

## ANNEX XI

### ELECTRONIC COMMUNICATION, AUDIOVISUAL SERVICES AND INFORMATION SOCIETY. <sup>{1}</sup>

#### TABLE OF CONTENTS

[Telecommunication services](#)  
[Postal services](#)  
[Data Protection](#)  
[Information Society Services](#)  
[Audiovisual services](#)  
[Acts of which the Contracting Parties Shall Take Note](#)

#### List provided for in Article 36(2)

### INTRODUCTION

When the acts referred to in this Annex contain notions or refer to procedures which are specific to the Community legal order, such as:

- preambles;
- the addressees of the Community acts;
- references to territories or languages of the EC;
- references to rights and obligations of EC Member States, their public entities, undertakings or individuals in relation to each other; and
- references to information and notification procedures;

Protocol 1 on horizontal adaptations shall apply, unless otherwise provided for in this Annex.

### ACTS REFERRED TO

#### Telecommunication services <sup>{2}</sup>

1. **387 L 0372:** Council Directive 87/372/EEC of 25 June 1987 on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the European Community (OJ No L 196, 17.7.1987 p. 85), as amended by:

-<sup>{3}</sup> **32009 L 0114:** Directive 2009/114/EC of the European Parliament and of the Council of 16 September 2009 (OJ L 274, 20.10.2009, p. 25).

---

<sup>{1}</sup> Title replaced by Decision No 45/2009 (OJ L 162, 25.6.2009, p. 23 and EEA Supplement No 33, 25.6.2009, p. 8), e.i.f. 1.5.2010.

<sup>{2}</sup> Subheading inserted by Decision No 91/98 (OJ L 189, 22.7.1999, p. 64 and EEA Supplement No 32, 22.7.1999, p. 141), e.i.f. 1.5.1999.

<sup>{3}</sup> Indent and words “, as amended by:” added by Decision No 135/2011 (OJ L 76, 15.3.2012, p. 20 and EEA Supplement No 15, 15.3.2012, p. 25), e.i.f. 3.12.2011.

1a.<sup>{4}</sup> **32009 D 0766**: Commission Decision 2009/766/EC of 16 October 2009 on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community (OJ L 274, 20.10.2009, p. 32), as amended by:

-<sup>{5}</sup> **32011 D 0251**: Commission Implementing Decision 2011/251/EU of 18 April 2011 (OJ L 106, 27.4.2011, p. 9),

-<sup>{6}</sup> **32018 D 0637**: Commission Implementing Decision (EU) 2018/637 of 20 April 2018 (OJ L 105, 25.4.2018, p. 27).

The provisions of the Decision shall, for the purposes of the present Agreement, be read with the following adaptation:

This Decision shall apply to Liechtenstein as of 2018.

2. [ ]<sup>{7}</sup>

3. [ ]<sup>{8}</sup>

4.<sup>{9}</sup> **32005 L 0082**: Directive 2005/82/EC of the European Parliament and of the Council of 14 December 2005 repealing Council Directive 90/544/EEC on the frequency bands designated for the coordinated introduction of pan-European land-based public radio paging in the Community (OJ L 344, 27.12.2005, p. 38).

5. **391 L 0287**: Council Directive 91/C 287/EEC of 3 June 1991 on the frequency band to be designated for the coordinated introduction of digital European cordless telecommunications (DECT) into the Community (OJ No L 144, 8.6.1991, p. 45).

5a. [ ]<sup>{10}</sup>

5b. [ ]<sup>{11}</sup>

5c. [ ]<sup>{12}</sup>

5ca. [ ]<sup>{13}</sup>

5cb. [ ]<sup>{14}</sup>

5cc. [ ]<sup>{15}</sup>

<sup>{4}</sup> Point and adaptation text inserted by Decision No 94/2012 (OJ L 248, 13.9.2012, p. 32 and EEA Supplement No 50, 13.9.2012, p. 37), e.i.f. 1.5.2012.

<sup>{5}</sup> Indent and words “, as amended by:” added by Decision No 169/2012 (OJ L 341, 13.12.2012, p. 21 and EEA Supplement No 70, 13.12.2012, p. 25), e.i.f. 29.9.2012.

<sup>{6}</sup> Indent added by Decision No 193/2018 (OJ L 75, 4.3.2021, p. 29 and EEA Supplement No 15, 4.3.2021, p. 28), e.i.f. 22.9.2018.

<sup>{7}</sup> Text of point 2 (Council Directive 90/387/EEC) deleted by Decision No 11/2004 (OJ L 116, 22.4.2004, p. 60 and EEA Supplement No 20, 22.4.2004, p. 14), e.i.f. 1.11.2004.

<sup>{8}</sup> Point deleted with effect from 25 July 2003 by Decision No 153/2003 (OJ L 41, 12.02.2004, p. 45 and EEA Supplement No 7, 12.02.2004, p. 32), e.i.f. 1.11.2004.

<sup>{9}</sup> Text of point 4 (Council Directive 90/544/EEC) replaced by Decision No 22/2007 (OJ L 209, 9.8.2007, p. 40 and EEA Supplement No 38, 9.8.2007, p. 27), e.i.f. 28.4.2007.

<sup>{10}</sup> Text of point 5a (Council Decision 92/264/EEC) deleted by Decision No 11/2004 (OJ L 116, 22.4.2004, p. 60 and EEA Supplement No 20, 22.4.2004, p. 14), e.i.f. 1.11.2004.

<sup>{11}</sup> Text of point 5b (Council Directive 92/44/EEC) deleted by Decision No 11/2004 (OJ L 116, 22.4.2004, p. 60 and EEA Supplement No 20, 22.4.2004, p. 14), e.i.f. 1.11.2004.

<sup>{12}</sup> Text of point 5c (Directive 98/10/EC of the European Parliament and of the Council) deleted by Decision No 11/2004 (OJ L 116, 22.4.2004, p. 60 and EEA Supplement No 20, 22.4.2004, p. 14), e.i.f. 1.11.2004.

<sup>{13}</sup> Text of point 5ca (Decision No 710/97/EC of the European Parliament and of the Council) deleted by Decision No 120/2006 (OJ L 333, 30.11.2006, p. 47 and EEA Supplement No 60, 30.11.2006, p. 35), e.i.f. 23.9.2006.

<sup>{14}</sup> Text of point 5cb (Directive 97/33/EC of the European Parliament and of the Council) deleted by Decision No 11/2004 (OJ L 116, 22.4.2004, p. 60 and EEA Supplement No 20, 22.4.2004, p. 14), e.i.f. 1.11.2004.

<sup>{15}</sup> Text of point 5cc (Directive 97/13/EC of the European Parliament and of the Council) deleted by Decision No 11/2004 (OJ L 116, 22.4.2004, p. 60 and EEA Supplement No 20, 22.4.2004, p. 14), e.i.f. 1.11.2004.

5cd. [ ]<sup>{16}</sup>

5ce.<sup>{17}</sup> **32000 R 2887**: Regulation (EC) No 2887/2000 of the European Parliament and of the Council of 18 December 2000 on unbundled access to the local loop (OJ L 336, 30.12.2000, p. 4).

5cf.<sup>{18}</sup> **32002 D 0676**: Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) (OJ L 108, 24.4.2002, p. 1).

The provisions of the Decision shall, for the purposes of the present Agreement, be read with the following adaptations:

The following paragraphs shall be added to Article 6:

4. Without prejudice to paragraphs 5 and 6, paragraphs 1 to 4 shall not apply to the EFTA States.
5. As regards the EFTA States, the EFTA States shall carry out the tasks of the Commission mentioned in paragraph 1 and inform the Standing Committee of any difficulties created, *de jure* or *de facto*, by third countries or international organisations for the implementation of this Decision, which shall draw up a report.
6. This Article shall be without prejudice to the EFTA States' rights and obligations under relevant international agreements.

5cg.<sup>{19}</sup> **32002 L 0077**: Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (OJ L 249, 17.9.2002, p. 21)<sup>(1)</sup>.

(1) Listed here for purposes of information only. For application, see Annex XIV.

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

In Article 7(2), the words “competition rules of the EC Treaty” shall read “the competition rules of the EEA Agreement”.

5ch.<sup>{20}</sup> **32002 D 0622**: Commission Decision 2002/622/EC of 26 July 2002 establishing a Radio Spectrum Policy Group (OJ L 198, 27.7.2002, p. 49), as amended by:

-<sup>{21}</sup> **32009 D 0978**: Commission Decision 2009/978/EU of 16 December 2009 (OJ L 336, 18.12.2009, p. 50).

Procedures for the association of Liechtenstein, Iceland and Norway in accordance with Article 101 of the Agreement:

Each EFTA State may, in accordance with Article 3 of Commission Decision 2002/622/EC, appoint persons to participate as observers in the meetings of the Radio Spectrum Policy Group.

<sup>{16}</sup> Text of point 5cd (Decision No 128/1999/EC of the European Parliament and of the Council) deleted by Decision No 120/2006 (OJ L 333, 30.11.2006, p. 47 and EEA Supplement No 60, 30.11.2006, p. 35), e.i.f. 23.9.2006.

<sup>{17}</sup> Point inserted by Decision No 47/2001 (OJ L 158, 14.6.2001, p. 62 and EEA Supplement No 30, 14.6.2001, p.42 (Norwegian) p. 20 (Icelandic)), e.i.f. 1.10.2001.

<sup>{18}</sup> Point inserted by Decision No 79/2003 (OJ L 257, 9.10.2003, p. 29 and EEA Supplement No 51, 9.10.2003, p.18), e.i.f. 1.8.2004.

<sup>{19}</sup> Point inserted by Decision No 153/2003 (OJ L 41, 12.02.2004, p. 45 and EEA Supplement No 7, 12.02.2004, p. 32), e.i.f. 1.11.2004.

