DECISION OF THE EEA JOINT COMMITTEE

No 83/2011

of 1 July 2011

amending Annex XVI (Procurement) to the EEA Agreement

THE EEA JOINT COMMITTEE,

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

Whereas:

(1) Annex XVI to the Agreement was amended by Decision of the EEA Joint Committee No 14/2010 of 29 January 2010 [1].

(2) Commission Regulation (EC) No 1150/2009 of 10 November 2009 amending Regulation (EC) No 1564/2005 as regards the standard forms for the publication of notices in the framework of public procurement in accordance with Council Directives 89/665/EEC and 92/13/EEC [2] is to be incorporated into the Agreement.

(3) Commission Regulation (EC) No 1177/2009 of 30 November 2009 amending Directives 2004/17/EC, 2004/18/EC and 2009/81/EC of the European Parliament and of the Council in respect of their application thresholds for the procedures for the award of contracts [3] is to be incorporated into the Agreement.

(4) Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts [4] is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Annex XVI to the Agreement shall be amended as follows:

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

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

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

', as amended by:

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

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

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

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

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

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

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

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

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

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

[1] OJ L 101, 22.4.2010, p. 24.
[2] OJ L 313, 28.11.2009, p. 3.
[3] OJ L 314, 1.12.2009, p. 64.
[4] OJ L 335, 20.12.2007, p. 31.

Article 2

The texts of Regulations (EC) No 1150/2009 and (EC) No 1177/2009, and Directive 2007/66/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

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

Article 4

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

Done at Brussels, 1 July 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

(*) Constitutional requirements indicated.