

DECISION OF THE EEA JOINT COMMITTEE
No 188/2015
of 10 July 2015
amending Annex XIII (Transport) to the EEA Agreement [2017/28]

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Annex XIII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XIII to the EEA Agreement shall be amended as follows:

- (1) the adaptation text of point 56v (Directive 2005/35/EC of the European Parliament and of the Council) is deleted;
- (2) the following is added in point 56v (Directive 2005/35/EC of the European Parliament and of the Council):

‘, as amended by:

- **32009 L 0123**: Directive 2009/123/EC of the European Parliament and Council of 21 October 2009 (OJ L 280, 27.10.2009, p. 52).’

Article 2

The text of Directive 2009/123/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 July 2015, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

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 July 2015.

For the EEA Joint Committee

The President

Atle LEIKVOLL

⁽¹⁾ OJ L 280, 27.10.2009, p. 52.

(*) Constitutional requirements indicated.

ANNEX

JOINT DECLARATION BY THE CONTRACTING PARTIES**to Decision of the EEA Joint Committee No 188/2015 of 10 July 2015 incorporating Directive 2009/123/EC of the European Parliament and of the Council into the EEA Agreement**

Directive 2009/123/EC of the European Parliament and of the Council is based on Article 80 TEC (now Article 100 TFEU) and aims at the improvement of maritime safety and the enhanced protection of the marine environment. This is to be accomplished through the use of legal means provided for by criminal law. The Contracting Parties have agreed that this Directive shall be incorporated into the EEA Agreement. The Contracting Parties agree that the incorporation of Directive 2009/123/EC is without prejudice to the scope of the EEA Agreement, and take note that, following the entry into force of the TFEU, the EU legislator may adopt minimum rules pursuant to Article 83(2) TFEU with regard to the definition of criminal offences and sanctions in a particular EU policy area if this “proves essential to ensure effective implementation of a Union policy in an area which has been subject to harmonisation measures”. Future legislative measures adopted under Article 83(2) will not be EEA relevant.’
