

Brussels, 15 February 2012  
Case No: 71214  
Event No: 624188



## Minutes of College Meeting No. 5 - 15 February 2012

Members present: Oda Helen Sletnes, Sverrir Haukur Gunnlaugsson and Sabine Monauni-Tömördy

Officials present: Xavier Lewis, Per Andreas Bjørgan, Ólafur Jóhannes Einarsson, Erik Eidem, Rakel Jensdóttir, Steven Verhulst, Gabrielle Sommers, Trygve Mellvang-Berg, Florence Simonetti and Nina Hoppe

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### 1. **Agenda**

Event [623004](#)

The College approved the Agenda

### 2. **Decision(s) taken by delegation procedure**

The College took note of the following:

There was no delegation decision taken during this period of time

### 3. **Decision to close a case against Iceland commenced following a receipt of a complaint against that State concerning the taxation of exchange rate gains**

Case 68114 Event [619215](#)

The College adopted the decision to close a case against Iceland commenced following a receipt of a complaint against that State concerning the taxation of exchange rate gains, as **Decision No. 046/12/COL**

### 4. **Decision to close a case against Iceland commenced following a receipt of a complaint against that State concerning the taxation of exchange rate gains**

Case 68474 Event [619257](#)

The College adopted the decision to close a case against Iceland commenced following a receipt of a complaint against that State concerning the taxation of exchange rate gains, as **Decision No. 047/12/COL**

5. **Decision to close a case against Iceland for failure to notify full implementation of Directive 2009/137/EC of 10 November 2009 amending Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments in respect of exploitation of the maximum permissible errors, as regards the instrument specific annexes MI-001 to MI-005**

Case 70439 Event [623044](#)

The College adopted the decision to close a case against Iceland for failure to notify full implementation of Directive 2009/137/EC of 10 November 2009 amending Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments in respect of exploitation of the maximum permissible errors, as regards the instrument specific annexes MI-001 to MI-005, as **Decision No. 048/12/COL**

6. **Decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 6a of Part 5.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption (OJ L 18, 23.1.2003, p. 11)*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof**

Case 71137 Event [622058](#)

The College adopted the decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 6a of Part 5.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption (OJ L 18, 23.1.2003, p. 11)*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 049/12/COL**

authorised the competent Member to have the letter of formal notice transmitted to the Icelandic authorities

7. **Decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 5 in Part 1.1, points 1 and 2 (Council Directive 88/661/EEC), in Part 2.1, points 3 (Council Directive 2001/89/EC), 4 (Council Directive 92/35/EEC), 6 (Council Directive 92/66/EEC), 9 (Council Directive 92/119/EEC), 9a (Council Directive 2000/75/EC) and 9b (Council Directive 2002/60/EC) in Part 3.1, points 1 (Council Directive 64/432/EEC), 2 (Council Directive 91/68/EEC), 3 (Council Directive 90/426/EEC), 4 (Council Directive**

90/539/EEC), 6 (Council Directive 89/556/EEC), 7 (Council Directive 88/407/EEC), 8 (Council Directive 90/429/EEC) and 9 (Council Directive 92/65/EEC) in Part 4.1, point 54 (Council Decision 2000/258/EC) in Part 4.2 and points 2 (Council Directive 90/426/EEC), 3 (Council Directive 90/539/EEC), 5 (Council Directive 89/556/EEC), 6 (Council Directive 88/407/EEC), 7 (Council Directive 90/429/EEC) and 15 (Council Directive 92/65/EEC) in Part 8.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Council Directive 2008/73/EC of 15 July 2008 simplifying procedures of listing and publishing information in the veterinary and zootechnical fields and amending Directives 64/432/EEC, 77/504/EEC, 88/407/EEC, 88/661/EEC, 89/361/EEC, 89/556/EEC, 90/426/EEC, 90/427/EEC, 90/428/EEC, 90/429/EEC, 90/539/EEC, 91/68/EEC, 91/496/EEC, 92/35/EEC, 92/65/EEC, 92/66/EEC, 92/119/EEC, 94/28/EC, 2000/75/EC, Decision 2000/258/EC and Directives 2001/89/EC, 2002/60/EC and 2005/94/EC*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof

