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## II

(Acts whose publication is not obligatory)

## EUROPEAN ECONOMIC AREA

## DECISION OF THE EEA JOINT COMMITTEE

No 90/2005

of 8 July 2005

**amending Annex I (Veterinary and phytosanitary matters) 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 51/2005 of 29 April 2005 <sup>(1)</sup>.
- (2) Commission Decision 2004/850/EC of 3 December 2004 amending Annexes I and II to Decision 2002/308/EC establishing lists of approved zones and approved farms with regard to one or more of the fish diseases viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN) <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) This Decision is not to apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be added in point 66 (Commission Decision 2002/308/EC) in Part 4.2 of Chapter I of Annex I to the Agreement:

‘— **32004 D 0850**: Commission Decision 2004/850/EC of 3 December 2004 (OJ L 368, 15.12.2004, p. 28).’

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<sup>(1)</sup> OJ L 239, 15.9.2005, p. 22.

<sup>(2)</sup> OJ L 368, 15.12.2004, p. 28.

*Article 2*

The text of Decision 2004/850/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 9 July 2005, 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, 8 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 91/2005****of 8 July 2005****amending Annex I (Veterinary and phytosanitary matters) 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 51/2005 of 29 April 2005 <sup>(1)</sup>.
- (2) Commission Regulation (EC) No 1471/2004 of 18 August 2004 amending Annex XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the import of cervid products from Canada and the United States <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Commission Decision 2004/693/EC of 8 October 2004 amending Decision 2004/233/EC as regards the list of laboratories authorised to check the effectiveness of vaccination against rabies in certain domestic carnivores <sup>(3)</sup> is to be incorporated into the Agreement.
- (4) Commission Decision 2004/700/EC of 13 October 2004 amending Decision 2004/280/EC laying down transitional measures for the marketing of certain products of animal origin obtained in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia <sup>(4)</sup> is to be incorporated into the Agreement.
- (5) Commission Decision 2004/762/EC of 12 November 2004 amending Decision 2003/828/EC as regards movements of animals from and inside a restricted zone in Spain and Portugal, in relation to outbreaks of bluetongue in Spain <sup>(5)</sup> is to be incorporated into the Agreement.
- (6) Commission Decision 2004/775/EC of 18 November 2004 granting Slovakia the derogation provided for in Article 3(2) of Council Directive 92/102/EEC on the identification and registration of animals <sup>(6)</sup> is to be incorporated into the Agreement.
- (7) Commission Regulation (EC) No 1993/2004 of 19 November 2004 amending Regulation (EC) 999/2001 of the European Parliament and of the Council as regards Portugal <sup>(7)</sup> is to be incorporated into the Agreement.

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<sup>(1)</sup> OJ L 239, 15.9.2005, p. 22.

<sup>(2)</sup> OJ L 271, 19.8.2004, p. 24.

<sup>(3)</sup> OJ L 315, 14.10.2004, p. 47.

<sup>(4)</sup> OJ L 318, 19.10.2004, p. 21.

<sup>(5)</sup> OJ L 337, 13.11.2004, p. 70.

<sup>(6)</sup> OJ L 342, 18.11.2004, p. 29.

<sup>(7)</sup> OJ L 344, 20.11.2004, p. 12.

- (8) Commission Decision 2004/832/EC of 3 December 2004 approving the plans for the eradication of classical swine fever in feral pigs and the emergency vaccination of such pigs in the Northern Vosges, France <sup>(8)</sup> is to be incorporated into the Agreement.
- (9) Commission Decision 2004/835/EC of 3 December 2004 approving plans for the approval of establishments for the purposes of intra-Community trade in poultry and hatching eggs <sup>(9)</sup> is to be incorporated into the Agreement.
- (10) Commission Decision 2004/898/EC of 23 December 2004 amending Decision 2003/828/EC as regards movements of animals from and inside a restricted zone in Spain and Portugal, in relation to outbreaks of bluetongue in Spain <sup>(10)</sup> is to be incorporated into the Agreement.
- (11) Regulation (EC) No 1993/2004 repeals Commission Decisions 2000/345/EC <sup>(11)</sup>, 2000/371/EC <sup>(12)</sup> and 2000/372/EC <sup>(13)</sup> which were incorporated into the Agreement and which have been repealed under the Agreement by Decision of the EEA Joint Committee No 51/2005.
- (12) Decision 2004/835/EC repeals Commission Decisions 92/139/EEC <sup>(14)</sup>, 92/140/EEC <sup>(15)</sup>, 92/141/EEC <sup>(16)</sup>, 92/281/EEC <sup>(17)</sup>, 92/282/EEC <sup>(18)</sup>, 92/283/EEC <sup>(19)</sup>, 92/342/EEC <sup>(20)</sup>, 92/344/EEC <sup>(21)</sup>, 92/345/EEC <sup>(22)</sup>, 92/379/EEC <sup>(23)</sup>, 92/480/EEC <sup>(24)</sup>, 94/964/EC <sup>(25)</sup>, and 95/141/EC <sup>(26)</sup>, which are incorporated into the Agreement and which are consequently to be repealed under the Agreement.
- (13) This Decision is not to apply to Iceland and Liechtenstein,

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<sup>(8)</sup> OJ L 359, 4.12.2004, p. 62.

<sup>(9)</sup> OJ L 360, 7.12.2004, p. 28.

<sup>(10)</sup> OJ L 379, 24.12.2004, p. 105.

<sup>(11)</sup> OJ L 121, 23.5.2000, p. 9.

<sup>(12)</sup> OJ L 134, 7.6.2000, p. 34.

<sup>(13)</sup> OJ L 134, 7.6.2000, p. 35.

<sup>(14)</sup> OJ L 58, 3.3.1992, p. 27.

<sup>(15)</sup> OJ L 58, 3.3.1992, p. 28.

<sup>(16)</sup> OJ L 58, 3.3.1992, p. 29.

<sup>(17)</sup> OJ L 150, 2.6.1992, p. 23.

<sup>(18)</sup> OJ L 150, 2.6.1992, p. 24.

<sup>(19)</sup> OJ L 150, 2.6.1992, p. 25.

<sup>(20)</sup> OJ L 188, 8.7.1992, p. 39.

<sup>(21)</sup> OJ L 188, 8.7.1992, p. 41.

<sup>(22)</sup> OJ L 188, 8.7.1992, p. 42.

<sup>(23)</sup> OJ L 198, 17.7.1992, p. 53.

