p. 34.

⁽³⁾ OJ L 109, 30.4.2009, p. 10.

⁽⁴⁾ OJ L 168, 30.6.2009, p. 33.

⁽⁵⁾ OJ L 242, 15.9.2009, p. 3.

⁽⁶⁾ OJ L 11, 14.1.1978, p. 18.

- (1) the text of point 4 (Council Directive 78/25/EEC) shall be replaced by the following:

'32009 L 0035: Directive 2009/35/EC of the European Parliament and of the Council of 23 April 2009 on the colouring matters which may be added to medicinal products (OJ L 109, 30.4.2009, p. 10).';

- (2) the following indent shall be added in point 15h (Council Regulation (EC) No 297/95):

'— 32009 R 0249: Commission Regulation (EC) No 249/2009 of 23 March 2009 (OJ L 79, 25.3.2009, p. 34).';

- (3) the following indent shall be added in point 15p (Directive 2001/82/EC of the European Parliament and of the Council):

'— 32009 L 0053: Directive 2009/53/EC of the European Parliament and of the Council of 18 June 2009 (OJ L 168, 30.6.2009, p. 33).';

- (4) the following indents shall be added in point 15q (Directive 2001/83/EC of the European Parliament and of the Council):

'— 32009 L 0053: Directive 2009/53/EC of the European Parliament and of the Council of 18 June 2009 (OJ L 168, 30.6.2009, p. 33),

— 32009 L 0120: Commission Directive 2009/120/EC of 14 September 2009 (OJ L 242, 15.9.2009, p. 3).';

Article 2

The texts of Regulation (EC) No 249/2009 and Directives 2009/35/EC, 2009/53/EC and 2009/120/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 2 July 2011, provided that all the notifications pursuant to Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

(*) 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

DECISION OF THE EEA JOINT COMMITTEE

No 73/2011

of 1 July 2011

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 33/2011 of 1 April 2011 ⁽¹⁾.
- (2) Commission Directive 2010/74/EU of 9 November 2010 amending Directive 98/8/EC of the European Parliament and of the Council to extend the inclusion in Annex I thereto of the active substance carbon dioxide to product type 18 ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Decision 2010/571/EU of 24 September 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers ⁽³⁾, as corrected by OJ L 254, 29.9.2010, p. 48, is to be incorporated into the Agreement.
- (4) Commission Decision 2010/675/EU of 8 November 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 ⁽⁴⁾ is to be incorporated into the Agreement.

HAS ADOPTED THIS DECISION:

Article 1

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

- (1) the following indent shall be added in point 12n (Directive 98/8/EC of the European Parliament and of the Council):
 '— **32010 L 0074**: Commission Directive 2010/74/EU of 9 November 2010 (OJ L 292, 10.11.2010, p. 36).';

- (2) the following indent shall be added in point 12q (Directive 2002/95/EC of the European Parliament and of the Council):

— **32010 D 0571**: Commission Decision 2010/571/EU of 24 September 2010 (OJ L 251, 25.9.2010, p. 28), as corrected by OJ L 254, 29.9.2010, p. 48.;

- (3) the following point shall be inserted after point 12zx (Commission Decision 2010/226/EU):

'12zy. **32010 D 0675**: Commission Decision 2010/675/EU of 8 November 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 291, 9.11.2010, p. 47).'

Article 2

The texts of Directive 2010/74/EU, and Decisions 2010/571/EU, as corrected by OJ L 254, 29.9.2010, p. 48, and 2010/675/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 171, 30.6.2011, p. 33.

⁽²⁾ OJ L 292, 10.11.2010, p. 36.

⁽³⁾ OJ L 251, 25.9.2010, p. 28.

⁽⁴⁾ OJ L 291, 9.11.2010, p. 47.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 74/2011

of 1 July 2011

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 33/2011 of 1 April 2011 ⁽¹⁾.
- (2) Commission Regulation (EC) No 552/2009 of 22 June 2009 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 276/2010 of 31 March 2010 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII (dichloromethane, lamp oils and grill lighter fluids and organostannic compounds) ⁽³⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following indents shall be added in point 12zc (Regulation (EC) No 1907/2006 of the European Parliament and of the Council) of Chapter XV of Annex II to the Agreement:

— **32009 R 0552**: Commission Regulation (EC) No 552/2009 of 22 June 2009 (OJ L 164, 26.6.2009, p. 7),

— **32010 R 0276**: Commission Regulation (EU) No 276/2010 of 31 March 2010 (OJ L 86, 1.4.2010, p. 7).'

Article 2

The texts of Regulations (EC) No 552/2009 and (EU) No 276/2010 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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

⁽¹⁾ OJ L 171, 30.6.2011, p. 33.

⁽²⁾ OJ L 164, 26.6.2009, p. 7.

⁽³⁾ OJ L 86, 1.4.2010, p. 7.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 75/2011

of 1 July 2011

amending Annex IV (Energy) and 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 IV to the Agreement was amended by Decision of the EEA Joint Committee No 7/2011 of 1 April 2011 ⁽¹⁾.
- (2) Annex XXI to the Agreement was amended by Decision of the EEA Joint Committee No 58/2011 of 20 May 2011 ⁽²⁾.
- (3) Commission Regulation (EU) No 844/2010 of 20 September 2010 amending Regulation (EC) No 1099/2008 of the European Parliament and of the Council on energy statistics, as regards the establishment of a set of annual nuclear statistics and the adaptation of the methodological references according to NACE Rev. 2 ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 849/2010 of 27 September 2010 amending Regulation (EC) No 2150/2002 of the European Parliament and of the Council on waste statistics ⁽⁴⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following shall be added in point 28 (Regulation (EC) No 1099/2008 of the European Parliament and of the Council) of Annex IV to the Agreement:

‘, as amended by:

- **32010 R 0844:** Commission Regulation (EU) No 844/2010 of 20 September 2010 (OJ L 258, 30.9.2010, p. 1).’.

Article 2

Annex XXI to the Agreement shall be amended as follows:

- (1) the following shall be added in point 26a (Regulation (EC) No 1099/2008 of the European Parliament and of the Council):

‘, as amended by:

- **32010 R 0844:** Commission Regulation (EU) No 844/2010 of 20 September 2010 (OJ L 258, 30.9.2010, p. 1).’;

- (2) the following indent shall be added in point 27 (Regulation (EC) No 2150/2002 of the European Parliament and of the Council):

- ‘— **32010 R 0849:** Commission Regulation (EU) No 849/2010 of 27 September 2010 (OJ L 253, 28.9.2010, p. 2).’.

Article 3

The texts of Regulations (EU) No 844/2010 and (EU) No 849/2010 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 4

This Decision shall enter into force on 2 July 2011, provided that all the notifications pursuant to Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 5

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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 171, 30.6.2011, p. 1.

⁽²⁾ OJ L 196, 28.7.2011, p. 41.

⁽³⁾ OJ L 258, 30.9.2010, p. 1.

⁽⁴⁾ OJ L 253, 28.9.2010, p. 2.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 76/2011

of 1 July 2011

amending Annex VI (Social security) and Protocol 37 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 Articles 98 and 101 thereof,

Whereas:

- (1) Annex VI to the Agreement was amended by Decision of the EEA Joint Committee No 82/2009 of 3 July 2009 ⁽¹⁾.
- (2) Protocol 37 to the Agreement was amended by Decision of the EEA Joint Committee No 92/2010 of 2 July 2010 ⁽²⁾.
- (3) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽³⁾, as corrected by OJ L 200, 7.6.2004, p. 1 and OJ L 204, 4.8.2007, p. 30, should be incorporated into the Agreement.
- (4) Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009 amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of its Annexes ⁽⁴⁾ should be incorporated into the Agreement.
- (5) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽⁵⁾ should be incorporated into the Agreement.
- (6) Decision No A1 of 12 June 2009 concerning the establishment of a dialogue and conciliation procedure concerning the validity of documents, the determination of the applicable legislation and the provision of benefits under Council Regulation (EC) No 883/2004 of the European Parliament and of the Council ⁽⁶⁾ should be incorporated into the Agreement.
- (7) Decision No A2 of 12 June 2009 concerning the interpretation of Article 12 of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the legislation applicable to posted workers and

self-employed workers temporarily working outside the competent State ⁽⁷⁾ should be incorporated into the Agreement.

