III

(Other acts)

EUROPEAN ECONOMIC AREA

DECISION OF THE EEA JOINT COMMITTEE

No 74/2012

of 30 April 2012

amending Annex I (Veterinary and phytosanitary matters) 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 I to the Agreement was amended by Decision of the EEA Joint Committee No 35/2012 of 30 March 2012 [1].

(2) Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs [2] is to be incorporated into the Agreement.

(3) Commission Decision 2011/214/EU of 1 April 2011 amending Annexes II to IV to Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs [3] is to be incorporated into the Agreement.

(4) Commission Implementing Decision 2011/277/EU of 10 May 2011 amending Annex II to Decision 93/52/EEC as regards the recognition of certain regions in Italy as officially free of brucellosis (*B. melitensis*) and amending the Annexes to Decision 2003/467/EC as regards the declaration that certain regions of Italy, Poland and the United Kingdom are officially free of bovine tuberculosis, bovine brucellosis and enzootic bovine leukosis [4] is to be incorporated into the Agreement.

(5) Commission Implementing Decision 2011/674/EU of 12 October 2011 amending Decision 2004/558/EC as regards the infectious bovine rhinotracheitis-free status of certain administrative regions in Germany [5] is to be incorporated into the Agreement.

(6) Commission Implementing Decision 2011/675/EU of 12 October 2011 amending Decision 2003/467/EC as regards the declaration of Latvia as officially tuberculosis-free Member State and the declaration of certain administrative regions in Portugal as officially enzootic-bovine-leukosis-free regions [6] is to be incorporated into the Agreement.

(7) Directive 2009/158/EC repeals Council Directive 90/539/EEC [7] which is incorporated in the Agreement and which is therefore to be repealed under the Agreement.

(8) This Decision concerns legislation regarding live animals other than fish and aquaculture animals. Legislation concerning these matters shall not apply to Iceland, as specified in paragraph 2 of the Introductory Part of Chapter I of Annex I to the Agreement. This Decision is therefore not to apply to Iceland.

(9) This Decision concerns legislation regarding veterinary matters. Legislation regarding veterinary matters shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein, as specified in the sectoral adaptations to Annex I to the Agreement. This Decision is therefore not to apply to Liechtenstein,

[1] OJ L 207, 2.8.2012, p. 2.
[2] OJ L 343, 22.12.2009, p. 74.
[3] OJ L 90, 6.4.2011, p. 27.
[4] OJ L 122, 11.5.2011, p. 100.
[5] OJ L 268, 13.10.2011, p. 17.
[6] OJ L 268, 13.10.2011, p. 19.
[7] OJ L 303, 31.10.1990, p. 6.

HAS ADOPTED THIS DECISION:

Article 1

Chapter I of Annex I to the Agreement shall be amended as follows:

(1) the text of point 4 (Council Directive 90/539/EEC) in Part 4.1 and point 3 (Council Directive 90/539/EEC) in Part 8.1 shall be deleted;

(2) the following shall be inserted after point 4 (Council Directive 90/539/EEC) in Part 4.1:

'4a. **32009 L 0158**: Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ L 343, 22.12.2009, p. 74), as amended by:

— **32011 D 0214**: Commission Decision 2011/214/EU of 1 April 2011 (OJ L 90, 6.4.2011, p. 27).

This act shall not apply to Iceland.

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

(a) in Article 13, the word "Norway" shall be added after the word "Finland";

(b) in Annex IV, the word "Norway" shall be added after the word "Finland" in footnote 3 of Model 1, footnotes 4 and 6 of Model 2, footnotes 1 and 4 of Model 3, footnote 3 of Model 4, footnotes 3 and 5 of Model 5 and footnote 1 of Model 6.';

(3) the following indent shall be added in point 14 (Commission Decision 93/52/EEC) in Part 4.2:

'— **32011 D 0277**: Commission Implementing Decision 2011/277/EU of 10 May 2011 (OJ L 122, 11.5.2011, p. 100).';

(4) the following indents shall be added in point 70 (Commission Decision 2003/467/EC) in Part 4.2:

'— **32011 D 0277**: Commission Implementing Decision 2011/277/EU of 10 May 2011 (OJ L 122, 11.5.2011, p. 100),

— **32011 D 0675**: Commission Implementing Decision 2011/675/EU of 12 October 2011 (OJ L 268, 13.10.2011, p. 19).';

(5) the following indent shall be added in point 80 (Commission Decision 2004/558/EC) in Part 4.2:

'— **32011 D 0674**: Commission Implementing Decision 2011/674/EU of 12 October 2011 (OJ L 268, 13.10.2011, p. 17).';

(6) the following shall be inserted after point 3 (Council Directive 90/539/EEC) in Part 8.1:

'3a. **32009 L 0158**: Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ L 343, 22.12.2009, p. 74), as amended by:

— **32011 D 0214**: Commission Decision 2011/214/EU of 1 April 2011 (OJ L 90, 6.4.2011, p. 27).

This act shall not apply to Iceland.

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

(a) in Article 13, the word "Norway" shall be added after the word "Finland";

(b) in Annex IV, the word "Norway" shall be added after the word "Finland" in footnote 3 of Model 1, footnotes 4 and 6 of Model 2, footnotes 1 and 4 of Model 3, footnote 3 of Model 4, footnotes 3 and 5 of Model 5 and footnote 1 of Model 6.'.

Article 2

The texts of Directive 2009/158/EC, Decision 2011/214/EU and Implementing Decisions 2011/277/EU, 2011/674/EU and 2011/675/EU in the Norwegian language, 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

(*) No constitutional requirements indicated.