

DECISION OF THE EEA JOINT COMMITTEE
No 5/2024

of 2 February 2024

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

Whereas:

- (1) Commission Implementing Regulation (EU) 2021/384 of 3 March 2021 on the suitability of the denominations of varieties of agricultural plant species and vegetable species and repealing Regulation (EC) No 637/2009¹ is to be incorporated into the EEA Agreement.
- (2) Implementing Regulation (EU) 2021/384 repeals Commission Regulation (EC) No 637/2009², which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.
- (3) This Decision concerns legislation regarding phytosanitary matters. Legislation regarding phytosanitary matters shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein, as specified in the sectoral adaptations to Annex I to the EEA Agreement. This Decision is therefore not to apply to Liechtenstein.
- (4) Annex I to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The text of point 18 (Commission Regulation (EC) No 637/2009) in Part 2 of Chapter III of Annex I to the EEA Agreement is replaced by the following:

‘32021 R 0384: Commission Implementing Regulation (EU) 2021/384 of 3 March 2021 on the suitability of the denominations of varieties of agricultural plant species and vegetable species and repealing Regulation (EC) No 637/2009 (OJ L 74, 4.3.2021, p. 27).

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

- (a) In point (a) of Article 2(2), the words “, or the use of a variety denomination in the territory of the EFTA States is precluded according to national law of the EFTA State

¹ OJ L 74, 4.3.2021, p. 27.

² OJ L 191, 23.7.2009, p. 10.

in question on prior rights of a third party” shall be inserted after the words “Article 3(1)”.

- (b) The following subparagraph shall be added after point (d) in Article 3(2):
- “As for the EFTA States, the same shall apply as regards the provisions listed in points (b)-(d). As regards the provisions listed in point (a), a variety denomination in the territory of the EFTA States shall be precluded where the variety denomination would breach the corresponding national provisions of the EFTA States concerning geographical indications, designations of origin or traditional specialities guaranteed for agricultural products and foodstuffs.”.
- (c) In Article 3(3), as regards the EFTA States:
- (i) The words “in the Union” shall be inserted after the words “paragraph 1 shall”;
- (ii) The words “As for the EFTA States, a variety denomination may be precluded due to a prior right of a third party according to the national law of the EFTA States.” shall be inserted after the words “true origin of the product.”.
- (d) In Article 3(4), the words “This does not apply to the EFTA States.” shall be inserted after the words “*mutatis mutandis*.”.

Article 2

The text of Implementing Regulation (EU) 2021/384 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 3 February 2024, provided that all the notifications under Article 103(1) of the EEA Agreement have been made*.

Article 4

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

Done at Brussels, 2 February 2024.

*For the EEA Joint Committee
The President*

Nicolas von Lingen

*The Secretaries
To the EEA Joint Committee*

* No constitutional requirements indicated.

Not yet published