- (8) Decision No E1 of 12 June 2009 concerning the practical arrangements for the transitional period for the data exchange via electronic means referred to in Article 4 of Regulation (EC) No 987/2009 of the European Parliament and of the Council ⁽⁸⁾ should be incorporated into the Agreement.
- (9) Decision No F1 of 12 June 2009 concerning the interpretation of Article 68 of Regulation (EC) No 883/2004 of the European Parliament and of the Council relating to priority rules in the event of overlapping of family benefits ⁽⁹⁾ should be incorporated into the Agreement.
- (10) Decision No H1 of 12 June 2009 concerning the framework for the transition from Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 to Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council and the application of Decisions and Recommendations of the Administrative Commission for the coordination of social security systems ⁽¹⁰⁾ should be incorporated into the Agreement.
- (11) Decision No H2 of 12 June 2009 concerning the methods of operation and the composition of the Technical Commission for data processing of the Administrative Commission for the coordination of social security systems ⁽¹¹⁾ should be incorporated into the Agreement.
- (12) Decision No P1 of 12 June 2009 on the interpretation of Articles 50(4), 58 and 87(5) of Regulation (EC) No 883/2004 of the European Parliament and of the Council for the award of invalidity, old-age and survivor's benefits ⁽¹²⁾ should be incorporated into the Agreement.
- (13) Decision No S1 of 12 June 2009 concerning the European Health Insurance Card ⁽¹³⁾ should be incorporated into the Agreement.
- (14) Decision No S2 of 12 June 2009 concerning the technical specifications of the European Health Insurance Card ⁽¹⁴⁾ should be incorporated into the Agreement.

⁽¹⁾ OJ L 277, 22.10.2009, p. 34.

⁽²⁾ OJ L 277, 21.10.2010, p. 46.

⁽³⁾ OJ L 166, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 284, 30.10.2009, p. 43.

⁽⁵⁾ OJ L 284, 30.10.2009, p. 1.

⁽⁶⁾ OJ C 106, 24.4.2010, p. 1.

⁽⁷⁾ OJ C 106, 24.4.2010, p. 5.

⁽⁸⁾ OJ C 106, 24.4.2010, p. 9.

⁽⁹⁾ OJ C 106, 24.4.2010, p. 11.

⁽¹⁰⁾ OJ C 106, 24.4.2010, p. 13.

⁽¹¹⁾ OJ C 106, 24.4.2010, p. 17.

⁽¹²⁾ OJ C 106, 24.4.2010, p. 21.

⁽¹³⁾ OJ C 106, 24.4.2010, p. 23.

⁽¹⁴⁾ OJ C 106, 24.4.2010, p. 26.

- (15) Decision No S3 of 12 June 2009 defining the benefits covered by Articles 19(1) and 27(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council and Article 25(A)(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council ⁽¹⁾ should be incorporated into the Agreement.
- (16) Decision No U1 of 12 June 2009 concerning Article 54(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council relating to increases in unemployment benefit for dependent members of the family ⁽²⁾ should be incorporated into the Agreement.
- (17) Decision No U2 of 12 June 2009 concerning the scope of Article 65(2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the right to unemployment benefits of wholly unemployed persons other than frontier workers who were resident in the territory of a Member State other than the competent Member State during their last period of employment or self-employment ⁽³⁾ should be incorporated into the Agreement.
- (18) Decision No U3 of 12 June 2009 concerning the scope of the concept of 'partial unemployment' applicable to the unemployed persons referred to in Article 65(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council ⁽⁴⁾ should be incorporated into the Agreement.
- (19) Recommendation No P1 of 12 June 2009 concerning the Gottardo judgment, according to which the advantages enjoyed by a State's own nationals under a bilateral convention on social security with a non-member country must also be granted to workers who are nationals of other Member States ⁽⁵⁾ should be incorporated into the Agreement.
- (20) Recommendation No U1 of 12 June 2009 concerning the legislation applicable to unemployed persons engaging in part-time professional or trade activity in a Member State other than the State of residence ⁽⁶⁾ should be incorporated into the Agreement.
- (21) Recommendation No U2 of 12 June 2009 concerning the application of Article 64(1)(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council to unemployed persons accompanying their spouses or partners pursuing a professional or trade activity in a Member State other than the competent State ⁽⁷⁾ should be incorporated into the Agreement.
- (22) For the Agreement to function well, Protocol 37 thereto should be amended to include the Administrative Commission for the coordination of social security systems set up by Regulation (EC) No 883/2004 and Annex VI should be amended in order to specify the procedures for association with that Commission and the bodies attached to it.
- (23) Regulation (EC) No 883/2004 repeals Council Regulation (EEC) No 1408/71 ⁽⁸⁾, which is incorporated into the Agreement and which should consequently be repealed under the Agreement.
- (24) Regulation (EC) No 987/2009 repeals, with effect from 1 May 2010, Council Regulation (EEC) No 574/72 ⁽⁹⁾, which is incorporated into the Agreement and which should consequently be repealed under the Agreement.
- (25) All acts under the headings 'Acts of which the Contracting Parties shall take due account' and 'Acts of which the Contracting Parties shall take note' are obsolete and should consequently be repealed under the Agreement,
- HAS ADOPTED THIS DECISION:
- Article 1*
- Annex VI to the Agreement shall be amended as specified in the Annex to this Decision.
- Article 2*
- The text of point 5 (Administrative Commission on Social Security for Migrant Workers) of Protocol 37 (containing the list provided for in Article 101) to the Agreement shall be replaced by the following:
- 'Administrative Commission for the coordination of social security systems (Regulation (EC) No 883/2004 of the European Parliament and of the Council).'
- Article 3*
- The texts of Regulations (EC) No 883/2004, as corrected by OJ L 200, 7.6.2004, p. 1 and OJ L 204, 4.8.2007, p. 30, (EC) No 987/2009 and (EC) No 988/2009, of Decisions Nos A1, A2, E1, F1, H1, H2, P1, S1, S2, S3, U1, U2 and U3, and of Recommendations No P1, U1 and U2 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 4*
- This Decision shall enter into force on the day following the last notification to the EEA Joint Committee pursuant to Article 103(1) of the Agreement ^(*).

⁽¹⁾ OJ C 106, 24.4.2010, p. 40.

⁽²⁾ OJ C 106, 24.4.2010, p. 42.

⁽³⁾ OJ C 106, 24.4.2010, p. 43.

⁽⁴⁾ OJ C 106, 24.4.2010, p. 45.

⁽⁵⁾ OJ C 106, 24.4.2010, p. 47.

⁽⁶⁾ OJ C 106, 24.4.2010, p. 49.

⁽⁷⁾ OJ C 106, 24.4.2010, p. 51.

⁽⁸⁾ OJ L 149, 5.7.1971, p. 2.

⁽⁹⁾ OJ L 74, 27.3.1972, p. 1.

^(*) Constitutional requirements indicated.

Article 5

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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

ANNEX

The text of Annex VI to the Agreement shall be replaced by the following:

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.

SECTORAL ADAPTATIONS

- I. For the purposes of this Annex and notwithstanding the provisions of Protocol 1, the term “Member State(s)” contained in the acts referred to shall be understood to include, in addition to its meaning in the relevant EC acts, Iceland, Liechtenstein and Norway.
- II. In applying the provisions of the acts referred to in this Annex for the purposes of the present Agreement, the rights and duties conferred upon the Administrative Commission for the coordination of social security systems attached to the EC Commission and the rights and duties conferred upon the Audit Board and upon the Technical Commission for data processing, both attached to the said Administrative Commission, shall be assumed, according to the provisions of Part VII of the Agreement, by the EEA Joint Committee.

I. GENERAL SOCIAL SECURITY COORDINATION

ACTS REFERRED TO

1. **32004 R 0883**: Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1), as corrected by OJ L 200, 7.6.2004, p. 1 and OJ L 204, 4.8.2007, p. 30, as amended by:
 - **32009 R 0988**: Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009 (OJ L 284, 30.10.2009, p. 43).

The provisions of Regulation (EC) No 883/2004 shall, for the purposes of this Agreement, be adapted as follows:

- (a) the following subparagraph shall be added to Article 87(10):

“With regard to Liechtenstein, the provisions of the second sentences of Article 65(2) and (3) shall be applicable at the latest as from 1 May 2012.”;

- (b) the following shall be added to Annex I(I):

“ICELAND

Advances of maintenance payments under the Act on Social Security No 100/2007.

LIECHTENSTEIN

Advances of maintenance payments under the Law on the grant of advances of maintenance payments of 21 June 1989 as amended.

