DECISION OF THE EEA JOINT COMMITTEE

No 167/2004

of 3 December 2004

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 123/2004 of 24 September 2004 ([1]).

(2) Regulation (EC) No 2422/2001 of the European Parliament and of the Council of 6 November 2001 on a Community energy efficiency labelling programme for office equipment ([2]) is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 17 (Directive 2002/91/EC of the European Parliament and of the Council) in Annex IV to the Agreement:

'18. **32001 R 2422**: Regulation (EC) No 2422/2001 of the European Parliament and of the Council of 6 November 2001 on a Community energy efficiency labelling programme for office equipment (OJ L 332, 15.12.2001, p. 1).

The provisions of the Regulation shall, for the purposes of the present 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(4), 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 64, 10.3.2005, p. 20.

([2]) 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 2422/2001 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 4 December 2004, 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, 3 December 2004.

For the EEA Joint Committee
The President
Kjartan JÓHANNSSON

(*) Constitutional requirements indicated.