

DECISION OF THE EEA JOINT COMMITTEE**No 8/2005****of 8 February 2005****amending Annex II (Technical regulations, standards, testing and certification) 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 II to the Agreement was amended by the Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area signed on 14 October 2003 in Luxemburg. ⁽¹⁾
- (2) Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers ⁽²⁾ is to be incorporated into the Agreement.
- (3) Regulation (EC) No 2003/2003 repeals Council Directive 76/116/EEC ⁽³⁾, Commission Directive 77/535/EEC ⁽⁴⁾, Council Directive 80/876/EEC ⁽⁵⁾, and Commission Directive 87/94/EEC ⁽⁶⁾.
- (4) The remaining community acts referred to in Chapter XIV (Fertilisers) of Annex II to the Agreement (Council Directive 89/284/EEC, Commission Directive 89/519/EEC and Council Directive 89/530/EEC) have become devoid of purpose.
- (5) Consequently, the entire Chapter XIV (Fertilisers) of Annex II to the Agreement shall be replaced by a reference to Regulation (EC) No 2003/2003,

⁽¹⁾ OJ L 130, 29.4.2004, p. 3.

⁽²⁾ OJ L 304, 21.11.2003, p. 1.

⁽³⁾ OJ L 24, 30.1.1976, p. 21.

⁽⁴⁾ OJ L 213, 22.8.1977, p. 1.

⁽⁵⁾ OJ L 250, 23.9.1980, p. 7.

⁽⁶⁾ OJ L 63, 9.3.1988, p. 16.

HAS DECIDED AS FOLLOWS:

Article 1

The text of Chapter XIV (Fertilisers) of Annex II to the Agreement shall be replaced by the following:

- ‘1. **32003 R 2003**: Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (O) L 304, 21.11.2003, p. 1).

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

- (a) The EFTA States will be free to limit access to their market according to the requirements of their legislation existing at the date of entry into force of this Agreement concerning cadmium in fertilizers. The Contracting Parties shall jointly review the situation in 2009.

- (b) In Annex I, A.2, the following shall be added to the text in brackets of No. 1, column 6, third paragraph:

“Iceland, Liechtenstein, Norway”.

- (c) In Annex I, B.1.1, B.2.1 and B.4, the following shall be added to the text in brackets after (6b) in column 5, point 3, second paragraph first indent:

“Iceland, Liechtenstein, Norway”.

Article 2

The texts of Regulation (EC) No 2003/2003 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 9 February 2005, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

(*) No constitutional requirements indicated.

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, 8 February 2005.

For the EEA Joint Committee
The President
Richard WRIGHT
