DECISION OF THE EEA JOINT COMMITTEE

No 102/2012

of 30 April 2012

amending Protocol 47 (on the abolition of technical barriers to trade in wine) 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) Protocol 47 to the Agreement was amended by Decision of the EEA Joint Committee No 50/2011 of 20 May 2011 ([1]).

(2) Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ([2]) is to be incorporated into the Agreement.

(3) Commission Regulation (EC) No 436/2009 of 26 May 2009 laying down detailed rules for the application of Council Regulation (EC) No 479/2008 as regards the vineyard register, compulsory declarations and the gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept ([3]) is to be incorporated into the Agreement.

(4) Council Regulation (EC) No 491/2009 of 25 May 2009 amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ([4]) is to be incorporated into the Agreement.

(5) Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions ([5]) is to be incorporated into the Agreement.

(6) Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products ([6]) is to be incorporated into the Agreement.

(7) Regulation (EC) No 436/2009 repeals Commission Regulation (EC) No 884/2001 ([7]) which is incorporated into the Agreement and is therefore to be repealed under the Agreement.

(8) Regulation (EC) No 606/2009 repeals Commission Regulation (EEC) No 2676/90 ([8]) which is incorporated into the Agreement and is therefore to be repealed under the Agreement.

(9) Regulation (EC) No 607/2009 repeals Commission Regulations (EC) No 1607/2000 ([9]) and (EC) No 753/2002 ([10]) which are incorporated into the Agreement and are therefore to be repealed under the Agreement.

(10) Council Regulation (EC) No 1493/1999 ([11]) and Commission Regulation (EC) No 1622/2000 ([12]), which are incorporated into the Agreement, have been repealed in the EU and should therefore be repealed under the Agreement.

(11) Most provisions of Regulation (EC) No 1234/2007 and Regulation (EC) No 436/2009 are not EEA relevant as they are related to the common organisation of agricultural markets. The provisions which are applicable should therefore be specifically listed. These provisions shall be interpreted in light of the main text of the Agreement and the horizontal and specific adaptations in Protocol 47.

(12) This Decision is not to apply to Liechtenstein,

([1]) OJ L 196, 28.7.2011, p. 29.
([2]) OJ L 299, 16.11.2007, p. 1.
([3]) OJ L 128, 27.5.2009, p. 15.
([4]) OJ L 154, 17.6.2009, p. 1.
([5]) OJ L 193, 24.7.2009, p. 1.
([6]) OJ L 193, 24.7.2009, p. 60.
([7]) OJ L 128, 10.5.2001, p. 32.
([8]) OJ L 272, 3.10.1990, p. 1.
([9]) OJ L 185, 25.7.2000, p. 17.
([10]) OJ L 118, 4.5.2002, p. 1.
([11]) OJ L 179, 14.7.1999, p. 1.
([12]) OJ L 194, 31.7.2000, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

Appendix 1 to Protocol 47 to the Agreement shall be amended as follows:

(1) the text of points 1 (Commission Regulation (EEC) No 2676/90), 2 (Council Regulation (EC) No 1493/1999), 3 (Commission Regulation (EC) No 1607/2000), 4 (Commission Regulation (EC) No 1622/2000), 5 (Commission Regulation (EC) No 884/2001) and 6 (Commission Regulation (EC) No 753/2002) shall be deleted;

(2) the following shall be inserted after point 7 (Commission Regulation (EC) No 1793/2003):

'8. **32007 R 1234**: Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1), as amended by:

— **32009 R 0491**: Council Regulation (EC) No 491/2009 of 25 May 2009 (OJ L 154, 17.6.2009, p. 1).

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

(a) Only the following provisions of the Regulation shall apply:

Article 1(1)(l), cf. Part XII of Annex I,

Article 2(1), cf. Part IIIa of Annex III,

Article 113d, cf. Annex XIb,

Articles 118a to 118c,

Articles 118e to 118zb,

Articles 120a to 120g,

Article 185c(1) and (2), and

Article 185d.

The provisions shall apply with the adaptations that can be derived from the provisions of the main text of the Agreement, the horizontal adaptations in the introduction to Protocol 47 to the Agreement and the specific adaptations in Appendix I to Protocol 47 to the Agreement.

(b) The representatives of the EFTA States shall participate fully in the work of the Committees referred to in Article 195 of the Regulation, dealing with matters which fall within the scope of the acts referred to in the Agreement, but shall not have the right to vote.

9. **32009 R 0436**: Commission Regulation (EC) No 436/2009 of 26 May 2009 laying down detailed rules for the application of Council Regulation (EC) No 479/2008 as regards the vineyard register, compulsory declarations and the gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept (OJ L 128, 27.5.2009, p. 15).

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

(a) Only the following provisions of the Regulation shall apply:

Article 21(1), point (iii) of letter (a), letter (b) and letter (c),

Articles 22 to 26,

Article 27(3),

Articles 28 and 29,

Article 31(1) to (5),

Articles 32 to 35,

Article 47,

Article 48(1), and

Article 49.

The provisions shall apply with the adaptations that can be derived from the provisions of the main text of the Agreement, the horizontal adaptations in the introduction to Protocol 47 to the Agreement and the specific adaptations in Appendix I to Protocol 47 to the Agreement.

(b) In the third paragraph of Article 34(1) the words "In the case of transport inside the Community, such information shall be communicated in accordance with Regulation (EC) No 555/2008." shall be replaced by "Such information shall be forwarded in accordance with Appendix 2 to Protocol 47 to the Agreement.".

10. **32009 R 0606**: Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions (OJ L 193, 24.7.2009, p. 1).

11. **32009 R 0607**: Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (OJ L 193, 24.7.2009, p. 60).'

Article 2

The texts of Regulations (EC) No 1234/2007, (EC) No 436/2009, (EC) No 491/2009, (EC) No 606/2009 and (EC) No 607/2009 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 1 May 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

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, 30 April 2012.

For the EEA Joint Committee
The Acting President
Gianluca GRIPPA

(*) Constitutional requirements indicated.