

Alþingi
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----- Forwarded by Guðríður Margrét Kristjánsdóttir/UTN/NotesSTJR on 19.05.2008 11:44 -----

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06.05.2008 15:58

To Einar Kristinn Guðfinnsson/SLR/NotesSTJR,
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Subject Matvælaölggjöf ESB - Fundir EFTA með
Framkvæmdastjórninni 2004-2005

Sælir,

ég hef farið í gegnum fundargerðir vinnuhóps EFTA um dýraheilbrigðismál og undirnefndar 1, síðustu 6 árin og leitað að því hvort eitthvað væri skjalfest um hótanir ESB í þá átt að Ísland yrði aftur "þriðja ríki" við innflutning á sjávarafurðum ef það tæki ekki yfir nýja matvælaölggjöf ESB að fullu. Eftirfarandi upplýsingar úr fundargerðum frá árunum 2004-2005 gætu komið að einhverjum notum:

A. Í skýrslu fundar undirnefndar 1 þann 16. nóvember 2004 (Subcommittee 1 on the free movement of goods) kom fram af hálfu framkvæmdastjórnarinnar í umfjöllun um reglugerð 178/2002, sem er rammareglugerð ESB um matvælaöryggi og um stofnun EFSA (Matvælaöryggisstofnun Evrópu), að það væri í rauninni ekki mögulegt að taka þessa löggjöf yfir að hluta til (þ.e. einungis fyrir sjávarafurðir). Það væri kominn tími fyrir Ísland að taka yfir alla löggjöf á þessu sviði.

14. The Commission (DG SANCO) referred to the adoption of the White Paper on Food Safety five years ago, laying down a new strategy and action plan on food safety. The adoption of a general food law and the establishment of the European Food Safety Authority establish an integrated approach to food safety issues, examining the whole food chain from farm to fork. A piecemeal approach on food safety issues is no longer considered satisfactory.

15. Therefore, partial application of the food law would not be satisfactory, and partial participation in the work of EFSA would, in fact, be impossible. The time had come for Iceland to take over all acquis in this area and also to consider the working group structure under Joint Subcommittee I to create a framework where food safety issues could be discussed.

16. On this basis, the Commission (DG SANCO) found the incorporation of the Regulation in three places in the Agreement to be contradictory to the aim of the Regulation.

(See attached file: Sub 1 Report 16 November 2004.doc)

B. Í fundargerð vinnuhóps EFTA frá 12. nóvember 2004 var fjallað um Reglugerð 1774/2002 um aukaafurðir dýra (Animal By--Products), sem m.a. hefur að geyma reglur um framleiðslu fiskmjöls. Þar kom fram að framkvæmdastjórnin teldi það ógerlegt að greina í sundur afurðir sem reglugerðin næði til og þær afurðir sem hún næði ekki yfir, eins og Ísland hafði lagt til. **Því þyrfti Ísland að lokum að ákveða hvort það vildi taka þessa reglugerð yfir heild sinni eða alls ekki.**

Þess má geta að reglugerð 1774/2002 tók gildi í byrjun árs 2004 og kveður á um flokkun aukaafurða dýra í þrjá flokka, eftir því hversu mikil hætta er á að afurðirnar beri smitefni með sér. Reglugerðin varðar m.a. framleiðslu á fiskmjöli, en reglur um notkun fiskmjöls höfðu verið hertar mjög í kjölfar kúariðu sem kom upp í Evrópu árið 2000. Ástæða fyrir banni við notkun á fiskmjöli í fóður var einkum hætta sem talin var á krosssmiti (í framleiðslu), og hætta á svindli, þ.e. að óprúttir aðilar kynnu að sjá sér hag í því að blanda kjöt- og beinamjöli saman við fiskmjöl.

Á fyrrnefndum fundi gerði framkvæmdastjórnin það að umtalsefni að Ísland væri enn að beita löggjöf um framleiðslu fiskmjöls sem fallin væri úr gildi í Evrópusambandinu. Ísland benti á það að þar til reglugerð 1774/2002 yrði tekin upp í samninginn væri eldri löggjöf ESB sú löggjöf sem Íslandi bæri að fara eftir og væri sú löggjöf sem báðir aðilar væru skuldbundnir af samkvæmt þjóðarétti.

