



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7.9.2007
SEC(2007) 1103 final

Draft for a

DECISION OF THE EEA JOINT COMMITTEE

**amending Annex I (Veterinary and phytosanitary matters) and
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. 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) and Annex II (Technical regulations, standards, testing and certification) of the EEA Agreement by adopting the attached draft decision which concerns Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority (EFSA) and laying down procedures in matters of food safety, as well as a number of related Community acts.
3. The draft decision of the EEA Joint Committee also provides the framework for the participation of the EEA EFTA States in EFSA, in particular the provisions on the financial contribution of the EEA EFTA States, as well as the modalities for their participation, i.e. full participation except for the right to vote.
4. Article 1(3)(a) of Council Regulation (EC) No 2894/94 concerning the arrangements for implementing the EEA Agreement envisages that the Council establish the Community position for Joint Committee Decisions of this nature.
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 for a

DECISION OF THE EEA JOINT COMMITTEE

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 ... of ...¹.
- (2) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No ... of ...².
- (3) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety³ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 1304/2003 of 11 July 2003 on the procedure applied by the European Food Safety Authority to requests for scientific opinions referred to it⁴, as corrected by OJ L 186, 25.7.2003, p. 46, is to be incorporated into the Agreement.
- (5) Regulation (EC) No 1642/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁵ is to be incorporated into the Agreement.

¹ OJ L ...
² OJ L ...
³ OJ L 31, 1.2.2002, p. 1.
⁴ OJ L 185, 24.7.2003, p. 6.
⁵ OJ L 245, 29.9.2003, p. 4.

- (6) Commission Decision 2004/478/EC of 29 April 2004 concerning the adoption of a general plan for food/feed crisis management⁶, as corrected by OJ L 212, 12.6.2004, p. 60, is to be incorporated into the Agreement.
- (7) Commission Regulation (EC) No 2230/2004 of 23 December 2004 laying down detailed rules for the implementation of European Parliament and Council Regulation (EC) No 178/2002 with regard to the network of organisations operating in the fields within the European Food Safety Authority's mission⁷ is to be incorporated into the Agreement.
- (8) Commission Regulation (EC) No 575/2006 of 7 April 2006 amending Regulation (EC) No 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority⁸ is to be incorporated into the Agreement.
- (9) Council Decision 2006/478/EC of 19 June 2006 appointing half of the members of the Management Board of the European Food Safety Authority⁹ is to be incorporated into the Agreement.
- (10) As far as Chapter I of Annex I is concerned, this Decision is not to apply to Liechtenstein.
- (11) As far as Chapter II of Annex I and Chapter XII of Annex II are concerned, the Decision is to apply partially to Liechtenstein.
- (12) As far as Chapter I of Annex I is concerned, this Decision shall apply to Iceland without the transitional period specified in paragraph 2 of the Introductory Part of Chapter I of Annex I,

HAS DECIDED AS FOLLOWS:

Article 1

Annexes I and II to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

The texts of Regulations (EC) Nos 178/2002, 1304/2003, as corrected by OJ L 186, 25.7.2003, p. 46, 1642/2003, 2230/2004 and 575/2006 and Decisions 2004/478/EC, as corrected by OJ L 212, 12.6.2004, p. 60, and 2006/478/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.

⁶ OJ L 160, 30.4.2004, p. 98.

⁷ OJ L 379, 24.12.2004, p. 64.

⁸ OJ L 100, 8.4.2006, p. 3.

⁹ OJ L 189, 12.7.2006, p. 7.

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* or on the day of the entry into force of the Decision of the EEA Joint Committee No [...] of [...] (the Decision reviewing Chapter I of Annex I for Iceland), whichever is the later.

