DECISION OF THE EEA JOINT COMMITTEE

No 11/2010

of 29 January 2010

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

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

Whereas:

(1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 145/2009 of 4 December 2009 ([1]).

(2) Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community ([2]) is to be incorporated into the Agreement.

(3) Directive 2008/57/EC repeals, with effect from 19 July 2010, Council Directive 96/48/EC ([3]) and Directive 2001/16/EC of the European Parliament and of the Council ([4]), which are incorporated into the Agreement and which are consequently to be repealed under the Agreement with effect from 19 July 2010,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as follows:

1. the current point 37d (Directive 2001/16/EC of the European Parliament and of the Council) shall be renumbered as point 37ca;

2. the following point shall be inserted after the new point 37ca (Directive 2001/16/EC of the European Parliament and of the Council):

'37d. **32008 L 0057**: Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (OJ L 191, 18.7.2008, p. 1).';

3. the following shall be added in point 42e (Directive 2004/49/EC of the European Parliament and of the Council):

'as amended by:

— **32008 L 0057**: Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 (OJ L 191, 18.7.2008, p. 1).';

4. the text of points 37a (Council Directive 96/48/EC) and 37ca (Directive 2001/16/EC of the European Parliament and of the Council) shall be deleted with effect from 19 July 2010.

Article 2

The text of Directive 2008/57/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 January 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 29 January 2010.

For the EEA Joint Committee

The President

Alan SEATTER

([1]) OJ L 62, 11.3.2010, p. 42.
([2]) OJ L 191, 18.7.2008, p. 1.
([3]) OJ L 235, 17.9.1996, p. 6.
([4]) OJ L 110, 20.4.2001, p. 1.

(*) Constitutional requirements indicated.