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## II

*(Acts whose publication is not obligatory)*

## EUROPEAN ECONOMIC AREA

## THE EEA JOINT COMMITTEE

## DECISION OF THE EEA JOINT COMMITTEE

**No 161/2004**

**of 3 December 2004**

**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 141/2004 of 29 October 2004 <sup>(1)</sup>.
- (2) Commission Directive 2004/55/EC of 20 April 2004 amending Council Directive 66/401/EEC on the marketing of fodder plant seed <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Commission Decision 2004/371/EC of 20 April 2004 on conditions for the placing on the market of seed mixtures intended for use as fodder plants <sup>(3)</sup> is to be incorporated into the Agreement,

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<sup>(1)</sup> OJ L 102 21.4.2005, p. 6.

<sup>(2)</sup> OJ L 114, 21.4.2004, p. 18.

<sup>(3)</sup> OJ L 116, 22.4.2004, p. 39.

HAS DECIDED AS FOLLOWS:

*Article 1*

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

1. the following indent shall be added in point 2 (Council Directive 66/401/EEC) in Part 1:  
‘— **32004 L 0055**: Commission Directive 2004/55/EC of 20 April 2004 (OJ L 114, 21.4.2004, p. 18).’;
2. the following point shall be inserted after point 34 (Commission Decision 2004/297/EC) in Part 2:  
‘35. **32004 D 0371**: Commission Decision 2004/371/EC of 20 April 2004 on conditions for the placing on the market of seed mixtures intended for use as fodder plants (OJ L 116, 22.4.2004, p. 39).’.

*Article 2*

The texts of Directive 2004/55/EC and Decision 2004/371/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 4 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*  
*The President*  
Kjartan JÓHANNSSON

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(\*) No constitutional requirements indicated.

## DECISION OF THE EEA JOINT COMMITTEE

No 162/2004

of 3 December 2004

**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 142/2004 of 29 October 2004 <sup>(1)</sup>.
- (2) Directive 2003/102/EC of the European Parliament and of the Council of 17 November 2003 relating to the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle and amending Council Directive 70/156/EEC <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Commission Decision 2004/90/EC of 23 December 2003 on the technical prescriptions for the implementation of Article 3 of Directive 2003/102/EC of the European Parliament and of the Council relating to the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle and amending Directive 70/156/EEC <sup>(3)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

1. the following indents shall be added in point 1 (Council Directive 70/156/EEC):

- **32003 L 0102**: Directive 2003/102/EC of the European Parliament and of the Council of 17 November 2003 (OJ L 321, 6.12.2003, p. 15),
- **32004 D 0090**: Commission Decision 2004/90/EC of 23 December 2003 (OJ L 31, 4.2.2004, p. 21).;

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<sup>(1)</sup> OJ L 102, 21.4.2005, p. 8.

<sup>(2)</sup> OJ L 321, 6.12.2003, p. 15.

<sup>(3)</sup> OJ L 31, 4.2.2004, p. 21.

2. the following points shall be inserted after point 45zc (Directive 2003/97/EC of the European Parliament and of the Council):

‘45zd. **32003 L 0102**: Directive 2003/102/EC of the European Parliament and of the Council of 17 November 2003 relating to the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle and amending Council Directive 70/156/EEC (OJ L 321, 6.12.2003, p. 15).

45ze. **32004 D 0090**: Commission Decision 2004/90/EC of 23 December 2003 on the technical prescriptions for the implementation of Article 3 of Directive 2003/102/EC of the European Parliament and of the Council relating to the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle and amending Directive 70/156/EEC (OJ L 31, 4.2.2004, p. 21).’

*Article 2*

The texts of Directive 2003/102/EC and Decision 2004/90/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 4 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*

*The President*

Kjartan JÓHANNSSON

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 163/2004****of 3 December 2004****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 144/2004 of 29 October 2004 <sup>(1)</sup>.
- (2) Commission Regulation (EC) No 608/2004 of 31 March 2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Commission Decision 2004/429/EC of 29 April 2004 amending Decisions 97/830/EC, 2000/49/EC, 2002/79/EC and 2002/80/EC as regards the points of entry through which the products concerned may only be imported into the Community <sup>(3)</sup>, as corrected by OJ L 189, 27.5.2004, p. 13, is to be incorporated into the Agreement.
- (4) Commission Directive 2004/77/EC of 29 April 2004 amending Directive 94/54/EC as regards the labelling of certain foods containing glycyrrhizinic acid and its ammonium salt <sup>(4)</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 54zc (Commission Directive 94/54/EC):

‘— **32004 L 0077**: Commission Directive 2004/77/EC of 29 April 2004 (OJ L 162, 30.4.2004, p. 76).’;

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<sup>(1)</sup> OJ L 102, 21.4.2005, p. 13.

<sup>(2)</sup> OJ L 97, 1.4.2004, p. 44.

<sup>(3)</sup> OJ L 154, 30.4.2004, p. 20.

<sup>(4)</sup> OJ L 162, 30.4.2004, p. 76.

2. the following indent shall be added in points 54ze (Commission Decision 2000/49/EC), 54zv (Commission Decision 2002/79/EC), 54zw (Commission Decision 2002/80/EC) and 54zzl (Commission Decision 97/830/EC):

‘— **32004 D 0429:** Commission Decision 2004/429/EC of 29 April 2004 (OJ L 154, 30.4.2004, p. 20), as corrected by OJ L 189, 27.5.2004, p. 13.’;

3. the following point shall be inserted after point 54zzn (Commission Directive 2004/16/EC):

‘54zzo.**32004 R 0608:** Commission Regulation (EC) No 608/2004 of 31 March 2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters (OJ L 97, 1.4.2004, p. 44).’