<sup>{20}</sup> Point inserted by Decision No 9/2004 (OJ L 116, 22.4.2004, p. 56 and EEA Supplement No 20, 22.4.2004, p. 12), e.i.f. 7.2.2004.

<sup>{21}</sup> Indent and words “, as amended by:” added by Decision No 170/2012 (OJ L 341, 13.12.2012, p. 22 and EEA Supplement No 70, 13.12.2012, p. 26), e.i.f. 29.9.2012.

The EC Commission shall, in due time, inform the participants of the dates of the meetings of the Group and transmit to them the relevant documentation.

5ci. [ ]<sup>{22}</sup>

5cj.<sup>{23}</sup> **32002 L 0019**: Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive) (OJ L 108, 24.4.2002, p. 7).

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptation:

Whereas Liechtenstein and its national regulatory authority shall make all reasonable endeavours to apply the provisions of this Directive, the assessment of their compliance shall take due account of the specific situation of Liechtenstein and the particular circumstances of its very small telecommunications network, its market structure, its limited number of customers, its market potential and the possibility of market failure.

5ck.<sup>{24}</sup> **32002 L 0020**: Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) (OJ L 108, 24.4.2002, p. 21).

5cl.<sup>{25}</sup> **32002 L 0021**: Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33), as amended by:

-<sup>{26}</sup> **32007 R 0717**: Regulation (EC) No 717/2007 of the European Parliament and of the Council of 27 June 2007 (OJ L 171, 29.6.2007, p. 32),

-<sup>{27}</sup> **32009 R 0544**: Regulation (EC) No 544/2009 of the European Parliament and of the Council of 18 June 2009 (OJ L 167, 29.6.2009, p. 12).

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

- (a) In Article 5(2), the word ‘Treaty’ shall read ‘Agreement’.
- (b) In Article 5(3), the word ‘Commission’ shall read ‘Commission, Standing Committee, EFTA Surveillance Authority’.
- (c) The following sub-paragraph shall be added to Article 7(3):
 

‘The exchange of information between the national regulatory authorities of the EFTA States on the one hand and the national regulatory authorities of the EC Member States on the other hand shall pass through the EFTA Surveillance Authority and the Commission.’
- (d) The following sub-paragraphs shall be added to Article 15(4):
 

‘After consultation with national regulatory authorities the EFTA Surveillance Authority may adopt a Decision identifying transnational markets between two or more EFTA States.’

<sup>{22}</sup> Point inserted by Decision No 10/2004 (OJ L 116, 22.4.2004, p. 58 and EEA Supplement No 20, 22.4.2004, p. 13), e.i.f. 7.2.2004. Text of point 5ci (Commission Decision 2002/627/EC) deleted by Decision No 105/2015 (OJ L 211, 4.8.2016, p. 60 and EEA Supplement No 42, 4.8.2016, p. 58), e.i.f. 1.5.2015.

<sup>{23}</sup> Point inserted by Decision No 11/2004 (OJ L 116, 22.4.2004, p. 60 and EEA Supplement No 20, 22.4.2004, p. 14), e.i.f. 1.11.2004.

<sup>{24}</sup> Point inserted by Decision No 11/2004 (OJ L 116, 22.4.2004, p. 60 and EEA Supplement No 20, 22.4.2004, p. 14), e.i.f. 1.11.2004.

<sup>{25}</sup> Point inserted by Decision No 11/2004 (OJ L 116, 22.4.2004, p. 60 and EEA Supplement No 20, 22.4.2004, p. 14), e.i.f. 1.11.2004.

<sup>{26}</sup> Indent and words “, as amended by:” , added by Decision No 143/2007 (OJ L 100, 10.4.2008, p. 84 and EEA Supplement No 19, 10.4.2008, p.85), e.i.f. 22.12.2007.

<sup>{27}</sup> Indent added by Decision No 107/2009 (OJ L 334, 17.12.2009, p. 4 and EEA Supplement No 68, 17.12.2009, p. 4), e.i.f. 1.4.2010.

If either the EFTA Surveillance Authority or the Commission intends to identify a transnational market, which affects both an EFTA State and an EC Member State, they shall co-operate with a view to agreeing on identical Decisions identifying a transnational market, which affects both an EFTA State and an EC State. Article 109 shall apply *mutatis mutandis*.’

5cla.{<sup>28</sup>} **32012 D 0243**: Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme (OJ L 81, 21.3.2012, p. 7).

5claa.{<sup>29</sup>} **32013 D 0195**: Commission Implementing Decision 2013/195/EU of 23 April 2013 defining the practical arrangements, uniform formats and a methodology in relation to the radio spectrum inventory established by Decision No 243/2012/EU of the European Parliament and of the Council establishing a multiannual radio spectrum policy programme (OJ L 113, 25.4.2013, p. 18).

5cm.{<sup>30</sup>} **32002 L 0022**: Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users’ rights relating to electronic communications networks and services (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51).

{<sup>31</sup>}The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 9), shall apply.

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

Whereas Liechtenstein and its national regulatory authority shall make all reasonable endeavours to apply the provisions of this Directive, the assessment of their compliance shall take due account of the specific situation of Liechtenstein and the particular circumstances of its very small telecommunications network, its market structure, its limited number of customers, its market potential and the possibility of market failure.

Liechtenstein shall notify to the EFTA Surveillance Authority any factors that may need to be taken into account in applying the parameters, definitions and measurement methods set out in Annex III.

After the notification, the designated undertakings may refer to such factors in the publications required by Article 11(1).

5cn.{<sup>32</sup>} **32003 D 0548**: Commission Decision 2003/548/EC of 24 July 2003 on the minimum set of leased lines with harmonised characteristics and associated standards referred to in Article 18 of the Universal Service Directive (OJ L 186, 25.7.2003, p. 43), as amended by:

-{<sup>33</sup>} **32008 D 0060**: Commission Decision 2008/60/EC of 21 December 2007 (OJ L 15, 18.1.2008, p. 32).

5co.{<sup>34</sup>} **32003 H 0558**: Commission Recommendation 2003/558/EC of 25 July 2003 on the processing of caller location information in electronic communication networks for the purpose of location-enhanced emergency call services (OJ L 189, 29.7.2003, p. 49).

{<sup>28</sup>} Point inserted by Decision No 104/2015 (OJ L 211, 4.8.2016, p. 58 and EEA Supplement No 42, 4.8.2016, p. 56), e.i.f. 1.5.2015.

{<sup>29</sup>} Point inserted by Decision No 104/2015 (OJ L 211, 4.8.2016, p. 58 and EEA Supplement No 42, 4.8.2016, p. 56), e.i.f. 1.5.2015.

{<sup>30</sup>} Point inserted by Decision No 11/2004 (OJ L 116, 22.4.2004, p. 60 and EEA Supplement No 20, 22.4.2004, p. 14), e.i.f. 1.11.2004.

{<sup>31</sup>} Text added by the 2007 EEA Enlargement Agreement (OJ L 221, 25.8.2007 and EEA Supplement No 39, 26.7.2008), provisionally applicable as of 1.8.2007, e.i.f. 9.11.2011, the words “or, as the case may be, to the Protocol of Accession of 25 April 2005” subsequently deleted by the 2014 EEA Enlargement Agreement (OJ L 170, 11.6.2014, p. 5 and EEA Supplement No 58, 9.10.2014, p. 1), provisionally applicable as of 12.4.2014, e.i.f. pending.

{<sup>32</sup>} Point inserted by Decision No 39/2004 (OJ L 277, 26.8.2004, p. 8 and EEA Supplement No 43, 26.8.2004, p. 7), e.i.f. 24.4.2004.

{<sup>33</sup>} Indent and words “, as amended by:” , added by Decision No 82/2008 (OJ L 280, 23.10.2008, p. 16 and EEA Supplement No 64, 23.10.2008, p. 9), e.i.f. 5.7.2008.

{<sup>34</sup>} Point inserted by Decision No 74/2004 (OJ L 349, 25.11.2004, p. 32 and EEA Supplement No 59, 25.11.2004, p. 8), e.i.f. 9.6.2004.

5cp.{<sup>35</sup>} **32013 R 0526**: Regulation (EU) No 526/2013 of the European Parliament and of the Council of 21 May 2013 concerning the European Union Agency for Network and Information Security (ENISA) and repealing Regulation (EC) No 460/2004 (OJ L 165, 18.6.2013, p. 41).

The text of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) Unless otherwise stipulated below, and notwithstanding the provisions of Protocol 1 to the Agreement, the term ‘Member State(s)’ and other terms referring to their public entities contained in the Regulation shall be understood to include, in addition to its meaning in the Regulation, the EFTA States and their public entities. Paragraph 11 of Protocol 1 shall apply.
- (b) As regards the EFTA States, the Agency shall, as and when appropriate, assist the EFTA Surveillance Authority or the Standing Committee, as the case may be, in the performance of their respective tasks.
- (c) The following paragraph shall be added in Article 6:  
“5. The EFTA States shall participate fully in the Management Board and shall within it have the same rights and obligations as EU Member States, except for the right to vote.”
- (d) The following paragraph shall be added in Article 18:  
“4. Regulation (EC) No 1049/2001 shall, for the application of this Regulation, apply to any documents of the Agency regarding the EFTA States as well.”
- (e) The following paragraph shall be added in Article 19:  
“12. The EFTA States shall participate in the contribution from the Union referred to in paragraph 1. For this purpose, the procedures laid down in Article 82(1)(a) of and Protocol 32 to the EEA Agreement shall apply *mutatis mutandis*.”
- (f) The following paragraph shall be added in Article 22:  
“By way of derogation from Article 12(2)(a) of the Conditions of employment of Other Servants, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the recruitment authority of the Agency.”
- (g) The following paragraph shall be added in Article 23:  
“EFTA States shall apply to the Agency and to its staff Protocol No 7 on the Privileges and Immunities of the European Union and applicable rules adopted pursuant to that Protocol.”

