DECISION OF THE EEA JOINT COMMITTEE

No 69/2010

of 11 June 2010

amending Annex IV (Energy) 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 IV to the Agreement was amended by Decision of the EEA Joint Committee No 140/2009 of 4 December 2009 ([1]).

(2) Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment (recast version) ([2]) is to be incorporated into the Agreement.

(3) Regulation (EC) No 106/2008 repeals Regulation (EC) No 2422/2001 of the European Parliament and of the Council ([3]) which is incorporated into the Agreement and is therefore to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex IV to the Agreement shall be amended as follows:

1. the text of point 18 (Regulation (EC) No 2422/2001 of the European Parliament and of the Council) shall be deleted;

2. the following point shall be inserted after point 29 (Commission Decision 2007/74/EC):

'30. **32008 R 0106**: Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment (recast version) (OJ L 39, 13.2.2008, p. 1).

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

(a) Any reference to the Agreement between the Government of the United States of America and the European Community on the coordination of energy efficient labelling programmes for office equipment shall be understood as including a reference to the Exchange of Letters between the US Environmental Protection Agency (EPA) and the Ministry of Petroleum and Energy in Norway, the Ministry of Industry in Iceland and the Office of Economic Affairs of Liechtenstein, except in Articles 11 and 14 where the reference to the former remains.

(b) In Article 4(5), the words "Community and third countries" shall read "Community or EFTA States, on the one hand, and third countries, on the other hand,". The words "tested by the Commission or the Member States" shall read "tested by the Commission or the Member States or the EFTA States, within their respective competences,".

([1]) OJ L 62, 11.3.2010, p. 34.
([2]) OJ L 39, 13.2.2008, p. 1.
([3]) OJ L 332, 15.12.2001, p. 1.

(c) In Article 12(3), first sentence, the word "Commission" shall read "EFTA States and the Commission, within their respective competences".

(d) Article 13 shall not apply.'.

Article 2

The texts of Regulation (EC) No 106/2008 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 12 June 2010, provided that all the notifications pursuant to 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, 11 June 2010.

For the EEA Joint Committee
The President
Alan SEATTER

(*) No constitutional requirements indicated.