

DECISION OF THE EEA JOINT COMMITTEE**No 222/2013****of 13 December 2013****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 Regulation (EU) No 438/2013 of 13 May 2013 amending and correcting Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of certain food additives ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Commission Regulation (EU) No 497/2013 of 29 May 2013 amending and correcting Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Commission Regulation (EU) No 509/2013 of 3 June 2013 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of several additives in certain alcoholic beverages ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Commission Regulation (EU) No 510/2013 of 3 June 2013 amending Annexes I, II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of iron oxides and hydroxides (E 172), hydroxypropyl methyl cellulose (E 464) and polysorbates (E 432-436) for marking of certain fruits ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) Commission Regulation (EU) No 536/2013 of 11 June 2013 amending Regulation (EU) No 432/2012 establishing a list of permitted health claims made on foods other than those referring to the reduction of disease risk and to children's development and health ⁽⁵⁾ is to be incorporated into the EEA Agreement.
- (6) Commission Regulation (EU) No 545/2013 of 14 June 2013 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards the flavouring substance 3-acetyl-2,5-dimethylthiophene ⁽⁶⁾ is to be incorporated into the EEA Agreement.
- (7) Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 ⁽⁷⁾ is to be incorporated into the EEA Agreement.
- (8) Commission Regulation (EU) No 718/2013 of 25 July 2013 amending Regulation (EC) No 608/2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytosterols and/or phytosterol esters ⁽⁸⁾ is to be incorporated into the EEA Agreement.
- (9) Regulation (EU) No 609/2013 repeals, with effect from 20 July 2016, Commission Regulation (EC) No 41/2009 ⁽⁹⁾ and Directive 2009/39/EC of the European Parliament and of the Council ⁽¹⁰⁾, which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement with effect from 20 July 2016.

⁽¹⁾ OJ L 129, 14.5.2013, p. 28.

⁽²⁾ OJ L 143, 30.5.2013, p. 20.

⁽³⁾ OJ L 150, 4.6.2013, p. 13.

⁽⁴⁾ OJ L 150, 4.6.2013, p. 17.

⁽⁵⁾ OJ L 160, 12.6.2013, p. 4.

⁽⁶⁾ OJ L 163, 15.6.2013, p. 15.

⁽⁷⁾ OJ L 181, 29.6.2013, p. 35.

⁽⁸⁾ OJ L 201, 26.7.2013, p. 49.

⁽⁹⁾ OJ L 16, 21.1.2009, p. 3.

⁽¹⁰⁾ OJ L 124, 20.5.2009, p. 21.

- (10) Regulation (EU) No 609/2013 repeals, with effect from the date of application of the delegated acts referred to in Article 11(1) thereof, Commission Regulation (EC) No 953/2009 ⁽¹⁾ and Commission Directives 96/8/EC ⁽²⁾, 1999/21/EC ⁽³⁾, 2006/125/EC ⁽⁴⁾ and 2006/141/EC ⁽⁵⁾, which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement with effect from the date of application in the EEA of the delegated acts referred to in Article 11(1) of Regulation (EU) No 609/2013.
- (11) 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.
- (12) 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 is added in point 54zzo (Commission Regulation (EC) No 608/2004):
'as amended by:
— **32013 R 0718**: Commission Regulation (EU) No 718/2013 of 25 July 2013 (OJ L 201, 26.7.2013, p. 49).'
2. The following indents are added in point 54zzzzr (Regulation (EC) No 1333/2008 of the European Parliament and of the Council):
'— **32013 R 0438**: Commission Regulation (EU) No 438/2013 of 13 May 2013 (OJ L 129, 14.5.2013, p. 28),
— **32013 R 0509**: Commission Regulation (EU) No 509/2013 of 3 June 2013 (OJ L 150, 4.6.2013, p. 13),
— **32013 R 0510**: Commission Regulation (EU) No 510/2013 of 3 June 2013 (OJ L 150, 4.6.2013, p. 17).'
3. The following indent is added in point 54zzzzs (Regulation (EC) No 1334/2008 of the European Parliament and of the Council):
'— **32013 R 0545**: Commission Regulation (EU) No 545/2013 of 14 June 2013 (OJ L 163, 15.6.2013, p. 15).'
4. The following is added in point 54zzzzzp (Commission Regulation (EU) No 432/2012):
'as amended by:
— **32013 R 0536**: Commission Regulation (EU) No 536/2013 of 11 June 2013 (OJ L 160, 12.6.2013, p. 4).'
5. The following indent is added in point 69 (Commission Regulation (EU) No 231/2012):
'— **32013 R 0497**: Commission Regulation (EU) No 497/2013 of 29 May 2013 (OJ L 143, 30.5.2013, p. 20).'
6. The following points are inserted after point 75 (Commission Implementing Regulation (EU) No 208/2013):
'76. **32013 R 0545**: Commission Regulation (EU) No 545/2013 of 14 June 2013 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards the flavouring substance 3-acetyl-2,5-dimethylthiophene (OJ L 163, 15.6.2013, p. 15).
77. **32013 R 0609**: Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013, p. 35).'

⁽¹⁾ OJ L 269, 14.10.2009, p. 9.

⁽²⁾ OJ L 55, 6.3.1996, p. 22.

⁽³⁾ OJ L 91, 7.4.1999, p. 29.

⁽⁴⁾ OJ L 339, 6.12.2006, p. 16.

⁽⁵⁾ OJ L 401, 30.12.2006, p. 1.

7. The text of points 54zzzza (Regulation (EC) No 41/2009) and 54zzzzj (Directive 2009/39/EC) shall be deleted with effect from 20 July 2016.
8. The text of points 54p (Directive 96/8/EC), 54w (Directive 1999/21/EC), 54zzza (Directive 2006/125/EC), 54zzzv (Directive 2006/141/EC), 54zzzzl (Regulation (EC) No 953/2009) shall be deleted with effect from the date of application in the EEA of the delegated acts referred to in Article 11(1) of Regulation (EU) No 609/2013.

Article 2

The texts of Regulations (EU) No 438/2013, (EU) No 497/2013, (EU) No 509/2013, (EU) No 510/2013, (EU) No 536/2013, (EU) No 545/2013, (EU) No 609/2013 and (EU) No 718/2013 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 14 December 2013, 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, 13 December 2013.

For the EEA Joint Committee
The President
Thórir IBSEN

(*) No constitutional requirements indicated.