<sup>(24)</sup> OJ L 284, 29.9.1992, p. 27.

<sup>(25)</sup> OJ L 371, 31.12.1994, p. 30.

<sup>(26)</sup> OJ L 92, 25.4.1995, p. 25.

HAS DECIDED AS FOLLOWS:

*Article 1*

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

*Article 2*

The texts of Regulations (EC) No 1471/2004 and (EC) No 1993/2004 and Decisions 2004/693/EC, 2004/700/EC, 2004/762/EC, 2004/775/EC, 2004/832/EC, 2004/835/EC and 2004/898/EC in the Norwegian language, 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 July 2005, 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, 8 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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(\*) No constitutional requirements indicated.

## ANNEX

Chapter I of Annex I to the Agreement shall be amended as specified below.

1. The following point shall be inserted after point 119 (Commission Regulation (EC) No 599/2004) in Part 1.2:  
  
‘120. **32004 D 0775**: Commission Decision 2004/775/EC of 18 November 2004 granting Slovakia the derogation provided for in Article 3(2) of Council Directive 92/102/EEC on the identification and registration of animals (OJ L 342, 18.11.2004, p. 29).’
2. The following indents shall be added in point 30 (Commission Decision 2003/828/EC) in Part 3.2:  
  
‘— **32004 D 0762**: Commission Decision 2004/762/EC of 12 November 2004 (OJ L 337, 13.11.2004, p. 70),  
  
— **32004 D 0898**: Commission Decision 2004/898/EC of 23 December 2004 (OJ L 379, 24.12.2004, p. 105).’
3. Under the heading ‘ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT’ in Part 3.2, the following point shall be inserted after point 27 (Commission Decision 2004/435/EC):  
  
‘28. **32004 D 0832**: Commission Decision 2004/832/EC of 3 December 2004 approving the plans for the eradication of classical swine fever in feral pigs and the emergency vaccination of such pigs in the Northern Vosges, France (OJ L 359, 4.12.2004, p. 62).’
4. The following shall be added in point 48 (Commission Decision 2004/280/EC) in Part 6.2:  
  
‘, as amended by:  
  
— **32004 D 0700**: Commission Decision 2004/700/EC of 13 October 2004 (OJ L 318, 19.10.2004, p. 21).’
5. The following indent shall be added in point 76 (Commission Decision 2004/233/EC) in Part 4.2:  
  
‘— **32004 D 0693**: Commission Decision 2004/693/EC of 8 October 2004 (OJ L 315, 14.10.2004, p. 47).’
6. Under the heading ‘ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT’ in Part 4.2, the following point shall be inserted after point 56 (Commission Decision 2003/904/EC):  
  
‘57. **32004 D 0835**: Commission Decision 2004/835/EC of 3 December 2004 approving plans for the approval of establishments for the purposes of intra-Community trade in poultry and hatching eggs (OJ L 360, 7.12.2004, p. 28).’
7. Under the heading ‘ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT’ in Part 4.2, the text of points 5 (Commission Decision 92/139/EEC), 6 (Commission Decision 92/140/EEC), 7 (Commission Decision 92/141/EEC), 8 (Commission Decision 92/281/EEC), 9 (Commission Decision 92/282/EEC), 10 (Commission Decision 92/283/EEC), 11 (Commission Decision 92/342/EEC), 12 (Commission Decision 92/344/EEC), 13 (Commission Decision 92/345/EEC), 14 (Commission Decision 92/379/EEC), 15 (Commission Decision 92/480/EEC), 26 (Commission Decision 94/964/EC) and 36 (Commission Decision 95/141/EC) shall be deleted.



8. The following indents shall be added in point 12 (Regulation (EC) No 999/2001 of the European Parliament and of the Council) in Part 7.1:

— **32004 R 1471**: Commission Regulation (EC) No 1471/2004 of 18 August 2004 (OJ L 271, 19.8.2004, p. 24).

— **32004 R 1993**: Commission Regulation (EC) No 1993/2004 of 19 November 2004 (OJ L 344, 20.11.2004, p. 12).'

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**DECISION OF THE EEA JOINT COMMITTEE****No 92/2005****of 8 July 2005****amending Annex I (Veterinary and phytosanitary matters) 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 51/2005 of 29 April 2005 <sup>(1)</sup>.
- (2) Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Commission Decision 2003/803/EC of 26 November 2003 establishing a model passport for the intra-Community movements of dogs, cats and ferrets <sup>(3)</sup> is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 592/2004 of 30 March 2004 amending Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the lists of countries and territories <sup>(4)</sup> is to be incorporated into the Agreement.
- (5) Commission Decision 2004/301/EC of 30 March 2004 derogating from Decisions 2003/803/EC and 2004/203/EC as regards the format for certificates and passports for the non-commercial movement of dogs, cats and ferrets and amending Decision 2004/203/EC <sup>(5)</sup> is to be incorporated into the Agreement.
- (6) Commission Decision 2004/539/EC of 1 July 2004 establishing a transitional measure for the implementation of Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals <sup>(6)</sup> is to be incorporated into the Agreement.
- (7) Commission Decision 2004/557/EC of 2 July 2004 laying down a derogation to the transitional regime established by Article 6 of Regulation (EC) No 998/2003 for the transit of pet animals through the territory of Sweden between the Island of Bornholm and the other parts of the territory of Denmark <sup>(7)</sup> is to be incorporated into the Agreement.

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<sup>(1)</sup> OJ L 239, 15.9.2005, p. 22.

<sup>(2)</sup> OJ L 146, 13.6.2003, p. 1.

<sup>(3)</sup> OJ L 312, 27.11.2003, p. 1.

<sup>(4)</sup> OJ L 94, 31.3.2004, p. 7.

<sup>(5)</sup> OJ L 98, 2.4.2004, p. 55.

<sup>(6)</sup> OJ L 237, 8.7.2004, p. 21.

<sup>(7)</sup> OJ L 249, 23.7.2004, p. 18.

