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EUROPEAN ECONOMIC AREA

EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 55/2009

of 29 May 2009

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

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 41/2009 of 24 April 2009 ⁽¹⁾.
- (2) Commission Regulation (EC) No 289/2008 of 31 March 2008 amending Regulation (EC) No 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 384/2008 of 29 April 2008 amending Regulation (EC) No 1266/2007 as regards the conditions for exempting pregnant animals from the exit ban provided for in Council Directive 2000/75/EC ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Decision 2008/185/EC of 21 February 2008 on additional guarantees in intra-Community trade of pigs relating to Aujeszky's disease and criteria to provide information on this disease (Codified version) ⁽⁴⁾ is to be incorporated into the Agreement.

- (5) Commission Decision 2008/220/EC of 12 March 2008 amending Decision 2003/135/EC as regards the eradication and emergency vaccination plans for classical swine fever in feral pigs in certain areas of the *Länder* of Rhineland-Palatinate and North Rhine-Westphalia (Germany) ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Decision 2008/233/EC of 17 March 2008 amending Decision 2004/558/EC implementing Council Directive 64/432/EEC as regards additional guarantees for intra-Community trade in bovine animals relating to infectious bovine rhinotracheitis and the approval of the eradication programme presented by certain Member States ⁽⁶⁾ is to be incorporated into the Agreement.
- (7) Commission Decision 2008/234/EC of 18 March 2008 amending Decision 2003/467/EC as regards the declaration that certain administrative regions of Poland are officially free of enzootic bovine leucosis ⁽⁷⁾ is to be incorporated into the Agreement.
- (8) Commission Decision 2008/339/EC of 25 April 2008 amending Annex XI to Council Directive 2003/85/EC as regards the list of laboratories authorised to handle live foot-and-mouth disease virus ⁽⁸⁾ is to be incorporated into the Agreement.

⁽¹⁾ OJ L 162, 25.6.2009, p. 16.

⁽²⁾ OJ L 89, 1.4.2008, p. 3.

⁽³⁾ OJ L 116, 30.4.2008, p. 3.

⁽⁴⁾ OJ L 59, 4.3.2008, p. 19.

⁽⁵⁾ OJ L 70, 14.3.2008, p. 9.

⁽⁶⁾ OJ L 76, 19.3.2008, p. 56.

⁽⁷⁾ OJ L 76, 19.3.2008, p. 58.

⁽⁸⁾ OJ L 115, 29.4.2008, p. 39.

(9) Decision 2008/185/EC repeals Commission Decision 2001/618/EC ⁽¹⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.

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

HAS DECIDED AS FOLLOWS:

Article 1

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

Article 2

The texts of Regulations (EC) No 289/2008 and (EC) No 384/2008 and Decisions 2008/185/EC, 2008/220/EC, 2008/233/EC, 2008/234/EC and 2008/339/EC 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 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 215, 9.8.2001, p. 48.

^(*) No constitutional requirements indicated.

ANNEX

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

1. the following indent shall be added in point 1a (Council Directive 2003/85/EC) in Part 3.1:
‘— **32008 D 0339**: Commission Decision 2008/339/EC of 25 April 2008 (OJ L 115, 29.4.2008, p. 39).’;
2. the following shall be added in point 40 (Commission Regulation (EC) No 1266/2007) in Part 3.2:
‘as amended by:
— **32008 R 0289**: Commission Regulation (EC) No 289/2008 of 31 March 2008 (OJ L 89, 1.4.2008, p. 3),
— **32008 R 0384**: Commission Regulation (EC) No 384/2008 of 29 April 2008 (OJ L 116, 30.4.2008, p. 3).’;
3. under the heading ‘ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT’ the following indent shall be added in point 20 (Commission Decision 2003/135/EC) in Part 3.2:
‘— **32008 D 0220**: Commission Decision 2008/220/EC of 12 March 2008 (OJ L 70, 14.3.2008, p. 9).’;
4. the text of point 64 (Commission Decision 2001/618/EC) in Part 4.2 shall be deleted;
5. the following indent shall be added in point 70 (Commission Decision 2003/467/EC) in Part 4.2:
‘— **32008 D 0234**: Commission Decision 2008/234/EC of 18 March 2008 (OJ L 76, 19.3.2008, p. 58).’;
6. the following indent shall be added in point 80 (Commission Decision 2004/558/EC) in Part 4.2:
‘— **32008 D 0233**: Commission Decision 2008/233/EC of 17 March 2008 (OJ L 76, 19.3.2008, p. 56).’;
7. the following point shall be inserted after point 83 (Commission Decision 2007/846/EC) in Part 4.2:
‘84. **32008 D 0185**: Commission Decision 2008/185/EC of 21 February 2008 on additional guarantees in intra-Community trade of pigs relating to Aujeszky’s disease and criteria to provide information on this disease (OJ L 59, 4.3.2008, p. 19).

This act shall not apply to Iceland.’

DECISION OF THE EEA JOINT COMMITTEE

No 56/2009

of 29 May 2009

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

THE EEA JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

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

Article 1

Chapter I of Annex I shall be amended as follows:

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 41/2009 of 24 April 2009 ⁽¹⁾.
- (2) Commission Decision 2008/77/EC of 25 January 2008 approving the plans for 2008 for the eradication of classical swine fever in feral pigs and the emergency vaccination of those pigs against that disease in Bulgaria ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Decision 2008/88/EC of 28 January 2008 amending Decision 2005/59/EC as regards areas where the plans for the eradication of classical swine fever in feral pigs and the emergency vaccination of feral pigs against classical swine fever are to be implemented in Slovakia ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Decision 2008/97/EC of 30 January 2008 amending Decision 93/52/EEC as regards the declaration that certain administrative regions of Italy are officially free of brucellosis (*B. melitensis*) and Decision 2003/467/EC as regards the declaration that certain administrative regions of Italy are officially free of bovine tuberculosis and bovine brucellosis and that certain administrative regions of Poland are officially free of enzootic bovine leucosis ⁽⁴⁾, as corrected by OJ L 281, 24.10.2008, p. 35, is to be incorporated into the Agreement.
- (5) Commission Decision 2008/159/EC of 22 February 2008 amending Decision 2007/683/EC approving the plan for the eradication of classical swine fever in feral pigs in certain areas of Hungary ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) This Decision is not to apply to Iceland and Liechtenstein,

1. under the heading 'ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT' the following indent shall be added in point 29 (Commission Decision 2005/59/EC) in Part 3.2:

— **32008 D 0088**: Commission Decision 2008/88/EC of 28 January 2008 (OJ L 28, 1.2.2008, p. 34).;

2. under the heading 'ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT' the following shall be added in point 42 (Commission Decision 2007/683/EC) in Part 3.2:

'as amended by:

— **32008 D 0159**: Commission Decision 2008/159/EC of 22 February 2008 (OJ L 51, 26.2.2008, p. 21).;

3. under the heading 'ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT' the following point shall be inserted after point 43 (Commission Decision 2007/870/EC) in Part 3.2:

'44. **32008 D 0077**: Commission Decision 2008/77/EC of 25 January 2008 approving the plans for 2008 for the eradication of classical swine fever in feral pigs and the emergency vaccination of those pigs against that disease in Bulgaria (OJ L 23, 26.1.2008, p. 28).

This act shall not apply to Iceland.;

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

— **32008 D 0097**: Commission Decision 2008/97/EC of 30 January 2008 (OJ L 32, 6.2.2008, p. 25), as corrected by OJ L 281, 24.10.2008, p. 35.'

⁽¹⁾ OJ L 162, 25.6.2009, p. 16.

⁽²⁾ OJ L 23, 26.1.2008, p. 28.

⁽³⁾ OJ L 28, 1.2.2008, p. 34.

⁽⁴⁾ OJ L 32, 6.2.2008, p. 25.

⁽⁵⁾ OJ L 51, 26.2.2008, p. 21.

Article 2

The texts of Decisions 2008/77/EC, 2008/88/EC, 2008/97/EC, as corrected by OJ L 281, 24.10.2008, p. 35, and 2008/159/EC, 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 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee

The President

Alan SEATTER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 57/2009

of 29 May 2009

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

THE EEA JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

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

Article 1

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

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 42/2009 of 24 April 2009 ⁽¹⁾.
- (2) Commission Regulation (EC) No 721/2008 of 25 July 2008 concerning the authorisation of a preparation of red carotenoid-rich bacterium *Paracoccus carotinifaciens* as a feed additive ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 971/2008 of 3 October 2008 concerning a new use of a coccidiostat as additive in feedingstuffs ⁽³⁾, as corrected by OJ L 267, 8.10.2008, p. 32, is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 976/2008 of 6 October 2008 amending Regulations (EC) No 2430/1999, (EC) No 418/2001 and (EC) No 162/2003 as regards the terms of the authorisation of the feed additive 'Clinacox', belonging to the group of coccidiostats and other medicinal substances ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Directive 2008/76/EC of 25 July 2008 amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Directive 2008/82/EC of 30 July 2008 amending Directive 2008/38/EC as regards feedingstuffs intended for the support of the renal function in case of chronic renal insufficiency ⁽⁶⁾ is to be incorporated into the Agreement.
- (7) This Decision is not to apply to Liechtenstein,

1. the following indent shall be added in points 1k (Commission Regulation (EC) No 2430/1999), 1t (Commission Regulation (EC) No 418/2001) and 37 (Commission Regulation (EC) No 162/2003):

— **32008 R 0976**: Commission Regulation (EC) No 976/2008 of 6 October 2008 (OJ L 266, 7.10.2008, p. 3);

2. the following points shall be inserted after point 1zzzzr (Commission Regulation (EC) No 775/2008):

1zzzzs. **32008 R 0721**: Commission Regulation (EC) No 721/2008 of 25 July 2008 concerning the authorisation of a preparation of red carotenoid-rich bacterium *Paracoccus carotinifaciens* as a feed additive (OJ L 198, 26.7.2008, p. 23).

1zzzzt. **32008 R 0971**: Commission Regulation (EC) No 971/2008 of 3 October 2008 concerning a new use of a coccidiostat as additive in feedingstuffs (OJ L 265, 4.10.2008, p. 3), as corrected by OJ L 267, 8.10.2008, p. 32.;

3. the following shall be added in point 14c (Commission Directive 2008/38/EC):

'as amended by:

— **32008 L 0082**: Commission Directive 2008/82/EC of 30 July 2008 (OJ L 202, 31.7.2008, p. 48).;

4. the following indent shall be added in point 33 (Directive 2002/32/EC of the European Parliament and of the Council):

— **32008 L 0076**: Commission Directive 2008/76/EC of 25 July 2008 (OJ L 198, 26.7.2008, p. 37).'

⁽¹⁾ OJ L 162, 25.6.2009, p. 19.

⁽²⁾ OJ L 198, 26.7.2008, p. 23.

⁽³⁾ OJ L 265, 4.10.2008, p. 3.

⁽⁴⁾ OJ L 266, 7.10.2008, p. 3.

⁽⁵⁾ OJ L 198, 26.7.2008, p. 37.

⁽⁶⁾ OJ L 202, 31.7.2008, p. 48.

