

**DECISION OF THE EEA JOINT COMMITTEE****No 233/2016****of 2 December 2016****amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement [2018/1171]**

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 Regulation (EU) 2016/1389 of 17 August 2016 authorising a health claim made on foods and referring to children's development and health <sup>(1)</sup> is to be incorporated into the EEA Agreement.
- (2) Commission Regulation (EU) 2016/1390 of 17 August 2016 refusing to authorise a health claim made on foods and referring to children's development and health <sup>(2)</sup> is to be incorporated into the EEA Agreement.
- (3) This Decision concerns legislation regarding foodstuffs. Legislation regarding 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 introduction to Chapter XII of Annex II to the EEA Agreement. This Decision is therefore not to apply to Liechtenstein.
- (4) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

The following points are inserted after point 116 (Commission Regulation (EU) 2016/1381) of Chapter XII of Annex II to the EEA Agreement:

- '117. **32016 R 1389**: Commission Regulation (EU) 2016/1389 of 17 August 2016 authorising a health claim made on foods and referring to children's development and health (OJ L 223, 18.8.2016, p. 55).
118. **32016 R 1390**: Commission Regulation (EU) 2016/1390 of 17 August 2016 refusing to authorise a health claim made on foods and referring to children's development and health (OJ L 223, 18.8.2016, p. 58).'

*Article 2*

The texts of Regulations (EU) 2016/1389 and (EU) 2016/1390 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 3 December 2016, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (\*).

<sup>(1)</sup> OJ L 223, 18.8.2016, p. 55.

<sup>(2)</sup> OJ L 223, 18.8.2016, p. 58.

(\*) No constitutional requirements indicated.

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*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, 2 December 2016.

*For the EEA Joint Committee*  
*The President*  
Bergdís ELLERTSDÓTTIR

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