

**DECISION OF THE EEA JOINT COMMITTEE**  
**No 223/2023**

**of 22 September 2023**

**amending Annex II (Technical regulations, standards, testing and certification) to the  
EEA Agreement**

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 Implementing Regulation (EU) 2023/58 of 5 January 2023 authorising the placing on the market of the frozen, paste, dried and powder forms of *Alphitobius diaperinus* larvae (lesser mealworm) as a novel food and amending Implementing Regulation (EU) 2017/2470<sup>1</sup> is to be incorporated into the EEA Agreement.
- (2) Commission Implementing Regulation (EU) 2023/65 of 6 January 2023 correcting Implementing Regulation (EU) 2017/2470 establishing the Union list of novel foods, Implementing Regulation (EU) 2018/1648 authorising the placing on the market of xylo-oligosaccharides as a novel food, Implementing Regulation (EU) 2019/1686 authorising the extension of use of bovine milk basic whey protein isolate as a novel food, and Implementing Regulation (EU) 2021/96 authorising the placing on the market of 3'-sialyllactose sodium salt as a novel food<sup>2</sup> is to be incorporated into the EEA Agreement.
- (3) 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.
- (4) 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 indents are added in point 124b (Commission Implementing Regulation (EU) 2017/2470):
  - ‘- **32023 R 0058**: Commission Implementing Regulation (EU) 2023/58 of 5 January 2023 (OJ L 5, 6.1.2023, p. 10),

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<sup>1</sup> OJ L 5, 6.1.2023, p. 10.

<sup>2</sup> OJ L 6, 9.1.2023, p. 1.

- **32023 R 0065**: Commission Implementing Regulation (EU) 2023/65 of 6 January 2023 (OJ L 6, 9.1.2023, p. 1).’
- 2. The following is added in point 149 (Commission Implementing Regulation (EU) 2018/1648):
  - ‘, as amended by:
  - **32023 R 0065**: Commission Implementing Regulation (EU) 2023/65 of 6 January 2023 (OJ L 6, 9.1.2023, p. 1).’
- 3. The following is added in point 169 (Commission Implementing Regulation (EU) 2019/1686):
  - ‘, as amended by:
  - **32023 R 0065**: Commission Implementing Regulation (EU) 2023/65 of 6 January 2023 (OJ L 6, 9.1.2023, p. 1).’
- 4. The following is added in point 191 (Commission Implementing Regulation (EU) 2021/96):
  - ‘, as amended by:
  - **32023 R 0065**: Commission Implementing Regulation (EU) 2023/65 of 6 January 2023 (OJ L 6, 9.1.2023, p. 1).’

#### *Article 2*

The texts of Implementing Regulations (EU) 2023/58 and (EU) 2023/65 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 23 September 2023, provided that all the notifications under Article 103(1) of the EEA Agreement have been made\*.

#### *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, 22 September 2023.

*For the EEA Joint Committee  
The President*

*Pascal Schafhauser*

*The Secretaries  
To the EEA Joint Committee*

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\* [No constitutional requirements indicated.] [Constitutional requirements indicated.]

*Not yet published*