NORWAY

Advance payment of child maintenance under the Advance payment of child maintenance Act of 17 February 1989 No 2.”;

- (c) the following shall be added to Annex I(II):

“ICELAND

Lump sum grants intended to offset the cost of international adoption pursuant to the Act on Adoption Grants No 152/2006.

NORWAY

Lump sum grants payable at childbirth pursuant to the National Insurance Act.

Lump sum grants payable at adoption pursuant to the National Insurance Act.”;

- (d) the following shall be added to Annex II:

“ICELAND — DENMARK

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

ICELAND — FINLAND

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

ICELAND — SWEDEN

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

ICELAND — NORWAY

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

NORWAY — DENMARK

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

NORWAY — FINLAND

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

NORWAY — SWEDEN

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).”;

- (e) the following shall be added to Annex III:

“ICELAND

NORWAY”;

- (f) the following shall be added to Annex IV:

“ICELAND

LIECHTENSTEIN”;

- (g) The following shall be added to Annex VIII, Part 1

“ICELAND

All applications from the old-age basic scheme and the defined benefit State employee scheme.

LIECHTENSTEIN

All applications for pensions of the old-age, survivors' and invalidity insurances from the statutory pension scheme as well as for old-age, survivors' and invalidity pensions from the occupational scheme as far as the regulations of the respective pension fund do not contain provisions concerning reduction.

NORWAY

All applications for old-age pension, except pensions mentioned in Annex IX.”;

- (h) the following shall be added to Annex VIII, Part 2:

“ICELAND

Old-age employment pension scheme.

LIECHTENSTEIN

Old-age, survivors' and invalidity pensions from the occupational scheme.”;

- (i) the following shall be added to Annex IX(I):

“ICELAND

Child pension in accordance with the Act on Social Security No 100/2007 and child pension in accordance with the Act on Mandatory Pension Insurance and on the Activities of Pension Funds No 129/1997.”;

- (j) the following shall be added to Annex IX(II):

“ICELAND

Invalidity pension in the form of basic pension, pension supplement and age-related pension supplement according to the Act on Social Security No 100/2007.

Invalidity pension according to the Act on Mandatory Pension Insurance and on the Activities of Pension Funds No 129/1997.

NORWAY

Norwegian disability pension, also when converted into an old-age pension upon the reaching of the pensionable age, and all pensions (survivors' and old-age pensions) based on the deceased person's pension earnings.”;

- (k) the following shall be added to Annex X:

“LIECHTENSTEIN

(a) Allowances for blind persons (Law on the granting of allowances for blind persons of 17 December 1970 as amended).

(b) Maternity allowances (Law on the granting of maternity allowances of 25 November 1981 as amended).

(c) Supplementary benefits to the old age, survivors' and invalidity insurance (Law on supplementary benefits to the old age, survivors' and invalidity insurance of 10 December 1965 as amended).

NORWAY

(a) Guaranteed minimum supplementary pension to persons who are born disabled or become disabled at an early age under the National Insurance Act.

(b) Special benefits in accordance with the Act of 29 April 2005 No 21 on supplementary allowance to persons with short periods of residence in Norway.”;

(l) the following shall be added to Annex XI:

“ICELAND

1. (a) Notwithstanding the provisions of Article 6, persons who have not been gainfully employed in one or more EC Member States or EFTA States are entitled to an Icelandic social pension only if they have been, or have previously been, permanent residents of Iceland for at least 3 years, subject to the age limits prescribed by Icelandic legislation.
- (b) The above mentioned provisions do not apply to Icelandic social pension entitlement for the members of the family of persons who are or have been gainfully employed in Iceland, or for students or the members of their families.
2. Where employment or self-employment in Iceland has terminated and the contingency occurs during employment or self-employment in another State to which this Regulation applies and where the disability pension of both the social security and the supplementary pension schemes (pension funds) in Iceland no longer includes the period between the contingency and the pensionable age (future periods), periods of insurance under the legislation of another State to which this Regulation applies shall be taken into consideration for the requirement of the future periods as if they were periods of insurance in Iceland.

LIECHTENSTEIN

1. Compulsory insurance under Liechtenstein sickness insurance scheme for benefits in kind (Krankenpflegerversicherung) and possible exemptions:
 - (a) the Liechtenstein legal provisions governing compulsory sickness insurance for benefits in kind shall apply to the following persons not resident in Liechtenstein:
 - (i) persons subject to Liechtenstein legal provisions under Title II of the Regulation;
 - (ii) persons for whom Liechtenstein shall bear the costs of benefits according to Articles 24, 25 and 26 of the Regulation;
 - (iii) persons receiving Liechtenstein unemployment benefits;
 - (iv) family members of persons referred to in (i) and (iii) or of an employed or self-employed person resident in Liechtenstein who is insured under the Liechtenstein sickness insurance scheme;
 - (v) family members of persons referred to in (ii) or of a pensioner resident in Liechtenstein who is insured under the Liechtenstein sickness insurance scheme.

As family members are considered those persons who are defined as family members according to the legislation of the State of residence;

- (b) persons referred to in (a) may, on request, be exempted from compulsory insurance for benefits in kind if and as long as they are resident in Austria and can prove that they are eligible for cover in the event of sickness in a statutory or equivalent sickness insurance. The exemption cannot be revoked except in the case of a change of employer.

This request

- (i) must be submitted within 3 months of the date of which the obligation to take out insurance in Liechtenstein comes into effect; where, in justified cases, the request is submitted after this deadline, the exemption shall take effect as from the commencement of the insurance obligation. Persons being already insured in Austria at the time of the entry into force of the Regulation in the EEA are considered to be exempted from the Liechtenstein compulsory insurance for benefits in kind;
- (ii) shall apply to all family members residing in the same State.
2. Persons who are working, but not residing in Liechtenstein and who have statutory or equivalent insurance cover in their State of residence in accordance with point 1(b), as well as their family members, shall benefit from the provisions of Article 19 of the Regulation during their stay in Liechtenstein.

3. For the purposes of applying Articles 18, 19, 20 and 27 of the Regulation in Liechtenstein, the competent insurer shall bear all invoiced costs.
4. Where a person subject to Liechtenstein legal provisions under Title II of the Regulation is, in application of 1(b), subject for the purposes of sickness insurance to the legal provisions of another State covered by this Agreement, the costs of these benefits in kind for non-occupational accidents shall be shared equally between the Liechtenstein insurer against the occupational and non-occupational accidents and industrial diseases and the competent sickness insurance institution if an entitlement exists to benefits in kind from both bodies. The Liechtenstein insurer against occupational and non-occupational accidents and industrial diseases shall meet all costs in the event of occupational accidents, accidents on the way to work or industrial diseases, even where there is an entitlement to benefits from a sickness insurance body in the country of residence.

NORWAY

1. The transitional provisions of the Norwegian legislation entailing a reduction of the insurance period which is required for a full supplementary pension for persons born before 1937 shall be applicable to persons covered by the Regulation provided that they have been residents of Norway, or engaged in gainful occupation as employed or self-employed in Norway, for such a number of years as is required after their sixteenth birthday and before 1 January 1967. This requirement shall be 1 year for each year the person's year of birth falls before 1937.
2. A person insured under the National Insurance Act who provides care to insured care-needing old, disabled or sick persons shall, according to prescribed conditions, be credited pension points for such periods. Likewise, and without prejudice to Article 44 of Regulation (EC) No 987/2009, a person who takes care of small children shall be credited pension points when staying in another State to which this Regulation applies, provided that the person concerned is on parental leave under Norwegian labour law.
3. (a) Notwithstanding the provisions of Article 6, persons who have not been gainfully employed in one or more EC Member States or EFTA States are entitled to a Norwegian social pension only if they have been, or have previously been, permanent residents of Norway for at least 3 years, subject to the age limits prescribed by Norwegian legislation.
- (b) The above mentioned provisions do not apply to Norwegian social pension entitlement for the members of the family of persons who are or have been gainfully employed in Norway, or for students or the members of their families.”.

MODALITIES FOR THE PARTICIPATION OF EFTA STATES IN THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS AND IN THE TECHNICAL COMMISSION FOR DATA PROCESSING AND IN THE AUDIT BOARD, BOTH ATTACHED TO THE ADMINISTRATIVE COMMISSION, IN ACCORDANCE WITH ARTICLE 101 OF THE AGREEMENT:

Iceland, Liechtenstein and Norway may each send a representative, present in an advisory capacity (observer), to the meetings of the Administrative Commission for the coordination of social security systems, attached to the European Commission, and to the meetings of the Technical Commission for data processing and of the Audit Board, both attached to the Administrative Commission.