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*

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

ANNEX

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

Annexes I and II to the Agreement shall be amended as specified below:

1. The following shall be inserted after point 12 (Regulation (EC) No 999/2001 of the European Parliament and of the Council) in Part 7.1 of Chapter I of Annex I to the Agreement:

‘General food law and the European Food Safety Authority

13. **32002 R 0178:** Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 31), as amended by:
 - **32003 R 1642:** Regulation (EC) No 1642/2003 of the European Parliament and of the Council of 22 July 2003 (OJ L 245, 29.9.2003, p. 4).
 - **32006 R 0575:** Commission Regulation (EC) No 575/2006 of 7 April 2006 (OJ L 100, 8.4.2006, p. 3).

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

- (a) This Regulation, and acts adopted pursuant to this Regulation, shall apply to Iceland without the transitional period laid down in paragraph 2 of the Introductory Part of Chapter I of Annex I;
- (b) The EFTA States shall participate in the work of the European Food Safety Authority, hereinafter referred to as ‘the Authority’, except for the right to vote. Unless otherwise stipulated below, and notwithstanding the provisions of Protocol 1 to the Agreement, the term ‘Member State(s)’ contained in the Regulation shall be understood to include, in addition to its meaning in the Regulation, the EFTA States. Paragraph 11 of Protocol 1 shall apply;
- (c) The EFTA States concerned shall be invited to send observers to the meetings of the Standing Committee on the Food Chain and Animal Health, dealing with matters which fall within acts referred to in this Agreement. The representatives of the EFTA States shall participate fully in the work of the Committee, but shall not have the right to vote;
- (d) The text of Article 12 shall be replaced by the following:

“The legislation of the EFTA States pertaining to production, import and marketing of food and feed shall comply with the relevant requirements of food law, including effective measures to ensure that products withdrawn from the market in an EU Member State cannot be exported or re-exported to a third country via an EFTA State.”;

(e) The EFTA Surveillance Authority shall receive the information provided for in Articles 26(3), 32(2), 33(4) and (6), and 34(4);

(f) Article 29 shall apply with the following adaptations:

An EFTA State may request the Authority to issue a scientific opinion on matters falling within its mission. Such a request shall, in the first place, be addressed to the Commission which shall, where it considers that the request is of common interest, forward it to the Authority with a view to obtaining the opinion requested.

The EFTA Surveillance Authority may request the Authority for scientific opinions in the case. The EFTA Surveillance Authority shall cooperate with the Commission to ensure a harmonised approach;

(g) Article 31 shall apply with the following adaptation:

The EFTA Surveillance Authority may request the Authority to provide scientific and technical assistance as described in Article 31, on matters falling within its competence pursuant to the Agreement;

(h) The following shall be added in Article 48:

“By way of derogation from Article 12 (2) (a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Authority.”;

(i) Articles 53 and 54 shall apply with the following adaptations:

1. In the case of food or feed of Community or EFTA State origin the following shall apply:

(a) If the Community or an EFTA State intends to adopt emergency measures against the other Contracting Parties, it shall inform the other Parties without delay.

The proposed measures shall be notified without delay to each Contracting Party and to both the EC Commission and the EFTA Surveillance Authority.

Without prejudice to the possibility of putting the measures into force immediately, consultations among the EC Commission and the Parties concerned, at the request of any of them, shall take place as soon as possible in order to find appropriate solutions.

In case of disagreement, any of the Parties concerned may refer the matter to the EEA Joint Committee. If an agreement cannot be reached in this Committee, a Contracting Party may adopt appropriate measures. Such measures shall be restricted to what is strictly necessary to remedy the situation. Priority shall be given to

such measures as will least disturb the functioning of the Agreement;

- (b) If the EC Commission intends to take a decision on emergency measures concerning part of the territory of the Community, it shall inform the EFTA Surveillance Authority and the EFTA States without delay.

If the EC Commission takes a decision on emergency measures concerning part of the territory of the Community, the EFTA State concerned, after consultation and after an examination of the situation, shall adopt corresponding measures unless the specific situation of that State indicates that such measures are not justified. In that case, it shall immediately inform the EFTA Surveillance Authority and the EC Commission.

Consultations shall take place as soon as possible in order to find appropriate solutions. In case of disagreement, the fourth subparagraph of paragraph (a) shall apply.