- (8) Commission Decision 2004/595/EC of 29 July 2004 establishing a model health certificate for the importation into the Community for trade of dogs, cats and ferrets <sup>(8)</sup> is to be incorporated into the Agreement.
- (9) Council Decision 2004/650/EC of 13 September 2004 amending Regulation (EC) No 998/2003 of the European Parliament and of the Council on the animal health requirements applicable to the non-commercial movement of pet animals to take account of the accession of Malta <sup>(9)</sup> is to be incorporated into the Agreement.
- (10) Commission Decision 2004/824/EC of 1 December 2004 establishing a model health certificate for non-commercial movements of dogs, cats and ferrets from third countries into the Community <sup>(10)</sup> is to be incorporated into the Agreement.
- (11) Commission Decision 2004/839/EC of 3 December 2004 establishing conditions for non-commercial movements of young dogs and cats from third countries into the Community <sup>(11)</sup> is to be incorporated into the Agreement.
- (12) Commission Decision 2005/91/EC of 2 February 2005 establishing the period after which the anti-rabies vaccination is considered as valid <sup>(12)</sup> is to be incorporated into the Agreement.
- (13) Simplified procedures should be introduced for certain acts concerning non-commercial movement of pet animals.
- (14) Decision 2004/595/EC repeals Commission Decision 94/273/EEC <sup>(13)</sup> which is incorporated into the Agreement and is consequently to be repealed under the Agreement.
- (15) This Decision is not to apply to Iceland and Liechtenstein,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

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

#### *Article 2*

The texts of Regulations (EC) No 998/2003 and (EC) No 592/2004, Decisions 2003/803/EC, 2004/301/EC, 2004/539/EC, 2004/557/EC, 2004/595/EC, 2004/650/EC, 2004/824/EC, 2004/839/EC and 2005/91/EC in the Norwegian language, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

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<sup>(8)</sup> OJ L 266, 13.8.2004, p. 11.

<sup>(9)</sup> OJ L 298, 23.9.2004, p. 22.

<sup>(10)</sup> OJ L 358, 3.12.2004, p. 12.

<sup>(11)</sup> OJ L 361, 8.12.2004, p. 40.

<sup>(12)</sup> OJ L 31, 4.2.2005, p. 61.

<sup>(13)</sup> OJ L 117, 7.5.1994, p. 37.

*Article 3*

This Decision shall enter into force on 9 July 2005, 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, 8 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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(\*) No constitutional requirements indicated.

## ANNEX

Chapter I of Annex I to the Agreement shall be amended as specified below.

1. The following shall be inserted after point 9 (Council Directive 96/93/EC) in Part 1.1:

**'Movement of pet animals**

10. **32003 R 0998:** Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (OJ L 146, 13.6.2003, p. 1), as amended by:

- **32004 R 0592:** Commission Regulation (EC) No 592/2004 of 30 March 2004 (OJ L 94, 31.3.2004, p. 7),
- **32004 D 0539:** Commission Decision 2004/539/EC of 1 July 2004 (OJ L 237, 8.7.2004, p. 21),
- **32004 D 0650:** Council Decision 2004/650/EC of 13 September 2004 (OJ L 298, 23.9.2004, p. 22).

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

- (a) In Article 6 (1), first paragraph, the word, "Norway" shall be added after the word "Sweden".
  - (b) In Annex II, Part A, the word "Norway" shall be added.
  - (c) In Annex II, Part B, the word "Norway" shall be deleted.'
2. The following point shall be inserted after point 12 in the Introductory Part:
    - '13. Non-commercial movement of pet animals - List of countries/territories and safeguard measures
      - (a) The EFTA States shall simultaneously with the Member States take measures corresponding to those taken by the latter on the basis of the relevant Community acts as regards the list of countries and territories and safeguard measures.
      - (b) In the case of any difficulty relating to the application of a Community act, the EFTA State concerned shall immediately report the matters to the EEA Joint Committee.
      - (c) The EEA Joint Committee may take note of the Community decisions.
      - (d) The obligation laid down in (a) shall apply to all relevant acts in force at any given moment, whatever their date of adoption.'

3. The following points shall be inserted after point 121 (Commission Decision 2004/775/EC) in Part 1.2:
- '121. **32003 D 0803**: Commission Decision 2003/803/EC of 26 November 2003 establishing a model passport for the intra-Community movements of dogs, cats and ferrets (OJ L 312, 27.11.2003, p. 1).
- The provisions of this Decision shall, for the purposes of the present Agreement, be read with the following adaptations:
- (a) The words "European Union" on the cover of the model passport shall be replaced by the words "European Union/Norway".
- (b) The image of the Norwegian flag may be used on the cover of the passport in addition to the EU flag.
122. **32004 D 0301**: Commission Decision 2004/301/EC of 30 March 2004 derogating from Decisions 2003/803/EC and 2004/203/EC as regards the format for certificates and passports for the non-commercial movement of dogs, cats and ferrets and amending Decision 2004/203/EC (OJ L 98, 2.4.2004, p. 55).
- The provisions of this Decision shall, for the purposes of the present Agreement, be read with the following adaptation:
- In Article 1 the word, "Norway" shall be added after the word "Ireland".
123. **32004 D 0595**: Commission Decision 2004/595/EC of 29 July 2004 establishing a model health certificate for the importation into the Community for trade of dogs, cats and ferrets (OJ L 266, 13.8.2004, p. 11).
- The provisions of this Decision shall, for the purposes of the present Agreement, be read with the following adaptation:
- In Article 1 and in the Notes for guidance to the certificate in the Annex to the Decision the word, "Norway" shall be added after the word "Ireland".
124. **32004 D 0824**: Commission Decision 2004/824/EC of 1 December 2004 establishing a model health certificate for non-commercial movements of dogs, cats and ferrets from third countries into the Community (OJ L 358, 3.12.2004, p. 12).
- The provisions of this Decision shall, for the purposes of the present Agreement, be read with the following adaptation:
- In Article 2 and in the Annex to the Decision the word, "Norway" shall be added after the word "Sweden".
125. **32004 D 0839**: Commission Decision 2004/839/EC of 3 December 2004 establishing conditions for non-commercial movements of young dogs and cats from third countries into the Community (OJ L 361, 8.12.2004, p. 40).
126. **32005 D 0091**: Commission Decision 2005/91/EC of 2 February 2005 establishing the period after which the anti-rabies vaccination is considered as valid (OJ L 31, 4.2.2005, p. 61).'
4. Under the heading '*ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT*' in Part 1.2, the following point shall be inserted after point 17 (Commission Decision 2004/590/EC):
- '18. **32004 D 0557**: Commission Decision 2004/557/EC of 2 July 2004 laying down a derogation to the transitional regime established by Article 6 of Regulation (EC) No 998/2003 for the transit of pet animals through the territory of Sweden between the Island of Bornholm and the other parts of the territory of Denmark (OJ L 249, 23.7.2004, p. 18).'

