



2023/2245

9.11.2023

DECISION OF THE EEA JOINT COMMITTEE No 90/2023

of 28 April 2023

**amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement
[2023/2245]**

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 Implementing Regulation (EU) 2022/378 of 4 March 2022 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances abamectin, *Bacillus subtilis* (Cohn 1872) strain QST 713, *Bacillus thuringiensis* subsp. Aizawai strains ABTS-1857 and GC-91, *Bacillus thuringiensis* subsp. Israeliensis (serotype H-14) strain AM65-52, *Bacillus thuringiensis* subsp. Kurstaki strains ABTS 351, PB 54, SA 11, SA12 and EG 2348, *Beauveria bassiana* strains ATCC 74040 and GHA, clodinafop, *Cydia pomonella* Granulovirus (CpGV), cyprodinil, dichlorprop-P, fenpyroximate, fosetyl, malathion, mepanipyrim, metconazole, metrafenone, pirimicarb, *Pseudomonas chlororaphis* strain MA342, pyrimethanil, *Pythium oligandrum* M1, rimsulfuron, spinosad, *Trichoderma asperellum* (formerly *T. harzianum*) strains ICC012, T25 and TV1, *Trichoderma atroviride* (formerly *T. harzianum*) strain T11, *Trichoderma gamsii* (formerly *T. viride*) strain ICC080, *Trichoderma harzianum* strains T-22 and ITEM 908, triclopyr, trinexapac, triticonazole and ziram ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Commission Implementing Regulation (EU) 2022/383 of 4 March 2022 renewing the approval of the low-risk active substance *Metarhizium brunneum* strain Ma 43 (formerly *Metarhizium anisopliae* var. *anisopliae* strain BIPESCO 5/F52) in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Commission Implementing Regulation (EU) 2022/437 of 16 March 2022 renewing the approval of the active substance carbon dioxide in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Commission Implementing Regulation (EU) 2022/501 of 25 March 2022 approving the active substance *Beauveria bassiana* strain 203 in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) Commission Implementing Regulation (EU) 2022/686 of 28 April 2022 amending Implementing Regulations (EU) 2015/1295 and (EU) No 540/2011 as regards the conditions of approval of the active substance sulfoxaflor ⁽⁵⁾ is to be incorporated into the EEA Agreement.
- (6) Annex II to the EEA Agreement should therefore be amended accordingly,

⁽¹⁾ OJ L 72, 7.3.2022, p. 2.

⁽²⁾ OJ L 76, 7.3.2022, p. 1.

⁽³⁾ OJ L 89, 17.3.2022, p. 3.

⁽⁴⁾ OJ L 102, 30.3.2022, p. 1.

⁽⁵⁾ OJ L 126, 29.4.2022, p. 18.

HAS ADOPTED THIS DECISION:

Article 1

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

1. The following indents are added in point 13a (Commission Implementing Regulation (EU) No 540/2011):

- ‘— **32022 R 0378**: Commission Implementing Regulation (EU) 2022/378 of 4 March 2022 (OJ L 72, 7.3.2022, p. 2),
- **32022 R 0383**: Commission Implementing Regulation (EU) 2022/383 of 4 March 2022 (OJ L 76, 7.3.2022, p. 1),
- **32022 R 0437**: Commission Implementing Regulation (EU) 2022/437 of 16 March 2022 (OJ L 89, 17.3.2022, p. 3),
- **32022 R 0501**: Commission Implementing Regulation (EU) 2022/501 of 25 March 2022 (OJ L 102, 30.3.2022, p. 1),
- **32022 R 0686**: Commission Implementing Regulation (EU) 2022/686 of 28 April 2022 (OJ L 126, 29.4.2022, p. 18).’

2. The following is added in point 13zzzzzh (Commission Implementing Regulation (EU) 2015/1295):

‘, as amended by:

- **32022 R 0686**: Commission Implementing Regulation (EU) 2022/686 of 28 April 2022 (OJ L 126, 29.4.2022, p. 18).’

3. The following points are inserted after point 13zzzzzzzzzzzs (Commission Implementing Regulation (EU) 2022/1474):

‘13zzzzzzzzzzzt. **32022 R 0383**: Commission Implementing Regulation (EU) 2022/383 of 4 March 2022 renewing the approval of the low-risk active substance *Metarhizium brunneum* strain Ma 43 (formerly *Metarhizium anisopliae* var. *anisopliae* strain BIPESCO 5/F52) in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 76, 7.3.2022, p. 1).

13zzzzzzzzzzzu. **32022 R 0437**: Commission Implementing Regulation (EU) 2022/437 of 16 March 2022 renewing the approval of the active substance carbon dioxide in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 89, 17.3.2022, p. 3).

13zzzzzzzzzzzv. **32022 R 0501**: Commission Implementing Regulation (EU) 2022/501 of 25 March 2022 approving the active substance *Beauveria bassiana* strain 203 in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 102, 30.3.2022, p. 1).’

Article 2

The texts of Implementing Regulations (EU) 2022/378, (EU) 2022/383, (EU) 2022/437, (EU) 2022/501 and (EU) 2022/686 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 29 April 2023, 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, 28 April 2023.

For the EEA Joint Committee
The President
Nicolas VON LINGEN

* No constitutional requirements indicated.