

III

(Other acts)

EUROPEAN ECONOMIC AREA

DECISION OF THE EEA JOINT COMMITTEE

No 59/2011

of 1 July 2011

amending Annex I (Veterinary and phytosanitary matters) and 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 I to the Agreement was amended by Decision of the EEA Joint Committee No 115/2010 of 10 November 2010 ⁽¹⁾.
- (2) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 50/2011 of 20 May 2011 ⁽²⁾.
- (3) Regulation (EC) No 220/2009 of the European Parliament and of the Council of 11 March 2009 amending Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, as regards the implementing powers conferred on the Commission ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 1161/2009 of 30 November 2009 amending Annex II to Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards food chain information to be provided to food business operators operating slaughterhouses ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 1162/2009 of 30 November 2009 laying down transitional measures for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Directive 2008/97/EC of the European Parliament and of the Council of 19 November 2008 amending Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists ⁽⁶⁾ is to be incorporated into the Agreement.
- (7) Council Decision 2009/436/EC of 5 May 2009 correcting Directive 2008/73/EC simplifying procedures of listing and publishing information in the veterinary and zootechnical fields ⁽⁷⁾ is to be incorporated into the Agreement.
- (8) Commission Decision 2009/712/EC of 18 September 2009 implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation ⁽⁸⁾ is to be incorporated into the Agreement.
- (9) Commission Decision 2009/719/EC of 28 September 2009 authorising certain Member States to revise their annual BSE monitoring programmes ⁽⁹⁾ is to be incorporated into the Agreement.
- (10) Commission Decision 2009/830/EC of 11 November 2009 amending the Annex to Decision 2007/453/EC as regards the BSE status of Chile, Colombia and Japan ⁽¹⁰⁾ is to be incorporated into the Agreement.
- (11) Commission Decision 2009/852/EC of 26 November 2009 on transitional measures under Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of

⁽¹⁾ OJ L 58, 3.3.2011, p. 69.⁽²⁾ OJ L 196, 28.7.2011, p. 29.⁽³⁾ OJ L 87, 31.3.2009, p. 155.⁽⁴⁾ OJ L 314, 1.12.2009, p. 8.⁽⁵⁾ OJ L 314, 1.12.2009, p. 10.⁽⁶⁾ OJ L 318, 28.11.2008, p. 9.⁽⁷⁾ OJ L 145, 10.6.2009, p. 43.⁽⁸⁾ OJ L 247, 19.9.2009, p. 13.⁽⁹⁾ OJ L 256, 29.9.2009, p. 35.⁽¹⁰⁾ OJ L 295, 12.11.2009, p. 11.

non-compliant raw milk in certain milk processing establishments in Romania and the structural requirements of such establishments ⁽¹⁾ is to be incorporated into the Agreement.

- (12) Commission Decision 2009/861/EC of 30 November 2009 on transitional measures under Regulation (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Bulgaria ⁽²⁾ is to be incorporated into the Agreement.
- (13) Commission Decision 2009/960/EU of 14 December 2009 amending Decision 2004/407/EC as regards authorising imports of photographic gelatine into the Czech Republic ⁽³⁾ is to be incorporated into the Agreement.
- (14) Commission Decision 2009/975/EU of 14 December 2009 amending Decision 2009/177/EC as regards eradication programmes and disease-free status of certain Member States, zones and compartments for certain aquatic animal diseases ⁽⁴⁾ is to be incorporated into the Agreement.
- (15) Commission Decision 2010/66/EU of 5 February 2010 amending Decision 2009/719/EC authorising certain Member States to revise their annual BSE monitoring programmes ⁽⁵⁾ is to be incorporated into the Agreement.
- (16) Commission Decision 2010/89/EU of 9 February 2010 on transitional measures concerning the application of certain structural requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council to certain establishments for meat, fishery products and egg products and cold stores in Romania ⁽⁶⁾ is to be incorporated into the Agreement.
- (17) Regulation (EC) No 1162/2009 repeals Commission Regulation (EC) No 2076/2005 ⁽⁷⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (18) Decision 2009/712/EC repeals Commission Decision 2007/846/EC ⁽⁸⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (19) Decision 2009/719/EC repeals Commission Decision 2008/908/EC ⁽⁹⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (20) Council Directive 2008/73/EC ⁽¹⁰⁾ was incorporated into Chapter I of Annex I to the Agreement by Joint Committee Decision No 1/2010, which does not apply

to Iceland. However, Directive 2008/73/EC amends Council Directive 91/496/EEC ⁽¹¹⁾ which is incorporated into the Agreement and which is partly applicable to Iceland in accordance with paragraph 2 of the Introductory Part of Chapter I of Annex I. This Decision should therefore make Directive 2008/73/EC partly applicable to Iceland.