- 2. In the case of food and feed from a third country the following shall apply:
 - (a) The EFTA States shall simultaneously with the EC Member States take emergency measures corresponding to those taken by the latter on imports from third countries;
 - (b) In the case of any difficulty relating to the application of a Community act, the EFTA State concerned shall immediately report the matter to the EEA Joint Committee;
 - (c) The application of this paragraph is without prejudice to the possibility of an EFTA State taking unilateral emergency measures pending the adoption of the decisions mentioned in (a);
 - (d) The EEA Joint Committee may take note of the Community decisions.

- (j) Article 60 shall be amended as follows:

- 1. The following shall be added in paragraph (1):

“If an EFTA State is of the opinion that a measure taken by an EU Member State is either incompatible with this Regulation or is likely to affect the functioning of the Agreement, it shall refer the matter to the EEA Joint Committee. The same shall apply if an EU Member State is of the opinion that a measure taken by an EFTA State is either incompatible with this Regulation or is likely to affect the functioning of the Agreement.”;

- 2. In paragraph (2), first and last sentence, the words “the two Member States” shall read “the EFTA State and the EU Member State” and the

term “Commission” shall read “EEA Joint Committee”. In the second sentence, the words “Commission may” shall read “EEA Joint Committee may, at the request of either of the Contracting Parties.”

- (k) The EFTA States shall contribute financially to the budget of the Authority in accordance with Article 82(1) (a) and Protocol 32 of the Agreement;
 - (l) The EFTA States shall grant privileges and immunities to the Authority equivalent to those contained in the Protocol on the privileges and immunities of the European Communities.’
2. The following points shall be inserted after point 29 (Commission Regulation (EC) No 1177/2006) in Part 7.2 of Chapter I of Annex I:

- ‘30. **32003 R 1304**: Commission Regulation (EC) No 1304/2003 of 11 July 2003 on the procedure applied by the European Food Safety Authority to requests for scientific opinions referred to it (OJ L 185, 24.7.2003, p. 6), as corrected by OJ L 186, 25.7.2003, p. 46.
- 31. **32004 D 0478**: Commission Decision 2004/478/EC of 29 April 2004 concerning the adoption of a general plan for food/feed crisis management (OJ L 160, 30.4.2004, p. 98), as corrected by OJ L 212, 12.6.2004, p. 60.

The provisions of the Decision shall, for the purposes of the present Agreement, be read with the following adaptation:

Where the Commission identifies a situation referred to in Article 56 (1) of Regulation (EC) No 178/2002 in which an EFTA State is directly concerned and sets up a crisis unit in accordance with Article 56 (2) of Regulation (EC) No 178/2002, the crisis coordinator(s) designated by the EFTA State directly concerned and the crisis coordinator designated by the EFTA Surveillance Authority shall take part in the work of the crisis unit.

- 32. **32004 R 2230**: Commission Regulation (EC) No 2230/2004 of 23 December 2004 laying down detailed rules for the implementation of European Parliament and Council Regulation (EC) No 178/2002 with regard to the network of organisations operating in the fields within the European Food Safety Authority's mission (OJ L 379, 24.12.2004, p. 64).
 - 33. **32006 D 0478**: Council Decision 2006/478/EC of 19 June 2006 appointing half of the members of the Management Board of the European Food Safety Authority (OJ L 189, 12.7.2006, p. 7).’
3. The following shall be inserted after point 40 (Regulation (EC) No 396/2005 of the European Parliament and of the Council) of Chapter II of Annex I to the Agreement:

‘General food law and the European Food Safety Authority

- 41. **32002 R 0178**: Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 31), as amended by:

- **32003 R 1642**: Regulation (EC) No 1642/2003 of the European Parliament and of the Council of 22 July 2003 (OJ L 245, 29.9.2003, p. 4).
- **32006 R 0575**: Commission Regulation (EC) No 575/2006 of 7 April 2006 (OJ L 100, 8.4.2006, p. 3).