2. **32009 R 0987**: Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1).

The provisions of Regulation (EC) No 987/2009 shall, for the purposes of this Agreement, be adapted as follows:

- (a) the following shall be added to Annex 1:

“ICELAND — DENMARK

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

ICELAND — LUXEMBOURG

Arrangement of 30 November 2001 on the reimbursement of costs in the field of social security.

ICELAND — FINLAND

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

ICELAND — SWEDEN

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

ICELAND — NORWAY

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

NORWAY — DENMARK

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

NORWAY — LUXEMBOURG

Article 2 to 4 of the Arrangement of 19 March 1998 on reimbursement of costs in the field of social security.

NORWAY — NETHERLANDS

Agreement of 23 January 2007 on the reimbursement of costs for benefits in kind provided under Regulations (EEC) Nos 1408/71 and 574/72.

NORWAY — PORTUGAL

Arrangement of 24 November 2000 pursuant to Articles 36(3) and 63(3) of Regulation (EEC) No 1408/71 and Article 105(2) of Regulation (EEC) No 574/72 on the reciprocal waiving of the reimbursement of costs of benefits in kind for sickness, maternity, accidents at work and occupational diseases and the costs incurred for administrative checks and medical examinations provided under these Regulations.

NORWAY — FINLAND

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

NORWAY — SWEDEN

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

NORWAY — UNITED KINGDOM

The Exchange of Letters of 20 March 1997 and 3 April 1997 concerning Articles 36(3) and 63(3) of Regulation (EEC) No 1408/71 (reimbursement or waiving of reimbursement of the costs of benefits in kind), and Article 105 of Regulation (EEC) No 574/72 (waiving of the costs of administrative checks and medical examinations).";

(b) the following shall be added to Annex 3:

“NORWAY”;

(c) the following shall be added to Annex 5:

“LIECHTENSTEIN
NORWAY”.

ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE DUE ACCOUNT

- 3.1. **32010 D 0424(01)**: Decision No A1 of 12 June 2009 concerning the establishment of a dialogue and conciliation procedure concerning the validity of documents, the determination of the applicable legislation and the provision of benefits under Council Regulation (EC) No 883/2004 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 1).
- 3.2. **32010 D 0424(02)**: Decision No A2 of 12 June 2009 concerning the interpretation of Article 12 of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the legislation applicable to posted workers and self-employed workers temporarily working outside the competent State (OJ C 106, 24.4.2010, p. 5).
- 4.1. **32010 D 0424(03)**: Decision No E1 of 12 June 2009 concerning the practical arrangements for the transitional period for the data exchange via electronic means referred to in Article 4 of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 9).
- 5.1. **32010 D 0424(04)**: Decision No F1 of 12 June 2009 concerning the interpretation of Article 68 of Regulation (EC) No 883/2004 of the European Parliament and of the Council relating to priority rules in the event of overlapping of family benefits (OJ C 106, 24.4.2010, p. 11).
- 6.1. **32010 D 0424(05)**: Decision No H1 of 12 June 2009 concerning the framework for the transition from Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 to Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council and the application of Decisions and Recommendations of the Administrative Commission for the coordination of social security systems (OJ C 106, 24.4.2010, p. 13).
- 6.2. **32010 D 0424(06)**: Decision No H2 of 12 June 2009 concerning the methods of operation and the composition of the Technical Commission for data processing of the Administrative Commission for the coordination of social security systems (OJ C 106, 24.4.2010, p. 17).
- 7.1. **32010 D 0424(07)**: Decision No P1 of 12 June 2009 on the interpretation of Articles 50(4), 58 and 87(5) of Regulation (EC) No 883/2004 of the European Parliament and of the Council for the award of invalidity, old-age and survivor's benefits (OJ C 106, 24.4.2010, p. 21).
- 8.1. **32010 D 0424(08)**: Decision No S1 of 12 June 2009 concerning the European Health Insurance Card (OJ C 106, 24.4.2010, p. 23).
- 8.2. **32010 D 0424(09)**: Decision No S2 of 12 June 2009 concerning the technical specifications of the European Health Insurance Card (OJ C 106, 24.4.2010, p. 26).

The provisions of Decision No S2 shall, for the purposes of this Agreement, be read with the following adaptation:

Notwithstanding point 3.3.2 of the Annex to the Decision, the EFTA States shall nevertheless have the possibility to insert the European stars on the European Health Insurance Cards to be issued by them.

- 8.3. **32010 D 0424(10)**: Decision No S3 of 12 June 2009 defining the benefits covered by Articles 19(1) and 27(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council and Article 25(A)(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 40).
- 9.1. **32010 D 0424(11)**: Decision No U1 of 12 June 2009 concerning Article 54(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council relating to increases in unemployment benefit for dependent members of the family (OJ C 106, 24.4.2010, p. 42).

- 9.2. **32010 D 0424(12)**: Decision No U2 of 12 June 2009 concerning the scope of Article 65(2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the right to unemployment benefits of wholly unemployed persons other than frontier workers who were resident in the territory of a Member State other than the competent Member State during their last period of employment or self-employment (OJ C 106, 24.4.2010, p. 43).
- 9.3. **32010 D 0424(13)**: Decision No U3 of 12 June 2009 concerning the scope of the concept of “partial unemployment” applicable to the unemployed persons referred to in Article 65(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 45).

ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE

- 10.1. **32010 H 0424(01)**: Recommendation No P1 of 12 June 2009 concerning the Gottardo judgment, according to which the advantages enjoyed by a State's own nationals under a bilateral convention on social security with a non-member country must also be granted to workers who are nationals of other Member States (OJ C 106, 24.4.2010, p. 47).
- 11.1. **32010 H 0424(02)**: Recommendation No U1 of 12 June 2009 concerning the legislation applicable to unemployed persons engaging in part-time professional or trade activity in a Member State other than the State of residence (OJ C 106, 24.4.2010, p. 49).
- 11.2. **32010 H 0424(03)**: Recommendation No U2 of 12 June 2009 concerning the application of Article 64(1)(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council to unemployed persons accompanying their spouses or partners pursuing a professional or trade activity in a Member State other than the competent State (OJ C 106, 24.4.2010, p. 51).

II. SAFEGUARDING OF SUPPLEMENTARY PENSION RIGHTS

ACTS REFERRED TO

12. **398 L 0049**: Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).
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DECISION OF THE EEA JOINT COMMITTEE

No 77/2011

of 1 July 2011

amending Annex IX (Financial 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 IX to the Agreement was amended by Decision of the EEA Joint Committee No 120/2010 of 10 November 2010 ⁽¹⁾.
- (2) Commission Directive 2010/16/EU of 9 March 2010 amending Directive 2006/48/EC of the European Parliament and of the Council as regards the exclusion of a certain institution from the scope of application ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following indent shall be added in point 14 (Directive 2006/48/EC of the European Parliament and of the Council) of Annex IX to the Agreement:

— **32010 L 0016:** Commission Directive 2010/16/EU of 9 March 2010 (OJ L 60, 10.3.2010, p. 15):.

Article 2

The text of Directive 2010/16/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 58, 3.3.2011, p. 77.

⁽²⁾ OJ L 60, 10.3.2010, p. 15.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 78/2011

of 1 July 2011

amending Annex IX (Financial 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 IX to the Agreement was amended by Decision of the EEA Joint Committee No 120/2010 of 10 November 2010 ⁽¹⁾.
- (2) Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2009/138/EC repeals, with effect from 1 November 2012, Council Directives 64/225/EEC ⁽³⁾, 73/239/EEC ⁽⁴⁾, 73/240/EEC ⁽⁵⁾, 76/580/EEC ⁽⁶⁾, 78/473/EEC ⁽⁷⁾, 84/641/EEC ⁽⁸⁾, 87/344/EEC ⁽⁹⁾, 88/357/EEC ⁽¹⁰⁾ and 92/49/EEC ⁽¹¹⁾ and Directives 98/78/EC ⁽¹²⁾, 2001/17/EC ⁽¹³⁾, 2002/83/EC ⁽¹⁴⁾ and 2005/68/EC ⁽¹⁵⁾ of the European Parliament and of the Council, which are incorporated into the Agreement and which are consequently to be repealed under the Agreement with effect from 1 November 2012.
- (4) Directive 2009/138/EC recasts some of the repealed acts and therefore the current EEA adaptations to the latter are partly to be maintained,

HAS ADOPTED THIS DECISION:

Article 1

Annex IX to the Agreement shall be amended as follows:

- (1) the heading '(i) Non-life insurance' in Chapter I (Insurance) shall be renamed '(i) Non-life and life insurance';

- (2) point 1 (Council Directive 64/225/EEC) shall be renumbered as point 1a;

- (3) the following point shall be inserted before new point 1a (Council Directive 64/225/EEC):

'1. **32009 L 0138:** Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1).

