# DECISION OF THE EEA JOINT COMMITTEE

## No 69/2011

## of 1 July 2011

## amending Annex I (Veterinary and phytosanitary matters) and Annex II (Technical regulations, standards, testing and certification) 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 9/2011 of 1 April 2011 [1].

(2) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 50/2011 of 20 May 2011 [2].

(3) Commission Regulation (EU) No 115/2010 of 9 February 2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters [3] is to be incorporated into the Agreement.

(4) Commission Regulation (EU) No 893/2010 of 8 October 2010 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acequinocyl, bentazone, carbendazim, cyfluthrin, fenamidone, fenazaquin, flonicamid, flutriafol, imidacloprid, ioxynil, metconazole, prothioconazole, tebufenozide and thiophanate-methyl in or on certain products [4] is to be incorporated into the Agreement.

(5) Commission Regulation (EU) No 957/2010 of 22 October 2010 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk and to children's development and health [5] is to be incorporated into the Agreement.

(6) Commission Regulation (EU) No 958/2010 of 22 October 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health [6] is to be incorporated into the Agreement.

(7) Commission Decision 2009/980/EU of 17 December 2009 authorising a health claim on the effect of water-soluble tomato concentrate on platelet aggregation and granting the protection of proprietary data under Regulation (EC) No 1924/2006 of the European Parliament and of the Council [7] is to be incorporated into the Agreement.

(8) Commission Recommendation 2010/307/EU of 2 June 2010 on the monitoring of acrylamide levels in food [8] is to be incorporated into the Agreement.

(9) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

*Article 1*

The following indent shall be added in point 40 (Regulation (EC) No 396/2005 of the European Parliament and of the Council) of Chapter II of Annex I to the Agreement:

'— **32010 R 0893**: Commission Regulation (EU) No 893/2010 of 8 October 2010 (OJ L 266, 9.10.2010, p. 10).'.

*Article 2*

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

(1) the following indent shall be added in point 54zzy (Regulation (EC) No 396/2005 of the European Parliament and of the Council):

'— **32010 R 0893**: Commission Regulation (EU) No 893/2010 of 8 October 2010 (OJ L 266, 9.10.2010, p. 10).';

(2) the following points shall be inserted after point 54zzzzv (Commission Regulation (EU) No 1162/2010):

'54zzzzw. **32009 D 0980**: Commission Decision 2009/980/EU of 17 December 2009 authorising a health claim on the effect of water-soluble tomato concentrate on platelet aggregation and granting the protection of proprietary data under Regulation (EC) No 1924/2006 of the European Parliament and of the Council (OJ L 336, 18.12.2009, p. 55),

54zzzzx. **32010 R 0115**: Commission Regulation (EU) No 115/2010 of 9 February 2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters (OJ L 37, 10.2.2010, p. 13),

[1] OJ L 171, 30.6.2011, p. 5.
[2] OJ L 196, 28.7.2011, p. 29.
[3] OJ L 37, 10.2.2010, p. 13.
[4] OJ L 266, 9.10.2010, p. 10.
[5] OJ L 279, 23.10.2010, p. 13.
[6] OJ L 279, 23.10.2010, p. 18.
[7] OJ L 336, 18.12.2009, p. 55.
[8] OJ L 137, 3.6.2010, p. 4.

54zzzzy. **32010 R 0957**: Commission Regulation (EU) No 957/2010 of 22 October 2010 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk and to children's development and health (OJ L 279, 23.10.2010, p. 13),

54zzzzz. **32010 R 0958**: Commission Regulation (EU) No 958/2010 of 22 October 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health (OJ L 279, 23.10.2010, p. 18).';

(3) under the heading '*ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE*' the following point shall be inserted after point 65 (Commission Recommendation 2008/103/EC):

'66. **32010 H 0307**: Commission Recommendation 2010/307/EU of 2 June 2010 on the monitoring of acrylamide levels in food (OJ L 137, 3.6.2010, p. 4).'.

*Article 3*

The texts of Regulations (EU) No 115/2010, (EU) No 893/2010, (EU) No 957/2010 and (EU) No 958/2010, Decision 2009/980/EU and Recommendation 2010/307/EU 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 4*

This Decision shall enter into force on 2 July 2011, provided that all the notifications pursuant to 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, 1 July 2011.

*For the EEA Joint Committee*
*The President*
Kurt JÄGER

(*) No constitutional requirements indicated.