

DECISION OF THE EEA JOINT COMMITTEE No 179/2020
of 11 December 2020
amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement [2023/1981]

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) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2018/1629 of 25 July 2018 amending the list of diseases set out in Annex II to Regulation (EU) 2016/429 of the European Parliament and of the Council on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Commission Implementing Regulation (EU) 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Commission Implementing Regulation (EU) 2020/690 of 17 December 2019 laying down rules for the application of Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the listed diseases subject to Union surveillance programmes, the geographical scope of such programmes and the listed diseases for which the disease-free status of compartments may be established ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 ⁽⁵⁾, which was incorporated into the EEA Agreement by Decision of the EEA Joint Committee No 210/2019 ⁽⁶⁾, is also to be added as an amending act to Regulation (EU) 2016/429.
- (6) Regulation (EU) 2016/429 repeals Council Directive 90/423/EEC ⁽⁷⁾ and Council Directive 98/99/EC ⁽⁸⁾, which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement.

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ OJ L 272, 31.10.2018, p. 11.

⁽³⁾ OJ L 308, 4.12.2018, p. 21.

⁽⁴⁾ OJ L 174, 3.6.2020, p. 341.

⁽⁵⁾ OJ L 95, 7.4.2017, p. 1.

⁽⁶⁾ OJ L 4, 5.1.2023, p. 11.

⁽⁷⁾ OJ L 224, 18.8.1990, p. 13.

⁽⁸⁾ OJ L 358, 31.12.1998, p. 107.

- (7) Regulation (EU) 2016/429 repeals, with effect from 21 April 2021, Council Directives 64/432/EEC ⁽⁹⁾, 82/894/EEC ⁽¹⁰⁾, 88/407/EEC ⁽¹¹⁾, 89/556/EEC ⁽¹²⁾, 90/429/EEC ⁽¹³⁾, 91/68/EEC ⁽¹⁴⁾, 92/35/EEC ⁽¹⁵⁾, 92/65/EEC ⁽¹⁶⁾, 92/118/EEC ⁽¹⁷⁾, 92/119/EEC ⁽¹⁸⁾, 2002/99/EC ⁽¹⁹⁾, 2004/68/EC ⁽²⁰⁾, 2006/88/EC ⁽²¹⁾, 2009/156/EC ⁽²²⁾, 2009/158/EC ⁽²³⁾, Council Decisions 91/666/EEC ⁽²⁴⁾, 95/410/EC ⁽²⁵⁾ and 2000/258/EC ⁽²⁶⁾, which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement, with effect from 21 April 2021.
- (8) Regulation (EU) 2016/429 repeals, with effect from 21 April 2024, Council Regulation (EC) No 21/2004 ⁽²⁷⁾, Council Directives 92/66/EEC ⁽²⁸⁾, 2000/75/EC ⁽²⁹⁾, 2001/89/EC ⁽³⁰⁾, 2002/60/EC ⁽³¹⁾, 2003/85/EC ⁽³²⁾, 2005/94/EC ⁽³³⁾ and 2008/71/EC ⁽³⁴⁾, which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement with effect from 21 April 2024 or at an earlier date determined in a delegated act incorporated into the EEA Agreement.
- (9) Regulation (EU) 2016/429 repeals, with effect from 21 April 2026, Regulation (EU) No 576/2013 of the European Parliament and of the Council ⁽³⁵⁾, which is incorporated into the EEA Agreement and which is consequently repealed under the EEA Agreement with effect from 21 April 2026.
- (10) This Decision concerns legislation containing provisions regarding live animals, other than fish and aquaculture animals, and animal products such as ova, embryo and semen. Provisions regarding these matters shall not apply to Iceland, as specified in paragraph 2 of the Introductory Part of Chapter I of Annex I to the EEA Agreement.
- (11) This Decision concerns legislation regarding veterinary matters. Legislation regarding veterinary matters 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 to the EEA Agreement. This Decision is therefore not to apply to Liechtenstein.
- (12) Annex I to the EEA Agreement should therefore be amended accordingly,

⁽⁹⁾ OJ L 121, 29.7.1964, p. 1977.

⁽¹⁰⁾ OJ L 378, 31.12.1982, p. 58.

⁽¹¹⁾ OJ L 194, 22.7.1988, p. 10.

⁽¹²⁾ OJ L 302, 19.10.1989, p. 1.

⁽¹³⁾ OJ L 224, 18.8.1990, p. 62.

⁽¹⁴⁾ OJ L 46, 19.2.1991, p. 19.

⁽¹⁵⁾ OJ L 157, 10.6.1992, p. 19.

⁽¹⁶⁾ OJ L 268, 14.9.1992, p. 54.

⁽¹⁷⁾ OJ L 62, 15.3.1993, p. 49.

⁽¹⁸⁾ OJ L 62, 15.3.1993, p. 69.

⁽¹⁹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁰⁾ OJ L 139, 30.4.2004, p. 321.

⁽²¹⁾ OJ L 328, 24.11.2006, p. 14.

⁽²²⁾ OJ L 192, 23.7.2010, p. 1.

⁽²³⁾ OJ L 343, 22.12.2009, p. 74.

⁽²⁴⁾ OJ L 368, 31.12.1991, p. 21.

⁽²⁵⁾ OJ L 243, 11.10.1995, p. 25.

⁽²⁶⁾ OJ L 79, 30.3.2000, p. 40.

⁽²⁷⁾ OJ L 5, 9.1.2004, p. 8.

⁽²⁸⁾ OJ L 260, 5.9.1992, p. 1.

⁽²⁹⁾ OJ L 327, 22.12.2000, p. 74.

⁽³⁰⁾ OJ L 316, 1.12.2001, p. 5.