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

- (a) the following shall be added in Article 8:

"(5) in Iceland, Viðlagatrygging Íslands.";

- (b) Articles 57 to 63 regarding the prudential assessment of a proposed acquirer shall not apply where the proposed acquirer, as defined in the Directive, is situated or regulated outside the territory of the Contracting Parties;

- (c) in Article 157(2), the words "and under Regulation (EC) No 593/2008" shall be deleted;

- (d) Article 171 shall not apply. The following provision shall be applicable:

Each Contracting Party may, by means of agreements concluded with one or more third countries, agree to the application of provisions different from those provided for in Articles 162 to 170 of the Directive on the condition that its policy holders and insured persons are given adequate and equivalent protection. The Contracting Parties shall inform and consult each other prior to concluding such agreements. The Contracting Parties shall not apply to branches of insurance undertakings having their head of office outside the territory of the Contracting Parties provisions which result in more favourable treatment than that accorded to branches of insurance undertakings having their head of office within the territory of the Contracting Parties;

⁽¹⁾ OJ L 58, 3.3.2011, p. 77.

⁽²⁾ OJ L 335, 17.12.2009, p. 1.

⁽³⁾ OJ 56, 4.4.1964, p. 878/64.

⁽⁴⁾ OJ L 228, 16.8.1973, p. 3.

⁽⁵⁾ OJ L 228, 16.8.1973, p. 20.

⁽⁶⁾ OJ L 189, 13.7.1976, p. 13.

⁽⁷⁾ OJ L 151, 7.6.1978, p. 25.

⁽⁸⁾ OJ L 339, 27.12.1984, p. 21.

⁽⁹⁾ OJ L 185, 4.7.1987, p. 77.

⁽¹⁰⁾ OJ L 172, 4.7.1988, p. 1.

⁽¹¹⁾ OJ L 228, 11.8.1992, p. 1.

⁽¹²⁾ OJ L 330, 5.12.1998, p. 1.

⁽¹³⁾ OJ L 110, 20.4.2001, p. 28.

⁽¹⁴⁾ OJ L 345, 19.12.2002, p. 1.

⁽¹⁵⁾ OJ L 323, 9.12.2005, p. 1.

- (e) whenever the European Union negotiates with one or more third countries on the basis of Article 175, it shall endeavour to obtain equal treatment for the insurance and reinsurance undertakings of the EFTA States;
- (f) as regards third-country treatment of insurance and reinsurance undertakings as described in Article 177, the following shall apply:

With a view to achieving a maximum degree of convergence in the application of a third-country regime for insurance and reinsurance undertakings, the Contracting Parties shall exchange information as described in Article 177(1) and consultations shall be held regarding matters referred to in Article 177(2) within the framework of the EEA Joint Committee and according to specific procedures to be agreed by the Contracting Parties;

- (g) the text of Article 178 shall be replaced by the following:

“1. This Article shall apply to contracts referred to in paragraph 2, whether or not the risk covered is situated in the territory of a Contracting Party, and to all other insurance contracts covering risks situated inside the territory of the Contracting Parties. It shall not apply to reinsurance contracts.

- 2. An insurance contract covering a large risk as defined in Article 13(27) shall be governed by the law chosen by the parties.

To the extent that the applicable law has not been chosen by the parties, the insurance contract shall be governed by the law of the country where the insurer has his habitual residence. Where it is clear from all the circumstances of the case that the contract is manifestly more closely connected with another country, the law of that other country shall apply.

- 3. The law governing a contract shall be chosen by the parties in accordance with the following provisions:

- (a) the choice shall be made expressly or clearly demonstrated by the terms of the contract or the circumstances of the case. By their choice the parties can select the law applicable to the whole or to part only of the contract;

- (b) the parties may at any time agree to subject the contract to a law other than that which previously governed it. Any change in the law to be applied that is made after the conclusion of the contract shall not prejudice its formal validity or adversely affect the rights of third parties;

- (c) where all other elements relevant to the situation at the time of the choice are located in a country other than the country whose law has been chosen, the choice of the parties shall not prejudice the application of provisions of the law of that other country which cannot be derogated from by agreement;

- (d) where all other elements relevant to the situation at the time of the choice are located in one or more Contracting Parties, the parties' choice of applicable law other than that of a Contracting Party shall not prejudice the application of provisions of EEA law, where appropriate as implemented in the Contracting Party of the forum, which cannot be derogated from by agreement.

- 4. The existence and validity of the consent of the parties as to the choice of the applicable law shall be determined in accordance with the following provisions:

- (a) the existence and validity of a contract, or of any term of a contract, shall be determined by the law which would govern it under this Article if the contract or term were valid.

Nevertheless, a party, in order to establish that he did not consent, may rely upon the law of the country in which he has his habitual residence if it appears from the circumstances that it would not be reasonable to determine the effect of his conduct in accordance with the law specified in subparagraph 1 of this letter;

- (b) a contract concluded between persons who, or whose agents, are in the same country at the time of its conclusion is formally valid if it satisfies the formal requirements of the law which governs it in substance under the law of this Article or of the law of the country where it is concluded.

A contract concluded between persons who, or whose agents, are in different countries at the time of its conclusion is formally valid if it satisfies the formal requirements of the law which governs it in substance under this Article, or of the law of either of the countries where either of the parties or their agent is present at the time of conclusion, or of the law of the country where either of the parties had his habitual residence at that time.

A unilateral act intended to have legal effect relating to an existing or contemplated contract is formally valid if it satisfies the formal requirements of the law which governs or would govern the contract in substance under this Article, or of the law of the country where the act was done, or of the law of the country where the person by whom it was done had his habitual residence at that time.

Notwithstanding subparagraphs 1 to 3 of this letter, a contract the subject matter of which is a right *in rem* in immovable property or a tenancy of immovable property shall be subject to the requirements of form of the law of the country where the property is situated if by that law:

(i) those requirements are imposed irrespective of the country where the contract is concluded and irrespective of the law governing the contract; and

(ii) those requirements cannot be derogated from by agreement.

(c) In a contract concluded between persons who are in the same country, a natural person who would have capacity under the law of that country may invoke his incapacity resulting from the law of another country, only if the other party to the contract was aware of that incapacity at the time of the conclusion of the contract or was not aware thereof as a result of negligence.

5. In the case of an insurance contract other than a contract falling within paragraph 2, only the following laws may be chosen by the parties in accordance with paragraph 3:

(a) the law of any Contracting Party where the risk is situated at the time of conclusion of the contract;

(b) the law of the country where the policy holder has his habitual residence;

(c) in the case of life assurance, the law of the Contracting Party of which the policy holder is a national;

(d) for insurance contracts covering risks limited to events occurring in one Contracting Party other than the Contracting Party where the risk is situated, the law of that Contracting Party;

(e) where the policy holder of a contract falling under this paragraph pursues a commercial or industrial activity or a liberal profession and the insurance contract covers two or more risks which relate to those activities and are situated in different Contracting Parties, the law of any of the Contracting Parties concerned or the law of the country of habitual residence of the policy holder.

Where, in the cases set out in points (a), (b) or (e) of this paragraph, the Contracting Party referred to grant greater freedom of choice of the law applicable to the insurance contract, the parties may take advantage of that freedom.

To the extent that the law applicable has not been chosen by the parties in accordance with this paragraph, such a contract shall be governed by the law of the Contracting Party in which the risk is situated at the time of conclusion of the contract.

6. The following additional rules shall apply to insurance contracts covering the risk for which a Contracting Party imposes an obligation to take out insurance:

(a) the insurance contract shall not satisfy the obligation to take out insurance unless it complies with the specific provisions relating to that insurance laid down by the Contracting Party that imposes the obligation. Where the law of the Contracting Party in which the risk is situated and the law of the Contracting Party imposing the obligation to take out insurance contradict each other, the latter shall prevail;

(b) by way of derogation from paragraphs 2 and 4, a Contracting Party may lay down that the insurance contract shall be governed by the law of the Contracting Party that imposes the obligation to take out insurance.

