

EN

DECISION OF THE EEA JOINT COMMITTEE
No 10/2003

of 31 January 2003

**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 7/94 of 21 March 1994 ¹.
- (2) Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products² is to be incorporated into the Agreement.
- (3) Directive 2001/37/EC repeals Directives 89/622/EEC³ and 90/239/EEC⁴, which are incorporated into the Agreement and which are consequently to be deleted from the Agreement.
- (4) Norway shall maintain its adaptation to Directive 89/622/EEC,

HAS DECIDED AS FOLLOWS:

Article 1

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

¹ OJ L 160, 28.6.1994, p. 1.

² OJ L 194, 18.7.2001, p. 26.

³ OJ L 359, 8.12.1989, p. 1.

⁴ OJ L 137, 30.5.1990, p. 36.

1. The following point shall be inserted after point 2 (Council Directive 90/239/EEC):
- ‘3. **32001 L 0037**: Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ L 194, 18.7.2001, p. 26).

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

- (a) The prohibition in Article 8 shall not apply to the placing on the market in Norway of the product defined in Article 2(4). However, this derogation shall not apply to the prohibition of sales of "snus" in forms resembling food products. Furthermore, Norway shall apply an export ban on the product defined in Article 2(4) to all Contracting Parties to the present Agreement, with the exception of Sweden.’
2. The text of points 1 (Council Directive 89/622/EEC) and 2 (Council Directive 90/239/EEC) shall be deleted.

Article 2

The texts of Directive 2001/37/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 1 February 2003, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee* .

* 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, 31 January 2003.

*For the EEA Joint Committee
The President*

P. Westerlund

*The Secretaries
to the EEA Joint Committee*

P.K. Mannes

M. Brinkmann