Framkvæmdastjórnin taldi það hins vegar óásættanlegt að tvenns konar löggjöf væri í gildi á sama tíma og hugleiddi að vekja athygli aðildarríkja ESB á stöðunni á fundi fastanefndar ESB (SCOFCAH). Með því var framkvæmdastjórnin í raun að hótta því að hún ætlaði að draga úr trúverðugleika íslensks fiskmjöls og gefa í skyn að það væri ekki eins öruggt og fiskmjöl sem framleitt væri í Evrópu. Afleiðingin hefði getað orðið sú að aðildarríkin myndu fara með innflutning á fiskmjöli frá Íslandi sem innflutning frá þriðju ríkjum, með tilheyrandi töfum og kostnaði við landamæraeftirlit.

Að lokum er rétt að nefna að þessar röksemdir framkvæmdastjórnarinnar áttu á sama hátt við um framleiðslu sjávarafurða, þegar reglugerðir 852, 853, 854 og 882/2004 tóku gildi í byrjun árs 2006.

*8. Regarding the application of the Regulation to Iceland, the Commission found it to be difficult, if not impossible, to distinguish products to be covered by the Regulation from products not to be covered, due to the horizontal approach taken in the Regulation with the introduction of three categories of animal by-products. **Iceland would, therefore, eventually have to decide whether to take over the Regulation as a whole or whether not to take it over.***

9. Iceland took note of the Commission's remarks and referred to the minutes of a meeting of the Joint Working Group on 14 November 2000 which indicated that any review with regards to the situation of Iceland in relation to Chapter I of Annex I would have to be initiated formally by the Commission as agreed. Iceland would, in the meantime, seek to clarify which products that would be covered, together with the Secretariat.

10. Furthermore, the Commission enquired as to which legislation was applicable to the production of fishmeal. Iceland indicated that fishmeal was produced in accordance with the requirements of Directive 90/667/EC on animal waste. Legally, Directive 90/667/EC would remain in force for the EEA EFTA States until Regulation (EC) No 1774/2002 is incorporated into the EEA Agreement. Until then, the EEA EFTA States would not be legally obliged to implement the Regulation. The Commission expressed concern in this regard, since the Directive had been replaced by the new Regulation and was therefore no longer applied by the Member States. If was not acceptable that two sets of legislation should apply at the same time. The Commission would, therefore, consider raising the issue at a meeting of the Standing Committee on the Food Chain and Animals Health (SCOFCAH) to ensure that the Member States are informed of the situation. To this end Iceland would provide the Commission with written information about the production of fishmeal.

(See attached file: Report_Joint_Veterinary_Working_Group_12_November_2004-#1049132-v3.DOC)

C. Mér er ekki kunnugt um að af þessari hótun hafi orðið, en á næsta fundi í sameiginlegum vinnuhópi EFTA um dýraheilbrigðismál, 6. apríl 2005, upplýsti Ísland framkvæmdastjórnina um það að hafin væri könnun á því hvort að ástæður undanþágunnar frá reglum um landbúnaðarvörur væru enn í fullu gildi, þessi könnun næði þó ekki til reglna um lifandi dýr.

7. Finally, regarding the application of the Regulation to Iceland, Iceland informed the Working Group that the Icelandic Government had decided to launch an impact assessment to examine whether the specific circumstances, under which the derogation had been negotiated, still prevail. The derogation had been designed to protect some fundamental interests in the veterinary field that Iceland was unable to deviate from without a proper examination of its impact on these interests. The mandate from the Government would not cover live animals (See attached file: Report_Joint_Veterinary_Working_Group_6_April_2005-#1053848-v5.DOC)

D. Að lokum má geta þess að á fundi í sameiginlegum vinnuhópi EFTA um dýraheilbrigðismál, 14. desember 2005 færði framkvæmdastjórnin í tal að Noregur innleiddi matvælalöggjöfina strax en Ísland fengi frest í eitt ár til að ná samkomulagi við framkvæmdastjórnina um nýtt fyrirkomulag. Það hefði gert samningsstöðu Íslands erfiðari því Norðmenn lögðu ætíð verulega áherslu á að samningar kæmust á um innleiðinguna.