7. For the purposes of paragraph 4, third subparagraph, and paragraph 5, where the contract covers risks situated in more than one Contracting Party, the contract shall be considered as constituting several contracts each relating to only one Contracting Party.
8. For the purposes of this Article, the country in which the risk is situated shall be determined in accordance with Article 13(13) and, in the case of life insurance, the country in which the risk is situated shall be the country of the commitment within the meaning of Article 13(14).;
- (h) the following shall be added in Annex III(A):
- “(29) in the case of the Republic of Iceland: ‘Hlutafélag’;
- (30) in the case of the Principality of Liechtenstein: ‘Aktiengesellschaft’, ‘Europäische Gesellschaft (SE)’, ‘Genossenschaft’, ‘Europäische Genossenschaft (SCE)’;
- (31) in the case of the Kingdom of Norway: ‘Aksjeselskaper’, ‘Gjensidige selskaper’.”;
- (i) the following shall be added in Annex III(B):
- “(29) in the case of the Republic of Iceland: ‘Hlutafélag’;
- (30) in the case of the Principality of Liechtenstein: ‘Aktiengesellschaft’, ‘Europäische Gesellschaft (SE)’, ‘Genossenschaft’, ‘Europäische Genossenschaft (SCE)’;
- (31) in the case of the Kingdom of Norway: ‘Aksjeselskaper’, ‘Gjensidige selskaper’.”;
- (j) the following shall be added in Annex III(C):
- “(29) in the case of the Republic of Iceland: ‘Hlutafélag’;
- (30) in the case of the Principality of Liechtenstein: ‘Aktiengesellschaft’, ‘Europäische Gesellschaft (SE)’, ‘Genossenschaft’, ‘Europäische Genossenschaft (SCE)’;
- (31) in the case of the Kingdom of Norway: ‘Aksjeselskaper’, ‘Allmennaksjeselskaper’, ‘Gjensidige selskaper’.”;
- (4) the following shall be added in point 31d (Directive 2003/41/EC of the European Parliament and of the Council):
- ‘, as amended by:
- **32009 L 0138**: Directive 2009/138/EC of the European Parliament and of the Council (OJ L 335, 17.12.2009, p. 1).’;
- (5) the text of points 1a (Council Directive 64/225/EEC), 2 (First Council Directive 73/239/EEC), 3 (Council Directive 73/240/EEC), 4 (Council Directive 78/473/EEC), 5 (Council Directive 84/641/EEC), 6 (Council Directive 87/344/EEC), 7 (Second Council Directive 88/357/EEC), 7a (Council Directive 92/49/EEC), 7b (Directive 2005/68/EC of the European Parliament and of the Council), 12c (Directive 98/78/EC of the European Parliament and of the Council) and 13a (Directive 2001/17/EC of the European Parliament and of the Council) shall be deleted with effect from 1 November 2012;
- (6) the text of, and heading related to, point 11 (Directive 2002/83/EC of the European Parliament and of the Council) shall be deleted with effect from 1 November 2012;
- (7) the headings ‘(iv) *Supervision and accounts*’ and ‘(v) *Other issues*’ in Chapter I (Insurance) shall be renumbered as headings ‘(iii) *Supervision and accounts*’ and ‘(iv) *Other issues*’ with effect from 1 November 2012.

Article 2

The text of Directive 2009/138/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

(*) Constitutional requirements indicated.

Unilateral Declaration by Liechtenstein to Decision No 78/2011 incorporating Directive 2009/138/EC into the Agreement

'The Principality of Liechtenstein has concluded a bilateral agreement with Switzerland in 1996 concerning direct insurance. On the basis of reciprocity, the Agreement aims at governing the conditions that are necessary and sufficient to enable insurance undertakings whose head office is in the territory of a Contracting Party to benefit from the freedom of establishment and services with respect to direct insurance in the territory of the other Contracting Party.'

DECISION OF THE EEA JOINT COMMITTEE

No 79/2011

of 1 July 2011

amending Annex XI (Electronic communication, audiovisual services and information society) 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 107/2009 of 22 October 2009 ⁽¹⁾.
- (2) Commission Decision 2010/87/EU of 5 February 2010 on standard contractual clauses for the transfer of personal data to processors established in third countries under Directive 95/46/EC of the European Parliament and of the Council ⁽²⁾ is to be incorporated into the Agreement.
- (3) Decision 2010/87/EU repeals Commission Decision 2002/16/EC ⁽³⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The text of point 5ef (Commission Decision 2002/16/EC) of Annex XI to the Agreement shall be replaced by the following:

'32010 D 0087: Commission Decision 2010/87/EU of 5 February 2010 on standard contractual clauses for the

transfer of personal data to processors established in third countries under Directive 95/46/EC of the European Parliament and of the Council (OJ L 39, 12.2.2010, p. 5).'

Article 2

The text of Decision 2010/87/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 334, 17.12.2009, p. 4.

⁽²⁾ OJ L 39, 12.2.2010, p. 5.

⁽³⁾ OJ L 6, 10.1.2002, p. 52.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 80/2011

of 1 July 2011

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 56/2011 of 20 May 2011 ⁽¹⁾.
- (2) Commission Decision 2010/640/EU of 21 October 2010 amending Decisions 2006/920/EC and 2008/231/EC concerning the technical specifications of interoperability relating to the subsystem 'Traffic Operation and Management' of the trans-European conventional and high-speed rail systems ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Annex XIII to the Agreement shall be amended as follows:

- (1) the following shall be added in point 37k (Commission Decision 2006/920/EC):

— **32010 D 0640**: Commission Decision 2010/640/EU of 21 October 2010 (OJ L 280, 26.10.2010, p. 29).;

- (2) the following shall be added in point 37ae (Commission Decision 2008/231/EC):

‘, as amended by:

— **32010 D 0640**: Commission Decision 2010/640/EU of 21 October 2010 (OJ L 280, 26.10.2010, p. 29).’.

Article 2

The text of Decision 2010/640/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

*For the EEA Joint Committee**The President*

Kurt JÄGER

⁽¹⁾ OJ L 196, 28.7.2011, p. 38.

⁽²⁾ OJ L 280, 26.10.2010, p. 29.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 81/2011
of 1 July 2011
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 56/2011 of 20 May 2011 ⁽¹⁾.
- (2) Commission Regulation (EU) No 1191/2010 of 16 December 2010 amending Regulation (EC) No 1794/2006 laying down a common charging scheme for air navigation services ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following shall be added in point 66wd (Commission Regulation (EC) No 1794/2006) of Annex XIII to the Agreement:

‘, as amended by:

- **32010 R 1191**: Commission Regulation (EU) No 1191/2010 of 16 December 2010 (OJ L 333, 17.12.2010, p. 6).’

Article 2

The text of Regulation (EU) No 1191/2010 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 2 July 2011, provided that all the notifications pursuant to 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 incorporating Regulation (EC) No 1070/2009 of the European Parliament and of the Council ⁽³⁾ into the Agreement, 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, 1 July 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

⁽¹⁾ OJ L 196, 28.7.2011, p. 38.

⁽²⁾ OJ L 333, 17.12.2010, p. 6.

(*) No constitutional requirements indicated.

⁽³⁾ OJ L 300, 14.11.2009, p. 34.

DECISION OF THE EEA JOINT COMMITTEE

No 82/2011

of 1 July 2011

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 56/2011 of 20 May 2011 ⁽¹⁾.
- (2) Commission Regulation (EU) No 590/2010 of 5 July 2010 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following indent shall be added in point 66zab (Commission Regulation (EC) No 474/2006) of Annex XIII to the Agreement:

‘— **32010 R 0590:** Commission Regulation (EU) No 590/2010 of 5 July 2010 (OJ L 170, 6.7.2010, p. 9).’

Article 2

The text of Regulation (EU) No 590/2010 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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 196, 28.7.2011, p. 38.