Article 2

The texts of Regulations (EC) No 721/2008, (EC) No 971/2008, as corrected by OJ L 267, 8.10.2008, p. 32, and (EC) No 976/2008 and Directives 2008/76/EC and 2008/82/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 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee

The President

Alan SEATTER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 58/2009

of 29 May 2009

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

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 42/2009 of 24 April 2009 ⁽¹⁾.
- (2) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 27/2009 of 17 March 2009 ⁽²⁾.
- (3) Commission Regulation (EC) No 149/2008 of 29 January 2008 amending Regulation (EC) No 396/2005 of the European Parliament and of the Council by establishing Annexes II, III and IV setting maximum residue levels for products covered by Annex I thereto ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 260/2008 of 18 March 2008 amending Regulation (EC) No 396/2005 of the European Parliament and of the Council by establishing Annex VII listing active substance/product combinations covered by a derogation as regards post harvest treatments with a fumigant ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 839/2008 of 31 July 2008 amending Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards Annexes II, III and IV on maximum residue levels of pesticides in or on certain products ⁽⁵⁾ is to be incorporated into the Agreement.

- (6) Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽⁶⁾, which is already incorporated into the Agreement, repeals Council Directives 76/895/EEC ⁽⁷⁾, 86/362/EEC ⁽⁸⁾, 86/363/EEC ⁽⁹⁾ and 90/642/EEC ⁽¹⁰⁾ which are also incorporated into the Agreement and are therefore to be repealed under the Agreement.
- (7) This Decision is not to apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

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

- **32008 R 0149**: Commission Regulation (EC) No 149/2008 of 29 January 2008 (OJ L 58, 1.3.2008, p. 1),
- **32008 R 0260**: Commission Regulation (EC) No 260/2008 of 18 March 2008 (OJ L 76, 19.3.2008, p. 31),
- **32008 R 0839**: Commission Regulation (EC) No 839/2008 of 31 July 2008 (OJ L 234, 30.8.2008, p. 1).'

Article 2

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

1. the text of points 13 (Council Directive 76/895/EEC), 38 (Council Directive 86/362/EEC), 39 (Council Directive 86/363/EEC) and 54 (Council Directive 90/642/EEC) shall be deleted;
2. the following indents shall be added in point 54zzy (Regulation (EC) No 396/2005 of the European Parliament and of the Council):
 - **32008 R 0149**: Commission Regulation (EC) No 149/2008 of 29 January 2008 (OJ L 58, 1.3.2008, p. 1),

⁽¹⁾ OJ L 162, 25.6.2009, p. 19.⁽²⁾ OJ L 130, 28.5.2009, p. 19.⁽³⁾ OJ L 58, 1.3.2008, p. 1.⁽⁴⁾ OJ L 76, 19.3.2008, p. 31.⁽⁵⁾ OJ L 234, 30.8.2008, p. 1.⁽⁶⁾ OJ L 70, 16.3.2005, p. 1.⁽⁷⁾ OJ L 340, 9.12.1976, p. 26.⁽⁸⁾ OJ L 221, 7.8.1986, p. 37.⁽⁹⁾ OJ L 221, 7.8.1986, p. 43.⁽¹⁰⁾ OJ L 350, 14.12.1990, p. 71.

— **32008 R 0260**: Commission Regulation (EC) No 260/2008 of 18 March 2008 (OJ L 76, 19.3.2008, p. 31),

— **32008 R 0839**: Commission Regulation (EC) No 839/2008 of 31 July 2008 (OJ L 234, 30.8.2008, p. 1).

Article 3

The texts of Regulations (EC) No 149/2008, (EC) No 260/2008 and (EC) No 839/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 4

This Decision shall enter into force on 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 5

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee
The President
Alan SEATTER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 59/2009

of 29 May 2009

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

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 132/2007 of 26 October 2007 ⁽¹⁾.
- (2) Directive 2008/121/EC of the European Parliament and of the Council of 14 January 2009 on textile names (recast) ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2008/121/EC repeals Directive 96/74/EC of the European Parliament and of the Council ⁽³⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

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

1. the text of point 4b (Directive 96/74/EC of the European Parliament and of the Council) shall be deleted;

2. the following point shall be inserted after point 4b:

'4c. **32008 L 0121**: Directive 2008/121/EC of the European Parliament and of the Council of 14 January 2009 on textile names (recast) (OJ L 19, 23.1.2009, p. 29).'

Article 2

The text of Directive 2008/121/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 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee

The President
Alan SEATTER

⁽¹⁾ OJ L 100, 10.4.2008, p. 1.

⁽²⁾ OJ L 19, 23.1.2009, p. 29.

⁽³⁾ OJ L 32, 3.2.1997, p. 38.

(* No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 60/2009

of 29 May 2009

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

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 27/2009 of 17 March 2009 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs ⁽²⁾ is to be incorporated into the Agreement. It is appropriate to allow Norway and Iceland to maintain the lower maximum level for dioxin and dioxin-like PCBs in marine oil laid down in their national legislation, adopted for reasons of public health.
- (3) Commission Regulation (EC) No 1126/2007 of 28 September 2007 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards Fusarium toxins in maize and maize products ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 629/2008 of 2 July 2008 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Regulation (EC) No 1881/2006 repeals Commission Regulation (EC) No 466/2001 ⁽⁵⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.
- (6) This Decision shall not apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

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

1. the text of point 54zn (Commission Regulation (EC) No 466/2001) shall be deleted;

⁽¹⁾ OJ L 130, 28.5.2009, p. 19.

⁽²⁾ OJ L 364, 20.12.2006, p. 5.

⁽³⁾ OJ L 255, 29.9.2007, p. 14.

⁽⁴⁾ OJ L 173, 3.7.2008, p. 6.

⁽⁵⁾ OJ L 77, 16.3.2001, p. 1.

2. the following shall be inserted after point 54zzzy (Commission Directive 2008/60/EC):

^{54zzzz}. **32006 R 1881**: Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5), as amended by:

— **32007 R 1126**: Commission Regulation (EC) No 1126/2007 of 28 September 2007 (OJ L 255, 29.9.2007, p. 14),

— **32008 R 0629**: Commission Regulation (EC) No 629/2008 of 2 July 2008 (OJ L 173, 3.7.2008, p. 6).

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

The following shall be inserted in Article 1:

“With regard to the maximum level for dioxins and dioxin-like PCBs in marine oil, Iceland and Norway may maintain a maximum level for the sum of dioxins, furans and dioxin-like PCBs (WHO-PCDD/F-PCB-TEQ) of 5 pg/g fat.”

Article 2

The texts of Regulations (EC) No 1881/2006, (EC) No 1126/2007 and (EC) No 629/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee ^(*).

^(*) No constitutional requirements indicated.

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee
The President
Alan SEATTER

DECISION OF THE EEA JOINT COMMITTEE

No 61/2009

of 29 May 2009

amending Annex II (Technical regulations, standards, testing and certification) and Protocol 37 to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 and 101 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 6/2009 of 5 February 2009 ⁽¹⁾.
- (2) Protocol 37 to the Agreement was amended by Decision of the EEA Joint Committee No 81/2008 of 4 July 2008 ⁽²⁾.
- (3) Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency ⁽³⁾ is to be incorporated into the Agreement.
- (4) Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Directive 2004/28/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Directive 2004/24/EC of the European Parliament and of the Council of 31 March 2004 amending, as regards traditional herbal medicinal products, Directive 2001/83/EC on the Community code relating to medicinal products for human use ⁽⁶⁾ is to be incorporated into the Agreement.
- (7) Commission Regulation (EC) No 2049/2005 of 15 December 2005 laying down, pursuant to Regulation (EC) No 726/2004 of the European Parliament and of the Council, rules regarding the payment of fees to, and the receipt

of administrative assistance from, the European Medicines Agency by micro, small and medium-sized enterprises ⁽⁷⁾ is to be incorporated into the Agreement.

- (8) Commission Regulation (EC) No 507/2006 of 29 March 2006 on the conditional marketing authorisation for medicinal products for human use falling within the scope of Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽⁸⁾ is to be incorporated into the Agreement.
- (9) Protocol 37 to the Agreement is to be extended to include the Coordination groups for Mutual Recognition and Decentralised procedures (human) and (veterinary) in accordance with Article 101 of the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex II and Protocol 37 to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

The texts of Regulations (EC) No 726/2004, (EC) No 2049/2005 and (EC) No 507/2006 and Directives 2004/27/EC, 2004/28/EC and 2004/24/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 30 May 2009 or on the day following the last notification to the EEA Joint Committee under Article 103(1) of the Agreement, whichever is the later (*). For Liechtenstein, this Decision shall enter into force on the same day or on the day of entry into force of the Agreement between Liechtenstein and Austria laying down the technical details for Liechtenstein's recognition of Austrian marketing authorisations within the decentralised procedure (DCP) and the mutual recognition procedure (MRP), whichever is the later.

⁽¹⁾ OJ L 73, 19.3.2009, p. 39.

⁽²⁾ OJ L 280, 23.10.2008, p. 12.

⁽³⁾ OJ L 136, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 136, 30.4.2004, p. 34.

⁽⁵⁾ OJ L 136, 30.4.2004, p. 58.

⁽⁶⁾ OJ L 136, 30.4.2004, p. 85.

⁽⁷⁾ OJ L 329, 16.12.2005, p. 4.

⁽⁸⁾ OJ L 92, 30.3.2006, p. 6.

(*) 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, 29 May 2009.

For the EEA Joint Committee
The President
Alan SEATTER

ANNEX

Annex II and Protocol 37 to the Agreement shall be amended as follows:

1. The text of the introductory part of Chapter XIII of Annex II to the Agreement shall be replaced as of the fourth paragraph by the following:

‘When decisions on approval of medicinal products are taken according to the Community procedures laid down in Regulation (EC) No 726/2004 of the European Parliament and of the Council, Directive 2001/83/EC of the European Parliament and of the Council, as amended by Directive 2004/27/EC of the European Parliament and of the Council, and Directive 2001/82/EC of the European Parliament and of the Council, as amended by Directive 2004/28/EC of the European Parliament and of the Council, the EFTA States shall simultaneously and within 30 days of the Community Decision, take corresponding decisions on the basis of the relevant acts. The EEA Joint Committee shall be informed and shall periodically publish lists of such decisions in the EEA Supplement to the Official Journal.

The EFTA Surveillance Authority shall monitor the application of the decisions taken by the EFTA States as provided for in Article 109 of the Agreement.

Where any of the relevant acts provide for Community procedures on the granting, suspension and withdrawal of a marketing authorisation as well as supervision, including pharmacovigilance, and inspections and sanctions, these and similar tasks shall be carried out by the competent authorities in the EFTA States, on the basis of the same obligations as those of the competent authorities of EC Member States.

Should any disagreement between the contracting parties arise as to the administration of these provisions, Part VII of the Agreement shall apply *mutatis mutandis*.

The EFTA States shall participate in the work of the European Medicines Agency, hereinafter referred to as “the Agency”, as set up by Regulation (EC) No 726/2004 of the European Parliament and of the Council.

The financial provisions of Title IV, Chapter 2, of Regulation (EC) No 726/2004 of the European Parliament and of the Council shall apply to the participation of the EFTA States in the work of the Agency.

