

**DECISION OF THE EEA JOINT COMMITTEE**  
**No 265/2023**

**of 27 October 2023**

**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 Delegated Regulation (EU) 2023/1434 of 25 April 2023 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures as regards the addition of notes to Part 1, section 1.1.3, of Annex VI<sup>1</sup> is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2023/1435 of 2 May 2023 amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures as regards the modification of entries in Part 3 of Annex VI for 2-ethylhexanoic acid and its salts, boric acid, diboron trioxide, tetraboron disodium heptaoxide hydrate, disodium tetraborate anhydrous, orthoboric acid sodium salt, disodium tetraborate decahydrate, and disodium tetraborate pentahydrate<sup>2</sup> is to be incorporated into the EEA Agreement.
- (3) Commission Delegated Directive (EU) 2023/1437 of 4 May 2023 amending, for the purposes of adapting to scientific and technical progress, Annex IV to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for mercury in melt pressure transducers for capillary rheometers under certain conditions<sup>3</sup> is to be incorporated into the EEA Agreement.
- (4) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

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

1. The following indent is added in point 12q (Directive 2011/65/EU of the European Parliament and of the Council):
  - ‘- **32023 L 1437**: Commission Delegated Directive (EU) 2023/1437 of 4 May 2023 (OJ L 176, 11.7.2023, p. 14).’

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<sup>1</sup> OJ L 176, 11.7.2023, p. 3.

<sup>2</sup> OJ L 176, 11.7.2023, p. 6.

<sup>3</sup> OJ L 176, 11.7.2023, p. 14.

2. The following indents are added in point 12zze (Regulation (EC) No 1272/2008 of the European Parliament and of the Council):

- ‘- **32023 R 1434**: Commission Delegated Regulation (EU) 2023/1434 of 25 April 2023 (OJ L 176, 11.7.2023, p. 3),
- **32023 R 1435**: Commission Delegated Regulation (EU) 2023/1435 of 2 May 2023 (OJ L 176, 11.7.2023, p. 6).’

#### *Article 2*

The texts of Delegated Directive (EU) 2023/1437 and Delegated Regulations (EU) 2023/1434 and (EU) 2023/1435 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 28 October 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, 27 October 2023.

*For the EEA Joint Committee  
The President*

*Pascal Schafhauser*

*The Secretaries  
To the EEA Joint Committee*

*Siri Veseth Meling*

*Matúš Minárik*

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\* No constitutional requirements indicated.