#### Article 2

The texts of Regulation (EC) No 608/2004, Directive 2004/77/EC and Decision 2004/429/EC, as corrected by OJ L 189, 27.5.2004, p. 13, 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 December 2004, 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, 3 December 2004.

For the EEA Joint Committee

The President

Kjartan JÓHANNSSON

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 164/2004****of 3 December 2004****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 148/2004 of 29 October 2004 <sup>(1)</sup>.
- (2) Commission Directive 2004/73/EC of 29 April 2004 adapting to technical progress for the 29th time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances <sup>(2)</sup>, as corrected by OJ L 216, 16.6.2004, p. 3 and OJ L 236, 7.7.2004, p. 18, is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be added in point 1 (Council Directive 67/548/EEC) of Chapter XV of Annex II to the Agreement:

- **32004 L 0073:** Commission Directive 2004/73/EC of 29 April 2004 (OJ L 152, 30.4.2004, p. 1), as corrected by OJ L 216, 16.6.2004, p. 3 and OJ L 236, 7.7.2004, p. 18.'

*Article 2*

The texts of Directive 2004/73/EC, as corrected by OJ L 216, 16.6.2004, p. 3 and OJ L 236, 7.7.2004, p. 18, 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 102, 21.4.2005, p. 21.

<sup>(2)</sup> OJ L 152, 30.4.2004, p. 1.

*Article 3*

This Decision shall enter into force on 4 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*

*The President*

Kjartan JÓHANSSON

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(\*) No constitutional requirements indicated.

## DECISION OF THE EEA JOINT COMMITTEE

No 165/2004

of 3 December 2004

**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 148/2004 of 29 October 2004 <sup>(1)</sup>.
- (2) Commission Regulation (EC) No 2032/2003 of 4 November 2003 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market, and amending Regulation (EC) No 1896/2000 <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Commission Directive 2003/112/EC of 1 December 2003 amending Council Directive 91/414/EEC to include paraquat as an active substance <sup>(3)</sup> is to be incorporated into the Agreement.
- (4) Commission Directive 2003/119/EC of 5 December 2003 amending Council Directive 91/414/EEC to include mesosulfuron, propoxycarbazone and zoxamide as active substances <sup>(4)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

1. the following shall be added in point 12o (Commission Regulation (EC) No 1896/2000):

‘, as amended by:

- **32003 R 2032**: Commission Regulation (EC) No 2032/2003 of 4 November 2003 (OJ L 307, 24.11.2003, p. 1).’;

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<sup>(1)</sup> OJ L 102, 21.4.2005, p. 21.

<sup>(2)</sup> OJ L 307, 24.11.2003, p. 1.

<sup>(3)</sup> OJ L 321, 6.12.2003, p. 32.

<sup>(4)</sup> OJ L 325, 12.12.2003, p. 41.

2. the following indents shall be added in point 12a (Council Directive 91/414/EEC):
  - ‘— **32003 L 0112**: Commission Directive 2003/112/EC of 1 December 2003 (OJ L 321, 6.12.2003, p. 32),
  - **32003 L 0119**: Commission Directive 2003/119/EC of 5 December 2003 (OJ L 325, 12.12.2003, p. 41).’;
3. the following point shall be inserted after point 12r (Directive 1999/45/EC of the European Parliament and of the Council):
  - ‘12s. **32003 R 2032**: Commission Regulation (EC) No 2032/2003 of 4 November 2003 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market, and amending Regulation (EC) No 1896/2000 (OJ L 307, 24.11.2003, p. 1).’

#### Article 2

The texts of Regulation (EC) No 2032/2003 and Directives 2003/112/EC and 2003/119/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 4 December 2004, 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, 3 December 2004.

For the EEA Joint Committee  
The President  
Kjartan JÓHANNSSON

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 166/2004****of 3 December 2004****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 148/2004 of 29 October 2004 <sup>(1)</sup>.
- (2) Commission Directive 2003/82/EC of 11 September 2003 amending Council Directive 91/414/EEC as regards standard phrases for special risks and safety precautions for plant-protection products <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be added in point 12a (Council Directive 91/414/EEC) of Chapter XV of Annex II to the Agreement:

— **32003 L 0082**: Commission Directive 2003/82/EC of 11 September 2003 (OJ L 228, 12.9.2003, p. 11).'

*Article 2*

The texts of Directive 2003/82/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 102, 21.4.2005, p. 21.

<sup>(2)</sup> OJ L 228, 12.9.2003, p. 11.

*Article 3*

This Decision shall enter into force on 4 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*

*The President*

Kjartan JÓHANSSON

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 167/2004****of 3 December 2004****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 123/2004 of 24 September 2004 <sup>(1)</sup>.
- (2) Regulation (EC) No 2422/2001 of the European Parliament and of the Council of 6 November 2001 on a Community energy efficiency labelling programme for office equipment <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following point shall be inserted after point 17 (Directive 2002/91/EC of the European Parliament and of the Council) in Annex IV to the Agreement:

- '18. **32001 R 2422:** Regulation (EC) No 2422/2001 of the European Parliament and of the Council of 6 November 2001 on a Community energy efficiency labelling programme for office equipment (OJ L 332, 15.12.2001, p. 1).