Case 71149 Event [622210](#)

The College adopted the decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 5 in Part 1.1, points 1 and 2 (Council Directive 88/661/EEC), in Part 2.1, points 3 (Council Directive 2001/89/EC), 4 (Council Directive 92/35/EEC), 6 (Council Directive 92/66/EEC), 9 (Council Directive 92/119/EEC), 9a (Council Directive 2000/75/EC) and 9b (Council Directive 2002/60/EC) in Part 3.1, points 1 (Council Directive 64/432/EEC), 2 (Council Directive 91/68/EEC), 3 (Council Directive 90/426/EEC), 4 (Council Directive 90/539/EEC), 6 (Council Directive 89/556/EEC), 7 (Council Directive 88/407/EEC), 8 (Council Directive 90/429/EEC) and 9 (Council Directive 92/65/EEC) in Part 4.1, point 54 (Council Decision 2000/258/EC) in Part 4.2 and points 2 (Council Directive 90/426/EEC), 3 (Council Directive 90/539/EEC), 5 (Council Directive 89/556/EEC), 6 (Council Directive 88/407/EEC), 7 (Council Directive 90/429/EEC) and 15 (Council Directive 92/65/EEC) in Part 8.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Council Directive 2008/73/EC of 15 July 2008 simplifying procedures of listing and publishing information in the veterinary and zootechnical fields and amending Directives 64/432/EEC, 77/504/EEC, 88/407/EEC, 88/661/EEC, 89/361/EEC, 89/556/EEC, 90/426/EEC, 90/427/EEC, 90/428/EEC, 90/429/EEC, 90/539/EEC, 91/68/EEC, 91/496/EEC, 92/35/EEC, 92/65/EEC, 92/66/EEC, 92/119/EEC, 94/28/EC, 2000/75/EC, Decision 2000/258/EC and Directives 2001/89/EC, 2002/60/EC and 2005/94/EC*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 050/12/COL**

authorised the competent Member to have the letter of formal notice transmitted to the Icelandic authorities

8. **Decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 6 of Part 6.2 of Chapter I of Annex I of the Agreement on the European Economic Area (*Council Directive 89/384/EEC of 20 June 1989 establishing the detailed procedure for carrying out checks to ensure that the freezing point of untreated milk laid down in Annex A of***

*Directive 85/397/EEC is complied with (OJ No L 181, 28.6.1989, p. 50)), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof*

Case 71151 Event [622134](#)

The College adopted the decision to close an own-initiative case arising from the failure by Liechtenstein to make the Act referred to at point 15p, third indent, and 15q, sixth indent, of Chapter XIII of Annex II to the Agreement on the European Economic Area (*Directive 2009/53/EC of the European Parliament and of the Council of 18 June 2009 amending Directive 2001/82/EC and Directive 2001/83/EC, as regards variations to the terms of marketing authorisations for medicinal products*), as adapted to the EEA Agreement by Protocol 1 thereto, part of its legal order, as **Decision No. 051/12/COL**

authorised the competent Member to have the letter of formal notice transmitted to the Icelandic authorities

9. **Decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 3 of Part 6.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Council Directive 91/498/EEC of 29 July 1991 on the conditions for granting temporary and limited derogations from specific Community health rules on the production and marketing of fresh meat (OJ L 268, 24.9.1991, p. 105)*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof**

Case 71152 Event [622136](#)

The College adopted the decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 3 of Part 6.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Council Directive 91/498/EEC of 29 July 1991 on the conditions for granting temporary and limited derogations from specific Community health rules on the production and marketing of fresh meat (OJ L 268, 24.9.1991, p. 105)*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 052/12/COL**

authorised the competent Member to have the letter of formal notice transmitted to the Icelandic authorities

