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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be adopted on behalf of the European Union within the EEA Joint Committee concerning the amendment of Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

COUNCIL DECISION (EU) .../...

of ...

**on the position to be adopted on behalf of the European Union
within the EEA Joint Committee concerning the amendment
of Annex II (Technical regulations, standards, testing and certification)
to the EEA Agreement**

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 53(1) and Articles 62 and 114, 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,

¹ OJ L 305, 30.11.1994, p. 6.

Whereas:

- (1) The Agreement on the European Economic Area¹ (the 'EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee established by the EEA Agreement (the 'EEA Joint Committee') may decide to amend, inter alia, Annex II to the EEA Agreement, which contains provisions on technical regulations, standards, testing and certification.
- (3) Directive 2014/40/EU of the European Parliament and of the Council² is to be incorporated into the EEA Agreement.
- (4) Commission Delegated Directive 2014/109/EU³ is to be incorporated into the EEA Agreement.

¹ OJ L 1, 3.1.1994, p. 3.

² Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (OJ L 127, 29.4.2014, p. 1).

³ Commission Delegated Directive 2014/109/EU of 10 October 2014 amending Annex II to Directive 2014/40/EU of the European Parliament and of the Council by establishing the library of picture warnings to be used on tobacco products (OJ L 360, 17.12.2014, p. 22).

- (5) Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement should therefore be amended accordingly.
- (6) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision of the EEA Joint Committee,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the EEA Joint Committee concerning the amendment of Annex II (Technical regulations, standards, testing and certification) 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 date of its adoption.

Done at ...

For the Council
The President