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

- (a) Any reference to the Agreement between the Government of the United States of America and the European Community on the coordination of energy efficient labelling programmes for office equipment shall be understood as including a reference to the exchange of letters between the US Environmental Protection Agency (EPA) and the Ministry of Petroleum and Energy in Norway, the Ministry of Industry in Iceland and the Office of Economic Affairs of Liechtenstein, except in Articles 11 and 14 where the reference to the former remains.
- (b) In Article 4(4), the words "Community and third countries" shall read "Community or EFTA States, on the one hand, and third countries, on the other hand.". The words "tested by the Commission or the Member States" shall read "tested by the Commission or the Member States or the EFTA States, within their respective competences,".

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<sup>(1)</sup> OJ L 64, 10.3.2005, p. 20.

<sup>(2)</sup> OJ L 332, 15.12.2001, p. 1.

- (c) In Article 12(3), first sentence, the word “Commission” shall read “EFTA States and the Commission, within their respective competences”.
- (d) Article 13 shall not apply.’

*Article 2*

The texts of Regulation (EC) No 2422/2001 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 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*  
*The President*  
Kjartan JÓHANNSSON

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(\*) Constitutional requirements indicated.

## DECISION OF THE EEA JOINT COMMITTEE

No 168/2004

of 3 December 2004

amending Annex VI (Social security) 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 VI to the Agreement was amended by Decision of the EEA Joint Committee No 102/2004 of 9 July 2004 <sup>(1)</sup>.
- (2) Decision No 192 of 29 October 2003 concerning the conditions for implementing Article 50(1)(b) of Council Regulation (EEC) No 574/72 <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Decision No 193 of 29 October 2003 on the processing of pension claims <sup>(3)</sup> is to be incorporated into the Agreement.
- (4) Decision No 194 of 17 December 2003 concerning the uniform application of Article 22(1)(a)(i) of Council Regulation (EEC) No 1408/71 in the Member State of stay <sup>(4)</sup> is to be incorporated into the Agreement.
- (5) Recommendation No 23 of 29 October 2003 on the processing of pension claims <sup>(5)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

Annex VI to the Agreement shall be amended as follows:

1. The following points shall be inserted after point 3.67 (Decision No 191):

'3.68 **32004 D 0324**: Decision No 192 of 29 October 2003 concerning the conditions for implementing Article 50(1)(b) of Council Regulation (EEC) No 574/72 (OJ L 104, 8.4.2004, p. 114).

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<sup>(1)</sup> OJ L 376, 23.12.2004, p. 29.

<sup>(2)</sup> OJ L 104, 8.4.2004, p. 114.

<sup>(3)</sup> OJ L 104, 8.4.2004, p. 123.

<sup>(4)</sup> OJ L 104, 8.4.2004, p. 127.

<sup>(5)</sup> OJ L 104, 8.4.2004, p. 125.

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

The following shall be added to point 2(4):

“ICELAND: Tryggingastofnun ríkisins (the State Social Security Institute), Reykjavik.

LIECHTENSTEIN: Liechtensteinische Alters-, Hinterlassenen- und Invalidenversicherung (Old Age, Survivors and Invalidity Insurance of Liechtenstein), Vaduz.

NORWAY: Rikstrygdeverket (The National Insurance Administration), Oslo.”

3.69 **32004 D 0325**: Decision No 193 of 29 October 2003 on the processing of pension claims (OJ L 104, 8.4.2004, p. 123).

3.70 **32004 D 0327**: Decision No 194 of 17 December 2003 concerning the uniform application of Article 22(1)(a)(i) of Council Regulation (EEC) No 1408/71 in the Member State of stay (OJ L 104, 8.4.2004, p. 127).’

2. The following point shall be inserted after point 4.8 (Recommendation No 21):

‘4.9 **32004 H 0326**: Recommendation No 23 of 29 October 2003 on the processing of pension claims (OJ L 104, 8.4.2004, p. 125).’

#### *Article 2*

The texts of Decisions No 192, No 193, No 194 and Recommendation No 23 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 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*  
*The President*  
Kjartan JÓHANNSSON

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(\*) No constitutional requirements indicated.

## DECISION OF THE EEA JOINT COMMITTEE

No 169/2004

of 3 December 2004

amending Annex VI (Social security) 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 VI to the Agreement was amended by Decision of the EEA Joint Committee No 102/2004 of 9 July 2004 <sup>(1)</sup>.
- (2) Decision No 195 of 23 March 2004 on the uniform application of Article 22(1)(a)(i) of Regulation (EEC) No 1408/71 as regards healthcare in conjunction with pregnancy and childbirth <sup>(2)</sup>, as corrected by OJ L 212, 12.6.2004, p. 82, is to be incorporated into the Agreement.
- (3) Decision No 196 of 23 March 2004 on the interpretation of Article 22(1a) of Council Regulation (EEC) No 1408/71 for persons undergoing dialysis and persons undergoing oxygen therapy <sup>(3)</sup>, as corrected by OJ L 212, 12.6.2004, p. 83, is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

Annex VI to the Agreement shall be amended as follows:

1. the text of points 3.47 (Decision No 163) and 3.61 (Decision No 183) shall be deleted;
2. the following points shall be inserted after point 3.70 (Decision No 194):

‘3.71. **32004 D 0481**: Decision No 195 of 23 March 2004 on the uniform application of Article 22(1)(a)(i) of Regulation (EEC) No 1408/71 as regards healthcare in conjunction with pregnancy and childbirth (OJ L 160, 30.4.2004, p. 133), as corrected by OJ L 212, 12.6.2004, p. 82.

