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I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 210/2009**of 18 March 2009****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 March 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	148,7
	JO	80,4
	MA	40,1
	TN	134,4
	TR	103,1
	ZZ	101,3
0707 00 05	EG	139,2
	JO	158,4
	MA	61,4
	MK	118,9
	TR	166,9
	ZZ	129,0
0709 90 70	JO	249,0
	MA	53,0
	TR	92,1
	ZZ	131,4
0709 90 80	EG	122,4
	ZZ	122,4
0805 10 20	EG	46,1
	IL	51,4
	MA	50,0
	TN	59,0
	TR	73,9
	ZZ	56,1
0805 50 10	TR	49,5
	ZZ	49,5
0808 10 80	AR	99,0
	BR	84,1
	CA	95,8
	CL	80,6
	CN	70,9
	MK	21,2
	US	117,4
	UY	63,2
	ZA	82,7
0808 20 50	ZZ	79,4
	AR	80,4
	CL	140,4
	CN	35,6
	US	104,6
	ZA	89,6
	ZZ	90,1

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 211/2009**of 18 March 2009****on the issuing of import licences for applications lodged during the first seven days of March 2009 under the tariff quota opened by Regulation (EC) No 1399/2007 for sausages and certain meat products originating in Switzerland**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1399/2007 of 28 November 2007 opening and providing for the administration of a tariff quota for sausages and certain meat products originating in Switzerland ⁽²⁾ and in particular Article 5(5) thereof,

Whereas:

- (1) Regulation (EC) No 1399/2007 opened a tariff quota for imports of sausages and certain meat products.

- (2) The applications for import licences lodged during the first seven days of March 2009 for the subperiod 1 April to 30 June 2009 do not cover the total quantity available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications under the quota bearing the serial number 09.4180 have not been lodged pursuant to Regulation (EC) No 1399/2007, to be added to the subperiod 1 July to 30 September 2009, shall be 929 000 kg.

Article 2

This Regulation shall enter into force on 19 March 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 311, 29.11.2007, p. 7.

COMMISSION REGULATION (EC) No 212/2009**of 18 March 2009****on the issuing of import licences for applications lodged during the first seven days of March 2009
under the tariff quota opened by Regulation (EC) No 1382/2007 for pigmeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1382/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 concerning the import arrangements for pigmeat ⁽²⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Regulation (EC) No 1382/2007 opened a tariff quota for imports of pigmeat products.

- (2) The applications for import licences lodged during the first seven days of March 2009 for the subperiod 1 April to 30 June 2009 do not cover the total quantity available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications covered by the quota bearing the serial number 09.4046 have not been lodged under Regulation (EC) No 1382/2007, to be added to the subperiod from 1 July to 30 September 2009, shall be 3 094 000 kg.

Article 2

This Regulation shall enter into force on 19 March 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 March 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1

⁽²⁾ OJ L 309, 27.11.2007, p. 28.

COMMISSION REGULATION (EC) No 213/2009

of 18 March 2009

amending Regulation (EC) No 2160/2003 of the European Parliament and of the Council and Regulation (EC) No 1003/2005 as regards the control and testing of *Salmonella* in breeding flocks of *Gallus gallus* and turkeys

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of *Salmonella* and other specified food-borne zoonotic agents ⁽¹⁾ and, in particular Article 5(6) and Article 13 thereof,

Whereas:

(1) The purpose of Regulation (EC) No 2160/2003 is to ensure that proper and effective measures are taken to detect and control *Salmonella* and other zoonotic agents at all relevant stages of production, processing and distribution, and particularly at the level of primary production, in order to reduce their prevalence and the risk they pose to public health.

(2) Pursuant to Regulation (EC) No 2160/2003, specific requirements concerning breeding flocks of *Gallus gallus* apply whenever certain analysis of samples indicates the presence of *Salmonella* Enteritidis or *Salmonella* Typhimurium in such flocks. The purpose of these requirements is to prevent the spread of infection in the egg and broiler meat production chain, namely from breeders to their progeny. Similar requirements should be applied to turkey production in order to prevent the transmission of infection in the turkey meat production chain. Regulation (EC) No 2160/2003 should therefore be amended accordingly.

(3) Commission Regulation (EC) No 1003/2005 of 30 June 2005 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain *Salmonella* serotypes in breeding

flocks of *Gallus gallus* ⁽²⁾ lays down a Community target for the reduction of the prevalence of certain *Salmonella* spp. in breeding flocks of *Gallus gallus*. In addition, the Annex to that Regulation sets out the testing scheme necessary to verify the achievement of the Community target.

(4) Pursuant to Article 2 of Regulation (EC) No 1003/2005, the Commission should review the Community target in the light of the results of the first year of implementation of the national control programmes approved in accordance with Regulation (EC) No 2160/2003. The year 2007 was the first year of implementation.

(5) Pursuant to Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents ⁽³⁾, Member States have transmitted the results of their monitoring for the year 2007 to the Commission. In the light of those results, it does not appear necessary to amend the Community target.

(6) In view of the efficient allocation of resources, Member States that have achieved the Community target should be permitted to reduce the number of official controls. Regulation (EC) No 1003/2005 should therefore be amended accordingly.

(7) A review of the testing scheme set out in the Annex to Regulation (EC) No 1003/2005 revealed difficulties in the implementation of sampling instructions and new information on the sensitivity of testing schemes has become available. The testing scheme should thus be amended.

(8) Regulations (EC) Nos 2160/2003 and 1003/2005 should therefore be amended accordingly.

⁽¹⁾ OJ L 325, 12.12.2003, p. 1.

⁽²⁾ OJ L 170, 1.7.2005, p. 12.

⁽³⁾ OJ L 325, 12.12.2003, p. 31.

- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

No 1003/2005 (*) and (EC) No 584/2008 (**), indicates the presence of *Salmonella* Enteritidis or *Salmonella* Typhimurium in a breeding flock of *Gallus gallus* or breeding turkeys in the circumstances set out in point 2.

HAS ADOPTED THIS REGULATION:

Article 1

In Part C of Annex II to Regulation (EC) No 2160/2003, the title and point 1 are replaced by the following:

‘C. Specific requirements concerning breeding flocks of *Gallus gallus* and breeding turkeys

1. The measures laid down in points 3 to 5 must be taken whenever the analysis of samples taken in accordance with part B, or in accordance with the testing schemes set out in the Annexes to Commission Regulations (EC)

(*) OJ L 170, 1.7.2005, p. 12.

(**) OJ L 162, 21.6.2008, p. 3.’

Article 2

The Annex to Regulation (EC) No 1003/2005 is replaced by the text in the Annex to this Regulation.

Article 3

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

However, Article 2 shall apply from 1 April 2009 and Article 1 from 1 January 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 March 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX

'ANNEX

Testing scheme necessary to verify the achievement of the Community target for the reduction of *Salmonella* Enteritidis, *Salmonella* Hadar, *Salmonella* Infantis, *Salmonella* Typhimurium and *Salmonella* Virchow in adult breeding flocks of *Gallus gallus*

1. SAMPLING FRAME

The sampling frame shall cover all adult breeding flocks of domestic fowl (*Gallus gallus*) comprising at least 250 birds (breeding flocks).

2. MONITORING IN BREEDING FLOCKS**2.1. Location, frequency and status of sampling**

Breeding flocks shall be sampled at the initiative of the operator and as part of official controls.

2.1.1. Sampling at the initiative of the operator

Sampling shall take place every two weeks at the place designated by the competent authority from the following two possible options:

- (a) at the hatchery; or
- (b) at the holding.

The competent authority may decide to implement one of the options referred to in points (a) or (b) to the whole testing scheme for all broiler breeding flocks and one of those options for layer breeding flocks. Sampling on holdings, mainly exporting or trading hatching eggs to other Member States, shall in any case take place on the holding. It shall set up a procedure so that the detection of *Salmonella* serotypes referred to in Article 1(1) (relevant *Salmonella*) during the sampling at the initiative of the operator is notified without delay to the competent authority by the laboratory performing the analyses. Timely notification of the detection of *Salmonella*, including the serotype, shall remain the responsibility of the operator and the laboratory performing the analyses.

By way of derogation, if the Community target has been reached for at least two consecutive calendar years, sampling at the holding may be extended to take place every three weeks, at the discretion of the competent authority. The competent authority may decide to revert to a two week testing interval in the case of detection of a positive flock on the holding and/or in any other case deemed appropriate by the competent authority.

2.1.2. Official control sampling

Without prejudice to Annex II, Part C.2 of Regulation (EC) No 2160/2003, official sampling shall consist of:

2.1.2.1. If sampling at the initiative of the operator takes place at the hatchery:

- (a) routine sampling every 16 weeks at the hatchery, and;
- (b) routine sampling at the holding on two occasions during the production cycle, the first one being within four weeks following moving to laying phase or laying unit and the second one being towards the end of the laying phase, not earlier than eight weeks before the end of the production cycle;
- (c) confirmatory sampling at the holding, following the detection of relevant *Salmonella* from sampling at the hatchery.

