

DECISION OF THE EEA JOINT COMMITTEE
No 228/2023

of 22 September 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) 2022/2534 of 21 December 2022 authorising the placing on the market of bovine milk beta-lactoglobulin (β -lactoglobulin) as a novel food and amending Implementing Regulation (EU) 2017/2470¹ is to be incorporated into the EEA Agreement.
- (2) Commission Implementing Regulation (EU) 2022/2535 of 21 December 2022 authorising the placing on the market of the freeze-dried powder form of *Antrodia camphorata* mycelia as a novel food and amending Implementing Regulation (EU) 2017/2470² is to be incorporated into the EEA Agreement.
- (3) Commission Implementing Regulation (EU) 2023/4 of 3 January 2023 authorising the placing on the market of vitamin D₂ mushroom powder as a novel food and amending Implementing Regulation (EU) 2017/2470³ is to be incorporated into the EEA Agreement.
- (4) Commission Implementing Regulation (EU) 2023/5 of 3 January 2023 authorising the placing on the market of *Acheia domesticus* (house cricket) partially defatted powder as a novel food and amending Implementing Regulation (EU) 2017/2470⁴ is to be incorporated into the EEA Agreement.
- (5) Commission Implementing Regulation (EU) 2023/6 of 3 January 2023 authorising the placing on the market of pea and rice protein fermented by *Lentinula edodes* (Shiitake mushroom) mycelia as a novel food and amending Implementing Regulation (EU) 2017/2470⁵ is to be incorporated into the EEA Agreement.
- (6) Commission Implementing Regulation (EU) 2023/7 of 3 January 2023 authorising the placing on the market of Lacto-*N*-tetraose produced by derivative strains of *Escherichia coli* BL21(DE3) as a novel food and amending Implementing Regulation (EU) 2017/2470⁶ is to be incorporated into the EEA Agreement.
- (7) Commission Implementing Regulation (EU) 2023/52 of 4 January 2023 authorising the placing on the market of 3-Fucosyllactose produced by a derivative strain of *Escherichia*

¹ OJ L 328, 22.12.2022, p. 85.

² OJ L 328, 22.12.2022, p. 91.

³ OJ L 2, 4.1.2023, p. 3.

⁴ OJ L 2, 4.1.2023, p. 9.

⁵ OJ L 2, 4.1.2023, p. 16.

⁶ OJ L 2, 4.1.2023, p. 21.

coli BL21(DE3) as a novel food and amending Implementing Regulation (EU) 2017/2470⁷ is to be incorporated into the EEA Agreement.

- (8) 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.
- (9) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

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

1. The following indents are added in point 124b (Commission Implementing Regulation (EU) 2017/2470):
 - ‘- **32022 R 2534**: Commission Implementing Regulation (EU) 2022/2534 of 21 December 2022 (OJ L 328, 22.12.2022, p. 85),
 - **32022 R 2535**: Commission Implementing Regulation (EU) 2022/2535 of 21 December 2022 (OJ L 328, 22.12.2022, p. 91),
 - **32023 R 0004**: Commission Implementing Regulation (EU) 2023/4 of 3 January 2023 (OJ L 2, 4.1.2023, p. 3),
 - **32023 R 0005**: Commission Implementing Regulation (EU) 2023/5 of 3 January 2023 (OJ L 2, 4.1.2023, p. 9),
 - **32023 R 0006**: Commission Implementing Regulation (EU) 2023/6 of 3 January 2023 (OJ L 2, 4.1.2023, p. 16),
 - **32023 R 0007**: Commission Implementing Regulation (EU) 2023/7 of 3 January 2023 (OJ L 2, 4.1.2023, p. 21),
 - **32023 R 0052**: Commission Implementing Regulation (EU) 2023/52 of 4 January 2023 (OJ L 3, 5.1.2023, p. 1).’
2. The following points are inserted after point 228 (Commission Implementing Regulation (EU) 2023/463):
 - ‘229. **32022 R 2534**: Commission Implementing Regulation (EU) 2022/2534 of 21 December 2022 authorising the placing on the market of bovine milk beta-lactoglobulin (β -lactoglobulin) as a novel food and amending Implementing Regulation (EU) 2017/2470 (OJ L 328, 22.12.2022, p. 85).
 - 230. **32022 R 2535**: Commission Implementing Regulation (EU) 2022/2535 of 21 December 2022 authorising the placing on the market of the freeze-dried powder form of *Antrodia camphorata* mycelia as a novel food and amending Implementing Regulation (EU) 2017/2470 (OJ L 328, 22.12.2022, p. 91).
 - 231. **32023 R 0004**: Commission Implementing Regulation (EU) 2023/4 of 3 January 2023 authorising the placing on the market of vitamin D₂ mushroom powder as a novel

⁷ OJ L 3, 5.1.2023, p. 1.

- food and amending Implementing Regulation (EU) 2017/2470 (OJ L 2, 4.1.2023, p. 3).
232. **32023 R 0005**: Commission Implementing Regulation (EU) 2023/5 of 3 January 2023 authorising the placing on the market of *Acheta domesticus* (house cricket) partially defatted powder as a novel food and amending Implementing Regulation (EU) 2017/2470 (OJ L 2, 4.1.2023, p. 9).
233. **32023 R 0006**: Commission Implementing Regulation (EU) 2023/6 of 3 January 2023 authorising the placing on the market of pea and rice protein fermented by *Lentinula edodes* (Shiitake mushroom) mycelia as a novel food and amending Implementing Regulation (EU) 2017/2470 (OJ L 2, 4.1.2023, p. 16).
234. **32023 R 0007**: Commission Implementing Regulation (EU) 2023/7 of 3 January 2023 authorising the placing on the market of Lacto-*N*-tetraose produced by derivative strains of *Escherichia coli* BL21(DE3) as a novel food and amending Implementing Regulation (EU) 2017/2470 (OJ L 2, 4.1.2023, p. 21).
235. **32023 R 0052**: Commission Implementing Regulation (EU) 2023/52 of 4 January 2023 authorising the placing on the market of 3-Fucosyllactose produced by a derivative strain of *Escherichia coli* BL21(DE3) as a novel food and amending Implementing Regulation (EU) 2017/2470 (OJ L 3, 5.1.2023, p.1).’

Article 2

The texts of Implementing Regulations (EU) 2022/2534, (EU) 2022/2535, (EU) 2023/4, (EU) 2023/5, (EU) 2023/6, (EU) 2023/7 and (EU) 2023/52 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 23 September 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, 22 September 2023.

*For the EEA Joint Committee
The President*

Pascal Schafhauser

*The Secretaries
To the EEA Joint Committee*

* No constitutional requirements indicated.

Not yet published