

Official Journal

of the European Union

L 309



English edition

Legislation

Volume 55

8 November 2012

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Price: EUR 3

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III

(Other acts)

EUROPEAN ECONOMIC AREA

DECISION OF THE EEA JOINT COMMITTEE

No 123/2012

of 13 July 2012

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 104/2012 of 15 June 2012 ⁽¹⁾.
- (2) Commission Regulation (EU) No 87/2011 of 2 February 2011 designating the EU reference laboratory for bee health, laying down additional responsibilities and tasks for that laboratory and amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council ⁽²⁾ is to be incorporated into the Agreement.
- (3) This Decision concerns legislation regarding live animals other than fish and aquaculture animals. Legislation concerning these matters shall not apply to Iceland, as specified in paragraph 2 of the Introductory Part of Chapter I of Annex I to the Agreement. This Decision is therefore not to apply to Iceland.
- (4) This Decision concerns legislation regarding veterinary matters. Legislation regarding veterinary matters shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein, as specified in the sectoral adaptations to Annex I to the Agreement. This Decision is therefore not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

The following indent shall be added in point 11 (Regulation (EC) No 882/2004 of the European Parliament and of the Council) of Chapter I of Annex I to the Agreement:

— **32011 R 0087**: Commission Regulation (EU) No 87/2011 of 2 February 2011 (OJ L 29, 3.2.2011, p. 1).'

Article 2

The text of Regulation (EU) No 87/2011 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 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 3.

⁽²⁾ OJ L 29, 3.2.2011, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 124/2012

of 13 July 2012

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

THE EEA JOINT COMMITTEE,

HAS ADOPTED THIS DECISION:

Article 1

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

The following indent shall be added in point 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council) in Part 6.1 of Chapter I of Annex I to the Agreement:

‘— **32011 R 1276**: Commission Regulation (EU) No 1276/2011 of 8 December 2011 (OJ L 327, 9.12.2011, p. 39).’

Whereas:

Article 2

(1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 104/2012 of 15 June 2012 ⁽¹⁾.

The text of Regulation (EU) No 1276/2011 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

(2) Commission Regulation (EU) No 1276/2011 of 8 December 2011 amending Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards the treatment to kill viable parasites in fishery products for human consumption ⁽²⁾ is to be incorporated into the Agreement.

This Decision shall enter into force on 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

(3) This Decision concerns legislation regarding veterinary matters. Legislation regarding veterinary matters shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein, as specified in the sectoral adaptations to Annex I to the Agreement. This Decision is therefore not to apply to Liechtenstein,

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, 13 July 2012.

For the EEA Joint Committee
The President
Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 3.

⁽²⁾ OJ L 327, 9.12.2011, p. 39.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 125/2012

of 13 July 2012

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 107/2012 of 15 June 2012 ⁽¹⁾.
- (2) Commission Regulation (EU) No 366/2011 of 14 April 2011 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 (Acrylamide) ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following indent 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:

— **32011 R 0366**: Commission Regulation (EU) No 366/2011 of 14 April 2011 (OJ L 101, 15.4.2011, p. 12).'

Article 2

The text of Regulation (EU) No 366/2011 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 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 29.

⁽²⁾ OJ L 101, 15.4.2011, p. 12.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 126/2012

of 13 July 2012

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, and in particular Article 98 thereof,

Whereas:

- (1) Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State⁽¹⁾ is to be incorporated into the Agreement on the European Economic Area ('EEA Agreement').
- (2) Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Decision No 768/2008/EC sets out common principles and reference provisions for future legislation harmonising the conditions for the marketing of products and a reference text for existing legislation.
- (5) Regulation (EC) No 764/2008 repeals Decision No 3052/95/EC of the European Parliament and of the Council of 13 December 1995 establishing a procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community⁽⁴⁾ which is incorporated into the EEA Agreement. The EEA Agreement should therefore be amended to take account of Regulation (EC) No 764/2008.
- (6) Regulation (EC) No 765/2008 repeals Council Regulation (EEC) No 339/93 of 8 February 1993 on checks for conformity with the rules on product safety in the case

of products imported from third countries⁽⁵⁾ which is incorporated into the EEA Agreement. The EEA Agreement should therefore be amended to take account of Regulation (EC) No 765/2008.

- (7) Decision No 768/2008/EC repeals Council Decision 93/465/EEC of 22 July 1993 concerning the modules for the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking, which are intended to be used in the technical harmonization directives⁽⁶⁾ which is incorporated into the EEA Agreement. The EEA Agreement should therefore be amended to take account of Decision No 768/2008/EC.
- (8) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

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

- (1) the text of point 3b (Council Regulation (EEC) No 339/93) shall be replaced by the following:

'32008 R 0765: Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

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

- (a) The following shall be added at the end of Article 4(2):

"Liechtenstein shall also have recourse to the national accreditation body of Switzerland for the product sectors covered by the Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment and in respect of which EU and Swiss requirements are deemed equivalent pursuant to Article 1(2) and (3) of that Agreement";

⁽¹⁾ OJ L 218, 13.8.2008, p. 21.

⁽²⁾ OJ L 218, 13.8.2008, p. 30.

⁽³⁾ OJ L 218, 13.8.2008, p. 82.

⁽⁴⁾ OJ L 321, 30.12.1995, p. 1.

⁽⁵⁾ OJ L 40, 17.2.1993, p. 1.

⁽⁶⁾ OJ L 220, 30.8.1993, p. 23.

(b) products exported from Liechtenstein to the other Contracting Parties may be subjected to border controls according to Articles 27-29.;

(2) the text of point 3d (Council Decision 93/465/EEC) shall be replaced by the following:

‘32008 D 0768: Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).;

(3) the text of point 3f (Decision No 3052/95/EC of the European Parliament and of the Council) shall be replaced by the following:

‘32008 R 0764: Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC (OJ L 218, 13.8.2008, p. 21).

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

The Regulation shall only apply to products covered by Article 8(3) of the Agreement.

The Regulation shall not apply to Liechtenstein in relation to products covered by Annex I, Chapters XII and XXVII of Annex II and Protocol 47 to the Agreement, as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein.;

(4) the following shall be inserted in point 3h (Directive 2001/95/EC of the European Parliament and of the Council):

‘, as amended by:

— **32008 R 0765:** Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 (OJ L 218, 13.8.2008, p. 30).’.

Article 2

The texts of Regulations (EC) No 764/2008 and (EC) No 765/2008 and Decision No 768/2008/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 14 July 2012, provided that all the notifications under Article 103(1) of the EEA 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, 13 July 2012.

For the EEA Joint Committee
The President
Atle LEIKVOLL

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 127/2012

of 13 July 2012

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 106/2012 of 15 June 2012 ⁽¹⁾.
- (2) Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2009/48/EC repeals Council Directive 88/378/EEC ⁽³⁾, which is incorporated into the Agreement and is therefore to be repealed in its entirety under the Agreement with effect from 20 July 2013,

HAS ADOPTED THIS DECISION:

Article 1

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

- (1) the text of point 1 (Council Directive 88/378/EEC) shall be deleted with effect from 20 July 2013;
- (2) the following point shall be inserted after point 1 (Council Directive 88/378/EEC):

'1a. **32009 L 0048**: Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1).'

Article 2

The text of Directive 2009/48/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 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*), or on the day of the entry into force of Decision No 126/2012 of 13 July 2012 ⁽⁴⁾ of the EEA Joint Committee, whichever is the latest.

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, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 6.

⁽²⁾ OJ L 170, 30.6.2009, p. 1.

⁽³⁾ OJ L 187, 16.7.1988, p. 1.

(*) No constitutional requirements indicated.

⁽⁴⁾ See page 4 of this Official Journal.

DECISION OF THE EEA JOINT COMMITTEE

No 128/2012

of 13 July 2012

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 109/2012 of 15 June 2012 ⁽¹⁾.
- (2) Commission Decision 2010/267/EU of 6 May 2010 on harmonised technical conditions of use in the 790-862 MHz frequency band for terrestrial systems capable of providing electronic communications services in the European Union ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 5czg (Commission Decision 2010/166/EU) of Annex XI to the Agreement:

'5czh. **32010 D 0267**: Commission Decision 2010/267/EU of 6 May 2010 on harmonised technical conditions of use in the 790-862 MHz frequency band for

terrestrial systems capable of providing electronic communications services in the European Union (OJ L 117, 11.5.2010, p. 95).'

Article 2

The text of Decision 2010/267/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 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 31.

