

DECISION OF THE EEA JOINT COMMITTEE
No 266/2023

of 27 October 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) 2023/1078 of 2 June 2023 approving ozone generated from oxygen as an active substance for use in biocidal products of product-types 2, 4, 5 and 11 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council¹ is to be incorporated into the EEA Agreement.
- (2) Commission Implementing Regulation (EU) 2023/1079 of 2 June 2023 approving (13Z)-hexadec-13-en-11-yn-1-yl acetate as an active substance for use in biocidal products of product-type 19 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council² is to be incorporated into the EEA Agreement.
- (3) Commission Implementing Decision (EU) 2023/1084 of 1 June 2023 on the unresolved objections regarding the conditions for granting an authorisation for the biocidal product A-Quasan in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council³ is to be incorporated into the EEA Agreement.
- (4) Commission Implementing Decision (EU) 2023/1085 of 2 June 2023 postponing the expiry date of the approval of *Bacillus thuringiensis* subsp. *israelensis* Serotype H14, Strain AM65-52 for use in biocidal products of product-type 18 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council⁴ is to be incorporated into the EEA Agreement.
- (5) Commission Implementing Decision (EU) 2023/1086 of 2 June 2023 postponing the expiry date of the approval of metofluthrin for use in biocidal products of product-type 18 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council⁵ is to be incorporated into the EEA Agreement.
- (6) Commission Implementing Decision (EU) 2023/1087 of 2 June 2023 postponing the expiry date of the approval of lambda-cyhalothrin for use in biocidal products of product-type 18 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council⁶ is to be incorporated into the EEA Agreement.

¹ OJ L 144, 5.6.2023, p. 7.

² OJ L 144, 5.6.2023, p. 11.

³ OJ L 144, 5.6.2023, p. 91.

⁴ OJ L 144, 5.6.2023, p. 94.

⁵ OJ L 144, 5.6.2023, p. 96.

⁶ OJ L 144, 5.6.2023, p. 98.

- (7) Commission Implementing Decision (EU) 2023/1088 of 2 June 2023 postponing the expiry date of the approval of deltamethrin for use in biocidal products of product-type 18 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council⁷ is to be incorporated into the EEA Agreement.
- (8) Commission Implementing Decision (EU) 2023/1097 of 5 June 2023 not approving cyanamide as an existing active substance for use in biocidal products of product-types 3 and 18 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council⁸ is to be incorporated into the EEA Agreement.
- (9) Annex II to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following points are inserted after point 12zzzzzzzzzd (Commission Implementing Regulation (EU) 2023/680) of Chapter XV of Annex II to the EEA Agreement:

- ‘12zzzzzzzzze. **32023 R 1078:** Commission Implementing Regulation (EU) 2023/1078 of 2 June 2023 approving ozone generated from oxygen as an active substance for use in biocidal products of product-types 2, 4, 5 and 11 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 144, 5.6.2023, p. 7).
- 12zzzzzzzzzf. **32023 R 1079:** Commission Implementing Regulation (EU) 2023/1079 of 2 June 2023 approving (13Z)-hexadec-13-en-11-yn-1-yl acetate as an active substance for use in biocidal products of product-type 19 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 144, 5.6.2023, p. 11).
- 12zzzzzzzzzg. **32023 D 1084:** Commission Implementing Decision (EU) 2023/1084 of 1 June 2023 on the unresolved objections regarding the conditions for granting an authorisation for the biocidal product A-Quasan in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 144, 5.6.2023, p. 91).
- 12zzzzzzzzzh. **32023 D 1085:** Commission Implementing Decision (EU) 2023/1085 of 2 June 2023 postponing the expiry date of the approval of *Bacillus thuringiensis* subsp. *israelensis* Serotype H14, Strain AM65-52 for use in biocidal products of product-type 18 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 144, 5.6.2023, p. 94).
- 12zzzzzzzzzi. **32023 D 1086:** Commission Implementing Decision (EU) 2023/1086 of 2 June 2023 postponing the expiry date of the approval of metofluthrin for use in biocidal products of product-type 18 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 144, 5.6.2023, p. 96).
- 12zzzzzzzzzj. **32023 D 1087:** Commission Implementing Decision (EU) 2023/1087 of 2 June 2023 postponing the expiry date of the approval of lambda-cyhalothrin for use in biocidal products of product-type 18 in accordance with Regulation (EU) No

⁷ OJ L 144, 5.6.2023, p. 100.

⁸ OJ L 146, 6.6.2023, p. 27.

528/2012 of the European Parliament and of the Council (OJ L 144, 5.6.2023, p. 98).

12zzzzzzzzzk. **32023 D 1088**: Commission Implementing Decision (EU) 2023/1088 of 2 June 2023 postponing the expiry date of the approval of deltamethrin for use in biocidal products of product-type 18 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 144, 5.6.2023, p. 100).

12zzzzzzzzzl. **32023 D 1097**: Commission Implementing Decision (EU) 2023/1097 of 5 June 2023 not approving cyanamide as an existing active substance for use in biocidal products of product-types 3 and 18 in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 146, 6.6.2023, p. 27).’

Article 2

The texts of Implementing Regulations (EU) 2023/1078 and (EU) 2023/1079 and Implementing Decisions (EU) 2023/1084, (EU) 2023/1085, (EU) 2023/1086, (EU) 2023/1087, (EU) 2023/1088 and (EU) 2023/1097 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 28 October 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, 27 October 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.

