

## DECISION OF THE EEA JOINT COMMITTEE

No 26/2013

of 1 February 2013

## 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 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury <sup>(1)</sup> is to be incorporated into the EEA Agreement.
- (2) Regulation (EC) No 1102/2008 shall be read taking account of the fact that trade with third countries falls outside the scope of the EEA Agreement and thus the provisions of the Regulation prohibiting the export of mercury are not applicable to the EFTA States. However, as the provisions concerning mercury as waste are EEA relevant, the EFTA States will cooperate to ensure that the export ban is effective.
- (3) Annex XX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

The following point is inserted after point 22 (Council Directive 96/59/EC) of Annex XX to the EEA Agreement:

'22a. **32008 R 1102:** Regulation (EC) No 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury (OJ L 304, 14.11.2008, p. 75).

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

(a) Article 1 shall read:

"The export of metallic mercury (Hg, CAS RN 7439-97-6), cinnabar ore, mercury (I) chloride (Hg<sub>2</sub>Cl<sub>2</sub>, CAS RN 10112-91-1), mercury (II) oxide (HgO, CAS RN 21908-53-2) and mixtures of metallic mercury with other substances, including alloys of mercury, with a mercury concentration of

at least 95 % weight by weight from the EU to the EFTA States and vice versa as well as between the EFTA States shall be allowed.

This shall be without prejudice to stricter import or export bans existing in an EFTA State at the time of the incorporation of this Regulation into the EEA Agreement.

The EFTA States shall take effective measures to ensure that mercury and mercury compounds and mixtures as mentioned in the first subparagraph are not exported from the EU to a third country via an EFTA State. The same shall apply to the mixing of metallic mercury with other substances for the sole purpose of exporting metallic mercury from the EU to a third country via an EFTA State. This shall not apply to exports of compounds referred to in the first subparagraph for research and development, medical or analysis purposes."

(b) Article 9 shall not apply with regard to the EFTA States.'

*Article 2*

The text of Regulation (EC) No 1102/2008 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 2 February 2013, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (\*).

*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, 1 February 2013.

*For the EEA Joint Committee*  
*The President*  
Gianluca GRIPPA

<sup>(1)</sup> OJ L 304, 14.11.2008, p. 75.

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