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DECISION OF THE EEA JOINT COMMITTEE
No 107/2007

of 28 September 2007

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 83/2007 of 6 July 2007¹.
- (2) Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC², as corrected by OJ L 229, 29.6.2004, p. 5, is to be incorporated into the Agreement.
- (3) Directive 2005/69/EC of the European Parliament and of the Council of 16 November 2005 amending for the 27th time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (polycyclic aromatic hydrocarbons in extender oils and tyres)³ is to be incorporated into the Agreement.
- (4) Directive 2005/84/EC of the European Parliament and of the Council of 14 December 2005 amending for the 22nd time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (phthalates in toys and childcare articles)⁴, as corrected by OJ L 33, 4.2.2006, p. 88, is to be incorporated into the Agreement.
- (5) Commission Directive 2006/8/EC of 23 January 2006 amending, for the purposes of their adaptation to technical progress, Annexes II, III and V to Directive 1999/45/EC of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the

¹ OJ L 328, 13.12.2007, p. 25

² OJ L 158, 30.4.2004, p. 7.

³ OJ L 323, 9.12.2005, p. 51.

⁴ OJ L 344, 27.12.2005, p. 40.

classification, packaging and labelling of dangerous preparations⁵, as corrected by OJ L 43, 15.2.2007, p. 42, is to be incorporated into the Agreement.

- (6) Council Regulation (EC) No 1195/2006 of 18 July 2006 amending Annex IV to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants⁶ is to be incorporated into the Agreement.
- (7) Council Regulation (EC) No 172/2007 of 16 February 2007 amending Annex V to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants⁷ is to be incorporated into the Agreement.
- (8) Commission Regulation (EC) No 323/2007 of 26 March 2007 amending Annex V to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC⁸ is to be incorporated into the Agreement.
- (9) Regulation No (EC) 304/2003 of the European Parliament and of the Council⁹ repealed Council Regulation (EEC) No 2455/92¹⁰, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Chapter XV of Annex II to the Agreement shall be amended as follow:

1. The following indents shall be added in point 4 (Council Directive 76/769/EEC):
 - ‘ - **32005 L 0069**: Directive 2005/69/EC of the European Parliament and of the Council of 16 November 2005 (OJ L 323, 9.12.2005, p. 51),
 - **32005 L 0084**: Directive 2005/84/EC of the European Parliament and of the Council of 14 December 2005 (OJ L 344, 27.12.2005, p. 40), as corrected by OJ L 33, 4.2.2006, p. 88.’
2. The following indent shall be added in point 6 (Council Directive 79/117/EEC):
 - ‘ - **32004 R 0850**: Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 (OJ L 158, 30.4.2004, p. 7), as corrected by OJ L 229, 29.6.2004, p. 5.’
3. The following indent shall be added in point 12r (Directive 1999/45/EC of the European Parliament and of the Council):

⁵ OJ L 19, 24.1.2006, p. 12.

⁶ OJ L 217, 8.8.2006, p. 1.

⁷ OJ L 55, 23.2.2007, p. 1.

⁸ OJ L 85, 27.3.2007, p. 3.

⁹ OJ L 63, 6.3.2003, p. 1.

¹⁰ OJ L 251, 29.8.1992, p. 13.

‘- **32006 L 0008**: Commission Directive 2006/8/EC of 23 January 2006 (OJ L 19, 24.1.2006, p. 12) , as corrected by OJ L 43, 15.2.2007, p. 42.’

4. The following point shall be inserted after point 12v (Commission Regulation (EC) No 565/2006):

‘12w.**32004 R 0850**: Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7), as corrected by OJ L 229, 29.6.2004, p. 5, as amended by:

- **32006 R 1195**: Council Regulation (EC) No 1195/2006 of 18 July 2006 (OJ L 217, 8.8.2006, p. 1),
- **32007 R 0172**: Council Regulation (EC) No 172/2007 of 16 February 2007 (OJ L 55, 23.2.2007, p. 1),
- **32007 R 0323**: Commission Regulation (EC) No 323/2007 of 26 March 2007 (OJ L 85, 27.3.2007, p. 3).

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

Notwithstanding the provisions of Protocol 1 to the Agreement, the term ‘customs territory of the Community’ contained in Article 2 shall be understood to include the territory of the EFTA States.’

5. The text of point 12c (Council Regulation (EEC) No 2455/92) shall be deleted.

Article 2

The texts of Regulations (EC) Nos 850/2004, as corrected by OJ L 229, 29.6.2004, p. 5, 1195/2006, 172/2007, 323/2007 and Directives 2005/69/EC, 2005/84/EC, as corrected by OJ L 33, 4.2.2006, p. 88, and 2006/8/EC, as corrected by OJ L 43, 15.2.2007, p. 42, 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 29 September 2007, 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*.

* No constitutional requirements indicated.

Done at Brussels, 28 September 2007.

*For the EEA Joint Committee
The President*

Stefán Haukur Jóhannesson

*The Secretaries
to the EEA Joint Committee*

Bergdis Ellertsdóttir Matthias Brinkmann