⁽²⁾ OJ L 170, 6.7.2010, p. 9.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 83/2011

of 1 July 2011

amending Annex XVI (Procurement) 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 XVI to the Agreement was amended by Decision of the EEA Joint Committee No 14/2010 of 29 January 2010 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1150/2009 of 10 November 2009 amending Regulation (EC) No 1564/2005 as regards the standard forms for the publication of notices in the framework of public procurement in accordance with Council Directives 89/665/EEC and 92/13/EEC ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 1177/2009 of 30 November 2009 amending Directives 2004/17/EC, 2004/18/EC and 2009/81/EC of the European Parliament and of the Council in respect of their application thresholds for the procedures for the award of contracts ⁽³⁾ is to be incorporated into the Agreement.
- (4) Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts ⁽⁴⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Annex XVI to the Agreement shall be amended as follows:

- (1) the following indent shall be added in point 2 (Directive 2004/18/EC of the European Parliament and of the Council) and point 4 (Directive 2004/17/EC of the European Parliament and of the Council):

— **32009 R 1177:** Commission Regulation (EC) No 1177/2009 of 30 November 2009 (OJ L 314, 1.12.2009, p. 64).;

- (2) the following shall be added in point 5 (Council Directive 89/665/EEC):

‘, as amended by:

— **32007 L 0066:** Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 (OJ L 335, 20.12.2007, p. 31).;

- (3) the text in adaptation (b) in point 5 (Council Directive 89/665/EEC) shall be replaced with the following text:

‘The reference to “Article 234 of the Treaty” in Article 2(9) shall, for the EFTA States, be replaced with “Article 34 of the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice”.’;

- (4) the following indent shall be added in point 5a (Council Directive 92/13/EEC):

‘— **32007 L 0066:** Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 (OJ L 335, 20.12.2007, p. 31).’;

- (5) the text in adaptation (b) in point 5a (Council Directive 92/13/EEC) shall be replaced with the following text:

‘The reference to “Article 234 of the Treaty” in Article 2(9) shall, for the EFTA States, be replaced with “Article 34 of the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice”.’;

- (6) the text in adaptation (c) and (d) in point 5a (Council Directive 92/13/EEC) and Appendix 14 (NATIONAL AUTHORITIES TO WHICH REQUESTS FOR APPLICATION OF THE CONCILIATION PROCEDURE REFERRED TO IN ARTICLE 9 OF COUNCIL DIRECTIVE 92/13/EEC MAY BE ADDRESSED) shall be deleted;

- (7) the following indent shall be added in point 6c (Commission Regulation (EC) No 1564/2005):

‘— **32009 R 1150:** Commission Regulation (EC) No 1150/2009 of 10 November 2009 (OJ L 313, 28.11.2009, p. 3).’.

⁽¹⁾ OJ L 101, 22.4.2010, p. 24.

⁽²⁾ OJ L 313, 28.11.2009, p. 3.

⁽³⁾ OJ L 314, 1.12.2009, p. 64.

⁽⁴⁾ OJ L 335, 20.12.2007, p. 31.

Article 2

The texts of Regulations (EC) No 1150/2009 and (EC) No 1177/2009, and Directive 2007/66/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 84/2011

of 1 July 2011

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 41/2011 of 1 April 2011 ⁽¹⁾.
- (2) Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2010/41/EU repeals Council Directive 86/613/EEC ⁽³⁾, which is incorporated into the Agreement, and which is therefore to be repealed with effect from 5 August 2012,

HAS ADOPTED THIS DECISION:

Article 1

The text of point 21 (Council Directive 86/613/EEC) of Annex XVIII to the Agreement shall be replaced with effect from 5 August 2012 by the following:

'32010 L 0041: Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the

application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L 180, 15.7.2010, p. 1).'

Article 2

The text of Directive 2010/41/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 171, 30.6.2011, p. 42.

⁽²⁾ OJ L 180, 15.7.2010, p. 1.

⁽³⁾ OJ L 359, 19.12.1986, p. 56.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 85/2011

of 1 July 2011

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 57/2011 of 20 May 2011 ⁽¹⁾.
- (2) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Annex XX to the Agreement shall be amended as follows:

- (1) the text of points 26 (Council Directive 75/439/EEC), 27 (Directive 2006/12/EC of the European Parliament and of the Council) and 32a (Council Directive 91/689/EEC) shall be deleted;
- (2) the following point shall be inserted after point 32fe (Directive 2006/21/EC of the European Parliament and of the Council):

'32ff. **32008 L 0098**: Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).'

Article 2

The text of Directive 2008/98/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 196, 28.7.2011, p. 39.

⁽²⁾ OJ L 312, 22.11.2008, p. 3.

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 86/2011

of 1 July 2011

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 57/2011 of 20 May 2011 ⁽¹⁾.
- (2) Commission Regulation (EC) No 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 394/2011 of 20 April 2011 amending Regulation (EC) No 748/2009 on the list of aircraft operators that performed an aviation activity listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council on or after 1 January 2006 specifying the administering Member State for each aircraft operator as regards the expansion of the Union emission trading scheme to EEA-EFTA countries ⁽³⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 21ar (Directive 2001/81/EC of the European Parliament and of the Council) of Annex XX to the Agreement:

‘21as. **32009 R 0748:** Commission Regulation (EC) No 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator (OJ L 219, 22.8.2009, p. 1), as amended by:

— **32011 R 0394:** Commission Regulation (EU) No 394/2011 of 20 April 2011 (OJ L 107, 27.4.2011, p. 1).’

Article 2

The texts of Regulations (EC) No 748/2009 and (EU) No 394/2011 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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 196, 28.7.2011, p. 39.

⁽²⁾ OJ L 219, 22.8.2009, p. 1.

⁽³⁾ OJ L 107, 27.4.2011, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 87/2011

of 1 July 2011

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 57/2011 of 20 May 2011 ⁽¹⁾.
- (2) Commission Decision 2011/149/EU of 7 March 2011 on historical aviation emissions pursuant to Article 3c(4) of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community ⁽²⁾ is to be incorporated into the Agreement,
- (3) In accordance with Annex XX to the Agreement, under point 21a (Directive 2003/87/EC of the European Parliament and of the Council), adaptation bb, the EFTA Surveillance Authority has provided the historical aviation emissions figures corresponding to flights within and between the territories of the EFTA States and flights between the EFTA States and third countries. These figures have been determined in cooperation with Euro-control by applying the same methodology that was used to calculate the EU-wide historical aviation emissions.
- (4) According to the same adaptation text, the EEA Joint Committee shall decide on the EEA-wide historical aviation emissions by adding the historical aviation emissions from flights within and between the territories of the EFTA States and flights between the EFTA States and third countries to the EU-wide historical aviation emissions set out in Article 1 of Commission Decision 2011/149/EU,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 21apa (Commission Decision 2009/450/EC) of Annex XX to the Agreement:

'21apb. **32011 D 0149**: Commission Decision 2011/149/EU of 7 March 2011 on historical aviation emissions pursuant to Article 3c(4) of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community (OJ L 61, 8.3.2011, p. 42).

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

The following paragraphs shall be added in Article 1:

"The historical aviation emissions corresponding to the flights within and between the territories of the EFTA States and the flights between the EFTA States and third countries are set at 1 943 935 tonnes of CO₂.

The EEA-wide historical aviation emissions are set at 221 420 279 tonnes of CO₂."

Article 2

The text of Decision 2011/149/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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 196, 28.7.2011, p. 39.

⁽²⁾ OJ L 61, 8.3.2011, p. 42.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 88/2011
of 1 July 2011
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 58/2011 of 20 May 2011 ⁽¹⁾.
- (2) Commission Regulation (EU) No 110/2011 of 8 February 2011 implementing Regulation (EC) No 458/2007 of the European Parliament and of the Council on the European system of integrated social protection statistics (ESSPROS) as regards the appropriate formats for the transmission of data, the results to be transmitted and the criteria for measuring quality for the ESSPROS module on net social protection benefits ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 18ub (Commission Regulation (EC) No 10/2008) of Annex XXI to the Agreement:

'18uc. **32011 R 0110**: Commission Regulation (EU) No 110/2011 of 8 February 2011 implementing Regulation (EC) No 458/2007 of the European Parliament

and of the Council on the European system of integrated social protection statistics (ESSPROS) as regards the appropriate formats for the transmission of data, the results to be transmitted and the criteria for measuring quality for the ESSPROS module on net social protection benefits (OJ L 34, 9.2.2011, p. 29).'

Article 2

The text of Regulation (EU) No 110/2011 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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

⁽¹⁾ OJ L 196, 28.7.2011, p. 41.

⁽²⁾ OJ L 34, 9.2.2011, p. 29.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 89/2011

of 1 July 2011

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 58/2011 of 20 May 2011 ⁽¹⁾.
- (2) Commission Regulation (EU) No 1097/2010 of 26 November 2010 implementing Regulation (EC) No 177/2008 of the European Parliament and of the Council establishing a common framework for business registers for statistical purposes, as regards the exchange of confidential data between the Commission (Eurostat) and central banks ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 4ba (Commission Regulation (EC) No 192/2009) of Annex XXI to the Agreement:

'4bb. **32010 R 1097**: Commission Regulation (EU) No 1097/2010 of 26 November 2010 implementing

Regulation (EC) No 177/2008 of the European Parliament and of the Council establishing a common framework for business registers for statistical purposes, as regards the exchange of confidential data between the Commission (Eurostat) and central banks (OJ L 312, 27.11.2010, p. 1).'