⁽²⁾ OJ L 117, 11.5.2010, p. 95.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 129/2012
of 13 July 2012
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 ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

(1) Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures ⁽¹⁾ is to be incorporated into the EEA Agreement.

(2) Annex XIII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Point 18a (Directive 1999/62/EC of the European Parliament and of the Council) of Annex XIII to the EEA Agreement shall be amended as follows:

(1) the following indent shall be added:

‘— **32006 L 0038**: Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006 (OJ L 157, 9.6.2006, p. 8).’;

(2) the adaptation text shall be amended as follows:

(i) the text of adaptation (d) is replaced by the following:

‘(d) the following shall be added at the end of Article 7(4b):

“(a) For tolling arrangements on the trans-European road network in south-eastern Norway which are already in place on the date of the entry into force of Decision of

the EEA Joint Committee No 129/2012 of 13 July 2012 (*), the application of discounts or reductions in tolls for frequent users shall comply with Article 7(4b) of this Directive by 31 December 2014 at the latest.

(b) On the trans-European road network in other parts of Norway, the current level of discounts or reductions in tolls for frequent users may be applied to tolling arrangements already in place on the date of the entry into force of Decision of the EEA Joint Committee No 129/2012 of 13 July 2012 provided that the share of international heavy goods traffic on the infrastructure network concerned is below 30 %.

For tolling arrangements put in place after the date of the entry into force of Decision of the EEA Joint Committee No 129/2012 of 13 July 2012, discounts or reductions in tolls for frequent users may exceed the level set out in Article 7(4b) of this Directive provided that:

— the share of international heavy goods traffic on the infrastructure network concerned is not higher than 5 %,

— the level of such discounts or reductions is justified by specific circumstances, notably when the infrastructure network concerned consists of bridges and/or tunnels to replace a ferry.”.

(*) OJ L 309, 8.11.2012, p. 8’;

(ii) the text of adaptation (e) is deleted.

Article 2

The text of Directive 2006/38/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 14 July 2012, provided that all the notifications under Article 103(1) of the EEA Agreement have been made to the EEA Joint Committee (*).

⁽¹⁾ OJ L 157, 9.6.2006, p. 8.

(*) 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, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

DECISION OF THE EEA JOINT COMMITTEE
No 130/2012
of 13 July 2012
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 113/2012 of 15 June 2012 ⁽¹⁾.
- (2) Commission Decision 2011/274/EU of 26 April 2011 concerning a technical specification for interoperability relating to the 'energy' subsystem of the trans-European conventional rail system ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 37dg (Commission Decision 2011/275/EU) of Annex XIII to the Agreement:

'37dh. **32011 D 0274**: Commission Decision 2011/274/EU of 26 April 2011 concerning a technical specification for interoperability relating to the 'energy' subsystem

of the trans-European conventional rail system (OJ L 126, 14.5.2011, p. 1).'

Article 2

The text of Decision 2011/274/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 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 13 July 2012.

For the EEA Joint Committee
The President
Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 37.

⁽²⁾ OJ L 126, 14.5.2011, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 131/2012

of 13 July 2012

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 113/2012 of 15 June 2012 ⁽¹⁾.
- (2) Commission Decision 2011/765/EU of 22 November 2011 on criteria for the recognition of training centres involved in the training of train drivers, on criteria for the recognition of examiners of train drivers and on criteria for the organisation of examinations in accordance with Directive 2007/59/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 42gb (Commission Regulation (EU) No 36/2010) of Annex XIII to the Agreement:

'42gc. **32011 D 0765:** Commission Decision 2011/765/EU of 22 November 2011 on criteria for the recognition of training centres involved in the training of train

drivers, on criteria for the recognition of examiners of train drivers and on criteria for the organisation of examinations in accordance with Directive 2007/59/EC of the European Parliament and of the Council (OJ L 314, 29.11.2011, p. 36).'

Article 2

The text of Decision 2011/765/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 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 37.

⁽²⁾ OJ L 314, 29.11.2011, p. 36.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 132/2012
of 13 July 2012
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 113/2012 of 15 June 2012 ⁽¹⁾.
- (2) Commission Implementing Decision 2011/821/EU of 7 December 2011 on the recognition of Cape Verde pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Implementing Decision 2011/822/EU of 7 December 2011 on the recognition of Bangladesh pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Implementing Decision 2012/75/EU of 9 February 2012 on the recognition of Ghana pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Implementing Decision 2012/76/EU of 9 February 2012 on the recognition of Uruguay pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers ⁽⁵⁾ is to be incorporated into the Agreement.

HAS ADOPTED THIS DECISION:

Article 1

The following points shall be inserted after point 56jk (Commission Implementing Decision 2011/520/EU) of Annex XIII to the Agreement:

- '56jl. **32011 D 0821:** Commission Implementing Decision 2011/821/EU of 7 December 2011 on the recognition of Cape Verde pursuant to Directive

2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers (OJ L 327, 9.12.2011, p. 67).

- 56jm. **32011 D 0822:** Commission Implementing Decision 2011/822/EU of 7 December 2011 on the recognition of Bangladesh pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers (OJ L 327, 9.12.2011, p. 68).

- 56jn. **32012 D 0075:** Commission Implementing Decision 2012/75/EU of 9 February 2012 on the recognition of Ghana pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers (OJ L 38, 11.2.2012, p. 45).

- 56jo. **32012 D 0076:** Commission Implementing Decision 2012/76/EU of 9 February 2012 on the recognition of Uruguay pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for the training and certification of seafarers (OJ L 38, 11.2.2012, p. 46).'

Article 2

The texts of Implementing Decisions 2011/821/EU, 2011/822/EU, 2012/75/EU and 2012/76/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 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 13 July 2012.

For the EEA Joint Committee
The President
Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 37.

⁽²⁾ OJ L 327, 9.12.2011, p. 67.

⁽³⁾ OJ L 327, 9.12.2011, p. 68.

⁽⁴⁾ OJ L 38, 11.2.2012, p. 45.

⁽⁵⁾ OJ L 38, 11.2.2012, p. 46.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 133/2012

of 13 July 2012

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

HAS ADOPTED THIS DECISION:

Article 1

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

Point 64a (Regulation (EC) No 1008/2008 of the European Parliament and of the Council) of Annex XIII to the EEA Agreement shall be amended as follows:

Whereas:

(1) Annex XIII to the EEA Agreement was amended by Decision of the EEA Joint Committee No 113/2012 of 15 June 2012 ⁽¹⁾.

(1) the current adaptation (b) shall be renumbered as adaptation (c);

(2) Annex XIII to the EEA Agreement was amended by Decision of the EEA Joint Committee No 90/2011 of 19 July 2011 ⁽²⁾, which incorporates into the EEA Agreement 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 ⁽³⁾.

(2) the following adaptation shall be inserted after adaptation (a):

'(b) the following paragraph shall be added in Article 15:

(3) The Contracting Parties aim at ensuring that EEA EFTA ⁽⁴⁾ air carriers are entitled to operate air services from Member States of the Union to Switzerland and vice versa.

"6. Under the same conditions as Community and EEA EFTA (*) air carriers, Swiss air carriers shall be entitled to operate air services from Member States of the European Union to EEA EFTA States and vice versa. This shall be subject to the condition that, on the one hand, the Community and Switzerland grant EEA EFTA air carriers the right to operate air services from Member States of the European Union to Switzerland and vice versa, and, on the other hand, that Switzerland and the EEA EFTA States grant Community air carriers the right to operate air services from Switzerland to EEA EFTA States and vice versa.

(4) The Contracting Parties also aim at ensuring that Community air carriers are entitled to operate air services from an EEA EFTA State to Switzerland and vice versa.

Any restrictions on this arrangement arising from existing bilateral or multilateral agreements binding the Community, on the one hand, and the EEA EFTA States, on the other hand, are hereby superseded.

(5) To this end, the EEA Joint Committee is to grant, subject to the condition of reciprocity, Swiss air carriers the right to operate from Member States of the Union to an EEA EFTA State and vice versa.

(*) References to 'EFTA' in this Decision are in accordance with Article 2(b) of the EEA Agreement to be read as references to 'EEA EFTA'."

