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**DECISION OF THE EEA JOINT COMMITTEE**  
**No 137/2009**

**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 2009<sup>1</sup>.
- (2) Commission Decision 2008/681/EC of 28 July 2008 concerning the non-inclusion of certain substances in Annexes I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market<sup>2</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following point shall be inserted after point 12zj (Commission Decision 2008/831/EC) of Chapter XV of Annex II to the Agreement:

‘12zk. **32008 D 0681**: Commission Decision 2008/681/EC of 28 July 2008 concerning the non-inclusion of certain substances in Annexes I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 222, 20.8.2008, p. 7).’

*Article 2*

The texts of Decision 2008/681/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.

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<sup>1</sup> OJ L 130, 28.5.2009, p. 21.

<sup>2</sup> OJ L 222, 20.8.2008, p. 7.

*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*

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\* No constitutional requirements indicated.