DECISION OF THE EEA JOINT COMMITTEE

No 32/2003

of 14 March 2003

amending Annex II (Technical regulations, standards, testing and certification) and Protocol 37 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 II to the Agreement was amended by Decision of the EEA Joint Committee No 7/2003 of 31 January 2003 ([1]).

(2) Protocol 37 to the Agreement was amended by Decision of the EEA Joint Committtee No 140/2002 of 8 November 2002 ([2]).

(3) Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ([3]), as corrected by OJ L 150, 8.6.2002, p. 71, is to be incorporated into the Agreement.

(4) Commission Regulation (EC) No 1896/2000 of 7 September 2000 on the first phase of the programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council on biocidal products ([4]) is to be incorporated into the Agreement.

(5) Commission Regulation (EC) No 1687/2002 of 25 September 2002 on an additional period for notification of certain active substances already on the market for biocidal use as established in Article 4(1) of Regulation (EC) No 1896/2000 ([5]) is to be incorporated into the Agreement.

(6) Directive 98/8/EC and Regulation (EC) No 1896/2000 are to be adapted for the purposes of the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following points shall be inserted after point 12m (Commission Regulation (EC) No 2592/2001) in Chapter XV of Annex II to the Agreement:

'12n. **398 L 0008:** Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1), as corrected by OJ L 150, 8.6.2002, p. 71.

([1]) OJ L 94, 10.4.2003, p. 55.
([2]) OJ L 19, 23.1.2003, p. 5.
([3]) OJ L 123, 24.4.1998, p. 1.
([4]) OJ L 228, 8.9.2000, p. 6.
([5]) OJ L 258, 26.9.2002, p. 15.

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

(a) the following paragraph shall be inserted at the end of Article 11:

"Inclusion, or subsequent changes to the inclusion, of an active substance in Annex I, IA or IB shall also be considered when an applicant has forwarded the required dossier to the competent authority of one of the EFTA States, and the receiving competent authority of that State has sent the required evaluation to the Commission.";

(b) for the EFTA States, the transitional period to which reference is made in Article 16(1), shall be for the period up to 14 May 2010;

(c) the following paragraph shall be inserted at the end of Article 28(1):

"The EFTA States shall participate fully in the work of the Standing 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."

12o. **32000 R 1896:** Commission Regulation (EC) No 1896/2000 of 7 September 2000 on the first phase of the programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council on biocidal products (OJ L 228, 8.9.2000, p. 6).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations, in addition to the adaptations to the Directive 98/8/EC:

(a) the EFTA States and their producers shall participate in the 10-year programme of work mentioned in Article 16(2) of Directive 98/8/EC. The EFTA States may be designated under Article 7(5) as responsible for the review of active substances under this programme;

(b) the Commission shall take into account information concerning active substances already on the market in the EFTA States on 14 May 2000 submitted under Article 3(1) before the entry into force of the Joint Committee Decision integrating this Regulation into the Agreement;

(c) the Commission shall take into account notifications concerning active substances already on the market in the EFTA States on 14 May 2000 submitted under Article 4(1) before the entry into force of the Joint Committee Decision integrating this Regulation into the Agreement.

12p. **32002 R 1687:** Commission Regulation (EC) No 1687/2002 of 25 September 2002 on an additional period for notification of certain active substances already on the market for biocidal use as established in Article 4(1) of Regulation (EC) No 1896/2000 (OJ L 258, 26.9.2002, p. 15).'

Article 2

The following shall be added in Protocol 37 of the Agreement:

'15. Standing Committee for Biocidal Products (Directive 98/8/EC of the European Parliament and of the Council)'

Article 3

The texts of Directive 98/8/EC, as corrected by OJ L 150, 8.6.2002, p. 71, and Regulations (EC) No 1896/2000 and (EC) No 1687/2002 in the Icelandic and Norwegian languages, annexed to the respective language versions of this Decision, shall be authentic.

Article 4

This Decision shall enter into force on 15 March 2003, provided that all the notifications under Article 103(1) of the Agreement (*) have been made to the EEA Joint Committee.

Article 5

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, 14 March 2003.

For the EEA Joint Committee

The President

P. WESTERLUND

(*) Constitutional requirements indicated.