(6) Annex XIII to the EEA Agreement should therefore be amended accordingly,

Article 2

This Decision shall enter into force on 14 July 2012, provided that all the notifications under Article 103(1) of the EEA Agreement have been made to the EEA Joint Committee (*), or on the date of entry into force of the agreement between the European Union and Switzerland granting EEA EFTA air carriers the right to operate air services from Member States of the European Union to Switzerland and vice versa, on the one hand, or of the agreement between the EEA EFTA States and Switzerland granting Community air carriers the right to operate air services from Switzerland to EEA EFTA States and vice versa, on the other hand, whichever is the latest.

⁽¹⁾ OJ L 270, 4.10.2012, p. 37.

⁽²⁾ OJ L 262, 6.10.2011, p. 62.

⁽³⁾ OJ L 293, 31.10.2008, p. 3.

⁽⁴⁾ References to 'EFTA' in this Decision are in accordance with Article 2(b) of the EEA Agreement to be read as references to 'EEA EFTA'.

(*) No constitutional requirements indicated.

Article 3

The President of the EEA Joint Committee shall notify Switzerland of the adoption of this Decision and of the last notification to the EEA Joint Committee under Article 103(1) of the EEA Agreement, if any.

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, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

DECISION OF THE EEA JOINT COMMITTEE

No 134/2012

of 13 July 2012

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 113/2012 of 15 June 2012 ⁽¹⁾.
- (2) Commission Regulation (EU) No 72/2010 of 26 January 2010 laying down procedures for conducting Commission inspections in the field of aviation security ⁽²⁾ was incorporated into the Agreement by Decision of the EEA Joint Committee No 75/2010 ⁽³⁾.
- (3) With a view to ensuring the homogenous application of Regulation (EU) No 72/2010 throughout the entire European Economic Area, Annex XIII should be amended so as to facilitate the cooperation between the Commission and the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

Article 1

Point 66hc (Commission Regulation (EU) No 72/2010) of Annex XIII to the Agreement shall be amended as follows:

- (1) the existing adaptation shall be numbered as adaptation (a);

(2) the following adaptation shall be added after adaptation (a):

'(b) the following shall be added to Article 6(2):

"In their respective inspections the Commission may call upon national auditors listed by EFTA States and the EFTA Surveillance Authority may call upon national auditors listed by EU Member States.

In their respective inspections, the Commission and the EFTA Surveillance Authority may invite each other to participate as observers."

Article 2

This Decision shall enter into force on 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

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, 13 July 2012.

*For the EEA Joint Committee**The President*

Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 37.⁽²⁾ OJ L 23, 27.1.2010, p. 1.⁽³⁾ OJ L 244, 16.9.2010, p. 32.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 135/2012
of 13 July 2012
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 113/2012 of 15 June 2012 ⁽¹⁾.
- (2) Commission Implementing Regulation (EU) No 295/2012 of 3 April 2012 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:

‘— **32012 R 0295**: Commission Implementing Regulation (EU) No 295/2012 of 3 April 2012 (OJ L 98, 4.4.2012, p. 13).’

Article 2

The text of Implementing Regulation (EU) No 295/2012 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 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 13 July 2012.

For the EEA Joint Committee
The President
Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 37.

⁽²⁾ OJ L 98, 4.4.2012, p. 13.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 136/2012

of 13 July 2012

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 117/2012 of 15 June 2012 ⁽¹⁾.
- (2) Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC ⁽²⁾ is to be incorporated into the Agreement.
- (3) Regulation (EC) No 1221/2009 repeals Regulation (EC) No 761/2001 of the European Parliament and of the Council ⁽³⁾, Commission Decisions 2001/681/EC ⁽⁴⁾ and 2006/193/EC ⁽⁵⁾, which are incorporated into the Agreement and which are consequently to be repealed under the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Annex XX to the Agreement shall be amended as follows:

- (1) the text of point 1ea (Regulation (EC) No 761/2001 of the European Parliament and of the Council) shall be replaced by the following:

'32009 R 1221: Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).';

- (2) the text of points 1eaa (Commission Decision 2001/681/EC) and 1eab (Commission Decision 2006/193/EC) shall be deleted.

Article 2

The text of Regulation (EC) No 1221/2009 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 40.

⁽²⁾ OJ L 342, 22.12.2009, p. 1.

⁽³⁾ OJ L 114, 24.4.2001, p. 1.

⁽⁴⁾ OJ L 247, 17.9.2001, p. 24.

⁽⁵⁾ OJ L 70, 9.3.2006, p. 63.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 137/2012

of 13 July 2012

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,

Whereas:

- (1) Annex XX to the Agreement was amended by Decision of the EEA Joint Committee No 117/2012 of 15 June 2012 ⁽¹⁾.
- (2) Commission Regulation (EC) No 976/2009 of 19 October 2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the Network Services ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 268/2010 of 29 March 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 1088/2010 of 23 November 2010 amending Regulation (EC) No 976/2009 as regards download services and transformation services ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EU) No 1089/2010 of 23 November 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Regulation (EU) No 102/2011 of 4 February 2011 amending Regulation (EU) No 1089/2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services ⁽⁶⁾ is to be incorporated into the Agreement,

Article 1

Annex XX to the Agreement shall be amended as follows:

- (1) the text of adaptations (a) and (b) of point 1j (Directive 2007/2/EC of the European Parliament and of the Council) shall be replaced by the following:

'(a) With regard to the EFTA States, the time limits set in Articles 6(a), 6(b) and 7(3) shall be understood to include an additional period of three years.

(b) With regard to the EFTA States, the dates mentioned in Articles 21(2), 21(3) and 24(1) shall be understood to include an additional period of three years.'

- (2) the following adaptation shall be added in point 1jb (Commission Decision 2009/442/EC):

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

(a) With regard to the EFTA States, the year mentioned in Article 11(2) second subparagraph shall be the same as the year mentioned in Article 18, as adapted for the EFTA States.

(b) With regard to the EFTA States, the date mentioned in Article 18 shall be understood to include an additional period of three years.'

- (3) the following shall be inserted after point 1jb (Commission Decision 2009/442/EC):

'1jc. **32009 R 0976:** Commission Regulation (EC) No 976/2009 of 19 October 2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the Network Services (OJ L 274, 20.10.2009, p. 9), as amended by:

— **32010 R 1088:** Commission Regulation (EU) No 1088/2010 of 23 November 2010 (OJ L 323, 8.12.2010, p. 1).

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

With regard to the EFTA States, the dates mentioned in Article 4 shall be understood to include an additional period of three years.

⁽¹⁾ OJ L 270, 4.10.2012, p. 40.

⁽²⁾ OJ L 274, 20.10.2009, p. 9.

⁽³⁾ OJ L 83, 30.3.2010, p. 8.

⁽⁴⁾ OJ L 323, 8.12.2010, p. 1.

⁽⁵⁾ OJ L 323, 8.12.2010, p. 11.

⁽⁶⁾ OJ L 31, 5.2.2011, p. 13.

- 1jd. **32010 R 0268**: Commission Regulation (EU) No 268/2010 of 29 March 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions (OJ L 83, 30.3.2010, p. 8).

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

With regard to the EFTA States, the time limits set in Article 8 shall be understood to include an additional period of three years.

- 1je. **32010 R 1089**: Commission Regulation (EU) No 1089/2010 of 23 November 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services (OJ L 323, 8.12.2010, p. 11), as amended by:

— **32011 R 0102**: Commission Regulation (EU) No 102/2011 of 4 February 2011 (OJ L 31, 5.2.2011, p. 13).’.

Article 2

The texts of Regulations (EC) No 976/2009, (EU) No 268/2010, (EU) No 1088/2010, (EU) No 1089/2010 and (EU) No 102/2011, 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 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 13 July 2012.

For the EEA Joint Committee
The President
Atle LEIKVOLL

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 138/2012

of 13 July 2012

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 117/2012 of 15 June 2012 ⁽¹⁾.
- (2) Council Regulation (EU) No 333/2011 of 31 March 2011 establishing criteria determining when certain types of scrap metal cease to be waste under Directive 2008/98/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 32ff (Directive 2008/98/EC of the European Parliament and of the Council) of Annex XX to the Agreement:

'32ffa. **32011 R 0333**: Council Regulation (EU) No 333/2011 of 31 March 2011 establishing criteria determining when certain types of scrap metal cease to be waste under Directive 2008/98/EC of the European Parliament and of the Council (OJ L 94, 8.4.2011, p. 2).

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

In Article 2(e), and in point 6 of the Statement of Conformity set out in Annex III, the words "or the territories of the EFTA States" shall be inserted after the words "the customs territory of the Union".'