⁽³¹⁾ OJ L 192, 20.7.2002, p. 27.

⁽³²⁾ OJ L 306, 22.11.2003, p. 1.

⁽³³⁾ OJ L 10, 14.1.2006, p. 16.

⁽³⁴⁾ OJ L 213, 8.8.2008, p. 31.

⁽³⁵⁾ OJ L 178, 28.6.2013, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

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

1. The text of paragraph 9 (a) of the Introductory Part is replaced by the following:

- ‘(a) **32002 R 0178**: Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

The EFTA States concerned shall be invited to send observers to the meetings of the Standing Committee on Plants, Animals, Food and Feed, set up by Regulation (EC) 178/2002, dealing with matters which fall within acts referred to in the Agreement. The representatives of the EFTA States shall participate fully in the work of the Committee, but shall not have the right to vote.’

2. The following is inserted after point 12 (Deleted) in Part 1.1:

‘Animal Health

13. **32016 R 0429**: Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health (‘Animal Health Law’) (OJ L 84, 31.3.2016, p. 1), as corrected by OJ L 57, 3.3.2017, p. 65, 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),

— **32018 R 1629**: Commission Delegated Regulation (EU) 2018/1629 of 25 July 2018 (OJ L 272, 31.10.2018, p. 11).

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

- (a) In Article 49(1)(a), the words “and Norway” shall be inserted after the words “Member States”.

Norway undertakes to bear the costs for the transport and replacement of the antigen, vaccine and diagnostic reagent delivered to Norway under this provision.

- (b) As regards the EFTA States, the text of Article 243 shall be replaced by the following:

“The legislation of the EFTA States pertaining to prevention and control of animal diseases which are transmissible to animals and humans shall comply with the relevant requirements of animal health law, including effective measures to ensure that animals and products under movement restrictions in an EU Member State cannot be exported or re-exported to a third country via an EFTA State.”

- (c) Articles 258, 259, 261 and 262 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 these provisions.
- (ii) In the case of 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 these provisions 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.

(d) In Article 279, as regards the EFTA States, the words “application of this Regulation” shall read “entry into force of Decision of the EEA Joint Committee No 179/2020”.

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

13a. **32018 R 1882**: Commission Implementing Regulation (EU) 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases (OJ L 308, 4.12.2018, p. 21).

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

13b. **32020 R 0690**: Commission Implementing Regulation (EU) 2020/690 of 17 December 2019 laying down rules for the application of Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the listed diseases subject to Union surveillance programmes, the geographical scope of such programmes and the listed diseases for which the disease-free status of compartments may be established (OJ L 174, 3.6.2020, p. 341).

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

3. The following indent is added in point 7c (Regulation (EC) No 1760/2000 of the European Parliament and of the Council) in Part 1.1 and in point 8b (Regulation (EC) No 2160/2003 of the European Parliament and of the Council) in Part 7.1:

‘— **32016 R 0429**: Regulation (EU) 2016/429 of the European Parliament and of the Council (OJ L 84, 31.3.2016, p. 1).’

4. The text of point 2 (Council Directive 90/423/EEC) in Part 3.1 is deleted.

5. The text of points 4 (Council Directive 92/35/EEC), 8a (Council Directive 2006/88/EC), 9 (Council Directive 92/119/EEC), and 10 (Council Directive 82/894/EEC) in Part 3.1, 7 (Council Decision 91/666/EEC) in Part 3.2, 1 (Council Directive 64/432/EEC), 2 (Council Directive 91/68/EEC), 3 (Council Directive 2009/156/EC), 4a (Council Directive 2009/158/EC), 5a (Council Directive 2006/88/EC), 6 (Council Directive 89/556/EEC), 7 (Council Directive 88/407/EEC), 8 (Council Directive 90/429/EEC) and 9 (Council Directive 92/65/EEC) in Part 4.1, 37 (Council Decision 95/410/EC) and 54 (Council Decision 2000/258/EC) in Part 4.2, 6a (Council Directive 2002/99/EC) and 7 (Council Directive 92/118/EEC) in Part 5.1, 15 (Council Directive 92/118/EEC) in Part 6.1, 2 (Council Directive 2009/156/EC), 3a (Council Directive 2009/158/EC), 4a (Council Directive 2006/88/EC), 5 (Council Directive 89/556/EEC), 6 (Council Directive 88/407/EEC), 7 (Council Directive 90/429/EEC), 15 (Council Directive 92/65/EEC), 16 (Council Directive 92/118/EEC) and 16a (Council Directive 2004/68/EC) in Part 8.1 shall be deleted with effect from 21 April 2021.

6. The text of points 7b (Council Regulation (EC) No 21/2004) and 7d (Council Directive 2008/71/EC) in Part 1.1 and 1a (Council Directive 2003/85/EC), 3 (Council Directive 2001/89/EC), 5a (Council Directive 2005/94/EC), 6 (Council Directive 92/66/EEC), 9a (Council Directive 2000/75/EC) and 9b (Council Directive 2002/60/EC) in Part 3.1 shall be deleted with effect from 21 April 2024 or at an earlier date determined in a delegated act.

7. The text of point 10 (Regulation (EU) No 576/2013 of the European Parliament and of the Council) in Part 1.1 shall be deleted with effect from 21 April 2026.

Article 2

The texts of Regulation (EU) 2016/429, Delegated Regulation (EU) 2018/1629 and Implementing Regulations (EU) 2018/1882 and (EU) 2020/690 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 the day after the final notification under Article 103(1) of the EEA Agreement has been received *.

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, 11 December 2020.

For the EEA Joint Committee
The President
Sabine MONAUNI

* Constitutional requirements indicated.