

**DECISION OF THE EEA JOINT COMMITTEE**  
**No 239/2023**

**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 Delegated Directive (EU) 2022/2100 of 29 June 2022 amending Directive 2014/40/EU of the European Parliament and of the Council as regards the withdrawal of certain exemptions in respect of heated tobacco products<sup>1</sup> is to be incorporated into the EEA Agreement.
- (2) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

The following indent is added in point 3 (Directive 2014/40/EU of the European Parliament and of the Council) of Chapter XXV of Annex II to the EEA Agreement:

- ‘- **32022 L 2100**: Commission Delegated Directive (EU) 2022/2100 of 29 June 2022 (OJ L 283, 3.11.2022, p. 4).’

*Article 2*

The text of Delegated Directive (EU) 2022/2100 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\*, or on the day of the entry into force of Decision of the EEA Joint Committee No 6/2022 of 4 February 2022<sup>2</sup>, whichever is the later.

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<sup>1</sup> OJ L 283, 3.11.2022, p. 4.

\* No constitutional requirements indicated.

<sup>2</sup> OJ L 175, 30.6.2022, p. 12.

*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*

*Not yet published*