2.1.2.2. If sampling at the initiative of the operator takes place at the holding, routine sampling shall be carried out on three occasions during the production cycle:

- (a) within four weeks following moving to laying phase or laying unit;
- (b) towards the end of the laying phase, not earlier than eight weeks before the end of the production cycle;

- (c) during the production, at any time sufficiently distant from the samples referred to in points (a) and (b).

2.1.2.3. By way of derogation of paragraphs 2.1.2.1 and 2.1.2.2 and if the Community target has been achieved for at least two consecutive calendar years, the competent authority may replace the routine samplings by sampling:

- (a) at the holding at one occasion anytime during the production cycle and once a year at the hatchery; or
- (b) at the holding at two occasions anytime sufficiently distant from each other during the production cycle.

A sampling carried out by the competent authority may replace a sampling at the initiative of the food business operator.

2.2. Sampling protocol

2.2.1. Sampling at the hatchery

At least one sample shall be taken per breeding flock on each sampling occasion. Sampling should be arranged on a hatch day when samples from all breeding flocks will be available and all material from all hatchers from which hatched chicks are removed on the sampling day should contribute to the set of samples in a proportionate way. If there are more than 50 000 eggs of one flock in the hatchers a second sample shall be collected from that flock.

The sample shall consist of at least:

- (a) one composite sample of visibly soiled hatcher basket liners taken at random from five separate hatcher baskets or locations in the hatcher, to reach a total sampling surface of at least 1 m²; however, if the hatching eggs from a breeding flock occupy more than one hatcher, then such a composite sample shall be taken from all up to five hatchers; or
- (b) one sample taken with one or several moistened fabric swab(s) of at least 900 cm² surface area in total, taken immediately after the removal of the chickens from the whole surface area of the bottom of at least a total of five hatcher baskets, or from fluff from five places, including on the floor, in all up to five hatchers with hatched eggs from the flock, ensuring that at least one sample per flock from which eggs are derived, is taken; or
- (c) 10 g broken eggshells taken from a total of 25 separate hatcher baskets (i.e. 250 g initial sample) in up to five hatchers with hatched eggs from the flock, crushed, mixed and subsampled to form a 25 g subsample for testing.

The procedure set out in points (a), (b) and (c) shall be followed for sampling at the initiative of the operator as well as for official sampling. It is not mandatory to include a hatcher with eggs from different flocks if at least 80 % of the eggs are in other sampled hatchers.

2.2.2. Sampling at the holding:

2.2.2.1. Routine sampling at the initiative of the operator

Sampling shall primarily consist of faecal samples and shall aim to detect a 1 % within flock prevalence, with a 95 % confidence limit. To that effect, the samples shall comprise one of the following:

- (a) Pooled faeces made up of separate samples of fresh faeces each weighing not less than 1 g taken at random from a number of sites in the house in which the flock is kept, or where the flock has free access to more than one house on a particular holding, from each group of houses on the holding in which the flock is kept. Faeces may be pooled for analysis up to a minimum of two pools.

The number of sites from which separate faeces samples are to be taken in order to make a pooled sample shall be as follows:

Number of birds kept in the flock	Number of faeces samples to be taken in the flock
250-349	200
350-449	220
450-799	250
800-999	260
1 000 or more	300

(b) Boot swabs and/or dust samples:

Boot swabs used shall be sufficiently absorptive to soak up moisture. Tubegauze “socks” shall also be acceptable for that purpose.

The surface of the boot swab shall be moistened using appropriate diluents (such as 0,8 % sodium chloride, 0,1 % peptone in sterile deionised water, sterile water or any other diluent approved by the competent authority).

The samples shall be taken while walking through the house using a route that will produce representative samples for all parts of the house or the respective sector. This shall include littered and slatted areas provided that slats are safe to walk on. All separate pens within a house shall be included in the sampling. On completion of sampling in the chosen sector, boot swabs must be removed carefully so as not to dislodge adherent material.

The samples shall consist of:

- (i) five pairs of boot swabs, representing each about 20 % of the area of the house; the swabs may be pooled for analysis into a minimum of two pools; or
 - (ii) at least one pair of boot swabs representing the whole area of the house and an additional dust sample collected from multiple places throughout the house from surfaces with visible presence of dust. One or several moistened fabric swab(s) of at least 900 cm² surface area in total shall be used to collect this dust sample.
- (c) In cage breeding flocks, sampling may consist of naturally mixed faeces from dropping belts, scrapers or deep pits, depending on the type of house. Two samples of at least 150 g shall be collected to be tested individually:
- (i) droppings belts beneath each tier of cages which are run regularly and discharged into an auger or conveyor system;
 - (ii) droppings pit system in which deflectors beneath the cages are scraped into a deep pit beneath the house;
 - (iii) droppings pit system in a step cage house when cages are offset and faeces fall directly into the pit.

There are normally several stacks of cages within a house. Pooled faeces from each stack shall be represented in the overall pooled sample. Two pooled samples shall be taken from each flock as described in the following third to sixth subparagraphs:

In systems where there are belts or scrapers, these shall be run on the day of the sampling before sampling is carried out.

In systems where there are deflectors beneath cages and scrapers, pooled faeces that have lodged on the scraper after it has been run, shall be collected.

In step-cage systems where there is no belt or scraper system it is necessary to collect pooled faeces from throughout the deep pit.

Droppings belt systems: pooled faecal material from the discharge ends of the belts shall be collected.

2.2.2.2. Official sampling

- (a) Routine sampling shall be performed as described in point 2.2.2.1.
- (b) Confirmatory sampling following the detection of relevant *Salmonella* from sampling at the hatchery shall be performed as described in point 2.2.2.1. Additional samples can be collected for the possible testing of antimicrobials or bacterial growth inhibitors as follows: birds shall be taken at random from within each house of birds on the farm, normally up to five birds per house, unless the authority deems it necessary to sample a higher number of birds. If the source of infection is not confirmed, antimicrobial testing shall be carried out or new bacteriological testing for *Salmonella* shall be carried out on the flock or their progeny before trade restrictions are lifted. If antimicrobials or bacterial growth inhibitors are detected, the *Salmonella* infection shall be considered as confirmed.

- (c) Suspect cases

In exceptional cases where the competent authority has reasons to call the result into question (false positive or false negative results), it may decide to repeat the testing in accordance with point (b).

3. EXAMINATION OF THE SAMPLES

3.1. Preparation of the samples

3.1.1. Hatcher basket liners:

- (a) place in 1 litre Buffered Peptone Water (BPW) which has been prewarmed at room temperature and mix gently;
- (b) continue the culture of the sample by using the detection method described in 3.2.

3.1.2. Boot swabs and dust samples:

- (a) The pair(s) of boot/sock swabs and dust sample (fabric swab) shall be carefully unpacked to avoid dislodging adherent faecal material or loose dust material and placed in 225 ml of BPW which has been prewarmed to room temperature. The boot/socks and fabric swab shall be fully submersed in BPW to provide sufficient free liquid around the sample for migration of *Salmonella* away from the sample and therefore more BPW may be added if necessary. Separate preparations will be made of the boot swabs and the fabric swab.
- (b) Where five pairs of boot/sock swabs are pooled into two samples, place each pooled sample in of 225 ml BPW, or more if necessary, to fully submerge and provide sufficient free liquid around the sample for migration of *Salmonella* away from the sample.
- (c) Swirl to fully saturate the sample and continue the culture by using the detection method described in 3.2.

3.1.3. Other faecal material samples:

- (a) The faeces samples shall be pooled and thoroughly mixed and a 25 g subsample shall be collected for culture.
- (b) The 25 g subsample shall be added to 225 ml of BPW which has been prewarmed to room temperature.
- (c) The culture of the sample shall be continued by using the detection method described in 3.2.

If ISO standards on the preparation of relevant samples for the detection of *Salmonella* are agreed on they shall be applied and replace the above provisions on sampling preparation.

3.2. Detection method

The detection of *Salmonella* spp. shall be carried out according to Amendment 1 of EN/ISO 6579-2002/Amd1:2007. "Microbiology of food and animal feeding stuffs – Horizontal method for the detection of *Salmonella* spp. – Amendment 1: Annex D: Detection of *Salmonella* spp. in animal faeces and in environmental samples from the primary production stage".

As regards the boot swabs samples, dust samples and other faecal material samples referred to in paragraph 3.1, it is possible to pool incubated BPW enrichment broth for future culture. To do that, incubate both samples in BPW as normal. Take 1 ml of incubated broth from each sample and mix thoroughly then take 0,1 ml of the mixture and inoculate the MSRV plates in the usual way.

Do not shake, swirl or otherwise agitate the samples in BPW after incubation as this releases inhibitory particulates and reduces subsequent isolation in MSRV.

3.3. Serotyping

At least one isolate from each sample showing a positive reaction shall be typed, following the Kaufmann-White scheme.

4. RESULTS AND REPORTING

A breeding flock shall be considered infected for the purpose of verifying the achievement of the Community target, when the presence of relevant *Salmonella* (other than vaccine strains) was detected in one or more samples (or if there is a secondary official confirmation in the Member State, in the relevant faecal samples or birds organ samples), taken at the holding, even if *Salmonella* is only detected in the dust sample. This shall not apply in exceptional cases of suspect breeding flocks where *Salmonella* detection at the holding at the initiative of the operator was not confirmed by official sampling.

