

**DECISION OF THE EEA JOINT COMMITTEE No 40/2022****of 4 February 2022****amending Annex I (Veterinary and phytosanitary matters) and Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement [2022/1088]**

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 Delegated Regulation (EU) 2021/2305 of 21 October 2021 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with rules on the cases where and conditions under which organic products and in-conversion products are exempted from official controls at border control posts, the place of official controls for such products and amending Commission Delegated Regulations (EU) 2019/2123 and (EU) 2019/2124 <sup>(1)</sup> is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2021/2306 of 21 October 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the official controls in respect of consignments of organic products and in-conversion products intended for import into the Union and on the certificate of inspection <sup>(2)</sup> is to be incorporated into the EEA Agreement.
- (3) Commission Implementing Regulation (EU) 2021/1935 of 8 November 2021 amending Implementing Regulation (EU) 2019/723 as regards the information and data on organic production and labelling of organic products to be submitted by means of the standard model form <sup>(3)</sup> is to be incorporated into the EEA Agreement.
- (4) Commission Implementing Regulation (EU) 2021/2119 of 1 December 2021 laying down detailed rules on certain records and declarations required from operators and groups of operators and on the technical means for the issuance of certificates in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2021/1378 as regards the issuance of the certificate for operators, groups of operators and exporters in third countries <sup>(4)</sup> is to be incorporated into the EEA Agreement.
- (5) Commission Implementing Regulation (EU) 2021/2307 of 21 October 2021 laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union <sup>(5)</sup> is to be incorporated into the EEA Agreement.
- (6) Commission Implementing Regulation (EU) 2021/2325 of 16 December 2021 establishing, pursuant to Regulation (EU) 2018/848 of the European Parliament and of the Council, the list of third countries and the list of control authorities and control bodies that have been recognised under Article 33(2) and (3) of Council Regulation (EC) No 834/2007 for the purpose of importing organic products into the Union <sup>(6)</sup> is to be incorporated into the EEA Agreement.
- (7) Delegated Regulation (EU) 2021/2306 repeals Commission Regulation (EC) No 1235/2008 <sup>(7)</sup>, which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.

<sup>(1)</sup> OJ L 461, 27.12.2021, p. 5.

<sup>(2)</sup> OJ L 461, 27.12.2021, p. 13.

<sup>(3)</sup> OJ L 396, 10.11.2021, p. 17.

<sup>(4)</sup> OJ L 430, 2.12.2021, p. 24.

<sup>(5)</sup> OJ L 461, 27.12.2021, p. 30.

<sup>(6)</sup> OJ L 465, 29.12.2021, p. 8.

<sup>(7)</sup> OJ L 334, 12.12.2008, p. 25.

- (8) This Decision concerns legislation regarding veterinary matters, feedingstuffs and foodstuffs. Legislation regarding veterinary matters, feedingstuffs and 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 sectoral adaptations to Annex I and the introduction to Chapter XII of Annex II to the EEA Agreement. This Decision is therefore not to apply to Liechtenstein.
- (9) Annexes I and II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

#### Article 1

Annex I to the EEA Agreement shall be amended as follows:

1. The following is added in points 11ba (Commission Implementing Regulation (EU) 2019/723) in Part 1.1 of Chapter I and 31qa (Commission Implementing Regulation (EU) 2019/723) of Chapter II:  
'as amended by:  
— **32021 R 1935**: Commission Implementing Regulation (EU) 2021/1935 of 8 November 2021 (OJ L 396, 10.11.2021, p. 17).'
2. The following is added in points 11bv (Commission Delegated Regulation (EU) 2019/2123) and 11bw (Commission Delegated Regulation (EU) 2019/2124) in Part 1.1 of Chapter I and 31qv (Commission Delegated Regulation (EU) 2019/2123) and 31qw (Commission Delegated Regulation (EU) 2019/2124) of Chapter II:  
'as amended by:  
— **32021 R 2305**: Commission Delegated Regulation (EU) 2021/2305 of 21 October 2021 (OJ L 461, 27.12.2021, p. 5).'
3. The following point is inserted after point 11c (Commission Implementing Regulation (EU) 2020/466) in Part 1.1 of Chapter I:  
'11d. **32021 R 2305**: Commission Delegated Regulation (EU) 2021/2305 of 21 October 2021 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with rules on the cases where and conditions under which organic products and in-conversion products are exempted from official controls at border control posts, the place of official controls for such products and amending Commission Delegated Regulations (EU) 2019/2123 and (EU) 2019/2124 (OJ L 461, 27.12.2021, p. 5).'
4. The following point is inserted after point 31r (Commission Implementing Regulation (EU) 2020/466) of Chapter II:  
'31s. **32021 R 2305**: Commission Delegated Regulation (EU) 2021/2305 of 21 October 2021 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with rules on the cases where and conditions under which organic products and in-conversion products are exempted from official controls at border control posts, the place of official controls for such products and amending Commission Delegated Regulations (EU) 2019/2123 and (EU) 2019/2124 (OJ L 461, 27.12.2021, p. 5).'