5cq.{<sup>36</sup>} **32004 D 0545**: Commission Decision 2004/545/EC of 8 July 2004 on the harmonisation of radio spectrum in the 79 GHz range for the use of automotive short-range radar equipment in the Community (OJ L 241, 13.7.2004, p. 66).

5cr.{<sup>37</sup>} **32005 D 0050**: Commission Decision 2005/50/EC of 17 January 2005 on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community (OJ L 21, 25.1.2005, p. 15), as amended by:

-{<sup>38</sup>} **32011 D 0485**: Commission Implementing Decision 2011/485/EU of 29 July 2011 (OJ L 198, 30.7.2011, p. 71),

-{<sup>39</sup>} **32017 D 2077**: Commission Implementing Decision (EU) 2017/2077 of 10 November 2017 (OJ L 295, 14.11.2017, p. 75).

{<sup>35</sup>} Point and text inserted by Decision No 103/2005 (OJ L 306, 24.11.2005, p. 36 and EEA Supplement No 60, 24.11.2005, p. 23), e.i.f. 1.2.2006, and subsequently replaced by Decision No 130/2014 (OJ L 342, 27.11.2014, p. 36 and EEA Supplement No 71, 27.11.2014, p. 34), e.i.f. 28.6.2014.

{<sup>36</sup>} Point inserted by Decision No 148/2005 (OJ L 53, 23.2.2006, p. 46 and EEA Supplement No 10, 23.2.2005, p. 20), e.i.f. 3.12.2005.

{<sup>37</sup>} Point inserted by Decision No 148/2005 (OJ L 53, 23.2.2006, p. 46 and EEA Supplement No 10, 23.2.2005, p. 20), e.i.f. 3.12.2005.

{<sup>38</sup>} Indent and words “, as amended by:” added by Decision No 172/2012 (OJ L 341, 13.12.2012, p. 24 and EEA Supplement No 70, 13.12.2012, p. 28), e.i.f. 29.9.2012.

5cs.<sup>{40}</sup> **32005 D 0513**: Commission Decision 2005/513/EC of 11 July 2005 on the harmonised use of radio spectrum in the 5 GHz frequency band for the implementation of wireless access systems including radio local area networks (WAS/RLANs) (OJ L 187, 19.7.2005, p. 22), as amended by:

-<sup>{41}</sup> **32007 D 0090**: Commission Decision 2007/90/EC of 12 February 2007 (OJ L 41, 13.2.2007, p. 10).

5ct. [ ] <sup>{42}</sup>

5cu.<sup>{43}</sup> **32012 R 0531**: Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union (recast) (OJ L 172, 30.6.2012, p. 10), as amended by:

-<sup>{44}</sup> **32015 R 2120**: Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 (OJ L 310, 26.11.2015, p. 1),

-<sup>{45}</sup> **32017 R 0920**: Regulation (EU) 2017/920 of the European Parliament and of the Council of 17 May 2017 (OJ L 147, 9.6.2017, p. 1).

The provisions of the Regulation shall, for the purposes of the Agreement, be read with the following adaptations:

(a) The following paragraph shall be added in Article 1(6):

“In the absence of a published exchange rate of the euro to the Icelandic króna by the European Central Bank on the date of the entry into force of the Decision of the EEA Joint Committee No 173/2012 of 28 September 2012 incorporating this Regulation into the EEA Agreement, the exchange rate published by the Icelandic Central Bank on that same date shall apply.

For the purposes of the subsequent limits and maximum charges provided for in Article 7(2), Article 9(1) and Article 12(1), the reference exchange rates applied to determine the revised values shall, in the case of the Icelandic króna and in the absence of a corresponding publication by the European Central Bank, be those published by the Icelandic Central Bank two months preceding the date from which the revised values apply.”

(b) The following paragraph shall be added in Article 1(7):

“In the absence of a published exchange rate of the euro to the Icelandic króna by the European Central Bank on the date of the entry into force of the Decision of the EEA Joint Committee No 173/2012 of 28 September 2012 incorporating this Regulation into the EEA Agreement, the exchange rate published by the Icelandic Central Bank on that same date shall apply.

For the purposes of the subsequent limits and maximum charges provided for in Article 8(2), Article 10(2) and Article 13(2), the reference exchange rates applied to determine the revised values shall, in the case of the Icelandic króna and in the absence of a corresponding publication by the European Central Bank, be the average of the exchange rates published by the Icelandic Central Bank two, three and four months preceding the date from which the revised values apply.”

<sup>{39}</sup> Indent added by Decision No 150/2018 (OJ L 67, 25.2.2021, p. 43 and EEA Supplement No 13, 25.2.2021, p. 46), e.i.f. 7.7.2018.

<sup>{40}</sup> Point inserted by Decision No 61/2006 (OJ L 245, 7.9.2006, p. 8 and EEA Supplement No 44, 7.9.2006, p. 7), e.i.f. 3.6.2006.

<sup>{41}</sup> Indent, and words “, as amended by:” added by Decision No 11/2008 (OJ L 154, 12.6.2008, p. 23 and EEA Supplement No 33, 12.6.2008, p. 18), e.i.f. 2.2.2008.

<sup>{42}</sup> Point inserted by Decision No 22/2007 (OJ L 209, 9.8.2007, p. 40 and EEA Supplement No 38, 9.8.2007, p. 27), e.i.f. 28.4.2007 and subsequently deleted by Decision No 190/2014 (OJ L 202, 30.7.2015, p. 42 and EEA Supplement No 43, 30.7.2015, p. 42), e.i.f. 26.9.2014.

<sup>{43}</sup> Point 5cu and adaptation text (Regulation (EC) No 717/2007) inserted by Decision No 143/2007 (OJ L 100, 10.4.2008, p. 84 and EEA Supplement No 19, 10.4.2008, p. 85), e.i.f. 22.12.2007 subsequently replaced by Decision No 173/2012 (OJ L 341, 13.12.2012, p. 25 and EEA Supplement No 70, 13.12.2012, p. 29), e.i.f. 7.12.2012.

<sup>{44}</sup> Indent and words “, as amended by:” added by Decision No 92/2016 (OJ L 300, 16.11.2017, p. 43 and EEA Supplement No 73, 16.11.2017, p. 47), e.i.f. 1.6.2017.

<sup>{45}</sup> Indent added by Decision No 105/2017 (OJ L 142, 7.6.2018, p. 3 and EEA Supplement No 37, 7.6.2018, p. 2), e.i.f. 14.6.2017.

- (c){<sup>46</sup>} Provisions of the Regulation conferring tasks to BEREC shall apply in accordance with, and from the date of entry into force of, a decision of the EEA Joint Committee incorporating of Regulation (EC) No 1211/2009 of the European Parliament and of the Council into the EEA Agreement.
- 5cua.{<sup>47</sup>} **32012 R 1203**: Commission Implementing Regulation (EU) No 1203/2012 of 14 December 2012 on the separate sale of regulated retail roaming services within the Union (OJ L 347, 15.12.2012, p. 1).
- 5cub.{<sup>48</sup>} **32020 R 2082**: Commission Implementing Regulation (EU) 2020/2082 of 14 December 2020 on setting the weighted average of maximum mobile termination rates across the Union and repealing Implementing Regulation (EU) 2019/2116 (OJ L 423, 15.12.2020, p. 18).
- 5cuc.{<sup>49</sup>} **32016 R 2286**: Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment (OJ L 344, 17.12.2016, p. 46), as amended by:
- {<sup>50</sup>} **32019 R 0296**: Commission Implementing Regulation (EU) 2019/296 of 20 February 2019 (OJ L 50, 21.2.2019, p. 4).
- 5cv.{<sup>51</sup>} **32007 D 0098**: Commission Decision 2007/98/EC of 14 February 2007 on the harmonised use of radio spectrum in the 2 GHz frequency bands for the implementation of systems providing mobile satellite services (OJ L 43, 15.2.2007, p. 32).
- 5cw.{<sup>52</sup>} **32019 D 0785**: Commission Implementing Decision (EU) 2019/785 of 14 May 2019 on the harmonisation of radio spectrum for equipment using ultra-wideband technology in the Union and repealing Decision 2007/131/EC (OJ L 127, 16.5.2019, p. 23).
- 5cx.{<sup>53</sup>} **32007 D 0116**: Commission Decision 2007/116/EC of 15 February 2007 on reserving the national numbering range beginning with ‘116’ for harmonised numbers for harmonised services of social value (OJ L 49, 17.2.2007, p. 30), as amended by:
- {<sup>54</sup>} **32007 D 0698**: Commission Decision 2007/698/EC of 29 October 2007 (OJ L 284, 30.10.2007, p. 31),
- {<sup>55</sup>} **32009 D 0884**: Commission Decision 2009/884/EC of 30 November 2009 (OJ L 317, 3.12.2009, p. 46)
- 5cy.{<sup>56</sup>} **32007 D 0176**: Commission Decision 2007/176/EC of 11 December 2006 establishing a list of standards and/or specifications for electronic communications networks, services and associated facilities and services and replacing all previous versions (OJ L 86, 27.3.2007, p. 11), as amended by:
- {<sup>57</sup>} **32008 D 0286**: Commission Decision 2008/286/EC of 17 March 2008 (OJ L 93, 4.4.2008, p. 24).

{<sup>46</sup>} Adaptation added by Decision No 105/2017 (OJ L 142, 7.6.2018, p. 3 and EEA Supplement No 37, 7.6.2018, p. 2), e.i.f. 14.6.2017.

{<sup>47</sup>} Point inserted by Decision No 57/2015 (OJ L 129, 19.5.2016, p. 41 and EEA Supplement No 29, 19.5.2016, p. 42), e.i.f. 21.3.2015.