For statistical purpose, an infected flock shall be counted once only regardless of how often *Salmonella* have been detected in this flock during the production period.

Reporting shall include:

- (a) detailed description of the options implemented for the sampling scheme and the type of samples taken, as appropriate;
 - (b) number of existing breeding flocks and those tested;
 - (c) results of the testing;
 - (d) explanations of the results, in particular concerning exceptional cases.'
-

COMMISSION REGULATION (EC) No 214/2009**of 18 March 2009****amending Regulation (EC) No 1800/2004 as regards the terms of the authorisation of the feed additive Cycostat 66G****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

leaving the trade name Cycostat 66G unchanged with respect to rabbits for fattening.

Having regard to the Treaty establishing the European Community,

(3) The proposed change of the terms of the authorisation is purely administrative in nature and does not entail a fresh assessment of the additives concerned. The European Food Safety Authority was informed of the application.

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 13(3) thereof,

(4) To allow the applicant to exploit its marketing rights under the new trade name of 'Robenz 66G', it is necessary to change the terms of the authorisation as regards chickens for fattening and turkeys.

Whereas:

(5) Regulation (EC) No 1800/2004 should therefore be amended accordingly.

(1) The additive robenidine hydrochloride 66 g/kg (Cycostat 66G), hereinafter referred to as Cycostat 66G, linked to the holder of authorisation, Alpharma (Belgium) BVBA, belonging to the group of coccidiostats and other medicinal substances, was authorised under certain conditions in accordance with Council Directive 70/524/EEC⁽²⁾. Commission Regulation (EC) No 1800/2004⁽³⁾ authorised that additive for 10 years for use for chickens for fattening, turkeys and rabbits for fattening. That additive was notified as an existing product in accordance with Article 10 of Regulation (EC) No 1831/2003. Since all the information required under that provision was submitted, that additive was entered into the Community Register of Feed Additives.

(6) It is appropriate to provide for a transitional period during which existing stocks may be used up.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

(2) Regulation (EC) No 1831/2003 provides for the possibility of modifying the authorisation of an additive further to a request from the holder of the authorisation and an opinion of the European Food Safety Authority. Alpharma (Belgium) BVBA, holder of the authorisation of Cycostat 66G, has submitted an application with which it requests changing the conditions of the authorisation as regards chickens for fattening and turkeys by modifying the trade name from Cycostat 66G to Robenz 66G,

Article 1

The Annex to Regulation (EC) No 1800/2004 is replaced by the text in the Annex to this Regulation.

Article 2

Existing stocks which are in conformity with the provisions applicable before the entry into force of this Regulation may continue to be placed on the market and used until 30 June 2010.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ OJ L 270, 14.12.1970, p. 1.

⁽³⁾ OJ L 317, 16.10.2004, p. 37.

Article 3

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 March 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

Registration number of additive	Name and registration number of person responsible for putting additives into circulation	Additive (Trade name)	Composition, chemical formula, description	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	End of period of authorisation	Maximum Residue Limits (MRLs) in the relevant foodstuffs of animal origin
						mg of active substance/kg of complete feedingstuff					
Coccidiostats and other medicinal substances											
E 758	Alpharma (Belgium) BVBA	Robenidine hydrochloride 66 g/kg (Robenz 66G)	Additive composition: Robenidine hydrochloride: 66 g/kg Lignosulfonate: 40 g/kg Calcium sulfate dihydrate: 894 g/kg Active substance: Robenidine hydrochloride, C ₁₅ H ₁₃ Cl ₂ N ₅ ·HCl, 1,3-bis [(p-chlorobenzylidene) amino]-guanidine hydrochloride, CAS number: 25875-50-7, Related impurities: N,N',N''-Tris[(p-Cl-benzylidene)amino]guanidine: ≤ 0,5 % Bis-[4-Cl-benzylidene]hydrazine: ≤ 0,5 %	Chickens for fattening	—	30	36	Use prohibited at least five days before slaughter	29.10.2014	800 µg robenidine hydrochloride/kg of wet liver 350 µg robenidine hydrochloride/kg of wet kidney 200 µg robenidine hydrochloride/kg of wet muscle 1 300 µg robenidine hydrochloride/kg of wet skin/fat	

Registration number of additive	Name and registration number of person responsible for putting additives into circulation	Additive (Trade name)	Composition, chemical formula, description	Species or category of animal	Maximum age	Minimum content		Other provisions	End of period of authorisation	Maximum Residue Limits (MRLs) in the relevant foodstuffs of animal origin
						mg of active substance/kg of complete feedingstuff	Maximum content			
		Robenidine hydrochloride 66 g/kg (Robenz 66G)	Additive composition: Robenidine hydrochloride: 66 g/kg Lignosulfonate: 40 g/kg Calcium sulfate dihydrate: 894 g/kg Active substance: Robenidine hydrochloride, $C_{15}H_{13}Cl_2N_5 \cdot HCl$, 1,3-bis [(p-chlorobenzylidene) amino]-guanidine hydrochloride, CAS number: 25875-50-7, Related impurities: N,N',N''-Tris[(p-Cl-benzylidene)amino]guanidine: $\leq 0,5\%$ Bis-[4-Cl-benzylidene]hydrazine: $\leq 0,5\%$	Turkeys	—	30	36	Use prohibited at least five days before slaughter	29.10.2014	400 µg robenidine hydrochloride/kg of wet skin/fat 400 µg robenidine hydrochloride/kg of wet liver 200 µg robenidine hydrochloride/kg of wet kidney 200 µg robenidine hydrochloride/kg of wet muscle

Registration number of additive	Name and registration number of person responsible for putting additives into circulation	Additive (Trade name)	Composition, chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation	Maximum Residue Limits (MRLs) in the relevant foodstuffs of animal origin
						mg of active substance/kg of complete feedingstuff				
		Robenidine hydrochloride 66 g/kg (Cycostat 66G)	Additive composition: Robenidine hydrochloride: 66 g/kg Lignosulfonate: 40 g/kg Calcium sulfate dihydrate: 894 g/kg Active substance: Robenidine hydrochloride, C ₁₅ H ₁₃ Cl ₂ N ₅ ·HCl, 1,3-bis [(pchlorobenzylidene) amino]-guanidine hydrochloride, CAS number: 25875-50-7, Related impurities: N,N',N''-Tris[(p-Cl-benzylidene)amino]guanidine: ≤ 0,5 % Bis-[4-Cl-benzylidene]hydrazine: ≤ 0,5 %	Rabbits for fattening	—	50	66	Use prohibited at least five days before slaughter	29.10.2014	—

COMMISSION REGULATION (EC) No 215/2009**of 18 March 2009****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 March 2009.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A so-called 'radio tuner module', designed to be incorporated in radio-broadcast receivers of the kind used in motor vehicles, together with other components such as a power supply unit, signal processors, audio amplifiers and channel memorisation circuits. The module consists of a radio frequency block, an intermediate frequency block and AM/FM demodulation circuits. The module isolates radio frequency and demodulates the audio signal without any further processing.	8527 29 00	Classification is determined by General Rules 1, 2(a) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8527 and 8527 29 00. As the module has all the necessary components (a radio frequency block, an intermediate frequency block and AM/FM demodulation circuits) for receiving and processing radio-broadcasts, it is to be considered, by virtue of General Rule 2(a), to have the essential character of a complete or finished product of heading 8527. The module is therefore to be classified under that heading. Classification under heading 8529 as a part suitable for use solely or principally with an apparatus of heading 8527 is therefore excluded. The module is therefore to be classified under heading 8527 as a radio-broadcast receiver not capable of operating without an external source of power, of a kind used in motor vehicles.

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COUNCIL

COUNCIL DECISION

of 16 February 2009

on the conclusion of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

(2009/246/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 310 in conjunction with the second sentence of the first subparagraph of Article 300(2) and the second subparagraph of Article 300(3) thereof,

Having regard to the 2005 Act of Accession, in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament ⁽¹⁾,

Whereas:

(1) The Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union (hereinafter the Protocol), was signed on behalf of the European Community and its Member States at Luxembourg on 13 October 2008, subject to its conclusion at a subsequent date in accordance with Council Decision 2008/881/EC ⁽²⁾.

(2) The Protocol should be approved,

Article 1

The Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union is hereby approved on behalf of the European Community and its Member States.

The text of the Protocol is attached to this Decision (*).

Article 2

The President of the Council shall, on behalf of the Community and its Member States, deposit the acts provided for in Article 8 of the Protocol.

Done at Brussels, 16 February 2009.

For the Council

The President

O. LIŠKA

⁽¹⁾ Assent of 16 December 2008 (not yet published in the Official Journal).

⁽²⁾ OJ L 324, 3.12.2008, p. 1.

^(*) See OJ L 324, 3.12.2008, p. 3.

