

**DECISION OF THE EEA JOINT COMMITTEE****No 38/2014****of 8 April 2014****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 817/2013 of 28 August 2013 amending Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards Octenyl succinic acid modified gum arabic <sup>(1)</sup> is to be incorporated into the EEA Agreement.
- (2) Commission Regulation (EU) No 818/2013 of 28 August 2013 amending Annex III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of Sucrose esters of fatty acids (E 473) in flavourings for water based clear flavoured drinks <sup>(2)</sup> is to be incorporated into the EEA Agreement.
- (3) Commission Regulation (EU) No 851/2013 of 3 September 2013 authorising certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No 432/2012 <sup>(3)</sup> is to be incorporated into the EEA Agreement.
- (4) 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.
- (5) 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:

- (1) the following indents are added in point 54zzzzr (Regulation (EC) No 1333/2008 of the European Parliament and of the Council):
  - **32013 R 0817**: Commission Regulation (EU) No 817/2013 of 28 August 2013 (OJ L 230, 29.8.2013, p. 7),
  - **32013 R 0818**: Commission Regulation (EU) No 818/2013 of 28 August 2013 (OJ L 230, 29.8.2013, p. 12).;
- (2) the following indent is added in point 54zzzzzp (Commission Regulation (EU) No 432/2012):
  - **32013 R 0851**: Commission Regulation (EU) No 851/2013 of 3 September 2013 (OJ L 235, 4.9.2013, p. 3).;
- (3) the following indent is added in point 69 (Commission Regulation (EU) No 231/2012):
  - **32013 R 0817**: Commission Regulation (EU) No 817/2013 of 28 August 2013 (OJ L 230, 29.8.2013, p. 7).;

<sup>(1)</sup> OJ L 230, 29.8.2013, p. 7.

<sup>(2)</sup> OJ L 230, 29.8.2013, p. 12.

<sup>(3)</sup> OJ L 235, 4.9.2013, p. 3.

(4) the following point is inserted after point 77 (Regulation (EU) No 609/2013 of the European Parliament and of the Council):

'78. **32013 R 0851**: Commission Regulation (EU) No 851/2013 of 3 September 2013 authorising certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No 432/2012 (OJ L 235, 4.9.2013, p. 3).'

*Article 2*

The texts of Regulations (EU) No 817/2013, (EU) No 818/2013 and (EU) No 851/2013 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 9 April 2014, 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, 8 April 2014.

*For the EEA Joint Committee*

*The President*

Gianluca GRIPPA

---

(\*) No constitutional requirements indicated.