- (21) Decisions 2009/436/EC and 2009/712/EC are related to Directive 2008/73/EC, and are therefore also partly applicable to Iceland.
- (22) This Decision shall apply to Iceland with the transitional period specified in paragraph 2 of the Introductory Part of Chapter I of Annex I for the areas which did not apply to Iceland prior to the review of this Chapter by Decision of the EEA Joint Committee No 133/2007 of 26 October 2007 ⁽¹²⁾.
- (23) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

Chapter I of Annex I to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

Chapter XII of Annex II to the Agreement shall be amended as follows:

- (1) in point 54zzzh (Regulation (EC) No 852/2004 of the European Parliament and of the Council) the indents under the heading 'The transitional arrangements set out in the following acts shall apply:' shall be replaced by the following indents:

— **32009 D 0852:** Commission Decision 2009/852/EC of 26 November 2009 on transitional measures under Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Romania and the structural requirements of such establishments (OJ L 312, 27.11.2009, p. 59).

— **32010 D 0089:** Commission Decision 2010/89/EU of 9 February 2010 on transitional measures concerning the application of certain structural requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council to certain establishments for meat, fishery products and egg products and cold stores in Romania (OJ L 40, 13.2.2010, p. 55).;

- (2) in point 54zzzh (Regulation (EC) No 852/2004 of the European Parliament and of the Council) the heading 'The transitional arrangements set out in the Annexes to the Act

⁽¹⁾ OJ L 312, 27.11.2009, p. 59.

⁽²⁾ OJ L 314, 1.12.2009, p. 83.

⁽³⁾ OJ L 330, 16.12.2009, p. 82.

⁽⁴⁾ OJ L 336, 18.12.2009, p. 31.

⁽⁵⁾ OJ L 35, 6.2.2010, p. 21.

⁽⁶⁾ OJ L 40, 13.2.2010, p. 55.

⁽⁷⁾ OJ L 338, 22.12.2005, p. 83.

⁽⁸⁾ OJ L 333, 19.12.2007, p. 72.

⁽⁹⁾ OJ L 327, 5.12.2008, p. 24.

⁽¹⁰⁾ OJ L 219, 14.8.2008, p. 40.

⁽¹¹⁾ OJ L 268, 24.9.1991, p. 56.

⁽¹²⁾ OJ L 100, 10.4.2008, p. 27.

of Accession of 25 April 2005 for Romania (Annex VII, Chapter 5, Section B, Part I) shall apply' and the first indent (Commission Decision 2007/23/EC) shall be deleted;

- (3) in point 54zzzh (Regulation (EC) No 852/2004 of the European Parliament and of the Council) the heading 'The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 4, Section B) shall apply' and the first indent (Commission Decision 2007/26/EC) shall be deleted.

Article 3

The texts of Regulations (EC) No 220/2009, (EC) No 1161/2009 and (EC) No 1162/2009, Directive 2008/97/EC and Decisions 2009/436/EC, 2009/712/EC, 2009/719/EC, 2009/830/EC, 2009/852/EC, 2009/861/EC, 2009/960/EU, 2009/975/EU, 2010/66/EU and 2010/89/EU in the Icelandic and Norwegian languages, and the text of Directive 2008/73/EC, in the Icelandic language, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 4

This Decision shall enter into force on 2 July 2011, provided that all the notifications pursuant to Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 5

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 July 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

ANNEX

Chapter I of Annex I to the Agreement shall be amended as follows:

- (1) the following shall be added in the seventh indent (Council Directive 2008/73/EC) of point 5 (Council Directive 91/496/EEC) in Part 1.1, the second indent (Council Directive 2008/73/EC) of point 2 (Council Directive 88/661/EEC), the first indent (Council Directive 2008/73/EC) of points 3 (Council Directive 89/361/EEC), 4 (Council Directive 90/427/EEC) and 5 (Council Directive 90/428/EEC) in Part 2.1, the fifth indent (Council Directive 2008/73/EC) of point 3 (Council Directive 2001/89/EC), the sixth indent (Council Directive 2008/73/EC) of point 4 (Council Directive 92/35/EEC), the first indent (Council Directive 2008/73/EC) of point 5a (Council Directive 2005/94/EC), the fourth indent (Council Directive 2008/73/EC) of point 6 (Council Directive 92/66/EEC), the eighth indent (Council Directive 2008/73/EC) of point 9 (Council Directive 92/119/EEC) and the fifth indent (Council Directive 2008/73/EC) of points 9a (Council Directive 2000/75/EC) and 9b (Council Directive 2002/60/EC) in Part 3.1, the 15th indent (Council Directive 2008/73/EC) of point 1 (Council Directive 64/432/EEC), the 12th indent (Council Directive 2008/73/EC) of point 2 (Council Directive 91/68/EEC), the 11th indent (Council Directive 2008/73/EC) of point 3 (Council Directive 90/426/EEC), the 14th indent (Council Directive 2008/73/EC) of point 4 (Council Directive 90/539/EEC), the fifth indent (Council Directive 2008/73/EC) of point 6 (Council Directive 89/556/EEC), the seventh indent (Council Directive 2008/73/EC) of point 7 (Council Directive 88/407/EEC), the fourth indent (Council Directive 2008/73/EC) of point 8 (Council Directive 90/429/EEC) and the 11th indent (Council Directive 2008/73/EC) of point 9 (Council Directive 92/65/EEC) in Part 4.1, the second indent (Council Directive 2008/73/EC) of point 54 (Council Decision 2000/258/EC) in Part 4.2 and the eighth indent (Council Directive 2008/73/EC) of point 2 (Council Directive 90/426/EEC), the 13th indent (Council Directive 2008/73/EC) of point 3 (Council Directive 90/539/EEC), the fifth indent (Council Directive 2008/73/EC) of point 5 (Council Directive 89/556/EEC), the sixth indent (Council Directive 2008/73/EC) of point 6 (Council Directive 88/407/EEC), the fourth indent (Council Directive 2008/73/EC) of point 7 (Council Directive 90/429/EEC) and the eighth indent (Council Directive 2008/73/EC) of point 15 (Council Directive 92/65/EEC) in Part 8.1:

‘, as amended by:

— **32009 D 0436**: Council Decision 2009/436/EC of 5 May 2009 (OJ L 145, 10.6.2009, p. 43).’;

- (2) the texts of point 135 (Commission Regulation (EC) No 2076/2005) in Part 1.2 and point 55 (Commission Regulation (EC) No 2076/2005) in Part 6.2 shall be deleted;

- (3) the following points shall be inserted after point 144 (Commission Decision 2008/654/EC) in Part 1.2:

‘145. **32009 D 0712**: Commission Decision 2009/712/EC of 18 September 2009 implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation (OJ L 247, 19.9.2009, p. 13).

This act applies also to Iceland for the areas referred to in paragraph 2 of the Introductory Part.

146. **32009 R 1162**: Commission Regulation (EC) No 1162/2009 of 30 November 2009 laying down transitional measures for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council (OJ L 314, 1.12.2009, p. 10).’;

- (4) the following point shall be inserted after point 33 (Commission Regulation (EC) No 504/2008) in Part 2.2:

‘34. **32009 D 0712**: Commission Decision 2009/712/EC of 18 September 2009 implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation (OJ L 247, 19.9.2009, p. 13).

This act applies also to Iceland for the areas referred to in paragraph 2 of the Introductory Part.’;

- (5) the following point shall be inserted after point 43 (Commission Regulation (EC) No 616/2009) in Part 3.2:

‘44. **32009 D 0712**: Commission Decision 2009/712/EC of 18 September 2009 implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation (OJ L 247, 19.9.2009, p. 13).