COMMISSION

COMMISSION DECISION

of 16 March 2009

amending Decision 2003/322/EC as regards the feeding of certain species of necrophagous birds in Bulgaria with certain category 1 material

(notified under document number C(2009) 1670)

(Only the Bulgarian, French, Greek, Italian, Portuguese and Spanish texts are authentic)

(Text with EEA relevance)

(2009/247/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption⁽¹⁾, and in particular Article 23(2)(d) thereof,

Whereas:

- (1) Commission Decision 2003/322/EC of 12 May 2003 implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the feeding of certain necrophagous birds with certain category 1 materials⁽²⁾ lays down conditions for the authorisation of the feeding of certain endangered or protected species of necrophagous birds by certain Member States.
- (2) That Decision lists the Member States authorised to make use of that possibility, the species of necrophagous birds which may be fed with the category 1 material, and the implementing rules under which the feeding may take place.
- (3) Bulgaria has submitted a request for the authorisation of feeding certain species of necrophagous birds with certain category 1 material and has submitted satisfactory information concerning the occurrence of those species on its territory and concerning the safety measures to be applied when feeding category 1 animal by-products to those birds.

(4) Decision 2003/322/EC should therefore be amended accordingly.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2003/322/EC is amended as follows:

1. Article 1 is replaced by the following:

‘Article 1

Implementing rules on the feeding of necrophagous birds with category 1 material

Pursuant to Article 23(2)(d) of Regulation (EC) No 1774/2002, Bulgaria, Greece, Spain, France, Italy, Cyprus and Portugal may authorise the use of entire bodies of dead animals which may contain specified risk material as referred to in Article 4(1)(b)(ii) of that Regulation for the feeding of the endangered or protected species of necrophagous birds as set out in Part A of the Annex to this Decision.’

2. Article 4 is replaced by the following:

‘Article 4

Compliance by the Member States concerned

The Member States concerned shall immediately take the necessary measures to comply with this Decision and shall publish those measures. They shall immediately inform the Commission thereof.’

⁽¹⁾ OJ L 273, 10.10.2002, p. 1.

⁽²⁾ OJ L 117, 13.5.2003, p. 32.

3. Article 6 is replaced by the following:

(*Aquila heliaca*), white-tailed eagle (*Haliaeetus albicilla*), black kite (*Milvus migrans*) and red kite (*Milvus milvus*).'

'Article 6

Addressees

This Decision is addressed to the Republic of Bulgaria, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus and the Portuguese Republic.'

Article 2

This Decision is addressed to the Republic of Bulgaria, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus and the Portuguese Republic.

4. In Part A of the Annex, the following point (g) is added:

Done at Brussels, 16 March 2009.

'(g) In the case of Bulgaria: black vulture (*Aegypius monachus*), bearded vulture (*Gypaetus barbatus*), griffon vulture (*Gyps fulvus*), Egyptian vulture (*Neophron percnopterus*), golden eagle (*Aquila chrysaetos*), imperial eagle

For the Commission
Androulla VASSILIOU
Member of the Commission

COMMISSION DECISION

of 18 March 2009

amending Decision 2008/185/EC as regards the animal health conditions for trade in pigs between Member States or regions thereof which are free of Aujeszky's disease

*(notified under document number C(2009) 1687)***(Text with EEA relevance)**

(2009/248/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, and in particular Article 10(2) thereof,

Whereas:

- (1) Directive 64/432/EEC provides criteria for approving a Member State or region thereof as being free of certain contagious diseases, including Aujeszky's disease. That Directive also provides that the additional guarantees, general or specific, which may be required in intra-Community trade in relation to those Member States and regions, are to be laid down in accordance with the procedure set out therein.
- (2) Annex I to Commission Decision 2008/185/EC of 21 February 2008 on additional guarantees in intra-Community trade of pigs relating to Aujeszky's disease and criteria to provide information on this disease ⁽²⁾ lists Member States or regions thereof which are free of Aujeszky's disease and where vaccination is prohibited.
- (3) Decision 2008/185/EC also lays down the additional guarantees relating to that disease for movements of pigs between Member States. Those additional guarantees are linked to the disease-status of the concerned Member States or regions thereof.
- (4) The experience in implementing those guarantees has shown that it is necessary to clarify that the movement of pigs between Member States or regions thereof, which are free of Aujeszky's disease and where vaccination is prohibited and which are listed in Annex I to Decision 2008/185/EC, does not require any additional guarantees.

(5) Decision 2008/185/EC should therefore be amended accordingly.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2008/185/EC is amended as follows:

1. in Article 1, the introductory phrase is replaced by the following:

'Pigs intended for breeding or production, dispatched to Member States or regions thereof which are free of Aujeszky's disease and which are listed in Annex I must come from a Member State or region thereof listed in that Annex or must comply with the following additional conditions:';

2. in Article 2, the introductory phrase is replaced by the following:

'Pigs intended for slaughter, dispatched to Member States or regions thereof which are free of Aujeszky's disease and which are listed in Annex I must come from a Member State or region thereof listed in that Annex or must comply with the following additional conditions:'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 March 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 59, 4.3.2008, p. 19.

IV

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 154/07/COL

of 3 May 2007

amending, for the 63rd time, the procedural and substantive rules in the field of State aid

THE EFTA SURVEILLANCE AUTHORITY ⁽¹⁾,

HAVING REGARD to the Agreement on the European Economic Area ⁽²⁾, in particular to Articles 61 to 63 and Protocol 26 thereof,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice ⁽³⁾, in particular to Article 24 and Article 5(2)(b) thereof,

WHEREAS under Article 24 of the Surveillance and Court Agreement, the Authority shall give effect to the provisions of the EEA Agreement concerning State aid,

WHEREAS under Article 5(2)(b) of the Surveillance and Court Agreement the Authority shall issue notices or guidelines on matters dealt with in the EEA Agreement, if that Agreement or the Surveillance and Court Agreement expressly so provides or if the Authority considers it necessary,

RECALLING the Procedural and Substantive Rules in the Field of State Aid adopted on 19 January 1994 by the Authority ⁽⁴⁾,

WHEREAS, Chapter 9 of the State Aid Guidelines, Publication of decisions, has become obsolete due to an amendment of Protocol 3 to the Surveillance and Court Agreement ⁽⁵⁾,

WHEREAS, due to the adoption of the Authority's Decision No 195/04/COL ⁽⁶⁾, the following procedural State Aid Guidelines have become obsolete for the assessment of existing aid and plans to grant new aid:

— Chapter 11 of the State Aid Guidelines, Criteria for applying the accelerated clearance procedure,

— Chapter 13 of the State Aid Guidelines, Rules applicable to cases of cumulation of aid for different purposes,

— Annex I to the State Aid Guidelines, Checklist for information to be supplied in State aid notifications to the EFTA Surveillance Authority ⁽⁷⁾,

— Annex II to the State Aid Guidelines, Notification for the use of the accelerated clearance procedure,

— Annex III to the State Aid Guidelines, Format of detailed annual report,

⁽¹⁾ Hereinafter referred to as 'the Authority'.

⁽²⁾ Hereinafter referred to as 'the EEA Agreement'.

⁽³⁾ Hereinafter referred to as 'the Surveillance and Court Agreement'.

⁽⁴⁾ Guidelines on the application and interpretation of Articles 61 and 62 of the EEA Agreement and Article 1 of Protocol 3 to the Surveillance and Court Agreement, adopted and issued by the EFTA Surveillance Authority on 19 January 1994, published in OJ L 231, 3.9.1994, p. 1, and in EEA Supplements 3.9.1994, No 32. The Guidelines were last amended on 7 February 2007 with Decision No 14/07/COL, not yet published. Hereinafter referred to as the State Aid Guidelines. The State Aid Guidelines are available on the Authority's website.

⁽⁵⁾ Agreement between the EFTA States to amend Protocol 3 signed on 10 December 2001 (date of entry into force: 28 August 2003).

⁽⁶⁾ Decision No 195/04/COL of 14 July 2004 on the implementing provisions referred to under Article 27 in Part II of Protocol 3 to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice (OJ L 139, 25.5.2006, p. 37).

⁽⁷⁾ With the exception of Section III, which contains the complaint form.

- Annex IV to the State Aid Guidelines, Format of simplified annual report,
- Annex XIII to the State Aid Guidelines, Standard notification form pursuant to the multisectoral framework on regional aid for large investment projects ⁽¹⁾,
- Annex XIV to the State Aid Guidelines, Notification form for individual grants of restructuring aid,
- Annex XV to the State Aid Guidelines, Notification form for rescue aid,
- Annex XVI to the State Aid Guidelines, Additional information ordinarily to be supplied when notifying State aid for environmental purposes under Article 1(3) of Protocol 3 to the Surveillance and Court Agreement,

WHEREAS following the adoption of new regional aid guidelines by the Authority's Decision No 85/06/COL ⁽²⁾ the following chapters of the State Aid Guidelines have become obsolete for the assessment of new plans to grant State aid:

- Chapter 25 of the State Aid Guidelines, National Regional Aid,
- Chapter 25A of the State Aid Guidelines, Review of the guidelines on national regional aid for the period after 1 January 2007,
- Chapter 26A of the State Aid Guidelines, Multisectoral Framework on regional aid for large investment projects, now incorporated in the new Regional Aid Guidelines,
- Annex X to the State Aid Guidelines, Net grant equivalent of investment aid,

⁽¹⁾ New notification forms for regional aid have been adopted by Authority's Decision No 387/06/COL of 13 December 2006 amending College Decision No 195/04/COL on the implementing provisions referred to under Article 27 in Part II of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice as regards the standard forms for notification of aid, not yet published in the EEA Section of and in the EEA Supplement to the *Official Journal of the European Union*.

