DECISION OF THE EEA JOINT COMMITTEE

No 127/2007

of 28 September 2007

amending Annex XX (Environment) 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 XX to the Agreement was amended by Decision of the EEA Joint Committee No 92/2007 of 6 July 2007 ([1]).

(2) Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ([2]) is to be incorporated into the Agreement.

(3) Commission Decision 2002/623/EC of 24 July 2002 establishing guidance notes supplementing Annex II to Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ([3]) is to be incorporated into the Agreement.

(4) Council Decision 2002/811/EC of 3 October 2002 establishing guidance notes supplementing Annex VII to Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC ([4]) is to be incorporated into the Agreement.

(5) Council Decision 2002/812/EC of 3 October 2002 establishing pursuant to Directive 2001/18/EC of the European Parliament and of the Council the summary information format relating to the placing on the market of genetically modified organisms as or in products ([5]) is to be incorporated into the Agreement.

(6) Council Decision 2002/813/EC of 3 October 2002 establishing, pursuant to Directive 2001/18/EC of the European Parliament and of the Council, the summary notification information format for notifications concerning the deliberate release into the environment of genetically modified organisms for purposes other than for placing on the market ([6]) is to be incorporated into the Agreement.

(7) Commission Decision 2003/701/EC of 29 September 2003 establishing pursuant to Directive 2001/18/EC of the European Parliament and of the Council a format for presenting the results of the deliberate release into the environment of genetically modified higher plants for purposes other than placing on the market ([7]) is to be incorporated into the Agreement.

([1]) OJ L 328, 13.12.2007, p. 42.
([2]) OJ L 106, 17.4.2001, p. 1.
([3]) OJ L 200, 30.7.2002, p. 22.
([4]) OJ L 280, 18.10.2002, p. 27.
([5]) OJ L 280, 18.10.2002, p. 37.
([6]) OJ L 280, 18.10.2002, p. 62.
([7]) OJ L 254, 8.10.2003, p. 1.

(8) Commission Decision 2004/204/EC of 23 February 2004 laying down detailed arrangements for the operation of the registers for recording information on genetic modifications in GMOs, provided for in Directive 2001/18/EC of the European Parliament and of the Council [1] is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XX to the Agreement shall be amended as follows:

1. the following point shall be inserted after point 25c (Commission Decision 93/584/EEC):

'25d. **32001 L 0018**: Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1).

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

(a) The following paragraph shall be inserted at the end of Article 30(2):

"The EFTA States shall participate fully in the work of the Committee, but shall not have the right to vote. The internal rules of procedure of the Committee shall be adjusted to give full effect to the EFTA States participation."

(b) Article 23 shall be replaced by the following:

"1. Where a Contracting Party has detailed grounds for considering that a GMO as or in a product which has been properly notified and has received written consent under this Directive constitutes a risk to human health or the environment, that Contracting Party may restrict or prohibit the use and/or sale of that GMO as or in a product on its territory. The Contracting Party shall ensure that in the event of a severe risk, emergency measures, such as suspension or termination of the placing on the market, shall be applied, including information to the public.

The Contracting Party shall immediately inform the other Contracting Parties through the EEA Joint Committee of actions taken under this Article and give reasons for its decision.

2. If a Contracting Party so requires, consultations on the appropriateness of the measures taken shall take place in the EEA Joint Committee. Part VII of the Agreement shall apply."

(c) The Contracting Parties agree that the Directive only covers aspects relating to the potential risks to humans, plants, animals and the environment. The EFTA States therefore reserve the right to apply their national legislation in this area in relation to other concerns than health and environment, in so far as it is compatible with this Agreement.

(d) Liechtenstein shall not be obliged to receive and/or process applications concerning the first placing on the market of GMOs (Articles 12 to 24). However, Liechtenstein shall receive all information from other Member States within the authorisation procedures as foreseen by the Directive.';

2. the following points shall be inserted after point 25d (Directive 2001/18/EC of the European Parliament and of the Council):

'25e. **32002 D 0623**: Commission Decision 2002/623/EC of 24 July 2002 establishing guidance notes supplementing Annex II to Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 200, 30.7.2002, p. 22).

[1] OJ L 65, 3.3.2004, p. 20.

25f. **32002 D 0811**: Council Decision 2002/811/EC of 3 October 2002 establishing guidance notes supplementing Annex VII to Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 280, 18.10.2002, p. 27).

25g. **32002 D 0812**: Council Decision 2002/812/EC of 3 October 2002 establishing pursuant to Directive 2001/18/EC of the European Parliament and of the Council the summary information format relating to the placing on the market of genetically modified organisms as or in products (OJ L 280, 18.10.2002, p. 37).

25h. **32002 D 0813**: Council Decision 2002/813/EC of 3 October 2002 establishing, pursuant to Directive 2001/18/EC of the European Parliament and of the Council, the summary notification information format for notifications concerning the deliberate release into the environment of genetically modified organisms for purposes other than for placing on the market (OJ L 280, 18.10.2002, p. 62).

25i. **32003 D 0701**: Commission Decision 2003/701/EC of 29 September 2003 establishing pursuant to Directive 2001/18/EC of the European Parliament and of the Council a format for presenting the results of the deliberate release into the environment of genetically modified higher plants for purposes other than placing on the market (OJ L 254, 8.10.2003, p. 21).

25j. **32004 D 0204**: Commission Decision 2004/204/EC of 23 February 2004 laying down detailed arrangements for the operation of the registers for recording information on genetic modifications in GMOs, provided for in Directive 2001/18/EC of the European Parliament and of the Council (OJ L 65, 3.3.2004, p. 20).';

3. the text of point 25 (Council Directive 90/220/EEC) shall be deleted.

Article 2

The texts of Directive 2001/18/EC and Decisions 2002/623/EC, 2002/811/EC, 2002/812/EC, 2002/813/EC, 2003/701/EC and 2004/204/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 3

This Decision shall enter into force on 29 September 2007, 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, 28 September 2007.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

(*) Constitutional requirements indicated.