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**DECISION OF THE EEA JOINT COMMITTEE**  
**No 58/2009**

**of 29 May 2009**

**amending Annex I (Veterinary and phytosanitary matters) and 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 I to the Agreement was amended by Decision of the EEA Joint Committee No 42/2009 of 24 April 2009<sup>1</sup>.
- (2) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 27/2009 of 17 March 2009<sup>2</sup>.
- (3) Commission Regulation (EC) No 149/2008 of 29 January 2008 amending Regulation (EC) No 396/2005 of the European Parliament and of the Council by establishing Annexes II, III and IV setting maximum residue levels for products covered by Annex I thereto<sup>3</sup> is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 260/2008 of 18 March 2008 amending Regulation (EC) No 396/2005 of the European Parliament and of the Council by establishing Annex VII listing active substance/product combinations covered by a derogation as regards post harvest treatments with a fumigant<sup>4</sup> is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 839/2008 of 31 July 2008 amending Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards Annexes II, III and IV on maximum residue levels of pesticides in or on certain products<sup>5</sup> is to be incorporated into the Agreement.
- (6) Regulation (EC) No 396/2005<sup>6</sup> of the European Parliament and of the Council, which is already incorporated into the Agreement, repeals Council Directives 76/895/EEC<sup>7</sup>,

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<sup>1</sup> OJ L 162, 25.6.2009, p. 19.

<sup>2</sup> OJ L 130, 28.5.2009, p. 19.

<sup>3</sup> OJ L 58, 1.3.2008, p. 1.

<sup>4</sup> OJ L 76, 19.3.2008, p. 31.

<sup>5</sup> OJ L 234, 30.8.2008, p. 1.

<sup>6</sup> OJ L 70, 16.3.2005, p. 1.

86/362/EEC<sup>8</sup>, 86/363/EEC<sup>9</sup> and 90/642/EEC<sup>10</sup> which are also incorporated into the Agreement and are therefore to be repealed under the Agreement.

(7) This Decision is not to apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

The following indents shall be added in point 40 (Regulation (EC) No 396/2005 of the European Parliament and of the Council) of Chapter II of Annex I to the Agreement:

- ‘- **32008 R 0149**: Commission Regulation (EC) No 149/2008 of 29 January 2008 (OJ L 58, 1.3.2008, p. 1),
- **32008 R 0260**: Commission Regulation (EC) No 260/2008 of 18 March 2008 (OJ L 76, 19.3.2008, p. 31),
- **32008 R 0839**: Commission Regulation (EC) No 839/2008 of 31 July 2008 (OJ L 234, 30.8.2008, p. 1).’

#### *Article 2*

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

1. The text of points 13 (Council Directive 76/895/EEC), 38 (Council Directive 86/362/EEC), 39 (Council Directive 86/363/EEC) and 54 (Council Directive 90/642/EEC) shall be deleted.
2. The following indents shall be added in point 54zzy (Regulation (EC) No 396/2005 of the European Parliament and of the Council):
  - ‘- **32008 R 0149**: Commission Regulation (EC) No 149/2008 of 29 January 2008 (OJ L 58, 1.3.2008, p. 1),
  - **32008 R 0260**: Commission Regulation (EC) No 260/2008 of 18 March 2008 (OJ L 76, 19.3.2008, p. 31),
  - **32008 R 0839**: Commission Regulation (EC) No 839/2008 of 31 July 2008 (OJ L 234, 30.8.2008, p. 1).’

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<sup>7</sup> OJ L 340, 9.12.1976, p. 26.

<sup>8</sup> OJ L 221, 7.8.1986, p. 37.

<sup>9</sup> OJ L 221, 7.8.1986, p. 43.

<sup>10</sup> OJ L 350, 14.12.1990, p. 71.

*Article 3*

The texts of Regulations (EC) Nos 149/2008, 260/2008 and 839/2008 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 4*

This Decision shall enter into force on 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee\*.

*Article 5*

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, 29 May 2009.

*For the EEA Joint Committee  
The President*

*Alan Seatter*

*The Secretaries  
to the EEA Joint Committee*

*Bergdis Ellertsdóttir Matthias Brinkmann*

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\* No constitutional requirements indicated.