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DECISION OF THE EEA JOINT COMMITTEE
No 2/2009

of 5 February 2009

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, 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 I to the Agreement was amended by Decision of the EEA Joint Committee No 43/2008 of 25 April 2008 ¹.
- (2) Commission Regulation (EC) No 156/2008 of 21 February 2008 amending Regulation (EC) No 109/2007 as regards the minimum content of the feed additive monensin sodium (Coxidin)² is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 163/2008 of 22 February 2008 concerning an authorisation of the preparation Lanthanum carbonate octahydrate (Lantharenol) as a feed additive³, as corrected by OJ L 92, 3.4.2008, p. 40, is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 164/2008 of 22 February 2008 amending Regulation (EC) No 1444/2006 as regards the minimum content of the feed additive *Bacillus subtilis* C-3102 (Calsporin)⁴ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 165/2008 of 22 February 2008 concerning the authorisation of a new use of 3-phytase (Natuphos) as a feed additive⁵ is to be incorporated into the Agreement.
- (6) Commission Regulation (EC) No 166/2008 of 22 February 2008 concerning the authorisation of a new use of the preparation of *Bacillus cereus* var. *toyoi* (Toyocerin) as a feed additive⁶ is to be incorporated into the Agreement.

¹ OJ L 223, 21.8.2008, p. 36.

² OJ L 48, 22.2.2008, p. 14.

³ OJ L 50, 23.2.2008, p. 3.

⁴ OJ L 50, 23.2.2008, p. 6.

⁵ OJ L 50, 23.2.2008, p. 8.

⁶ OJ L 50, 23.2.2008, p. 11.

- (7) Commission Regulation (EC) No 167/2008 of 22 February 2008 concerning a new authorisation for ten years of a coccidiostat as an additive in feedingstuffs⁷ is to be incorporated into the Agreement.
- (8) Commission Regulation (EC) No 209/2008 of 6 March 2008 concerning the authorisation of a new use of *Saccharomyces cerevisiae* (Biosaf Sc 47) as a feed additive⁸ is to be incorporated into the Agreement.
- (9) Commission Directive 2008/38/EC of 5 March 2008 establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes (Codified version)⁹ is to be incorporated into the Agreement.
- (10) Directive 2008/38/EC repeals, with effect from 31 July 2008, Commission Directive 94/39/EC¹⁰ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (11) This Decision is not to apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

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

1. The following shall be added in point 1zzz (Commission Regulation (EC) No 1444/2006):

‘, as amended by:

- **32008 R 0164:** Commission Regulation (EC) No 164/2008 of 22 February 2008 (OJ L 50, 23.2.2008, p. 6).’
2. The following shall be added in point 1zzzg (Commission Regulation (EC) No 109/2007):

‘, as amended by:

- **32008 R 0156:** Commission Regulation (EC) No 156/2008 of 21 February 2008 (OJ L 48, 22.2.2008, p. 14).’
3. The following points shall be inserted after point 1zzzzi (Commission Regulation (EC) No 1521/2007):

‘1zzzzj.**32008 R 0163:** Commission Regulation (EC) No 163/2008 of 22 February 2008 concerning an authorisation of the preparation Lanthanum carbonate

⁷ OJ L 50, 23.2.2008, p. 14.

⁸ OJ L 63, 7.3.2008, p. 3.

⁹ OJ L 62, 6.3.2008, p. 9.

¹⁰ OJ L 207, 10.8.1994, p. 20.

octahydrate (Lantharenol) as a feed additive (OJ L 50, 23.2.2008, p. 3), as corrected by OJ L 92, 3.4.2008, p. 40.

1zzzzk.**32008 R 0165**: Commission Regulation (EC) No 165/2008 of 22 February 2008 concerning the authorisation of a new use of 3-phytase (Natuphos) as a feed additive (OJ L 50, 23.2.2008, p. 8).

1zzzzl.**32008 R 0166**: Commission Regulation (EC) No 166/2008 of 22 February 2008 concerning the authorisation of a new use of the preparation of *Bacillus cereus* var. *toyoi* (Toyocerin) as a feed additive (OJ L 50, 23.2.2008, p. 11).

1zzzzm.**32008 R 0167**: Commission Regulation (EC) No 167/2008 of 22 February 2008 concerning a new authorisation for ten years of a coccidiostat as an additive in feedingstuffs (OJ L 50, 23.2.2008, p. 14).

1zzzzn.**32008 R 0209**: Commission Regulation (EC) No 209/2008 of 6 March 2008 concerning the authorisation of a new use of *Saccharomyces cerevisiae* (Biosaf Sc 47) as a feed additive (OJ L 63, 7.3.2008, p. 3).’

4. The text of point 9 (Commission Directive 94/39/EC) shall be deleted.
5. The following point shall be inserted after point 14b (Commission Decision 2004/217/EC):

‘14c. **32008 L 0038**: Commission Directive 2008/38/EC of 5 March 2008 establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes (OJ L 62, 6.3.2008, p. 9).’

Article 2

The texts of Regulations (EC) Nos 156/2008, 163/2008, as corrected by OJ L 92, 3.4.2008, p. 40, 164/2008, 165/2008, 166/2008, 167/2008 and 209/2008 and Directive 2008/38/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 6 February 2009, 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, 5 February 2009.

*For the EEA Joint Committee
The President*

Alan Seatter

*The Secretaries
to the EEA Joint Committee*

Bergdis Ellertsdóttir Matthias Brinkmann