



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7.4.2009
SEC(2009) 464 final

Draft

DECISION OF THE EEA JOINT COMMITTEE
No

of

amending Annex II (Technical regulations, standards, testing and certification)
to the EEA Agreement

EXPLANATORY MEMORANDUM

1. In order to ensure the requisite legal security and homogeneity of the Internal Market, the EEA Joint Committee is to integrate all the relevant Community legislation into the EEA Agreement as soon as possible after its adoption.
2. The EEA Joint Committee should therefore adopt the attached draft Decision to amend Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement by adding new Community acquis concerning maximum levels for certain chemical contaminants in foodstuffs. The present draft Decision concerns the following acts:

32006 R 1881: Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5), as amended by:

 - **32007 R 1126:** Commission Regulation (EC) No 1126/2007 of 28 September 2007 (OJ L 255, 29.9.2007, p. 14), and
 - **32008 R 0629:** Commission Regulation (EC) No 629/2008 of 2 July 2008 (OJ L 173, 3.7.2008, p. 6).
3. This draft EEA Joint Committee Decision contains an adaptation, allowing Norway and Iceland to maintain a lower maximum level for the sum of the dioxins, furans and dioxin-like polychlorinated biphenyls (PCBs) in marine oil. This is mainly justified by the exceptionally large consumption of marine oils in Norway and Iceland, as recommended by their public health authorities, and by national risk-assessments and surveillance procedures.
4. Article 1(3) of Council Regulation (EC) No 2894/94 concerning the arrangements for implementing the EEA Agreement envisages that the Council establishes the Community position for decisions extending Community legislation with substantial changes.
5. 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

**DECISION OF THE EEA JOINT COMMITTEE
No**

of

**amending 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 II to the Agreement was amended by Decision of the EEA Joint Committee No ... of ...¹.
- (2) Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs² is to be incorporated into the Agreement. It is appropriate to allow Norway and Iceland to maintain the lower maximum level for dioxin and dioxin-like PCBs in marine oil laid down in their national legislation, adopted for reasons of public health.
- (3) Commission Regulation (EC) No 1126/2007 of 28 September 2007 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards Fusarium toxins in maize and maize products³ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 629/2008 of 2 July 2008 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs⁴ is to be incorporated into the Agreement.
- (5) Regulation (EC) No 1881/2006 repeals Commission Regulation (EC) No 466/2001⁵, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.
- (6) This Decision shall not apply to Liechtenstein,

¹ OJ L ...

² OJ L 364, 20.12.2006, p. 5.

³ OJ L 255, 29.9.2007, p. 14.

⁴ OJ L 173, 3.7.2008, p. 6.

⁵ OJ L 77, 16.3.2001, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

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

1. The text of point 54zn (Commission Regulation (EC) No 466/2001) shall be deleted.
2. The following shall be inserted after point 54zzzv (Commission Directive 2006/141/EC):

‘54zzzw.**32006 R 1881**: Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5), as amended by:

- **32007 R 1126**: Commission Regulation (EC) No 1126/2007 of 28 September 2007 (OJ L 255, 29.9.2007, p. 14),
- **32008 R 0629**: Commission Regulation (EC) No 629/2008 of 2 July 2008 (OJ L 173, 3.7.2008, p. 6).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

The following shall be inserted in Article 1:

“With regard to the maximum level for dioxins and dioxin-like PCBs in marine oil, Iceland and Norway may maintain a maximum level for the sum of dioxins, furans and dioxin-like PCBs (WHO-PCDD/F-PCB-TEQ) of 5 pg/g fat.”

Article 2

The texts of Regulations (EC) Nos 1881/2006, 1126/2007 and 629/2008 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 , 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*.

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

Done at Brussels, .

*For the EEA Joint Committee
The President*

*The Secretaries
to the EEA Joint Committee*