The EFTA States shall therefore participate in the Community contribution referred to in Article 67(3) of Regulation (EC) No 726/2004 of the European Parliament and of the Council.

For this purpose the procedures laid down in Article 82(1)(a) and Protocol 32 of the Agreement shall apply *mutatis mutandis* with regard to the financial contribution of the EFTA States to the above mentioned Community contribution.

The EFTA States may send observers to meetings of the Agency’s Management Board.

The EFTA States shall be fully associated with the work of the Committee for Medicinal Products for Human Use (CHMP), the Committee for Medicinal Products for Veterinary Use (CVMP), the Committee on Orphan Medicinal Products (COMP) and the Committee on Herbal Medicinal Products (HMPC). The detailed arrangements of participation for the representatives of EFTA States shall be in accordance with the provisions of Title IV, chapter 1, of Regulation (EC) No 726/2004 of the European Parliament and of the Council. Such representatives shall, however, not participate in the voting and their positions shall be recorded separately. The position of Chairman shall be reserved for a member nominated by an EC Member State.

The EFTA States shall be fully associated with the work of the Coordination Group as set up by Article 27 of Directive 2001/83/EC of the European Parliament and of the Council, as amended by Directive 2004/27/EC of the European Parliament and of the Council, and Article 31 of Directive 2001/82/EC of the European Parliament and of the Council, as amended by Directive 2004/28/EC of the European Parliament and of the Council. The representatives of the EFTA States shall, however, not participate in the voting and their positions shall be recorded separately. The position of Chairman shall be reserved for a member nominated by an EC Member State.

An EFTA State may request the Agency to initiate an arbitration procedure according to Title III, Chapter 4 of Directive 2001/83/EC of the European Parliament and of the Council, as amended by Directive 2004/27/EC of the European Parliament and of the Council, and according to Title III, Chapter 4 of Directive 2001/82/EC of the European Parliament and of the Council, as amended by Directive 2004/28/EC of the European Parliament and of the Council. Such a request shall, in the first place, be addressed to the Commission which shall, where it considers that the request is of common interest, forward it to the Agency for further processing.

The EFTA States shall fully participate in the Telematic Exchange of Information on Medicinal Products (IMP) programme.

Iceland and Norway shall provide their national competent authorities and the marketing authorisation holders with the linguistic version of the marketing authorisations required to access their own market.

A marketing authorisation granted for a medicinal product following an opinion adopted by the competent EMEA scientific Committee in accordance with Article 9 or Article 34 of Regulation (EC) No 726/2004 of the European Parliament and of the Council shall not be subject to any fees other than those referred to in Article 67(3) and Article 70 of Regulation (EC) No 726/2004 of the European Parliament and of the Council.

The Agency having legal personality shall enjoy in all the States of the Contracting Parties the most extensive legal capacity accorded to legal persons under their laws.

The EFTA States shall apply to the Agency the Protocol of Privileges and Immunities of the European Communities.

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 726/2004 of the European Parliament and of the Council, apply to any documents of the Agency regarding the EFTA States as well.

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.'

2. The text of point 15g (Council Regulation (EEC) No 2309/93) of Chapter XIII of Annex II to the Agreement shall be deleted.
3. The following shall be added in point 15p (Directive 2001/82/EC of the European Parliament and of the Council) of Chapter XIII of Annex II to the Agreement:

'as amended by:

— **32004 L 0028**: Directive 2004/28/EC of the European Parliament and of the Council of 31 March 2004 (OJ L 136, 30.4.2004, p. 58).'

4. The following indents shall be added in point 15q (Directive 2001/83/EC of the European Parliament and of the Council) of Chapter XIII of Annex II to the Agreement:

— **32004 L 0027**: Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 (OJ L 136, 30.4.2004, p. 34),

— **32004 L 0024**: Directive 2004/24/EC of the European Parliament and of the Council of 31 March 2004 (OJ L 136, 30.4.2004, p. 85).'

5. The following shall be added in points 15p (Directive 2001/82/EC of the European Parliament and of the Council) and 15q (Directive 2001/83/EC of the European Parliament and of the Council) of Chapter XIII of Annex II to the Agreement, after the transitional arrangements:

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

Liechtenstein shall not be obliged to participate in the decentralised procedure (DCP) and in the mutual recognition procedure (MRP) and shall, therefore, not be obliged to issue the corresponding marketing authorisations. Instead, Austrian marketing authorisations within the DCP and the MRP shall be valid for Liechtenstein upon request of a marketing authorisation applicant.'

6. The following points shall be inserted after point 15za (Commission Regulation (EC) No 1950/2006) of Chapter XIII of Annex II to the Agreement:

'15zb. **32004 R 0726**: Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1).

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

The right to impose financial penalties on the holders of marketing authorisations in accordance with Article 84(3) shall in the cases where the marketing authorisation holder is established in an EFTA State be carried out by that EFTA State based on a proposal of the European Commission.

- 15zc. **32005 R 2049**: Commission Regulation (EC) No 2049/2005 of 15 December 2005 laying down, pursuant to Regulation (EC) No 726/2004 of the European Parliament and of the Council, rules regarding the payment of fees to, and the receipt of administrative assistance from, the European Medicines Agency by micro, small and medium-sized enterprises (OJ L 329, 16.12.2005, p. 4).
- 15zd. **32006 R 0507**: Commission Regulation (EC) No 507/2006 of 29 March 2006 on the conditional marketing authorisation for medicinal products for human use falling within the scope of Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 92, 30.3.2006, p. 6).'
7. The following points shall be inserted in Protocol 37 to the Agreement (containing the list provided for in Article 101):
- '27. Coordination Group for Mutual Recognition and Decentralised procedure (human) (Directive 2001/83/EC of the European Parliament and the Council).
28. Coordination Group for Mutual Recognition and Decentralised procedure (veterinary) (Directive 2001/82/EC of the European Parliament and the Council).'
-

DECISION OF THE EEA JOINT COMMITTEE

No 62/2009

of 29 May 2009

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

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 6/2009 of 5 February 2009 ⁽¹⁾.
- (2) Commission Directive 2005/28/EC of 8 April 2005 laying down principles and detailed guidelines for good clinical practice as regards investigational medicinal products for human use, as well as the requirements for authorisation of the manufacturing or importation of such products ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 1277/2005 of 27 July 2005 laying down implementing rules for Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and for Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors ⁽³⁾ is to be incorporated into the Agreement.
- (4) Council Regulation (EC) No 1905/2005 of 14 November 2005 amending Regulation (EC) No 297/95 on fees payable to the European Medicines Agency ⁽⁴⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

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

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

— **32005 R 1905:** Council Regulation (EC) No 1905/2005 of 14 November 2005 (OJ L 304, 23.11.2005, p. 1).;

2. the following shall be inserted after point 15zd (Commission Regulation (EC) No 507/2006):

'15ze. **32005 R 1277:** Commission Regulation (EC) No 1277/2005 of 27 July 2005 laying down implementing rules for Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and for Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors (OJ L 202, 3.8.2005, p. 7).

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

The Regulation shall only apply to the EEA EFTA States with regard to Regulation (EC) No 273/2004.

- 15zf. **32005 L 0028:** Commission Directive 2005/28/EC of 8 April 2005 laying down principles and detailed guidelines for good clinical practice as regards investigational medicinal products for human use, as well as the requirements for authorisation of the manufacturing or importation of such products (OJ L 91, 9.4.2005, p. 13).'

Article 2

The texts of Regulations (EC) No 1277/2005 and (EC) No 1905/2005 and Directive 2005/28/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 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee

The President
Alan SEATTER

⁽¹⁾ OJ L 73, 19.3.2009, p. 39.

⁽²⁾ OJ L 91, 9.4.2005, p. 13.

⁽³⁾ OJ L 202, 3.8.2005, p. 7.

⁽⁴⁾ OJ L 304, 23.11.2005, p. 1.

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE**No 63/2009****of 29 May 2009****amending Annex XIII (Transport) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 50/2009 of 24 April 2009 ⁽¹⁾.
- (2) Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 17i (Directive 2004/54/EC of the European Parliament and of the Council) of Annex XIII to the Agreement:

- '17j. **32008 L 0096:** Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road

infrastructure safety management (OJ L 319, 29.11.2008, p. 59).'

Article 2

The text of Directive 2008/96/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 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee
The President
Alan SEATTER

⁽¹⁾ OJ L 162, 25.6.2009, p. 31.

⁽²⁾ OJ L 319, 29.11.2008, p. 59.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 64/2009

of 29 May 2009

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Article 2

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 text of Directive 2008/106/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.

Whereas:

Article 3

(1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 50/2009 of 24 April 2009 ⁽¹⁾.

This Decision shall enter into force on 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee ^(*).

(2) Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (recast) ⁽²⁾ is to be incorporated into the Agreement,

Article 4

HAS DECIDED AS FOLLOWS:

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

Article 1

The text of point 56j (Directive 2001/25/EC of the European Parliament and of the Council) of Annex XIII to the Agreement shall be replaced by the following:

Done at Brussels, 29 May 2009.

'32008 L 0106: Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (recast) (OJ L 323, 3.12.2008, p. 33).'

*For the EEA Joint Committee**The President*

Alan SEATTER

⁽¹⁾ OJ L 162, 25.6.2009, p. 31.

⁽²⁾ OJ L 323, 3.12.2008, p. 33.

^(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 65/2009

of 29 May 2009

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 50/2009 of 24 April 2009 ⁽¹⁾.
- (2) Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements ⁽²⁾, as corrected by OJ L 33, 4.2.2006, p. 87 and OJ L 105, 13.4.2006, p. 65, is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 56u (Regulation (EC) No 336/2006 of the European Parliament and of the Council) of Annex XIII to the Agreement:

'56v. **32005 L 0035**: Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements (OJ L 255, 30.9.2005, p. 11), as corrected by OJ L 33, 4.2.2006, p. 87 and OJ L 105, 13.4.2006, p. 65.

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

The second sentence of Article 4 shall not apply.'

Article 2

The texts of Directive 2005/35/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 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 162, 25.6.2009, p. 31.

⁽²⁾ OJ L 255, 30.9.2005, p. 11.

^(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 66/2009

of 29 May 2009

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Article 2

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 text of Regulation (EC) No 859/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Whereas:

Article 3

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 50/2009 of 24 April 2009 ⁽¹⁾.
- (2) Commission Regulation (EC) No 859/2008 of 20 August 2008 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane ⁽²⁾ is to be incorporated into the Agreement,

This Decision shall enter into force on 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee ^(*).

Article 4

HAS DECIDED AS FOLLOWS:

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

Article 1

The following indent shall be added in point 66a (Council Regulation (EEC) No 3922/91) of Annex XIII to the Agreement:

Done at Brussels, 29 May 2009.

- **32008 R 0859**: Commission Regulation (EC) No 859/2008 of 20 August 2008 (OJ L 254, 20.9.2008, p. 1).'

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 162, 25.6.2009, p. 1.

⁽²⁾ OJ L 254, 20.9.2008, p. 1.

