

Brussels, 16 October 2013  
Case No:74468  
Event No:686088

## Minutes of College Meeting No. 30 - 16 October 2013

Members present: Oda Helen Sletnes and Sverrir Haukur Gunnlaugsson

Officials present: Ólafur Einarsson, Guðlaugur Stefánsson, Brit Helle, Gabrielle Somers, Rodolphe Muñoz, Cyrille Hugon, Jonas Pålshammar, Xavier Lewis, Andreas Kjeldsberg Pihl and Nina Hoppe

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### 1. Agenda

Event [686087](#)

The College approved the Agenda

### 2. Decisions taken by delegation procedure

Event [685097](#)

### 3. Case 73673: Non-incorporation by Norway of Regulation No 610/2012 (maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed)

Event [684544](#)

The College adopted a decision to close a case on Norway's failure to incorporate the Act referred to at point 1zzzzzb of Chapter II of Annex I to the Agreement on the European Economic Area (*Commission Regulation (EU) No 610/2012 of 9 July 2012 amending Regulation (EC) No 124/2009 of 10 February 2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 387/13/COL**

4. **Cases 73971 and 74519: Non-incorporation by Norway of Regulations (EU) No 873/2012 (Maximum levels of the contaminants ochratoxin A, non dioxin-like PCBs and melamine and List of flavourings and source materials) and No 872/2012 (adopting the list of flavouring substances provided for by Regulation (EC) No 2232/96)**

Event [684539](#)

The College adopted a decision to close a case on Norway's failure to incorporate the Act referred to at points 54zzzzzzq and 54zzzzzzr of Chapter XII of Annex II to the Agreement on the European Economic Area:

- *Commission Implementing Regulation (EU) No 872/2012 of 1 October 2012 adopting the list of flavouring substances provided for by Regulation (EC) No 2232/96 of the European Parliament and of the Council, introducing it in Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 1565/2000 and Commission Decision 1999/217/EC*
- *Commission Regulation (EU) No 873/2012 of 1 October 2012 on transitional measures concerning the Union list of flavourings and source materials set out in Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council*

as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 388/13/COL**

5. **Case 73864: Non-implementation by Iceland of Directive 2009/18/EC (Investigation of maritime accidents)**

Event [681004](#)

The College adopted a decision to close a case on Iceland's failure to implement the Act referred to at points 55c, 55a and 56ca of Annex XIII of the Agreement on the European Economic Area (*Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council*), 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. 389/13/COL**

6. **Case 73148: Non-implementation by Norway of Directive 2005/35/EC (Ship-source pollution)**

Event [680746](#)

The College adopted a decision to close a case on Norway's failure to implement the Act referred to at point 56v of Chapter V of Annex XIII of the Agreement on the European Economic Area (*Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the*



*introduction of penalties for infringements*), 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. 390/13/COL**

**7. Case 69324: Own-initiative case against Iceland regarding the implementation of Directive 2005/65/EC on enhancing port security**

Event [681377](#)

The College adopted a decision to close an own-initiative case against Iceland regarding implementation of the act referred to at point 56t of Chapter V of Annex XIII (*Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security*), as adapted to the EEA Agreement by Protocol 1, as **Decision No. 391/13/COL**

**8. Cases 74382 and 74389: Non-incorporation by Iceland of Regulations (EU) No 583/2010 (Key investor information) and No 584/2010 (Standard notification letter and UCITS attestation)**

Event [683435](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to incorporate the Act referred to at points 30c and 30d of Annex IX of the Agreement on the European Economic Area:

- *Commission Regulation (EU) No 583/2010 of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards key investor information and conditions to be met when providing key investor information or the prospectus in a durable medium other than paper or by means of a website; and*
- *Commission Regulation (EU) No 584/2010 of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards the form and content of the standard notification letter and UCITS attestation, the use of electronic communication between competent authorities for the purpose of notification, and procedures for on-the-spot verifications and investigations and the exchange of information between competent authorities,*

as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 392/13/COL**

**9. Case 74383: Non-implementation by Iceland of Directive 2010/43/EU (organisational requirements, conflicts of interest, conduct of business, risk management and content of the agreement between a depositary and a management company)**

