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EEA Enlargement - Supplementary Package II

DECISION OF THE EEA JOINT COMMITTEE
No 107/2005

of 8 July 2005

amending certain Annexes and Protocol 31 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) Article 128 of the Agreement stipulates that any European State becoming a member of the Community shall apply to become a Party to the Agreement, and that the terms and conditions for such participation shall be subject to an agreement between the Contracting Parties and the applicant State.
- (2) Following successful conclusion of the Community enlargement negotiations, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (“New Contracting Parties”) submitted applications to become parties to the Agreement.
- (3) The Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area (“EEA Enlargement Agreement”) was signed on 14 October 2003 in Luxemburg.
- (4) Pursuant to Article 1(2) of the EEA Enlargement Agreement, the provisions of the Agreement, as amended by the Decisions of the EEA Joint Committee adopted before 1 November 2002, shall, as from the entry into force of the EEA Enlargement Agreement, be binding on the New Contracting Parties under the same conditions as on the present Contracting Parties and under the terms and conditions laid down in the EEA Enlargement Agreement.
- (5) Since 1 November 2002, the Community institutions have granted temporary derogations from acts of the Community institutions adopted between 1 November 2002 and the date of signature of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16

April 2003 (“Act of Accession of 16 April 2003”) or adapted acts of the Community institutions by reason of accession.

- (6) In order to guarantee the homogeneity of the Agreement and the legal security for individuals and economic operators, it needs to be made clear that these derogations and adaptations are incorporated into the Agreement.
- (7) To this end, the Protocols and Annexes to the Agreement need to be amended.
- (8) As the Agreement extends the internal market to the EFTA States, it is necessary for the good functioning of the internal market that this decision will apply as of the simultaneous entry into force of the EU Accession Treaty and the EEA Enlargement Agreement.
- (9) As the EEA Enlargement Agreement has not yet entered into force, but is applicable on a provisional basis, this Decision will, pending the entry into force of the EEA Enlargement Agreement, apply provisionally as well,

HAS DECIDED AS FOLLOWS:

Article 1

Transitional arrangements for acts incorporated into the Agreement that have been granted on the basis of Article 55 of the Act of Accession of 16 April 2003 are to be incorporated into and made part of the Agreement.

To this end, the Annexes and Protocols to the Agreement shall be amended as set out in Annex A to this Decision.

Article 2

Adaptations to acts incorporated into the Agreement that have been made by the Community institutions on the basis of Article 57 of the Act of Accession of 16 April 2003 are to be incorporated into and made part of the Agreement.

To this end, the Annexes and Protocols to the Agreement shall be amended as set out in Annex B to this Decision.

Article 3

The texts of the Community acts listed in Annexes A and B 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 45

This Decision shall enter into force on the day following the last notification to the EEA Joint Committee under Article 103(1) of the Agreement *.

This Decision shall apply as from the date of entry into force of the EEA Enlargement Agreement. Pending the entry into force of the EEA Enlargement Agreement, it shall apply provisionally from the date of provisional application of the EEA Enlargement Agreement.

Article 56

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 July 2005.

*For the EEA Joint Committee
The President*

H. S. H. Prinz Nikolaus von Liechtenstein

*The Secretaries
to the EEA Joint Committee*

Ø. Hovdinn M. Brinkmann

* No constitutional requirements indicated.

ANNEX A

to Decision of the EEA Joint Committee No 107/2005

The following shall be inserted before the adaptation text in point 32fa (Directive 2002/96/EC of the European Parliament and of the Council) of Annex XX to the Agreement:

‘The transitional arrangements set out in the following acts shall apply:

- **32004 D 0486:** Council Decision 2004/486/EC of 26 April 2004 granting Cyprus, Malta and Poland certain temporary derogations from Directive 2002/96/EC on waste electrical and electronic equipment (OJ L 162, 30.4.2004, p. 114),
- **32004 D 0312:** Council Decision 2004/312/EC of 30 March 2004 granting the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia certain temporary derogations from Directive 2002/96/EC on waste electrical and electronic equipment (OJ L 100, 6.4.2004, p. 33).’

ANNEX B

to Decision of the EEA Joint Committee No 107/2005

1. The following shall be added in point 10a (Council Regulation (EC) No 2157/2001) of Annex XXII and in the first indent (Council Decision 1999/382/EC) of Article 4(2c) of Protocol 31 to the Agreement:

‘, as amended by:

- **32004 R 0885:** Council Regulation (EC) No 885/2004 of 26 April 2004 (OJ L 168, 1.5.2004, p. 1).’

2. The following indent shall be added in point 1 (Regulation (EC) No 2003/2003 of the European Parliament and of the Council) of Chapter XIV of Annex II, in the third indent (Decision No 253/2000/EC of the European Parliament and of the Council) of Article 4(2c), in the fourth indent (Decision No 1031/2000/EC of the European Parliament and of the Council) of Article 4(2c), in the first indent (Decision No 291/2003/EC of the European Parliament and of the Council) of Article 4(2g), in the fourth indent (Decision No 163/2001/EC of the European Parliament and of the Council) of Article 9(4), in the fifth indent (Council Decision 2000/821/EC) of Article 9(4), in the fourth indent (Decision No 508/2000/EC of the European Parliament and of the Council) of Article 13(4), in the second indent (Decision No 1719/1999/EC of the European Parliament and of the Council) of Article 17(4) and in the third indent (Decision No 1720/1999/EC of the European Parliament and of the Council) of Article 17(4) of Protocol 31 to the Agreement:

- ‘- **32004 R 0885:** Council Regulation (EC) No 885/2004 of 26 April 2004 (OJ L 168, 1.5.2004, p. 1).’

3. The following shall be added in point 12l (Commission Decision 2000/657/EC) of Chapter XV of Annex II and in point 15b (Commission Regulation (EC) No 358/2003) of Annex XIV to the Agreement:

‘, as amended by:

- **32004 R 0886:** Commission Regulation (EC) No 886/2004 of 4 March 2004 (OJ L 168, 1.5.2004, p. 14).’

4. The following shall be added in point 28 (Directive 2003/37/EC of the European Parliament and of the Council) of Chapter II of Annex II to the Agreement, in the sub-indent (Directive 2002/83/EC of the European Parliament and of the Council) to the eighth indent in point 2 (Council Directive 73/239/EEC), in the sub-indent (Directive 2002/83/EC of the European Parliament and of the Council) to the first and second indents in point 7a (Council Directive 92/49/EEC), in the sub-indent (Directive 2002/83/EC of the European Parliament and of the Council) to the second and third indents in point 30 (Council Directive 85/611/EEC), and in the sub-indent (Directive 2002/83/EC of the European Parliament and of the Council) to the first and second indents in point 30b (Council Directive 93/22/EEC) of Annex IX :

‘, as amended by:

- **32004 L 0066:** Council Directive 2004/66/EC of 26 April 2004 (OJ L 168, 1.5.2004, p. 35).'

5. The following indent shall be added in point 12a (Council Directive 91/414/EEC) of Chapter XV of Annex II, in point 12r (Directive 1999/45/EC of the European Parliament and of the Council) of Chapter XV of Annex II, in point 11 (Directive 2002/83/EC of the European Parliament and of the Council) of Annex IX and in point 19 (Council Directive 96/26/EC) of Annex XIII to the Agreement:

- ‘- **32004 L 0066:** Council Directive 2004/66/EC of 26 April 2004 (OJ L 168, 1.5.2004, p. 35).'