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**DECISION OF THE EEA JOINT COMMITTEE**  
**No 78/2009**

**of 3 July 2009**

**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, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as ‘the Agreement’, and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 60/2009 of 29 May 2009<sup>1</sup>.
- (2) Commission Regulation (EC) No 1243/2008 of 12 December 2008 amending Annexes III and VI to Directive 2006/141/EC as regards compositional requirements for certain infant formulae<sup>2</sup> is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 41/2009 of 20 January 2009 concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten<sup>3</sup> is to be incorporated into the Agreement.
- (4) Commission Directive 2008/100/EC of 28 October 2008 amending Council Directive 90/496/EEC on nutrition labelling for foodstuffs as regards recommended daily allowances, energy conversion factors and definitions<sup>4</sup> is to be incorporated into the Agreement.
- (5) This Decision is not to apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

1. The following indent shall be added in point 53 (Council Directive 90/496/EEC):

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<sup>1</sup> OJ L 232, 3.9.2009, p. 11.

<sup>2</sup> OJ L 335, 13.12.2008, p. 25.

<sup>3</sup> OJ L 16, 21.1.2009, p. 3.

<sup>4</sup> OJ L 285, 29.10.2008, p. 9.

- ‘- **32008 L 0100**: Commission Directive 2008/100/EC of 28 October 2008 (OJ L 285, 29.10.2008, p. 9).’
2. The following shall be added in point 54zzzv (Commission Directive 2006/141/EC):
- ‘, as amended by:
- **32008 R 1243**: Commission Regulation (EC) No 1243/2008 of 12 December 2008 (OJ L 335, 13.12.2008, p. 25).’
3. The following point shall be inserted after point 54zzzz (Commission Regulation (EC) No 1881/2006):
- ‘54zzzza. **32009 R 0041**: Commission Regulation (EC) No 41/2009 of 20 January 2009 concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten (OJ L 16, 21.1.2009, p. 3).’

#### *Article 2*

The texts of Regulations (EC) Nos 1243/2008 and 41/2009, and Directive 2008/100/EC 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 4 July 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee\*.

#### *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, 3 July 2009.

*For the EEA Joint Committee  
The President*

*O. H. Sletnes*

*The Secretaries  
to the EEA Joint Committee*

*B. Ellertsdóttir                      M. Brinkmann*

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\* No constitutional requirements indicated.