

DECISION OF THE EEA JOINT COMMITTEE No 38/2022
of 4 February 2022
amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement
[2022/1086]

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2021/715 of 20 January 2021 amending Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the requirements for groups of operators ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2021/1189 of 7 May 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the production and marketing of plant reproductive material of organic heterogeneous material of particular genera or species ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Commission Implementing Regulation (EU) 2021/279 of 22 February 2021 laying down detailed rules for the implementation of Regulation (EU) 2018/848 of the European Parliament and of the Council on controls and other measures ensuring traceability and compliance in organic production and the labelling of organic products ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Commission Implementing Regulation (EU) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) Implementing Regulation (EU) 2021/1165 repeals Commission Regulation (EC) No 889/2008 ⁽⁵⁾ except for Annexes VII and XI which shall continue to apply until 31 December 2023. Regulation (EC) No 889/2008 is incorporated into the EEA Agreement and shall consequently be repealed under the EEA Agreement except for Annexes VII and XI which shall continue to apply until 31 December 2023.
- (6) This Decision concerns legislation regarding foodstuffs. Legislation regarding foodstuffs 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 specified in the introduction to Chapter XII of Annex II to the EEA Agreement. This Decision is therefore not to apply to Liechtenstein.
- (7) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

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

1. The following indent is added in point 54b (Regulation (EU) 2018/848 of the European Parliament and of the Council):

'- **32021 R 0715**: Commission Delegated Regulation (EU) 2021/715 of 20 January 2021 (OJ L 151, 3.5.2021, p. 1).'

⁽¹⁾ OJ L 151, 3.5.2021, p. 1.

⁽²⁾ OJ L 258, 20.7.2021, p. 18.

⁽³⁾ OJ L 62, 23.2.2021, p. 6.

⁽⁴⁾ OJ L 253, 16.7.2021, p. 13.

⁽⁵⁾ OJ L 250, 18.9.2008, p. 1.

2. The following points are inserted after point 54bh (Commission Implementing Regulation (EU) 2021/1378):
 - ‘54bi. **32021 R 1189**: Commission Delegated Regulation (EU) 2021/1189 of 7 May 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the production and marketing of plant reproductive material of organic heterogeneous material of particular genera or species (OJ L 258, 20.7.2021, p. 18).
 - 54bj. **32021 R 0279**: Commission Implementing Regulation (EU) 2021/279 of 22 February 2021 laying down detailed rules for the implementation of Regulation (EU) 2018/848 of the European Parliament and of the Council on controls and other measures ensuring traceability and compliance in organic production and the labelling of organic products (OJ L 62, 23.2.2021, p. 6).
 - 54bk. **32021 R 1165**: Commission Implementing Regulation (EU) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists (OJ L 253, 16.7.2021, p. 13).’
3. The text of point 54ba (Commission Regulation (EC) No 889/2008) shall be deleted. Annexes VII and XI of Regulation (EC) No 889/2008 shall continue to apply until 31 December 2023.

Article 2

The texts of Delegated Regulations (EU) 2021/715 and (EU) 2021/1189 and Implementing Regulations (EU) 2021/279 and (EU) 2021/1165 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 5 February 2022, provided that all the notifications under Article 103(1) of the EEA Agreement have been made *, or on the day of the entry into force of Decision of the EEA Joint Committee No 31/2022 of 4 February 2022 ⁽⁶⁾, whichever is the later.

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, 4 February 2022.

For the EEA Joint Committee
The President
Nicolas VON LINGEN

(*) No constitutional requirements indicated.

(6) See page 49 of this Official Journal.