DECISION OF THE EEA JOINT COMMITTEE

No 68/2004

of 4 May 2004

extending the application of certain Decisions of the EEA Joint Committee to the New Contracting Parties and amending certain Annexes to the EEA Agreement following the enlargement of the European Union

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 EEA Agreement, and in particular Article 98 thereof,

Whereas:

(1) Article 128 of the EEA Agreement stipulates that any European State becoming a member of the Community shall apply to become a Party to the EEA Agreement, and that the terms and conditions for such participation shall be subject to an agreement between the Contracting Parties and the applicant State.

(2) Following successful conclusion of the enlargement negotiations, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (New Contracting Parties) submitted applications to become parties to the EEA Agreement.

(3) The Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area (EEA Enlargement Agreement) was signed on 14 October 2003 in Luxemburg.

(4) Pursuant to Article 1(2) of the EEA Enlargement Agreement, the provisions of the EEA Agreement, as amended by the Decisions of the EEA Joint Committee adopted before 1 November 2002, shall, as from the entry into force of the EEA Enlargement Agreement, be binding on the New Contracting Parties under the same conditions as on the present Contracting Parties and under the terms and conditions laid down in the EEA Enlargement Agreement.

(5) Since 1 November 2002, a number of EC acts have been incorporated into the EEA Agreement through Decisions of the EEA Joint Committee.

(6) In order to guarantee the homogeneity of the EEA Agreement and the legal security for individuals and economic operators, it needs to be made clear that these EC acts are binding upon the New Contracting Parties as of the entry into force of the EEA Enlargement Agreement.

(7) The EU Act of Accession of 16 April 2003 grants derogations from and adapts some of the EC acts that have been incorporated into the EEA Agreement through Decisions of the EEA Joint Committee adopted after 1 November 2002.

(8) Pursuant to Article 3(5) of the EEA Enlargement Agreement, adaptations to acts incorporated into the EEA Agreement prior to the date of entry into force of the EEA Enlargement Agreement made necessary by reason of the New Contracting Parties' participation in the EEA Agreement, which have not been provided for in the EEA Enlargement Agreement, will be addressed in accordance with the procedures laid down in the EEA Agreement.

(9) Pursuant to Article 4(2) of the EEA Enlargement Agreement, any arrangements of relevance for the EEA Agreement referred to in the EU Act of Accession of 16 April 2003, which are not reflected in Annex B to the EEA Enlargement Agreement, will be addressed in accordance with the procedures laid down in the EEA Agreement.

(10) The EEA Joint Committee is therefore to incorporate these adaptations and derogations into the EEA Agreement.

(11) As the EEA Agreement extends the internal market to the EFTA States, it is necessary for the good functioning of the internal market to apply this decision as of the simultaneous entry into force of the EU Accession Treaty and the EEA Enlargement Agreement.

(12) As the EEA Enlargement Agreement has not yet entered into force, but is applicable on a provisional basis, this Decision will, pending the entry into force of the EEA Enlargement Agreement, apply provisionally as well,

HAS DECIDED AS FOLLOWS:

Article 1

All Decisions of the EEA Joint Committee adopted after 1 November 2002 are hereby declared binding upon the New Contracting Parties.

Article 2

The texts of the Decisions of the EEA Joint Committee referred to in Article 1 shall be drawn up and authenticated by the Contracting Parties in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages.

Article 3

1. The following indent shall be added in the points of the Annexes and Protocols to the EEA Agreement listed in Annex A to this Decision:

'— **1 03 T**: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003 (OJ L 236, 23.9.2003, p. 33).'

2. If the indent referred to in paragraph 1 is the first indent in the point in question, it shall be preceded by the words, 'as amended by:'.

Article 4

The transitional arrangements referred to in Annex B to this Decision are hereby incorporated into and made part of the EEA Agreement.