^(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 67/2009
of 29 May 2009
amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

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 50/2009 of 24 April 2009 ⁽¹⁾.
- (2) Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security ⁽²⁾ was incorporated into the Agreement by Decision of the EEA Joint Committee No 61/2004 of 26 April 2004 ⁽³⁾, with country specific adaptations.
- (3) Commission Regulation (EC) No 820/2008 of 8 August 2008 laying down measures for the implementation of the common basic standards on aviation security ⁽⁴⁾ is to be incorporated into the Agreement.
- (4) Regulation (EC) No 820/2008 repeals Commission Regulation (EC) No 622/2003 ⁽⁵⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

Article 1

The text of point 66i (Commission Regulation (EC) No 622/2003) of Annex XIII to the Agreement shall be replaced by the following:

'66i **32008 R 0820**: Commission Regulation (EC) No 820/2008 of 8 August 2008 laying down measures for the implementation of the common basic standards on aviation security (OJ L 221, 19.8.2008, p. 8).'

Article 2

The text of Regulation (EC) No 820/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee
The President
Alan SEATTER

⁽¹⁾ OJ L 162, 25.6.2009, p. 31.

⁽²⁾ OJ L 355, 30.12.2002, p. 1.

⁽³⁾ OJ L 277, 26.8.2004, p. 175.

⁽⁴⁾ OJ L 221, 19.8.2008, p. 8.

⁽⁵⁾ OJ L 89, 5.4.2003, p. 9.

^(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 68/2009

of 29 May 2009

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

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 50/2009 of 24 April 2009 ⁽¹⁾.
- (2) Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security ⁽²⁾ was incorporated into the Agreement by Decision of the EEA Joint Committee No 61/2004 of 26 April 2004 ⁽³⁾, with country specific adaptations.
- (3) Commission Decision C(2008) 4333 final of 08/VIII/2008 laying down additional measures for the implementation of the common basic standards on aviation security is to be incorporated into the Agreement,

Article 1

The following point shall be inserted after point 66i (Commission Regulation (EC) No 820/2008) of Annex XIII to the Agreement:

'66ia. **C(2008) 4333 final:** Commission Decision C(2008) 4333 final of 08/VIII/2008 laying down additional measures for the implementation of the common basic standards on aviation security.'

Article 2

This Decision shall enter into force on 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*), or on the date of entry into force of the Decision of the EEA Joint Committee No 67/2009 of 29 May 2009, whichever is the later.

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, 29 May 2009.

For the EEA Joint Committee
The President
Alan SEATTER

⁽¹⁾ OJ L 162, 25.6.2009, p. 31.

⁽²⁾ OJ L 355, 30.12.2002, p. 1.

⁽³⁾ OJ L 277, 26.8.2004, p. 175.

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 69/2009

of 29 May 2009

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 50/2009 of 24 April 2009 ⁽¹⁾.
- (2) Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 ⁽²⁾ is to be incorporated into the Agreement.
- (3) The specific geographical location and low population density of Iceland, as well as the composition of the fleet of aircraft serving on domestic routes in Iceland require that Regulation (EC) No 300/2008 does not apply to domestic air services in the territory of Iceland. The national security measures applicable to domestic air services in Iceland provide an adequate level of protection.
- (4) In view of the specific situation of Liechtenstein resulting from the combined effect of a very small territory, a specific geographical structure as well as from the fact that the total amount of air traffic in Liechtenstein is very limited, that no international regular air services to or from Liechtenstein are available and that the civil aviation infrastructure in Liechtenstein consists of only one heliport, this Regulation should not apply to the existing civil aviation infrastructure in the territory of Liechtenstein.
- (5) Regulation (EC) No 300/2008 repeals Regulation (EC) No 2320/2002 of the European Parliament and of the Council ⁽³⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as follows:

1. The text of point 66h (Regulation (EC) No 2320/2002 of the European Parliament and of the Council) shall be replaced by the following:

⁽¹⁾ OJ L 162, 25.6.2009, p. 31.

⁽²⁾ OJ L 97, 9.4.2008, p. 72.

⁽³⁾ OJ L 355, 30.12.2002, p. 1.

'**32008 R 0300**: Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72).

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

- (a) Article 7 shall not apply with regard to the EFTA States;
- (b) Whenever the Community negotiates with a third country on the basis of Article 20 in order to conclude an agreement to advance the goal of "one-stop security", it shall endeavour to obtain for the EFTA States an offer of a similar agreement with the third country in question. The EFTA States shall, in turn, endeavour to conclude with third countries agreements corresponding to those of the Community;
- (c) The measures laid down in this Regulation shall not apply to domestic air services at airports in the territory of Iceland;
- (d) The measures laid down in this Regulation shall not apply to the existing civil aviation infrastructure in the territory of Liechtenstein.'

2. The text of Appendix 8 shall be deleted.

Article 2

The texts of Regulation (EC) No 300/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee ^(*).

^(*) 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, 29 May 2009.

For the EEA Joint Committee
The President
Alan SEATTER

DECISION OF THE EEA JOINT COMMITTEE

No 70/2009

of 29 May 2009

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 50/2009 of 24 April 2009 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1056/2008 of 27 October 2008 amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 1057/2008 of 27 October 2008 amending Appendix II of Annex to Regulation (EC) No 1702/2003 concerning the Airworthiness Review Certificate (EASA Form 15a) ⁽³⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as follows:

1. The following indent shall be added in point 66q (Commission Regulation (EC) No 2042/2003):

‘— **32008 R 1056**: Commission Regulation (EC) No 1056/2008 of 27 October 2008 (OJ L 283, 28.10.2008, p. 5).’

2. The following indent shall be added in point 66p (Commission Regulation (EC) No 1702/2003):

‘— **32008 R 1057**: Commission Regulation (EC) No 1057/2008 of 27 October 2008 (OJ L 283, 28.10.2008, p. 30).’

Article 2

The texts of Regulations (EC) No 1056/2008 and (EC) No 1057/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 162, 25.6.2009, p. 31.

⁽²⁾ OJ L 283, 28.10.2008, p. 5.

⁽³⁾ OJ L 283, 28.10.2008, p. 30.

^(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 71/2009

of 29 May 2009

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Article 2

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 text of Regulation (EC) No 298/2009 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Whereas:

Article 3

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 50/2009 of 24 April 2009 ⁽¹⁾.
- (2) Commission Regulation (EC) No 298/2009 of 8 April 2009 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,

This Decision shall enter into force on 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee ^(*).

Article 4

HAS DECIDED AS FOLLOWS:

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

Article 1

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

Done at Brussels, 29 May 2009.

- **32009 R 0298:** Commission Regulation (EC) No 298/2009 of 8 April 2009 (OJ L 95, 9.4.2009, p. 16).'

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 162, 25.6.2009, p. 31.

⁽²⁾ OJ L 95, 9.4.2009, p. 16.

^(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 72/2009

of 29 May 2009

amending Annex XX (Environment) to the EEA Agreement

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) Annex XX to the Agreement was amended by Decision of the EEA Joint Committee No 52/2009 of 24 April 2009 ⁽¹⁾.
- (2) Commission Decision 2008/889/EC of 18 November 2008 amending Decisions 2002/747/EC, 2003/31/EC, 2005/342/EC, 2005/344/EC and 2005/360/EC in order to prolong the validity of the ecological criteria for the award of the Community eco-label to certain products ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XX to the Agreement shall be amended as follows:

1. The following indent shall be added in points 2h (Commission Decision 2003/31/EC) and 2o (Commission Decision 2002/747/EC):

— **32008 D 0889**: Commission Decision 2008/889/EC of 18 November 2008 (OJ L 318, 28.11.2008, p. 12).'

2. The following shall be added in points 2r (Commission Decision 2005/342/EC), 2t (Commission Decision 2005/344/EC) and 2u (Commission Decision 2005/360/EC):

'as amended by:

— **32008 D 0889**: Commission Decision 2008/889/EC of 18 November 2008 (OJ L 318, 28.11.2008, p. 12).'

Article 2

The text of Decision 2008/889/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 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 162, 25.6.2009, p. 34.

⁽²⁾ OJ L 318, 28.11.2008, p. 12.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 73/2009
of 29 May 2009
amending Annex XXI (Statistics) to the EEA Agreement

THE EEA JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

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

Whereas:

- (1) Annex XXI to the Agreement was amended by Decision of the EEA Joint Committee No 54/2009 of 24 April 2009 ⁽¹⁾.
- (2) Commission Decision 2008/861/EC of 29 October 2008 on rules for implementing Council Directive 95/64/EC on statistical returns in respect of carriage of goods and passengers by sea ⁽²⁾ is to be incorporated into the Agreement.
- (3) Decision 2008/861/EC repeals Commission Decision 98/385/EC ⁽³⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

Article 1

Annex XXI to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

The text of Decision 2008/861/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 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee ^(*).

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee
The President
Alan SEATTER

⁽¹⁾ OJ L 162, 25.6.2009, p. 36.

⁽²⁾ OJ L 306, 15.11.2008, p. 66.

⁽³⁾ OJ L 174, 18.6.1998, p. 1.

^(*) No constitutional requirements indicated.

ANNEX

Annex XXI shall be amended as follows:

1. the text of the first indent (Commission Decision 98/385/EC) in point 7b (Council Directive 95/64/EC) shall be deleted;
2. the text of adaptation (b) in point 7b (Council Directive 95/64/EC) shall be deleted;
3. the following point shall be inserted after point 7ba (Commission Decision 2005/366/EC):

'7bb. **32008 D 0861**: Commission Decision 2008/861/EC of 29 October 2008 on rules for implementing Council Directive 95/64/EC on statistical returns in respect of carriage of goods and passengers by sea (OJ L 306, 15.11.2008, p. 66).

