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**DECISION OF THE EEA JOINT COMMITTEE**  
**No 23/2010**

**of 12 March 2010**

**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 18/2010 of 1 March 2010<sup>1</sup>.
- (2) Decision of the EEA Joint Committee No 137/2007 of 26 October 2007<sup>2</sup> incorporated Regulation (EC) No 852/2004 of the European Parliament and of the Council<sup>3</sup> into the Agreement and repealed Commission Directives 96/3/Euratom, ECSC, EC<sup>4</sup>, 98/28/EC<sup>5</sup> and 2004/4/EC<sup>6</sup>, as corrected by OJ L 81, 19.3.2004, p. 92, under the Agreement.
- (3) According to Article 17 (3) of Regulation (EC) No 852/2004, Directives 96/3/Euratom, ECSC, EC, 98/28/EC and 2004/4/EC shall remain in force pending their replacement by decisions adopted in accordance with that Regulation or Regulation (EC) No 178/2002 of the European Parliament and of the Council<sup>7</sup>. Such decisions have not been adopted yet.
- (4) Directives 96/3/Euratom, ECSC, EC, 98/28/EC and 2004/4/EC should therefore be re-incorporated into the Agreement.
- (5) This Decision is not to apply to Liechtenstein,

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<sup>1</sup> OJ L ...  
<sup>2</sup> OJ L 100, 10.4.2008, p. 53.  
<sup>3</sup> OJ L 139, 30.4.2004, p. 1  
<sup>4</sup> OJ L 21, 27.1.1996, p. 42.  
<sup>5</sup> OJ L 140, 12.5.1998, p. 10.  
<sup>6</sup> OJ L 15, 22.1.2004, p. 25.  
<sup>7</sup> OJ L 31, 1.2.2002, p. 1

HAS DECIDED AS FOLLOWS:

### *Article 1*

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

1. The following text shall be inserted in point 54j (deleted):  
  
‘**31996 L 0003:** Commission Directive 96/3/Euratom, ECSC, EC of 26 January 1996 granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea (OJ L 21, 27.1.1996, p. 42), as amended by:  
  
- **32004 L 0004:** Commission Directive 2004/4/EC of 15 January 2004 (OJ L 15, 22.1.2004, p. 25), as corrected by OJ L 81, 19.3.2004, p. 92.’
2. The following point shall be inserted after point 54zzzze (Commission Decision 2008/654/EC):  
  
‘54zzzzf. **31998 L 0028:** Commission Directive 98/28/EC of 29 April 1998 granting a derogation from certain provisions of Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport by sea of bulk raw sugar (OJ L 140, 12.5.1998, p. 10).’

### *Article 2*

The texts of Directives 96/3/Euratom, ECSC, EC, 98/28/EC and 2004/4/EC in the Icelandic and Norwegian languages, as 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 the day of the entry into force of the Decision of the EEA Joint Committee No 137/2007 of 26 October 2007, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee<sup>\*</sup>. This Decision shall apply provisionally from the date of adoption until its entry into force.

### *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*.

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<sup>\*</sup> No constitutional requirements indicated.

Done at Brussels, 12 March 2010.

*For the EEA Joint Committee  
The President*

*A. Seatter*

*The Secretaries  
to the EEA Joint Committee*

*B. Ellertsdóttir      L.O. Hollner*