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5. The following indent shall be added in point 9 (Council Directive 92/65/EEC) in Part 4.1:
- ‘— **32003 R 0998**: Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 (OJ L 146, 13.6.2003, p. 1).’
6. The adaptation text in point 9 (Council Directive 92/65/EEC) in Part 4.1 shall be amended as follows:
- 6.1 The following new adaptation text shall be inserted before present adaptation (a):
- ‘(a) in Article 10 (3), first paragraph, the word “Norway” shall be added after the word “Sweden”.’
- 6.2 Present adaptations (a) and (b) shall become adaptations (b) and (c), respectively.
7. The text in point 20 (Commission Decision 94/273/EEC) in Part 4.2 shall be deleted.
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**DECISION OF THE EEA JOINT COMMITTEE****No 93/2005****of 8 July 2005****amending Annex I (Veterinary and phytosanitary matters) 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 51/2005 of 29 April 2005 <sup>(1)</sup>.
- (2) Commission Regulation (EC) No 745/2004 of 16 April 2004 laying down measures with regard to imports of products of animal origin for personal consumption <sup>(2)</sup>, is to be incorporated into the Agreement.
- (3) This Decision is not to apply to Iceland and Liechtenstein,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following point shall be inserted after point 126 (Commission Decision 2005/91/EC) in Part 1.2 of Chapter I of Annex I to the Agreement:

'127. **32004 R 0745**: Commission Regulation (EC) No 745/2004 of 16 April 2004 laying down measures with regard to imports of products of animal origin for personal consumption (OJ L 122, 26.4.2004, p. 1).

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

- (a) The following shall be added in Article 2:  

“— Game meat and game meat products entering Norway from Svalbard, in so far as the amount or quantity does not exceed 5 kilograms per person.”
- (b) The words “European Union” on the notice in Annex II shall be replaced by the words “European Union and Norway”.
- (c) The word “Norway” in Article 1(4), in the footnote of the notice in Annex II and in the communication in Annex III shall be deleted.'

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<sup>(1)</sup> OJ L 239, 15.9.2005, p. 22.

<sup>(2)</sup> OJ L 122, 26.4.2004, p. 1.



*Article 2*

The text of Regulation (EC) No 745/2004 in the Norwegian language, 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 July 2005, 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, 8 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 94/2005****of 8 July 2005****amending Annex I (Veterinary and phytosanitary matters) 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 52/2005 of 29 April 2005 <sup>(1)</sup>.
- (2) Commission Regulation (EC) No 2148/2004 of 16 December 2004 concerning the permanent and provisional authorisations of certain additives and the authorisation of new uses of an additive already authorised in feedingstuffs <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Commission Directive 2004/116/EC of 23 December 2004 amending the Annex to Council Directive 82/471/EEC as regards the inclusion of *Candida guilliermondii* <sup>(3)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

1. The following point shall be inserted after point 1zzd (Commission Regulation (EC) No 1800/2004):

'1zze. **32004 R 2148**: Commission Regulation (EC) No 2148/2004 of 16 December 2004 concerning the permanent and provisional authorisations of certain additives and the authorisation of new uses of an additive already authorised in feedingstuffs (OJ L 370, 17.12.2004, p. 24).'

2. The following indent shall be added in point 15 (Council Directive 82/471/EEC):

'— **32004 L 0116**: Commission Directive 2004/116/EC of 23 December 2004 (OJ L 379, 24.12.2004, p. 81).'

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<sup>(1)</sup> OJ L 239, 15.9.2005, p. 24.

<sup>(2)</sup> OJ L 370, 17.12.2004, p. 24.

<sup>(3)</sup> OJ L 379, 24.12.2004, p. 81.

*Article 2*

The texts of Regulation (EC) No 2184/2004 and Directive 2004/116/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 9 July 2005, 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, 8 July 2005.

*For the EEA Joint Committee*

*The President*

HSB Prinz Nikolaus von LIECHTENSTEIN

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 95/2005****of 8 July 2005****amending Annex I (Veterinary and phytosanitary matters) 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 30/2005 of 11 March 2005 <sup>(1)</sup>.
- (2) Commission Decision 2004/842/EC of 1 December 2004 concerning implementing rules whereby Member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Commission Decision 2004/893/EC of 20 December 2004 providing for the temporary marketing of certain seed of the species *Secale cereale*, not satisfying the requirements of Council Directive 66/402/EEC <sup>(3)</sup> is to be incorporated into the Agreement.
- (4) Commission Decision 2004/894/EC of 20 December 2004 providing for the temporary marketing of certain seed of the species *Triticum aestivum*, not satisfying the requirements of Council Directive 66/402/EEC <sup>(4)</sup> is to be incorporated into the Agreement.
- (5) Commission Decision 2005/5/EC of 27 December 2004 setting out the arrangements for Community comparative trials and tests on seeds and propagating material of certain plants of agricultural and vegetable species and vine under Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 92/33/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC and 2002/57/EC for the years 2005 to 2009 <sup>(5)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following points shall be inserted after point 35 (Commission Decision 2004/371/EC) in Part 2 of Chapter III of Annex I to the Agreement:

- '36. **32004 D 0842**: Commission Decision 2004/842/EC of 1 December 2004 concerning implementing rules whereby Member States may authorise the placing on the market of seed

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<sup>(1)</sup> OJ L 198, 28.7.2005, p. 18.

<sup>(2)</sup> OJ L 362, 9.12.2004, p. 21.

<sup>(3)</sup> OJ L 375, 23.12.2004, p. 31.

<sup>(4)</sup> OJ L 375, 23.12.2004, p. 33.

<sup>(5)</sup> OJ L 2, 5.1.2005, p. 12.

belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted (OJ L 362, 9.12.2004, p. 21).

The provisions of the Decision shall, for the purposes of the present Agreement, be read with the following adaptation:

References to other acts in the Decision shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.

37. **32004 D 0893**: Commission Decision 2004/893/EC of 20 December 2004 providing for the temporary marketing of certain seed of the species *Secale cereale*, not satisfying the requirements of Council Directive 66/402/EEC (OJ L 375, 23.12.2004, p. 31).
38. **32004 D 0894**: Commission Decision 2004/894/EC of 20 December 2004 providing for the temporary marketing of certain seed of the species *Triticum aestivum*, not satisfying the requirements of Council Directive 66/402/EEC (OJ L 375, 23.12.2004, p. 33).
39. **32005 D 0005**: Commission Decision 2005/5/EC of 27 December 2004 setting out the arrangements for Community comparative trials and tests on seeds and propagating material of certain plants of agricultural and vegetable species and vine under Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 92/33/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC and 2002/57/EC for the years 2005 to 2009 (OJ L 2, 5.1.2005, p. 12).