{<sup>48</sup>} Point 5cub (Commission Implementing Regulation (EU) 2015/2352) inserted by Decision No 92/2016 (OJ L 300, 16.11.2017, p. 43 and EEA Supplement No 73, 16.11.2017, p. 47), e.i.f. 1.6.2017. Subsequently replaced by Decision No 105/2017 (OJ L 142, 7.6.2018, p. 3 and EEA Supplement No 37, 7.6.2018, p. 2), e.i.f. 14.6.2017. Subsequently replaced by Decision No 151/2018 (Commission Implementing Regulation (EU) 2017/2311) (OJ L 67, 25.2.2021, p. 44 and EEA Supplement No 13, 25.2.2021, p. 47), e.i.f. 7.7.2018. Subsequently replaced by Decision No 86/2019 (Commission Implementing Regulation (EU) 2018/1979) (OJ L 210, 2.7.2020, p. 71 and EEA Supplement No 44, 2.7.2020, p. 87), e.i.f. 30.3.2019 and subsequently replaced by Decision 135/2020 (Commission Implementing Regulation (EU) 2019/2116) (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 26.9.2020 and subsequently replaced by Decision No 118/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 20.3.2021.

{<sup>49</sup>} Point inserted by Decision No 105/2017 (OJ L 142, 7.6.2018, p. 3 and EEA Supplement No 37, 7.6.2018, p. 2), e.i.f. 14.6.2017.

{<sup>50</sup>} Indent and words “, as amended by:” added by Decision No 166/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 15.6.2019.

{<sup>51</sup>} Point inserted by Decision No 162/2007 (OJ L 124, 8.5.2008, p. 28 and EEA Supplement No 26, 8.5.2008, p. 23), e.i.f. 8.12.2007.

{<sup>52</sup>} Point 5cw (Commission Decision 2007/131/EC) inserted by Decision No 162/2007 (OJ L 124, 8.5.2008, p. 28 and EEA Supplement No 26, 8.5.2008, p. 23), e.i.f. 8.12.2007 subsequently replaced by Decision No 239/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 28.9.2019.

{<sup>53</sup>} Point inserted by Decision No 11/2008 (OJ L 154, 12.6.2008, p. 23 and EEA Supplement No 33, 12.6.2008, p. 18), e.i.f. 2.2.2008.

{<sup>54</sup>} Indent, and words “, as amended by:” added by Decision No 83/2008 (OJ L 280, 23.10.2008, p. 17 and EEA Supplement No 64, 23.10.2008, p. 10), e.i.f. 5.7.2008.

{<sup>55</sup>} Indent added by Decision No 99/2011 (OJ L 318, 1.12.2011, p. 37 and EEA Supplement No 65, 1.12.2011, p. 10), e.i.f. 1.10.2011.

{<sup>56</sup>} Point inserted by Decision No 11/2008 (OJ L 154, 12.6.2008, p. 23 and EEA Supplement No 33, 12.6.2008, p. 18), e.i.f. 2.2.2008.



- 5cz.<sup>{58}</sup> **32006 D 0771(01)**: Commission Decision 2006/771/EC of 9 November 2006 on harmonisation of the radio spectrum for use by short-range devices (OJ L 312, 11.11.2006, p. 66) , as amended by:
- <sup>{59}</sup> **32008 D 0432**: Commission Decision 2008/432/EC of 23 May 2008 (OJ L 151, 11.6.2008, p. 49), as corrected by OJ L 212, 7.8.2008, p. 15,
  - <sup>{60}</sup> **32009 D 0381**: Commission Decision 2009/381/EC of 13 May 2009 (OJ L 119, 14.5.2009, p. 32),
  - <sup>{61}</sup> **32010 D 0368**: Commission Decision 2010/368/EU of 30 June 2010 (OJ L 166, 1.7.2010, p. 33),
  - <sup>{62}</sup> **32011 D 0829**: Commission Implementing Decision 2011/829/EU of 8 December 2011 (OJ L 329, 13.12.2011, p. 10),
  - <sup>{63}</sup> **32013 D 0752**: Commission Implementing Decision 2013/752/EU of 11 December 2013 (OJ L 334, 13.12.2013, p. 17),
  - <sup>{64}</sup> **32017 D 1483**: Commission Implementing Decision (EU) 2017/1483 of 8 August 2017 (OJ L 214, 18.8.2017, p. 3),
  - <sup>{65}</sup> **32019 D 1345**: Commission Implementing Decision (EU) 2019/1345 of 2 August 2019 (OJ L 212, 13.8.2019, p. 53).
- 5cza. [ ]<sup>{66}</sup>
- 5czb.<sup>{67}</sup> **32007 D 0344**: Commission Decision 2007/344/EC of 16 May 2007 on harmonised availability of information regarding spectrum use within the Community (OJ L 129, 17.5.2007, p. 67).
- 5czc.<sup>{68}</sup> **32008 D 0294**: Commission Decision 2008/294/EC of 7 April 2008 on harmonised conditions of spectrum use for the operation of mobile communication services on aircraft (MCA services) in the Community (OJ L 98, 10.4.2008, p. 19), as amended by:
- <sup>{69}</sup> **32013 D 0654**: Commission Implementing Decision 2013/654/EU of 12 November 2013 (OJ L 303, 14.11.2013, p. 48), as amended by:
    - <sup>{70}</sup> **32016 D 2317**: Commission Implementing Decision (EU) 2016/2317 of 16 December 2016 (OJ L 345, 20.12.2016, p. 67),
  - <sup>{71}</sup> **32016 D 2317**: Commission Implementing Decision (EU) 2016/2317 of 16 December 2016 (OJ L 345, 20.12.2016, p. 67).

<sup>{57}</sup> Indent, and words “, as amended by:” added by Decision No 115/2008 (OJ L 339, 18.12.2008, p. 105 and EEA Supplement No 79, 18.12.2008, p. 14), e.i.f. 8.11.2008.

<sup>{58}</sup> Point inserted by Decision No 84/2008 (OJ L 280, 23.10.2008, p. 18 and EEA Supplement No 64, 23.10.2008, p. 11), e.i.f. 5.7.2008 and subsequently corrected by Corrigendum of 16.5.2014.

<sup>{59}</sup> Indent and words “, as amended by:” added by Decision No 83/2009 (OJ L 277, 22.10.2009, p. 35 and EEA Supplement No 56, 22.10.2009, p. 12), e.i.f. 4.7.2009.

<sup>{60}</sup> Indent added by Decision No 98/2011 (OJ L 318, 1.12.2011, p. 36 and EEA Supplement No 65, 1.12.2011, p. 8), e.i.f. 1.10.2011.

<sup>{61}</sup> Indent added by Decision No 108/2012 (OJ L 270, 4.10.2012, p. 30 and EEA Supplement No 56, 4.10.2012, p. 30), e.i.f. 16.6.2012.

<sup>{62}</sup> Indent added by Decision No 39/2013 (OJ L 231, 29.8.2013, p. 13 and EEA Supplement No 49, 29.8.2013, p. 15), e.i.f. 16.3.2013.

<sup>{63}</sup> Indent added by Decision No 190/2014 (OJ L 202, 30.7.2015, p. 42 and EEA Supplement No 43, 30.7.2015, p. 42), e.i.f. 26.9.2014.

<sup>{64}</sup> Indent added by Decision No 240/2017 (OJ L 254, 3.10.2019, p. 52 and EEA Supplement No 80, 3.10.2019, p. 55), e.i.f. 16.12.2017.

<sup>{65}</sup> Indent added by Decision No 312/2019 (OJ L 68, 5.3.2020, p. 67 and EEA Supplement No 14, 5.3.2020, p. 74), e.i.f. 14.12.2019.

<sup>{66}</sup> Point 5cza (Commission Decision 2006/804/EC) inserted by Decision No 84/2008 (OJ L 280, 23.10.2008, p. 18 and EEA Supplement No 64, 23.10.2008, p. 11), e.i.f. 5.7.2008 subsequently deleted with effect from 1.1.2018 by Decision No 240/2017 (OJ L 254, 3.10.2019, p. 52 and EEA Supplement No 80, 3.10.2019, p. 55), e.i.f. 16.12.2017

<sup>{67}</sup> Point inserted by Decision No 84/2008 (OJ L 280, 23.10.2008, p. 18 and EEA Supplement No 64, 23.10.2008, p. 11), e.i.f. 5.7.2008.

<sup>{68}</sup> Point inserted by Decision No 31/2009 (OJ L 130, 28.5.2009, p. 25 and EEA Supplement No 28, 28.5.2009, p. 23), e.i.f. 18.3.2009.

<sup>{69}</sup> Indent and words “, as amended by:” added by Decision No 227/2014 (OJ L 230, 3.9.2015, p. 30 and EEA Supplement No 52, 3.9.2015, p. 30), e.i.f. 1.11.2014.

<sup>{70}</sup> Indent and words “, as amended by:” added by Decision No 143/2017 (OJ L 128, 16.5.2019, p. 43 and EEA Supplement No 40, 16.5.2019, p. 43), e.i.f. 8.7.2017.

<sup>{71}</sup> Indent added by Decision No 143/2017 (OJ L 128, 16.5.2019, p. 43 and EEA Supplement No 40, 16.5.2019, p. 43), e.i.f. 8.7.2017.

