

DECISION OF THE EEA JOINT COMMITTEE**No 71/2004****of 8 June 2004****amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 102/2002 of 12 July 2002 ⁽¹⁾.
- (2) Council Regulation (EC) No 2679/98 of 7 December 1998 on the functioning of the internal market in relation to the free movement of goods among the Member States ⁽²⁾ is to be incorporated into the Agreement.
- (3) The resolution of the Council and of the representatives of the governments of the Member States, meeting within the Council of 7 December 1998 on the free movement of goods ⁽³⁾, is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

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

1. The following heading and point shall be inserted after the heading '**XX. FREE MOVEMENT OF GOODS — GENERAL**':

'ACTS REFERRED TO

1. **398 R 2679**: Council Regulation (EC) No 2679/98 of 7 December 1998 on the functioning of the internal market in relation to the free movement of goods among the Member States (OJ L 337, 12.12.1998, p. 8).'
2. Points 1, 2, 3 and 4 shall become points 2, 3, 4 and 5 respectively.
3. The following point shall be inserted after point 5 (Commission Recommendation 2001/893/EC):
 - '6. **498 X 1212(01)**: Resolution of the Council and the representatives of the governments of the Member States, meeting within the Council of 7 December 1998 on the free movement of goods (OJ L 337, 12.12.1998, p. 10).'

⁽¹⁾ OJ L 298, 31.10.2002, p. 17.

⁽²⁾ OJ L 337, 12.12.1998, p. 8.

⁽³⁾ OJ L 337, 12.12.1998, p. 10.

Article 2

The texts of Regulation (EC) No 2679/98 and the Resolution of the Council and of the representatives of the governments of the Member States, meeting within the Council of 7 December 1998 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 9 June 2004, provided that all the notifications pursuant to Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 8 June 2004.

For the EEA Joint Committee

The President

S. GILLESPIE

(*) Constitutional requirements indicated.

ANNEX

DECLARATION BY THE EFTA STATES**concerning the Resolution of the Council and of the representatives of the governments of the Member States, meeting within the Council of 7 December 1998 on the free movement of goods**

(inserting a new point 6 in Chapter XX (free movement of goods — general) of Annex ii to the EEA Agreement)

The EFTA States undertake to do all within their powers to take on the same obligations as EU Member States in implementing the Resolution of the Council and the representatives of the governments of the Member States, meeting within the Council of 7 December 1998 on the free movement of goods.

JOINT DECLARATION**concerning the incorporation of Council Regulation (EC) No 2679/98 of 7 December 1998 on the functioning of the internal market in relation to the free movement of goods among the Member States into the Agreement**

(inserting a new point 1 in Chapter XX (free movement of goods — general) of Annex ii to the EEA Agreement)

The Contracting Parties agree that concerns addressed by Council Regulation (EC) No 2679/98 are important in relation to the completion of the internal market.

The Parties therefore wish to apply Regulation (EC) No 2679/98 as incorporated into the EEA Agreement.

This is without prejudice to the understanding that justice and home affairs as such fall outside the scope of the EEA Agreement.
