

DECISION OF THE EEA JOINT COMMITTEE
No 115/2011

of 21 October 2011

amending Annex I (Veterinary and phytosanitary matters) and 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, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as ‘the Agreement’, and in particular Article 98 thereof,

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 9/2011 of 1 April 2011¹.
- (2) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 95/2011 of 30 September 2011².
- (3) Commission Regulation (EU) No 304/2010 of 9 April 2010 amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 2-phenylphenol in or on certain products³ is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 375/2010 of 3 May 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children’s development and health⁴ is to be incorporated into the Agreement.
- (5) Commission Regulation (EU) No 376/2010 of 3 May 2010 amending Regulation (EC) No 983/2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children’s development and health⁵ is to be incorporated into the Agreement.
- (6) Commission Regulation (EU) No 382/2010 of 5 May 2010 refusing to authorise certain health claims made on foods, other than those referring to the

¹ OJ L 171, 30.6.2011, p. 5.

² OJ L ...

³ OJ L 94, 15.4.2010, p. 1.

⁴ OJ L 111, 4.5.2010, p. 1.

⁵ OJ L 111, 4.5.2010, p. 3.

reduction of disease risk and to children's development and health⁶ is to be incorporated into the Agreement.

- (7) Commission Regulation (EU) No 383/2010 of 5 May 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health⁷ is to be incorporated into the Agreement.
- (8) Commission Regulation (EU) No 384/2010 of 5 May 2010 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk and to children's development and health⁸ is to be incorporated into the Agreement.
- (9) Commission Decision 2010/169/EU of 19 March 2010 concerning the non-inclusion of 2,4,4'-trichloro-2'-hydroxydiphenyl ether in the Union list of additives which may be used in the manufacture of plastic materials and articles intended to come into contact with foodstuffs under Directive 2002/72/EC⁹ is to be incorporated into the Agreement.
- (10) Commission Decision 2010/172/EU of 22 March 2010 amending Decision 2002/840/EC as regards the list of approved facilities in third countries for the irradiation of foods¹⁰ is to be incorporated into the Agreement.
- (11) Commission Recommendation 2010/161/EU of 17 March 2010 on the monitoring of perfluoroalkylated substances in food¹¹ is to be incorporated into the Agreement.
- (12) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

The following indent shall be added in point 40 (Regulation (EC) No 396/2005 of the European Parliament and of the Council) of Chapter II of Annex I to the Agreement:

- ‘- **32010 R 0304:** Commission Regulation (EU) No 304/2010 of 9 April 2010 (OJ L 94, 15.4.2010, p. 1).’

Article 2

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

⁶ OJ L 113, 6.5.2010, p. 1.
⁷ OJ L 113, 6.5.2010, p. 4.
⁸ OJ L 113, 6.5.2010, p. 6.
⁹ OJ L 75, 23.3.2010, p. 25.
¹⁰ OJ L 75, 23.3.2010, p. 33.
¹¹ OJ L 68, 18.3.2010, p. 22.

1. The following indent shall be added in point 54zze (Commission Decision 2002/840/EC):
 - ‘- **32010 D 0172:** Commission Decision 2010/172/EU of 22 March 2010 (OJ L 75, 23.3.2010, p. 33).’

2. The following indent shall be added in point 54zzy (Regulation (EC) No 396/2005 of the European Parliament and of the Council):
 - ‘- **32010 R 0304:** Commission Regulation (EU) No 304/2010 of 9 April 2010 (OJ L 94, 15.4.2010, p. 1).’

3. The following shall be added in point 54zzzzzb (Commission Regulation (EC) No 983/2009):
 - ‘, as amended by:
 - **32010 R 0376:** Commission Regulation (EU) No 376/2010 of 3 May 2010 (OJ L 111, 4.5.2010, p. 3).’

4. The following points shall be inserted after point 54zzzzzg (Commission Regulation (EC) No 1168/2009):
 - ‘54zzzzzh. **32010 R 0375:** Commission Regulation (EU) No 375/2010 of 3 May 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children’s development and health (OJ L 111, 4.5.2010, p. 1).

 - 54zzzzzi. **32010 R 0382:** Commission Regulation (EU) No 382/2010 of 5 May 2010 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children’s development and health (OJ L 113, 6.5.2010, p. 1).

 - 54zzzzzj. **32010 R 0383:** Commission Regulation (EU) No 383/2010 of 5 May 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children’s development and health (OJ L 113, 6.5.2010, p. 4).

 - 54zzzzzk. **32010 R 0384:** Commission Regulation (EU) No 384/2010 of 5 May 2010 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk and to children’s development and health (OJ L 113, 6.5.2010, p. 6).

 - 54zzzzzl. **32010 D 0169:** Commission Decision 2010/169/EU of 19 March 2010 concerning the non-inclusion of 2,4,4’-trichloro-2’-hydroxydiphenyl ether in the Union list of additives which may be used in the manufacture of plastic materials and articles intended to come into contact with foodstuffs under Directive 2002/72/EC (OJ L 75, 23.3.2010, p. 25).’

5. The following point shall be inserted after point 66 (Commission Recommendation 2010/307/EU):

‘67. **32010 H 0161**: Commission Recommendation 2010/161/EU of 17 March 2010 on the monitoring of perfluoroalkylated substances in food (OJ L 68, 18.3.2010, p. 22).’

Article 3

The texts of Regulations (EU) Nos 304/2010, 375/2010, 376/2010, 382/2010, 383/2010 and 384/2010, Decisions 2010/169/EU and 2010/172/EU and Recommendation 2010/161/EU 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 4

This Decision shall enter into force on 1 November 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

Article 5

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, 21 October 2011.

*For the EEA Joint Committee
The President
Kurt Jäger*

*The Secretaries
to the EEA Joint Committee
Bergdís Ellertsdóttir Gianluca Grippa*

* No constitutional requirements indicated.