

## DECISION OF THE EEA JOINT COMMITTEE

No 202/2012

of 26 October 2012

## amending Annex XX (Environment) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer<sup>(1)</sup> is to be incorporated into the EEA Agreement.
- (2) Commission Regulation (EU) No 744/2010 of 18 August 2010 amending Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, with regard to the critical uses of halons<sup>(2)</sup> is to be incorporated into the EEA Agreement.
- (3) Commission Regulation (EU) No 291/2011 of 24 March 2011 on essential uses of controlled substances other than hydrochlorofluorocarbons for laboratory and analytical purposes in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone<sup>(3)</sup> is to be incorporated into the EEA Agreement.
- (4) Regulation (EC) No 1005/2009 repeals Regulation (EC) No 2037/2000 of the European Parliament and of the Council<sup>(4)</sup> which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.
- (5) Without prejudice to future development by the EEA Joint Committee, it should be noted that Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code)<sup>(5)</sup> is not incorporated into the EEA Agreement. The references to this Regulation should therefore not apply.
- (6) Annex XX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex XX of the EEA Agreement shall be amended as follows:

<sup>(1)</sup> OJ L 286, 31.10.2009, p. 1.<sup>(2)</sup> OJ L 218, 19.8.2010, p. 2.<sup>(3)</sup> OJ L 79, 25.3.2011, p. 4.<sup>(4)</sup> OJ L 244, 29.9.2000, p. 1.<sup>(5)</sup> OJ L 145, 4.6.2008, p. 1.

(1) the text of point 21aa (Regulation (EC) No 2037/2000 of the European Parliament and of the Council) shall be replaced by the following:

**32009 R 1005:** Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (OJ L 286, 31.10.2009, p. 1), as amended by:

— **32010 R 0744:** Commission Regulation (EU) No 744/2010 of 18 August 2010 (OJ L 218, 19.8.2010, p. 2).

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

- (a) The references to Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code) shall not apply.
- (b) Article 8(4) and (5)(b) shall not apply.
- (c) With regard to the EFTA States, the words “, the respective quantities, the period for which the exemption shall be valid and those users which may take advantage of those essential laboratory and analytical uses” in Article 10(2) shall not apply.
- (d) Article 10(6) shall not apply.
- (e) In Article 11(2) the words “, except for 10(6),” shall be inserted after the words “Article 10(3) to (7)”.
- (f) Article 11(5) shall not apply.
- (g) Article 14(1), (3) and (4) shall not apply.
- (h) Chapter IV shall not apply.
- (i) The provisions concerning import and export in Article 24 shall not apply.
- (j) Articles 27 and 28 shall not apply.

The EFTA States shall, at national level, put into effect the measures necessary to comply with the corresponding provisions of the Montreal Protocol and with the corresponding measures in Regulation (EC) No 1005/2009 of the European Parliament and of the Council;

(2) the following point shall be inserted after point 21aa (Regulation (EC) No 1005/2009 of the European Parliament and of the Council):

'21aaa. **32011 R 0291**: Commission Regulation (EU) No 291/2011 of 24 March 2011 on essential uses of controlled substances other than hydrochlorofluorocarbons for laboratory and analytical purposes in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone (OJ L 79, 25.3.2011, p. 4).'

*Article 2*

The texts of Regulations (EC) No 1005/2009, (EU) No 744/2010 and (EU) No 291/2011 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 November 2012, provided that all the notifications under Article 103(1) of the EEA 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, 26 October 2012.

*For the EEA Joint Committee*

*The President*

Atle LEIKVOLL

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(\*) No constitutional requirements indicated.