8. The Commission representative suggested incorporating the Regulations to apply only to Norway and to freeze the situation for Iceland for the period needed to review Chapter I of Annex I, i.e., for one year. During this period, Iceland would apply the current legislation. This situation could cause some practical and political problems in trade, therefore, the Commission underlined the importance of freezing the situation for as short a time as possible and to complete the review within this time. One year was considered sufficient to carry out the review. (See attached file: Report_Joint_Veterinary_Working_Group_14_December_2005-#1061455-v5.DOC)

Með kveðju,
Guðríður.

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----- Forwarded by Guðríður Margrét Kristjánsdóttir/UTN/NotesSTJR on 06.05.2008 13:52 -----

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18.04.2008 15:25

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cc

SubjectBandormurinn - Matvælaöggjöf ESB og fiskur

Sæll,

Allt frá því að reglugerð ESB no 178/2002 um almenna matvælaöggjöf var sett hefur það komið skýrt fram hjá framkvæmdastjórninni að það væri ekki hægt að framlengja undanþágu Íslands í viðauka 1 við EES samninginn hvað varðar landbúnaðarvörur. Nýja löggjöfin hefði allt aðra nálgun, "frá hafi og haga til maga" og ekki væri hægt að taka hana upp aðeins að því er varðar fisk. Það kom aldrei til greina af hálfu framkvæmdastjórnarinnar!

Þetta var ítrekað rætt á fundum EFTA vinnuhóps um dýraheilbrigði allt frá árinu 2002. Ég hef hins vegar ekki fundið neitt skriflegt um þetta, og þarf meiri tíma til að útvega mér allar fundargerðir á þessu tímabili. Ég er hins vegar einmitt núna á fundi þessa vinnuhóps með Guðmundi Sigbórssyni og Halldóri Runólfssyni og þeir muna ekki eftir því að eitthvað hafi verið skjalfest í þesa veru.

Hvað varðar töf á innflutningi til ESB, þá man ég ekki eftir því að gámar hafi verið stöðvaðir nýlega. Hins vegar í þeim gögnum sem ég hef skoðað frá þeim tíma sem heilbrigðisreglur sem varða fisk voru teknar upp í EES samninginn, árið 1996, er að finna upplýsingar um að menn hafi lent í vandræðum með innflutning á sjávarafurðum til ESB, þar sem nauðsynlegt reyndist að fara með sendingar í gegnum landamærastöðvar. Var það kveikjan að því að heilbrigðisreglur ESB um framleiðslu sjávarafurða voru teknar upp í EES samninginn fyrir Ísland.

Matvæla og heilbrigðisöggjöf ESB, reglugerð 178/2002 og heilbrigðis og eftirlitsreglgerðir (nr. 852, 853 og 854/2004 og 882/2004) tóku að mestu leyti gildi 1. janúar 2006. Þessar reglur voru þá ekki komnar inn í EES samninginn og vakti Evrópusambandið máls á því að til þess kynni að koma að erfiðleikar yrðu við innflutning á fiski til aðildarríkja ESB, þar sem hann væri ekki framleiddur í samræmi við nýja heilbrigðisöggjöf ESB, og því t.d. ekki með "rétt" heilbrigðisvottorð. Ég veit ekki að til þess hafi komið að innflutningur hafi tafist af þessum sökum. Fyrir áramótin 2005-2006 var þetta kynnt hagsmunaaðilum á fundi í Utanríkisráðuneytinu og undirbúið var staðlað bréf með vísan til EES samningsins sem hægt yrði að nota í neyðartilvikum.

Í stuttu máli sagt höfðu menn miklar áhyggjur af því að ef ekki næðist samkomulag um upptöku þessara gerða í EES samninginn fyrir Ísland, yrði Ísland aftur þriðja land að því er varðar fiskafurðir og þyrfti þá aftur að sæta því að þurfa að fara með allan fisk í gegnum landamærastöðvar með þeim tögum sem það kann að hafa. Þetta hefði t.d. getað komið mjög illa niður á ferskfiskútflutningi sem hefur verið mjög vaxandi síðustu ár.

Þegar Alþingi hefur samþykkt þessi lög ættu þær áhyggjur að vera úr sögunni!