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<sup>(1)</sup> OJ L 376, 23.12.2004, p. 29.

<sup>(2)</sup> OJ L 160, 30.4.2004, p. 133.

<sup>(3)</sup> OJ L 160, 30.4.2004, p. 135.

- 3.72. **32004 D 0482**: Decision No 196 of 23 March 2004 on the interpretation of Article 22(1a) of Council Regulation (EEC) No 1408/71 for persons undergoing dialysis and persons undergoing oxygen therapy (OJ L 160, 30.4.2004, p. 135), as corrected by OJ L 212, 12.6.2004, p. 83.'

*Article 2*

The texts of Decisions No 195 and No 196 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 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*

*The President*

Kjartan JÓHANSSON

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 170/2004****of 3 December 2004****amending Annex IX (Financial 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 IX to the Agreement was amended by Decision of the EEA Joint Committee No 149/2004 of 29 October 2004 <sup>(1)</sup>.
- (2) Commission Decision 2004/332/EC of 2 April 2004 on the application of Council Directive 72/166/EEC with regard to checks on insurance against civil liability in respect of the use of motor vehicles <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following point shall be inserted after point 8a (Commission Decision 2003/564/EC) of Annex IX to the Agreement:

- '8b. **32004 D 0332:** Commission Decision 2004/332/EC of 2 April 2004 on the application of Council Directive 72/166/EEC with regard to checks on insurance against civil liability in respect of the use of motor vehicles (OJ L 105, 14.4.2004, p. 39).'

*Article 2*

The texts of Decision 2004/332/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 102, 21.4.2005, p. 23.

<sup>(2)</sup> OJ L 105, 14.4.2004, p. 39.

*Article 3*

This Decision shall enter into force on 4 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*

*The President*

Kjartan JÓHANSSON

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 171/2004****of 3 December 2004****amending Annex XIII (Transport) 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 XIII to the Agreement was amended by Decision of the EEA Joint Committee No 158/2004 of 29 October 2004 <sup>(1)</sup>.
- (2) Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Regulation (EC) No 261/2004 repeals Council Regulation (EEC) No 295/91 <sup>(3)</sup>, which is incorporated into the Agreement and which is consequently to be deleted from the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

Annex XIII to the Agreement shall be amended as follows:

1. The following point shall be inserted after point 68aa (Council Regulation (EC) No 2027/97):

'68ab. **32004 R 0261**: Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1).'

2. The text of point 68 (Council Regulation (EEC) No 295/91) shall be deleted.

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<sup>(1)</sup> OJ L 102, 21.4.2005, p. 41.

<sup>(2)</sup> OJ L 46, 17.2.2004, p. 1.

<sup>(3)</sup> OJ L 36, 8.2.1991, p. 5.

*Article 2*

The texts of Regulation (EC) No 261/2004 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 4 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*  
*The President*  
Kjartan JÓHANNSSON

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 172/2004****of 3 December 2004****amending Annex XX (Environment) 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 XX to the Agreement was amended by Decision of the EEA Joint Committee No 135/2004 of 24 September 2004 <sup>(1)</sup>.
- (2) Commission Decision 2004/224/EC of 20 February 2004 laying down arrangements for the submission of information on plans or programmes required under Council Directive 96/62/EC in relation to limit values for certain pollutants in ambient air <sup>(2)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following point shall be inserted after point 21ah (Commission Decision 2004/279/EC) of Annex XX to the Agreement:

'21ai. **32004 D 0224:** Commission Decision 2004/224/EC of 20 February 2004 laying down arrangements for the submission of information on plans or programmes required under Council Directive 96/62/EC in relation to limit values for certain pollutants in ambient air (OJ L 68, 6.3.2004, p. 27).

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

The following codes " , Iceland: IS, Liechtenstein: LI, Norway: NO" shall be added after the code "United Kingdom: UK" in the notes to Form 1 in the Annex to the Decision.'

*Article 2*

The texts of Decision 2004/224/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 64, 10.3.2005, p. 76.

<sup>(2)</sup> OJ L 68, 6.3.2004, p. 27.

*Article 3*

This Decision shall enter into force on 4 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*

*The President*

Kjartan JÓHANSSON

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 173/2004****of 3 December 2004****amending Annex XX (Environment) 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 XX to the Agreement was amended by Decision of the EEA Joint Committee No 135/2004 of 24 September 2004 <sup>(1)</sup>.
- (2) Commission Decision 2004/461/EC of 29 April 2004 laying down a questionnaire to be used for annual reporting on ambient air quality assessment under Council Directives 96/62/EC and 1999/30/EC and under Directives 2000/69/EC and 2002/3/EC of the European Parliament and of the Council <sup>(2)</sup>, as corrected by OJ L 202, 7.6.2004, p. 63, is to be incorporated into the Agreement.
- (3) Decision 2004/461/EC repeals Commission Decision 2001/839/EC <sup>(3)</sup>, which is incorporated into the Agreement and which is consequently to be deleted from the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

Annex XX to the Agreement shall be amended as follows:

1. the following point shall be inserted after point 21ai (Commission Decision 2004/224/EC):

'21aj. **32004 D 0461**: Commission Decision 2004/461/EC of 29 April 2004 laying down a questionnaire to be used for annual reporting on ambient air quality assessment under Council Directives 96/62/EC and 1999/30/EC and under Directives 2000/69/EC and 2002/3/EC of the European Parliament and of the Council (OJ L 156, 30.4.2004, p. 84), as corrected by OJ L 202, 7.6.2004, p. 63.

