



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.10.2004
SEC(2004) 1231 final

Draft

DECISION OF THE EEA JOINT COMMITTEE

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

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

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 decision to amend Annex II to the EEA Agreement by adding new Community acquis in field of technical regulations, standards, testing and certification. The decision concerns the following directive:
 - **32003 L 0017**: Directive 2003/17/EC of the European Parliament and of the Council of 3 March 2003 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels (OJ L 76, 22.3. 2003, p.10)
3. The draft Joint Committee Decision introduces an amendment of the act, so that for the purpose of incorporation into the EEA Agreement it refers to Article 75 EEAA instead of Article 95(10) TEC. It furthermore introduces an adaptation to allow Iceland to benefit from the same derogations as the outermost regions referred to in the Directive, in view of its particular geography, demography and dispersed population.
4. 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 decisions extending Community legislation with substantial changes.
5. The draft Decision of the EEA Joint Committee is submitted for the approval of the Council. The Commission aims to put forward the position of the Community in the EEA Joint Committee as soon as possible after the adoption of the Council.

Draft

DECISION OF THE EEA JOINT COMMITTEE

**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) Directive 2003/17/EC of the European Parliament and of the Council of 3 March 2003 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels² is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be added in point 6a (Directive 98/70/EC of the European Parliament and of the Council) in Chapter XVII of Annex II to the Agreement:

‘- 32003 L 0017: Directive 2003/17/EC of the European Parliament and of the Council of 3 March 2003 (OJ L 76, 22.3.2003, p. 10).

The provisions of the Directive shall, for the purposes for the present Agreement, be read with the following adaptations:

- (a) In point 4 (outermost regions) of Article 2, the words “Iceland, with regard to all of its territory,” shall be inserted after the word “departments,”.
- (b) In point 1 of Article 6, the words “Article 95(10) of the Treaty” shall be replaced by reference to “Article 75 of the Agreement”.

¹ OJ C [...], [...], p. [...].

² OJ L 76, 22.3.2003, p. 10.

Article 2

The texts of Directive 2003/17/EC 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*.

Done at Brussels, [...]

*For the EEA Joint Committee
The President*

*The Secretaries
to the EEA Joint Committee*

* No constitutional requirements indicated.