Event [683404](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 30e of Annex IX to the Agreement on the European Economic Area (*Commission Directive 2010/43/EU*

*of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards organisational requirements, conflicts of interest, conduct of business, risk management and content of the agreement between a depositary and a management company*), 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. 393/13/COL**

**10. Case 74384: Non-implementation by Iceland of Directive 2010/44/EU (fund mergers, master feeder structures and notification procedure)**

Event [683406](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 30f of Annex IX to the Agreement on the European Economic Area (*Commission Directive 2010/44/EU of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards certain provisions concerning fund mergers, master-feeder structures and notification procedure*), 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. 394/13/COL**

**11. Case 74337: Non-implementation by Iceland of Directive 2009/31/EC (geological storage of carbon dioxide)**

Event [682891](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to as indents in points 1a, 1i, 13 ca, 19a, 32c and at point 1f and after point 21as of Annex XX to the Agreement on the European Economic Area (*Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006*), 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. 395/13/COL**

**12. Case 74340: Non-implementation by Iceland of Directive 2012/21/EU (cosmetic products)**

Event [682979](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 1of Chapter XVI of Annex II to the Agreement on the European Economic Area (*Commission Implementing Directive 2012/21/EU of 2 August 2012 amending, for the purpose of adaptation to technical progress, Annexes II and III to Council Directive 76/768/EEC relating to cosmetic products*) No 1013/2006), 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. 396/13/COL**

**13. Case 74341: Non-implementation by Iceland of Directive 2011/65/EC (Hazardous substances in electrical and electronic equipment (recast))**

Event [682987](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 12q of Chapter XV of Annex II to the Agreement on the European Economic Area (*Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (recast)*), 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. 397/13/COL**

**14. Cases 74343 and 74344: Non-implementation by Iceland of Directives 2012/50/EU (Exemption for applications containing lead) and 2012/51/EU (Exemption for applications containing cadmium)**

Event [682993](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to as new indents at point 12q of Chapter XV of Annex II to the Agreement on the European Economic Area:

- *Commission Delegated Directive 2012/50/EU of 10 October 2012 amending, for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for applications containing lead;*
- *Commission Delegated Directive 2012/51/EU of 10 October 2012 amending, for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for applications containing cadmium,*

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. 398/13/COL**

**15. Cases 74345, 74346, 74347, 74348, 74349 and 74350: Non-implementation by Iceland of Directives 2012/14/EU, 2012/15/EU, 2012/16/EU, 2012/20/EU, 2012/22/EU (inclusion of active substances in Annex I) and 2010/26/EU (emission of gaseous and particulate pollutants from internal combustion engines)**

Event [683012](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to as new indents in point 12n of Chapter XV of Annex II to the Agreement on the European Economic Area:

- *Commission Directive 2012/14/EU of 8 May 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include methyl*

*nonyl ketone as an active substance in Annex I thereto;*

- *Commission Directive 2012/15/EU of 8 May 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include margosa extract as an active substance in Annex I thereto;*
- *Commission Directive 2012/16/EU of 10 May 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include hydrochloric acid as an active substance in Annex I thereto;*
- *Commission Directive 2012/20/EU of 6 July 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include flufenoxuron as an active substance for product-type 8 in Annex I thereto;*
- *Commission Directive 2012/22/EU of 22 August 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include DDACarbonate as an active substance in Annex I thereto;*

and as a new indent in point 1a of Chapter XXIV of Annex II to the Agreement on the European Economic Area:

and as a new indent in point 1a of Chapter XXIV of Annex II to the Agreement on the European Economic Area

- *Commission Directive 2010/26/EU of 31 March 2010 amending Directive 97/68/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery*

