DECISION OF THE EEA JOINT COMMITTEE

No 129/2013

of 14 June 2013

amending Annex XVI (Procurement) to the EEA Agreement

THE EEA JOINT COMMITTEE,

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

Whereas:

(1) Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC [1] is to be incorporated into the EEA Agreement.

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

HAS ADOPTED THIS DECISION:

Article 1

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

(1) the following indent is added in points 2 (Directive 2004/18/EC of the European Parliament and of the Council) and 4 (Directive 2004/17/EC of the European Parliament and of the Council):

'— **32009 L 0081**: Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 (OJ L 216, 20.8.2009, p. 76).';

(2) the following is inserted after point 5b (Council Directive 92/50/EEC):

'5c. **32009 L 0081**: Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76), as amended by:

— **32011 R 1251**: Commission Regulation (EU) No 1251/2011 of 30 November 2011 (OJ L 319, 2.12.2011, p. 43).

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

The act shall not apply to Liechtenstein.'

Article 2

The text of Directive 2009/81/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 15 June 2013, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

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, 14 June 2013.

For the EEA Joint Committee

The President

Gianluca GRIPPA

[1] OJ L 216, 20.8.2009, p. 76.

(*) Constitutional requirements indicated.