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<sup>(1)</sup> OJ L 64, 10.3.2005, p. 76.

<sup>(2)</sup> OJ L 156, 30.4.2004, p. 84.

<sup>(3)</sup> OJ L 319, 4.12.2001, p. 45.

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

The following shall be added at the end of Form 25b in the Annex to the Decision:

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|--------|--------|--------|
| I<br>C | L<br>I | N<br>O |
|        |        |        |
|        |        |        |
|        |        |        |

2. the text of point 21af (Commission Decision 2001/839/EC) shall be deleted.

*Article 2*

The text of Decision 2004/461/EC, as corrected by OJ L 202, 7.6.2004, p. 63, 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 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*  
*The President*  
Kjartan JÓHANNSSON

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 174/2004****of 3 December 2004****amending Annex XXI (Statistics) 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 XXI to the Agreement was amended by Decision of the EEA Joint Committee No 159/2004 of 29 October 2004 <sup>(1)</sup>.
- (2) Commission Decision 2002/990/EC of 17 December 2002 further clarifying Annex A to Council Regulation (EC) No 2223/96 as concerns the principles for measuring prices and volumes in national accounts <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 point shall be inserted after point 19dd (Commission Regulation (EC) No 1889/2002) of Annex XXI to the Agreement:

'19de. **32002 D 0990:** Commission Decision 2002/990/EC of 17 December 2002 further clarifying Annex A to Council Regulation (EC) No 2223/96 as concerns the principles for measuring prices and volumes in national accounts (OJ L 347, 20.12.2002, p. 42).

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

- (a) Iceland shall implement the new principles for measuring prices and volumes from 2006.
- (b) Norway shall implement the new principles for measuring prices and volumes as follows:
  - (i) For CPA 73 and 75 (Collective services) from 2005;
  - (ii) For CPA 70 and 71 from 2006;

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<sup>(1)</sup> OJ L 102, 21.4.2005, p. 43.

<sup>(2)</sup> OJ L 347, 20.12.2002, p. 42.

- (iii) For CPA 64, 66, 67, 72, 74, 75 (individual) and 90-93 from 2007;
- (iv) For exports and imports of goods from 2006;
- (v) For exports and imports of services from 2007.'

*Article 2*

The texts of Decision 2002/990/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 4 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*  
*The President*  
Kjartan JÓHANNSSON

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 175/2004****of 3 December 2004****amending Annex XXI (Statistics) 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 XXI to the Agreement was amended by Decision of the EEA Joint Committee No 159/2004 of 29 October 2004 <sup>(1)</sup>.
- (2) Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society <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 shall be inserted after point 27 (Regulation (EC) No 2150/2002 of the European Parliament and of the Council) of Annex XXI to the Agreement:

**'INFORMATION SOCIETY STATISTICS**

28. **32004 R 0808:** Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society (OJ L 143, 30.4.2004, p. 49).

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

This Regulation shall not apply to Liechtenstein.'

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<sup>(1)</sup> OJ L 102, 21.4.2005, p. 43.

<sup>(2)</sup> OJ L 143, 30.4.2004, p. 49.

*Article 2*

The texts of Regulation (EC) No 808/2004 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 4 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*  
*The President*  
Kjartan JÓHANNSSON

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(\*) No constitutional requirements indicated.

## DECISION OF THE EEA JOINT COMMITTEE

No 176/2004

of 3 December 2004

amending Annex XXII (Company law) 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 XXII to the Agreement was amended by the Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area signed on 14 October 2003 in Luxembourg <sup>(1)</sup>.
- (2) Commission Regulation (EC) No 1725/2003 of 29 September 2003 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 707/2004 of 6 April 2004 amending Regulation (EC) No 1725/2003 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council <sup>(3)</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following shall be inserted after point 10b (Regulation (EC) No 1606/2002 of the European Parliament and of the Council) of Annex XXII to the Agreement:

'10ba. **32003 R 1725**: Commission Regulation (EC) No 1725/2003 of 29 September 2003 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council (OJ L 261, 13.10.2003, p. 1), as amended by:

— **32004 R 0707**: Commission Regulation (EC) No 707/2004 of 6 April 2004 (OJ L 111, 17.4.2004, p. 3).'

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<sup>(1)</sup> OJ L 130, 29.4.2004, p. 3.

<sup>(2)</sup> OJ L 261, 13.10.2003, p. 1.

<sup>(3)</sup> OJ L 111, 17.4.2004, p. 3.

*Article 2*

The texts of Regulations (EC) No 1725/2003 and No 707/2004 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 4 December 2004, 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, 3 December 2004.