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

Annex I to the Decision shall be supplemented with the list set out in Appendix 2 to the present Annex.;

4. the table in Appendix 2 ('LIST OF EFTA PORTS') shall be replaced by the following:

CTRY	MCA	MODIFIC.	PORT NAME	LOCODE	NAT. STAT. GROUP	STATISTICAL PORT	NATIONAL CODE
IS	IS00	X	Akranes	ISAKR		X	1320
IS	IS00	X	Akureyri	ISAKU		X	4635
IS	IS00	X	Árskógssandur	ISASS		X	4625
IS	IS00	X	Bakkafjörður	ISBAK	ISVPN		5710
IS	IS00	X	Bíldudalur	ISBIL		X	2425
IS	IS00	X	Blönduós	ISBLO		X	3520
IS	IS00	X	Bolungarvík	ISBOL		X	2445
IS	IS00	X	Borgarfjörður eystri	ISBGJ	ISSEY		5720
IS	IS00	X	Breiddalsvík	ISBRE	ISSTD		5755
IS	IS00	X	Dalvík	ISDAL		X	4615
IS	IS00	X	Djúpivogur	ISDJU		X	5760
IS	IS00	X	Dranganes	ISDRA	ISHVK		2465
IS	IS00	X	Eskifjörður	ISESK		X	5735
IS	IS00	X	Fáskrúðsfjörður	ISFAS		X	5745
IS	IS00	X	Flateyri	ISFLA		X	2435
IS	IS00	X	Garður	ISGRD	ISKEF		7125
IS	IS00	X	Grenivík	ISGRE	ISAKU		4645
IS	IS00	X	Grindavík	ISGRI		X	7110
IS	IS00	X	Grímsey	ISGRY		X	4650
IS	IS00	X	Grundarfjörður	ISGRF		X	1350
IS	IS00	X	Grundartangi	ISGRT		X	1310
IS	IS00	X	Hafnarfjörður	ISHAF		X	7145
IS	IS00	X	Hafnir	ISHNR	ISKEF		7115
IS	IS00	X	Hjalteyri	ISHJA	ISAKU		4630
IS	IS00	X	Hofsós	ISHOF	ISSAU		3550
IS	IS00	X	Hólmavík	ISHVK		X	2470
IS	IS00	X	Hrísey	ISHRI		X	4620
IS	IS00	X	Húsavík	ISHUS		X	4655

CTRY	MCA	MODIFIC.	PORT NAME	LOCODE	NAT. STAT. GROUP	STATISTICAL PORT	NATIONAL CODE
IS	IS00	X	Hvammstangi	ISHVM		X	3510
IS	IS00	X	Höfn Hornafjörður	ISHFN		X	5765
IS	IS00	X	Ísafjörður	ISISA		X	2450
IS	IS00	X	Keflavík	ISKEF		X	7130
IS	IS00	X	Kópasker	ISKOP	ISRAU		4665
IS	IS00	X	Kópavogur	ISKOV		X	7155
IS	IS00	X	Neskaupstaður	ISNES		X	5730
IS	IS00	X	Nordurfjörður	ISNOU	ISHVK		2460
IS	IS00	X	Ólafsfjörður	ISOLF		X	4610
IS	IS00	X	Ólafsvík	ISOLV		X	1340
IS	IS00	X	Patreksfjörður	ISPAT		X	2415
IS	IS00	X	Raufarhöfn	ISRAU		X	4670
IS	IS00	X	Reyðarfjörður	ISRFJ		X	5740
IS	IS00	X	Reykholar	ISRHA		X	2410
IS	IS00	X	Reykjavík	ISREY		X	8010
IS	IS00	X	Rif	ISRIF		X	1330
IS	IS00	X	Sandgerði	ISSAN		X	7120
IS	IS00	X	Sauðárkrókur	ISSAU		X	3540
IS	IS00	X	Seyðisfjörður	ISSEY		X	5725
IS	IS00	X	Siglufjörður	ISSIG		X	3560
IS	IS00	X	Skagaströnd	ISSKA		X	3530
IS	IS00	X	Straumsvík	ISSTR		X	7140
IS	IS00	X	Stykkishólmur	ISSTY		X	1360
IS	IS00	X	Stöðvarfjörður	ISSTD		X	5750
IS	IS00	X	Suðureyri	ISSUD	ISISA		2440
IS	IS00	X	Súðavík	ISSUV	ISISA		2455
IS	IS00	X	Svalbardseyri	ISSVA	ISAKU		4640
IS	IS00	X	Tálknafjörður	ISTAL		X	2420
IS	IS00	X	Vestmannaeyjar	ISVES		X	6810
IS	IS00	X	Vogar	ISVOG	ISKEF		7135
IS	IS00	X	Vopnafjörður	ISVPN		X	5715
IS	IS00	X	Þingeyri (Thingeyri)	ISTEY		X	2430
IS	IS00	X	Þorlákshöfn (Thorlakshofn)	ISTHH		X	6820
IS	IS00	X	Þórshöfn (Thorshofn)	ISTHO		X	4675
IS	IS00	X	Other — Iceland	IS888			
			62	62	15	47	
NO	NO00	X	Alta	NOALF		X	
NO	NO00	X	Andøy	NOADY		X	
NO	NO00	X	Arendal	NOARE		X	
NO	NO00	X	Aukra	NOAUK	NOMOL		
NO	NO00	X	Aure	NOAUE	NOKSU		

CTRY	MCA	MODIFIC.	PORT NAME	LOCODE	NAT. STAT. GROUP	STATISTICAL PORT	NATIONAL CODE
NO	NO00	X	Aurland	NOAUL		X	
NO	NO00	X	Averøy	NOAVE	NOKSU		
NO	NO00	X	Ballangen	NOBLL			
NO	NO00	X	Bergen, Mongstad, Sture, Ågotnes, Eikefet, Askøy, Modalen	NOBGO		X	
NO	NO00	X	Berlevåg	NOBVG		X	
NO	NO00	X	Bodø	NOBOO		X	
NO	NO00	X	Brattvåg/Haram	NOBRV	NOAES		
NO	NO00	X	Bremanger	NOBRE		X	
NO	NO00	X	Brønnøy	NOBRO		X	
NO	NO00	X	Båtsfjord	NOBJF		X	
NO	NO00	X	Deatnu — Tana/Leirpollen	NOTAA			
NO	NO00	X	Drammen/Solumstrand/Tørkopp/Lier/Hurum/Tofte/Svelvik	NODRM		X	
NO	NO00	X	Eigersund	NOEGD		X	
NO	NO00	X	Elnesvågen/Fræna	NOFRE	NOMOL		
NO	NO00	X	Farsund	NOFAN		X	
NO	NO00	X	Flakstad	NOFKS		X	
NO	NO00	X	Flekkefjord	NOFFD		X	
NO	NO00	X	Florø/Flora	NOFRO		X	
NO	NO00	X	Forsand	NOFOR			
NO	NO00	X	Fredrikstad/Sarpsborg	NOBRG		X	
NO	NO00	X	Frei	NOFRJ	NOKSU		
NO	NO00	X	Frosta	NOFRT	NOVER		
NO	NO00	X	Fusa	NOFUS		X	
NO	NO00	X	Giske	NOGIS	NOAES		
NO	NO00	X	Gjemnes	NOGJM	NOKSU		
NO	NO00	X	Gjesdal/Dirdal	NOGJS			
NO	NO00	X	Gloppen	NOGLP	NOMAY		
NO	NO00	X	Grimstad	NOGTD		X	
NO	NO00	X	Gulen	NOGUL		X	
NO	NO00	X	Hadsel/Melbu/Stokmarknes	NOHAD		X	
NO	NO00	X	Halden	NOHAL		X	
NO	NO00	X	Halsa	NOHLS	NOKSU		
NO	NO00	X	Hammerfall/Sørfold	NOHFL			
NO	NO00	X	Hammerfest	NOHFT		X	
NO	NO00	X	Harstad	NOHRD		X	
NO	NO00	X	Haugesund, Tysvær, Karmøy/Kårstø, Skudeneshavn, Kopervik	NOKAS		X	

CTRY	MCA	MODIFIC.	PORT NAME	LOCODE	NAT. STAT. GROUP	STATISTICAL PORT	NATIONAL CODE
NO	NO00	X	Hjelmeland/Årdal	NOHJL			
NO	NO00	X	Holmestrand	NOHOL		X	
NO	NO00	X	Honningsvåg/ Nordkapp	NOHVG		X	
NO	NO00	X	Horten/Borre	NOBRR		X	
NO	NO00	X	Høyanger	NOHYR			
NO	NO00	X	Inderøy	NOIND	NOVER		
NO	NO00	X	Kirkenes/Sør- Varanger	NOKKN		X	
NO	NO00	X	Kragerø	NOKRA		X	
NO	NO00	X	Kristiansand S	NOKRS		X	
NO	NO00	X	Kristiansund N/Grip	NOKSU		X	
NO	NO00	X	Kvam	NOKVM			
NO	NO00	X	Kvinesdal	NOKVD		X	
NO	NO00	X	Kvinnherad	NOKVH			
NO	NO00	X	Kyrksæterøra/ Hemne	NOKYR	NOKSU		
NO	NO00	X	Larvik	NOLAR		X	
NO	NO00	X	Lebesby	NOLEB		X	
NO	NO00	X	Leksvik/Vanvikan/ Verrabotn	NOLKV	NOVER		
NO	NO00	X	Lillesand	NOLIL		X	
NO	NO00	X	Loppa/Øksfjord	NOLOP		X	
NO	NO00	X	Luster	NOLUS		X	
NO	NO00	X	Lødingen	NOLOD		X	
NO	NO00	X	Mandal	NOMAN		X	
NO	NO00	X	Meløy/Glomfjord/ Ørnes	NOMEY			
NO	NO00	X	Midsund	NOMID	NOMOL		
NO	NO00	X	Mo i Rana/Rana	NORNA		X	
NO	NO00	X	Modalen	NOMOD		X	
NO	NO00	X	Molde	NOMOL		X	
NO	NO00	X	Mosjøen/Vefsn	NOMJF		X	
NO	NO00	X	Moss	NOMSS		X	
NO	NO00	X	Mosvik	NOMSV	NOVER		
NO	NO00	X	Måløy	NOMAY		X	
NO	NO00	X	Måsøy/Havøysund	NOMSY		X	
NO	NO00	X	Namsos	NOOSY		X	
NO	NO00	X	Narvik	NONVK		X	
NO	NO00	X	Nesna	NONSN			
NO	NO00	X	Nesset	NONST	NOMOL		
NO	NO00	X	Nordfjardeid/Eid	NOEID	NOMAY		
NO	NO00	X	Odda	NOODD			
NO	NO00	X	Offshore installa- tions Barents Sea	NO770			

CTRY	MCA	MODIFIC.	PORT NAME	LOCODE	NAT. STAT. GROUP	STATISTICAL PORT	NATIONAL CODE
NO	NO00	X	Offshore installations coast of Helgeland	NO740			
NO	NO00	X	Offshore installations North Sea	NO750			
NO	NO00	X	Orkdal/Orkanger	NOORK	NOTRD		
NO	NO00	X	Osen	NOOSN			
NO	NO00	X	Oslo	NOOSL		X	
NO	NO00	X	Osterøy	NOOST		X	
NO	NO00	X	Other — Norway	NO888			
NO	NO00	X	Other offshore installations	NO790			
NO	NO00	X	Porsgrunn, Rafnes, Herøya, Brevik, Skien, Langesund, Voldsfjorden	NOGVL		X	
NO	NO00	X	Rørvik/Vikna	NOVKN		X	
NO	NO00	X	Sandefjord	NOSAD		X	
NO	NO00	X	Sandnes	NOSAS		X	
NO	NO00	X	Sandnessjøen	NOSSJ		X	
NO	NO00	X	Sauda	NOSAU		X	
NO	NO00	X	Selje	NOSJE	NOMAY		
NO	NO00	X	Sjøvegan/Salangen	NOSAL		X	
NO	NO00	X	Skjervøy	NOSKY		X	
NO	NO00	X	Smøla	NOSMO	NOKSU		
NO	NO00	X	Sokndal/Jøssingfjord/Rekefjord	NOSOK			
NO	NO00	X	Sortland	NOSLX		X	
NO	NO00	X	Stavanger, Sola/Risavik, Forus, Dusavik, Mekjarvik	NOSVG		X	
NO	NO00	X	Steinkjer	NOSTE	NOVER		
NO	NO00	X	Stjørdal	NOSTJ	NOTRD		
NO	NO00	X	Stord/Leirvik	NOSRP		X	
NO	NO00	X	Strand/Tau/Jørpeland	NOSTD			
NO	NO00	X	Stranda	NOSRN		X	
NO	NO00	X	Stryn	NOSTR	NOMAY		
NO	NO00	X	Sula/Langevåg	NOSUA	NOAES		
NO	NO00	X	Suldal/Sand	NOSUL			
NO	NO00	X	Sunndal/Sunndalsøra	NOSUN	NOKSU		
NO	NO00	X	Surnadal	NOSUR	NOKSU		
		X	Svalbard	SJ888			
NO	NO00	X	Tingvoll	NOTIN	NOKSU		
NO	NO00	X	Tromsø/Buivik	NOTOS		X	
NO	NO00	X	Trondheim/Flakk	NOTRD		X	

