



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7.9.2007  
SEC(2007) 1104 final

Draft for a

**DECISION OF THE EEA JOINT COMMITTEE**

**amending Annex I (Veterinary and phytosanitary matters)  
to the EEA Agreement**

- Draft common position of the Community -  
(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

1. The EEA Joint Committee has the task of ensuring the homogeneity of the Internal Market and the legal security for operators by incorporating all relevant Community legislation into the EEA Agreement.
2. The EEA Joint Committee should therefore amend Annex I (Veterinary and phytosanitary matters) by adopting the attached draft decision which concerns the revision of Iceland's application of Community legislation in the field of veterinary and phytosanitary matters. In particular against the background of the introduction of the concept of horizontal food law into the EEA Agreement, it is proposed to delete the general derogation for Iceland in Annex I, chapter I of the EEA Agreement, and retain only a number of specific derogations for Iceland that relate to certain individual legislative acts, notably those concerning live animals.
3. Article 1(3)(a) of Council Regulation (EC) No 2894/94 concerning the arrangements for implementing the EEA Agreement envisages that the Council establishes the Community position for Joint Committee Decisions of this nature.
4. The draft decision of the EEA Joint Committee is submitted for the approval of the Council, after which the Commission will put forward the position of the Community in the EEA Joint Committee at the earliest possible occasion.

Draft for a

**DECISION OF THE EEA JOINT COMMITTEE**  
**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 ... of ...<sup>1</sup>
- (2) Chapter I of Annex I currently applies to Iceland only with regard to aquaculture animals and products and fisheries products.
- (3) Paragraph 2 of the introductory part of Chapter I of Annex I states that the acts referred to in Chapter I of Annex I shall apply to Iceland, where this is so stated in relation to the specific act.
- (4) Paragraph 2 of the introductory part of Chapter I of Annex I foresees a review of Chapter I of Annex I for Iceland.
- (5) The Contracting Parties have reviewed the situation for Iceland and decided that Iceland will take over the acts referred to in Chapter I of Annex I, except for the provisions that concern live animals, other than fish and aquaculture animals, and animal products such as ova, embryo and semen.
- (6) The acts referred to in Chapter I of Annex I shall apply to Iceland unless it is stated in relation to the specific act that it shall not apply to Iceland. Therefore, paragraph 2 of the introductory part to Chapter I of Annex I must be amended.
- (7) Due to the specific situation of Iceland as regards climate, geographical localisation and nature of resources available, the feeding of fishmeal to ruminants may be accepted. This authorisation takes account of the absence of production and importation of meat and bone meal in Iceland.

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<sup>1</sup> OJ L ...

- (8) Iceland needs a transitional period of 18 months in order to comply fully with the provisions in the areas which are made applicable to Iceland by the adoption of this Decision.
- (9) This Decision is not to apply to 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*

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

*Article 3*

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, .

*For the EEA Joint Committee  
The President*

*The Secretaries  
to the EEA Joint Committee*

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\* [No constitutional requirements indicated.] [Constitutional requirements indicated.]

## ANNEX

### to the Decision of the EEA Joint Committee No [...]

Chapter I of Annex I shall be amended as specified below:

1. The Introductory Part shall be amended as follows:
  - (a) The text of paragraph 2 shall be replaced by the following:

“The provisions contained in this Chapter shall apply to Iceland, except for the provisions concerning live animals, other than fish and aquaculture animals, and animal products such as ova, embryo and semen. When an act is not to apply or is to apply partly to Iceland, it shall be stated in relation to the specific act.

Iceland shall implement the provisions contained in this Chapter, in the areas which did not apply to Iceland prior to the review of this Chapter by Decision of the EEA Joint Committee No ...of ...(this Decision), no later than 18 months after the entry into force of this Decision.