- 5czd. <sup>{72}</sup> **32008 D 0411**: Commission Decision 2008/411/EC of 21 May 2008 on the harmonisation of the 3 400-3 800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community (OJ L 144, 4.6.2008, p. 77), as amended by:
- <sup>{73}</sup> **32014 D 0276**: Commission Implementing Decision 2014/276/EU of 2 May 2014 (OJ L 139, 14.5.2014, p. 18),
  - <sup>{74}</sup> **32019 D 0235**: Commission Implementing Decision (EU) 2019/235 of 24 January 2019 (OJ L 37, 8.2.2019, p. 135), as corrected by OJ L 92, 1.4.2019, p. 11.
- 5cze. <sup>{75}</sup> **32008 D 0477**: Commission Decision 2008/477/EC of 13 June 2008 on the harmonisation of the 2 500-2 690 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community (OJ L 163, 24.6.2008, p. 37), as amended by:
- <sup>{76}</sup> **32020 D 0636**: Commission Implementing Decision (EU) 2020/636 of 8 May 2020 (OJ L 149, 12.5.2020, p. 3).
- 5czf. <sup>{77}</sup> **32020 D 1426**: Commission Implementing Decision (EU) 2020/1426 of 7 October 2020 on the harmonised use of radio spectrum in the 5 875-5 935 MHz frequency band for safety-related applications of intelligent transport systems (ITS) and repealing Decision 2008/671/EC (OJ L 328, 9.10.2020, p. 19).
- 5czg. <sup>{78}</sup> **32010 D 0166**: Commission Decision 2010/166/EU of 19 March 2010 on harmonised conditions of use of radio spectrum for mobile communication services on board vessels (MCV services) in the European Union (OJ L 72, 20.3.2010, p. 38), as amended by:
- <sup>{79}</sup> **32017 D 0191**: Commission Implementing Decision (EU) 2017/191 of 1 February 2017 (OJ L 29, 3.2.2017, p. 63).
- 5czh. <sup>{80}</sup> **32010 D 0267**: Commission Decision 2010/267/EU of 6 May 2010 on harmonised technical conditions of use in the 790-862 MHz frequency band for terrestrial systems capable of providing electronic communications services in the European Union (OJ L 117, 11.5.2010, p. 95).
- 5czi. <sup>{81}</sup> **32012 D 0688**: Commission Implementing Decision 2012/688/EU of 5 November 2012 on the harmonisation of the frequency bands 1 920-1 980 and 2 110-2 170 MHz for terrestrial systems capable of providing electronic communications services in the Union (OJ L 307, 7.11.2012, p. 84), as amended by:
- <sup>{82}</sup> **32020 D 0667**: Commission Implementing Decision (EU) 2020/667 of 6 May 2020 (OJ L 156, 19.5.2020, p. 6).
- 5czj. <sup>{83}</sup> **32014 D 0641**: Commission Implementing Decision 2014/641/EU of 1 September 2014 on harmonised technical conditions of radio spectrum use by wireless audio programme making and special events equipment in the Union (OJ L 263, 3.9.2014, p. 29).

---

<sup>{72}</sup> Point inserted by Decision No 96/2009 (OJ L 304, 19.11.2009, p. 8 and EEA Supplement No 61, 19.11.2009, p. 3), e.i.f. 26.9.2009.

<sup>{73}</sup> Indent and words “, as amended by:” added by Decision No 191/2014 (OJ L 202, 30.7.2015, p. 43 and EEA Supplement No 43, 30.7.2015, p. 43), e.i.f. 26.9.2014.

<sup>{74}</sup> Indent added by Decision No 126/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.6.2019.

<sup>{75}</sup> Point inserted by Decision No 96/2009 (OJ L 304, 19.11.2009, p. 8 and EEA Supplement No 61, 19.11.2009, p. 3), e.i.f. 26.9.2009

<sup>{76}</sup> Indent and words “, as amended by:” added by Decision No 57/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.

<sup>{77}</sup> Point 5czf (Commission Decision 2008/671/EC) inserted by Decision No 96/2009 (OJ L 304, 19.11.2009, p. 8 and EEA Supplement No 61, 19.11.2009, p. 3), e.i.f. 26.9.2009 and subsequently replaced by Decision No 58/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.

<sup>{78}</sup> Point inserted by Decision No 100/2011 (OJ L 318, 1.12.2011, p. 38 and EEA Supplement No 65, 1.12.2011, p. 11), e.i.f. 1.10.2011.

<sup>{79}</sup> Indent and words “, as amended by:” added by Decision No 183/2017 (OJ L 174, 27.6.2019, p. 54 and EEA Supplement No 52, 27.6.2019, p. 65), e.i.f. 23.9.2017.

<sup>{80}</sup> Point inserted by Decision No 128/2012 (OJ L 309, 8.11.2012, p. 7 and EEA Supplement No 63, 8.11.2012, p. 8), e.i.f. 14.7.2012.

<sup>{81}</sup> Point inserted by Decision No 200/2013 (OJ L 92, 27.03.2014, p. 26 and EEA Supplement No 19, 27.03.2014, p. 29), e.i.f. 9.11.2013.

<sup>{82}</sup> Indent and words “, as amended by:” added by Decision No 57/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.

<sup>{83}</sup> Point inserted by Decision No 58/2015 (OJ L 129, 19.5.2016, p. 42 and EEA Supplement No 29, 19.5.2016, p. 43), e.i.f. 21.3.2015.

- 5czk.<sup>{84}</sup> **32015 D 0750**: Commission Implementing Decision (EU) 2015/750 of 8 May 2015 on the harmonisation of the 1 452-1 492 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Union (OJ L 119, 12.5.2015, p. 27), as amended by:
- <sup>{85}</sup> **32018 D 0661**: Commission Implementing Decision (EU) 2018/661 of 26 April 2018 (OJ L 110, 30.4.2018, p. 127).
- 5czl.<sup>{86}</sup> **32016 D 0339**: Commission Implementing Decision (EU) 2016/339 of 8 March 2016 on the harmonisation of the 2 010-2 025 MHz frequency band for portable or mobile wireless video links and cordless cameras used for programme making and special events (OJ L 63, 10.3.2016, p. 5).
- 5czm.<sup>{87}</sup> **32016 D 0687**: Commission Implementing Decision (EU) 2016/687 of 28 April 2016 on the harmonisation of the 694-790 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services and for flexible national use in the Union (OJ L 118, 4.5.2016, p. 4).
- 5czn.<sup>{88}</sup> **32014 L 0061**: Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks (OJ L 155, 23.5.2014, p. 1).
- 5czo.<sup>{89}</sup> **32017 D 0899**: Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union (OJ L 138, 25.5.2017, p. 131).
- 5czp.<sup>{90}</sup> **32019 D 0784**: Commission Implementing Decision (EU) 2019/784 of 14 May 2019 on harmonisation of the 24,25-27,5 GHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services in the Union (OJ L 127, 16.5.2019, p. 13), as amended by:
- <sup>{91}</sup> **32020 D 0590**: Commission Implementing Decision (EU) 2020/590 of 24 April 2020 (OJ L 138, 30.4.2020, p. 19).
- 5czq.<sup>{92}</sup> **32018 D 1538**: Commission Implementing Decision (EU) 2018/1538 of 11 October 2018 on the harmonisation of radio spectrum for use by short-range devices within the 874-876 and 915-921 MHz frequency bands (OJ L 257, 15.10.2018, p. 57).

The provisions of the Decision shall, for the purposes of this Agreement, be read with the following adaptation:

This Decision shall not apply to Liechtenstein.

### Postal services <sup>{93}</sup>

- 5d. **397 L 0067**: Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21.1.1998, p. 14), as amended by:

<sup>{84}</sup> Point inserted by Decision No 220/2015 (OJ L 85, 30.3.2017, p. 43 and EEA Supplement No 19, 30.3.2017, p. 42), e.i.f. 26.9.2015.

<sup>{85}</sup> Indent, and words “, as amended by:” added by Decision No 194/2018 (OJ L 75, 4.3.2021, p. 30 and EEA Supplement No 15, 4.3.2021, p. 29), e.i.f. 22.9.2018.

<sup>{86}</sup> Point inserted by Decision No 153/2016 (OJ L 73, 15.3.2018, p. 28 and EEA Supplement No 16, 15.3.2018, p. 32), e.i.f. 9.7.2016.

<sup>{87}</sup> Point inserted by Decision No 242/2016 (OJ L 215, 23.8.2018, p. 41 and EEA Supplement No 56, 23.8.2018, p. 50), e.i.f. 3.12.2016.

<sup>{88}</sup> Point inserted by Decision No 152/2018 (OJ L 67, 25.2.2021, p. 45 and EEA Supplement No 13, 25.2.2021, p. 48), e.i.f. 1.7.2020.

<sup>{89}</sup> Point inserted by Decision No 153/2018 (OJ L 67, 25.2.2021, p. 46 and EEA Supplement No 13, 25.2.2021, p. 49), e.i.f. 1.1.2020.

<sup>{90}</sup> Point inserted by Decision No 262/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 26.10.2019.

<sup>{91}</sup> Indent and words “, as amended by:” added by Decision No 57/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.

<sup>{92}</sup> Point inserted by Decision No 216/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 12.12.2020.

<sup>{93}</sup> Heading and point inserted by Decision No 91/98 (OJ L 189, 22.7.1999, p. 64 and EEA Supplement No 32, 22.7.1999, p. 141), e.i.f. 1.5.1999.

-<sup>{94}</sup> **32002 L 0039**: Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002 (OJ L 176, 5.7.2002, p. 21),

-<sup>{95}</sup> **32008 L 0006**: Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 (OJ L 52, 27.2.2008, p. 3), as corrected by OJ L 225, 28.8.2015, p. 49.

<sup>{96}</sup> The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for Poland (Annex XII, Chapter 12) shall apply.

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) <sup>{97}</sup> ‘in Article 5(2), the words “Treaty, in particular Articles 30 and 46 thereof” shall be replaced by the words “EEA Agreement, in particular Articles 13 and 33 thereof”.

(b) <sup>{98}</sup> [ ]

### **Data Protection <sup>{99}</sup>**

5da.<sup>{100}</sup> **32010 D 0811(01)**: Commission Decision 2010/C 217/07 of 10 August 2010 establishing the European Regulators Group for Postal Services (OJ C 217, 11.8.2010, p. 7).

5e.<sup>{101}</sup> **32016 R 0679**: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1), as corrected by OJ L 127, 23.5.2018, p. 2.

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) The supervisory authorities of the EFTA States shall participate in the activities of the European Data Protection Board, hereinafter referred to as “the Board”. To that effect, they shall, but for the right to vote and to stand for election as chair or deputy chairs of the Board, have the same rights and obligations as supervisory authorities of the EU Member States in the Board, unless otherwise provided in this Agreement. The positions of the supervisory authorities of the EFTA States shall be recorded separately by the Board.