#### Article 2

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

1. The text of point 54bb (Commission Regulation (EC) No 1235/2008) shall be replaced by the following:  
'**32021 R 2306**: Commission Delegated Regulation (EU) 2021/2306 of 21 October 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the official controls in respect of consignments of organic products and in-conversion products intended for import into the Union and on the certificate of inspection (OJ L 461, 27.12.2021, p. 13).'

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) In Article 7(1) the words “or in accordance with Icelandic and Norwegian custom procedures” shall be inserted after the reference to Regulation (EU) No 952/2013.
- (b) In the certificates of inspection for imports of organic and in-conversion products, Iceland and Norway are not required to use EORI numbers for identification.’

2. The following shall be added in point 54bh (Commission Implementing Regulation (EU) 2021/1378):

‘, as amended by:

— **32021 R 2119**: Commission Implementing Regulation (EU) 2021/2119 of 1 December 2021 (OJ L 430, 2.12.2021, p. 24).’

3. The following points shall be inserted after point 54bl (Commission Delegated Regulation (EU) 2021/1698):

‘54bm. **32021 R 2119**: Commission Implementing Regulation (EU) 2021/2119 of 1 December 2021 laying down detailed rules on certain records and declarations required from operators and groups of operators and on the technical means for the issuance of certificates in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2021/1378 as regards the issuance of the certificate for operators, groups of operators and exporters in third countries (OJ L 430, 2.12.2021, p. 24).

54bn. **32021 R 2307**: Commission Implementing Regulation (EU) 2021/2307 of 21 October 2021 laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union (OJ L 461, 27.12.2021, p. 30).

54bo. **32021 R 2325**: Commission Implementing Regulation (EU) 2021/2325 of 16 December 2021 establishing, pursuant to Regulation (EU) 2018/848 of the European Parliament and of the Council, the list of third countries and the list of control authorities and control bodies that have been recognised under Article 33(2) and (3) of Council Regulation (EC) No 834/2007 for the purpose of importing organic products into the Union (OJ L 465, 29.12.2021, p. 8).’

4. The following shall be added in point 164a (Commission Implementing Regulation (EU) 2019/723):

‘, as amended by:

— **32021 R 1935**: Commission Implementing Regulation (EU) 2021/1935 of 8 November 2021 (OJ L 396, 10.11.2021, p. 17).’

5. The following is added in points 164v (Commission Delegated Regulation (EU) 2019/2123) and 164w (Commission Delegated Regulation (EU) 2019/2124):

‘, as amended by:

— **32021 R 2305**: Commission Delegated Regulation (EU) 2021/2305 of 21 October 2021 (OJ L 461, 27.12.2021, p. 5).’

6. The following point shall be inserted after point 164x (Commission Delegated Regulation (EU) 2019/2126):

‘164y. **32021 R 2305**: Commission Delegated Regulation (EU) 2021/2305 of 21 October 2021 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with rules on the cases where and conditions under which organic products and in-conversion products are exempted from official controls at border control posts, the place of official controls for such products and amending Commission Delegated Regulations (EU) 2019/2123 and (EU) 2019/2124 (OJ L 461, 27.12.2021, p. 5).’

*Article 3*

The texts of Delegated Regulations (EU) 2021/2305 and (EU) 2021/2306 and Implementing Regulations (EU) 2021/1935, (EU) 2021/2119, (EU) 2021/2307 and (EU) 2021/2325 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 5 February 2022, provided that all the notifications under Article 103(1) of the EEA Agreement have been made \*, or on the day of the entry into force of Decision of the EEA Joint Committee No 31/2022 of 4 February 2022 <sup>(§)</sup>, whichever is the later.

*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, 4 February 2022.

For the EEA Joint Committee  
The President  
Nicolas VON LINGEN

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(\*) No constitutional requirements indicated.

(§) See page 49 of this Official Journal.