Ég vona að þetta hjálpi þér eitthvað, ég skal leita betur að því hvort ég finn eitthvað skriflegt um þetta þegar ég kemst aftur á skrifstofu mína.

Kveðja,
Guðríður.

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EUROPEAN ECONOMIC AREA
STANDING COMMITTEE
OF THE EFTA STATES

Brussels, 2 December 2004
Ref. No.: 1049639
2 Annexes

SUBCOMMITTEE I ON THE FREE MOVEMENT OF GOODS

Brussels, 16 November 2004

Report by the Secretariat

1. ADOPTION OF THE AGENDA AND SUMMARY

1. The eighth meeting of Subcommittee I in 2004 took place on 16 November and was chaired by Ms Aud Hellstrøm (Norway). The Agenda was adopted with the inclusion of item 6.3 Working Group on Veterinary Matters – Election of Chairpersons. The list of participants and the Agenda of the Joint Meeting are at Annexes I and II respectively.

2. ADMINISTRATIVE ISSUES

2.1 Participation in EU Committees and Working Groups

2. The Delegations noted that information was missing for a few groups from Norway and several for Iceland. The Chair asked that the Delegations provide the missing information before Christmas.

3. The Secretariat presented a draft updated list of members of Subcommittee I and its Working Groups. Delegations undertook to provide their comments, if any, by 26 November 2004.

3. MANAGEMENT OF THE EEA AGREEMENT

3.1 Trade in Processed Agricultural Products - Protocol 3

4. The Committee noted that the draft JCD providing for a permanent exemption for Liechtenstein had been put on the preliminary Long List for the next meeting of the Joint Committee on 3 December. At the **joint meeting**, the Commission informed the EFTA side that it was still awaiting confirmation from DG TAXUD, but preferred to leave the issue on the Long List.

3.2 Trade in Agricultural Products - Article 19

5. The Icelandic Delegate reported that the Commission had received a mandate from the Council and the first meeting was expected to take place in December 2004.

3.3 Small clean-up regarding the 1995 Enlargement

6. The Chair had received a letter from the Chair of Subcommittee V (Ref. No.: 1048432) concerning amendments made necessary due to the accession of Austria, Finland and Sweden to the EU. The Committee agreed that, for its part, Subcommittee V could submit the draft EEA Joint Committee Decision to the Commission. The Secretariat was asked to convey this information to Subcommittee V.

3.4 Statistical information on Commission Acts in the EEA Agreement

7. The Delegations noted that the number of acts integrated into the Agreement is close to 4.000, and of these, almost 2700 fall under the responsibility of Subcommittee I. A little more than half of the acts integrated are Commission Acts, but for Subcommittee I, the share of Commission acts is higher (veterinary field 74% and technical regulations 58%). The Secretariat observed that this information confirmed the importance of active participation in the Commission working group structures.

4. DECISION-MAKING

4.1 Information concerning parliamentary procedures for adopted EEA Joint Committee Decisions

Notifications awaited for more than six months:

- EEA JCD 37/2004 amending Annex IV (Energy) to the EEA Agreement (EP and Council Directive 2002/91/EC) – Energy performance of buildings) – adopted 23 April 2004 - awaiting confirmation from Norway.
-

Notifications awaited for less than six months:

- EEA JCD 71/2004 amending Annex II (Technical Regulations, standards, testing and certification) to the EEA Agreement - Council Regulation (EC) No 2679/98 (functioning of the internal market) – adopted on 8 June 2004 – awaiting confirmation from Iceland and Norway.
- EEA JCD 79/2004 amending Annex XIV (Competition rules) to the EEA Agreement (Council Regulation (EC) No 139/2004 – the EC Merger Review) – adopted on 8 June 2004 - awaiting confirmation from Iceland and Norway.
- EEA JCD 99/2004 amending Annex II (Technical Regulations, standards, testing and certification) to the EEA Agreement – (EP and Council Directive 2002/98/EC - collection, testing, processing, storage and distribution of human blood and blood components - adopted on 9 July 2004 – awaiting confirmation from Iceland and Liechtenstein.
- EEA JCD 110/2004 amending Annex XVII (Intellectual property) to the EEA Agreement – (EP and Council Directive 2001/29/EC)- copyright and related rights in the information society - adopted on 9 July 2004 – awaiting confirmation from Iceland, Liechtenstein and Norway.
- EEA JCD 130/2004 amending Annex XIV (Competition) to the EEA Agreement – (Council Regulation (EC) No 1/2003 – Reform of the Competition Rules) – adopted on 24 September 2004 – awaiting confirmation from Iceland, Liechtenstein and Norway.