The rules of procedures of the Board shall give full effect to the participation of the supervisory authorities of the EFTA States and the EFTA Surveillance Authority with the exception of voting rights and to stand for election as chair or deputy chairs of the Board.

(b) Notwithstanding the provisions of Protocol 1 to this Agreement, and unless otherwise provided for in this Agreement, the terms “Member State(s)” and “supervisory authorities” shall be understood to include, in addition to their meaning in the Regulation, the EFTA States and their supervisory authorities, respectively.

(c) References to Union law or Union data protection provisions shall be understood as referring to the EEA Agreement or data protection provisions contained therein, respectively.

(d) In Articles 13(1)(f) and 14(1)(f), as regards the EFTA States, the words “applicable pursuant to the EEA Agreement” shall be inserted after the words “adequacy decision by the Commission”.

---

<sup>{94}</sup> Indent, and words “, as amended by:” added by Decision No 168/2002 (OJ L 38, 13.2.2003, p. 30 and EEA Supplement No 9, 13.2.2003, p. 21), e.i.f. 1.8.2003.

<sup>{95}</sup> Indent added by Decision No 136/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

<sup>{96}</sup> Text added by the 2004 EEA Enlargement Agreement (OJ L 130, 29.4.2004, p. 3 and EEA Supplement No 23, 29.4.2004, p. 1), e.i.f. 1.5.2004.

<sup>{97}</sup> Adaptation text (a) replaced by Decision No 136/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

<sup>{98}</sup> Adaptation text (b) deleted by Decision No 136/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

<sup>{99}</sup> Heading inserted by Decision No 83/1999 (OJ L 296, 23.11.2000, p. 41 and EEA Supplement No 43, 23.11.2000, p. 112 (I) and p. 81 Del 2 (N)), e.i.f. 1.7.2000.

<sup>{100}</sup> Point inserted by Decision 136/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

<sup>{101}</sup> Point 5e (Directive 95/46/EC of the European Parliament and of the Council) replaced by Decision 154/2018 (OJ L 183, 19.7.2018, p. 23 and EEA Supplement No 46, 19.7.2018, p. 1), e.i.f. 20.7.2018. Corrigendum to the EU act taken note of by the EEA Joint Committee on 6.7.2018.

- (e) In Article 45, as regards the EFTA States, the following shall be inserted after paragraph 1:
- “1a. Pending a decision by the EEA Joint Committee to incorporate into the EEA Agreement an implementing act adopted pursuant to paragraphs 3 or 5 of this Article an EFTA State may decide to apply the measures contained therein.
- Each EFTA State shall decide and inform the Commission and the EFTA Surveillance Authority, before the entry into force of any implementing act adopted pursuant to paragraphs 3 or 5 of this Article, whether it, pending a decision by the EEA Joint Committee to incorporate the implementing act into the EEA Agreement, will apply the measures contained therein at the same time as the EU Member States or not. In the absence of a decision to the contrary, each EFTA State shall apply the measures contained in an implementing act adopted pursuant to paragraphs 3 or 5 of this Article at the same time as the EU Member States.
- Notwithstanding Article 102 of the Agreement, if an agreement on the incorporation into the EEA Agreement of an implementing act adopted pursuant to paragraphs 3 or 5 of this Article cannot be reached in the EEA Joint Committee within twelve months of the entry into force of that implementing act, any EFTA State may discontinue the application of such measures and shall inform the Commission and the EFTA Surveillance Authority thereof without delay.
- The other Contracting Parties to the EEA Agreement shall, by way of derogation from Article 1(3), restrict or prohibit the free flow of personal data to an EFTA State which does not apply the measures contained in an implementing act adopted pursuant to paragraph 5 of this Article in the same way as these measures prevent the transfer of personal data to a third country or an international organisation.”
- (f) Whenever the EU enters into consultations with third countries or international organisations with the aim of adopting an adequacy decision pursuant to Article 45, the EFTA States shall be kept duly informed. In cases where the third country or the international organisation undertakes specific obligations regarding the processing of personal data from the member states, the EU will take into account the situation of EFTA States and discuss with third countries or international organisation possible mechanisms for subsequent possible application by the EFTA States.
- (g) In Article 46(2)(d) the following shall be added:
- “The supervisory authorities of the EFTA States shall have the same right as EU supervisory authorities to submit standard data protection clauses to the Commission for approval pursuant to the examination procedure referred to in Article 93(2).”
- (h) In Article 46, as regards the EFTA States, the following paragraph shall be inserted after paragraph 2:
- “2a. Pending a decision by the EEA Joint Committee to incorporate into the EEA Agreement an implementing act, the appropriate safeguards referred to in paragraph 1 may be provided for by standard data protection clauses referred to in points (c) and (d) of Article 46(2) where an EFTA State applies the measures contained therein.
- Each EFTA State shall decide and inform the Commission and the EFTA Surveillance Authority, before the entry into force of implementing acts adopted pursuant to points (c) and (d) of Article 46(2), whether it, pending a decision by the EEA Joint Committee to incorporate the implementing act into the EEA Agreement, will apply the measures contained therein at the same time as the EU Member States or not. In the absence of a decision to the contrary, each EFTA State shall apply the measures contained in an implementing act adopted pursuant to points (c) and (d) of Article 46(2) at the same time as the EU Member States.
- Notwithstanding Article 102 of the Agreement, if an agreement on the incorporation into the EEA Agreement of an implementing act adopted pursuant to points (c) and (d) of Article 46(2) cannot be reached in the EEA Joint Committee within twelve months of the entry into force of that implementing act, any EFTA State may discontinue the application of such measures and shall inform the Commission and the EFTA Surveillance Authority thereof without delay.”
- (i) In Article 58(4), as regards the EFTA States, the words “in accordance with the Charter” shall not apply.
- (j) In Article 59, the words “, to the EFTA Surveillance Authority” shall be inserted after the words “to the Commission”.
- (k) The EFTA Surveillance Authority shall have the right to participate in the meetings of the Board without voting right. The EFTA Surveillance Authority shall designate a representative.
- (l) Where it is relevant to the exercise of its functions under Article 109 of this Agreement, the EFTA Surveillance Authority shall have the right to request advice or opinions from, and to communicate matters to, the Board pursuant to Articles 63, 64(2), 65(1)(c) and 70(1)(e). In Articles 63, 64(2), 65(1)(c), and 70(1)(e), the words “and, where relevant, the EFTA Surveillance Authority” shall be added after the words “the Commission”.

- (m) The Chair of the Board, or the secretariat, shall communicate to the EFTA Surveillance Authority the activities of the Board, where relevant pursuant to Articles 64(5)(a) and (b), 65(5), and 75(6)(b). In Articles 64(5)(a) and (b), 65(5), and 75(6)(b), the words “and, where relevant, the EFTA Surveillance Authority” shall be added after the words “the Commission”.

Where it is relevant to the exercise of its functions under Article 109 of this Agreement, the EFTA Surveillance Authority shall have the right to receive information from a supervisory authority of one of EFTA States concerned pursuant to Article 66(1). In Article 66(1) the words “and, where relevant, the EFTA Surveillance Authority” shall be added after the words “the Commission”.

- (n) In Article 71(1), the words “, to the Standing Committee of the EFTA States, to the EFTA Surveillance Authority” shall be inserted after the words “to the Council”.
- (o) In Article 73(1), the following sentence shall be added:  
“The EFTA States’ members of the Board shall not be eligible to be elected as chair or deputy chairs.

5ea.<sup>{102}</sup> **32000 D 0518**: Commission Decision 2000/518/EC of 26 July 2000 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data provided in Switzerland (OJ L 215, 25.8.2000, p. 1), as amended by:

-<sup>{103}</sup> **32016 D 2295**: Commission Implementing Decision (EU) 2016/2295 of 16 December 2016 (OJ L 344, 17.12.2016, p. 83).

5eb. [ ]<sup>{104}</sup>

5ec. [ ]<sup>{105}</sup>

5ed.<sup>{106}</sup> **32001 D 0497**: Commission Decision 2001/497/EC of 15 June 2001 on standard contractual clauses for the transfer of personal data to third countries, under Directive 95/46/EC (OJ L 181, 4.7.2001, p. 19), as corrected by OJ L 253, 21.9.2001, p. 34, as amended by:

-<sup>{107}</sup> **32004 D 0915**: Commission Decision 2004/915/EC of 27 December 2004 (OJ L 385, 29.12.2004, p. 74),

-<sup>{108}</sup> **32016 D 2297**: Commission Implementing Decision (EU) 2016/2297 of 16 December 2016 (OJ L 344, 17.12.2016, p. 100).

5ee.<sup>{109}</sup> **32002 D 0002**: Commission Decision 2002/2/EC of 20 December 2001 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data provided by the Canadian Personal Information Protection and Electronic Documents Act (OJ L 2, 4.1.2002, p. 13), as amended by:

-<sup>{110}</sup> **32016 D 2295**: Commission Implementing Decision (EU) 2016/2295 of 16 December 2016 (OJ L 344, 17.12.2016, p. 83).

<sup>{102}</sup> Point inserted by Decisions No 108/2000 (OJ L 45, 15.2.2001, p. 47 and EEA Supplement No 8, 15.2.2001, p. 47), e.i.f. 1.7.2001.

<sup>{103}</sup> Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

<sup>{104}</sup> Point 5eb (Commission Decision 2000/519/EC) inserted by Decisions No 108/2000 (OJ L 45, 15.2.2001, p. 47 and EEA Supplement No 8, 15.2.2001, p. 47), e.i.f. 1.7.2001 and subsequently deleted by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

<sup>{105}</sup> Point inserted by Decisions No 108/2000 (OJ L 45, 15.2.2001, p. 47 and EEA Supplement No 8, 15.2.2001, p. 47), e.i.f. 1.7.2001. Text of point 5ec (Commission Decision 2000/520/EC) deleted by Decision No 315/2015 (OJ L 263, 12.10.2017, p. 34 and EEA Supplement No 64, 12.10.2017, p. 42), e.i.f. 12.12.2015.

