

DECISION OF THE EEA JOINT COMMITTEE
No 229/2023

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) 2023/859 of 25 April 2023 amending Implementing Regulation (EU) 2017/2470 as regards the specifications of the novel food 2’-Fucosyllactose (microbial source) to authorise its production by a derivative strain of *Corynebacterium glutamicum* ATCC 13032¹ is to be incorporated into the EEA Agreement.
- (2) Commission Implementing Regulation (EU) 2023/931 of 8 May 2023 amending Implementing Regulation (EU) 2017/2470 as regards the conditions of use of the traditional food from a third country infusion from coffee leaves of *Coffea arabica* L. and/or *Coffea canephora* Pierre ex A. Froehner² is to be incorporated into the EEA Agreement.
- (3) Commission Implementing Regulation (EU) 2023/937 of 10 May 2023 correcting Implementing Regulation (EU) 2017/2470 as regards the inclusion of ‘Phosphated distarch phosphate produced from wheat starch’ in the Union list of novel foods³ is to be incorporated into the EEA Agreement.
- (4) Commission Implementing Regulation (EU) 2023/938 of 10 May 2023 amending Implementing Regulation (EU) 2017/2470 as regards the conditions of use of the novel food *Yarrowia lipolytica* yeast biomass⁴ is to be incorporated into the EEA Agreement.
- (5) Commission Implementing Regulation (EU) 2023/943 of 11 May 2023 authorising the placing on the market of cellobiose as a novel food and amending Implementing Regulation (EU) 2017/2470⁵ is to be incorporated into the EEA Agreement.
- (6) 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.

¹ OJ L 111, 26.4.2023, p. 17.

² OJ L 124, 10.5.2023, p. 1.

³ OJ L 125, 11.5.2023, p. 12.

⁴ OJ L 125, 11.5.2023, p. 16.

⁵ OJ L 126, 12.5.2023, p. 41.

(7) 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):
 - ‘- **32023 R 0859**: Commission Implementing Regulation (EU) 2023/859 of 25 April 2023 (OJ L 111, 26.4.2023, p. 17),
 - **32023 R 0931**: Commission Implementing Regulation (EU) 2023/931 of 8 May 2023 (OJ L 124, 10.5.2023, p. 1),
 - **32023 R 0937**: Commission Implementing Regulation (EU) 2023/937 of 10 May 2023 (OJ L 125, 11.5.2023, p. 12),
 - **32023 R 0938**: Commission Implementing Regulation (EU) 2023/938 of 10 May 2023 (OJ L 125, 11.5.2023, p. 16),
 - **32023 R 0943**: Commission Implementing Regulation (EU) 2023/943 of 11 May 2023 (OJ L 126, 12.5.2023, p. 41).’
2. The following point is inserted after point 235 (Commission Implementing Regulation (EU) 2023/52):
 - ‘236. **32023 R 0943**: Commission Implementing Regulation (EU) 2023/943 of 11 May 2023 authorising the placing on the market of cellobiose as a novel food and amending Implementing Regulation (EU) 2017/2470 (OJ L 126, 12.5.2023, p. 41).’

Article 2

The texts of Implementing Regulations (EU) 2023/859, (EU) 2023/931, (EU) 2023/937, (EU) 2023/938 and (EU) 2023/943 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*

* No constitutional requirements indicated.

Pascal Schafhauser

*The Secretaries
To the EEA Joint Committee*

Siri Veseth Meling

Matúš Minárik

Not yet published