8. It was observed at the **joint meeting** that the notifications would be forthcoming within the six-month time limit, with the exception of Decision 37/2004 which is expected to be cleared by Norway before Christmas.

4.2 Draft EEA Joint Committee Decisions with the EU

4.2.1 General

9. The Secretariat informed the Committee that the list of draft EEA Joint Committee Decisions with the Commission would be sent to the Commission next week.

10. At the **joint meeting**, it was noted that the preliminary Long List of decisions for adoption by the EEA Joint Committee at its meeting on 3 December would be issued shortly (see item 4.4.3).

4.2.2 Establishment of a European Food Safety Authority

11. The Secretariat gave a brief report from the meeting of the Working Group on Veterinary Matters on 12 November, where the Commission provided its preliminary comments to the revised draft EEA Joint Committee Decision submitted on 11 October 2004. It could be expected that the Commission would maintain the compromise texts with regard to scientific opinion, comment on the adaptation text proposed on the crisis unit from a technical point of view, propose a solution for Article 11 and 12 following the information received at the Veterinary meeting and finally, comment on the application of the Regulation to Iceland.

12. At the **joint meeting**, the Commission (DG RELEX) apologised for the fact that it had not been possible to provide written comments prior to the meeting. However, the Commission's position had been indicated to the EEA EFTA States at the meeting of the Joint Working Group on Veterinary Matters on 12 November 2004.

13. The Commission was firm in its position as to the possibility of the EFTA States and the EFTA Surveillance Authority requesting scientific opinions from EFSA and maintained that it could only agree to the compromise text outlined in April 2004.

14. The Commission (DG SANCO) referred to the adoption of the White Paper on Food Safety five years ago, laying down a new strategy and action plan on food safety. The adoption of a general food law and the establishment of the European Food Safety Authority establish an integrated approach to food safety issues, examining the whole food chain from farm to fork. A piecemeal approach on food safety issues is no longer considered satisfactory.

15. Therefore, partial application of the food law would not be satisfactory, and partial participation in the work of EFSA would, in fact, be impossible. The time had come for Iceland to take over all *acquis* in this area and also to consider the working group structure under Joint Subcommittee I to create a framework where food safety issues could be discussed.

16. On this basis, the Commission (DG SANCO) found the incorporation of the Regulation in three places in the Agreement to be contradictory to the aim of the Regulation.

17. Furthermore, the EEA EFTA States were asked to reassess the need for adaptation text to Article 11 concerning imports, since the information received by Norway at the Joint Veterinary Working Group meeting had showed that Norway applied the same rules as the EU in this regard.

18. The Commission could agree to the adaptation text proposed to Article 12 on export. However, it proposed a declaration whereby Norway declares that if equivalence agreements are negotiated with any of the third countries which have negotiated such an agreement with the EU, then these agreements should be identical to those of the EU.

19. Finally, as regards the adaptation text proposed to Article 56 on the crisis unit, the Commission understood that the purpose of the text was to clarify that no parallel unit should be set up on the EFTA side by the EFTA Surveillance Authority. However, the Commission did not find it necessary with an adaptation text and proposed to clarify the situation in a declaration.

20. The Commission (DG RELEX) concluded that this indeed represented the Commission's firm position with respect to the outstanding issues concerning the incorporation of Regulation 178/2002, reiterating in particular the issue related to scientific opinions and the objective of avoiding a piecemeal approach to food safety legislation. In addition, he stressed that it was also important for the Community to carry out a review of the situation for Iceland, as foreseen in the Introductory Part of Chapter I of Annex I, where Iceland would consider taking over all legislation in this area.

