

**DECISION OF THE EEA JOINT COMMITTEE**  
**No 268/2023**

**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 Implementing Regulation (EU) 2023/114 of 16 January 2023 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances benzovindiflupyr, buprofezin, cyflufenamid, fluazinam, flutolanil, lambda-cyhalothrin, mecoprop-P, mepiquat, metiram, metsulfuron-methyl, phosphane and pyraclostrobin<sup>1</sup> is to be incorporated into the EEA Agreement.
- (2) Commission Implementing Regulation (EU) 2023/115 of 16 January 2023 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval period of the active substance dimoxystrobin<sup>2</sup> is to be incorporated into the EEA Agreement.
- (3) Commission Implementing Regulation (EU) 2023/116 of 16 January 2023 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval period of the active substance oxamyl<sup>3</sup> is to be incorporated into the EEA Agreement.
- (4) Commission Implementing Regulation (EU) 2023/149 of 20 January 2023 concerning the non-renewal of the approval of the active substance benfluralin, 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<sup>4</sup> is to be incorporated into the EEA Agreement.
- (5) Commission Implementing Regulation (EU) 2023/223 of 27 January 2023 renewing the approval of the active substance *Pseudomonas chlororaphis* strain MA 342 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<sup>5</sup> is to be incorporated into the EEA Agreement.
- (6) Commission Implementing Regulation (EU) 2023/199 of 30 January 2023 approving the low-risk active substance *Trichoderma atroviride* AT10 in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council

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<sup>1</sup> OJ L 15, 17.1.2023, p. 9.

<sup>2</sup> OJ L 15, 17.1.2023, p. 13.

<sup>3</sup> OJ L 15, 17.1.2023, p. 15.

<sup>4</sup> OJ L 20, 23.1.2023, p. 30.

<sup>5</sup> OJ L 32, 3.2.2023, p. 5.

concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011<sup>6</sup> is to be incorporated into the EEA Agreement.

- (7) Commission Implementing Regulation (EU) 2023/200 of 30 January 2023 concerning the non-approval of lemon essential oil (*Citrus limon* essential oil) as a basic substance 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<sup>7</sup> is to be incorporated into the EEA Agreement.
- (8) Commission Implementing Regulation (EU) 2023/216 of 1 February 2023 approving the low-risk active substance *Trichoderma atroviride* AGR2 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 Commission Implementing Regulation (EU) No 540/2011<sup>8</sup> is to be incorporated into the EEA Agreement.
- (9) 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 indents are added in point 13a (Commission Implementing Regulation (EU) No 540/2011):
  - ‘- **32023 R 0114**: Commission Implementing Regulation (EU) 2023/114 of 16 January 2023 (OJ L 15, 17.1.2023, p. 9),
  - **32023 R 0115**: Commission Implementing Regulation (EU) 2023/115 of 16 January 2023 (OJ L 15, 17.1.2023, p. 13),
  - **32023 R 0116**: Commission Implementing Regulation (EU) 2023/116 of 16 January 2023 (OJ L 15, 17.1.2023, p. 15),
  - **32023 R 0149**: Commission Implementing Regulation (EU) 2023/149 of 20 January 2023 (OJ L 20, 23.1.2023, p. 30),
  - **32023 R 0223**: Commission Implementing Regulation (EU) 2023/223 of 27 January 2023 (OJ L 32, 3.2.2023, p. 5),
  - **32023 R 0199**: Commission Implementing Regulation (EU) 2023/199 of 30 January 2023 (OJ L 27, 31.1.2023, p. 22),
  - **32023 R 0216**: Commission Implementing Regulation (EU) 2023/216 of 1 February 2023 (OJ L 30, 2.2.2023, p. 7).’
2. The following points are added after point 13zzzzzzzzzzzzzzze (Commission Implementing Regulation (EU) 2023/1429):
  - ‘13zzzzzzzzzzzzzzzf. **32023 R 0149**: Commission Implementing Regulation (EU) 2023/149 of 20 January 2023 concerning the non-renewal of the approval of the active substance benfluralin, in accordance with Regulation (EC) No 1107/2009 of the

<sup>6</sup> OJ L 27, 31.1.2023, p. 22.

<sup>7</sup> OJ L 27, 31.1.2023, p. 26.

<sup>8</sup> OJ L 30, 2.2.2023, p. 7.

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 20, 23.1.2023, p. 30).

13zzzzzzzzzzzzzg. **32023 R 0223:** Commission Implementing Regulation (EU) 2023/223 of 27 January 2023 renewing the approval of the active substance *Pseudomonas chlororaphis* strain MA 342 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 32, 3.2.2023, p. 5).

13zzzzzzzzzzzzzh. **32023 R 0199:** Commission Implementing Regulation (EU) 2023/199 of 30 January 2023 approving the low-risk active substance *Trichoderma atroviride* AT10 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 Commission Implementing Regulation (EU) No 540/2011 (OJ L 27, 31.1.2023, p. 22).

13zzzzzzzzzzzzzi. **32023 R 0200:** Commission Implementing Regulation (EU) 2023/200 of 30 January 2023 concerning the non-approval of lemon essential oil (*Citrus limon* essential oil) as a basic substance 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 (OJ L 27, 31.1.2023, p. 26).

13zzzzzzzzzzzzzj. **32023 R 0216:** Commission Implementing Regulation (EU) 2023/216 of 1 February 2023 approving the low-risk active substance *Trichoderma atroviride* AGR2 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 Commission Implementing Regulation (EU) No 540/2011 (OJ L 30, 2.2.2023, p. 7).'

#### Article 2

The texts of Implementing Regulations (EU) 2023/114, (EU) 2023/115, (EU) 2023/116, (EU) 2023/149, (EU) 2023/223, (EU) 2023/199, (EU) 2023/200 and (EU) 2023/216 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*

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\* No constitutional requirements indicated.

*Pascal Schafhauser*

*The Secretaries  
To the EEA Joint Committee*

*Siri Veseth Meling*

*Matúš Minárik*

*Not yet published*