DECISION OF THE EEA JOINT COMMITTEE

No 104/2011

of 30 September 2011

amending Annex XIII (Transport) and Protocol 37 (containing the list provided for in Article 101) 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 90/2011 of 19 July 2011 [1].

(2) Protocol 37 to the Agreement was amended by Decision of the EEA Joint Committee No 76/2011 of 1 July 2011 [2].

(3) Decision No 661/2010/EU of the European Parliament and of the Council of 7 July 2010 on Union guidelines for the development of the trans-European transport network [3] is to be incorporated into the Agreement.

(4) Decision No 661/2010/EU repeals Decision No 1692/96/EC of the European Parliament and of the Council [4], which is incorporated into the Agreement and which is consequently to be deleted from the Agreement.

(5) For the Agreement to function well, Protocol 37 to the Agreement is to be extended to include the Committee on the Trans-European Transport Network set up by Decision No 661/2010/EU,

HAS ADOPTED THS DECISION:

Article 1

The text of point 5 (Decision No 1692/96/EC of the European Parliament and of the Council) of Annex XIII to the Agreement shall be replaced by:

'**32010 D 0661**: Decision No 661/2010/EU of the European Parliament and of the Council of 7 July 2010 on Union guidelines for the development of the trans-European transport network (OJ L 204, 5.8.2010, p. 1).

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

(a) in Article 8(1), the words "and by applying Directives 92/43/EEC and 2009/147/EC" shall not apply to the EFTA States;

(b) in Article 13(5)(b), the words "Articles 107 and 108 of the Treaty on the Functioning of the European Union" shall be replaced by "Articles 61 and 62 of the Agreement";

(c) The following paragraph shall be added in Article 21:

"3. The EFTA States shall participate fully in the committee established pursuant to paragraph 1, except for the right to vote.";

(d) Article 25(1) shall not apply to the EFTA States.'.

Article 2

The text of point 4 (Committee on the Trans-European Transport Network) in Protocol 37 to the Agreement shall be replaced by the following:

'Committee on the Trans-European Transport Network (Decision No 661/2010/EU of the European Parliament and of the Council)'.

Article 3

The text of Decision No 661/2010/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 4

This Decision shall enter into force on 1 October 2011, 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, 30 September 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

[1] OJ L 262, 6.10.2011, p. 62.
[2] OJ L 262, 6.10.2011, p. 33.
[3] OJ L 204, 5.8.2010, p. 1.
[4] OJ L 228, 9.9.1996, p. 1.

(*) No constitutional requirements indicated.