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DECISION OF THE EEA JOINT COMMITTEE
No 101/2008

of 26 September 2008

amending Annex IV (Energy) 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 IV to the Agreement was amended by Decision of the EEA Joint Committee No 28/2008 of 14 March 2008¹.
- (2) Regulation (EC) No 1775/2005 of the European Parliament and of the Council of 28 September 2005 on conditions for access to the gas transmission networks² is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 26 (Directive 2005/32/EC of the European Parliament and of the Council) of Annex IV to the Agreement:

- ‘27. **32005 R 1775:** Regulation (EC) No 1775/2005 of the European Parliament and of the Council of 28 September 2005 on conditions for access to the gas transmission networks (OJ L 289, 3.11.2005, p. 1).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) Article 16 of the Regulation provides for a derogation from the Regulation to natural gas transmission systems situated in Member States, for the duration of derogations granted under Article 28 of Directive 2003/55/EC. Norway has obtained a status as an emergent market, according to Article 28 (2) of the Directive 2003/55/EC. Consequently, the Regulation shall not apply to Norway before that derogation period has expired.

¹ OJ L 182, 10.7.2008, p. 19.

² OJ L 289, 3.11.2005, p. 1.

- (b) The EFTA States concerned shall be invited to send observers to the meeting of the Committee established in Article 14. The representatives of the EFTA States shall participate fully in the work of the Committee, but shall not have the right to vote.'

Article 2

The texts of Regulation (EC) No 1775/2005 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 27 September 2008, 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, 26 September 2008.

*For the EEA Joint Committee
The President*

H. S. H. Prinz Nikolaus von Liechtenstein

*The Secretaries
to the EEA Joint Committee*

Bergdis Ellertsdóttir Matthias Brinkmann

* Constitutional requirements indicated.

**JOINT DECLARATION BY THE CONTRACTING PARTIES
TO DECISION NO 101/2008**

**CONCERNING THE IMPLEMENTATION IN THE EEA AGREEMENT OF
REGULATION (EC) NO 1775/2005 OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL OF 28 SEPTEMBER 2005 ON CONDITIONS FOR ACCESS TO THE
NATURAL GAS TRANSMISSION NETWORKS**

Under the two-pillar structure of the EEA Agreement (Art. 93(2)), new Community legislation must be adopted by a Joint Committee Decision. The Guidelines under the Regulation on conditions for access to the natural gas transmission networks are legally binding upon all Member States. New guidelines or amendments to existing guidelines must therefore be considered as new Community legislation that requires adoption by the EEA Joint Committee, in accordance with Article 98 of the EEA Agreement.