DECISION OF THE EEA JOINT COMMITTEE

No 225/2013

of 13 December 2013

amending Annex II (Technical regulations, standards, testing and certification) 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 (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products [1] is to be incorporated into the EEA Agreement.

(2) Regulation (EU) No 528/2012 repeals Directive 98/8/EC of the European Parliament and of the Council [2] which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.

(3) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Chapter XV of Annex II to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

The text of Regulation (EU) No 528/2012 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 14 December 2013, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

For Liechtenstein, this Decision shall enter into force on the same day or on the day of entry into force of the Agreement between Liechtenstein and Switzerland laying down the cooperation in the field of authorisation procedures for biocidal products according to Regulation (EU) No 528/2012, whichever is the later.

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, 13 December 2013.

For the EEA Joint Committee

The President

Thórir IBSEN

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[1] OJ L 167, 27.6.2012, p. 1.
[2] OJ L 123, 24.4.1998, p. 1.
(*) Constitutional requirements indicated.

ANNEX

The text of point 12n (Directive 98/8/EC) of Chapter XV of Annex II shall be replaced by the following:

'**32012 R 0528**: Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

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

(a) The EFTA States shall participate in the work of the European Chemicals Agency, hereinafter referred to as "the Agency", as set up by European Parliament and Council Regulation (EC) No 1907/2006.

(b) Notwithstanding the provisions of Protocol 1 to the Agreement, the term "Member State(s)" contained in Regulation (EU) No 528/2012 shall be understood to include, in addition to its meaning in that Regulation, the EFTA States.

(c) As regards the EFTA States, the Agency shall, as and when appropriate, assist the EFTA Surveillance Authority or the Standing Committee, as the case may be, in the performance of their respective tasks.

(d) The following paragraph shall be added in Article 35:

"4. The EFTA States shall be entitled to participate fully in the work of the coordination group and shall within it have the same rights and obligations as EU Member States, except the right to vote. The rules of procedures of the coordination Group shall give full effect to the EFTA States' participation."

(e) The following subparagraph shall be added in Article 44(5):

"When the Commission grants a Union authorisation or decides that a Union authorisation has not been granted, the EFTA States will simultaneously and within 30 days of the Commission act take corresponding decisions. The EEA Joint Committee shall be informed and shall periodically publish lists of such decisions in the EEA Supplement to the Official Journal."

(f) The following paragraph shall be added in Article 48:

"4. If the Commission cancels or amends a Union authorisation, the EFTA States shall cancel or amend the corresponding decision."

(g) The following subparagraph shall be added in Article 49:

"If the Commission cancels a Union authorisation, the EFTA States shall cancel the corresponding decision."

(h) The following paragraph shall be added in Article 50:

"4. If the Commission amends a Union authorisation, the EFTA states shall amend the corresponding decision."

(i) The following paragraph shall be added in Article 75:

"5. The EFTA States shall be entitled to participate fully in the work of the Biocidal Products Committee and shall within it have the same rights and obligations as EU Member States, except the right to vote."

(j) The following paragraph shall be added in Article 78:

"3. The EFTA States shall, as from the entry into force of this Decision participate in the financing of the Agency. For this purpose the procedures laid down in Article 82(1)(a) and Protocol 32 of the Agreement shall apply *mutatis mutandis*."

(k) Should any disagreement between the Contracting Parties arise as to the administration of these provisions, Part VII of the Agreement shall apply *mutatis mutandis*.'