Article 2

The text of Regulation (EU) No 333/2011 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 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*), or on the day of the entry into force of Decision of the EEA Joint Committee No 126/2012 of 13 July 2012 ⁽³⁾ or Decision of the EEA Joint Committee No 136/2012 of 13 July 2012 ⁽⁴⁾, 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, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 40.

⁽²⁾ OJ L 94, 8.4.2011, p. 2.

(*) No constitutional requirements indicated.

⁽³⁾ See page 4 of this Official Journal.

⁽⁴⁾ See page 17 of this Official Journal.

DECISION OF THE EEA JOINT COMMITTEE

No 139/2012

of 13 July 2012

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 ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the EEA Agreement was amended by Decision of the EEA Joint Committee No 122/2012 of 15 June 2012 ⁽¹⁾.
- (2) A comprehensive earth monitoring system is of central importance to the sustainable management of northern Europe and the Arctic.
- (3) Norway has contributed to the development of the European Earth Monitoring programme (GMES), both in the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) and as member of the European Space Agency.
- (4) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 911/2010 of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013) ⁽²⁾.
- (5) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2012,

HAS ADOPTED THIS DECISION:

Article 1

Article 1 of Protocol 31 to the EEA Agreement shall be amended as follows:

- (1) paragraph 6 is replaced by the following:

⁽¹⁾ OJ L 270, 4.10.2012, p. 46.

⁽²⁾ OJ L 276, 20.10.2010, p. 1.

'6. Evaluation and major direction of activities in the framework programmes of Union activities in the field of research and technological development referred to in paragraphs 5, 8a, 8c, 9 and 10 shall be governed by the procedure referred to in Article 79(3) of the Agreement.'

- (2) the following paragraph is inserted after paragraph 8b:

'8c. (a) The EFTA States shall, as from 1 January 2012, participate in the activities which may result from the following Union act:

— **32010 R 0911**: Regulation (EU) No 911/2010 of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013) (OJ L 276, 20.10.2010, p. 1);

- (b) the EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement;
- (c) the EFTA States shall participate fully, without the right to vote, in all the Union committees which assist the European Commission in the management, development and implementation of the activities referred to under (a), namely the GMES Committee, the Security Board and the User Forum;
- (d) this paragraph shall not apply to Liechtenstein;
- (e) with regard to Iceland, this paragraph shall be suspended until otherwise decided by the EEA Joint Committee.'

Article 2

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

It shall apply from 1 January 2012.

(*) No constitutional requirements indicated.

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, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

DECISION OF THE EEA JOINT COMMITTEE

No 140/2012

of 13 July 2012

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 122/2012 of 15 June 2012 ⁽¹⁾.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network ⁽²⁾.
- (3) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to the field of sport.
- (4) Regulation (EC) No 401/2009 repeals Council Regulation (EEC) No 1210/90 ⁽³⁾ which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.
- (5) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place,

HAS ADOPTED THIS DECISION:

Article 1

Protocol 31 to the Agreement shall be amended as follows:

- (1) paragraph 2 of Article 3 of Protocol 31 to the Agreement shall be replaced by the following:
 - '(a) The EFTA States shall participate fully in the European Environment Agency, hereinafter referred to as the "Agency", and the European Environment Information and observation network, as set up in Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network ^(*).
 - (b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1) and Protocol 32 of the Agreement.

- (c) The EFTA States shall, in consequence of (b), participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the scientific committee of the Agency.
- (d) The term "Member State(s)" and other terms referring to their public entities contained in Articles 4 and 5 of the Regulation shall be understood to include, in addition to their meaning in the Regulation, the EFTA States and their public entities.
- (e) Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in the EFTA States as it is afforded within the Community.
- (f) The Agency shall have legal personality. It shall enjoy in all the States of the Contracting Parties the most extensive legal capacity accorded to legal persons under their laws.
- (g) EFTA States shall apply to the Agency the Protocol of Privileges and Immunities of the European Communities.
- (h) By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

- (i) By virtue of Article 79(3), Part VII (Institutional Provisions) of the Agreement shall apply to this paragraph.
- (j) Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of Regulation (EC) No 401/2009, apply to any documents of the Agency regarding the EFTA States as well.

^(*) OJ L 126, 21.5.2009, p. 13.;

- (2) the heading of Article 4 (Education, training and youth) shall be replaced by the following:

'Education, training, youth and sport'.

⁽¹⁾ OJ L 270, 4.10.2012, p. 46.

⁽²⁾ OJ L 126, 21.5.2009, p. 13.

⁽³⁾ OJ L 120, 11.5.1990, p. 1.

Article 2

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

Article 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, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 141/2012

of 13 July 2012

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 122/2012 of 15 June 2012 ⁽¹⁾.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include cooperation concerning free movement of workers, coordination of social security systems and measures for migrants, including migrants from third countries.
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2012,

HAS ADOPTED THIS DECISION:

Article 1

Article 5 of Protocol 31 to the Agreement shall be amended as follows:

- (1) the following paragraph shall be inserted after paragraph 11:

'12. The EFTA States shall, as from 1 January 2012, participate in the actions funded from the following budget lines, entered in the general budget of the European Union for the financial year 2012:

- **Budget line 04 01 04 08:** "Free movement of workers, coordination of social security systems and measures for migrants, including migrants

from third countries — Expenditure on administrative management",

- **Budget line 04 03 05:** "Free movement of workers, coordination of social security systems and measures for migrants, including migrants from third countries".'.

- (2) the words 'and in the programme referred to in the twelfth indent as from 1 January 2009' in paragraph 5 shall be replaced by ', in the programme referred to in the twelfth indent as from 1 January 2009 and in the actions funded from the budget lines for the financial year 2012 referred to in paragraph 12 as from 1 January 2012'.

- (3) the words 'paragraph 8' in paragraphs 6 and 7 shall be replaced by the words 'paragraphs 8 and 12'.

Article 2

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

It shall apply from 1 January 2012.

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, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 46.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 142/2012

of 13 July 2012

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

THE EEA JOINT COMMITTEE,

words 'years 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012';

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,

(2) the words 'years 2006, 2007, 2008, 2009, 2010 and 2011' in paragraph 7 shall be replaced by the words 'years 2006, 2007, 2008, 2009, 2010, 2011 and 2012';

Whereas:

(3) the words 'years 2008, 2009, 2010 and 2011' in paragraph 8 shall be replaced by the words 'years 2008, 2009, 2010, 2011 and 2012'.

(1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No 122/2012 of 15 June 2012 ⁽¹⁾.

Article 2

(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.

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

It shall apply from 1 January 2012.

(3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to continue beyond 31 December 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*.

HAS ADOPTED THIS DECISION:

Article 1

Article 7 of Protocol 31 to the Agreement shall be amended as follows:

Done at Brussels, 13 July 2012.

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

*For the EEA Joint Committee**The President*

Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 46.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 143/2012

of 13 July 2012

amending Protocol 47 (on the abolition of technical barriers to trade in wine) 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) Protocol 47 to the Agreement was amended by Decision of the EEA Joint Committee No 102/2012 of 30 April 2012 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1166/2009 of 30 November 2009 amending and correcting Commission Regulation (EC) No 606/2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 401/2010 of 7 May 2010 amending and correcting Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products ⁽³⁾, as corrected by OJ L 248, 22.9.2010, p. 67, is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 1022/2010 of 12 November 2010 authorising an increase of the limits for the enrichment of wine produced using the grapes harvested in 2010 in certain wine-growing zones ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EU) No 53/2011 of 21 January 2011 amending Regulation (EC) No 606/2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions ⁽⁵⁾ is to be incorporated into the Agreement.

- (6) Commission Regulation (EU) No 538/2011 of 1 June 2011 amending Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products ⁽⁶⁾ is to be incorporated into the Agreement.

- (7) This Decision concerns legislation regarding wine. Legislation regarding wine shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein, as specified in the seventh paragraph of the introduction to Protocol 47 to the Agreement. This Decision is therefore not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

Appendix 1 to Protocol 47 to the Agreement shall be amended as follows:

- (1) the following shall be added in point 10 (Commission Regulation (EC) No 606/2009):

‘, as amended by:

— **32009 R 1166**: Commission Regulation (EC) No 1166/2009 of 30 November 2009 (OJ L 314, 1.12.2009, p. 27),

— **32011 R 0053**: Commission Regulation (EU) No 53/2011 of 21 January 2011 (OJ L 19, 22.1.2011, p. 1).’;

- (2) the following shall be added in point 11 (Commission Regulation (EC) No 607/2009):

‘, as amended by:

— **32010 R 0401**: Commission Regulation (EU) No 401/2010 of 7 May 2010 (OJ L 117, 11.5.2010, p. 13), as corrected by OJ L 248, 22.9.2010, p. 67,

— **32011 R 0538**: Commission Regulation (EU) No 538/2011 of 1 June 2011 (OJ L 147, 2.6.2011, p. 6).’;

⁽¹⁾ OJ L 248, 13.9.2012, p. 40.

