

DECISION OF THE EEA JOINT COMMITTEE
No 230/2023

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) 2023/113 of 16 January 2023 authorising the placing on the market of 3'-Sialyllactose sodium salt produced by derivative strains of *Escherichia coli* BL21(DE3) as a novel food and amending Implementing Regulation (EU) 2017/2470¹ is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2023/439 of 16 December 2022 amending the Annex to Regulation (EU) No 609/2013 of the European Parliament and of the Council to allow the use of nicotinamide riboside chloride as a source of niacin in food for special medical purposes and total diet replacement for weight control² 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

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

1. The following indent is added in point 77 (Regulation (EU) No 609/2013 of the European Parliament and of the Council):
‘- **32023 R 0439**: Commission Delegated Regulation (EU) 2023/439 of 16 December 2022 (OJ L 64, 1.3.2023, p. 1).’
2. The following indent is added in point 124b (Commission Implementing Regulation (EU) 2017/2470):

¹ OJ L 15, 17.1.2023, p. 1.

² OJ L 64, 1.3.2023, p. 1.

‘- **32023 R 0113**: Commission Implementing Regulation (EU) 2023/113 of 16 January 2023 (OJ L 15, 17.1.2023, p. 1).’

3. The following point is inserted after point 236 (Commission Implementing Regulation (EU) 2023/943):

‘237. **32023 R 0113**: Commission Implementing Regulation (EU) 2023/113 of 16 January 2023 authorising the placing on the market of 3'-Sialyllactose sodium salt produced by derivative strains of *Escherichia coli* BL21(DE3) as a novel food and amending Implementing Regulation (EU) 2017/2470 (OJ L 15, 17.1.2023, p. 1).’

Article 2

The texts of Delegated Regulation (EU) 2023/439 and Implementing Regulation (EU) 2023/113 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*

Siri Veseth Meling

Matúš Minárik

* No constitutional requirements indicated.