The other Contracting Parties may maintain their third-country regimes in trade with Iceland for areas not applicable to Iceland.”
  - (b) The text of paragraphs 3(c), 4D, 6(c), 7(c) and 8(d) shall be replaced by the following text:

“This paragraph applies also to Iceland for the areas referred to in paragraph 2.”
2. The sentence “This act applies also to Iceland for the areas covered by the specific acts to which reference is made in paragraph 2 of the introductory Part” in points 1 (Council Directive 89/662/EEC), 4 (Council Directive 97/78/EC) and 6 (Council Decision 92/438/EEC) in Part 1.1 shall be deleted.
3. The sentence “This act applies also to Iceland for the areas covered by the specific acts to which reference is made in paragraph 2 of the introductory Part” in points 2 (Council Directive 90/425/EEC), 5 (Council Directive 91/496/EEC) and 8 (Council Directive 85/73/EEC) in Part 1.1 shall be replaced by the sentence “This act applies to Iceland for the areas referred to in paragraph 2 of the Introductory Part.”
4. The sentence “This act applies also to Iceland for the areas referred to in paragraph 2 of the Introductory Part” shall be inserted in points 3 (Council Directive 89/608/EEC) and 9 (Council Directive 96/93/EC) in Part 1.1.
5. The sentence “This act shall not apply to Iceland” shall be inserted in point 10 (Regulation (EC) No 998/2003 of the European Parliament and of the Council) in Part 1.1.
6. The sentence “This act applies also to Iceland” in points 84 (Commission Decision 98/470/EC), 104 (Commission Decision 2000/351/EC) and 114 (Commission Decision 2003/630/EC) in Part 1.2 shall be deleted.

7. The sentence “This act applies also to Iceland for the areas covered by the specific acts to which reference is made in paragraph 2 of the introductory Part” in points 21 (Commission Decision 93/352/EEC), 25 (Commission Decision 94/360/EC), 29 (Commission Decision 94/641/EC), 31 (Commission Decision 94/958/EC), 33 (Commission Decision 94/971/EC), 87 (Commission Decision 2000/25/EC), 88 (Commission Decision 2000/208/EC), 106 (Commission Decision 2000/571/EC), 111 (Commission Decision 2001/812/EC), 113 (Commission Decision 2002/349/EC) and 115 (Commission Regulation (EC) No 136/2004) in Part 1.2 shall be deleted.
8. The sentence “This act applies also to Iceland for the areas covered by the specific acts to which reference is made in paragraph 2 of the introductory Part” in points 2 (Commission Decision 91/398/EEC), 3 (Commission Decision 91/585/EEC), 4 (Commission Decision 91/637/EEC), 5 (Commission Decision 91/638/EEC), 6 (Commission Decision 92/176/EEC), 8 (Commission Decision 92/341/EEC), 9 (Commission Decision 92/373/EEC), 11 (Commission Decision 92/432/EEC), 12 (Commission Decision 92/486/EEC), 15 (Commission Decision 92/563/EEC), 17 (Commission Decision 93/14/EEC), 18 (Commission Decision 93/70/EEC), 22 (Commission Decision 93/444/EEC), 23 (Commission Decision 94/338/EC), 24 (Commission Decision 94/339/EC), 30 (Commission Decision 94/957/EC), 32 (Commission Decision 94/970/EC), 39 (Commission Decision 2001/881/EC), 42 (Commission Decision 96/105/EC), 46 (Commission Decision 2002/459/EC), 116 (Commission Decision 2004/253/EC), 117 (Commission Regulation (EC) No 282/2004), 118 (Commission Decision 2004/292/EC) and 119 (Commission Regulation (EC) No 599/2004) in Part 1.2 shall be replaced by the sentence “This act applies also to Iceland for the areas referred to in paragraph 2 of the Introductory Part.”
9. Under the heading “*ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT*” in Part 1.2, the sentence “This act applies also to Iceland” in point 1 (Commission Decision 98/140/EC) shall be deleted.
10. The sentence “This act applies also to Iceland for the areas referred to in paragraph 2 of the Introductory Part” shall be inserted in point 68 (Commission Decision 97/794/EC) and 74 (Commission Decision 98/139/EC) in Part 1.2.
11. The sentence “This act shall not apply to Iceland” shall be inserted before the adaptation text in points 121 (Commission Decision 2003/803/EC), 122 (Commission Decision 2004/301/EC), 123 (Commission Decision 2004/595/EC), 124 (Commission Decision 2004/824/EC), 125 (Commission Decision 2004/839/EC), 126 (Commission Decision 2005/91/EC) and 129 (Commission Decision 2005/64/EC) in Part 1.2.
12. Under the heading “*ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT*” in Part 1.2, the sentence “This act shall not apply to Iceland” shall be inserted in points 11 (Commission Decision 2000/62/EC) and 18 (Commission Decision 2004/557/EC) in Part 1.2.

