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DECISION OF THE EEA JOINT COMMITTEE
No 135/2009

of 4 December 2009

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 28/2009 of 17 March 2009¹.
- (2) Commission Directive 2008/85/EC of 5 September 2008 amending Directive 98/8/EC of the European Parliament and of the Council to include thiabendazole as an active substance in Annex I thereto² is to be incorporated into the Agreement.
- (3) Commission Directive 2008/86/EC of 5 September 2008 amending Directive 98/8/EC of the European Parliament and of the Council to include tebuconazole as an active substance in Annex I thereto³ is to be incorporated into the Agreement.
- (4) Commission Decision 2008/763/EC of 29 September 2008 establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users⁴ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

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

1. The following indents shall be added in point 12n (Directive 98/8/EC of the European Parliament and of the Council):

¹ OJ L 130, 28.5.2009, p. 21.

² OJ L 239, 6.9.2008, p. 6.

³ OJ L 239, 6.9.2008, p. 9.

⁴ OJ L 262, 1.10.2008, p. 39.

- ‘- **32008 L 0085**: Commission Directive 2008/85/EC of 5 September 2008 (OJ L 239, 6.9.2008, p. 6),
- **32008 L 0086**: Commission Directive 2008/86/EC of 5 September 2008 (OJ L 239, 6.9.2008, p. 9).’

2. The following point shall be inserted after point 12zg (Commission Decision 2008/423/EC):

- ‘12zh. **32008 D 0763**: Commission Decision 2008/763/EC of 29 September 2008 establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users (OJ L 262, 1.10.2008, p. 39).’

Article 2

The texts of Directives 2008/85/EC and 2008/86/EC and Decision 2008/763/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 5 December 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*.

Done at Brussels, 4 December 2009.

*For the EEA Joint Committee
The President*

O. H. Sletnes

*The Secretaries
to the EEA Joint Committee*

B. Ellertsdóttir L-O. Hollner

* No constitutional requirements indicated.