<sup>{106}</sup> Point inserted by Decisions No 4/2002 (OJ L 88, 4.4.2002, p. 7 and EEA Supplement No 17, 4.4.2002, p. 5), e.i.f. 2.2.2002.

<sup>{107}</sup> Indent and words “, as amended by:” above, added by Decision No 9/2006 (OJ L 92, 30.3.2006, p. 31 and EEA Supplement No 17, 30.3.2006, p. 10), e.i.f. 28.1.2006.

<sup>{108}</sup> Indent added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

<sup>{109}</sup> Point inserted by Decision No 87/2002 (OJ L 266, 3.10.2002, p. 54 and EEA Supplement No 49, 3.10.2002, p. 41), e.i.f. 26.6.2002.

<sup>{110}</sup> Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

- 5ef.<sup>{111}</sup> **32010 D 0087**: Commission Decision 2010/87/EU of 5 February 2010 on standard contractual clauses for the transfer of personal data to processors established in third countries under Directive 95/46/EC of the European Parliament and of the Council (OJ L 39, 12.2.2010, p. 5), as amended by:
- <sup>{112}</sup> **32016 D 2297**: Commission Implementing Decision (EU) 2016/2297 of 16 December 2016 (OJ L 344, 17.12.2016, p. 100).
- 5eg.<sup>{113}</sup> **32003 D 0490**: Commission Decision 2003/490/EC of 30 June 2003 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Argentina (OJ L 168, 5.7.2003, p. 19), as amended by:
- <sup>{114}</sup> **32016 D 2295**: Commission Implementing Decision (EU) 2016/2295 of 16 December 2016 (OJ L 344, 17.12.2016, p. 83).
- 5eh.<sup>{115}</sup> **32003 D 0821**: Commission Decision 2003/821/EC of 21 November 2003 on the adequate protection of personal data in Guernsey (OJ L 308, 25.11.2003, p. 27), as amended by:
- <sup>{116}</sup> **32016 D 2295**: Commission Implementing Decision (EU) 2016/2295 of 16 December 2016 (OJ L 344, 17.12.2016, p. 83).
- 5ei.<sup>{117}</sup> **32004 D 0411**: Commission Decision 2004/411/EC of 28 April 2004 on the adequate protection of personal data in the Isle of Man (OJ L 151, 30.4.2004, p. 48), as corrected by OJ L 208, 10.6.2004, p. 47, as amended by:
- <sup>{118}</sup> **32016 D 2295**: Commission Implementing Decision (EU) 2016/2295 of 16 December 2016 (OJ L 344, 17.12.2016, p. 83).
- 5ej. [ ]<sup>{119}</sup>
- 5ek.<sup>{120}</sup> **32008 D 0393**: Commission Decision 2008/393/EC of 8 May 2008 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Jersey (OJ L 138, 28.5.2008, p. 21), as amended by:
- <sup>{121}</sup> **32016 D 2295**: Commission Implementing Decision (EU) 2016/2295 of 16 December 2016 (OJ L 344, 17.12.2016, p. 83).
- 5el.<sup>{122}</sup> **32010 D 0146**: Commission Decision 2010/146/EU of 5 March 2010 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection provided by the Faeroese Act on processing of personal data (OJ L 58, 9.3.2010, p. 17), as amended by:

---

<sup>{111}</sup> Point (Commission Decision 2002/16/EC) inserted by Decision No 87/2002 (OJ L 266, 3.10.2002, p. 54 and EEA Supplement No 49, 3.10.2002, p. 41), e.i.f. 26.6.2002 and subsequently replaced by Decision No 79/2011 (OJ L 262, 6.10.2011, p. 50 and EEA Supplement No 54, 6.10.2011, p. 63), e.i.f. 2.7.2011.

<sup>{112}</sup> Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

<sup>{113}</sup> Point inserted by Decision No 75/2004 (OJ L 349, 25.11.2004, p. 33 and EEA Supplement No 59, 25.11.2004, p. 9), e.i.f. 9.6.2004.

<sup>{114}</sup> Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

<sup>{115}</sup> Point inserted by Decision No 105/2004 (OJ L 376, 23.12.2004, p. 35 and EEA Supplement No 65, 23.12.2004, p. 25), e.i.f. 10.7.2004.

<sup>{116}</sup> Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

<sup>{117}</sup> Point inserted by Decision No 39/2005 (OJ L 198, 28.7.2005, p. 36 and EEA Supplement No 38, 28.7.2005, p. 21), e.i.f. 12.3.2005.

<sup>{118}</sup> Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

<sup>{119}</sup> Point inserted by Decision No 104/2005 (OJ L 306, 24.11.2005, p. 39 and EEA Supplement No 60, 24.11.2005, p. 25), e.i.f. 9.7.2005, and subsequently deleted by Decision No 47/2009 (OJ L 162, 25.6.2009, p. 28 and EEA Supplement No 33, 25.6.2009, p. 13), e.i.f. 25.4.2009.

<sup>{120}</sup> Point inserted by Decision No 47/2009 (OJ L 162, 25.6.2009, p. 28 and EEA Supplement No 33, 25.6.2009, p. 13 ), e.i.f. 25.4.2009.

<sup>{121}</sup> Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

<sup>{122}</sup> Point inserted by Decision No 101/2011 (OJ L 318, 1.12.2011, p. 39 and EEA Supplement No 65, 1.12.2011, p. 12), e.i.f. 1.10.2011.

- {<sup>123</sup>} **32016 D 2295**: Commission Implementing Decision (EU) 2016/2295 of 16 December 2016 (OJ L 344, 17.12.2016, p. 83).
- 5em.{<sup>124</sup>} **32010 D 0625**: Commission Decision 2010/625/EU of 19 October 2010 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Andorra (OJ L 277, 21.10.2010, p. 27), as amended by:
- {<sup>125</sup>} **32016 D 2295**: Commission Implementing Decision (EU) 2016/2295 of 16 December 2016 (OJ L 344, 17.12.2016, p. 83).
- 5en.{<sup>126</sup>} **32011 D 0061**: Commission Decision 2011/61/EU of 31 January 2011 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by the State of Israel with regard to automated processing of personal data (OJ L 27, 1.2.2011, p. 39), as amended by:
- {<sup>127</sup>} **32016 D 2295**: Commission Implementing Decision (EU) 2016/2295 of 16 December 2016 (OJ L 344, 17.12.2016, p. 83).
- 5eo.{<sup>128</sup>} **32012 D 0484**: Commission Implementing Decision 2012/484/EU of 21 August 2012 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by the Eastern Republic of Uruguay with regard to automated processing of personal data (OJ L 227, 23.8.2012, p. 11), as amended by:
- {<sup>129</sup>} **32016 D 2295**: Commission Implementing Decision (EU) 2016/2295 of 16 December 2016 (OJ L 344, 17.12.2016, p. 83).
- 5ep.{<sup>130</sup>} **32013 D 0065**: Commission Implementing Decision 2013/65/EU of 19 December 2012 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by New Zealand (OJ L 28, 30.1.2013, p. 12), as amended by:
- {<sup>131</sup>} **32016 D 2295**: Commission Implementing Decision (EU) 2016/2295 of 16 December 2016 (OJ L 344, 17.12.2016, p. 83).
- 5eq. [ ]{<sup>132</sup>}
- 5er. {<sup>133</sup>} **32019 D 0419**: Commission Implementing Decision (EU) 2019/419 of 23 January 2019 pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the adequate protection of personal data by Japan under the Act on the Protection of Personal Information (OJ L 76, 19.3.2019, p. 1).
- 5es. {<sup>134</sup>} **32018 D 0743**: Commission Implementing Decision (EU) 2018/743 of 16 May 2018 on a pilot project to implement the administrative cooperation provisions set out in Regulation (EU) 2016/679 of the

{<sup>123</sup>} Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

{<sup>124</sup>} Point inserted by Decision No 137/2011 (OJ L 76, 15.3.2012, p. 21 and EEA Supplement No 15, 15.3.2012, p. 26), e.i.f. 3.12.2011.

{<sup>125</sup>} Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

{<sup>126</sup>} Point inserted by Decision No 138/2011 (OJ L 76, 15.3.2012, p. 22 and EEA Supplement No 15, 15.3.2012, p. 27), e.i.f. 3.12.2011.

{<sup>127</sup>} Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

{<sup>128</sup>} Point inserted by Decision No 40/2013 (OJ L 231, 29.8.2013, p. 14 and EEA Supplement No 49, 29.8.2013, p. 16), e.i.f. 16.3.2013.

{<sup>129</sup>} Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

{<sup>130</sup>} Point inserted by Decision No 119/2013 (OJ L 318, 28.11.2013, p. 21 and EEA Supplement No 67, 28.11.2013, p. 24), e.i.f. 15.6.2013.

{<sup>131</sup>} Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.

{<sup>132</sup>} Point 5eq (Commission Implementing Decision (EU) 2016/1250) inserted by Decision No 144/2017 (OJ L 128, 16.5.2019, p. 44 and EEA Supplement No 40, 16.5.2019, p. 45), e.i.f. 8.7.2017 and subsequently deleted by Decision No 217/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 12.12.2020.

{<sup>133</sup>} Point inserted by Decision No 240/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 28.9.2019.

{<sup>134</sup>} Point inserted by Decision No 241/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 28.9.2019.



European Parliament and of the Council by means of the Internal Market Information System (OJ L 123, 18.5.2018, p. 115).

