

DECISION OF THE EEA JOINT COMMITTEE

No 28/2012

of 10 February 2012

amending Annex XX (Environment) 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 XX to the Agreement was amended by Decision of the EEA Joint Committee No 158/2011 of 2 December 2011 ⁽¹⁾.
- (2) Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control ⁽³⁾ is to be incorporated into the Agreement.
- (4) Directive 2008/1/EC repeals Council Directive 96/61/EC ⁽⁴⁾, which is incorporated into the Agreement and which is consequently to be repealed from the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Annex XX to the Agreement shall be amended as follows:

- (1) the following indent shall be added in point 1a (Council Directive 85/337/EEC):
— **32003 L 0035:** Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 (OJ L 156, 25.6.2003, p. 17).;
- (2) the text of point 1f (Council Directive 96/61/EC) shall be replaced by the following:
32008 L 0001: Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (OJ L 24, 29.1.2008, p. 8).

The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for Slovakia (Annex XIV, Chapter 9, Section D, point (2) concerning Directive 96/61/EC shall apply *mutatis mutandis*.

The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 10, Section D, point (1) and Romania (Annex VII, Chapter 9, Section D, point (1) concerning Directive 96/61/EC shall apply *mutatis mutandis*.;

- (3) the following point shall be inserted after point 1jb (Commission Decision 2009/442/EC):

‘1k. **32003 L 0035:** Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (OJ L 156, 25.6.2003, p. 17).’.

Article 2

The texts of Directives 2003/35/EC and 2008/1/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 11 February 2012, 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, 10 February 2012.

For the EEA Joint Committee
The Acting President
Gianluca GRIPPA

⁽¹⁾ OJ L 76, 15.3.2012, p. 45.

⁽²⁾ OJ L 156, 25.6.2003, p. 17.

⁽³⁾ OJ L 24, 29.1.2008, p. 8.

⁽⁴⁾ OJ L 257, 10.10.1996, p. 26.

(*) Constitutional requirements indicated.

**Joint Declaration by the Contracting Parties to Decision No 28/2012 of 10 February 2012
incorporating Directives 2003/35/EC and 2008/1/EC into the Agreement**

'The incorporation of Directives 2003/35/EC and 2008/1/EC into the EEA Agreement shall be without prejudice to the view that civil procedural rules are not part of the EEA Agreement.'
