

DECISION OF THE EEA JOINT COMMITTEE No 210/2019**of 27 September 2019****amending Annex I (Veterinary and phytosanitary matters) and Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement [2023/15]**

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 (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation), as corrected by OJ L 137, 24.5.2017, p. 40 ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Regulation (EU) 2017/625 repeals, with effect from 14 December 2019, Regulations (EC) No 854/2004 ⁽²⁾ and (EC) No 882/2004 ⁽³⁾, Directives 89/608/EEC ⁽⁴⁾, 89/662/EEC ⁽⁵⁾, 90/425/EEC ⁽⁶⁾, 91/496/EEC ⁽⁷⁾, 96/23/EC ⁽⁸⁾, 96/93/EC ⁽⁹⁾ and 97/78/EC ⁽¹⁰⁾ and Decision 92/438/EEC ⁽¹¹⁾, which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement with effect from 14 December 2019.
- (3) This Decision concerns legislation containing provisions regarding plant health. Legislation regarding plant health falls outside the scope of the EEA Agreement and provisions regarding plant health shall therefore not apply to the EFTA States.
- (4) This Decision concerns legislation containing provisions regarding live animals, other than fish and aquaculture animals. Provisions regarding live animals, other than fish and aquaculture animals, shall not apply to Iceland, as specified in paragraph 2 of the Introductory Part of Chapter I of Annex I to the EEA Agreement.
- (5) This Decision concerns legislation regarding veterinary matters, feedingstuffs and foodstuffs. Legislation regarding veterinary matters, feedingstuffs and foodstuffs shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein, as specified in the sectoral adaptations to Annex I and the introduction to Chapter XII of Annex II to the EEA Agreement. This Decision is therefore not to apply to Liechtenstein.
- (6) Annexes I and II to the EEA Agreement should therefore be amended accordingly,

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ OJ L 139, 30.4.2004, p. 206.

⁽³⁾ OJ L 165, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 351, 2.12.1989, p. 34.

⁽⁵⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁶⁾ OJ L 224, 18.8.1990, p. 29.

⁽⁷⁾ OJ L 268, 24.9.1991, p. 56.

⁽⁸⁾ OJ L 125, 23.5.1996, p. 10.

⁽⁹⁾ OJ L 13, 16.1.1997, p. 28.

⁽¹⁰⁾ OJ L 24, 30.1.1998, p. 9.

⁽¹¹⁾ OJ L 243, 25.8.1992, p. 27.

HAS ADOPTED THIS DECISION:

Article 1

Annex I to the EEA Agreement shall be amended as follows:

1. The following is inserted after point 11a (Commission Implementing Decision (EU) 2015/1918) in Part 1.1 of Chapter I:

‘11b. **32017 R 0625:** Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1), as corrected by OJ L 137, 24.5.2017, p. 40.

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

- (a) The provisions of the Regulation shall not apply to the field of plant health in the EFTA States.
- (b) Article 27(3) shall apply with the following adaptations:
 - i. The EFTA States shall simultaneously with the EU Member States take measures corresponding to those taken by the latter on the basis of the relevant implementing acts adopted pursuant to this provision.
 - ii. In the case of any difficulty relating to the application of the implementing act the EFTA State concerned shall immediately report the matter to the EEA Joint Committee.
 - iii. The application of this provision is without prejudice to the possibility of an EFTA State taking unilateral protective measures pending the adoption of the acts mentioned in paragraph i.
 - iv. The EEA Joint Committee may take note of the implementing acts.
- (c) In Articles 44(5) and 76(1), the words “, or in accordance with Icelandic and Norwegian customs procedures” shall be added after the words “that Regulation”.
- (d) In Article 64(1), the words “, or in accordance with Icelandic and Norwegian customs procedures,” shall be inserted after the words “Regulation (EU) No 952/2013”.
- (e) Notwithstanding the provisions of Protocol 1 to this Agreement, in Article 108(1) and (2) the words “, and the EFTA Surveillance Authority when it concerns an EFTA State,” shall be added after the words “the Commission”.
- (f) Article 124 shall not apply to the EFTA States.
- (g) Notwithstanding the provisions of Protocol 1 to this Agreement, in Article 141(1) the words “, or the EFTA Surveillance Authority with regard to the EFTA States,” shall be added after the words “the Commission”.
- (h) In Annex I the following shall be added:
 - “29. The territory of Iceland.
 - 30. The territory of the Kingdom of Norway with the exception of Svalbard.”

This act applies to Iceland for the areas referred to in paragraph 2 of the Introductory Part.’

2. The following indent is added in points 2a (Council Regulation (EC) No 1099/2009) in Part 9.1 of Chapter I, 9b (Regulation (EC) No 1069/2009 of the European Parliament and of the Council) and 12 (Regulation (EC) No 999/2001 of the European Parliament and of the Council) in Part 7.1 of Chapter I and 40 (Regulation (EC) No 396/2005 of the European Parliament and of the Council) of Chapter II:

‘— **32017 R 0625**: Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 (OJ L 95, 7.4.2017, p. 1), as corrected by OJ L 137, 24.5.2017, p. 40.’

3. The following is added in points 6 (Council Directive 98/58/EC), 8 (Council Directive 1999/74/EC), 10 (Council Regulation (EC) No 1/2005), 11 (Council Directive 2008/120/EC), 12 (Council Directive 2008/119/EC) and 13 (Council Directive 2007/43/EC) in Part 9.1 of Chapter I:

‘, as amended by:

— **32017 R 0625**: Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 (OJ L 95, 7.4.2017, p. 1), as corrected by OJ L 137, 24.5.2017, p. 40.’