10. **Decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 10 of Part 7.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Council Directive 90/167/EEC of 26 March 1990 laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community (OJ No L 92, 7.4.1990, p. 42)*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof**

Case 71153 Event [622139](#)

The College adopted the decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 10 of Part 7.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Council Directive 90/167/EEC of 26 March 1990 laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community (OJ No L 92, 7.4.1990, p. 42)*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 053/12/COL**

authorised the competent Member to have the letter of formal notice transmitted to the Icelandic authorities

11. **Decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 12 of Part 6.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Council Directive 92/47/EEC of 16 June 1992 on the conditions for granting temporary and limited derogations from specific Community health rules on milk and milk based products (OJ No L 268, 14.9.1992, p. 33)*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof**

Case 71154 Event [622152](#)

The College adopted the decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 12 of Part 6.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Council Directive 92/47/EEC of 16 June 1992 on the conditions for granting temporary and limited derogations from specific Community health rules on milk and milk based products (OJ No L 268, 14.9.1992, p. 33)*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 054/12/COL**

authorised the competent Member to have the letter of formal notice transmitted to the Icelandic authorities

12. **Decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 5 of Part 6.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Council Directive 92/120/EEC of 17 December 1992 on the conditions for granting temporary and limited derogations from specific Community health rules on the production and marketing of certain products of animal origin (OJ L 62, 15.3.1993, p. 89)*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof**

Case 71156 Event [622154](#)

The College adopted the decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 5 of Part 6.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Council Directive*

*92/120/EEC of 17 December 1992 on the conditions for granting temporary and limited derogations from specific Community health rules on the production and marketing of certain products of animal origin (OJ L 62, 15.3.1993, p. 89)), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 055/12/COL***

authorised the competent Member to have the letter of formal notice transmitted to the Icelandic authorities

13. **Decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 7 of Part 5.1 and at point 16 of Part 8.1 of Chapter I of Annex I of the Agreement on the European Economic Area (Council Directive 96/90/EC of 17 December 1996 amending Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC ( OJ L 13, 16.1.1997, p. 24)), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof**

Case 71157 Event [622156](#)

The College adopted the decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 7 of Part 5.1 and at point 16 of Part 8.1 of Chapter I of Annex I of the Agreement on the European Economic Area (Council Directive 96/90/EC of 17 December 1996 amending Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC ( OJ L 13, 16.1.1997, p. 24)), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 056/12/COL**

authorised the competent Member to have the letter of formal notice transmitted to the Icelandic authorities

14. **Decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at points 7 of Part 5.1, 15 of Part 6.1 and 16 of Part 8.1 of Chapter I of Annex I of the Agreement on the European Economic Area (Commission Regulation (EC) No 445/2004 of 10 March 2004 amending Annex I to Council Directive 92/118/EEC as regards animal casings, lard and rendered fats and rabbit meat and farmed game meat (Text with EEA relevance) OJ L 072, 11.03.2004 p. 60), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof**

Case 71162 Event [622179](#)

The College adopted the decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at points 7 of Part 5.1, 15 of Part 6.1 and 16 of Part 8.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Commission Regulation (EC) No 445/2004 of 10 March 2004 amending Annex I to Council Directive 92/118/EEC as regards animal casings, lard and rendered fats and rabbit meat and farmed game meat (Text with EEA relevance) OJ L 072, 11.03.2004 p. 60*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 057/12/COL**

authorised the competent Member to have the letter of formal notice transmitted to the Icelandic authorities

15. **Decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 127 of Part 1.2 of Chapter I of Annex I of the Agreement on the European Economic Area (*Commission Regulation (EC) No 745/2004 of 16 April 2004 laying down measures with regard to imports of products of animal origin for personal consumption (OJ L 122, 26.04.2004 p. 1)*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof**