⁽²⁾ OJ L 314, 1.12.2009, p. 27.

⁽³⁾ OJ L 117, 11.5.2010, p. 13.

⁽⁴⁾ OJ L 296, 13.11.2010, p. 3.

⁽⁵⁾ OJ L 19, 22.1.2011, p. 1.

⁽⁶⁾ OJ L 147, 2.6.2011, p. 6.

- (3) the following point shall be inserted after point 11 (Commission Regulation (EC) No 607/2009):

‘12. **32010 R 1022**: Commission Regulation (EU) No 1022/2010 of 12 November 2010 authorising an increase of the limits for the enrichment of wine produced using the grapes harvested in 2010 in certain wine-growing zones (OJ L 296, 13.11.2010, p. 3).’

Article 2

The texts of Regulation (EC) No 1166/2009 and Regulation (EU) No 401/2010, as corrected by OJ L 248, 22.9.2010, p. 67, (EU) No 1022/2010, (EU) No 53/2011 and (EU) No 538/2011 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 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*), or on the day of the entry into force of Decision of the EEA Joint Committee No 102/2012, 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, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 144/2012

of 13 July 2012

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 ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

(1) Commission Regulation (EU) No 249/2012 of 21 March 2012 amending Regulation (EU) No 19/2011 as regards type-approval requirements for the manufacturer's statutory plate of motor vehicles and their trailers ⁽¹⁾ is to be incorporated into the EEA Agreement.

(2) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following shall be added in point 45zzg (Commission Regulation (EU) No 19/2011) of Chapter I of Annex II to the EEA Agreement:

‘, as amended by:

— **32012 R 0249**: Commission Regulation (EU) No 249/2012 of 21 March 2012 (OJ L 82, 22.3.2012, p. 1).’

Article 2

The text of Regulation (EU) No 249/2012 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 14 July 2012, provided that all the notifications under Article 103(1) of the EEA 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, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 82, 22.3.2012, p. 1.

^(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 145/2012

of 13 July 2012

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 ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Directive 2011/17/EU of the European Parliament and of the Council of 9 March 2011 repealing Council Directives 71/317/EEC, 71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC regarding metrology ⁽¹⁾ repeals with effect from 1 July 2011 Council Directive 71/349/EEC ⁽²⁾, which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.
- (2) Directive 2011/17/EU repeals with effect from 1 December 2015, Council Directives 71/317/EEC ⁽³⁾, 71/347/EEC ⁽⁴⁾, 74/148/EEC ⁽⁵⁾, 75/33/EEC ⁽⁶⁾, 76/765/EEC ⁽⁷⁾, 76/766/EEC ⁽⁸⁾ and 86/217/EEC ⁽⁹⁾, which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement with effect from 1 December 2015.
- (3) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

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

(1) the text of point 7 (Council Directive 71/349/EEC) shall be deleted;

(2) the text of points 2 (Council Directive 71/317/EEC), 5 (Council Directive 71/347/EEC), 10 (Council Directive 74/148/EEC), 11 (Council Directive 75/33/EEC), 17 (Council Directive 76/765/EEC), 18 (Council Directive 76/766/EEC) and 26 (Council Directive 86/217/EEC) shall be deleted with effect from 1 December 2015.

Article 2

The text of Directive 2011/17/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 14 July 2012, provided that all the notifications under Article 103(1) of the EEA 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, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 71, 18.3.2011, p. 1.

⁽²⁾ OJ L 239, 25.10.1971, p. 15.

⁽³⁾ OJ L 202, 6.9.1971, p. 14.

⁽⁴⁾ OJ L 239, 25.10.1971, p. 1.

⁽⁵⁾ OJ L 84, 28.3.1974, p. 3.

⁽⁶⁾ OJ L 14, 20.1.1975, p. 1.

⁽⁷⁾ OJ L 262, 27.9.1976, p. 143.

⁽⁸⁾ OJ L 262, 27.9.1976, p. 149.

⁽⁹⁾ OJ L 152, 6.6.1986, p. 48.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 146/2012

of 13 July 2012

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 ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Commission Implementing Decision 2012/67/EU of 3 February 2012 amending Decision 2008/911/EC establishing a list of herbal substances, preparations and combinations thereof for use in traditional herbal medicinal products ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Commission Implementing Decision 2012/68/EU of 3 February 2012 amending Decision 2008/911/EC establishing a list of herbal substances, preparations and combinations thereof for use in traditional herbal medicinal products ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following indents shall be added in point 15zl (Commission Decision 2008/911/EC) of Chapter XIII of Annex II to the EEA Agreement:

— **32012 D 0067:** Commission Implementing Decision 2012/67/EU of 3 February 2012 (OJ L 34, 7.2.2012, p. 5),

— **32012 D 0068:** Commission Implementing Decision 2012/68/EU of 3 February 2012 (OJ L 34, 7.2.2012, p. 8).'

Article 2

The texts of Implementing Decisions 2012/67/EU and 2012/68/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 14 July 2012, provided that all the notifications under Article 103(1) of the EEA 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, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 34, 7.2.2012, p. 5.

⁽²⁾ OJ L 34, 7.2.2012, p. 8.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 147/2012

of 13 July 2012

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 ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

(1) Council Directive 2011/84/EU of 20 September 2011 amending Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting Annex III thereto to technical progress⁽¹⁾ is to be incorporated into the EEA Agreement.

(2) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

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

‘— **32011 L 0084**: Council Directive 2011/84/EU of 20 September 2011 (OJ L 283, 29.10.2011, p. 36).’

Article 2

The text of Directive 2011/84/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 14 July 2012, provided that all the notifications under Article 103(1) of the EEA 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, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 283, 29.10.2011, p. 36.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 148/2012

of 13 July 2012

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 53/2012 of 30 March 2012 ⁽¹⁾.
- (2) Commission Implementing Decision 2011/754/EU of 22 November 2011 on the application of Directive 2009/103/EC of the European Parliament and of the Council with regard to checks on insurance against civil liability in respect of the use of motor vehicles ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 8d (Commission Decision 2007/482/EC) of Annex IX to the Agreement:

- '8e. **32011 D 0754**: Commission Implementing Decision 2011/754/EU of 22 November 2011 on the application of Directive 2009/103/EC of the European Parliament

and of the Council with regard to checks on insurance against civil liability in respect of the use of motor vehicles (OJ L 310, 25.11.2011, p. 17).'

Article 2

The text of Decision 2011/754/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 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 13 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 207, 2.8.2012, p. 33.

⁽²⁾ OJ L 310, 25.11.2011, p. 17.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 149/2012

of 13 July 2012

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 84/2011 of 1 July 2011 ⁽¹⁾.
- (2) Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 32j (Council Directive 2009/13/EC) of Annex XVIII to the Agreement:

'32k. **32008 L 0104**: Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9).'

Article 2

The text of Directive 2008/104/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 1 January 2013, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 13 July 2012.

For the EEA Joint Committee
The President
Atle LEIKVOLL

⁽¹⁾ OJ L 262, 6.10.2011, p. 56.

⁽²⁾ OJ L 327, 5.12.2008, p. 9.

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 150/2012

of 13 July 2012

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 117/2012 of 15 June 2012 ⁽¹⁾.
- (2) Commission Implementing Decision 2011/632/EU of 21 September 2011 establishing a questionnaire to be used for reporting on the implementation of Directive 2000/76/EC of the European Parliament and of the Council on the incineration of waste ⁽²⁾ is to be incorporated into the Agreement.
- (3) Implementing Decision 2011/632/EU repeals, with effect from 1 January 2013, Commission Decision 2010/731/EU ⁽³⁾, which is incorporated into the Agreement, and which is consequently to be repealed under the Agreement with effect from 1 January 2013,

HAS ADOPTED THIS DECISION:

Article 1

Annex XX to the Agreement shall be amended as follows:

- (1) the following point shall be inserted after point 32ffa (Council Regulation (EU) No 333/2011):

'32fg. **32011 D 0632**: Commission Implementing Decision 2011/632/EU of 21 September 2011 establishing a questionnaire to be used for reporting on the implementation of Directive 2000/76/EC of the European Parliament and of the Council on the incineration of waste (OJ L 247, 24.9.2011, p. 54).';

- (2) the text of point 32fd (Commission Decision 2010/731/EU) shall be deleted with effect from 1 January 2013.