CTRY	MCA	MODIFIC.	PORT NAME	LOCODE	NAT. STAT. GROUP	STATISTICAL PORT	NATIONAL CODE
NO	NO00	X	Tustna	NOTUS	NOKSU		
NO	NO00	X	Tysfjord/Kjopsvik	NOTYF			
NO	NO00	X	Tønsberg/ Slagentangen/ Valløy	NOTON		X	
NO	NO00	X	Vadsø	NOVDS		X	
NO	NO00	X	Vanylven/Åheim	NOVAY			
NO	NO00	X	Vardø	NOVAO		X	
NO	NO00	X	Verdal/Levanger	NOVER		X	
NO	NO00	X	Verran/Follafoss	NOVRR	NOVER		
NO	NO00	X	Vestnes/Tømra/ Tresfjord	NOVST	NOMOL		
NO	NO00	X	Vestvågøy	NOVVY		X	
NO	NO00	X	Vindafjord/Ølen	NOOLN		X	
NO	NO00	X	Volda	NOVDA			
NO	NO00	X	Værøy	NOVEY		X	
NO	NO00	X	Vågan/Svolvær/ Kabelvåg	NOVGN		X	
NO	NO00	X	Øksnes/Myre	NOMYO		X	
NO	NO00	X	Ørsta	NOORS			
NO	NO00	X	Ålesund	NOAES		X	
NO	NO00	X	Årdal/Årdalstangen (i Sognefjorden)	NOAAN			
			133	133	31	75'	

DECISION OF THE EEA JOINT COMMITTEE

No 74/2009

of 29 May 2009

amending Annex XXII (Company law) 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 XXII to the Agreement was amended by Decision of the EEA Joint Committee No 39/2009 of 17 March 2009 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1126/2008 of 3 November 2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 1260/2008 of 10 December 2008 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Accounting Standard (IAS) 23 ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 1261/2008 of 16 December 2008 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standard (IFRS) 2 ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 1262/2008 of 16 December 2008 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Interpretations Committee's (IFRIC) Interpretation 13 ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Regulation (EC) No 1263/2008 of 16 December 2008 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in

accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Interpretations Committee's (IFRIC) Interpretation 14 ⁽⁶⁾ is to be incorporated into the Agreement.

- (7) Commission Regulation (EC) No 1274/2008 of 17 December 2008 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Accounting Standard (IAS) 1 ⁽⁷⁾ is to be incorporated into the Agreement.
- (8) Commission Regulation (EC) No 53/2009 of 21 January 2009 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Accounting Standard (IAS) 32 and IAS 1 ⁽⁸⁾ is to be incorporated into the Agreement.
- (9) Commission Regulation (EC) No 69/2009 of 23 January 2009 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards amendments to International Financial Reporting Standard (IFRS) 1 and International Accounting Standard (IAS) 27 ⁽⁹⁾ is to be incorporated into the Agreement.
- (10) Commission Regulation (EC) No 70/2009 of 23 January 2009 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards Improvements to International Financial Reporting Standards (IFRSs) ⁽¹⁰⁾ is to be incorporated into the Agreement.
- (11) Regulation (EC) No 1126/2008 repeals Commission Regulation (EC) No 1725/2003 ⁽¹¹⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

⁽¹⁾ OJ L 130, 28.5.2009, p. 34.

⁽²⁾ OJ L 320, 29.11.2008, p. 1.

⁽³⁾ OJ L 338, 17.12.2008, p. 10.

⁽⁴⁾ OJ L 338, 17.12.2008, p. 17.

⁽⁵⁾ OJ L 338, 17.12.2008, p. 21.

⁽⁶⁾ OJ L 338, 17.12.2008, p. 25.

⁽⁷⁾ OJ L 339, 18.12.2008, p. 3.

⁽⁸⁾ OJ L 17, 22.1.2009, p. 23.

⁽⁹⁾ OJ L 21, 24.1.2009, p. 10.

⁽¹⁰⁾ OJ L 21, 24.1.2009, p. 16.

⁽¹¹⁾ OJ L 261, 13.10.2003, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

The text of point 10ba (Commission Regulation (EC) No 1725/2003) of Annex XXII to the Agreement shall be replaced by the following:

'**32008 R 1126:** Commission Regulation (EC) No 1126/2008 of 3 November 2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council (OJ L 320, 29.11.2008, p. 1), as amended by:

- **32008 R 1260:** Commission Regulation (EC) No 1260/2008 of 10 December 2008 (OJ L 338, 17.12.2008, p. 10),
- **32008 R 1261:** Commission Regulation (EC) No 1261/2008 of 16 December 2008 (OJ L 338, 17.12.2008, p. 17),
- **32008 R 1262:** Commission Regulation (EC) No 1262/2008 of 16 December 2008 (OJ L 338, 17.12.2008, p. 21),
- **32008 R 1263:** Commission Regulation (EC) No 1263/2008 of 16 December 2008 (OJ L 338, 17.12.2008, p. 25),
- **32008 R 1274:** Commission Regulation (EC) No 1274/2008 of 17 December 2008 (OJ L 339, 18.12.2008, p. 3),
- **32009 R 0053:** Commission Regulation (EC) No 53/2009 of 21 January 2009 (OJ L 17, 22.1.2009, p. 23),

- **32009 R 0069:** Commission Regulation (EC) No 69/2009 of 23 January 2009 (OJ L 21, 24.1.2009, p. 10),
- **32009 R 0070:** Commission Regulation (EC) No 70/2009 of 23 January 2009 (OJ L 21, 24.1.2009, p. 16)'.^(*)

Article 2

The texts of Regulations (EC) No 1126/2008, (EC) No 1260/2008, (EC) No 1261/2008, (EC) No 1262/2008, (EC) No 1263/2008, (EC) No 1274/2008, (EC) No 53/2009, (EC) No 69/2009 and (EC) No 70/2009 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 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee
The President
Alan SEATTER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 75/2009

of 29 May 2009

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

THE EEA JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Articles 86 and 98 thereof,

The following indent shall be added in Article 2(5) of Protocol 31 to the Agreement:

— **32008 D 1351**: Decision No 1351/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies (OJ L 348, 24.12.2008, p. 118).'

Article 2

Whereas:

(1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No 73/2006 of 2 June 2006 ⁽¹⁾.

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 (*).

(2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Decision No 1351/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies ⁽²⁾.

It shall apply from 1 January 2009.

Article 3

(3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2009,

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, 29 May 2009.

For the EEA Joint Committee
The President
Alan SEATTER

⁽¹⁾ OJ L 245, 7.9.2006, p. 44.

⁽²⁾ OJ L 348, 24.12.2008, p. 118.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 76/2009

of 30 June 2009

amending Protocol 10 on simplification of inspections and formalities in respect of carriage of goods and Protocol 37 containing the list provided for in Article 101

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Articles 98 and 101 thereof,

Whereas:

- (1) Protocol 10 to the Agreement has not been amended by the EEA Joint Committee.
- (2) Protocol 37 to the Agreement was amended by Decision of the EEA Joint Committee No 61/2009 of 29 May 2009 ⁽¹⁾.
- (3) Protocol 10 to the Agreement should be amended in the mutual interest of the European Community and the EFTA States to avoid unnecessary restrictions and to provide a set of provisions establishing equivalent customs security measures for the transport of goods coming from and going to third countries.
- (4) This Decision of the EEA Joint Committee should not apply to Iceland and Liechtenstein. However, it should be open to all EFTA States, subject to a new Decision of the EEA Joint Committee.
- (5) The Community and Norway are determined to improve security in trade of goods entering or leaving their territory without impeding the free flow of this trade.
- (6) In the mutual interest of the Community and Norway, equivalent customs security measures should be established for the transport of goods coming from and going to third countries, and enter into force simultaneously with the corresponding measures applied by the Member States of the European Union.
- (7) The Community and Norway are determined to guarantee an equivalent level of security on their respective territories by customs security measures based on the legislation in force in the Community.
- (8) The customs security measures in question relate to the declaration of security data covering the goods prior to their entry or exit, to the security risk management and its

related customs controls, as well as to the attribution of the mutually recognised status of authorised economic operator.

- (9) It is desirable that Norway be consulted on the development of the Community's rules relating to customs security measures, and that it be informed about their application. It is therefore necessary to amend Protocol 37 to the Agreement which lists committees to the work of which experts from the EFTA States shall be associated when it is called for to ensure the good functioning of the Agreement.
- (10) In so far as Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data was incorporated into the Agreement by Decision of the EEA Joint Committee No 83/1999 ⁽²⁾, Norway provides for an adequate level of protection of personal data,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 10 to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

In protocol 37 to the Agreement the following point shall be added:

'29. The Customs Code Committee (Council Regulation (EEC) No 2913/92).'

Article 3

1. This Decision shall enter into force on 1 July 2009 or on the day following the last notification to the EEA Joint Committee under Article 103(1) of the Agreement, whichever is the later (*).

2. Pending the notifications referred to in paragraph 1, the Community and Norway shall apply this Decision provisionally as from 1 July 2009 or from a later date agreed by the Community and Norway and notified to the other EFTA States and the EFTA Surveillance Authority.

⁽¹⁾ See page 13 of this Official Journal.

⁽²⁾ OJ L 296, 23.11.2000, p. 41.

(*) 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, 30 June 2009.

For the EEA Joint Committee
The President
Alan SEATTER

ANNEX

Protocol 10 to the Agreement shall be amended as follows:

1. The following paragraphs shall be added to Article 2:

‘3. The customs security measures in Chapter IIa and Annexes I and II to the Protocol shall only apply between the Community and Norway.

4. When reference is made to the customs territory of the Contracting Parties in Chapter IIa and Annexes I and II to this Protocol, it covers:

- the customs territory of the Community,
- the customs territory of Norway.’

2. The following Chapter shall be inserted after Chapter II (**PROCEDURES**):

‘CHAPTER IIa

CUSTOMS SECURITY MEASURES*Article 9a***Definitions**

For the purposes of this Chapter:

- (a) “risk” shall mean the likelihood of an event occurring in connection with the entry, exit, transit, transfer and end-use of goods moved between the customs territory of one of the Contracting Parties and third countries and the presence of goods that are not in free circulation, which pose a threat to the security and safety of the Contracting Parties, to public health, to the environment or to consumers;
- (b) “risk management” shall mean the systematic identification of risk and implementation of all measures necessary for limiting exposure to risk. This includes activities such as collecting data and information, analysing and assessing risk, prescribing and taking action and regular monitoring and review of the process and its outcomes, based on sources and strategies defined by the Contracting Parties or internationally.