13. The sentence “This act applies also to Iceland for the areas referred to in paragraph 2 of the Introductory Part” shall be inserted in points 57 (Commission Decision 97/152/EC) and 60 (Commission Decision 97/394/EC) in Part 1.2.
14. The sentence “This act shall not apply to Iceland” shall be inserted in points 1 (Council Directive 77/504/EEC), 2 (Council Directive 88/661/EEC), 3 (Council Directive 89/361/EEC), 4 (Council Directive 90/427/EEC), 5 (Council Directive 90/428/EEC), 6 (Council Directive 91/174/EEC) and 7 (Council Decision 96/463/EC) in Part 2.1 and points 1 (Commission Decision 84/247/EEC), 2 (Commission Decision 84/419/EEC), 5 (Council Directive 87/328/EEC), 7 (Commission Decision 89/501/EEC), 8 (Commission Decision 89/502/EEC), 9 (Commission Decision 89/503/EEC), 10 (Commission Decision 89/504/EEC), 11 (Commission Decision 89/505/EEC), 12 (Commission Decision 89/506/EEC), 13 (Commission Decision 89/507/EEC), 14 (Council Directive 90/118/EEC), 15 (Council Directive 90/119/EEC), 16 (Commission Decision 90/254/EEC), 17 (Commission Decision 90/255/EEC), 18 (Commission Decision 90/256/EEC), 19 (Commission Decision 90/257/EEC), 20 (Commission Decision 90/258/EEC), 21 (Commission Decision 92/216/EEC), 22 (Commission Decision 92/353/EEC), 23 (Commission Decision 92/354/EEC), 24 (Commission Decision 93/623/EEC), 25 (Commission Decision 96/78/EC), 26 (Commission Decision 96/79/EC) and 30 (Commission Decision 2002/8/EC), 31 (Commission Decision 2005/379/EC) and 32 (Commission Decision 2006/427/EC) in Part 2.2.
15. The sentence “This act applies also to Iceland” in points 7 (Council Directive 93/53/EEC), 8 (Council Directive 95/70/EC) and 10 (Council Directive 82/894/EEC) in Part 3.1 and point 29 (Commission Decision 2003/466/EC) in Part 3.2 shall be deleted.
16. The sentence “This act shall not apply to Iceland” shall be inserted in points 1a (Council Directive 2003/85/EC), 2 (Council Directive 90/423/EEC), 3 (Council Directive 2001/89/EC), 4 (Council Directive 92/35/EEC), 5 (Council Directive 92/40/EEC), 6 (Council Directive 92/66/EEC), 9 (Council Directive 92/119/EEC), 9a (Council Directive 2000/75/EC) and 9b (Council Directive 2002/60/EC) in Part 3.1 and points 2 (Commission Decision 88/397/EEC), 5 (Commission Decision 91/42/EEC), 7 (Council Decision 91/666/EEC), 8 (Commission Decision 93/455/EEC), 9 (Commission Decision 93/590/EC), 10 (Commission Decision 1999/128/EC), 11 (Commission Decision 98/502/EC), 12 (Commission Decision 2000/111/EC), 13 (Commission Decision 2000/112/EC), 14 (Commission Decision 2000/428/EC), 17 (Commission Decision 2001/138/EC), 18 (Commission Decision 2001/246/EC), 19 (Commission Decision 2001/257/EC), 20 (Commission Decision 2001/295/EC), 21 (Commission Decision 2001/303/EC), 23 (Commission Decision 2002/106/EC), 24 (Commission Decision 2002/551/EC), 25 (Commission Decision 2002/552/EC), 28 (Commission Decision 2003/422/EC), 31 (Commission Decision 2004/288/EC), 32 (Commission Decision 2005/176/EC), 33 (Commission Decision 2005/393/EC), 35 (Commission Decision 2006/393/EC), 36 (Commission Decision 2006/416/EC) and 37 (Commission Decision 2006/437/EC) in Part 3.2.
17. Under the heading “*ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT*” in Part 3.2, the sentence “This act shall not apply to Iceland” shall be inserted in points 3 (Commission Decision 94/297/EC), 5 (Commission Decision 98/176/EC), 9

(Commission Decision 1999/246/EC), 18 (Commission Decision 2002/526/EC), 20 (Commission Decision 2003/135/EC), 22 (Commission Decision 2003/362/EC), 24 (Commission Decision 2003/435/EC), 25 (Commission Decision 2004/402/EC), 26 (Commission Decision 2004/431/EC), 27 (Commission Decision 2004/435/EC), 28 (Commission Decision 2004/832/EC), 29 (Commission Decision 2005/59/EC), 30 (Commission Decision 2005/66/EC), 31 (Commission Decision 2005/235/EC), 32 (Commission Decision 2005/362/EC), 33 (Commission Decision 2005/773/EC) and 34 (Commission Decision 2006/705/EC).

