

## DECISION OF THE EEA JOINT COMMITTEE

No 45/2012

of 30 March 2012

## 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, 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 II to the Agreement was amended by Decision of the EEA Joint Committee No 9/2012 of 10 February 2012 <sup>(1)</sup>.
- (2) Commission Regulation (EC) No 1169/2009 of 30 November 2009 amending Regulation (EC) No 353/2008 establishing implementing rules for applications for authorisation of health claims as provided for in Article 15 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Commission Implementing Regulation (EU) No 321/2011 of 1 April 2011 amending Regulation (EU) No 10/2011 as regards the restriction of use of Bisphenol A in plastic infant feeding bottles <sup>(3)</sup> is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 432/2011 of 4 May 2011 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 <sup>(4)</sup> is to be incorporated into the Agreement.
- (5) Commission Regulation (EU) No 440/2011 of 6 May 2011 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to children's development and health <sup>(5)</sup> is to be incorporated into the Agreement.
- (6) Commission Regulation (EU) No 665/2011 of 11 July 2011 on the authorisation and refusal of authorisation of

certain health claims made on foods and referring to the reduction of disease risk <sup>(6)</sup> is to be incorporated into the Agreement.

- (7) Commission Regulation (EU) No 666/2011 of 11 July 2011 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 <sup>(7)</sup> is to be incorporated into the Agreement.
- (8) Directive 2006/52/EC of the European Parliament and of the Council of 5 July 2006 amending Directive 95/2/EC on food additives other than colours and sweeteners and Directive 94/35/EC on sweeteners for use in foodstuffs <sup>(8)</sup>, as corrected by OJ L 78, 17.3.2007, p. 32, is to be incorporated into the Agreement.
- (9) 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 stated in the introduction to Chapter XII of Annex II to the Agreement. This Decision is therefore not to apply to Liechtenstein.

HAS ADOPTED THIS DECISION:

*Article 1*

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

- (1) the following indent shall be added in points 54z (European Parliament and Council Directive 94/35/EC) and 54zb (European Parliament and Council Directive 95/2/EC):

— **32006 L 0052:** Directive 2006/52/EC of the European Parliament and of the Council of 5 July 2006 (OJ L 204, 26.7.2006, p. 10), as corrected by OJ L 78, 17.3.2007, p. 32.;

<sup>(1)</sup> OJ L 161, 21.6.2012, p. 15.

<sup>(2)</sup> OJ L 314, 1.12.2009, p. 34.

<sup>(3)</sup> OJ L 87, 2.4.2011, p. 1.

<sup>(4)</sup> OJ L 115, 5.5.2011, p. 1.

<sup>(5)</sup> OJ L 119, 7.5.2011, p. 4.

<sup>(6)</sup> OJ L 182, 12.7.2011, p. 5.

<sup>(7)</sup> OJ L 182, 12.7.2011, p. 8.

<sup>(8)</sup> OJ L 204, 26.7.2006, p. 10.

(2) the following shall be added in point 54zzzzza (Commission Regulation (EC) No 353/2008):

‘, as amended by:

— **32009 R 1169**: Commission Regulation (EC) No 1169/2009 of 30 November 2009 (OJ L 314, 1.12.2009, p. 34).’;

(3) the following shall be added in point 55 (Commission Regulation (EU) No 10/2011):

‘, as amended by:

— **32011 R 0321**: Commission Implementing Regulation (EU) No 321/2011 of 1 April 2011 (OJ L 87, 2.4.2011, p. 1).’;

(4) the following points shall be inserted after point 56 (Commission Regulation (EC) No 282/2008):

‘57. **32011 R 0432**: Commission Regulation (EU) No 432/2011 of 4 May 2011 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 115, 5.5.2011, p. 1).

58. **32011 R 0440**: Commission Regulation (EU) No 440/2011 of 6 May 2011 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to children’s development and health (OJ L 119, 7.5.2011, p. 4).

59. **32011 R 0665**: Commission Regulation (EU) No 665/2011 of 11 July 2011 on the authorisation and refusal of authorisation of certain health claims made

on foods and referring to the reduction of disease risk (OJ L 182, 12.7.2011, p. 5).

60. **32011 R 0666**: Commission Regulation (EU) No 666/2011 of 11 July 2011 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 182, 12.7.2011, p. 8).’.

#### Article 2

The texts of Regulation (EC) No 1169/2009, Implementing Regulation (EU) No 321/2011, Regulations (EU) No 432/2011, (EU) No 440/2011, (EU) No 665/2011 and (EU) No 666/2011 and Directive 2006/52/EC, as corrected by OJ L 78, 17.3.2007, p. 32, 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 31 March 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (\*).

#### 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, 30 March 2012.

For the EEA Joint Committee

The Acting President

Gianluca GRIPPA

(\*) No constitutional requirements indicated.