The provisions of the Decision shall, for the purposes of the present Agreement, be read with the following adaptation:

References to other acts in the Decision shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.'

## Article 2

The texts of Decisions 2004/842/EC, 2004/893/EC, 2004/894/EC and 2005/5/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 9 July 2005, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (\*).

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(\*) 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 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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**DECISION OF THE EEA JOINT COMMITTEE****No 96/2005****of 8 July 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 Decision of the EEA Joint Committee No 77/2005 of 10 June 2005 <sup>(1)</sup>.
- (2) Commission Regulation (EC) No 37/2005 of 12 January 2005 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Commission Directive 2005/5/EC of 26 January 2005 amending Directive 2002/26/EC as regards sampling methods and methods of analysis for the official control of the levels of ochratoxin A in certain foodstuffs <sup>(3)</sup> is to be incorporated into the Agreement.
- (4) Commission Directive 2005/10/EC of 4 February 2005 laying down the sampling methods and the methods of analysis for the official control of the levels of benzo(a)pyrene in foodstuffs <sup>(4)</sup> is to be incorporated into the Agreement.
- (5) Commission Recommendation 2005/108/EC of 4 February 2005 on the further investigation into the levels of polycyclic aromatic hydrocarbons in certain foods <sup>(5)</sup> is to be incorporated into the Agreement.
- (6) Regulation (EC) No 37/2005 repeals Commission Directive 92/1/EEC <sup>(6)</sup> which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

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<sup>(1)</sup> OJ L 268, 13.10.2005, p. 7.

<sup>(2)</sup> OJ L 10, 13.1.2005, p. 18.

<sup>(3)</sup> OJ L 27, 29.1.2005, p. 38.

<sup>(4)</sup> OJ L 34, 8.2.2005, p. 15.

<sup>(5)</sup> OJ L 34, 8.2.2005, p. 43.

<sup>(6)</sup> OJ L 34, 11.2.1992, p. 28.

HAS DECIDED AS FOLLOWS:

*Article 1*

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

1. The following indent shall be added in point 54zx (Commission Directive 2002/26/EC):  
  
‘— **32005 L 0005**: Commission Directive 2005/5/EC of 26 January 2005 (OJ L 27, 29.1.2005, p. 38).’
  
2. The following points shall be inserted after point 54zzq (Commission Regulation (EC) No 1452/2003):  
  
‘54zzr. **32005 R 0037**: Commission Regulation (EC) No 37/2005 of 12 January 2005 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption (OJ L 10, 13.1.2005, p. 18).  
  
54zzs. **32005 L 0010**: Commission Directive 2005/10/EC of 4 February 2005 laying down the sampling methods and the methods of analysis for the official control of the levels of benzo (a)pyrene in foodstuffs (OJ L 34, 8.2.2005, p. 15).’
  
3. The following point shall be inserted after point 59 (C/345/93/p. 3: Commission Communication):  
  
‘60. **32005 H 0108**: Commission Recommendation 2005/108/EC of 4 February 2005 on the further investigation into the levels of polycyclic aromatic hydrocarbons in certain foods (OJ L 34, 8.2.2005, p. 43).’
  
4. The text of point 54c (Commission Directive 92/1/EEC) shall be deleted.

*Article 2*

The texts of Regulation (EC) No 37/2005, Directives 2005/5/EC and 2005/10/EC, and Recommendation 2005/108/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 9 July 2005, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (\*).

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(\*) No constitutional requirements indicated.



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*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 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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**DECISION OF THE EEA JOINT COMMITTEE****No 97/2005****of 8 July 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 Decision of the EEA Joint Committee No 77/2005 of 10 June 2005 <sup>(1)</sup>.
- (2) Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 78/2005 of 19 January 2005 amending Regulation (EC) No 466/2001 as regards heavy metals <sup>(3)</sup> is to be incorporated into the Agreement.
- (4) Commission Directive 2005/4/EC of 19 January 2005 amending Directive 2001/22/EC laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs <sup>(4)</sup> is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 123/2005 of 26 January 2005 amending Regulation (EC) No 466/2001 as regards ochratoxin A <sup>(5)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

1. The following indent shall be added in point 54zj (Commission Directive 2001/22/EC):

‘— **32005 L 0004**: Commission Directive 2005/4/EC of 19 January 2005 (OJ L 19, 21.1.2005, p. 50).’

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<sup>(1)</sup> OJ L 268, 13.10.2005, p. 7.

<sup>(2)</sup> OJ L 338, 13.11.2004, p. 4.

<sup>(3)</sup> OJ L 16, 20.1.2005, p. 43.

<sup>(4)</sup> OJ L 19, 21.1.2005, p. 50.

<sup>(5)</sup> OJ L 25, 28.1.2005, p. 3.

2. The following indents shall be added in point 54zn (Commission Regulation (EC) No 466/2001):
  - **32005 R 0078:** Commission Regulation (EC) No 78/2005 of 19 January 2005 (OJ L 16, 20.1.2005, p. 43),
  - **32005 R 0123:** Commission Regulation (EC) No 123/2005 of 26 January 2005 (OJ L 25, 28.1.2005, p. 3).'
3. The following point shall be inserted after point 54zss (Commission Directive 2005/10/EC):
  - '54zzt. **32004 R 1935:** Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4).'
4. The texts of points 24 (Commission Directive 80/590/EEC) and 48 (Council Directive 89/109/EEC) shall be deleted.

#### Article 2

The texts of Regulations (EC) No 1935/2004, (EC) No 78/2005, (EC) No 123/2005 and Directive 2005/4/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 9 July 2005, 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, 8 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 98/2005****of 8 July 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 Decision of the EEA Joint Committee No 60/2005 of 29 April 2005 <sup>(1)</sup>.
- (2) Commission Regulation (EC) No 2232/2004 of 23 December 2004 amending Annexes I, II and III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, as regards altrenogest, beclomethasone dipropionate, cloprostenol, r-cloprostenol, sorbitan sesquioleate and toltrazuril <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be added in point 14 (Council Regulation (EEC) No 2377/90) of Chapter XIII of Annex II to the Agreement:

— **32004 R 2232**: Commission Regulation (EC) No 2232/2004 of 23 December 2004 (OJ L 379, 24.12.2004, p. 71).'

*Article 2*

The text of Regulation (EC) No 2232/2004 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 July 2005, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (\*).