Case 71164 Event [622195](#)

The College adopted the decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 127 of Part 1.2 of Chapter I of Annex I of the Agreement on the European Economic Area (*Commission Regulation (EC) No 745/2004 of 16 April 2004 laying down measures with regard to imports of products of animal origin for personal consumption (OJ L 122, 26.04.2004 p. 1)*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 058/12/COL**

authorised the competent Member to have the letter of formal notice transmitted to the Icelandic authorities

16. **Decision to issue a letter of formal notice to Norway for failure to implement the Act referred to at point 12x of Chapter XV of Annex II of the Agreement on the European Economic Area (*Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof**

Case 71029 Event [620175](#)

The College adopted the decision to issue a letter of formal notice to Norway for failure to implement the Act referred to at point 12x of Chapter XV of Annex II of the Agreement on the European Economic Area (*Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and*

*accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 059/12/COL**

authorised the competent Member to have a reasoned opinion delivered to the Norwegian authorities

- 17. Decision to issue a letter of formal notice to Norway for failure to implement the Act referred to at point 12x of Chapter XV of Annex II of the Agreement on the European Economic Area (Directive 2008/103/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards placing batteries and accumulators on the market), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof**

Case 71060 Event [620466](#)

The College adopted the decision to issue a letter of formal notice to Norway for failure to implement the Act referred to at point 12x of Chapter XV of Annex II of the Agreement on the European Economic Area (*Directive 2008/103/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards placing batteries and accumulators on the market*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 060/12/COL**

authorised the competent Member to have a reasoned opinion delivered to the Norwegian authorities

- 18. Decision to issue a letter of formal notice to Norway for failure to implement the Act referred to at point 12w of Chapter XV of Annex II of the Agreement on the European Economic Area (Commission Regulation (EC) No 304/2009 of 14 April 2009 amending Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the Council as regards the treatment of waste containing persistent organic pollutants in thermal and metallurgical production processes), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof**

Case 71065 Event [620710](#)

The College adopted the decision to issue a letter of formal notice to Norway for failure to implement the Act referred to at point 12w of Chapter XV of Annex II of the Agreement on the European Economic Area (*Commission Regulation (EC) No 304/2009 of 14 April 2009 amending Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the Council as regards the treatment of waste containing persistent organic pollutants in thermal and metallurgical production processes*), as adapted to the EEA Agreement by Protocol 1 thereto,

into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 061/12/COL**

authorised the competent Member to have a reasoned opinion delivered to the Norwegian authorities

- 19. Decision to deliver a reasoned opinion in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice concerning the failure by Norway to make the Act referred to at point 12zs of Chapter XV of Annex II to the Agreement on the European Economic Area (*Commission Regulation (EC) No 771/2008 of 1 August 2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency*) part of its internal legal order**

Case 68820 Event [621967](#)

The College adopted the decision to deliver a reasoned opinion in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice concerning the failure by Norway to make the Act referred to at point 12zs of Chapter XV of Annex II to the Agreement on the European Economic Area (*Commission Regulation (EC) No 771/2008 of 1 August 2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency*) part of its internal legal order, as **Decision No. 062/12/COL**

authorised the competent Member to have a reasoned opinion delivered to the Norwegian authorities

**20. Other Business**

None.

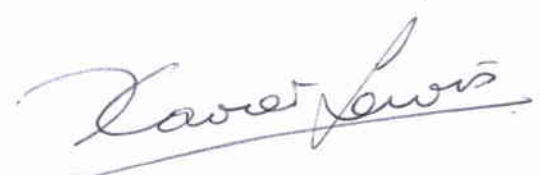
**21. Minutes of the College Meeting no. 5, held on 15 February 2012**

Event [624188](#)

The College approved the Minutes of the College Meeting held on 15 February 2012



Oda Helen Sletnes  
President



Xavier Lewis  
Director