*Article 9b***General provisions on security**

1. The Contracting Parties shall introduce and apply to goods entering or leaving their customs territories the customs security measures defined in this Chapter ensuring thus an equivalent level of security at their external borders.
2. The Contracting Parties shall waive the application of the customs security measures defined in this Chapter where goods are carried between their respective customs territories.
3. Before concluding any agreement with a third country in the area covered by this Chapter, the Contracting Parties shall consult each other in order to ensure the compatibility with the provisions of this Chapter, particularly where that agreement contains provisions that are derogating from the customs security measures referred to in this Chapter. Each Contracting Party shall ensure that agreements with third countries do not create rights and obligations for another Contracting Party unless the EEA Joint Committee decides otherwise.

*Article 9c***Pre-arrival and pre-departure declarations**

1. Goods brought from third countries into the customs territory of the Contracting Parties shall be covered by an entry declaration (hereinafter referred to as the entry summary declaration) with the exception of goods carried on means of transport only passing through the territorial waters or the airspace of the customs territory without a stop within this territory.

2. Goods leaving the customs territory of the Contracting Parties for third countries, shall be covered by an exit declaration (hereinafter referred to as the exit summary declaration) with the exception of goods carried on means of transport only passing through the territorial waters or the airspace of the customs territory without a stop within this territory.

3. Entry and exit summary declarations shall be lodged before the goods are brought into or leave the customs territory of the Contracting Parties.

4. The lodging of the entry and exit summary declarations referred to in paragraphs 1 and 2 is optional until 31 December 2010 provided that transitional measures derogating from the obligation to present such declarations are applicable in the Community.

Where, in accordance with the first subparagraph, the entry or exit summary declaration is not lodged, risk analysis for customs security matters, referred to in Article 9e, shall be carried out by the customs authorities at the latest upon presentation of the goods at arrival or exit, where appropriate on the basis of any declaration covering these goods or any other information available for them.

5. Each Contracting Party shall determine the persons liable for lodging entry or exit summary declarations as well as the authorities competent for accepting such declaration.

6. Annex I to this Protocol establishes:

- the form and the particulars of the entry or exit summary declaration,
- the exceptions from the obligation to lodge an entry or exit summary declaration,
- the place where the entry or exit summary declaration shall be lodged,
- the deadlines for lodging the entry or exit summary declaration,
- any other provision necessary to ensure the application of this Article.

7. A customs declaration may be used as an entry or an exit summary declaration provided that it contains all the particulars required for a summary declaration.

Article 9d

Authorised economic operator

1. Each Contracting Party shall grant, subject to the criteria provided for in Annex II to this Protocol, the status of "authorised economic operator" to any economic operator established in its customs territory.

However, subject to specific conditions, in particular taking into account international agreements with third countries, the requirement of being established in the customs territory of a Contracting Party may be waived for specific categories of authorised economic operators. Moreover, each Contracting Party shall determine whether and under what conditions an airline or shipping company which is not established on its territory but has a regional office there may be granted this status.

An authorised economic operator shall benefit from facilitations with regard to security-related customs controls.

The status of authorised economic operator granted in one Contracting Party shall, subject to the rules and conditions laid down in paragraph 2, be recognised by another Contracting Party, without prejudice to customs controls, particularly with a view to taking into account the implementation of agreements with third countries providing for a mutual recognition of the status of an authorised economic operator.

2. Annex II of this Protocol lays down:

- the rules for granting the status of authorised economic operator, in particular the criteria and conditions for granting this status,
- the type of facilitations that may be granted,
- the conditions under which the status is suspended or revoked,

- the procedures to exchange information between the Contracting Parties concerning their authorised economic operators,
- any other provision necessary to ensure the application of this Article.

Article 9e

Security related customs controls and security risk management

1. Customs controls other than random checks, shall be based on risk analysis using automated data processing techniques.
2. Each Contracting Party shall define its risk management framework, risk criteria and priority control areas related to security.
3. The Contracting Parties shall recognise the equivalence of their risk managements systems related to security.
4. The Contracting Parties shall cooperate with a view to:
 - exchanging information in order to improve and reinforce their risk analyses and efficiency of security controls, and
 - defining within an appropriate time span, a common risk management framework, common risk criteria, common priority control areas as well as putting in place an electronic common risk management system.
5. The EEA Joint Committee shall adopt the measures necessary for the application of this Article.

Article 9f

Monitoring of the implementation of customs security measures

1. The EEA Joint Committee shall define the rules allowing the Contracting Parties to ensure the monitoring of the implementation of this Chapter and to verify whether the provisions of this Chapter and Annexes I and II to this Protocol are complied with.
2. The monitoring referred to in paragraph 1 shall be ensured by:
 - regular evaluation of the implementation of this Chapter, in particular the evaluation of the equivalency of the customs security measures,
 - an examination with a view to improving the application of the provisions of this Chapter or to modifying them in order to better meet its objectives,
 - the organisation of meetings between experts of the Contracting Parties to discuss specific issues and a review of administrative procedures, including on-the-spot visits.
3. The measures taken in compliance with this Article shall not infringe the rights of operators concerned.

Article 9g

Protection of professional secrecy and of personal data

Information exchanged by the Contracting Parties in the framework of the provisions of this Chapter is protected by the law on professional secrecy and protection of personal data applicable in the Contracting Party to which the information is submitted.

The information shall not be made available to any persons other than the competent authorities in the Contracting Party and shall not be used by these authorities for any purpose other than those provided for in this Chapter.

*Article 9h***Evolution of legislation**

1. All changes in Community legislation relevant to the rights and obligations of the Contracting Parties created by this Chapter and Annexes I and II to this Protocol shall be subject to the procedure stipulated in this Article.
2. As soon as the Community is drawing up new legislation in a field which is governed by this Chapter, it shall informally seek advice from experts of the EFTA State concerned according to the procedure stipulated in Article 99 of the Agreement.
3. When amendments to this Chapter and to Annexes I and II to this Protocol are necessary to take into account the development of Community legislation on matters covered by this Chapter and Annexes I and II, they shall be decided in such a manner as to allow applying these amendments simultaneously with those introduced in Community legislation and with due respect for the internal procedures of the Contracting Parties.

If a decision cannot be adopted in a way that allows such simultaneous application, the Contracting Parties shall where possible and with due respect for their internal procedures, provisionally apply the amendments provided for in the draft Decision.

4. For issues which are relevant for the EFTA State concerned, the Community shall ensure the participation as observers of experts from the EFTA State concerned in the Customs Code Committee set up by Article 247a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code.

*Article 9i***Safeguard measures and suspension of the provisions of this Chapter**

1. If a Contracting Party does not respect the conditions stipulated in this Chapter or if the equivalency of the customs security measures in the Contracting Parties is no longer assured, after consultations in the EEA Joint Committee and only for a scope and duration strictly necessary for settling the situation, another Contracting Party may suspend partially or completely the application of the provisions of this Chapter or take appropriate measures. Articles 112 to 114 of the Agreement apply *mutatis mutandis*.
2. If the equivalency of the customs security measures is no longer assured because the amendments referred to in Article 9h(3) have not been decided, the application of this Chapter is suspended on the date when the Community legislation concerned is applied, unless the EEA Joint Committee, having examined the measures to maintain its application, decides otherwise.

*Article 9j***Prohibitions or restrictions on imports, exports or goods in transit**

The provisions of this Chapter shall not preclude prohibitions or restrictions on imports, exports or goods in transit, introduced by the Contracting Parties or by the Member States of the Community and justified on grounds of public morality, public policy and public security, the protection of health and life of humans, animals or plants and the environment, the protection of national treasures possessing artistic, historical or archaeological value, or the protection of industrial and commercial property.

*Article 9k***The competences of the EFTA Surveillance Authority**

In cases concerning the application of this Chapter and Annexes I and II to this Protocol, the EFTA Surveillance Authority shall, before acting, launch consultations in accordance with Article 109(2) of the Agreement.

*Article 9l***Annexes**

The Annexes to this Protocol shall form an integral part thereof.

3. The following Annexes shall be added:

'ANNEX I

ENTRY AND EXIT SUMMARY DECLARATIONS

Article 1

Form and content of the entry or exit summary declaration

1. The entry or exit summary declaration shall be lodged using a data processing technique. Commercial, port or transport documentation may be used, provided that it contains the necessary particulars.

2. The entry or exit summary declaration shall contain the particulars laid down for such declaration in Annex 30A of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽¹⁾. It shall be completed in accordance with the explanatory notes in that Annex. The summary declaration shall be authenticated by the person making it.

3. The customs authorities shall allow the lodging of a paper-based entry or exit summary declaration, or any other means replacing it as agreed between the customs authorities, only in one of the following circumstances:

- (a) where the customs authorities' computerised system is not functioning;
- (b) where the electronic application of the person lodging the entry or exit summary declaration is not functioning,

provided that the customs authorities apply the same level of risk management as that applied to entry or exit summary declarations made using a data processing technique.

The paper-based entry or exit summary declaration shall be signed by the person making it. Such paper-based entry or exit summary declarations shall be accompanied, where necessary, by loading lists or other appropriate lists, and shall contain the particulars referred to in paragraph 2.

4. Each Contracting Party shall define the conditions and procedures according to which the person lodging the entry or exit summary declaration may modify one or more of the particulars of the declaration after lodging it, with the to customs authorities.

Article 2

Exceptions from the obligation to lodge an entry or exit summary declaration

1. An entry or exit summary declaration shall not be required in respect of the following goods:

- (a) electrical energy;
- (b) goods entering or leaving by pipeline;
- (c) letters, postcards and printed matter, including on electronic media;
- (d) goods moved under the rules of the Universal Postal Union Convention;
- (e) goods for which an oral customs declaration or a declaration by simple crossing the border is permitted in accordance with the legislation of the Contracting Parties except for pallets, containers and means of road, rail, air, sea or inland waterway transport carried under a transport contract;
- (f) goods contained in travellers' personal luggage;
- (g) goods covered by ATA and CPD Carnets;
- (h) goods entitled to relief pursuant to the Vienna Convention on Diplomatic Relations of 18 April 1961, the Vienna Convention on Consular Relations of 24 April 1963 or other Consular conventions, or the New York Convention of 16 December 1969 on Special Missions;
- (i) weapons and military equipment brought into or out from the customs territory of a Contracting Party by the authorities in charge of the military defence of the Contracting Parties, in military transport or transport operated for the sole use of the military authorities;

- (j) the following goods brought into or out from the customs territory of a Contracting Party directly to or from drilling or production platforms operated by a person established in the customs territory of the Contracting Parties:
- goods which were incorporated in such platforms, for the purposes of their construction, repair, maintenance or conversion,
 - goods which were used to fit to or to equip the said platforms; other provisions used or consumed on the said platforms; and non-hazardous waste products from the said platforms;
- (k) goods in a consignment the intrinsic value of which does not exceed EUR 22 provided that the customs authorities accept, with the agreement of the economic operator, to carry out risk analysis using the information contained in, or provided by, the system used by the economic operator;
- (l) goods moved under cover of the form 302 provided for in the Convention between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed in London on 19 June 1951.
2. An entry or exit summary declaration shall not be required in cases provided for in international agreements concluded by a Contracting Party with a third country in the area of security subject to the procedure referred to in Article 9b(3) of this Protocol.
3. An entry or exit summary declaration is not required in the Community in cases provided for in point (j) Article 181c, point (j) Article 592a, and point (b) of Article 842a(2) of Regulation (EEC) No 2454/93.