18. The sentence “This act applies also to Iceland” in point 5 (Council Directive 91/67/EEC) in Part 4.1 and points 51 (Commission Decision 1999/567/EC), 63 (Commission Decision 2001/183/EC), 65 (Commission Decision 2002/300/EC), 66 (Commission Decision 2002/308/EC), 68 (Commission Decision 2002/878/EC), 72 (Commission Decision 2003/390/EC), 73 (Commission Decision 2003/466/EC) and 79 (Commission Decision 2004/453/EC) in Part 4.2 shall be deleted.
19. Under the heading “*ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT*” in Part 4.2, the sentence “This act applies also to Iceland” in points 21 (Commission Decision 94/722/EC), 55 (Commission Decision 2003/634/EC) and 56 (Commission Decision 2003/904/EC) shall be deleted.
20. The sentence “This act shall not apply to Iceland” shall be inserted in points 1 (Council Directive 64/432/EEC), 2 (Council Directive 91/68/EEC), 3 (Council Directive 90/426/EEC), 4 (Council Directive 90/539/EEC), 6 (Council Directive 89/556/EEC), 7 (Council Directive 88/407/EEC), 8 (Council Directive 90/429/EEC) and 9 (Council Directive 92/65/EEC) in Part 4.1 and points 1 (Commission Decision 90/208/EEC), 3 (Commission Decision 92/339/EEC), 4 (Commission Decision 92/340/EEC), 5 (Commission Decision 92/381/EEC), 14 (Commission Decision 93/52/EEC), 18 (Commission Decision 93/152/EC), 21 (Commission Decision 94/274/EC), 22 (Commission Decision 94/275/EC), 24 (Commission Decision 94/327/EC), 25 (Commission Decision 94/963/EC), 26 (Commission Decision 95/98/EC), 28 (Commission Decision 95/117/EC), 33 (Commission Decision 95/294/EC), 34 (Commission Decision 95/307/EC), 35 (Commission Decision 95/329/EC), 36 (Commission Decision 95/388/EC), 37 (Council Decision 95/410/EC), 40 (Commission Decision 95/483/EC), 41 (Commission Decision 96/93/EC), 42 (Commission Decision 96/94/EC), 43 (Commission Decision 96/95/EC), 54 (Council Decision 2000/258/EC), 56 (Commission Decision 2000/504/EC), 57 (Commission Decision 2000/678/EC), 58 (Commission Decision 97/262/EC), 59 (Commission Decision 97/263/EC), 61 (Commission Decision 2001/106/EC), 64 (Commission Decision 2001/618/EC), 67 (Commission Decision 2002/598/EC), 69 (Commission Decision 2004/205/EC), 70 (Commission Decision 2003/467/EC), 71 (Commission Decision 2003/644/EC), 74 (Commission Decision 2003/886/EC), 75 (Commission Decision 2004/226/EC), 76 (Commission Decision 2004/233/EC), 77 (Commission Decision 2004/235/EC), 78 (Commission Decision 2004/315/EC), 80 (Commission Decision 2004/558/EC), 81 (Commission Decision 2005/65/EC) and 82 (Commission Regulation (EC) No 1739/2005) in Part 4.2.
21. Under the heading “*ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT*” in Part 4.2, the sentence “This act shall not apply to Iceland” shall be inserted in points 4



(Commission Decision 88/267/EEC), 27 (Commission Decision 94/968/EC), 28 (Commission Decision 95/50/EC), 29 (Commission Decision 95/59/EC), 32 (Commission Decision 95/70/EC), 33 (Commission Decision 95/71/EC), 37 (Commission Decision 95/210/EC), 40 (Commission Decision 96/283/EC), 51 (Commission Decision 2001/905/EC) and 57 (Commission Decision 2004/835/EC).

