



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 February 2013

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2013/0061 (NLE)**

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PROPOSAL

from:	European Commission
dated:	27 February 2013
No Cion doc.:	COM(2013) 101 final
Subject:	Proposal for a Council Decision on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee, concerning an amendment to Annex II to the EEA Agreement

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2013) 101 final



EUROPEAN
COMMISSION

Brussels, 27.2.2013
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Proposal for a

COUNCIL DECISION

on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee, concerning an amendment to Annex II to the EEA Agreement

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

In order to ensure the requisite legal security and homogeneity of the Internal Market, the EEA Joint Committee is to integrate all the relevant EU legislation into the EEA Agreement as soon as possible after its adoption.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The draft Decision of the EEA Joint Committee (annexed to the proposed Council Decision) aims to amend Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement in order to incorporate Commission Implementing Regulation (EU) No 788/2012 of 31 August 2012 concerning a coordinated multiannual control programme of the Union for 2013, 2014 and 2015 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin.

Regulation (EC) No 1213/2008 concerning a coordinated multiannual Community control programme for pesticide residues 2009-2011 is incorporated into the EEA Agreement with certain adaptations for the EEA EFTA States.

These adaptations should be carried over to Regulation (EU) No 788/2012.

The adaptations concern the number of pesticides to be monitored by Iceland and the number of samples of each product to be taken and analysed by Iceland and Norway. They take into account, in particular, the limited laboratory capacity for pesticide residue analysis in Iceland.

3. LEGAL ELEMENTS OF THE PROPOSAL

Article 1(3) of Council Regulation (EC) No 2894/94 concerning arrangements for implementing the EEA Agreement provides that the Council establishes the position to be adopted on the Union's behalf on such Decisions, on a proposal from the Commission.

The Commission submits the Draft Decision of the EEA Joint Committee for adoption by the Council as the Union's position. The Commission would hope to be able to present it in the EEA Joint Committee at the earliest possible opportunity.

Proposal for a

COUNCIL DECISION

on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee, concerning an amendment to Annex II to the EEA Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 43 (2) and 168 (4)(b), in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area¹, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area² (“the EEA Agreement”) entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Annex II thereto.
- (3) Annex II to the EEA Agreement contains specific provisions and arrangements concerning technical regulations, standards, testing and certification.
- (4) Commission Implementing Regulation (EU) No 788/2012 of 31 August 2012 concerning a coordinated multiannual control programme of the Union for 2013, 2014 and 2015 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin³ is to be incorporated into the EEA Agreement.
- (4) Commission Regulation (EC) No 1213/2008 of 5 December 2008 concerning a coordinated multiannual Community control programme for 2009, 2010 and 2011

¹ OJ L 305, 30.11.1994, p. 6.

² OJ L 1, 3.1.1994, p. 3.

³ OJ L 235, 1.9.2012, p. 8.

to ensure compliance with maximum levels of and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin is incorporated into the EEA Agreement with certain adaptations for the EEA EFTA states.

- (5) Those adaptations should be carried over to Regulation (EU) No 788/2012. They concern the number of pesticides to be monitored by Iceland and the number of samples of each product to be taken and analysed by Iceland and Norway.
- (6) Annex II to the EEA Agreement should therefore be amended accordingly.
- (7) The position of the Union in the EEA Joint Committee should be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the European Union, in the EEA Joint Committee on the proposed amendment to Annex II to the EEA Agreement shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council
The President*

Annex

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 (“the EEA Agreement”), and in particular Article 98 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 788/2012 of 31 August 2012 concerning a coordinated multiannual control programme of the Union for 2013, 2014 and 2015 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin⁴ is to be incorporated into the EEA Agreement.
- (2) Commission Implementing Regulation (EU) No 788/2012 repeals Commission Regulation (EU) No 1274/2011⁵, which is incorporated into the EEA Agreement, and which is consequently to be repealed under the EEA Agreement.
- (3) This Decision concerns legislation regarding foodstuffs. Legislation regarding foodstuffs shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein, as specified in the introduction to Chapter XII of Annex II to the EEA Agreement. This Decision is therefore not to apply to Liechtenstein.
- (4) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

⁴ OJ L 235, 1.9.2012, p. 8.

⁵ OJ L 325, 8.12.2011, p. 24.

Article 1

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

1. The text of point 68 (Commission Regulation (EC) No 1274/2011) is deleted.
2. The following is inserted after point 71 (Commission Regulation (EU) No 378/2012):

‘72. **32012 R 0788**: Commission Implementing Regulation (EU) No 788/2012 of 31 August 2012 concerning a coordinated multiannual control programme of the Union for 2013, 2014 and 2015 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin (OJ L 235, 1.9.2012, p. 8).

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

- (a) The following shall be added in Article 1:

“Iceland may for the years 2013, 2014 and 2015 continue to sample and analyse for the same 61 pesticides as monitored in foodstuffs on its market in 2012.”

- (b) The following shall be added in point 5 of Annex II:

“

IS	12 (*)
	15 (**)
NO	12 (*)
	15 (**)

”

Article 2

The texts of Regulation (EU) No 788/2012 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 EEA Agreement have been made*.

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.] [Constitutional requirements indicated.]