*For the EEA Joint Committee*

*The President*

Kjartan JÓHANNSSON

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(\*) Constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 177/2004****of 3 December 2004****amending Protocol 3 to the EEA Agreement, concerning products referred to in Article 8(3)(b) of the Agreement and Protocol 4 to the EEA Agreement, on rules of origin**

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) Protocol 3 to the Agreement was amended by Decision of the EEA Joint Committee No 138/2004 of 29 October 2004 <sup>(1)</sup>.
- (2) Protocol 4 to the Agreement was amended by Decision of the EEA Joint Committee No 38/2003 of 14 March 2003 <sup>(2)</sup>.
- (3) Decision of the EEA Joint Committee No 140/2001 of 23 November 2001 <sup>(3)</sup> provides for a prolongation of the transitional period for Liechtenstein with regard to Protocol 3 to the Agreement until 1 January 2005.
- (4) Decision of the EEA Joint Committee No 38/2003 of 14 March 2003 provides for a prolongation of the transitional period for Liechtenstein with regard to certain provisions of Protocol 4 to the Agreement until 1 January 2005.
- (5) Due to the Customs Treaty of 29 March 1923, the Principality of Liechtenstein and the Swiss Confederation form a customs union.
- (6) The Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 <sup>(4)</sup> has been extended to Liechtenstein through the Additional Agreement concerning the validity, for the Principality of Liechtenstein, of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 <sup>(5)</sup>.
- (7) On 26 October 2004, an Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (the Amending Agreement), in particular Protocol No 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972, was signed.
- (8) Article 4(2) of the Amending Agreement provides that the Agreement between the European Community and the Swiss Confederation shall also apply to the territory of the Principality of Liechtenstein as long as the customs union with Switzerland is maintained.

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<sup>(1)</sup> OJ L 342, 18.11.2004, p. 30.

<sup>(2)</sup> OJ L 137, 5.6.2003, p. 46.

<sup>(3)</sup> OJ L 22, 24.1.2002, p. 34.

<sup>(4)</sup> OJ L 300, 31.12.1972, p. 189.

<sup>(5)</sup> OJ L 300, 31.12.1972, p. 281.

- (9) Annex 2 of the Amending Agreement replaces Protocol No 2 of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972, with a new Protocol No 2.
- (10) Article 1(3) of the new Protocol No 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 foresees that the provisions of this Protocol shall likewise apply to Liechtenstein as long as Liechtenstein is exempted from applying Protocol 3 to the Agreement.
- (11) Given this, it is appropriate to commute the transitional period for Liechtenstein of non-application of Protocol 3 to the Agreement into a lasting arrangement and to exempt Liechtenstein from the provisions of Protocol 3.
- (12) The same solution should apply with regard to the derogation for Liechtenstein in Article 2(2) of Protocol 4 to the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

In Article 1(2) of Protocol 3 to the Agreement and Article 2(2) of Protocol 4 to the Agreement, the words 'until 1 January 2005' shall be deleted.

*Article 2*

This Decision shall enter into force on 4 December 2004, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (\*).

It shall apply from 1 January 2005.

*Article 3*

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 December 2004.

*For the EEA Joint Committee*  
*The President*  
Kjartan JÓHANNSSON

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(\*) No constitutional requirements indicated.

## DECISION OF THE EEA JOINT COMMITTEE

No 178/2004

of 3 December 2004

**amending Protocol 21 (On the implementation of competition rules applicable to undertakings) and Protocol 23 (Concerning the cooperation between the surveillance authorities) 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) Protocol 21 to the Agreement was amended by Decision of the EEA Joint Committee No 130/2004 of 24 September 2004 <sup>(1)</sup>.
- (2) Protocol 23 to the Agreement was amended by Decision of the EEA Joint Committee No 130/2004 of 24 September 2004.
- (3) Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty <sup>(2)</sup> is to be incorporated into the Agreement.
- (4) Regulation (EC) No 773/2004 repeals Commission Regulations (EC) No 3385/94 <sup>(3)</sup>, (EC) No 2842/98 <sup>(4)</sup> and (EC) No 2843/98 <sup>(5)</sup>, which are incorporated into the Agreement and which are consequently to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

Article 3 of Protocol 21 to the Agreement shall be amended as follows:

1. the text of point 1(4) (Commission Regulation (EC) No 3385/94) shall be replaced by the following:

**'32004 R 0773:** Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (OJ L 123, 27.4.2004, p. 18).';

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<sup>(1)</sup> OJ L 64, 10.3.2005, p. 57.

<sup>(2)</sup> OJ L 123, 27.4.2004, p. 18.

<sup>(3)</sup> OJ L 377, 31.12.1994, p. 28.

<sup>(4)</sup> OJ L 354, 30.12.1998, p. 18.

<sup>(5)</sup> OJ L 354, 30.12.1998, p. 22.

2. the text of points 1(5) (Commission Regulation (EC) No 2842/98), 1(15) (Commission Regulation (EC) No 2842/98) and 1(16) (Commission Regulation (EC) No 2843/98) shall be deleted.

*Article 2*

The following shall be added after Article 10 of Protocol 23 to the Agreement:

**‘ACCESS TO THE FILE**

*Article 10A*

When a surveillance authority grants access to the file to the parties to whom it has addressed a statement of objections, the right of access to the file shall not extend to internal documents of the other surveillance authority or of the competition authorities of the EC Member States and the EFTA States. The right of access to the file shall also not extend to correspondence between the surveillance authorities, between a surveillance authority and the competition authorities of the EC Member States or EFTA States or between the competition authorities of the EC Member States or EFTA States where such correspondence is contained in the file of the competent surveillance authority.’

*Article 3*

The texts of Regulation (EC) No 773/2004 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 4*

This Decision shall enter into force on 4 December 2004, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (\*), or on the day of entry into force of Decision of the EEA Joint Committee No 130/2004 of 24 September 2004, whichever is the later.

*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, 3 December 2004.

