III

(Other acts)

EUROPEAN ECONOMIC AREA

DECISION OF THE EEA JOINT COMMITTEE

No 38/2010

of 30 April 2010

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 19/2010 of 12 March 2010 [1].

(2) Commission Regulation (EC) No 123/2009 of 10 February 2009 amending Regulation (EC) No 1266/2007 as regards conditions for movements of animals within the same restricted zone and the conditions for exempting animals from the exit ban provided for in Council Directive 2000/75/EC [2] is to be incorporated into the Agreement.

(3) Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs [3] is to be incorporated into the Agreement.

(4) Commission Decision 2009/19/EC of 9 January 2009 amending Decision 2008/655/EC as regards the approval of the emergency vaccination plans against bluetongue of certain Member States and fixing the level of the Community's financial contribution for 2007 and 2008 [4] is to be incorporated into the Agreement.

(5) Commission Decision 2009/248/EC of 18 March 2009 amending Decision 2008/185/EC as regards the animal health conditions for trade in pigs between Member States or regions thereof which are free of Aujeszky's disease [5] is to be incorporated into the Agreement.

(6) Commission Decision 2009/255/EC of 20 March 2009 amending Decision 2003/135/EC as regards the eradication and emergency vaccination plans for classical swine fever in feral pigs in certain areas of the Federal States of North Rhine-Westphalia and Rhineland-Palatinate (Germany) [6] is to be incorporated into the Agreement.

(7) Commission Decision 2009/342/EC of 23 April 2009 amending Decision 2003/467/EC as regards the declaration that certain administrative regions of Italy are officially free of bovine tuberculosis, bovine brucellosis and enzootic-bovine-leukosis, that certain administrative regions of Poland are officially free of enzootic-bovine-leukosis and that Poland and Slovenia are officially free of bovine tuberculosis [7] is to be incorporated into the Agreement.

(8) Commission Decision 2009/422/EC of 26 May 2009 amending Decision 2003/135/EC as regards the eradication and emergency vaccination plans for classical swine fever in feral pigs in certain areas of Germany [8] is to be incorporated into the Agreement.

(9) Council Directive 2008/120/EC repeals Council Directive 91/630/EEC [9] which is incorporated into the Agreement and is therefore to be repealed under the Agreement.

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[1] OJ L 143, 10.6.2010, p. 8.
[2] OJ L 40, 11.2.2009, p. 3.
[3] OJ L 47, 18.2.2009, p. 5.
[4] OJ L 8, 13.1.2009, p. 31.
[5] OJ L 73, 19.3.2009, p. 22.
[6] OJ L 75, 21.3.2009, p. 24.
[7] OJ L 104, 24.4.2009, p. 51.
[8] OJ L 137, 3.6.2009, p. 42.
[9] OJ L 340, 11.12.1991, p. 33.

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

(11) This Decision is not to apply to Iceland and Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

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

Article 2

The texts of Regulation (EC) No 123/2009, Directive 2008/120/EC and Decisions 2009/19/EC, 2009/248/EC, 2009/255/EC, 2009/342/EC and 2009/422/EC 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 2010, 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 2010.

For the EEA Joint Committee

The President

Alan SEATTER

(*) No constitutional requirements indicated.

ANNEX

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

1. the following indent shall be added in point 40 (Commission Regulation (EC) No 1266/2007) in Part 3.2:

'— **32009 R 0123**: Commission Regulation (EC) No 123/2009 of 10 February 2009 (OJ L 40, 11.2.2009, p. 3).';

2. under the heading 'ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT' the following indents shall be added in point 20 (Commission Decision 2003/135/EC) in Part 3.2:

'— **32009 D 0255**: Commission Decision 2009/255/EC of 20 March 2009 (OJ L 75, 21.3.2009, p. 24),

— **32009 D 0422**: Commission Decision 2009/422/EC of 26 May 2009 (OJ L 137, 3.6.2009, p. 42).';

3. under the heading 'ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT' the following shall be added in point 45 (Commission Decision 2008/655/EC) in Part 3.2:

', as amended by:

— **32009 D 0019**: Commission Decision 2009/19/EC of 9 January 2009 (OJ L 8, 13.1.2009, p. 31).';

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

'— **32009 D 0342**: Commission Decision 2009/342/EC of 23 April 2009 (OJ L 104, 24.4.2009, p. 51).';

5. the following indent shall be added in point 84 (Commission Decision 2008/185/EC) in Part 4.2:

'— **32009 D 0248**: Commission Decision 2009/248/EC of 18 March 2009 (OJ L 73, 19.3.2009, p. 22).';

6. the text of point 5 (Council Directive 91/630/EEC) in Part 9.1 shall be deleted;

7. the following point shall be inserted after point 10 (Council Regulation (EC) No 1/2005) in Part 9.1:

'11. **32008 L 0120**: Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (Codified version) (OJ L 47, 18.2.2009, p. 5).

This act shall not apply to Iceland.'.