



EUROPEAN COMMISSION

Brussels, 6.3.2012
COM(2012) 88 final

2012/0038 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken by the European Union in the EEA Joint Committee concerning an amendment to Annex II (Technical regulations, standards, testing and certification)

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 Community 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 by adding new European Union acquis in this field. This concerns,

- (1) Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89;
- (2) Commission Recommendation 2010/133/EU of 2 March 2010 on the prevention and reduction of ethyl carbamate contamination in stone fruit spirits and stone fruit marc spirits and on the monitoring of ethyl carbamate levels in these beverages;

which are to be incorporated into the Agreement.

For the purpose of the implementation of Regulation (EC) No 110/2008, certain adaptations are proposed, in particular,

- (a) The provisions of the Regulation shall not prejudice the right of the EFTA States to prohibit, on a non-discriminatory basis, the placing on their national market of spirit drinks for direct human consumption which exceed an alcoholic strength of 60%. The purpose of this adaptation, which was already provided for in relation to Regulation (EEC) No 1576/89, is to reduce the problems alcohol consumption may cause in the EEA-EFTA states.
- (b) The EEA-EFTA States shall be invited to send representatives to the meetings of the Committee for Spirit Drinks, as referred to in Article 25, dealing with matters which fall within acts referred to in the Agreement. The representatives of the EFTA States shall participate fully in the work of the Committee, but shall not have the right to vote.
- (c) Paragraph 4d) of Protocol 1 to the Agreement shall not apply to Chapter III of the Regulation. As a consequence, the procedures for application and registration of geographical indications will be carried out by the Commission also in relation to applications from the EEA-EFTA states.
- (d) Some additions to be made in Annex III, so that reference to Icelandic and Norwegian geographical indications is continued.

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 taken by the European Union in the EEA Joint Committee concerning an amendment to Annex II (Technical regulations, standards, testing and certification)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114 and 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Annex II to the Agreement on the European Economic Area (“the EEA Agreement”) contains specific provisions and arrangements concerning technical regulations, standards, testing and certification,
- (2) Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89¹ is to be incorporated into the Agreement,
- (3) Commission Recommendation 2010/133/EU of 2 March 2010 on the prevention and reduction of ethyl carbamate contamination in stone fruit spirits and stone fruit marc spirits and on the monitoring of ethyl carbamate levels in these beverages² is to be incorporated into the Agreement,
- (4) Regulation (EC) No 110/2008 repeals Council Regulation (EEC) No 1576/89³ which is incorporated into the Agreement and is therefore to be repealed under the Agreement,
- (5) Commission Regulation (EEC) No 1014/90⁴, which is incorporated into the Agreement, has become obsolete⁵ and is therefore to be deleted from the Agreement,

¹ OJ L 39, 13.2.2008, p. 16.

² OJ L 52, 3.3.2010, p. 53.

³ OJ L 160, 12.6.1989, p. 1.

⁴ OJ L 105, 25.4.1990, p. 9.

⁵

- (6) In order to reduce the problems alcohol consumption may cause, EFTA States may prohibit, on a non-discriminatory basis, the placing on their national market of spirit drinks for direct human consumption which exceed an alcoholic strength of 60%,
- (7) Due to the special features of the system of registration of geographical indications for spirit drinks and the fact that a very low number of registrations are expected from the EFTA States, paragraph 4d) of Protocol 1 is not to be applied for these matters. As a consequence, the procedures for application and registration of geographical indications will be carried out by the Commission also in relation to applications from the EEA-EFTA states,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union within the EEA Joint Committee on the proposed amendments 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

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 ...⁶.
- (2) Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89⁷ is to be incorporated into the Agreement.
- (3) Commission Recommendation 2010/133/EU of 2 March 2010 on the prevention and reduction of ethyl carbamate contamination in stone fruit spirits and stone fruit marc spirits and on the monitoring of ethyl carbamate levels in these beverages⁸ is to be incorporated into the Agreement.
- (4) Regulation (EC) No 110/2008 repeals Council Regulation (EEC) No 1576/89⁹ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (5) Commission Regulation (EEC) No 1014/90¹⁰, which is incorporated into the Agreement, has become obsolete¹¹ and is therefore to be deleted from the Agreement.
- (6) Due to the special features of the system of registration of geographical indications for spirit drinks and the fact that a very low number of registrations are expected from the EFTA States, it seems reasonable to disapply paragraph 4d) of Protocol 1 for these matters. This shall be without prejudice to other Joint Committee Decisions.

⁶ OJ L ...

⁷ OJ L 39, 13.2.2008, p. 16.

⁸ OJ L 52, 3.3.2010, p. 53.

⁹ OJ L 160, 12.6.1989, p. 1.

¹⁰ OJ L 105, 25.4.1990, p. 9.

¹¹ OJ C 30, 6.2.2009, p. 18.

- (7) This Decision concerns legislation regarding spirit drinks. Legislation regarding spirit drinks 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 stated in the introduction to Chapter XXVII of Annex II to the Agreement. This Decision is therefore not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

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

1. The text of points 1 (Council Regulation (EEC) No 1576/89) and 2 (Commission Regulation (EEC) No 1014/90) shall be deleted.
2. The following shall be inserted after point 8 (Commission Regulation (EC) No 2870/2000):

‘9. **32008 R 0110**: Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16), as amended by:

- **32008 R 1334**: Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 (OJ L 354, 31.12.2008, p. 34).

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

- (a) The provisions of the Regulation shall not prejudice the right of the EFTA States to prohibit, on a non-discriminatory basis, the placing on their national market of spirit drinks for direct human consumption which exceed an alcoholic strength of 60%.
- (b) The EFTA States shall be invited to send observers to the meetings of the Committee for Spirit Drinks, as referred to in Article 25, dealing with matters which fall within acts referred to in the Agreement. The representatives of the EFTA States shall participate fully in the work of the Committee, but shall not have the right to vote.
- (c) Paragraph 4d) of Protocol 1 to the Agreement shall not apply to Chapter III of the Regulation.
- (d) The following shall be added in Annex III:

Product category	Geographical indication	Country of origin
15. Vodka	Íslenskt Vodka/Icelandic Vodka	Iceland

	<i>Norsk Vodka/Norwegian Vodka</i>	Norway
24. Akvavit/aquavit	<i>ÍslensktBrennivín/Icelandic Aquavit</i> <i>Norsk akevitt/Norsk Aquavit/Norsk Akvavit/Norwegian Aquavit</i>	Iceland Norway
Other spirit drinks	The geographical indications mentioned under this point concern products which are not defined in the Regulation. Therefore, they must be completed with the sales description "spirit drink". The EFTA States producing these spirit drinks shall inform the other Contracting Parties of the national definitions of these products.	

10. **32010 H 0133**: Commission Recommendation 2010/133/EU of 2 March 2010 on the prevention and reduction of ethyl carbamate contamination in stone fruit spirits and stone fruit marc spirits and on the monitoring of ethyl carbamate levels in these beverages (OJ L 52, 3.3.2010, p. 53).’

Article 2

The texts of Regulation (EC) No 110/2008 and Recommendation 2010/133/EU 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.] [Constitutional requirements indicated.]

