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DECISION OF THE EEA JOINT COMMITTEE
No 42/2010

of 30 April 2010

amending Annex I (Veterinary and phytosanitary matters) and 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 I to the Agreement was amended by Decision of the EEA Joint Committee No 22/2010 of 12 March 2010¹.
- (2) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 24/2010 of 12 March 2010².
- (3) Commission Regulation (EC) No 450/2009 of 29 May 2009 on active and intelligent materials and articles intended to come into contact with food³ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 953/2009 of 13 October 2009 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses⁴ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 975/2009 of 19 October 2009 amending Directive 2002/72/EC relating to plastic materials and articles intended to come into contact with foodstuffs⁵ is to be incorporated into the Agreement.
- (6) Commission Regulation (EC) No 1050/2009 of 28 October 2009 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for azoxystrobin, acetamiprid, clomazone, cyflufenamid, emamectin benzoate, famoxadone, fenbutatin oxide, flufenoxuron, fluopicolide, indoxacarb, ioxynil, mepanipyrim, prothioconazole, pyridalyl, thiacloprid

¹ OJ L 143, 10.6.2010, p. 13.

² OJ L 143, 10.6.2010, p. 17.

³ OJ L 135, 30.5.2009, p. 3.

⁴ OJ L 269, 14.10.2009, p. 9.

⁵ OJ L 274, 20.10.2009, p. 3.

and trifloxystrobin in or on certain products⁶, as corrected by OJ L 338, 19.12.2009, p. 105, is to be incorporated into the Agreement.

- (7) Directive 2009/39/EC of the European Parliament and of the Council of 6 May 2009 on foodstuffs intended for particular nutritional uses (recast)⁷ is to be incorporated into the Agreement.
- (8) Regulation (EC) No 953/2009 repeals Commission Directives 2001/15/EC⁸ and 2004/6/EC⁹ which are incorporated into the Agreement and are therefore to be repealed under the Agreement.
- (9) Directive 2009/39/EC repeals Council Directive 89/398/EEC¹⁰ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (10) This Decision is not to apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 40 (Regulation (EC) No 396/2005 of the European Parliament and of the Council) of Chapter II of Annex I to the Agreement:

- ‘- **32009 R 1050**: Commission Regulation (EC) No 1050/2009 of 28 October 2009 (OJ L 290, 6.11.2009, p. 7), as corrected by OJ L 338, 19.12.2009, p. 105.’

Article 2

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

1. The texts of points 51 (Council Directive 89/398/EEC), 54zi (Commission Directive 2001/15/EC) and 54zzm (Commission Directive 2004/6/EC) shall be deleted.
2. The following indent shall be added in point 54zzb (Commission Directive 2002/72/EC):

‘- **32009 R 0975**: Commission Regulation (EC) No 975/2009 of 19 October 2009 (OJ L 274, 20.10.2009, p. 3).’
3. The following indent shall be added in point 54zzy (Regulation (EC) No 396/2005 of the European Parliament and of the Council):

‘- **32009 R 1050**: Commission Regulation (EC) No 1050/2009 of 28 October 2009 (OJ L 290, 6.11.2009, p. 7), as corrected by OJ L 338, 19.12.2009, p. 105.’

⁶ OJ L 290, 6.11.2009, p. 7.

⁷ OJ L 124, 20.5.2009, p. 21.

⁸ OJ L 52, 22.2.2001, p. 19.

⁹ OJ L 15, 22.1.2004, p. 31.

¹⁰ OJ L 186, 30.6.1989, p. 27.

4. The following points shall be inserted after point 54zzzzi (Directive 2009/32/EC of the European Parliament and of the Council):

‘54zzzzj. **32009 L 0039**: Directive 2009/39/EC of the European Parliament and of the Council of 6 May 2009 on foodstuffs intended for particular nutritional uses (recast) (OJ L 124, 20.5.2009, p. 21).

54zzzzk **32009 R 0450**: Commission Regulation (EC) No 450/2009 of 29 May 2009 on active and intelligent materials and articles intended to come into contact with food (OJ L 135, 30.5.2009, p. 3).

54zzzzl. **32009 R 0953**: Commission Regulation (EC) No 953/2009 of 13 October 2009 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses (OJ L 269, 14.10.2009, p. 9).’

Article 3

The texts of Regulations (EC) Nos 450/2009, 953/2009, 975/2009 and 1050/2009, as corrected by OJ L 338, 19.12.2009, p. 105, and Directive 2009/39/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 4

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 5

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*

* No constitutional requirements indicated.

Bergdís Ellertsdóttir Gianluca Grippa