⁽²⁾ EFTA Surveillance Authority Decision of 6 April 2006 amending, for the fifty-sixth time, the procedural and substantive rules in the field of State aid by introducing a new Chapter 25.B: National Regional Aid 2007 to 2013, not yet published. Available on the Authority's website.

- Annex XI to the State Aid Guidelines, Aid to offset additional transport costs in regions qualifying for exemption under Article 61(3)(c) on the basis of the population density test,
- Annex XII to the State Aid Guidelines, Method of determining the ceilings on the population covered by the 61(3)(c) derogation,

WHEREAS the following substantive State aid provisions need revision ⁽³⁾:

- Chapter 10A, State aid and risk capital, has been replaced by Chapter 10B, State aid to promote risk capital investments in small and medium-sized enterprises, following the adoption of the Authority's Decision No 313/06/COL ⁽⁴⁾,
- Chapter 24 of the State Aid Guidelines, Aid to non-ECSC steel industries, became obsolete with the adoption of the Authority's Decision No 263/02/COL ⁽⁵⁾ introducing Chapter 26A, Multisectoral framework on regional aid for large investment projects,
- Chapter 29 of the State Aid Guidelines, General investment aid schemes ⁽⁶⁾, was only relevant in the context of the adoption of the EEA Agreement,
- Annex V to the State Aid Guidelines, Authorizable range of aid for SMEs, by size of company and location, is outdated and no longer applicable,

⁽³⁾ These rules are no longer applicable for the assessment of new plans to grant State aid.

⁽⁴⁾ EFTA Surveillance Authority Decision No 313/06/COL amending, for the fifty-ninth time, the procedural and substantive rules in the field of State aid by introducing a new Chapter 10.B: State aid to promote risk capital investments in small and medium-sized enterprises, not yet published. Available on the Authority's website.

⁽⁵⁾ EFTA Surveillance Authority Decision No 263/02/COL of 18 December 2002 amending for the thirty-sixth time the Procedural and Substantive Rules in the Field of State Aid by introducing a new Chapter 26A: Multisectoral framework on regional aid for large investment projects (OJ L 139, 25.5.2006, p. 8).

⁽⁶⁾ Dates from 1994 and states that general investment aid schemes are incompatible with the functioning of the EEA Agreement. Although the EFTA States should have brought them into line with the EEA Agreement under their general obligation to take all appropriate measures to ensure fulfilment of the obligations arising out of the EEA Agreement (Article 3), some EFTA State might still apply such schemes. Thus it sets out the rules which trigger a notification of individual cases of application of such schemes. It partly refers to a letter from the Commission to the Member States SG(79) D/10478 of 14 September 1979 which was incorporated as point 32 into Annex XV to the EEA Agreement.

WHEREAS it is desirable in this process of revising the State Aid Guidelines to incorporate the Notice issued by the Commission of the European Communities on the determination of the applicable rules for the assessment of unlawful State aid ⁽¹⁾, although the Authority has already, on a number of occasions, referred to it,

WHEREAS this Notice is also of relevance for the European Economic Area,

WHEREAS uniform application of the EEA State aid rules is to be ensured throughout the European Economic Area,

WHEREAS, according to point II under the heading 'GENERAL' at the end of Annex XV to the EEA Agreement, the Authority, after consultation with the Commission, is to adopt acts corresponding to those adopted by the European Commission,

HAVING consulted the European Commission,

RECALLING that the Authority has consulted the EFTA States Iceland, Liechtenstein and Norway on 29 March 2007 on the subject,

HAS ADOPTED THIS DECISION:

Article 1

The State Aid Guidelines shall be amended by deleting chapters 9, 10A, 11, 13, 24, 25, 25A, 26A and 29 as well as Annexes I (with the exception of Section III on complaints) to V and X to XVI.

Section III of Annex I and Annexes VIII and IX will be incorporated at the end of the text of the Chapter on Complaints — form for the submission of complaints concerning alleged unlawful State aid, Chapter on Aid to maritime transport and Chapter on Short-term export-credit insurance of the State Aid Guidelines, respectively.

Annex I to this Decision lists all deleted chapters and Annexes.

Article 2

The State Aid Guidelines shall also be amended by introducing a new Chapter on the applicable rules for the assessment of unlawful State aid. The new Chapter is contained in Annex II to this Decision.

Article 3

The Chapters of the State Aid Guidelines will not be numbered. The new structure of the Guidelines is shown for information purposes in Annex III to this Decision.

The text of the State Aid Guidelines will be updated accordingly. No reference will be made to the number of the chapter but to the title of the guidelines with regard to cross-references to still existing chapters. With regard to cross-references to deleted chapters, the number of the former chapter will be maintained ⁽²⁾.

Article 4

The EFTA States shall be informed by means of a letter, including a copy of this Decision and including the Annexes.

Article 5

The European Commission shall be informed, in accordance with point (d) of Protocol 27 of the EEA Agreement, by means of a copy of this Decision, including the Annexes.

Article 6

This Decision, including Annexes I to III, shall be published in the EEA Section of and in the EEA Supplement to the *Official Journal of the European Union*.

Article 7

Only the English text is authentic.

Done at Brussels, 3 May 2007.

For the EFTA Surveillance Authority

Bjørn T. GRYDELAND
President

Kurt JAEGER
College Member

⁽¹⁾ OJ C 119, 22.5.2002, p. 22.

⁽²⁾ The consolidated version of the State Aid Guidelines is available on the Authority's website: <http://www.eftasurv.int/>

ANNEX I

SECTION A — CHAPTERS DELETED FROM THE STATE AID GUIDELINES

Title	Chapter number
Publication of decisions	9
State aid and risk capital	10A (*)
Criteria for applying the accelerated clearance procedure	11
Rules applicable to cases of cumulation of aid for different purposes	13
Aid to non-ECSC steel industries	24
National regional aid	25 (*)
Review of the guidelines on national regional aid for the period after 1 January 2007	25A (*)
Multisectoral framework on regional aid for large investment projects	26A (*)
General investment aid schemes	29

(*) These chapters might still be relevant for the assessment of unlawful aid and are therefore still available on the Authority's website (list of deleted chapters).

SECTION B — ANNEXES DELETED FROM THE STATE AID GUIDELINES

Annexes I (with the exception of Section III on complaints) to V and X to XVI have been deleted.

Former Section III of Annex I, Annex VIII and IX have been incorporated at the end of the text of the relevant chapter (Chapter on Complaints — form for the submission of complaints concerning alleged unlawful State aid, Chapter on Aid to maritime transport and Chapter on Short-term export-credit insurance of the State Aid Guidelines respectively).

ANNEX II

NEW CHAPTER OF THE STATE AID GUIDELINES**APPLICABLE RULES FOR THE ASSESSMENT OF UNLAWFUL STATE AID**

A number of instruments approved by the EFTA Surveillance Authority (hereinafter 'The Authority') over the years contain a provision to the effect that unlawful State aid, i.e. aid put into effect in contravention of Article 1(3) in Part I of Protocol 3 to the Surveillance and Court Agreement ⁽¹⁾, shall be assessed in accordance with the texts in force at the time when the aid was granted. This is, for example, the case for the Chapter of the Authority's State Aid Guidelines on State aid for environmental protection.

For the purpose of transparency and legal certainty, the Authority informs the EFTA States and third parties that it has decided to continue to apply the same rule in respect of all instruments indicating how the Authority will exercise its discretion in order to assess the compatibility of State aid with the functioning of the EEA Agreement. Therefore, the Authority shall always assess the compatibility of unlawful State aid with the functioning of the EEA Agreement in accordance with the substantive criteria set out in any instrument in force at the time when the aid was granted.

This is without prejudice to the more specific rules contained in the Chapter of the Authority's State Aid Guidelines on State aid for rescuing and restructuring firms in difficulty.

This is without prejudice to the interpretation of Acts in the field of State aid, incorporated into the EEA Agreement.

⁽¹⁾ Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, referred to as the Surveillance and Court Agreement.

ANNEX III

NEW STRUCTURE OF THE STATE AID GUIDELINES

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THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 1/2009

of 5 February 2009

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 43/2008 of 25 April 2008 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1500/2007 of 18 December 2007 of concerning the authorisation of a new use of 6-phytase EC 3.1.3.26 (Ronozyme) as a feed additive ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 1501/2007 of 18 December 2007 concerning the authorisation of a new use of endo-1,4-beta-xylanase EC 3.2.1.8 (Safizym X) as a feed additive ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 1519/2007 of 19 December 2007 amending Regulations (EC) No 2430/1999, (EC) No 418/2001 and (EC) No 162/2003 as regards the terms of the authorisation of certain additives in feedingstuffs belonging to the group of coccidiostats and other medicinal substances ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 1520/2007 of 19 December 2007 concerning the permanent authorisation of certain additives in feedingstuffs ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Regulation (EC) No 1521/2007 of 19 December 2007 concerning the authorisation of a new use of *Enterococcus faecium* DSM 7134 (Bonvital) as a feed additive ⁽⁶⁾ is to be incorporated into the Agreement.
- (7) This Decision is not to apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

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

1. the following indent shall be added in point 1k (Commission Regulation (EC) No 2430/1999):

— **32007 R 1519:** Commission Regulation (EC) No 1519/2007 of 19 December 2007 (OJ L 335, 20.12.2007, p. 15).;

⁽¹⁾ OJ L 223, 21.8.2008, p. 36.