21. After the joint meeting, the Committee held a **short debriefing**. The Committee agreed to reconsider the position and to find a solution that would meet the Commission's concerns. The Secretariat would present a proposal for a solution with regard to the crisis unit, Articles 11 and 12, and the proposals for declarations. The Icelandic Delegation undertook to consider its position on scientific opinions in light of the Commission's position and to carefully consider the state of affairs concerning application to Iceland. It was agreed that comments to the proposed solution would be submitted to the Secretariat by 1 December 2004.

4.2.3 Revised Protocol 47 - Trade in wine

22. The Secretariat informed the meeting that the draft had been cleared and was now with DG Agriculture for proof-reading before being formally sent to DG RELEX.

4.3 Outstanding acquis: review of all acts on the list of adopted acquis with EFTA for more than 8 weeks, including the Scoreboard

4.3.1 General

23. The Committee observed an increase in the number of acts with EFTA (from 90 to 96 acts on 1 November 2004 in non-veterinary fields). The Liechtenstein Delegate confirmed that the outstanding act in the pharmaceutical field relating to the European Medicinal Agency, Directive 2004/28/EC, would be cleared shortly. Furthermore, delegations were encouraged to clear the three outstanding acts related to EFSA¹ as soon as possible in order to include these in the draft EEA Joint Committee Decision concerning EFSA. The Chair recalled that the Scoreboard for 2004 would be prepared early in 2005, and encouraged Delegations to clear as many acts as possible before the end of the year.

4.4 Draft EEA Joint Committee Decisions under preparation on the EFTA side

4.4.1 Draft EEA Joint Committee Decisions with SCI

¹ 32003R1642 – amendment of 178/2002, 32003R1304 – rules of procedure of EFSA and 32004D0478 – Crisis Management Plan

24. The Secretariat informed the meeting that there was a large increase of EEA Joint Committee Decisions with Delegations for clearance. This was, however, partly due to the fact that Iceland had not cleared one draft incorporating 10 acts which was linked to seven other drafts incorporating in total 54 acts in the veterinary field.

4.4.2 Foodstuffs – novel foods and labelling of GMOs

25. The Committee noted that the preliminary draft EEA Joint Committee Decision, together with the Norwegian non-paper, were being scrutinised by the Icelandic and Liechtenstein experts. The Committee agreed to provide written reaction to the texts by 10 December 2004.

26. At the **joint meeting**, the EFTA side informed the Commission that a draft Joint Committee Decision was being prepared, but further consultations were needed on the EEA EFTA side.

4.4.3 Competition

27. The meeting discussed a letter of 15 November 2004 from ESA expressing concerns with delays in the process of incorporating Regulation 773/2004 into the EEA Agreement. This is the implementing Regulation linked to Competition Reform (1/2003). The Icelandic Delegation informed the meeting that it was now ready to clear the drafts incorporating Regulations 773/2004 and 463/2004, but might have to ask for a constitutional requirement for 773/2004. The meeting welcomed the progress and decided to put Regulation 773/2004 on the Long List for the meeting of the Joint Committee on 3 December. This inclusion was confirmed at the **joint meeting**.

5. DECISION-SHAPING

5.1 Pipeline acquis (B List)

5.1.1 General

28. The Secretariat noted the list of pipeline acquis.

5.1.2 Commission proposal of introducing pre-arrival declarations (24-hour rule)

29. The Secretariat informed the Committee that the relevant Regulation (concerning an updated Community Customs Code) is presently being discussed by the Council and the European Parliament. The elaboration of the Implementing Provisions and possible administrative arrangements will provide details of the procedure and include the time limit for launching pre-arrival/departure declarations. These Provisions would, accordingly, be important for the EFTA side. The Committee noted that the Working Group on Customs Matters will address the issue at its next meeting on 13 and 14 December 2004, and the Group of Experts on Efficient Trade Procedures will also closely follow the developments. This issue is also included in the draft Conclusions from the EEA Council on 14 December 2004.

5.2 Pre-pipeline acquis

5.2.1 General

30. See item 5.1.1. The Secretariat underlined that when the Commission proposal for limiting cadmium in fertilisers is adopted, the EEA EFTA States' current derogation concerning cadmium

will most likely have to be deleted. The Secretariat has not received any indications from experts that the proposal is problematic.