For the EEA Joint Committee  
The President  
Kjartan JÓHANNSSON

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(\*) Constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 179/2004****of 9 December 2004****amending Annex XIII (Transport) 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 XIII to the Agreement was amended by Decision of the EEA Joint Committee No 171/2004 of 3 December 2004 <sup>(1)</sup>.
- (2) Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency <sup>(2)</sup> has as its principal objective to establish and maintain a high uniform level of civil aviation safety within the Community.
- (3) The activities of the European Aviation Safety Agency may affect the level of civil aviation safety within the European Economic Area.
- (4) Regulation (EC) No 1592/2002 is therefore to be incorporated into the Agreement in order to allow for the full participation of the EFTA States in the European Aviation Safety Agency,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

*Article 2*

The texts of Regulation (EC) No 1592/2002 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> See page 21 of this Official Journal.

<sup>(2)</sup> OJ L 240, 7.9.2002, p. 1.

*Article 3*

This Decision shall enter into force on 10 December 2004, 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, 9 December 2004.

*For the EEA Joint Committee*

*The President*

Kjartan JÓHANSSON

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(\*) Constitutional requirements indicated.

## ANNEX

**to Decision of the EEA Joint Committee No 179/2004**

The following shall be inserted after point 66m (Commission Regulation (EC) No 1138/2004) in Annex XIII to the Agreement:

'66n. **32002 R 1592**: Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (OJ L 240, 7.9.2002, p. 1).

The text of the Regulation shall, for the purposes of the present 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 States(s)" contained in the Regulation shall be understood to include, in addition to its meaning in the Regulation, the EFTA States. 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) Nothing in the present Regulation shall be construed so as to transfer to EASA authority to act on behalf of the EFTA States under international agreements for other purposes than to assist in the performance of their obligations pursuant to such agreements.
- (d) Article 9 shall be amended as follows:
  - (i) In paragraph 1, the words "or an EFTA State" shall be inserted after the words "the Community".
  - (ii) Paragraph 2 of Article 9 shall be replaced by the following:

"Whenever the Community negotiates with a third country in order to conclude an agreement providing that a Member State or the Agency may issue certificates on the basis of certificates issued by the aeronautical authorities of that third country, it shall endeavour to obtain for the EFTA States an offer of a similar agreement with the third country in question. The EFTA States shall, in turn, endeavour to conclude with third countries agreements corresponding to those of the Community."

- (e) The following paragraph shall be added to Article 11:

"5. Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of the Regulation, apply to any documents of the Agency regarding the EFTA States as well."

- (f) The following shall be added in Article 12(2)(b):

"The Agency shall also assist the EFTA Surveillance Authority and provide it with the same support, where such measures and tasks fall within the competence of the Authority pursuant to the Agreement."

- (g) Article 12(2)(e) shall be replaced by the following:

"in its field of competence carry out functions and tasks ascribed to the Contracting Parties by applicable international Conventions, in particular the Chicago Convention. The national aviation authorities of the EFTA States shall perform such functions and tasks only as foreseen in the present Regulation."

- (h) The first sentence of Article 15 shall be replaced by the following:

“With regard to products, parts and appliances referred to in Article 4(1), the Agency shall, where applicable and as specified in the Chicago Convention or its annexes, carry out the functions and tasks of the State of design, manufacture or registry when related to design approval. The national aviation authorities of the EFTA States shall perform such functions and tasks only as ascribed to them pursuant to the present Article.”

- (i) Article 16 shall be amended as follows:

The following shall be added in paragraph 1:

“The Agency shall report to the EFTA Surveillance Authority on standardisation inspections in an EFTA State.”

The following shall be added in paragraph 3:

“As regards the EFTA States, the Agency shall be consulted by the EFTA Surveillance Authority.”

- (j) The following paragraph shall be added to Article 20:

“4. 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.”

- (k) The following shall be added to Article 21:

“EFTA States shall apply to the Agency and to its staff the Protocol of Privileges and Immunities of the European Communities and applicable rules adopted pursuant to the Protocol”

- (l) The following shall be inserted after the word “Community” in the first paragraph of Article 23:

“, Icelandic and Norwegian.”

- (m) The following shall be inserted after Article 24(2)(c):

“(ca) The general report and the Agency’s programme of work, pursuant to paragraphs (b) and (c) respectively, shall be forwarded to the EFTA Surveillance Authority.”

- (n) The following paragraph shall be added in Article 25:

“3. 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.”

- (o) The following paragraph shall be added in Article 32:

“6. Nationals of the EFTA States shall be eligible as members, including Chairpersons, of Boards of Appeal. When the Commission draws up the list of persons referred to in paragraph 3, it shall also consider suitable persons of EFTA States’ nationalities.”

- (p) The following shall be inserted at the end of paragraph 1 of Article 45:

“As regards the EFTA States, the Agency shall assist the EFTA Surveillance Authority in the performance of the aforesaid tasks.”

- (q) The following paragraph shall be added in Article 48:

“8. The EFTA States shall participate in the financial contribution from the Community referred to in the first indent of paragraph 1. For this purpose, the procedures laid down in Article 82(1)(a) and Protocol 32 to the Agreement shall apply *mutatis mutandis*.”