⁽²⁾ OJ L 333, 19.12.2007, p. 54.

⁽³⁾ OJ L 333, 19.12.2007, p. 57.

⁽⁴⁾ OJ L 335, 20.12.2007, p. 15.

⁽⁵⁾ OJ L 335, 20.12.2007, p. 17.

⁽⁶⁾ OJ L 335, 20.12.2007, p. 24.

2. the following shall be added in points 1t (Commission Regulation (EC) No 418/2001) and 37 (Commission Regulation (EC) No 162/2003):

‘, as amended by:

— **32007 R 1519**: Commission Regulation (EC) No 1519/2007 of 19 December 2007 (OJ L 335, 20.12.2007, p. 15).’;

3. the following points shall be inserted after point 1zzzze (Commission Regulation (EC) No 1380/2007):

‘1zzzzf. **32007 R 1500**: Commission Regulation (EC) No 1500/2007 of 18 December 2007 of concerning the authorisation of a new use of 6-phytase EC 3.1.3.26 (Ronozyme) as a feed additive (OJ L 333, 19.12.2007, p. 54).

1zzzzg. **32007 R 1501**: Commission Regulation (EC) No 1501/2007 of 18 December 2007 concerning the authorisation of a new use of endo-1,4-beta-xylanase EC 3.2.1.8 (Safizym X) as a feed additive (OJ L 333, 19.12.2007, p. 57).

1zzzzh. **32007 R 1520**: Commission Regulation (EC) No 1520/2007 of 19 December 2007 concerning the permanent authorisation of certain additives in feedingstuffs (OJ L 335, 20.12.2007, p. 17).

1zzzzi. **32007 R 1521**: Commission Regulation (EC) No 1521/2007 of 19 December 2007 concerning the authorisation of a new use of *Enterococcus faecium* DSM 7134 (Bonvital) as a feed additive (OJ L 335, 20.12.2007, p. 24).’

Article 2

The texts of Regulations (EC) No 1500/2007, No 1501/2007, No 1519/2007, No 1520/2007 and No 1521/2007 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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 2/2009

of 5 February 2009

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 43/2008 of 25 April 2008 ⁽¹⁾.
- (2) Commission Regulation (EC) No 156/2008 of 21 February 2008 amending Regulation (EC) No 109/2007 as regards the minimum content of the feed additive monensin sodium (Coxidin) ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 163/2008 of 22 February 2008 concerning an authorisation of the preparation Lanthanum carbonate octahydrate (Lantharenol) as a feed additive ⁽³⁾, as corrected by OJ L 92, 3.4.2008, p. 40, is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 164/2008 of 22 February 2008 amending Regulation (EC) No 1444/2006 as regards the minimum content of the feed additive *Bacillus subtilis* C-3102 (Calsporin) ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 165/2008 of 22 February 2008 concerning the authorisation of a new use of 3-phytase (Natuphos) as a feed additive ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Regulation (EC) No 166/2008 of 22 February 2008 concerning the authorisation of a new use of the preparation of *Bacillus cereus* var. *toyoi* (Toyocerin) as a feed additive ⁽⁶⁾ is to be incorporated into the Agreement.
- (7) Commission Regulation (EC) No 167/2008 of 22 February 2008 concerning a new authorisation for ten years of a coccidiostat as an additive in feedingstuffs ⁽⁷⁾ is to be incorporated into the Agreement.
- (8) Commission Regulation (EC) No 209/2008 of 6 March 2008 concerning the authorisation of a new use of *Saccharomyces cerevisiae* (Biosaf Sc 47) as a feed additive ⁽⁸⁾ is to be incorporated into the Agreement.

⁽¹⁾ OJ L 223, 21.8.2008, p. 36.

⁽²⁾ OJ L 48, 22.2.2008, p. 14.

⁽³⁾ OJ L 50, 23.2.2008, p. 3.

⁽⁴⁾ OJ L 50, 23.2.2008, p. 6.

⁽⁵⁾ OJ L 50, 23.2.2008, p. 8.

⁽⁶⁾ OJ L 50, 23.2.2008, p. 11.

⁽⁷⁾ OJ L 50, 23.2.2008, p. 14.

⁽⁸⁾ OJ L 63, 7.3.2008, p. 3.

- (9) Commission Directive 2008/38/EC of 5 March 2008 establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes (Codified version) ⁽¹⁾ is to be incorporated into the Agreement.
- (10) Directive 2008/38/EC repeals, with effect from 31 July 2008, Commission Directive 94/39/EC ⁽²⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (11) This Decision is not to apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

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

1. the following shall be added in point 1zzz (Commission Regulation (EC) No 1444/2006):

‘, as amended by:

— **32008 R 0164**: Commission Regulation (EC) No 164/2008 of 22 February 2008 (OJ L 50, 23.2.2008, p. 6).’;

2. the following shall be added in point 1zzzg (Commission Regulation (EC) No 109/2007):

‘, as amended by:

— **32008 R 0156**: Commission Regulation (EC) No 156/2008 of 21 February 2008 (OJ L 48, 22.2.2008, p. 14).’;

3. the following points shall be inserted after point 1zzzzi (Commission Regulation (EC) No 1521/2007):

‘1zzzzj. **32008 R 0163**: Commission Regulation (EC) No 163/2008 of 22 February 2008 concerning an authorisation of the preparation Lanthanum carbonate octahydrate (Lantharenol) as a feed additive (OJ L 50, 23.2.2008, p. 3), as corrected by OJ L 92, 3.4.2008, p. 40.

1zzzzk. **32008 R 0165**: Commission Regulation (EC) No 165/2008 of 22 February 2008 concerning the authorisation of a new use of 3-phytase (Natuphos) as a feed additive (OJ L 50, 23.2.2008, p. 8).

1zzzzl. **32008 R 0166**: Commission Regulation (EC) No 166/2008 of 22 February 2008 concerning the authorisation of a new use of the preparation of *Bacillus cereus* var. *toyoi* (Toyocerin) as a feed additive (OJ L 50, 23.2.2008, p. 11).

1zzzzm. **32008 R 0167**: Commission Regulation (EC) No 167/2008 of 22 February 2008 concerning a new authorisation for ten years of a coccidiostat as an additive in feedingstuffs (OJ L 50, 23.2.2008, p. 14).

1zzzzn. **32008 R 0209**: Commission Regulation (EC) No 209/2008 of 6 March 2008 concerning the authorisation of a new use of *Saccharomyces cerevisiae* (Biosaf Sc 47) as a feed additive (OJ L 63, 7.3.2008, p. 3).’;

⁽¹⁾ OJ L 62, 6.3.2008, p. 9.

⁽²⁾ OJ L 207, 10.8.1994, p. 20.

4. the text of point 9 (Commission Directive 94/39/EC) shall be deleted;
5. the following point shall be inserted after point 14b (Commission Decision 2004/217/EC):

'14c. **32008 L 0038**: Commission Directive 2008/38/EC of 5 March 2008 establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes (OJ L 62, 6.3.2008, p. 9).'

Article 2

The texts of Regulations (EC) No 156/2008, (EC) No 163/2008, as corrected by OJ L 92, 3.4.2008, p. 40, (EC) No 164/2008, (EC) No 165/2008, (EC) No 166/2008, (EC) No 167/2008 and (EC) No 209/2008 and Directive 2008/38/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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 3/2009

of 5 February 2009

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 96/2008 of 26 September 2008 ⁽¹⁾.
- (2) Commission Directive 2007/15/EC of 14 March 2007 amending, for the purposes of its adaptation to technical progress, Annex I to Council Directive 74/483/EEC relating to the external projections of motor vehicles ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 17 (Council Directive 74/483/EEC) of Chapter I of Annex II to the Agreement:

‘— **32007 L 0015:** Commission Directive 2007/15/EC of 14 March 2007 (OJ L 75, 15.3.2007, p. 21).’

Article 2

The text of Directive 2007/15/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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee
The President
Alan SEATTER

⁽¹⁾ OJ L 309, 20.11.2008, p. 15.

⁽²⁾ OJ L 75, 15.3.2007, p. 21.

^(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 4/2009

of 5 February 2009

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 98/2008 of 26 September 2008 ⁽¹⁾.
- (2) Commission Directive 2008/5/EC of 30 January 2008 concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Directive 2000/13/EC of the European Parliament and of the Council (Codified version) ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Decision 2007/802/EC of 4 December 2007 amending Decision 2002/840/EC as regards the list of approved facilities in third countries for the irradiation of foods ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Recommendation 2007/196/EC of 28 March 2007 on the monitoring of the presence of furan in foodstuffs ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Directive 2008/5/EC repeals Commission Directive 94/54/EC ⁽⁵⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (6) This Decision shall not apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

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

1. the text of point 54zc (Commission Directive 94/54/EC) shall be deleted;
2. the following indent shall be added in point 54zze (Commission Decision 2002/840/EC):

‘— **32007 D 0802:** Commission Decision 2007/802/EC of 4 December 2007 (OJ L 323, 8.12.2007, p. 40).’;

3. the following point shall be inserted after point 54zzzv (Commission Directive 2006/141/EC):

‘54zzzw. **32008 L 0005:** Commission Directive 2008/5/EC of 30 January 2008 concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Directive 2000/13/EC of the European Parliament and of the Council (Codified version) (OJ L 27, 31.1.2008, p. 12).’;

⁽¹⁾ OJ L 309, 20.11.2008, p. 19.

