

Council Decision of 24 April 2012 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) to the EEA Agreement (2012/227/EU)

COUNCIL DECISION

of 24 April 2012

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) to the EEA Agreement

(2012/227/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 and 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 Area<sup>(1)</sup>, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Annex II to the Agreement on the European Economic Area<sup>(2)</sup> ('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<sup>(3)</sup> should be incorporated into the EEA 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 beverages<sup>(4)</sup> should be incorporated into the EEA Agreement.
- (4) Regulation (EC) No 110/2008 repealed Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks<sup>(5)</sup> which is incorporated into the EEA Agreement and should therefore be repealed under the EEA Agreement.
- (5) Commission Regulation (EEC) No 1014/90 of 24 April 1990 laying down detailed implementing rules on the definition, description and presentation of spirit drinks<sup>(6)</sup>,

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*Changes to legislation: There are currently no known outstanding effects for the Council Decision of 24 April 2012 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) to the EEA Agreement (2012/227/EU), Introductory Text. (See end of Document for details)*

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which is incorporated into the EEA Agreement, has become obsolete<sup>(7)</sup> and should therefore be deleted from the EEA Agreement.

- (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 4(d) of Protocol 1 to the EEA Agreement 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 EFTA states which are parties to the EEA Agreement.
- (8) The position of the Union in the EEA Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

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- (1) OJ L 305, 30.11.1994, p. 6.
- (2) OJ L 1, 3.1.1994, p. 3.
- (3) OJ L 39, 13.2.2008, p. 16.
- (4) OJ L 52, 3.3.2010, p. 53.
- (5) OJ L 160, 12.6.1989, p. 1.
- (6) OJ L 105, 25.4.1990, p. 9.
- (7) OJ C 30, 6.2.2009, p. 18.

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