(r) The following paragraphs shall be added in Article 54:

- “6. The EFTA States shall participate fully in the committee established pursuant to paragraph 1 and shall within it have the same rights and obligations as EC Member States, except for the right to vote.
  7. Where, in the absence of an agreement between the Commission and the committee, the Council may take a decision on the matter in question, the EFTA States may raise the issue in the EEA Joint Committee in conformity with Article 5 of the Agreement.”
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**DECISION OF THE EEA JOINT COMMITTEE****No 180/2004****of 16 December 2004****amending Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms**

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 Articles 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No 90/2004 of 8 June 2004 <sup>(1)</sup>.
- (2) It is appropriate to encourage appropriate cooperation of the Contracting Parties to the Agreement in matters covered by the activities of the Galileo Joint Undertaking as set up in Council Regulation (EC) No 876/2002 of 21 May 2002 <sup>(2)</sup>.
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this cooperation to take place,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following paragraph shall be inserted after paragraph 7 in Article 1 (Research and technical development) of Protocol 31 to the Agreement:

- '8. The Contracting Parties shall encourage appropriate cooperation between the competent organizations, institutions and other bodies in their respective territories where it would contribute to the strengthening and broadening of cooperation in matters covered by the activities of the Galileo Joint Undertaking (\*).

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(\*) 32002 R 0876: Council Regulation (EC) No 876/2002 of 21 May 2002 setting up the Galileo Joint Undertaking.'

*Article 2*

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 (\*).

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<sup>(1)</sup> OJ L 349, 25.11.2004, p. 52.

<sup>(2)</sup> OJ L 138, 28.5.2002, p. 1.

(\*) No constitutional requirements indicated.

*Article 3*

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, 16 December 2004.

*For the EEA Joint Committee*  
*The President*  
Kjartan JÓHANNSSON

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## DECISION OF THE EEA JOINT COMMITTEE

No 181/2004

of 16 December 2004

**amending Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms**

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 Articles 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No 117/2004 of 6 August 2004 <sup>(1)</sup>.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Decision No 626/2004/EC of the European Parliament and of the Council of 31 March 2004 amending Decision No 508/2000/EC establishing the Culture 2000 programme <sup>(2)</sup>.
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place with effect from 1 January 2005,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following subindent shall be added in the fourth indent of Article 13(4) (Decision No 508/2000/EC of the European Parliament and of the Council) of Protocol 31 to the Agreement:

‘— **32004 D 0626:** Decision No 626/2004/EC of the European Parliament and of the Council of 31 March 2004 (OJ L 99, 3.4.2004, p. 3).’

*Article 2*

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 (\*).

It shall apply from 1 January 2005.

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<sup>(1)</sup> OJ L 64, 10.3.2005, p. 5.

<sup>(2)</sup> OJ L 99, 3.4.2004, p. 3.

(\*) No constitutional requirements indicated.

*Article 3*

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, 16 December 2004.

*For the EEA Joint Committee*  
*The President*  
Kjartan JÓHANNSSON

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**DECISION OF THE EEA JOINT COMMITTEE****No 182/2004****of 16 December 2004****amending Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms**

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 Articles 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No 115/2004 of 6 August 2004 <sup>(1)</sup>.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Decision No 791/2004/EC of the European Parliament and the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training <sup>(2)</sup>.
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place with effect from 1 January 2005,

HAS DECIDED AS FOLLOWS:

*Article 1*

Article 4 of Protocol 31 to the Agreement shall be amended as follows:

1. in the introductory phrase of paragraph 2h the word 'programme' shall be replaced by 'programmes';
2. the following indent shall be added in paragraph 2h:

‘— **32004 D 0791:** Decision No 791/2004/EC of the European Parliament and the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training (OJ L 138, 30.4.2004, p. 31).’

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

The EFTA States shall participate in Action 2, 3A, 3B and 3C of the programme.’

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<sup>(1)</sup> OJ L 64, 10.3.2005, p. 1.

<sup>(2)</sup> OJ L 138, 30.4.2004, p. 31.

*Article 2*

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 (\*).

It shall apply from 1 January 2005.

*Article 3*

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, 16 December 2004.

*For the EEA Joint Committee*  
*The President*  
Kjartan JÓHANNSSON

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(\*) No constitutional requirements indicated.

**DECISION OF THE EEA JOINT COMMITTEE****No 183/2004****of 16 December 2004****amending Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms**

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 Articles 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No 115/2004 of 6 August 2004 <sup>(1)</sup>.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Decision No 790/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level in the field of youth <sup>(2)</sup>.
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place with effect from 1 January 2005,

HAS DECIDED AS FOLLOWS:

*Article 1*

Article 4 of Protocol 31 to the Agreement shall be amended as follows:

1. the following paragraph shall be inserted after paragraph 2j:

'2k. The EFTA States shall, with effect from 1 January 2005, participate in the following programme:

- **32004 D 0790:** Decision No 790/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level in the field of youth (OJ L 138, 30.4.2004, p. 24).';

2. the text of paragraph 3 shall be replaced by the following:

'The EFTA States shall contribute financially in accordance with Article 82(1)(a) of the Agreement to the programmes and actions referred to in paragraphs 1, 2, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h, 2i, 2j and 2k.'

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<sup>(1)</sup> OJ L 64, 10.3.2005, p. 1.

<sup>(2)</sup> OJ L 138, 30.4.2004, p. 24.

*Article 2*

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 (\*).

It shall apply from 1 January 2005.

*Article 3*

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, 16 December 2004.

*For the EEA Joint Committee*  
*The President*  
Kjartan JÓHANNSSON

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(\*) No constitutional requirements indicated.