This act applies also to Iceland for the areas referred to in paragraph 2 of the Introductory Part.’;

(6) the text of point 83 (Commission Decision 2007/846/EC) in Part 4.2 shall be deleted;

(7) the following shall be added in point 89 (Commission Decision 2009/177/EC) in Part 4.2:

‘, as amended by:

— **32009 D 0975**: Commission Decision 2009/975/EC of 14 December 2009 (OJ L 336, 18.12.2009, p. 31).’;

(8) the following point shall be inserted after point 90 (Commission Regulation (EC) No 180/2008) in Part 4.2:

‘91. **32009 D 0712**: Commission Decision 2009/712/EC of 18 September 2009 implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation (OJ L 247, 19.9.2009, p. 13).

This act applies also to Iceland for the areas referred to in paragraph 2 of the Introductory Part.’;

(9) in point 16 (Regulation (EC) No 852/2004 of the European Parliament and of the Council) in Part 6.1, the indents under the heading ‘The transitional arrangements set out in the following acts shall apply.’ shall be replaced by the following indents:

— **32009 D 0852**: Commission Decision 2009/852/EC of 26 November 2009 on transitional measures under Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Romania and the structural requirements of such establishments (OJ L 312, 27.11.2009, p. 59).

— **32010 D 0089**: Commission Decision 2010/89/EU of 9 February 2010 on transitional measures concerning the application of certain structural requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council to certain establishments for meat, fishery products and egg products and cold stores in Romania (OJ L 40, 13.2.2010, p. 55).’;

(10) in points 16 (Regulation (EC) No 852/2004 of the European Parliament and of the Council) and 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council) in Part 6.1 the heading ‘The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Romania (Annex VII, Chapter 5, Section B, Part I) shall apply’ and the first indent (Commission Decision 2007/23/EC) shall be deleted;

(11) the following indent shall be added in point 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council) in Part 6.1:

— **32009 R 1161**: Commission Regulation (EC) No 1161/2009 of 30 November 2009 (OJ L 314, 1.12.2009, p. 8).’;

(12) in point 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council) in Part 6.1, the indents under the heading ‘The transitional arrangements set out in the following acts shall apply.’ shall be replaced by the following indents:

— **32009 D 0852**: Commission Decision 2009/852/EC of 26 November 2009 on transitional measures under Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Romania and the structural requirements of such establishments (OJ L 312, 27.11.2009, p. 59).

— **32009 D 0861**: Commission Decision 2009/861/EC of 30 November 2009 on transitional measures under Regulation (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Bulgaria (OJ L 314, 1.12.2009, p. 83).

— **32010 D 0089**: Commission Decision 2010/89/EU of 9 February 2010 on transitional measures concerning the application of certain structural requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council to certain establishments for meat, fishery products and egg products and cold stores in Romania (OJ L 40, 13.2.2010, p. 55).’;

- (13) in point 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council) in Part 6.1 the heading 'The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 4, Section B) shall apply' and the first indent (Commission Decision 2007/26/EC) shall be deleted;
- (14) the following indent shall be added in point 1 (Council Directive 96/22/EC) in Part 7.1:
- **32008 L 0097**: Directive 2008/97/EC of the European Parliament and of the Council of 19 November 2008 (OJ L 318, 28.11.2008, p. 9).;
- (15) the following indent shall be added in point 12 (Regulation (EC) No 999/2001 of the European Parliament and of the Council) in Part 7.1:
- **32009 R 0220**: Regulation (EC) No 220/2009 of the European Parliament and of the Council of 11 March 2009 (OJ L 87, 31.3.2009, p. 155).;
- (16) the following indent shall be added in point 42 (Commission Decision 2004/407/EC) in Part 7.2:
- **32009 D 0960**: Commission Decision 2009/960/EU of 14 December 2009 (OJ L 330, 16.12.2009, p. 82).;
- (17) the following shall be added in point 49 (Commission Decision 2007/453/EC) in Part 7.2:
- ‘, as amended by:
- **32009 D 0830**: Commission Decision 2009/830/EC of 11 November 2009 (OJ L 295, 12.11.2009, p. 11).;
- (18) under the heading 'ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT' the text of point 41b (Commission Decision 2008/908/EC) in Part 7.2 shall be replaced by the following:
- 32009 D 0719**: Commission Decision 2009/719/EC of 28 September 2009 authorising certain Member States to revise their annual BSE monitoring programmes (OJ L 256, 29.9.2009, p. 35), as amended by:
- **32010 D 0066**: Commission Decision 2010/66/EU of 5 February 2010 (OJ L 35, 6.2.2010, p. 21).’
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