Article 2

The text of Implementing Decision 2011/632/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 14 July 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 13 July 2012.

*For the EEA Joint Committee**The President*

Atle LEIKVOLL

⁽¹⁾ OJ L 270, 4.10.2012, p. 40.

⁽²⁾ OJ L 247, 24.9.2011, p. 54.

⁽³⁾ OJ L 315, 1.12.2010, p. 38.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 151/2012

of 26 July 2012

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 ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the EEA Agreement was amended by Decision of the EEA Joint Committee No 105/2012 of 15 June 2012 ⁽¹⁾.
- (2) Commission Implementing Regulation (EU) No 1274/2011 of 7 December 2011 concerning a coordinated multiannual control programme of the Union for 2012, 2013 and 2014 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Commission Regulation (EC) No 1213/2008 of 5 December 2008 concerning a coordinated multiannual Community control programme for 2009, 2010 and 2011 to ensure compliance with maximum levels of and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin ⁽³⁾, which is incorporated into the EEA Agreement, has been repealed in the European Union and should consequently be repealed under the EEA Agreement.
- (4) This Decision concerns legislation regarding foodstuffs. Legislation regarding foodstuffs shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein, as specified in the introduction to Chapter XII of Annex II to the EEA Agreement. This Decision is therefore not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

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

⁽¹⁾ OJ L 270, 4.10.2012, p. 4.

⁽²⁾ OJ L 325, 8.12.2011, p. 24.

⁽³⁾ OJ L 328, 6.12.2008, p. 9.

- (1) the text of point 54zzzzb (Commission Regulation (EC) No 1213/2008) shall be deleted;

- (2) the following shall be inserted after point 67 (Commission Regulation (EU) No 1171/2011):

'68. **32011 R 1274:** Commission Implementing Regulation (EU) No 1274/2011 of 7 December 2011 concerning a coordinated multiannual control programme of the Union for 2012, 2013 and 2014 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin (OJ L 325, 8.12.2011, p. 24).

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

1. the following shall be added in Article 1:

"Iceland may for the years 2012, 2013 and 2014 continue to sample and analyse for the same 61 pesticides as monitored in foodstuffs on its market in 2011.";

2. the following shall be added in point 5 of Annex II:

"IS	12 (*)
	15 (**)
NO	12 (*)
	15 (**)"

Article 2

The text of Implementing Regulation (EU) No 1274/2011 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 27 July 2012, provided that all the notifications under Article 103(1) of the EEA 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, 26 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

DECISION OF THE EEA JOINT COMMITTEE

No 152/2012

of 26 July 2012

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 ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Annex XX to the EEA Agreement was amended by Decision of the EEA Joint Committee No 150/2012 of 13 July 2012 ⁽¹⁾.
- (2) Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to 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 EEA Agreement.
- (3) Commission Regulation (EU) No 550/2011 of 7 June 2011 on determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, certain restrictions applicable to the use of international credits from projects involving industrial gases ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Commission Regulation (EU) No 1210/2011 of 23 November 2011 amending Regulation (EU) No 1031/2010 in particular to determine the volume of greenhouse gas emission allowances to be auctioned prior to 2013 ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community ⁽⁵⁾ is to be incorporated into the EEA Agreement.
- (6) Commission Decision 2010/2/EU of 24 December 2009 determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage ⁽⁶⁾ is to be incorporated into the EEA Agreement.
- (7) Commission Decision 2010/345/EU of 8 June 2010 amending Decision 2007/589/EC as regards the inclusion of monitoring and reporting guidelines for greenhouse gas emissions from the capture, transport and geological storage of carbon dioxide ⁽⁷⁾ (CO₂) is to be incorporated into the EEA Agreement.
- (8) Commission Decision 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council ⁽⁸⁾ is to be incorporated into the EEA Agreement.
- (9) Commission Decision 2011/278/EU of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council ⁽⁹⁾ is to be incorporated into the EEA Agreement.
- (10) Commission Decision 2011/540/EU of 18 August 2011 on amending Decision 2007/589/EC as regards the inclusion of monitoring and reporting guidelines for greenhouse gas emissions from new activities and gases ⁽¹⁰⁾ is to be incorporated into the EEA Agreement.
- (11) Commission Decision 2011/745/EU of 11 November 2011 amending Decisions 2010/2/EU and 2011/278/EU as regards the sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage ⁽¹¹⁾ is to be incorporated into the EEA Agreement.

⁽¹⁾ See page 35 of this Official Journal.

⁽²⁾ OJ L 302, 18.11.2010, p. 1.

⁽³⁾ OJ L 149, 8.6.2011, p. 1.

⁽⁴⁾ OJ L 308, 24.11.2011, p. 2.

⁽⁵⁾ OJ L 140, 5.6.2009, p. 63.

⁽⁶⁾ OJ L 1, 5.1.2010, p. 10.

⁽⁷⁾ OJ L 155, 22.6.2010, p. 34.

⁽⁸⁾ OJ L 290, 6.11.2010, p. 39.

⁽⁹⁾ OJ L 130, 17.5.2011, p. 1.

⁽¹⁰⁾ OJ L 244, 21.9.2011, p. 1.

⁽¹¹⁾ OJ L 299, 17.11.2011, p. 9.

- (12) This Joint Committee Decision does not affect the autonomy of the Contracting Parties with respect to international negotiations on climate change, in particular in the context of the United Nations Framework Convention on Climate Change and the Kyoto Protocol or any other international agreement on climate change, other than in respect of aspects relevant to the EU Emission Trading Scheme (EU ETS) that are incorporated into the EEA Agreement. However, the EFTA States shall take due account of the obligations they have undertaken in the EEA Agreement. Each EFTA State is responsible for implementing policies and measures to comply with its international commitments under the United Nations Framework Convention on Climate Change, the Kyoto Protocol and any other international agreement related to climate change.
- (13) The participation of the EFTA States in the EU ETS is without prejudice to the EFTA States' participation in any flexible instruments for mitigating emissions.
- (14) The extension of EU ETS to installations in the EFTA States implies an increase of the total quantity of allowances in the EU ETS as a whole under Articles 9 and 9a of Directive 2003/87/EC of the European Parliament and of the Council⁽¹⁾. The EFTA States provide in Part A of the Appendix to that Directive the relevant figures in order to allow the Commission to determine the average annual EEA-wide total quantity of allowances.
- (15) The Commission shall keep the EFTA States informed regarding the negotiation and conclusion of agreements with third countries as referred to in Article 11a of Directive 2003/87/EC and the consequence this might have on the use of certified emission reductions (CERs).
- (16) When an agreement pursuant to Article 11a or 25 of Directive 2003/87/EC is concluded, the EFTA States and their operators shall not be discriminated against as compared to EU Member States and their operators.
- (17) The Commission shall keep the EFTA States informed regarding the implementation of Article 24a(1) of Directive 2003/87/EC and the consequence this might have on the amount of allowances in the EU ETS.
- (18) The EFTA States fully support that the amount of allowances allocated by auctioning is increasing in the EU ETS, with a view to reaching no free allocation in 2027. It has always been the aim of the EFTA States to increase the percentage of allowances that are allocated against payment. The EFTA States recall adaptation (e) as set out in Article 1 point 2 of EEA Joint Committee Decision No 146/2007⁽²⁾ incorporating Directive 2003/87/EC into the EEA Agreement.
- (19) The EFTA States will make use of the common auction platforms appointed pursuant to Article 26 of Regulation (EU) No 1031/2010 and appoint the auction monitor selected pursuant to Article 24 of that Regulation for monitoring the auctioning of their allowances. Due to the fact that the EFTA States are not participating in the joint action, they do not have to fulfil any specific tasks in the procurement procedures for appointing the common auction platforms and auction monitor. Once these are appointed, each EFTA State will use its best endeavours to enter into a contract with them. The Commission will, to the extent feasible, see to it that the auction platforms enter into a contract with the EFTA States subject, *mutatis mutandis*, to the same conditions envisaged for participating EU Member States in the contracts resulting from the joint procurement procedures, provided that the EFTA States aggregate the auctioning of their allowances with the allowances of the participating EU Member States. For the auction monitor, the Commission will, to the extent feasible, see to it that the auction monitor enters into a contract with the EFTA States subject, *mutatis mutandis*, to the same conditions applicable to either the participating EU Member States or the non-participating EU Member States depending on whether or not the EFTA States choose to aggregate the auctioning of their allowances with the allowances of the participating EU Member States.
- (20) Budgetary issues are not part of the EEA Agreement. Financial contributions from the EFTA States to the EU Member States are negotiated through the EEA Financial Mechanisms. The application of the provisions of Directive 2003/87/EC concerning these issues and the application of the criteria for distribution amongst certain EU Member States of certain percentages of the total quantity of allowances to be auctioned pursuant to points (b) and (c) of Article 10(2) and to Annexes IIa and IIb to Directive 2003/87/EC is therefore without prejudice to the scope of the EEA Agreement.
- (21) The EFTA Surveillance Authority shall coordinate closely with the Commission whenever it is called to undertake tasks relating to the EFTA States for which the Commission is responsible with respect to the EU Member States pursuant to Directive 2003/87/EC, Commission Regulation (EC) No 2216/2004⁽³⁾, Commission Decision 2007/589/EC⁽⁴⁾ and Commission Decision 2006/780/EC⁽⁵⁾. These tasks include, inter alia, the assessment of the national implementation measures referred to in Article 11 of Directive 2003/87/EC and any application for the unilateral inclusion of additional activities and gases under Article 24 of that Directive,