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<sup>(1)</sup> OJ L 239, 15.9.2005, p. 40.

<sup>(2)</sup> OJ L 379, 24.12.2004, p. 71.

(\*) 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 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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**DECISION OF THE EEA JOINT COMMITTEE****No 99/2005****of 8 July 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 Decision of the EEA Joint Committee No 60/2005 of 29 April 2005 <sup>(1)</sup>.
- (2) Commission Regulation (EC) No 75/2005 of 18 January 2005 amending Annexes I, II and III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin as regards moxidectin, linear alkyl benzene sulphonic acids with alkyl chain lengths ranging from C<sub>9</sub> to C<sub>13</sub>, containing less than 2,5 % of chains longer than C<sub>13</sub> and Acetylisovaleryltylosin <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be added in point 14 (Council Regulation (EEC) No 2377/90) of Chapter XIII of Annex II to the Agreement:

— **32005 R 0075**: Commission Regulation (EC) No 75/2005 of 18 January 2005 (OJ L 15, 19.1.2005, p. 3).'

*Article 2*

The text of Regulation (EC) No 75/2005 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 July 2005, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (\*).

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<sup>(1)</sup> OJ L 239, 15.9.2005, p. 40.

<sup>(2)</sup> OJ L 15, 19.1.2005, p. 3.

(\*) No constitutional requirements indicated.

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*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 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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**DECISION OF THE EEA JOINT COMMITTEE****No 100/2005****of 8 July 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 Decision of the EEA Joint Committee No 63/2005 of 29 April 2005 <sup>(1)</sup>.
- (2) Commission Directive 2005/9/EC of 28 January 2005 amending Council Directive 76/768/EEC, concerning cosmetic products, for the purposes of adapting Annex VII thereto to technical progress <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be added in point 1 (Council Directive 76/768/EEC) of Chapter XVI of Annex II to the Agreement:

‘— **32005 L 0009**: Commission Directive 2005/9/EC of 28 January 2005 (OJ L 27, 29.1.2005, p 46).’

*Article 2*

The text of Directive 2005/9/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 9 July 2005, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (\*).

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<sup>(1)</sup> OJ L 239, 15.9.2005, p. 46.

<sup>(2)</sup> OJ L 27, 29.1.2005, p. 46.

(\*) 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 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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**DECISION OF THE EEA JOINT COMMITTEE****No 101/2005****of 8 July 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 Decision of the EEA Joint Committee No 100/2004 of 9 July 2004 <sup>(1)</sup>.
- (2) Commission Decision 2005/53/EC of 25 January 2005 on the application of Article 3(3)(e) of Directive 1999/5/EC of the European Parliament and of the Council to radio equipment intended to participate in the Automatic Identification System (AIS) <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Decision 2005/53/EC repeals, with effect from 26 July 2005, Commission Decision 2003/213/EC <sup>(3)</sup>, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

1. The following point shall be inserted after point 4zzm (Commission Decision 2004/71/EC):  
  
‘4zzn. **32005 D 0053**: Commission Decision 2005/53/EC of 25 January 2005 on the application of Article 3(3)(e) of Directive 1999/5/EC of the European Parliament and of the Council to radio equipment intended to participate in the Automatic Identification System (AIS) (OJ L 22, 26.1.2005, p. 14).’
2. The text of point 4zzl (Commission Decision 2003/213/EC) shall be deleted with effect from 26 July 2005.

*Article 2*

The text of Decision 2005/53/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.

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<sup>(1)</sup> OJ L 376, 23.12.2004, p. 25.

<sup>(2)</sup> OJ L 22, 26.1.2005, p. 14.

<sup>(3)</sup> OJ L 81, 28.3.2003, p. 46.

*Article 3*

This Decision shall enter into force on 9 July 2005, 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, 8 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 102/2005****of 8 July 2005****amending Annex IV (Energy) 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 IV to the Agreement was amended by Decision of the EEA Joint Committee No 43/2005 of 11 March 2005 <sup>(7)</sup>.
- (2) Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market <sup>(8)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following point shall be inserted after point 18 (Regulation (EC) No 2422/2001 of the European Parliament and of the Council) in Annex IV to the Agreement:

- '19. **32001 L 0077**: Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market (OJ L 283, 27.10.2001, p. 33).

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

- (a) This Directive shall not apply to Liechtenstein;
- (b) in Article 3(2) the date "27 October 2002" and in Articles 3(3), 5(1) and 6(2), the date "27 October 2003" shall read "six months after the entry into force of Decision of the EEA Joint Committee No 102/2005 of 8 July 2005";
- (c) in Article 3(2), second indent, the word "Community" shall be replaced by "EFTA States";
- (d) paragraph 8 of Protocol 1 shall not apply to Article 3 (4), second indent;

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<sup>(7)</sup> OJ L 198, 28.7.2005, p. 45.

<sup>(8)</sup> OJ L 283, 27.10.2001, p. 33. Directive as amended by the 2003 Act of Accession.

- (e) in Article 4(1) the words “Articles 87 and 88 of the Treaty” shall read “Articles 61 and 62 of the EEA Agreement”. The words “Articles 6 and 174 of the Treaty” shall read “Article 73 of the EEA Agreement”;
- (f) in the Annex, the following shall be added:

Iceland	5,58	99,90	99,50 <sup>(7)</sup>
Norway	110,95	96,30	90,00 <sup>(8)</sup>

<sup>(7)</sup> The figure for Iceland is contingent upon there being no changes in interconnectivity with other electricity systems. Furthermore, due to the importance of climatic factors on the production of electricity from hydro resources, the demand for electricity and breakdowns in transmission the figure for 2010 should be calculated on a long-range model based on hydrologic and climatic conditions.

<sup>(8)</sup> The ability of Norway to reach its target of 90 percent is contingent upon electricity consumption not increasing by more than 1 % annually. This corresponds with approximately 6 - 7 TWh new production capacity of electricity from renewable energy sources being introduced from 1997 to 2010.

The considerable variations in Norwegian hydropower production might make it necessary for Norway to take into account the average hydropower production potential in the reports on the fulfilment of the indicative target.’

#### Article 2

The text of Directive 2001/77/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 9 July 2005, 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, 8 July 2005.