⁽²⁾ OJ L 27, 31.1.2008, p. 12.

⁽³⁾ OJ L 323, 8.12.2007, p. 40.

⁽⁴⁾ OJ L 88, 29.3.2007, p. 56.

⁽⁵⁾ OJ L 300, 23.11.1994, p. 14.

4. the following point shall be inserted after point 63 (Commission Recommendation 2007/331/EC):

'64. **32007 H 0196**: Commission Recommendation 2007/196/EC of 28 March 2007 on the monitoring of the presence of furan in foodstuffs (OJ L 88, 29.3.2007, p. 56).'

Article 2

The texts of Directive 2008/5/EC, Decision 2007/802/EC and Recommendation 2007/196/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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 5/2009

of 5 February 2009

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 98/2008 of 26 September 2008 ⁽¹⁾.
- (2) Commission Directive 2008/39/EC of 6 March 2008 amending Directive 2002/72/EC relating to plastic materials and articles intended to come into contact with food ⁽²⁾ 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 54zzb (Commission Directive 2002/72/EC) of Chapter XII of Annex II to the Agreement:

‘— **32008 L 0039**: Commission Directive 2008/39/EC of 6 March 2008 (OJ L 63, 7.3.2008, p. 6).’

Article 2

The text of Directive 2008/39/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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 309, 20.11.2008, p. 19.

⁽²⁾ OJ L 63, 7.3.2008, p. 6.

^(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 6/2009

of 5 February 2009

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 99/2008 of 26 September 2008 ⁽¹⁾.
- (2) Commission Regulation (EC) No 203/2008 of 4 March 2008 amending Annex 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 gamithromycin ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 542/2008 of 16 June 2008 amending Annexes I and II 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 cyfluthrin and lectin extracted from red kidney beans (*Phaseolus vulgaris*) ⁽³⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

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

— **32008 R 0203:** Commission Regulation (EC) No 203/2008 of 4 March 2008 (OJ L 60, 5.3.2008, p. 18),

— **32008 R 0542:** Commission Regulation (EC) No 542/2008 of 16 June 2008 (OJ L 157, 17.6.2008, p. 43).'

Article 2

The texts of Regulations (EC) No 203/2008 and No 542/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

⁽¹⁾ OJ L 309, 20.11.2008, p. 21.

⁽²⁾ OJ L 60, 5.3.2008, p. 18.

⁽³⁾ OJ L 157, 17.6.2008, p. 43.

Article 3

This Decision shall enter into force on 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 7/2009

of 5 February 2009

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 49/2008 of 25 April 2008 ⁽¹⁾.
- (2) Commission Directive 2007/67/EC of 22 November 2007 amending Council Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting Annex III thereto to technical progress ⁽²⁾ 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:

‘— **32007 L 0067**: Commission Directive 2007/67/EC of 22 November 2007 (OJ L 305, 23.11.2007, p. 22).’

Article 2

The text of Directive 2007/67/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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee
The President
Alan SEATTER

⁽¹⁾ OJ L 223, 21.8.2008, p. 45.

⁽²⁾ OJ L 305, 23.11.2007, p. 22.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE**No 8/2009****of 5 February 2009****amending Annex II (Technical regulations, standards, testing and certification) and 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 II to the Agreement was amended by Decision of the EEA Joint Committee No 112/2008 of 7 November 2008 ⁽¹⁾.
- (2) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 129/2008 of 5 December 2008 ⁽²⁾.
- (3) Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky ⁽³⁾, Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky ⁽⁴⁾, Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky ⁽⁵⁾, and Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network ⁽⁶⁾ were incorporated into the Agreement by Decision of the EEA Joint Committee No 67/2006 ⁽⁷⁾ of 2 June 2006, with country specific adaptations.
- (4) Commission Regulation (EC) No 482/2008 of 30 May 2008 establishing a software safety assurance system to be implemented by air navigation service providers and amending Annex II to Regulation (EC) No 2096/2005 ⁽⁸⁾ is to be incorporated into the Agreement.
- (5) 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 ⁽⁹⁾, which was incorporated into the Agreement by Decision of the EEA Joint Committee No 179/2004 ⁽¹⁰⁾ of 9 December 2004, repealed Directive 80/51/EEC ⁽¹¹⁾ and Annex II to Regulation (EEC) No 3922/91 ⁽¹²⁾, which are incorporated into the Agreement and which are consequently to be repealed under the Agreement,

⁽¹⁾ OJ L 339, 18.12.2008, p. 100.

⁽²⁾ OJ L 25, 29.1.2009, p. 36.

⁽³⁾ OJ L 96, 31.3.2004, p. 1.

⁽⁴⁾ OJ L 96, 31.3.2004, p. 10.

⁽⁵⁾ OJ L 96, 31.3.2004, p. 20.

⁽⁶⁾ OJ L 96, 31.3.2004, p. 26.

⁽⁷⁾ OJ L 245, 7.9.2006, p. 18.

⁽⁸⁾ OJ L 141, 31.5.2008, p. 5.

⁽⁹⁾ OJ L 240, 7.9.2002, p. 1.

⁽¹⁰⁾ OJ L 133, 26.5.2005, p. 37.

⁽¹¹⁾ OJ L 18, 24.1.1980, p. 26.

⁽¹²⁾ OJ L 373, 31.12.1991, p. 4.

HAS DECIDED AS FOLLOWS:

Article 1

The text of point 2 (Council Directive 80/51/EEC) of Chapter XVII of Annex II to the Agreement shall be deleted.

Article 2

Annex XIII to the Agreement shall be amended as follows:

1. the following indent shall be added in point 66a (Council Regulation (EEC) No 3922/91):

‘— **32002 R 1592**: Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 (OJ L 240, 7.9.2002, p. 1).’;

2. the following point shall be inserted after point 66we (Commission Regulation (EC) No 1265/2007):

‘66wf. **32008 R 0482**: Commission Regulation (EC) No 482/2008 of 30 May 2008 establishing a software safety assurance system to be implemented by air navigation service providers and amending Annex II to Regulation (EC) No 2096/2005 (OJ L 141, 31.5.2008, p. 5).’;

3. the following indent shall be added in point 66x (Commission Regulation (EC) No 2096/2005):

‘— **32008 R 0482**: Commission Regulation (EC) No 482/2008 of 30 May 2008 (OJ L 141, 31.5.2008, p. 5).’

Article 3

The text of Regulation (EC) No 482/2008 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 6 February 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 5

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 9/2009
of 5 February 2009
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 113/2008 of 7 November 2008 ⁽¹⁾.
- (2) Regulation (EC) No 592/2008 of the European Parliament and of the Council of 17 June 2008 amending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 1 (Council Regulation (EEC) No 1408/71) of Annex VI to the Agreement:

‘— **32008 R 0592**: Regulation (EC) No 592/2008 of the European Parliament and of the Council of 17 June 2008 (OJ L 177, 4.7.2008, p. 1).’

Article 2

The text of Regulation (EC) No 592/2008 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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee
The President
Alan SEATTER

⁽¹⁾ OJ L 339, 18.12.2008, p. 102.

⁽²⁾ OJ L 177, 4.7.2008, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 10/2009

of 5 February 2009

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 113/2008 of 7 November 2008 ⁽¹⁾.
- (2) Decision of the Administrative Commission of the European Communities on Social Security for Migrant Workers No 208 of 11 March 2008 concerning the establishment of a common framework for the collection of data on the settlement of pension claims ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 3.82 (Decision No 207) of Annex VI to the Agreement:

'3.83. **32008 D 0683:** Decision of the Administrative Commission of the European Communities on Social Security for Migrant Workers No 208 of 11 March 2008 concerning the establishment of a common framework for the collection of data on the settlement of pension claims (OJ L 223, 21.8.2008, p. 25).'

Article 2

The text of Decision No 208 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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 339, 18.12.2008, p. 102.

⁽²⁾ OJ L 223, 21.8.2008, p. 25.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 11/2009
of 5 February 2009
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 129/2008 of 5 December 2008 ⁽¹⁾.
- (2) Commission Decision 2008/386/EC of 23 April 2008 modifying Annex A to Decision 2006/679/EC concerning the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European conventional rail system and Annex A to Decision 2006/860/EC concerning the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European high-speed rail system ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in points 37i (Commission Decision 2006/679/EC) and 37j (Commission Decision 2006/860/EC) of Annex XIII to the Agreement:

‘— **32008 D 0386**: Commission Decision 2008/386/EC of 23 April 2008 (OJ L 136, 24.5.2008, p. 11).’

