DECISION OF THE EEA JOINT COMMITTEE

No 75/2013

of 3 May 2013

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 ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

(1) Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market [1] is to be incorporated into the EEA Agreement.

(2) Commission Delegated Regulation (EU) No 363/2012 of 23 February 2012 on the procedural rules for the recognition and withdrawal of recognition of monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market [2] is to be incorporated into the EEA Agreement.

(3) Commission Implementing Regulation (EU) No 607/2012 of 6 July 2012 on the detailed rules concerning the due diligence system and the frequency and nature of the checks on monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market [3] is to be incorporated into the EEA Agreement.

(4) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is inserted after point 9bi (Commission Regulation (EC) No 308/2008) of Chapter XVII of Annex II to the EEA Agreement:

'9c. **32010 R 0995**: Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (OJ L 295, 12.11.2010, p. 23).

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

(a) The first paragraph of Article 3 shall not apply to the EFTA States.

(b) In the second paragraph of Article 3, with regard to the EFTA States, the words "Annex A, B or C to Regulation (EC) No 338/97" shall read "the relevant parts of the legislation implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora in that EFTA State".

(c) In Article 8(3), (5) and (6), if monitoring organisations of an EFTA State are concerned and without prejudice to Protocol 1 to the Agreement, the word "Commission" shall read "EFTA Surveillance Authority".

9ca. **32012 R 0363**: Commission Delegated Regulation (EU) No 363/2012 of 23 February 2012 on the procedural rules for the recognition and withdrawal of recognition of monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market (OJ L 115, 27.4.2012, p. 12).

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

If monitoring organisations of an EFTA State are concerned and without prejudice to Protocol 1 to the Agreement, the word "Commission" shall read "EFTA Surveillance Authority".

[1] OJ L 295, 12.11.2010, p. 23.
[2] OJ L 115, 27.4.2012, p. 12.
[3] OJ L 177, 7.7.2012, p. 16.

9cb. **32012 R 0607**: Commission Implementing Regulation (EU) No 607/2012 of 6 July 2012 on the detailed rules concerning the due diligence system and the frequency and nature of the checks on monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market (OJ L 177, 7.7.2012, p. 16).

The provision of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

In Article 6(2)(b), if monitoring organisations of an EFTA State are concerned and without prejudice to Protocol 1 to the Agreement, the word "Commission" shall read "EFTA Surveillance Authority".'

Article 2

The texts of Regulation (EU) No 995/2010, Delegated Regulation (EU) No 363/2012 and Implementing Regulation (EU) No 607/2012 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 4 May 2013, 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, 3 May 2013.

For the EEA Joint Committee
The President
Gianluca GRIPPA

(*) Constitutional requirements indicated.