⁽¹⁾ OJ L 275, 25.10.2003, p. 32.

⁽²⁾ OJ L 100, 10.4.2008, p. 92.

⁽³⁾ OJ L 386, 29.12.2004, p. 1.

⁽⁴⁾ OJ L 229, 31.8.2007, p. 1.

⁽⁵⁾ OJ L 316, 16.11.2006, p. 12.

HAS ADOPTED THIS DECISION:

Article 1

Annex XX to the EEA Agreement shall be amended as follows:

- (1) the following indent is added in point 21a (Directive 2003/87/EC of the European Parliament and of the Council):

— **32009 L 0029:** Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 (OJ L 140, 5.6.2009, p. 63).;

- (2) the adaptations in point 21a (Directive 2003/87/EC of the European Parliament and of the Council) are replaced by the following:

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

- (a) without prejudice to future development by the EEA Joint Committee, it should be noted that the following Community acts are not incorporated into this Agreement:
- (i) Council Decision 2002/358/EC of 25 April 2002 concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder (*);
 - (ii) Decision No 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol (**);
- (b) at the time of incorporation of the Directive, Liechtenstein does not have any aviation activities as defined in the Directive operated on its territory. Liechtenstein will comply with the Directive when relevant aviation activities take place on its territory;
- (c) the following subparagraph shall be added in Article 3c(4):

“The EEA Joint Committee shall, in accordance with the procedures laid down in the Agreement and based on figures provided by the EFTA Surveillance Authority in cooperation with Eurocontrol, decide on the EEA-wide historical aviation emissions by adding the relevant numbers concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries to the Commission decision when incorporating the latter into the EEA Agreement.”;

- (d) in Article 3d(4), the second subparagraph shall be deleted;

- (e) the following subparagraph shall be added in Articles 3e(2) and 3f(4):

“By the same date, the EFTA States shall submit applications received to the EFTA Surveillance Authority, which shall promptly pass them onto the Commission.”;

- (f) the following subparagraphs shall be added in Article 3e(3):

“The EEA Joint Committee shall, in accordance with the procedures laid down in the Agreement and based on figures provided by the EFTA Surveillance Authority in cooperation with Eurocontrol, decide on the EEA-wide number 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 numbers concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries to the Commission decision when incorporating the latter into the EEA Agreement.

The Commission shall decide on the EEA-wide benchmark. During the decision-making process the Commission shall cooperate closely with the EFTA Surveillance Authority. The calculation and publication by the EFTA States under Article 3e(4) shall take place subsequent to the decision of the EEA Joint Committee incorporating the decision adopted by the Commission into the EEA Agreement.”;

- (g) the following subparagraph shall be added in Article 3f(5):

“The Commission shall decide on the EEA-wide benchmark. During the decision-making process the Commission shall cooperate closely with the EFTA Surveillance Authority. The calculation and publication by the EFTA States under Article 3f(7) shall take place subsequent to the decision of the EEA Joint Committee incorporating the decision adopted by the Commission into the EEA Agreement.”;

- (h) the following paragraphs shall be inserted in Article 9:

“The increase in the average annual total quantity of allowances in the EU ETS due to the extension of the scheme to cover Liechtenstein and Norway pursuant to paragraph 1 shall be in accordance with the EFTA Surveillance Authority’s decisions concerning their national allocation plans for the period from 2008 to 2012.

The increase in the average annual total quantity of allowances in the EU ETS due to the extension of the scheme to cover Iceland pursuant to paragraph 1 shall correspond to 23 934 tonnes of CO₂ equivalent.

In respect of the EFTA States, the figures to be taken into account for the calculation of the EEA-wide quantity of allowances to be issued from 2013 onwards pursuant to this Article are set out in Part A of the Appendix.”;

- (i) the following sentence shall be added in Article 9a(1):

“For Norway, the average annual quantity of allowances issued in respect of the installations mentioned in this paragraph is 878 850.”;

- (j) the following subparagraph shall be added in Article 9a(2):

“With regard to installations in the EFTA States carrying out activities listed in Annex I which are only included in the Community scheme from 2013 onwards, the average annual emissions of the reported period for the adjustment shall be:

Iceland: 1 862 571 tonnes of CO₂ equivalent.

Liechtenstein: 0 tonnes of CO₂ equivalent.

Norway: 5 269 254 tonnes of CO₂ equivalent.”;

- (k) the following paragraphs shall be added after Article 9a(4):

“5. In respect of the EFTA States, the figures to be taken into account for the adjustment of the EEA-wide quantity of allowances to be issued from 2013 onwards pursuant to this Article are set out in Part A of the Appendix.

6. The Commission shall calculate and adjust the annual EEA-wide quantity of allowances to be issued from 2013 onwards in accordance with Article 9 and this Article in order to include the EFTA States' figures as set out in Part A of the Appendix. The Commission shall publish the adjusted EEA-wide quantities of allowances for 2013 and onwards.”;

- (l) the following paragraph shall be added in Article 10(2):

“For the purposes of point (a), in respect of Liechtenstein and Norway, their shares shall be calculated on the basis of the following emissions:

Liechtenstein: 20 943 tonnes of CO₂ equivalent.

Norway: 18 635 669 tonnes of CO₂ equivalent.

In respect of Iceland, the share referred to in point (a) shall be calculated on the basis of 36 196 tonnes of CO₂ equivalent adjusted by 899 645 tonnes of CO₂ equivalent, representing the share of verified

emissions for 2005 from installations carrying out activities listed in Annex I, which are only included in the Community scheme from 2013 onwards. Iceland's share shall thus be calculated on the basis of 935 841 tonnes of CO₂ equivalent.”;

- (m) Article 10(3) shall not apply to the EFTA States;

- (n) the following subparagraph shall be added after the fifth subparagraph of Article 11a(8):

“In respect of the EFTA States, the figures to be taken into account for the calculation of the EEA-wide reductions pursuant to the fifth subparagraph are set out in Part B of the Appendix.”;

- (o) the second sentence in Article 16(3) shall be replaced by the following:

“The EFTA States shall provide for excess emissions penalties that are equivalent to those in the EU Member States.”;

- (p) the following paragraph shall be inserted after Article 16(12):

“13. The EFTA States shall submit any requests pursuant to Article 16(5) and (10) to the EFTA Surveillance Authority, which shall promptly pass them on to the Commission.”;

- (q) the following subparagraph shall be added in Article 18a(1):

“Reallocation of aircraft operators to the EFTA States should take place during year 2011, after fulfilment by the operator of its 2010 obligations. A different timeline for reallocation of aircraft operators initially assigned to a Member State on the basis of the criteria mentioned under point (b) of this paragraph, can be agreed by the initial administering Member State, further to an explicit request introduced by the operator within six months from the adoption by the Commission of the EEA-wide list of operators provided for in point (b) of Article 18a(3). In this case, reallocation shall take place no later than in 2020 with regard to the trading period beginning in 2021.”;

- (r) in point (b) of Article 18a(3), the words “for the whole EEA” shall be inserted after the words “aircraft operators”;

- (s) the following subparagraph shall be added in Article 18b:

“For the purposes of carrying out their tasks under the Directive, the EFTA States and the EFTA Surveillance Authority may request the assistance of Eurocontrol or another relevant organisation and may conclude to that effect any appropriate agreements with those organisations.”;

(t) the following paragraph shall be added to Article 20:

“4. The issue, transfer and cancellation of allowances concerning the EFTA States, their operators and the aircraft operators administered by them shall be registered in the independent transaction log referred to in paragraph 1.