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

- (a) This Regulation, and acts adopted pursuant to this Regulation, shall apply to Iceland without the transitional period laid down in paragraph 2 of the Introductory Part of Chapter I of Annex I;
- (b) The EFTA States shall participate in the work of the European Food Safety Authority, hereinafter referred to as ‘the Authority’, except for the right to vote. Unless otherwise stipulated below, and notwithstanding the provisions of Protocol 1 to the Agreement, the term ‘Member State(s)’ contained in the Regulation shall be understood to include, in addition to its meaning in the Regulation, the EFTA States. Paragraph 11 of Protocol 1 shall apply;
- (c) The EFTA States concerned shall be invited to send observers to the meetings of the Standing Committee on the Food Chain and Animal Health, dealing with matters which fall within acts referred to in this Agreement. The representatives of the EFTA States shall participate fully in the work of the Committee, but shall not have the right to vote;
- (d) The text of Article 12 shall be replaced by the following:

“The legislation of the EFTA States pertaining to production, import and marketing of food and feed shall comply with the relevant requirements of food law, including effective measures to ensure that products withdrawn from the market in an EU Member State cannot be exported or re-exported to a third country via an EFTA State.”;
- (e) The EFTA Surveillance Authority shall receive the information provided for in Articles 26(3), 32(2), 33(4) and (6), and 34(4);
- (f) Article 29 shall apply with the following adaptations:

An EFTA State may request the Authority to issue a scientific opinion on matters falling within its mission. Such a request shall, in the first place, be addressed to the Commission which shall, where it considers that the request is of common interest, forward it to the Authority with a view to obtaining the opinion requested.

The EFTA Surveillance Authority may request the Authority for scientific opinions in the case. The EFTA Surveillance Authority shall cooperate with the Commission to ensure a harmonised approach;
- (g) Article 31 shall apply with the following adaptation:

The EFTA Surveillance Authority may request the Authority to provide scientific and technical assistance as described in Article 31, on matters falling within its competence pursuant to the Agreement;

(h) The following shall be added in Article 48:

“By way of derogation from Article 12 (2) (a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Authority.”;

(i) Articles 53 and 54 shall apply with the following adaptations:

1. In the case of food or feed of Community or EFTA State origin the following shall apply:

(a) If the Community or an EFTA State intends to adopt emergency measures against the other Contracting Parties, it shall inform the other Parties without delay.

The proposed measures shall be notified without delay to each Contracting Party and to both the EC Commission and the EFTA Surveillance Authority.

Without prejudice to the possibility of putting the measures into force immediately, consultations among the EC Commission and the Parties concerned, at the request of any of them, shall take place as soon as possible in order to find appropriate solutions.

In case of disagreement, any of the Parties concerned may refer the matter to the EEA Joint Committee. If an agreement cannot be reached in this Committee, a Contracting Party may adopt appropriate measures. Such measures shall be restricted to what is strictly necessary to remedy the situation. Priority shall be given to such measures as will least disturb the functioning of the Agreement;

(b) If the EC Commission intends to take a decision on emergency measures concerning part of the territory of the Community, it shall inform the EFTA Surveillance Authority and the EFTA States without delay.

If the EC Commission takes a decision on emergency measures concerning part of the territory of the Community, the EFTA State concerned, after consultation and after an examination of the situation, shall adopt corresponding measures unless the specific situation of that State indicates that such measures are not justified. In that case, it shall immediately inform the EFTA Surveillance Authority and the EC Commission.

Consultations shall take place as soon as possible in order to find appropriate solutions. In case of disagreement, the fourth subparagraph of paragraph (a) shall apply.