22. The sentence “The provisions of Annex I, Chapter 6(I)(A), second indent, shall apply to Iceland.” in point 7 (Council Directive 92/118/EEC) in Part 5.1 and point 16 (Council Directive 92/118/EEC) in part 8.1 shall be deleted.
23. The sentence “The provisions of Annex I, Chapter 6, are applicable to Iceland for processed animal protein derived from fish and intended for animal feedingstuff. For processed animal protein derived from fish and intended for human consumption, the matter shall be reviewed in the year 2000” in point 15 (Council Directive 92/118/EEC) in Part 6.1 shall be deleted.
24. The sentence “This act applies also to Iceland” in points 10 (Commission Decision 92/92/EEC), 13 (Commission Decision 93/51/EEC), 14 (Commission Decision 94/140/EC), 17 (Council Decision 93/383/EEC), 19 (Council Decision 94/117/EC), 20 (Commission Decision 94/306), 21 (Commission Decision 94/356/EC), 28 (Commission Decision 95/149/EC), 37 (Commission Decision 97/757/EC ), 39 (Commission Decision 98/536/EC), 42 (Commission Decision 2002/225/EC), 43 (Commission Decision 2002/226/EC) and 47 (Commission Decision 2003/774/EC ) in Part 6.2 shall be deleted.
25. The following amendments shall be made to the adaptation texts in point 12 (Regulation (EC) No 999/2001 of the European Parliament and of the Council) in Part 7.1:

1. The following text shall be added in adaptation text B:

“Iceland	The Institute for Experimental Pathology, University of Iceland  Keldur  112 Reykjavik  Iceland”
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2. The following adaptation texts shall be inserted:

‘D. In Annex IV, point 2, the following provision shall be added:

“Iceland may continue feeding fishmeal to ruminants. The fishmeal shall be produced in processing plants dedicated exclusively to the production of fish derived products.

E. The provisions concerning the eradication of transmissible spongiform encephalopathy in ovine and caprine animals contained in Annex VII, Chapter A, paragraphs 2.3, 3, 4, 5 and 6 shall not apply to Iceland. However, only ovine animals may be introduced to the holding(s) where

complete destruction has been undertaken provided they do not carry a VRQ allele.

- F. The provisions of Chapters A, B, and D of Annex VIII that concern intra-Community trade and export of live animals, and the provisions of Chapters A, B, D, E and H of Annex IX that concern importation into the Community of live animals, shall not apply to Iceland.
  - G. Iceland continues to prohibit the import of meat and bone meal and products containing meat and bone meal, from the Community, the EFTA States and third countries.”
26. The sentence “This act applies also to Iceland, but only as regards the disposal and processing of fish-waste, its placing on the market and the prevention of pathogens in feedingstuffs of fish origin” in point 7 (Commission Decision 92/562/EEC) in Part 7.2 shall be deleted.
27. The sentence “This act applies also to Iceland” in point 4 (Council Directive 91/67/EEC) in Part 8.1 shall be deleted.
28. The sentence “This act shall not apply to Iceland” shall be inserted in points 2 (Council Directive 90/426/EEC), 3 (Council Directive 90/539/EEC), 5 (Council Directive 89/556/EEC), 6 (Council Directive 88/407/EEC), 7 (Council Directive 90/429/EEC), 15 (Council Directive 92/65/EEC) and 16a (Council Directive 2004/68/EC) in Part 8.1.
29. The sentence “This act shall not apply to Iceland” shall be inserted in points 1 (Council Directive 91/628/EEC), 3 (Council Directive 88/166/EEC), 4 (Council Directive 91/629/EEC), 5 (Council Directive 91/630/EEC), 6 (Council Directive 98/58/EC), 7 (Council Regulation (EC) No 411/98), 8 (Council Directive 1999/74/EC) and 10 (Council Regulation (EC) No 1/2005) in Part 9.1 and points 1 (Commission Decision 94/96/EC), 2 (Commission Directive 2002/4/EC), 3 (Commission Decision 2004/433/EC) and 4 (Commission Decision 2006/778/EC) in Part 9.2.
30. Under the heading “*ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT*” in Part 9.2, the sentence “This act shall not apply to Iceland” shall be inserted in points 1 (Council Decision 78/923/EEC) and 3 (Commission Recommendation 89/214/EEC).