Article 3

Place where the entry or exit summary declaration has to be lodged

1. The entry summary declaration shall be lodged with the competent customs office in the customs territory of the Contracting Party where the goods are brought in from third countries. On the basis of the data included in the declaration, that customs office shall carry out the risks analysis as well as the security customs controls that are deemed necessary, including when the goods are destined for the other Contracting Party.
2. The exit summary declaration shall be lodged with the competent customs office in the customs territory of the Contracting Party where the exit formalities for goods destined for third countries are carried out. However, where an export declaration is used as an exit summary declaration, it shall be lodged with the competent customs office in the customs territory of the Contracting Party where the formalities related to the export to a third country are carried out. That competent office shall carry out the risk analysis on the basis of the data included in the declaration as well as the security customs controls that are deemed necessary.
3. When goods leave the customs territory of a Contracting Party to a third country through the customs territory of the other Contracting Party, the data referred to in Article 1(2) shall be transmitted by the competent authorities of the first Contracting Party to the competent authorities of the second Contracting Party. The Contracting Parties shall endeavour to establish a connection with a view to using a common system of data transmission, which contains all information necessary to certify the exit of the goods in question.

However, the EEA Joint Committee may determine cases where the transmission of the data is not required provided that such cases do not prejudice the level of security that is guaranteed by this Protocol.

Where the Contracting Parties are unable to carry out the transmission of data referred to in the first subparagraph on the date of application of this Protocol, the exit summary declaration for goods leaving a Contracting Party for a third country through the customs territory of another Contracting Party, except for goods in direct air transportation, shall be lodged only with the competent authorities of the second Contracting Party.

Article 4

Deadlines for lodging an entry or an exit summary declaration

1. Deadlines by which the entry or exit summary declaration is to be lodged shall be those referred to in Articles 184a and 592b of Regulation (EEC) No 2454/93.
2. Subject to the procedure referred to in Article 9b(3) of this Protocol, the deadlines mentioned in paragraph 1 shall not apply where international agreements on security between the Contracting Party and third countries provide otherwise.

(1) OJ L 253, 11.10.1993, p. 1.

ANNEX II

AUTHORISED ECONOMIC OPERATOR

TITLE I

Granting the status of authorised economic operator*Article 1***General provisions**

1. The criteria for granting the status of authorised economic operator shall include:
 - (a) an appropriate record of compliance with customs requirements;
 - (b) a satisfactory system of managing commercial and, where appropriate, transport records, which allows appropriate customs controls;
 - (c) where appropriate, proven financial solvency; and
 - (d) where applicable, appropriate security and safety standards.
2. Each Contracting Party shall determine the procedure for granting the status of authorised economic operator and the legal effects of that status.
3. The Contracting Parties shall ensure that their customs authorities control that all the conditions and criteria for granting the status are complied with by the authorised economic operator and shall review them in case of an important amendment to the legislation concerned or when new circumstances appear, which raise a reasonable suspicion on the part of the authorities that the operator no longer complies with the conditions and criteria concerned.

*Article 2***Record of compliance**

1. The record of compliance with customs requirements shall be considered as appropriate if over the last three years preceding the submission of the application no serious infringement or repeated infringements of customs rules have been committed by any of the following persons:
 - (a) the applicant;
 - (b) the persons in charge of the applicant company or exercising control over its management;
 - (c) if applicable, the applicant's legal representative in customs matters;
 - (d) the person responsible in the applicant company for customs matters.
2. The record of compliance with customs requirements may be considered as appropriate if the competent customs authority considers any infringement to be of negligible importance in relation to the number or size of the customs-related operations, and not to create doubts concerning the good faith of the applicant.
3. If the persons exercising control over the applicant company are established or resident in a third country, the customs authorities shall assess their compliance with customs requirements on the basis of records and information that are available to them.
4. If the applicant has been established for less than three years, the customs authorities shall assess his compliance with customs requirements on the basis of the records and information that are available to them.

*Article 3***Satisfactory system of managing of commercial and transport records**

To enable the customs authorities to establish that the applicant has a satisfactory system of managing commercial and, where appropriate, transport records, the applicant shall fulfil the following requirements:

- (a) maintain an accounting system which is consistent with the generally accepted accounting principles applied where the accounts are held and which will facilitate audit-based customs control;
- (b) allow the customs authority physical or electronic access to its customs and, where appropriate, transport records;
- (c) have an administrative organisation which corresponds to the type and size of business and which is suitable for the management of the flow of goods, and have internal controls capable of detecting illegal or irregular transactions;
- (d) where applicable, have satisfactory procedures in place for the handling of licenses and authorisations connected to importation and/or exportation;
- (e) have satisfactory procedures in place for the archiving of the company's records and information and for protection against the loss of information;
- (f) ensure that employees are made aware of the need to inform the customs authorities whenever compliance difficulties are discovered and establish suitable contacts to inform the customs authorities of such occurrences;
- (g) have appropriate information technology security measures in place to protect the applicant's computer system from unauthorised intrusion and to secure the applicant's documentation.

*Article 4***Financial solvency**

1. For the purposes of this Article, financial solvency shall mean a good financial standing which is sufficient to fulfil the commitments of the applicant, with due regard to the characteristics of the type of the business activity.
2. The condition relating to the financial solvency of the applicant shall be deemed to be met if his solvency can be proven for the past three years.
3. If the applicant has been established for less than three years, his financial solvency shall be judged on the basis of records and information that are available.

*Article 5***Security and safety standards**

1. The applicant's security and safety shall be considered to be appropriate if the following conditions are fulfilled:
 - (a) buildings to be used in connection with the operations to be covered by the certificate are constructed of materials which resist unlawful entry and provide protection against unlawful intrusion;
 - (b) appropriate access control measures are in place to prevent unauthorised access to shipping areas, loading docks and cargo areas;
 - (c) measures for the handling of goods include protection against the introduction, exchange or loss of any material and tampering with cargo units;
 - (d) where applicable, procedures are in place for the handling of import and/or export licenses connected to prohibitions and restrictions and to distinguish these goods from other goods;
 - (e) the applicant has implemented measures allowing a clear identification of his business partners in order to secure the international supply chain;

- (f) the applicant conducts, in so far as legislation permits, security screening on prospective employees working in security sensitive positions and carries out periodic background checks;
- (g) the applicant ensures that its staff concerned actively participate in security awareness programmes.

2. If the applicant, established in the Contracting Parties, is the holder of an internationally recognised security and/or safety certificate issued on the basis of international conventions, of a European security and/or safety certificate issued on the basis of Community legislation, of an International Standard of the International Organisation for Standardisation, or of a European Standard of the European standard organisations, or of any other recognised certificate, the criteria provided for in paragraph 1 shall be deemed to be met to the extent that the criteria for issuing these certificates are identical or correspond to those laid down in this Annex.

TITLE II

Facilitation granted to authorised economic operators

Article 6

Facilitation granted to authorised economic operators

The customs authorities shall grant an authorised economic operator the following facilitations:

- the competent customs office may, before the arrival of the goods into the customs territory or before they leave it, notify the authorised economic operator when, as a result of security and safety risk analysis, the consignment has been selected for further physical control. This notice shall only be provided where it does not jeopardise the control to be carried out. However, the customs authorities may carry out a physical control even where an authorised economic operator has not been notified,
- an authorised economic operator may lodge entry and exit summary declarations comprising the reduced data requirements set out in Annex 30A of Regulation (EEC) No 2454/93; however where an economic operator is a carrier, freight forwarder or customs agent he is entitled to lodge such declarations only on the condition that he is involved in the importation or exportation of goods on behalf of an authorised economic operator,
- an authorised economic operator shall be subject to fewer physical and document-based controls than other economic operators. The customs authorities may decide otherwise in order to take into account a specific threat, or control obligations set out in other legislation,
- where, following risk analysis, the competent customs authority nevertheless selects for further examination a consignment covered by an entry or exit summary declaration or by a customs declaration lodged by an authorised economic operator, it shall carry out the necessary controls as a matter of priority. If the authorised economic operator so requests, and subject to agreement with the customs authority concerned, these controls may be carried out at a place which is different from the place of the customs office involved.

TITLE III

Suspension and revocation of the status of authorised economic operator

Article 7

Suspension of the status

1. The status of authorised economic operator shall be suspended by the issuing customs authority in the following cases:
 - (a) where non-compliance with the conditions or criteria for granting the status has been detected;
 - (b) the customs authorities have sufficient reason to believe that an act, which gives rise to criminal court proceedings and is linked to an infringement of the customs rules, has been perpetrated by the authorised economic operator;
 - (c) upon a request of the authorised economic operator when he is temporarily incapable of complying with the conditions or criteria for granting of the status.

2. In the case referred to in point (b) of paragraph 1, the customs authority may decide not to suspend the status of authorised economic operator if it considers an infringement to be of negligible importance in relation to the number or size of the customs related operations and not to create doubts concerning the good faith of the authorised economic operator.
3. Where the nature or the level of the threat to citizens' security and safety, to public health or to the environment so requires, suspension shall take place immediately.
4. The suspension shall not affect any customs procedure already started before the date of suspension and not yet completed.
5. Each Contracting Party shall determine the duration of the suspension period which is to allow the authorised economic operator to regularise the situation.
6. When the economic operator concerned has, to the satisfaction of the customs authorities, taken the necessary measures to comply with the conditions and criteria that have to be met by an authorised economic operator, the issuing customs authority shall withdraw the suspension.

Article 8

Revocation of the status

1. The status of the authorised economic operator shall be revoked by the issuing customs authority in the following cases:
 - (a) where serious infringements related to customs rules have been committed by the authorised economic operator and there is no further right of appeal;
 - (b) where the authorised economic operator fails to take the necessary measures during the suspension period referred to in Article 7(5);
 - (c) upon request of the authorised economic operator.
2. However, in the case referred to in point (a) of paragraph 1, the customs authority may decide not to revoke the status if it considers the infringements to be of negligible importance in relation to the number or size of the customs related operations and not to create doubts concerning the good faith of the authorised economic operator.
3. Revocation shall take effect from the day following its notification.

TITLE IV

Exchange of information

Article 9

Exchange of information

The European Commission and the customs authorities of the relevant EFTA State shall, on a regular basis, exchange the following data concerning the identity of the authorised economic operators:

- (a) the Trader Identification Number of the operator (TIN) in a format compatible with the Economic Operator Registration and Identification EORI legislation;
 - (b) the name and the address of the authorised economic operator;
 - (c) the number of the document by which the status of the authorised economic operator was granted;
 - (d) the current status (valid, suspended, revoked);
 - (e) the periods when the status was modified;
 - (f) the date from which the certificate is valid;
 - (g) the authority which issued the certificate.
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