DECISION OF THE EEA JOINT COMMITTEE

No 106/2010

of 1 October 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 90/2010 of 2 July 2010 [1].

(2) Commission Regulation (EC) No 1163/2009 of 30 November 2009 amending Regulation (EC) No 417/2002 of the European Parliament and of the Council on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers [2] is to be incorporated into the Agreement.

(3) Commission Decision 2009/491/EC of 16 June 2009 on criteria to be followed in order to decide when the performance of an organisation acting on behalf of a flag State can be considered an unacceptable threat to safety and the environment [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 56m (Regulation (EC) No 417/2002 of the European Parliament and of the Council):

'— **32009 R 1163**: Regulation (EC) No 1163/2009 of 30 November 2009 (OJ L 314, 1.12.2009, p. 13).'

2. The following point shall be inserted after point 55b (Council Directive 94/57/EC):

'55ba. **32009 D 0491**: Commission Decision 2009/491/EC of 16 June 2009 on criteria to be followed in order to decide when the performance of an organisation acting on behalf of a flag State can be considered an unacceptable threat to safety and the environment (OJ L 162, 25.6.2009, p. 6).'

Article 2

The texts of Regulation (EC) No 1163/2009 and Decision 2009/491/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 1 November 2010, 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 October 2010.

For the EEA Joint Committee
The President
Stefán Haukur JÓHANNESSON

[1] OJ L 277, 21.10.2010, p. 43.
[2] OJ L 314, 1.12.2009, p. 13.
[3] OJ L 162, 25.6.2009, p. 6.

(*) No constitutional requirements indicated.