For the EEA Joint Committee

The President

HSH Prinz Nikolaus von LIECHTENSTEIN

(\*) Constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 103/2005****of 8 July 2005****amending Annex XI (Telecommunication services) 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 XI to the Agreement was amended by Decision of the EEA Joint Committee No 39/2005 of 11 March 2005 <sup>(1)</sup>.
- (2) Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency <sup>(2)</sup> has as objective to enhance the capability of the Community, the Member States and, as a consequence, the business community to prevent, address and to respond to network and information security problems.
- (3) The activities of the European Network and Information Security Agency may affect network and information security problems within the European Economic Area.
- (4) Regulation (EC) No 460/2004 is therefore to be incorporated into the Agreement in order to allow for the full participation of the EFTA States in the European Network and Information Security Agency,

HAS DECIDED AS FOLLOWS:

*Article 1*

Annex XI to the Agreement shall be amended as specified in the Annex to this Decision.

*Article 2*

The texts of Regulation (EC) No 460/2004 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 July 2005 provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (\*).

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<sup>(1)</sup> OJ L 198, 28.7.2005, p. 36.

<sup>(2)</sup> OJ L 77, 13.3.2004, p. 1.

(\*) 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 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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## ANNEX

The following shall be inserted after point 5co (Commission Recommendation 2003/558/EC) of Annex XI to the Agreement:

- '5cp. **32004 R 0460**: Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency (OJ L 77, 13.3.2004, p. 1).

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

- (a) Unless otherwise stipulated below, and notwithstanding the provisions of Protocol 1 to the Agreement, the term "Member State(s)" and other terms referring to their public entities contained in the Regulation shall be understood to include, in addition to its meaning in the Regulation, the EFTA States and their public entities. Paragraph 11 of Protocol 1 shall apply.
- (b) As regards the EFTA States, the Agency shall, as and when appropriate, assist the EFTA Surveillance Authority or the Standing Committee, as the case may be, in the performance of their respective tasks.
- (c) The following paragraph shall be added to Article 6:  
  
"11. The EFTA States shall participate fully in the Management Board and shall within it have the same rights and obligations as EU Member States, except for the right to vote."
- (d) The following paragraph shall be added to Article 14:  
  
"4. Regulation (EC) No 1049/2001 shall, for the application of this Regulation, apply to any documents of the Agency regarding the EFTA States as well."
- (e) The following paragraph shall be added to Article 15:  
  
"12. The EFTA States shall participate in the contribution from the Community referred to in paragraph 1. For this purpose, the procedures laid down in Article 82(1)(a) and Protocol 32 to the Agreement shall apply *mutatis mutandis*."
- (f) The following paragraph shall be added to Article 19:  
  
"3. By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency."
- (g) The following shall be added to Article 20:  
  
"EFTA States shall apply to the Agency and to its staff the Protocol on the Privileges and Immunities of the European Communities and applicable rules adopted pursuant to that Protocol."



**DECISION OF THE EEA JOINT COMMITTEE****No 104/2005****of 8 July 2005****amending Annex XI (Telecommunication Services) 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 XI to the Agreement was amended by Decision of the EEA Joint Committee No 39/2005 of 11 March 2005 <sup>(1)</sup>.
- (2) Commission Decision 2004/535/EC of 14 May 2004 on the adequate protection of personal data contained in the Passenger Name Record of air passengers transferred to the United States' Bureau of Customs and Border Protection <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following point shall be inserted after point 5ei (Commission Decision 2004/411/EC) of Annex XI to the Agreement:

'5ej. **32004 D 0535**: Commission Decision 2004/535/EC of 14 May 2004 on the adequate protection of personal data contained in the Passenger Name Record of air passengers transferred to the United States' Bureau of Customs and Border Protection (OJ L 235, 6.7.2004, p. 11).'

*Article 2*

The text of Decision 2004/535/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 9 July 2005, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (\*).

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<sup>(1)</sup> OJ L 198, 28.7.2005, p. 36.

<sup>(2)</sup> OJ L 235, 6.7.2004 p. 11.

(\*) 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 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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**DECISION OF THE EEA JOINT COMMITTEE****No 105/2005****of 8 July 2005****amending Annex XI (Telecommunication services) 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 XI to the Agreement was amended by Decision of the EEA Joint Committee No 39/2005 of 11 March 2005 <sup>(1)</sup>.
- (2) Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following point shall be inserted after point 5j (Directive 98/84/EC of the European Parliament and of the Council) of Annex XI to the Agreement:

'5k. **32003 L 0098**: Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).'

*Article 2*

The text of Directive 2003/98/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 9 July 2005, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (\*).

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<sup>(1)</sup> OJ L 198, 28.7.2005, p. 36.

<sup>(2)</sup> OJ L 345, 31.12.2003, p. 90.

(\*) 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 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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**DECISION OF THE EEA JOINT COMMITTEE****No 106/2005****of 8 July 2005****amending Annex XIV (Competition) 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 XIV to the Agreement was amended by Decision of the EEA Joint Committee No 43/2005 of 11 March 2005 <sup>(1)</sup>.
- (2) Commission Regulation (EC) No 611/2005 of 20 April 2005 amending Regulation (EC) No 823/2000 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia) <sup>(2)</sup>, as corrected by OJ L 103, 22.4.2005, p. 41, is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be added in point 11c (Commission Regulation (EC) No 823/2000) of Annex XIV to the Agreement:

- **32005 R 0611**: Commission Regulation (EC) No 611/2005 of 20 April 2005 (OJ L 101, 21.4.2005, p. 10), as corrected by OJ L 103, 22.4.2005, p. 41.'

*Article 2*

The text of Regulation (EC) No 611/2005, as corrected by OJ L 103, 22.4.2005, p. 41, 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 July 2005, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (\*).

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<sup>(1)</sup> OJ L 198, 28.7.2005, p. 45.

<sup>(2)</sup> OJ L 101, 21.4.2005, p. 10.

