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DECISION OF THE EEA JOINT COMMITTEE
No 39/2010

of 30 April 2010

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 22/2010 of 12 March 2010 ¹.
- (2) Commission Regulation (EC) No 1087/2009 of 12 November 2009 concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (ATCC PTA 5588), subtilisin produced by *Bacillus subtilis* (ATCC 2107) and alpha-amylase produced by *Bacillus amyloliquefaciens* (ATCC 3978) as a feed additive for chickens for fattening, for ducks and for turkeys for fattening (holder of authorisation Danisco Animal Nutrition, legal entity Finnfeeds International Limited)² is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 1088/2009 of 12 November 2009 concerning the authorisation of a new use of an enzyme preparation of 6-phytase produced by *Aspergillus oryzae* (DSM 17594) as a feed additive for weaned piglets, pigs for fattening, poultry for fattening and poultry for laying (holder of authorisation DSM Nutritional Products Ltd., represented by DSM Nutritional Products Sp. Z.o.o.)³ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 1091/2009 of 13 November 2009 concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (MUCL 49755) and endo-1,3(4)-beta-glucanase produced by *Trichoderma reesei* (MUCL 49754) as a feed additive for chickens for fattening (holder of authorisation Aveve NV)⁴ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 1096/2009 of 16 November 2009 concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase produced by

¹ OJ L 143, 10.6.2010, p. 13.

² OJ L 297, 13.11.2009, p. 4.

³ OJ L 297, 13.11.2009, p. 6.

⁴ OJ L 299, 14.11.2009, p. 6.

Aspergillus niger (CBS 109.713) as a feed additive for chickens for fattening and the authorisation of a new use of this preparation as a feed additive for ducks (holder of authorisation BASF SE) and amending Regulation (EC) No 1458/2005⁵ is to be incorporated into the Agreement.

- (6) Regulation (EC) No 1088/2009 repeals Commission Regulation (EC) No 270/2009⁶ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (7) 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 1zzo (Commission Regulation (EC) No 1458/2005):

‘, as amended by:

- **32009 R 1096:** Commission Regulation (EC) No 1096/2009 of 16 November 2009 (OJ L 301, 17.11.2009, p. 3).’
2. The text of point 1zzzzv (Commission Regulation (EC) No 270/2009) shall be deleted.
3. The following points shall be inserted after point 1zzzzzq (Commission Regulation (EC) No 911/2009):

‘1zzzzzr.**32009 R 1087:** Commission Regulation (EC) No 1087/2009 of 12 November 2009 concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (ATCC PTA 5588), subtilisin produced by *Bacillus subtilis* (ATCC 2107) and alpha-amylase produced by *Bacillus amyloliquefaciens* (ATCC 3978) as a feed additive for chickens for fattening, for ducks and for turkeys for fattening (holder of authorisation Danisco Animal Nutrition, legal entity Finnfeeds International Limited) (OJ L 297, 13.11.2009, p. 4).

1zzzzzs.**32009 R 1088:** Commission Regulation (EC) No 1088/2009 of 12 November 2009 concerning the authorisation of a new use of an enzyme preparation of 6-phytase produced by *Aspergillus oryzae* (DSM 17594) as a feed additive for weaned piglets, pigs for fattening, poultry for fattening and poultry for laying (holder of authorisation DSM Nutritional Products Ltd., represented by DSM Nutritional Products Sp. Z.o.o.) (OJ L 297, 13.11.2009, p. 6).

⁵ OJ L 301, 17.11.2009, p. 3.

⁶ OJ L 91, 3.4.2009, p. 3.

1zzzzzt.**32009 R 1091**: Commission Regulation (EC) No 1091/2009 of 13 November 2009 concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (MUCL 49755) and endo-1,3(4)-beta-glucanase produced by *Trichoderma reesei* (MUCL 49754) as a feed additive for chickens for fattening (holder of authorisation Aveve NV) (OJ L 299, 14.11.2009, p. 6).

1zzzzzu.**32009 R 1096**: Commission Regulation (EC) No 1096/2009 of 16 November 2009 concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase produced by *Aspergillus niger* (CBS 109.713) as a feed additive for chickens for fattening and the authorisation of a new use of this preparation as a feed additive for ducks (holder of authorisation BASF SE) and amending Regulation (EC) No 1458/2005 (OJ L 301, 17.11.2009, p. 3).’

Article 2

The texts of Regulations (EC) Nos 1087/2009, 1088/2009, 1091/2009 and 1096/2009 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 1 May 2010, 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, 30 April 2010.

*For the EEA Joint Committee
The President*

Alan Seatter

*The Secretaries
to the EEA Joint Committee*

Bergdís Ellertsdóttir Gianluca Grippa

* No constitutional requirements indicated.