5.3 EEA EFTA Comments

5.3.1 EEA EFTA Comments with the Commission

31. At the **joint meeting**, the Committee noted that the EEA EFTA Comments on the Security of Electricity Supply had been cleared since the last meeting.

5.3.2 Planned EEA EFTA Comments

32. The Committee examined the list of planned EEA EFTA Comments in the Work Programme for the Icelandic Chairmanship. The Chair, speaking as a Norwegian Delegate, informed the meeting that input to the EEA EFTA Comments were planned in the fields of foodstuffs (fortified food and nutritional labelling). Furthermore, the Secretariat had received draft comments from Norway concerning the new chemical legislation (REACH) and these were in the process of being transformed into draft EEA EFTA Comments. Possible EEA EFTA Comments were also being considered for the Green Paper on Defence Procurement (COM (2004)608 final). The Chair observed that new policy documents related to the functioning of the Internal Market were planned and she encouraged the Working Group on Technical Barriers to Trade to prepare EEA EFTA Comments.

33. Finally, the Chair stressed the need for the Working Groups to closely monitor new legislative initiatives with a view to preparing EEA EFTA Comments. She asked the Delegations to raise this issue with their national experts and asked the Secretariat to follow this up in the Working Groups.

6. WORKING GROUPS

6.1 Reports from Working Groups

34. The Committee noted the following reports:

- Technical Barriers to Trade on 13 September
- Energy Matters on 21 September
- Competition Policy on 29 September
- Public Procurement on 28 October

6.2 Planned meetings of Working Groups and Experts Groups in November and December 2004

35. The Committee noted the following list of meetings:

| | |
|----------------|--|
| 8 November | Working Group on Energy Matters |
| 8 November | Expert Group on Medicinal Products |
| 11/12 November | Working Group on Veterinary Matters |
| 15 November | Working Group on Technical Barriers to Trade |
| 24 November | Working Group on Competition Policy |
| 2 December | Working Group on Feedingstuffs (tentatively) |
| 13/14 December | Working Group on Customs Matters |

7. STANDARDISATION MANDATES

36. The Committee endorsed the proposal for four new standardisation mandates addressed to CEN, CENELEC and ETSI as presented in document Ref. No.: 1048678 (Summary), covering the following fields: (i) measuring methods for determining Benzo(a)pyrene in ambient air, (ii) measuring methods for determining gaseous mercury in ambient air, (iii) ITT requirements for marine radio communications equipment under the R&TTE Directive and (iv) EMC requirements for equipment to be installed in motor vehicles.

37. The issue will be presented to the Standing Committee for approval at its next meeting on 2 December 2004.

8. RECENT DEVELOPMENTS ON HORIZONTAL ISSUES

8.1 Recent bilateral contacts on Subcommittee I related issues with the Commission and the European Parliament

38. There was no exchange of views under this item.

8.2 Internal Market: ongoing activities

39. The Secretariat reported that the main issue at the next IMAC Director Generals' meeting on 19 November 2004 was the relationship between the Internal Market and consumer policy, as well as a review of the Strategy.

8.3 Enlargement: the Free Movement of Goods

40. There was no exchange of information under this item.

8.4 EU-Turkey: Commissions report and the Free Movement of Goods

41. The Secretariat provided the Committee with a summary of the goods-related section of the Commission regular report on Turkey's progress towards accession, issued on 6 October 2004 (Ref. No.: 1049021). The Commission recommends to the European Council meeting in December to start negotiations with Turkey. Concerning free movement of goods, it is concluded that Turkey's transposition of the *acquis* is advancing steadily, but further efforts are needed, in particular for the proper implementation of legislation.

42. Finally, the Secretariat informed the Committee that Turkey was being discussed in the Working Group on Technical Barriers to Trade, in the context of the EEA Agreement Protocol 12 and a possible MRA with Turkey. The issue is also discussed by the EFTA Committee on Technical Barriers to Trade. In this regard, the Secretariat made reference to a draft discussion paper prepared by the Secretariat (Ref. No.: 1045512).