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. 399/13/COL**

**16. Case 73823: Non-incorporation by Norway of Regulation (EU) 623/2012 (amending Annex II to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications)**

Event [682906](#)

The College adopted a 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 1 of Annex VII to the Agreement on the European Economic Area (*Commission Regulation (EU) No 623/2012 of 11 July 2012 amending Annex II to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications*) part of its internal legal order, as **Decision No. 400/13/COL**

**17. Case 73617: Non-implementation by Iceland of Directive 2011/97/EU (Criteria for the storage of metallic mercury considered as waste)**

Event [682987](#)

The College adopted a 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 Iceland to adopt the measures necessary to implement the Act referred to at point 32d of Chapter V of Annex XX to the Agreement on the European Economic Area



*(Council Directive 2011/97/EU of 5 December 2011 amending Directive 1999/31/EC as regards specific criteria for the storage of metallic mercury considered as waste)* or, in any event, its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 401/13/COL**

**18. Case 73618: Non-implementation by Norway of Directive 2011/97/EU (Criteria for the storage of metallic mercury considered as waste)**

Event [683816](#)

The College withdrew this case from the agenda due to the notification of the acts by Norway

**19. Case 73468: Non-incorporation by Norway of Regulation No 756/2010 (persistent organic pollutants as regards Annexes IV and V)**

Event [677111](#)

The College adopted a 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 12w of Chapter XV of Annex II to the Agreement on the European Economic Area (*Commission Regulation (EU) No 756/2010 of 24 August 2010 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annexes IV and V*) part of its internal legal order, as **Decision No. 403/13/COL**

**20. Case 73465: Non-incorporation by Norway of Regulation No 757/2010 (persistent organic pollutants as regards Annexes I and III)**

Event [677100](#)

The College adopted a 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 12w of Chapter XV of Annex II to the Agreement on the European Economic Area (*Commission Regulation (EU) No 757/2010 of 24 August 2010 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annexes I and III*) part of its internal legal order, as **Decision No. 404/13/COL**

**21. Case 73463: Non-incorporation by Norway of Regulation No 493/2012 (Calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators)**

Event [677083](#)

The College adopted a 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 12zzi of Chapter XV of Annex II to the Agreement on the European Economic Area (*Commission Regulation (EU) No 493/2012 of 11 June 2012 laying down, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators*) part of its internal legal order, as **Decision No. 405/13/COL**

**22. Case 73088: Notice on the conduct of settlement procedures in view of the adoption of Decisions pursuant to Article 7 and Article 23 of Chapter II of Protocol 4 to the Surveillance and Court Agreement in cartel cases**

Event [677749](#)

The College adopted a decision to issue a notice on the conduct of settlement procedures in view of the adoption of Decisions pursuant to Article 7 and Article 23 of Chapter II of Protocol 4 to the Surveillance and Court Agreement in cartel cases, as **Decision No. 406/13/COL**

requested that EFTA States be informed by way of a letter enclosing a copy of the decision

requested that the European Commission be informed in accordance with Protocol 27(d) of the EEA Agreement, by means of a copy of the Decision

requested that the other EFTA States, EU Member States and interested parties be informed by publishing the notice of the Decision in its authentic language version, in the EEA Section of the Official Journal of the European Union and the EEA Supplement thereto

agreed to inform the public by means of a press release in English ( Event No 677193)

**23. Decision taken by written procedure**

None

**24. Other Business**

None



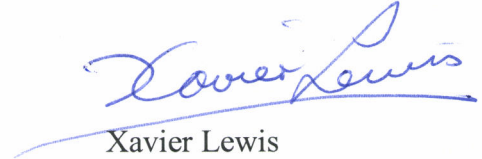
**25. Minutes of the College Meeting no. 30, held on 16 October 2013**

Event [686088](#)

The College approved the Minutes of the College Meeting held on 16 October 2013



Oda Helen Sletnes  
President



Xavier Lewis  
Director