2. In the case of food and feed from a third country the following shall apply:
 - (a) The EFTA States shall simultaneously with the EC Member States take emergency measures corresponding to those taken by the latter on imports from third countries;
 - (b) In the case of any difficulty relating to the application of a Community act, the EFTA State concerned shall immediately report the matter to the EEA Joint Committee;
 - (c) The application of this paragraph is without prejudice to the possibility of an EFTA State taking unilateral emergency measures pending the adoption of the decisions mentioned in (a);
 - (d) The EEA Joint Committee may take note of the Community decisions.
- (j) Article 60 shall be amended as follows:
 1. The following shall be added in paragraph (1):

“If an EFTA State is of the opinion that a measure taken by an EU Member State is either incompatible with this Regulation or is likely to affect the functioning of the Agreement, it shall refer the matter to the EEA Joint Committee. The same shall apply if an EU Member State is of the opinion that a measure taken by an EFTA State is either incompatible with this Regulation or is likely to affect the functioning of the Agreement.”;
 2. In paragraph (2), first and last sentence, the words “the two Member States” shall read “the EFTA State and the EU Member State” and the term “Commission” shall read “EEA Joint Committee”. In the second sentence, the words “Commission may” shall read “EEA Joint Committee may, at the request of either of the Contracting Parties.”
- (k) The EFTA States shall contribute financially to the budget of the Authority in accordance with Article 82(1) (a) and Protocol 32 of the Agreement;
- (l) The EFTA States shall grant privileges and immunities to the Authority equivalent to those contained in the Protocol on the privileges and immunities of the European Communities.
- (m) Chapter III of this Regulation shall not apply to Liechtenstein. Consequently Liechtenstein will not participate in the European Food Safety Authority or contribute financially to its operation.

42. **32003 R 1304:** Commission Regulation (EC) No 1304/2003 of 11 July 2003 on the procedure applied by the European Food Safety Authority to requests for scientific opinions referred to it (OJ L 185, 24.7.2003, p. 6), as corrected by OJ L 186, 25.7.2003, p. 46.
43. **32004 D 0478:** Commission Decision 2004/478/EC of 29 April 2004 concerning the adoption of a general plan for food/feed crisis management (OJ L 160, 30.4.2004, p. 98), as corrected by OJ L 212, 12.6.2004, p. 60.

The provisions of the Decision shall, for the purposes of this Agreement, be read with the following adaptation:

Where the Commission identifies a situation referred to in Article 56 (1) of Regulation (EC) No 178/2002 in which an EFTA State is directly concerned and sets up a crisis unit in accordance with Article 56 (2) of Regulation (EC) No 178/2002, the crisis coordinator(s) designated by the EFTA State directly concerned and the crisis coordinator designated by the EFTA Surveillance Authority shall take part in the work of the crisis unit.

44. **32004 R 2230:** Commission Regulation (EC) No 2230/2004 of 23 December 2004 laying down detailed rules for the implementation of European Parliament and Council Regulation (EC) No 178/2002 with regard to the network of organisations operating in the fields within the European Food Safety Authority's mission (OJ L 379, 24.12.2004, p. 64).
45. **32006 D 0478:** Council Decision 2006/478/EC of 19 June 2006 appointing half of the members of the Management Board of the European Food Safety Authority (OJ L 189, 12.7.2006, p. 7).’
4. The following shall be inserted after point 54zzza (Commission Directive 2006/125/EC) of Chapter XII of Annex II to the Agreement:

‘54zzzb. **32002 R 0178:** Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 31)), as amended by:

- **32003 R 1642:** Regulation (EC) No 1642/2003 of the European Parliament and of the Council of 22 July 2003 (OJ L 245, 29.9.2003, p. 4).
- **32006 R 0575:** Commission Regulation (EC) No 575/2006 of 7 April 2006 (OJ L 100, 8.4.2006, p. 3).