43. The Committee welcomed the two reports and agreed to revert to the issue at the next meeting.

9. OTHER BUSINESS

44. The next meeting is scheduled for 18 January 2005, starting at 10.00 am.

Subcommittee I

16 November 2004

Iceland

| | |
|---------------------------|------------------------------|
| Kristján Andri Stefánsson | Ministry for Foreign Affairs |
| Högni S. Kristjánsson | Icelandic Mission |

Liechtenstein

| | |
|--------------------|-----------------------|
| Märten Geiger | EEA Coordination Unit |
| Pascal Schafhauser | Liechtenstein Mission |

Norway

| | |
|-----------------------------|------------------------------|
| Aud Hellstrøm (Chairperson) | Ministry for Foreign Affairs |
| Hege Hoff | Ministry for Foreign Affairs |
| Sølve Steffensen | Ministry of Trade & Industry |
| Ole T. Andersen | Norwegian Mission |
| Harald Ribe | Norwegian Mission |
| Dag Holler | Norwegian Mission |

EFTA Secretariat

| | |
|----------------------|------------|
| Geir Bekkevold | Goods Unit |
| Jenny Hanssen | Goods Unit |
| Helga Thórisdóttir | Goods Unit |
| Lars Varden | Goods Unit |
| Sverre Trulssen | Goods Unit |
| Telma Halldorsdóttir | Goods Unit |
| Birgitte Andersen | Goods Unit |
| Kathleen Byrne | Goods Unit |

EFTA Surveillance Authority

| | |
|-------------------------------|---------------------------------------|
| Kjersti Bjerkebo ² | Competition and State Aid Directorate |
|-------------------------------|---------------------------------------|

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² Parts of the meeting.

EUROPEAN ECONOMIC AREA

JOINT COMMITTEE

Annex II to 1049639

JOINT SUBCOMMITTEE I ON THE FREE MOVEMENT OF GOODS

*Tuesday, 16 November 2004, starting at 14.30
EFTA Building, Room B (7th floor)*

Provisional Agenda

1. ADOPTION OF THE AGENDA

2. MANAGEMENT OF THE EEA AGREEMENT

2.1 Foodstuffs – novel food and labelling of GMOs

2.2 EP and Council Regulation (EC) No 178/2002 on general principles and requirements of food law, European Food Safety Authority and procedures in matters of food safety

3. DECISION-MAKING

3.1 Information concerning EEA Joint Committee Decisions for which notifications under Article 103 EEA are outstanding

Notifications awaited for more than six months:

- EEA JCD 37/2004 amending Annex IV (Energy) to the EEA Agreement (EP and Council Directive 2002/91/EC) – Energy performance of buildings) – adopted 23 April 2004 - awaiting confirmation from Norway.

Notifications awaited for less than six months:

- EEA JCD 71/2004 amending Annex II (Technical Regulations, standards, testing and certification) to the EEA Agreement - Council Regulation (EC) No 2679/98 (functioning of the internal market) – adopted on 8 June 2004 – awaiting confirmation from Iceland and Norway.

- EEA JCD 79/2004 amending Annex XIV (Competition rules) to the EEA Agreement (Council Regulation (EC) No 139/2004 – the EC Merger Review) – adopted on 8 June 2004 - awaiting confirmation from Iceland, Liechtenstein and Norway.
- EEA JCD 99/2004 amending Annex II (Technical Regulations, standards, testing and certification) to the EEA Agreement – (EP and Council Directive 2002/98/EC - collection, testing, processing, storage and distribution of human blood and blood components - adopted on 9 July 2004 – awaiting confirmation from Iceland and Liechtenstein.
- EEA JCD 110/2004 amending Annex XVII (Intellectual property) to the EEA Agreement – (EP and Council Directive 2001/29/EC)- copyright and related rights in the information society - adopted on 9 July 2004 – awaiting confirmation from Iceland, Liechtenstein and Norway.
- EEA JCD 130/2004 amending Annex XIV (Competition) to the EEA Agreement – (Council Regulation (EC) No 1/2003 – Reform of the Competition Rules) – adopted on 24 September 2004 – awaiting confirmation from Iceland, Liechtenstein and Norway.

3.2 Information concerning decisions to be presented for adoption by the Joint Committee on 3 December 2004

3.3 Draft EEA Joint Committee Decisions under preparation by the Commission's services

Document: 1049082 - *to be issued*

4. DECISION-SHAPING

5. OTHER BUSINESS

5.1 Next meeting.