The Central Administrator shall be competent to perform the tasks referred to in paragraphs 1 to 3 when the EFTA States, their operators or the aircraft operators administered by them are concerned.”;

(u) the following paragraph shall be added to Article 25:

“3. Allowances of the Community system include allowances issued or traded by the EFTA States or

their operators under the Community system. Upon conclusion by the Community of an agreement referred to in this Article, no distinction shall be made between such allowances.

The Commission shall keep the EFTA States informed at an early stage regarding the negotiation and conclusion of agreements or non-binding arrangements according to this Article.”;

(v) the EFTA States participating in the EU Emission Trading Scheme will provide information according to the relevant requirements in the first subparagraph of Article 30(3), while the reporting requirements under the second subparagraph shall not apply to them;

(w) the following shall be added after Annex V:

“Appendix

PART A

EFTA States’ figures relevant to the calculation and adjustment of the EEA-wide quantity of allowances to be issued from 2013 onwards pursuant to Articles 9 and 9a of Directive 2003/87/EC

1. EFTA States’ figures pursuant to Article 9

For the determination of these figures, the linear factor of 1,74 % has been applied.

Iceland

These figures are based on the average annual verified emissions from 2005 to 2010 from activities falling in principle under Directive 2003/87/EC during the period from 2008 to 2012 corresponding to 23 934 allowances.

Year	Amount of allowances
2013	22 684
2014	22 268
2015	21 851
2016	21 435
2017	21 018
2018	20 602
2019	20 186
2020	19 769

Liechtenstein

These figures are based on an average annual total quantity of allowances by Liechtenstein for the period from 2008 to 2012 corresponding to 17 943 allowances as set out in Liechtenstein’s National Allocation Plan.

Year	Amount of allowances
2013	17 006
2014	16 694
2015	16 382
2016	16 070
2017	15 758
2018	15 445
2019	15 133
2020	14 821

Norway

These figures are based on an average annual total quantity of allowances by Norway for the period from 2008 to 2012 corresponding to 14 255 268 allowances, as set out in the Norwegian National Allocation Plan.

Year	Amount of allowances
2013	13 511 143
2014	13 263 101
2015	13 015 060
2016	12 767 018
2017	12 518 976
2018	12 270 935
2019	12 022 893
2020	11 774 851

2. EFTA States' figures pursuant to Article 9a(1)

For the determination of these figures, the linear factor of 1,74 % has been applied.

Norway

Year	Amount of allowances
2013	832 974
2014	817 682
2015	802 390
2016	787 098
2017	771 806
2018	756 514
2019	741 222
2020	725 930

3. EFTA States' figures pursuant to Article 9a(2)

For the determination of these figures, the linear factor of 1,74 % has been applied.

Iceland

Year	Amount of allowances
2013	1 732 936
2014	1 700 527
2015	1 668 119
2016	1 635 710
2017	1 603 301
2018	1 570 892
2019	1 538 484
2020	1 506 075

Norway

Year	Amount of allowances
2013	4 994 199
2014	4 902 514
2015	4 810 829
2016	4 719 144
2017	4 627 459
2018	4 535 774
2019	4 444 089
2020	4 352 404

PART B**EFTA States' figures relevant to the calculation of the EEA-wide reductions pursuant to the fifth subparagraph of Article 11a(8)**

	Emissions in 2005 from existing sectors (in tonnes of CO ₂ equivalent)	Emissions in 2005 from new sectors included as of 2013 (in tonnes of CO ₂ equivalent)
Iceland	36 196	899 645
Liechtenstein	18 121	0
Norway	19 730 000	6 140 000"

(*) OJ L 130, 15.5.2002, p. 1.

(**) OJ L 49, 19.2.2004, p. 1.;

- (3) the following points are inserted after point 21a (Directive 2003/87/EC of the European Parliament and of the Council):

‘21a. **32010 R 1031**: Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to 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 302, 18.11.2010, p. 1), as amended by:

— **32011 R 1210**: Commission Regulation (EU) No 1210/2011 of 23 November 2011 (OJ L 308, 24.11.2011, p. 2).

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

- (a) the first sentence in Article 22(7) shall read as follows:

“The EFTA States shall notify the identity of the auctioneer and its contact details to the EFTA

Surveillance Authority, which will forward the information to the Commission.”;

- (b) the following sentences shall be added in Article 24(2):

“The EFTA States shall contract the auction monitor appointed following the joint procurement procedure between the Commission and the Member States to monitor all auction processes. In Article 25(1), (2), (3), (4) and (5), the term ‘Member State(s)’ shall be understood to include the EFTA States.”;

- (c) the following subparagraph shall be added in Article 26(1) and (2):

“The EFTA States shall contract the auction platform appointed jointly by the Commission and the participating EU Member States for the auctioning of their shares of the allowances to be auctioned where the EFTA States choose to aggregate the auctioning of their allowances with the allowances of the EU Member States participating in the joint action.”;

- (d) the following sentence shall be added in Article 27(1) and Article 28(1):

“Without prejudice to the arrangements in the contract to be concluded between the EFTA States and the auction platform, the auction platform appointed following the joint procurement procedure between the Commission and the Member States participating in the joint action may provide the abovementioned services also to the EFTA States.”;

- (e) Articles 30 to 32 shall not apply to the EFTA States, provided that they have contracted the auction platforms appointed according to Article 26 in accordance with adaptation (c) above;
- (f) the following subparagraphs shall be added in Article 52(3):

“The share of the costs of the auction monitor relating to an auction platform appointed pursuant to Article 26(1) or (2) and contracted by the EFTA States shall be distributed between the Member States participating in the joint action and the EFTA States in accordance with their shares of the total volume of allowances auctioned on the auction platform concerned provided that the EFTA States aggregate the auctioning of their allowances with the allowances of the EU Member States participating in the joint action.

The share of the costs of the auction monitor relating to an auction platform appointed pursuant to Article 30(1) or (2) and contracted by an EFTA State, including the cost of any report requested pursuant to Article 25(4), shall be borne by the EFTA State concerned in the same way as for EU Member States not participating in the joint action.”.

- 21alb. **32010 D 0002**: Commission Decision 2010/2/EU of 24 December 2009 determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage (OJ L 1, 5.1.2010, p. 10), as amended by:

— **32011 D 0745**: Commission Decision 2011/745/EU of 11 November 2011 (OJ L 299, 17.11.2011, p. 9).

- 21alc. **32011 D 0278**: Commission Decision 2011/278/EU of 27 April 2011 determining tran-

sitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 130, 17.5.2011, p. 1), as amended by:

— **32011 D 0745**: Commission Decision 2011/745/EU of 11 November 2011 (OJ L 299, 17.11.2011, p. 9).

- 21ald. **32010 D 0670**: Commission Decision 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council (OJ L 290, 6.11.2010, p. 39).

- 21ale. **32011 R 0550**: Commission Regulation (EU) No 550/2011 of 7 June 2011 on determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, certain restrictions applicable to the use of international credits from projects involving industrial gases (OJ L 149, 8.6.2011, p. 1).;

- (4) the following indents are added in point 21am (Commission Decision 2007/589/EC):

— **32010 D 0345**: Commission Decision 2010/345/EU of 8 June 2010 (OJ L 155, 22.6.2010, p. 34),

— **32011 D 0540**: Commission Decision 2011/540/EU of 18 August 2011 (OJ L 244, 21.9.2011, p. 1).’.

Article 2

The texts of Regulations (EU) No 1031/2010, (EU) No 550/2011 and (EU) No 1210/2011, Directive 2009/29/EC and Decisions 2010/2/EU, 2010/345/EU, 2010/670/EU, 2011/278/EU, 2011/540/EU and 2011/745/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 27 July 2012 or the day following the last notification to the EEA Joint Committee under Article 103(1) of the EEA Agreement, whichever is the latest ⁽¹⁾.

⁽¹⁾ 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, 26 July 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL

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