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

- (a) This Regulation, and acts adopted pursuant to this Regulation, shall apply to Iceland without the transitional period laid down in paragraph 2 of the Introductory Part of Chapter I of Annex I;
- (b) The EFTA States shall participate in the work of the European Food Safety Authority, hereinafter referred to as ‘the Authority’, except for the right to

vote. Unless otherwise stipulated below, and notwithstanding the provisions of Protocol 1 to the Agreement, the term ‘Member State(s)’ contained in the Regulation shall be understood to include, in addition to its meaning in the Regulation, the EFTA States. Paragraph 11 of Protocol 1 shall apply;

- (c) The EFTA States concerned shall be invited to send observers to the meeting of the Standing Committee on the Food Chain and Animal Health, dealing with matters which fall within acts referred to in this Agreement. The representatives of the EFTA States shall participate fully in the work of the Committee, but shall not have the right to vote;

- (d) The text of Article 12 shall be replaced by the following:

“The legislation of the EFTA States pertaining to production, import and marketing of food and feed shall comply with the relevant requirements of food law, including effective measures to ensure that products withdrawn from the market in an EU Member State cannot be exported or re-exported to a third country via an EFTA State.”;

- (e) The EFTA Surveillance Authority shall receive the information provided for in Articles 26(3), 32(2), 33(4) and (6), and 34(4);

- (f) Article 29 shall apply with the following adaptations:

An EFTA State may request the Authority to issue a scientific opinion on matters falling within its mission. Such a request shall, in the first place, be addressed to the Commission which shall, where it considers that the request is of common interest, forward it to the Authority with a view to obtaining the opinion requested.

The EFTA Surveillance Authority may request the Authority for scientific opinions in the case. The EFTA Surveillance Authority shall cooperate with the Commission to ensure a harmonised approach;

- (g) Article 31 shall apply with the following adaptation:

The EFTA Surveillance Authority may request the Authority to provide scientific and technical assistance as described in Article 31, on matters falling within its competence pursuant to the Agreement;

- (h) The following shall be added in Article 48:

“By way of derogation from Article 12 (2) (a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Authority.”;

- (i) Articles 53 and 54 shall apply with the following adaptations:

1. In the case of food or feed of Community or EFTA State origin the following shall apply:

- (a) If the Community or an EFTA State intends to adopt emergency measures against the other Contracting Parties, it shall inform the other Parties without delay.

The proposed measures shall be notified without delay to each Contracting Party and to both the EC Commission and the EFTA Surveillance Authority.

Without prejudice to the possibility of putting the measures into force immediately, consultations among the EC Commission and the Parties concerned, at the request of any of them, shall take place as soon as possible in order to find appropriate solutions.

In case of disagreement, any of the Parties concerned may refer the matter to the EEA Joint Committee. If an agreement cannot be reached in this Committee, a Contracting Party may adopt appropriate measures. Such measures shall be restricted to what is strictly necessary to remedy the situation. Priority shall be given to such measures as will least disturb the functioning of the Agreement;

- (b) If the EC Commission intends to take a decision on emergency measures concerning part of the territory of the Community, it shall inform the EFTA Surveillance Authority and the EFTA States without delay.

If the EC Commission takes a decision on emergency measures concerning part of the territory of the Community, the EFTA State concerned, after consultation and after an examination of the situation, shall adopt corresponding measures unless the specific situation of that State indicates that such measures are not justified. In that case, it shall immediately inform the EFTA Surveillance Authority and the EC Commission.

Consultations shall take place as soon as possible in order to find appropriate solutions. In case of disagreement, the fourth subparagraph of paragraph (a) shall apply.

- 2. In the case of food and feed from a third country the following shall apply:

- (a) The EFTA States shall simultaneously with the EC Member States take emergency measures corresponding to those taken by the latter on imports from third countries;
- (b) In the case of any difficulty relating to the application of a Community act, the EFTA State concerned shall immediately report the matter to the EEA Joint Committee;
- (c) The application of this paragraph is without prejudice to the possibility of an EFTA State taking unilateral emergency measures pending the adoption of the decisions mentioned in (a);

- (d) The EEA Joint Committee may take note of the Community decisions.
- (j) Article 60 shall be amended as follows:
1. The following shall be added in paragraph (1):