Article 2

The text of Decision 2008/386/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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee
The President
Alan SEATTER

⁽¹⁾ OJ L 25, 29.1.2009, p. 36.

⁽²⁾ OJ L 136, 24.5.2008, p. 11.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 12/2009
of 5 February 2009
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 129/2008 of 5 December 2008 ⁽¹⁾.
- (2) Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 42f (Regulation (EC) No 881/2004 of the European Parliament and of the Council) of Annex XIII to the Agreement:

'42g. **32007 L 0059**: Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ L 315, 3.12.2007, p. 51).

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

(a) Article 22(6) shall not apply.

(b) The text of point 2(c) of Annex I shall be replaced by the following:

"the distinguishing sign of the EFTA States issuing the licence, printed in black encircled by a black ellipse. The distinguishing signs shall be as follows:

IS: Iceland

FL: Liechtenstein

N: Norway"

(c) In point 2(e) of Annex I the words "European Communities model" shall be replaced by "EEA model".

⁽¹⁾ OJ L 25, 29.1.2009, p. 36.

⁽²⁾ OJ L 315, 3.12.2007, p. 51.

Article 2

The text of Directive 2007/59/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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 13/2009
of 5 February 2009
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 129/2008 of 5 December 2008 ⁽¹⁾.
- (2) Commission Directive 2008/87/EC of 22 September 2008 amending Directive 2006/87/EC of the European Parliament and of the Council laying down technical requirements for inland waterway vessels ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 47a (Directive 2006/87/EC of the European Parliament and of the Council) of Annex XIII to the Agreement:

‘— **32008 L 0087**: Commission Directive 2008/87/EC of 22 September 2008 (OJ L 255, 23.9.2008, p. 5).’

Article 2

The text of Directive 2008/87/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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 25, 29.1.2009, p. 36.

⁽²⁾ OJ L 255, 23.9.2008, p. 5.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 14/2009
of 5 February 2009
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 129/2008 of 5 December 2008 ⁽¹⁾.
- (2) Directive 2004/36/EC of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports ⁽²⁾ was incorporated into the Agreement by Decision of the EEA Joint Committee No 152/2005 ⁽³⁾ of 2 December 2005, with country specific adaptations.
- (3) Commission Directive 2008/49/EC of 16 April 2008 amending Annex II to Directive 2004/36/EC of the European Parliament and of the Council regarding the criteria for the conduct of ramp inspections on aircraft using Community airports ⁽⁴⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 351/2008 of 16 April 2008 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the prioritisation of ramp inspections on aircraft using Community airports ⁽⁵⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as follows:

1. the following indent shall be added in point 66r (Directive 2004/36/EC of the European Parliament and of the Council):

‘— **32008 L 0049**: Commission Directive 2008/49/EC of 16 April 2008 (OJ L 109, 19.4.2008, p. 17).’;

2. the following point shall be inserted after point 66ra (Commission Regulation (EC) No 768/2006):

‘66rb. **32008 R 0351**: Commission Regulation (EC) No 351/2008 of 16 April 2008 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the prioritisation of ramp inspections on aircraft using Community airports (OJ L 109, 19.4.2008, p. 7).’

⁽¹⁾ OJ L 25, 29.1.2009, p. 36.

⁽²⁾ OJ L 143, 30.4.2004, p. 76.

⁽³⁾ OJ L 53, 23.2.2006, p. 53.

⁽⁴⁾ OJ L 109, 19.4.2008, p. 17.

⁽⁵⁾ OJ L 109, 19.4.2008, p. 7.

Article 2

The texts of Directive 2008/49/EC and Regulation (EC) No 351/2008 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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 15/2009
of 5 February 2009
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 129/2008 of 5 December 2008 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1131/2008 of 14 November 2008 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 66zab (Commission Regulation (EC) No 474/2006) of Annex XIII to the Agreement:

‘— **32008 R 1131**: Commission Regulation (EC) No 1131/2008 of 14 November 2008 (OJ L 306, 15.11.2008, p. 47).’

Article 2

The text of Regulation (EC) No 1131/2008 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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee
The President
Alan SEATTER

⁽¹⁾ OJ L 25, 29.1.2009, p. 36.

⁽²⁾ OJ L 306, 15.11.2008, p. 47.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 16/2009

of 5 February 2009

amending Annex XIX (Consumer protection) 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 XIX to the Agreement was amended by Decision of the EEA Joint Committee No 114/2008 of 7 November 2008 ⁽¹⁾.
- (2) Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2008/48/EC repeals, with effect from 12 May 2010, Council Directive 87/102/EEC ⁽³⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement with effect from 12 May 2010,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIX to the Agreement shall be amended as follows:

1. the following point shall be inserted after point 7g (Directive 2005/29/EC of the European Parliament and of the Council):

 '7h. **32008 L 0048:** Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ L 133, 22.5.2008, p. 66).';
2. the text of point 4 (Council Directive 87/102/EEC) shall be deleted with effect from 12 May 2010.

Article 2

The text of Directive 2008/48/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 6 February 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

⁽¹⁾ OJ L 339, 18.12.2008, p. 103.

⁽²⁾ OJ L 133, 22.5.2008, p. 66.

⁽³⁾ OJ L 42, 12.2.1987, p. 48.

(*) 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, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

DECISION OF THE EEA JOINT COMMITTEE

No 17/2009

of 5 February 2009

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 122/2008 of 7 November 2008 ⁽¹⁾.
- (2) Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2004/35/EC shall be read in accordance with the scope of the Agreement, taking particular account of the fact that nature conservation is outside the scope of the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 1h (Regulation (EC) No 166/2006 of the European Parliament and of the Council) of Annex XX to the Agreement:

- '1i. **32004 L 0035:** Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56).

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

- (a) Without prejudice to future development by the EEA Joint Committee, it should be noted that the following Community acts are not incorporated into the EEA Agreement:
 - (i) Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (The Birds Directive);
 - (ii) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (The Habitats Directive).

Therefore all references to these acts shall not apply to the EFTA States.

⁽¹⁾ OJ L 339, 18.12.2008, p. 114.

⁽²⁾ OJ L 143, 30.4.2004, p. 56.

(b) Article 2(3) shall not apply to the EFTA States.

(c) With respect to the EFTA States, “protected species and natural habitats” shall mean:

Where an EFTA State so determines, any habitat or species or types of habitats or species which the EFTA State designates for equivalent purposes as those laid down in the two Directives referred to in Article 2(3).’

Article 2

The text of Directive 2004/35/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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 18/2009

of 5 February 2009

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 122/2008 of 7 November 2008 ⁽¹⁾.
- (2) Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC ⁽²⁾ is to be incorporated into 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 32fd (Commission Decision 2006/329/EC):

'32fe. **32006 L 0021**: Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC (OJ L 102, 11.4.2006, p. 15).';

2. the following shall be added in point 1i (Directive 2004/35/EC of the European Parliament and of the Council):

', as amended by:

— **32006 L 0021**: Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 (OJ L 102, 11.4.2006, p. 15).'

Article 2

The text of Directive 2006/21/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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 339, 18.12.2008, p. 114.

⁽²⁾ OJ L 102, 11.4.2006, p. 15.

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 19/2009
of 5 February 2009
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 Decision of the EEA Joint Committee No 59/2008 of 25 April 2008 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1004/2008 of 15 October 2008 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 as regards International Accounting Standard (IAS) 39 and International Financial Reporting Standard (IFRS) 7 ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 10ba (Commission Regulation (EC) No 1725/2003) of Annex XXII to the Agreement:

‘— **32008 R 1004**: Commission Regulation (EC) No 1004/2008 of 15 October 2008 (OJ L 275, 16.10.2008, p. 37).’

Article 2

The text of Regulation (EC) No 1004/2008 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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee

The President

Alan SEATTER

⁽¹⁾ OJ L 223, 21.8.2008, p. 60.

⁽²⁾ OJ L 275, 16.10.2008, p. 37.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 20/2009

of 5 February 2009

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 Decision of the EEA Joint Committee No 59/2008 of 25 April 2008 ⁽¹⁾.
- (2) Commission Decision 2008/627/EC of 29 July 2008 concerning a transitional period for audit activities of certain third country auditors and audit entities ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 10f (Directive 2006/43/EC of the European Parliament and of the Council) of Annex XXII to the Agreement:

'10fa. **32008 D 0627**: Commission Decision 2008/627/EC of 29 July 2008 concerning a transitional period for audit activities of certain third country auditors and audit entities (OJ L 202, 31.7.2008, p. 70).'

Article 2

The text of Decision 2008/627/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 6 February 2009, 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, 5 February 2009.

For the EEA Joint Committee
The President
Alan SEATTER

⁽¹⁾ OJ L 223, 21.8.2008, p. 60.

⁽²⁾ OJ L 202, 31.7.2008, p. 70.

(*) Constitutional requirements indicated.

Joint Declaration by the Contracting Parties to Decision No 20/2009 incorporating Commission Decision 2008/627/EC into the Agreement

‘Commission Decision 2008/627/EC of 29 July 2008 concerning a transitional period for audit activities of certain third country auditors and audit entities deals in several articles with preliminary equivalence decisions for third countries. The incorporation of this Decision is without prejudice to the scope of the EEA Agreement.’