Article 5

The texts of the parts of the EU Act of Accession of 16 April 2003 listed in Annex C 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 6

This Decision shall enter into force on the day following the last notification to the EEA Joint Committee under Article 103(1) of the Agreement (*).

Any constitutional requirements indicated by any Contracting Party concerning any of the Decisions of the EEA Joint Committee referred to in Article 1, will remain unaffected by this Decision.

This Decision shall apply as from the date of entry into force of the EEA Enlargement Agreement. Pending the entry into force of the EEA Enlargement Agreement, it shall apply provisionally from the date of provisional application of the EEA Enlargement Agreement.

Article 7

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, 4 May 2004.

For the EEA Joint Committee
The President
S. GILLESPIE

(*) No constitutional requirements indicated.

ANNEX A

List referred to in Article 3 of the Decision

The indent referred to in Article 3(1) shall be inserted in the following locations in the Annexes and Protocols to the EEA Agreement:

in Annex I (Veterinary and phytosanitary matters), Chapter I (Veterinary issues):

— Part 3.1, Point 3 (Council Directive 2001/89/EC),

— Part 3.1, Point 9b (Council Directive 2002/60/EC),

— Part 9.2, Point 2 (Commission Directive 2002/4/EC),

— Part 7.1, Point 12 (Regulation (EC) No 999/2001 of the European Parliament and of the Council);

in Annex II (Technical regulations, standards, testing and certification), Chapter IV (Household appliances):

— Point 4g (Commission Directive 2002/40/EC);

in Annex IV (Energy):

— Point 11g (Commission Directive 2002/40/EC);

in Annex VII (Mutual recognition of professional qualifications):

— Point 28 (Council Directive 74/557/EEC).

ANNEX B

Transitional arrangements referred to in Article 4 of the Decision

Annex I (Veterinary and phytosanitary matters) to the EEA Agreement shall be amended as follows:

1. in Chapter III, Part 1, Point 10 (Council Directive 2002/53/EC), the following shall be inserted before the adaptation text:

   'The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for Cyprus (Annex VII, Chapter 5, Section B, Part II, Point 2), for Latvia (Annex VIII, Chapter 4, Section B, Part II), for Malta (Annex XI, Chapter 4, Section B, Part II), for Slovenia (Annex XIII, Chapter 5, Section B, Part II), shall apply.';

2. in Chapter III, Part 1, Point 12 (Council Directive 2002/55/EC), the following shall be inserted before the adaptation text:

   'The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for Cyprus (Annex VII, Chapter 5, Section B, Part II, Point 2), for Latvia (Annex VIII, Chapter 4, Section B, Part II), for Malta (Annex XI, Chapter 4, Section B, Part II), for Slovenia (Annex XIII, Chapter 5, Section B, Part II), shall apply.'

ANNEX C

List referred to in Article 5 of the Decision

The texts of the following parts of the Act of Accession of 16 April 2003 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

— Annex II, Chapter 3, Point 2 (Council Directive 74/557/EEC),

— Annex II, Chapter 6, Section B, Part I, Point 83 (Council Directive 2001/89/EC),

— Annex II, Chapter 6, Section B, Part I, Point 86 (Regulation (EC) No 999/2001 of the European Parliament and of the Council),

— Annex II, Chapter 6, Section B, Part I, Point 87 (Commission Directive 2001/4/EC),

— Annex II, Chapter 6, Section B, Part I, Point 89 (Council Directive 2002/60/EC),

— Annex II, Chapter 12, Section B, Point 7 (Commission Directive 2002/40/EC),

— Annex VII, Chapter 5, Section B, Part II, Point 2 (Council Directives 2002/53/EC and 2002/55/EC),

— Annex VIII, Chapter 4, Section B, Part II (Council Directives 2002/53/EC and 2002/55/EC),

— Annex XI, Chapter 4, Section B, Part II (Council Directives 2002/53/EC and 2002/55/EC),

— Annex XIII, Chapter 5, Section B, Part II (Council Directives 2002/53/EC and 2002/55/EC).