(\*) 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 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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**DECISION OF THE EEA JOINT COMMITTEE****No 107/2005****of 8 July 2005****amending certain Annexes and Protocol 31 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) Article 128 of the Agreement stipulates that any European State becoming a member of the Community shall apply to become a Party to the Agreement, and that the terms and conditions for such participation shall be subject to an agreement between the Contracting Parties and the applicant State.
- (2) Following successful conclusion of the Community enlargement negotiations, 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 (New Contracting Parties) submitted applications to become parties to the Agreement.
- (3) 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 (EEA Enlargement Agreement) was signed on 14 October 2003 in Luxembourg.
- (4) Pursuant to Article 1(2) of the EEA Enlargement Agreement, the provisions of the Agreement, as amended by the Decisions of the EEA Joint Committee adopted before 1 November 2002, shall, as from the entry into force of the EEA Enlargement Agreement, be binding on the New Contracting Parties under the same conditions as on the present Contracting Parties and under the terms and conditions laid down in the EEA Enlargement Agreement.
- (5) Since 1 November 2002, the Community institutions have granted temporary derogations from acts of the Community institutions adopted between 1 November 2002 and the date of signature of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003 (Act of Accession of 16 April 2003) or adapted acts of the Community institutions by reason of accession.
- (6) In order to guarantee the homogeneity of the Agreement and the legal security for individuals and economic operators, it needs to be made clear that these derogations and adaptations are incorporated into the Agreement.
- (7) To this end, the Protocols and Annexes to the Agreement need to be amended.
- (8) As the Agreement extends the internal market to the EFTA States, it is necessary for the good functioning of the internal market that this decision will apply as of the simultaneous entry into force of the EU Accession Treaty and the EEA Enlargement Agreement.

- (9) As the EEA Enlargement Agreement has not yet entered into force, but is applicable on a provisional basis, this Decision will, pending the entry into force of the EEA Enlargement Agreement, apply provisionally as well,

HAS DECIDED AS FOLLOWS:

*Article 1*

Transitional arrangements for acts incorporated into the Agreement that have been granted on the basis of Article 55 of the Act of Accession of 16 April 2003 are to be incorporated into and made part of the Agreement.

To this end, the Annexes and Protocols to the Agreement shall be amended as set out in Annex A to this Decision.

*Article 2*

Adaptations to acts incorporated into the Agreement that have been made by the Community institutions on the basis of Article 57 of the Act of Accession of 16 April 2003 are to be incorporated into and made part of the Agreement.

To this end, the Annexes and Protocols to the Agreement shall be amended as set out in Annex B to this Decision.

*Article 3*

The texts of the Community acts listed in Annexes A and B 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 4*

This Decision shall enter into force on the day following the last notification to the EEA Joint Committee under Article 103(1) of the Agreement (\*).

This Decision shall apply as from the date of entry into force of the EEA Enlargement Agreement. Pending the entry into force of the EEA Enlargement Agreement, it shall apply provisionally from the date of provisional application of the EEA Enlargement Agreement.

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(\*) No constitutional requirements indicated.



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*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, 8 July 2005.

*For the EEA Joint Committee*

*The President*

HSH Prinz Nikolaus von LIECHTENSTEIN

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## ANNEX A

The following shall be inserted before the adaptation text in point 32fa (Directive 2002/96/EC of the European Parliament and of the Council) of Annex XX to the Agreement:

The transitional arrangements set out in the following acts shall apply:

- **32004 D 0486**: Council Decision 2004/486/EC of 26 April 2004 granting Cyprus, Malta and Poland certain temporary derogations from Directive 2002/96/EC on waste electrical and electronic equipment (OJ L 162, 30.4.2004, p. 114),
  
  - **32004 D 0312**: Council Decision 2004/312/EC of 30 March 2004 granting the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia certain temporary derogations from Directive 2002/96/EC on waste electrical and electronic equipment (OJ L 100, 6.4.2004, p. 33).'
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## ANNEX B

1. The following shall be added in point 10a (Council Regulation (EC) No 2157/2001) of Annex XXII and in the first indent (Council Decision 1999/382/EC) of Article 4(2c) of Protocol 31 to the Agreement:  
  
' as amended by:  
  
— **32004 R 0885**: Council Regulation (EC) No 885/2004 of 26 April 2004 (OJ L 168, 1.5.2004, p. 1).'
  2. The following indent shall be added in point 1 (Regulation (EC) No 2003/2003 of the European Parliament and of the Council) of Chapter XIV of Annex II, in the third indent (Decision No 253/2000/EC of the European Parliament and of the Council) of Article 4(2c), in the fourth indent (Decision No 1031/2000/EC of the European Parliament and of the Council) of Article 4(2c), in the first indent (Decision No 291/2003/EC of the European Parliament and of the Council) of Article 4(2g), in the fourth indent (Decision No 163/2001/EC of the European Parliament and of the Council) of Article 9(4), in the fifth indent (Council Decision 2000/821/EC) of Article 9(4), in the fourth indent (Decision No 508/2000/EC of the European Parliament and of the Council) of Article 13(4), in the second indent (Decision No 1719/1999/EC of the European Parliament and of the Council) of Article 17(4) and in the third indent (Decision No 1720/1999/EC of the European Parliament and of the Council) of Article 17(4) of Protocol 31 to the Agreement:  
  
'— **32004 R 0885**: Council Regulation (EC) No 885/2004 of 26 April 2004 (OJ L 168, 1.5.2004, p. 1).'
  3. The following shall be added in point 12l (Commission Decision 2000/657/EC) of Chapter XV of Annex II and in point 15b (Commission Regulation (EC) No 358/2003) of Annex XIV to the Agreement:  
  
' as amended by:  
  
— **32004 R 0886**: Commission Regulation (EC) No 886/2004 of 4 March 2004 (OJ L 168, 1.5.2004, p. 14).'
  4. The following shall be added in point 28 (Directive 2003/37/EC of the European Parliament and of the Council) of Chapter II of Annex II to the Agreement, in the sub-indent (Directive 2002/83/EC of the European Parliament and of the Council) to the eighth indent in point 2 (Council Directive 73/239/EEC), in the sub-indent (Directive 2002/83/EC of the European Parliament and of the Council) to the first and second indents in point 7a (Council Directive 92/49/EEC), in the sub-indent (Directive 2002/83/EC of the European Parliament and of the Council) to the second and third indents in point 30 (Council Directive 85/611/EEC), and in the sub-indent (Directive 2002/83/EC of the European Parliament and of the Council) to the first and second indents in point 30b (Council Directive 93/22/EEC) of Annex IX :  
  
' as amended by:  
  
— **32004 L 0066**: Council Directive 2004/66/EC of 26 April 2004 (OJ L 168, 1.5.2004, p. 35).'
  5. The following indent shall be added in point 12a (Council Directive 91/414/EEC) of Chapter XV of Annex II, in point 12r (Directive 1999/45/EC of the European Parliament and of the Council) of Chapter XV of Annex II, in point 11 (Directive 2002/83/EC of the European Parliament and of the Council) of Annex IX and in point 19 (Council Directive 96/26/EC) of Annex XIII to the Agreement:  
  
'— **32004 L 0066**: Council Directive 2004/66/EC of 26 April 2004 (OJ L 168, 1.5.2004, p. 35).'
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