Article 2

The text of Regulation (EU) No 1097/2010 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 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 196, 28.7.2011, p. 41.

⁽²⁾ OJ L 312, 27.11.2010, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 90/2011
of 19 July 2011
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 82/2011 of 1 July 2011 ⁽¹⁾.
- (2) Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community ⁽²⁾ should be incorporated into the Agreement.
- (3) Regulation (EC) No 1008/2008 repeals Council Regulations (EEC) No 2407/92 ⁽³⁾, (EEC) No 2408/92 ⁽⁴⁾ and (EEC) No 2409/92 ⁽⁵⁾, which are incorporated in the Agreement, and which are consequently to be repealed under the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Annex XIII to the Agreement shall be amended as follows:

- (1) point 64a (Council Regulation (EEC) No 2408/92) should be replaced by the following:

'64a. **32008 R 1008**: Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3).

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

- (a) in Article 4(f) the words "except as provided for in an agreement with a third country to which the Community is a party;" shall be replaced by the following:

"However, operating licences with legal effects in the entire EEA can be granted on the basis of exceptions to this requirement provided for in agreements with third countries to which the Community or one or more EFTA States are parties, provided the EEA Joint Committee adopts a decision to that effect."

- (b) the following is added to Article 16(9), second subparagraph:

"as well as regional airports in Iceland and the four northernmost counties in Norway." ;

- (2) the text of point 65 (Council Regulation (EEC) No 2409/92) shall be deleted;

- (3) the text of point 66b (Council Regulation (EEC) No 2407/92) shall be deleted.

Article 2

The text of Regulation (EC) No 1008/2008 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 20 July 2011, provided that all the notifications pursuant to 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, 19 July 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

⁽¹⁾ See page 53 of this Official Journal.

⁽²⁾ OJ L 293, 31.10.2008, p. 3.

⁽³⁾ OJ L 240, 24.8.1992, p. 1.

⁽⁴⁾ OJ L 240, 24.8.1992, p. 8.

⁽⁵⁾ OJ L 240, 24.8.1992, p. 15.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 91/2011

of 19 July 2011

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

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 Articles 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No 96/2010 of 2 July 2010 ⁽¹⁾.
- (2) It is appropriate to continue the cooperation of the Contracting Parties to the Agreement in Union actions funded from the general budget of the Union regarding the implementation, operation and development of the internal market.
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to continue beyond 31 December 2010,

HAS ADOPTED THIS DECISION:

Article 1

Article 7 of Protocol 31 to the Agreement is hereby amended as follows:

- (1) the words 'years 2004, 2005, 2006, 2007, 2008, 2009 and 2010' in paragraph 6 shall be replaced by the words 'years 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011';

- (2) the words 'years 2006, 2007, 2008, 2009 and 2010' in paragraph 7 shall be replaced by the words 'years 2006, 2007, 2008, 2009, 2010 and 2011';

- (3) the words 'years 2008, 2009 and 2010' in paragraph 8 shall be replaced by the words 'years 2008, 2009, 2010 and 2011'.

Article 2

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

It shall apply from 1 January 2011.

Article 3

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, 19 July 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

⁽¹⁾ OJ L 277, 21.10.2010, p. 53.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 92/2011

of 19 July 2011

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

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 Articles 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No 68/2007 of 15 June 2007 ⁽¹⁾.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Decision No 1041/2009/EC of the European Parliament and of the Council of 21 October 2009 establishing an audiovisual cooperation programme with professionals from third countries (MEDIA Mundus) ⁽²⁾.
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2011,

HAS ADOPTED THIS DECISION:

Article 1

The following indent is added to Article 9(4) of Protocol 31 to the Agreement:

— **32009 D 1041**: Decision No 1041/2009/EC of the European Parliament and of the Council of 21 October 2009 establishing an audiovisual cooperation programme with professionals from third countries (MEDIA Mundus) (OJ L 288, 4.11.2009, p. 10).

Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme.'

Article 2

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

It shall apply from 1 January 2011.

Article 3

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, 19 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 304, 22.11.2007, p. 52.

⁽²⁾ OJ L 288, 4.11.2009, p. 10.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 93/2011

of 20 July 2011

amending Annex XX (Environment) to the EEA Agreement

THE EEA JOINT COMMITTEE,

HAS ADOPTED THIS DECISION:

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,

Article 1

The following point shall be inserted after point 21apb (Commission Decision 2011/149/EU) of Annex XX to the Agreement:

Whereas:

- (1) Annex XX to the Agreement was amended by Decision of the EEA Joint Committee No 87/2011 of 1 July 2011 ⁽¹⁾.
- (2) Commission Decision 2011/389/EU of 30 June 2011 on the Union-wide quantity of allowances referred to in Article 3e(3)(a) to (d) of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community ⁽²⁾ is to be incorporated into the Agreement.
- (3) In accordance with Annex XX to the Agreement, under point 21al (Directive 2003/87/EC of the European Parliament and of the Council), adaptation (be) subparagraph 1, the EFTA Surveillance Authority has provided the figures for the total number of allowances, the number of allowances to be auctioned, the number of allowances in the special reserve and the number of free allowances concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries. These figures have been determined arithmetically from the figures on historical aviation emissions set by Decision of the EEA Joint Committee No 87/2011 of 1 July 2011 by applying the same percentages that were used to calculate the Union-wide figures for the total number of allowances, the Union-wide number of allowances to be auctioned, the Union-wide number of allowances in the special reserve and the Union-wide number of free allowances.
- (4) According to the same adaptation text, the EEA Joint Committee shall decide on the EEA-wide figures for the total number of allowances, the number of allowances to be auctioned, the number of allowances in the special reserve and the number of free allowances, by adding the relevant figures concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries to the relevant Union-wide figures set out in Articles 1 to 4 of Commission Decision 2011/389/EU,

'21apc. **32011 D 0389:** Commission Decision 2011/389/EU of 30 June 2011 on the Union-wide quantity of allowances referred to in Article 3e(3)(a) to (d) of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community (OJ L 173, 1.7.2011, p. 13).

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

- (a) The following paragraphs shall be added in Article 1(1):

'The total number of allowances referred to in Article 3c(1) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 1 885 617.

The EEA-wide total number of allowances referred to in Article 3c(1) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 is 214 777 670.'

- (b) The following paragraphs shall be added in Article 1(2):

'The total number of allowances referred to in Article 3c(2) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 1 846 738.

The EEA-wide total number of allowances referred to in Article 3c(2) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 is 210 349 264.'

⁽¹⁾ See page 59 of this Official Journal.

⁽²⁾ OJ L 173, 1.7.2011, p. 13.

- (c) The following paragraphs shall be added in Article 2(1):

'The total number of allowances referred to in Article 3d(1) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 282 843.

The EEA-wide total number of allowances referred to in Article 3d(1) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 is 32 216 651.'

- (d) The following paragraphs shall be added in Article 2(2):

'The total number of allowances referred to in Article 3d(2) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 277 011.

The EEA-wide total number of allowances referred to in Article 3d(2) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 is 31 552 390.'

- (e) The following paragraphs shall be added in Article 3:

'The total number of allowances referred to in Article 3f(1) of Directive 2003/87/EC relating to the special reserve concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 443 216.

The EEA-wide total number of allowances referred to in Article 3f(1) of Directive 2003/87/EC relating to the special reserve is 50 483 824.'

- (f) The following paragraphs shall be added in Article 4(1):

'The total number of allowances referred to in Article 3e(3)(d) of Directive 2003/87/EC relating to the period from 1 January 2012 to

31 December 2012 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 1 602 774.

The EEA-wide total number of allowances referred to in Article 3e(3)(d) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 is 182 561 019.'

- (g) The following paragraphs shall be added in Article 4(2):

'The total number of allowances referred to in Article 3e(3)(d) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 1 514 325.

The EEA-wide total number of allowances referred to in Article 3e(3)(d) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 is 172 486 396.'

Article 2

The texts of Decision 2011/389/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 21 July 2011, provided that all the notifications pursuant to 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, 20 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

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