“If an EFTA State is of the opinion that a measure taken by an EU Member State is either incompatible with this Regulation or is likely to affect the functioning of the Agreement, it shall refer the matter to the EEA Joint Committee. The same shall apply if an EU Member State is of the opinion that a measure taken by an EFTA State is either incompatible with this Regulation or is likely to affect the functioning of the Agreement.”;
 2. In paragraph (2), first and last sentence, the words “the two Member States” shall read “the EFTA State and the EU Member State” and the term “Commission” shall read “EEA Joint Committee”. In the second sentence, the words “Commission may” shall read “EEA Joint Committee may, at the request of either of the Contracting Parties.”
- (k) The EFTA States shall contribute financially to the budget of the Authority in accordance with Article 82(1) (a) and Protocol 32 of the Agreement;
- (l) The EFTA States shall grant privileges and immunities to the Authority equivalent to those contained in the Protocol on the privileges and immunities of the European Communities.
- (m) Chapter III of this Regulation shall not apply to Liechtenstein. Consequently Liechtenstein will not participate in the European Food Safety Authority or contribute financially to its operation.

54zzzc. **32003 R 1304**: Commission Regulation (EC) No 1304/2003 of 11 July 2003 on the procedure applied by the European Food Safety Authority to requests for scientific opinions referred to it (OJ L 185, 24.7.2003, p. 6), as corrected by OJ L 186, 25.7.2003, p. 46.

54zzzd. **32004 D 0478**: Commission Decision 2004/478/EC of 29 April 2004 concerning the adoption of a general plan for food/feed crisis management (OJ L 160, 30.4.2004, p. 98), as corrected by OJ L 212, 12.6.2004, p. 60.

The provisions of the Decision shall, for the purposes of the present Agreement, be read with the following adaptation:

Where the Commission identifies a situation referred to in Article 56 (1) of Regulation (EC) No 178/2002 in which an EFTA State is directly concerned and sets up a crisis unit in accordance with Article 56 (2) of Regulation (EC) No 178/2002, the crisis coordinator(s) designated by the EFTA State directly concerned and the crisis coordinator designated by the EFTA Surveillance Authority shall take part in the work of the crisis unit.

54zzze. **32004 R 2230**: Commission Regulation (EC) No 2230/2004 of 23 December 2004 laying down detailed rules for the implementation of European Parliament and Council Regulation (EC) No 178/2002 with regard to the network of organisations operating in the fields within the European Food Safety Authority's mission (OJ L 379, 24.12.2004, p. 64).

54zzzf. **32006 D 0478**: Council Decision 2006/478/EC of 19 June 2006 appointing half of the members of the Management Board of the European Food Safety Authority (OJ L 189, 12.7.2006, p. 7).'

DECLARATION

BY THE EFTA STATES

CONCERNING ARTICLE 12 OF REGULATION (EC) NO 178/2002 ON GENERAL FOOD LAW AND THE EUROPEAN FOOD SAFETY AUTHORITY

The EEA Agreement does not entail a common trade policy with regard to export of food and feed to third countries. The EFTA States wish to state, however, that they consider their national legislation and procedures to be fully in line with the provisions of EU legislation as laid down in Article 12 of Regulation (EC) No 178/2002. Furthermore, the EFTA States are prepared to inform the Commission of any changes to national legislation related to exports of food and feed to third countries.

JOINT DECLARATION

BY THE CONTRACTING PARTIES

ON THE PARTICIPATION OF THE EFTA SURVEILLANCE AUTHORITY IN THE ADVISORY FORUM OF THE EUROPEAN FOOD SAFETY AUTHORITY (EFSA)

The Parties note that for the purpose of the integration of Regulation (EC) No 178/2002 into the EEA Agreement, the EFTA Surveillance Authority may be invited as observer by the Executive Director to the meetings of the Advisory Forum.

DECLARATION
BY THE GOVERNMENT OF NORWAY
ON EQUIVALENCE AGREEMENTS
REGULATION (EC) NO 178/2002 ON GENERAL FOOD LAW AND THE
EUROPEAN FOOD SAFETY AUTHORITY

If Norway negotiates equivalence agreements in the veterinary field with third countries having equivalence agreements with the European Union, Norway undertakes to negotiate agreements that are parallel to those of the Community in order to avoid discrepancies.