4. The following is inserted after point 31p (Commission Decision 2008/654/EC) of Chapter II:

‘31q. **32017 R 0625**: Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1), as corrected by OJ L 137, 24.5.2017, p. 40.’

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

- (a) The provisions of the Regulation shall not apply to the field of plant health in the EFTA States.
- (b) Article 27(3) shall apply with the following adaptations:
- i. The EFTA States shall simultaneously with the EU Member States take measures corresponding to those taken by the latter on the basis of the relevant implementing acts adopted pursuant to this provision.
 - ii. In the case of any difficulty relating to the application of the implementing act the EFTA State concerned shall immediately report the matter to the EEA Joint Committee.
 - iii. The application of this provision is without prejudice to the possibility of an EFTA State taking unilateral protective measures pending the adoption of the acts mentioned in paragraph i.
 - iv. The EEA Joint Committee may take note of the implementing acts.
- (c) In Articles 44(5) and 76(1), the words “, or in accordance with Icelandic and Norwegian customs procedures” shall be added after the words “that Regulation”.
- (d) In Article 64(1), the words “, or in accordance with Icelandic and Norwegian customs procedures,” shall be inserted after the words “Regulation (EU) No 952/2013”.
- (e) Notwithstanding the provisions of Protocol 1 to this Agreement, in Article 108(1) and (2) the words “, and the EFTA Surveillance Authority when it concerns an EFTA State,” shall be added after the words “the Commission”.
- (f) Article 124 shall not apply to the EFTA States.

- (g) Notwithstanding the provisions of Protocol 1 to this Agreement, in Article 141(1) the words “, or the EFTA Surveillance Authority with regard to the EFTA States,” shall be added after the words “the Commission”.
- (h) In Annex I the following shall be added:
- “29. The territory of Iceland.
30. The territory of the Kingdom of Norway with the exception of Svalbard.”
5. Adaptation text B in point 12 (Regulation (EC) No 999/2001 of the European Parliament and of the Council) in Part 7.1 of Chapter I shall be deleted with effect from 14 December 2019.
6. The text of points 1 (Council Directive 89/662/EEC), 2 (Council Directive 90/425/EEC), 3 (Council Directive 89/608/EEC), 4 (Council Directive 97/78/EC), 5 (Council Directive 91/496/EEC), 6 (Council Decision 92/438/EEC), 9 (Council Directive 96/93/EC), 11 (Regulation (EC) No 882/2004 of the European Parliament and of the Council) and 12 (Regulation (EC) No 854/2004 of the European Parliament and of the Council) in Part 1.1 of Chapter I, 2 (Council Directive 96/23/EC) in Part 7.1 of Chapter I and 31j (Regulation (EC) No 882/2004 of the European Parliament and of the Council) of Chapter II shall be deleted with effect from 14 December 2019.

Article 2

Annex II to the EEA Agreement shall be amended as follows:

1. The following is inserted after point 163 (Commission Regulation (EU) 2017/2158) of Chapter XII:

‘164. **32017 R 0625**: Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1), as corrected by OJ L 137, 24.5.2017, p. 40.

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

- (a) The provisions of the Regulation shall not apply to the field of plant health in the EFTA States.
- (b) Article 27(3) shall apply with the following adaptations:
- i. The EFTA States shall simultaneously with the EU Member States take measures corresponding to those taken by the latter on the basis of the relevant implementing acts adopted pursuant to this provision.
 - ii. In the case of any difficulty relating to the application of the implementing act the EFTA State concerned shall immediately report the matter to the EEA Joint Committee.
 - iii. The application of this provision is without prejudice to the possibility of an EFTA State taking unilateral protective measures pending the adoption of the acts mentioned in paragraph i.
 - iv. The EEA Joint Committee may take note of the implementing acts.
- (c) In Articles 44(5) and 76(1), the words “, or in accordance with Icelandic and Norwegian customs procedures” shall be added after the words “that Regulation”.

- (d) In Article 64(1), the words “, or in accordance with Icelandic and Norwegian customs procedures,” shall be inserted after the words “Regulation (EU) No 952/2013”.
 - (e) Notwithstanding the provisions of Protocol 1 to this Agreement, in Article 108(1) and (2) the words “, and the EFTA Surveillance Authority when it concerns an EFTA State,” shall be added after the words “the Commission”.
 - (f) Article 124 shall not apply to the EFTA States.
 - (g) Notwithstanding the provisions of Protocol 1 to this Agreement, in Article 141(1) the words “, or the EFTA Surveillance Authority with regard to the EFTA States,” shall be added after the words “the Commission”.
 - (h) In Annex I the following shall be added:
 - “29. The territory of Iceland.
 - 30. The territory of the Kingdom of Norway with the exception of Svalbard.”
2. The following indent is added in points 54zzy (Regulation (EC) No 396/2005 of the European Parliament and of the Council) of Chapter XII and point 13 (Regulation (EC) No 1107/2009 of the European Parliament and of the Council) of Chapter XV:
- ‘— **32017 R 0625**: Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 (OJ L 95, 7.4.2017, p. 1), as corrected by OJ L 137, 24.5.2017, p. 40.’
3. The text of point 54zzzi (Regulation (EC) No 882/2004 of the European Parliament and of the Council) of Chapter XII shall be deleted with effect from 14 December 2019.

Article 3

The text of Regulation (EU) 2017/625, as corrected by OJ L 137, 24.5.2017, p. 40, 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 the day following the last notification under Article 103(1) of the EEA (*).

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, 27 September 2019.

For the EEA Joint Committee
The President
Gunnar PÁLSSON

(*) Constitutional requirements indicated.