- 5f. [ ]<sup>{135}</sup>
- 5g. [ ]<sup>{136}</sup>
- 5ga. [ ]<sup>{137}</sup>
- 5h. [ ]<sup>{138}</sup>

5ha.<sup>{139}</sup> **32002 L 0058**: Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

- (a) In Article 1(3), the words ‘the Treaty establishing the European Community’ shall be replaced with the words ‘EEA Agreement’.
- (b) In Article 15(1), the words ‘general principles of Community law, including those referred to in Article 6(1) and (2) of the Treaty on European Union’ shall be replaced with the words ‘general principles of EEA law’.

Procedures for the association of Liechtenstein, Iceland and Norway in accordance with Article 101 of the Agreement:

The person appointed by each EFTA State to participate as observer in the meetings of the Working Party on the Protection of individuals with regard to the Processing of Personal Data may, under the same terms and conditions as set out in point 5e (Directive 95/46/EC of the European Parliament and of the Council), also participate in the meetings when the Working Party on the Protection of individuals with regard to the Processing of Personal Data carries out the tasks laid down in Article 30 of Directive 95/46/EC of the European Parliament and of the Council with regard to matters covered by this Directive, namely the protection of fundamental rights and freedoms and of legitimate interests in the electronic communications sector.

5haa.<sup>{140}</sup> **32013 R 0611**: Commission Regulation (EU) No 611/2013 of 24 June 2013 on the measures applicable to the notification of personal data breaches under Directive 2002/58/EC on the European Parliament and of the Council on privacy and electronic communications (OJ L 173, 26.6.2013, p. 2).

### Information Society Services <sup>{141}</sup>

5i. <sup>{142}</sup> **32015 L 1535**: Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

<sup>{135}</sup> Text of point 5f (Directive 97/66/EC) inserted by Decision No 84/1999 (OJ L 296, 23.11.2000, p. 44 and EEA Supplement No 54, 23.11.2000, p. 132 (I) and p. 103 Del 2 (N)), e.i.f. 1.7.2000, and subsequently deleted with effect from 31 October 2003 by Decision No 80/2003 (OJ L 257, 9.10.2003, p. 31 and EEA Supplement No 51, 9.10.2003, p. 19), e.i.f. 1.8.2004.

<sup>{136}</sup> Text of point 5g (Directive 1999/93/EC of the European Parliament and of the Council) deleted by Decision No 120/2006 (OJ L 333, 30.11.2006, p. 47 and EEA Supplement No 60, 30.11.2006, p. 35), e.i.f. 23.9.2006.

<sup>{137}</sup> Text of point 5ga (Commission Decision 2000/709/EC) deleted by Decision No 120/2006 (OJ L 333, 30.11.2006, p. 47 and EEA Supplement No 60, 30.11.2006, p. 35), e.i.f. 23.9.2006.

<sup>{138}</sup> Text of point 5h (Directive 2000/31/EC of the European Parliament and of the Council) deleted by Decision No 120/2006 (OJ L 333, 30.11.2006, p. 47 and EEA Supplement No 60, 30.11.2006, p. 35), e.i.f. 23.9.2006.

<sup>{139}</sup> Point inserted by Decision No 80/2003 (OJ L 257, 9.10.2003, p. 31 and EEA Supplement No 51, 9.10.2003, p. 19), e.i.f. 1.8.2004.

<sup>{140}</sup> Point inserted by Decision No 154/2016 (OJ L 73, 15.3.2018, p. 29 and EEA Supplement No 16, 15.3.2018, p. 33), e.i.f. pending.

<sup>{141}</sup> Heading inserted by Decision No 16/2001 (OJ L 117, 26.4.2001, p. 16 and EEA Supplement No 22, 26.4.2001, p.10), e.i.f. 1.3.2001.

<sup>{142}</sup> Point 5i (Directive 98/34/EC of the European Parliament and of the Council) inserted by Decision No 16/2001 (OJ L 117, 26.4.2001, p. 16 and EEA Supplement No 22, 26.4.2001, p.10), e.i.f. 1.3.2001 and subsequently replaced by Decision No 75/2019 (OJ L 210, 2.7.2020, p. 45 and EEA Supplement No 44, 2.7.2020, p. 52), e.i.f. 1.12.2019.

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) The second subparagraph of Article 1(1)(c) shall be replaced by the following:
 

“The term ‘technical specification’ also covers production methods and processes used in respect of products intended for human and animal consumption, and in medicinal products as defined in Article 1 of Directive 2001/83/EC (as incorporated into point 15 q of Chapter XIII of Annex II to the Agreement by Decision of the EEA Joint Committee No 82/2002 of 25 June 2002), as well as production methods and processes relating to other products, where these have an effect on their characteristics.”;
- (b) The following shall be added to the first subparagraph of Article 5(1):
 

“A full text of the draft technical regulation notified shall be made available in the original language as well as in a full translation into one of the official languages of the Union.”;
- (c) The following subparagraph shall be added to Article 5(1):
 

“The Commission on behalf of the Union, on the one side, and the EFTA Surveillance Authority or the EFTA States through the EFTA Surveillance Authority, on the other side, may ask for further information on a draft technical regulation notified.”;
- (d) The following subparagraph shall be added to Article 5(2):
 

“The comments of the EFTA States shall be forwarded by the EFTA Surveillance Authority to the Commission in the form of a single coordinated communication and the comments of the Union shall be forwarded by the Commission to the EFTA Surveillance Authority.”;
- (e) The terms “Member State” and “Commission” in Article 6(1), (2) and (7) shall be replaced respectively by the terms “EFTA State” and “EFTA Surveillance Authority”.
- (f) Article 6(3), (4), (5) and (6) shall not apply.

5j.<sup>{143}</sup> **398 L 0084**: Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access (OJ L 320, 28.11.1998, p. 54).

5k.<sup>{144}</sup> **32003 L 0098**: Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90), as amended by:

-<sup>{145}</sup> **32013 L 0037**: Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 (OJ L 175, 27.6.2013, p. 1).

5l.<sup>{146}</sup> **32014 R 0910**: Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) In Article 14(1), the words “, or between an EFTA State and the third country in question or an international organisation” shall be inserted after the words “Article 218 TFEU”.
- (b) The Contracting Parties shall keep each other informed as regards the negotiation and conclusion of agreements referred to in Article 14(1) and, upon request, consultations shall take place within the EEA Joint Committee.
- (c) Whenever the European Union negotiates an agreement referred to in Article 14(1), it shall endeavour to obtain equal treatment for qualified trust services provided by qualified trust service providers established in the EFTA States.

<sup>{143}</sup> Point inserted by Decision No 17/2001 (OJ L 117, 26.4.2001, p. 21 and EEA Supplement No 22, 26.4.2001, p.14), e.i.f. 1.10.2001.

<sup>{144}</sup> Point inserted by Decision No 105/2005 (OJ L 306, 24.11.2005, p. 41 and EEA Supplement No 60, 24.11.2005, p. 26), e.i.f. 1.9.2006.

<sup>{145}</sup> Indent and words “, as amended by:” added by Decision No 59/2017 (OJ L 305, 29.11.2018, p. 26 and EEA Supplement No 81, 29.11.2018, p. 31)), e.i.f. 1.10.2020.

<sup>{146}</sup> Point 5l (Directive 1999/93/EC of the European Parliament and of the Council) inserted by Decision No 120/2006 (OJ L 333, 30.11.2006, p. 47 and EEA Supplement No 60, 30.11.2006, p. 35), e.i.f. 23.9.2006, replaced by Decision No 22/2018 (OJ L 323, 12.12.2019, p. 45 and EEA Supplement No 98, 12.12.2019, p. 41), e.i.f. 1.6.2019.

- (d) In Article 51, as regards the EFTA States:
- (i) in paragraph 3, the words “1 July 2017” shall read “six months after the date of entry into force of Decision of the EEA Joint Committee No 22/2018 of 9 February 2018”;
- (ii) in paragraph 4, the words “from 2 July 2017” shall read “after six months from the date of entry into force of Decision of the EEA Joint Committee No 22/2018 of 9 February 2018”.
- 51a.<sup>{147}</sup> **32000 D 0709**: Commission Decision 2000/709/EC of 6 November 2000 on the minimum criteria to be taken into account by Member States when designating bodies in accordance with Article 3(4) of Directive 1999/93/EC of the European Parliament and of the Council on a Community framework for electronic signatures (OJ L 289, 16.11.2000, p. 42).
- 51b.<sup>{148}</sup> **32015 R 0806**: Commission Implementing Regulation (EU) 2015/806 of 22 May 2015 laying down specifications relating to the form of the EU trust mark for qualified trust services (OJ L 128, 23.5.2015, p. 13).
- 51c.<sup>{149}</sup> **32015 D 1505**: Commission Implementing Decision (EU) 2015/1505 of 8 September 2015 laying down technical specifications and formats relating to trusted lists pursuant to Article 22(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (OJ L 235, 9.9.2015, p. 26).
- 51d.<sup>{150}</sup> **32015 D 1506**: Commission Implementing Decision (EU) 2015/1506 of 8 September 2015 laying down specifications relating to formats of advanced electronic signatures and advanced seals to be recognised by public sector bodies pursuant to Articles 27(5) and 37(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (OJ L 235, 9.9.2015, p. 37).
- 51e.<sup>{151}</sup> **32016 D 0650**: Commission Implementing Decision (EU) 2016/650 of 25 April 2016 laying down standards for the security assessment of qualified signature and seal creation devices pursuant to Articles 30(3) and 39(2) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (OJ L 109, 26.4.2016, p. 40).
- 51f. <sup>{152}</sup> **32015 R 1501**: Commission Implementing Regulation (EU) 2015/1501 of 8 September 2015 on the interoperability framework pursuant to Article 12(8) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (OJ L 235, 9.9.2015, p. 1), as corrected by OJ L 28, 4.2.2016, p. 18.
- 51g. <sup>{153}</sup> **32015 R 1502**: Commission Implementing Regulation (EU) 2015/1502 of 8 September 2015 on setting out minimum technical specifications and procedures for assurance levels for electronic identification means pursuant to Article 8(3) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (OJ L 235, 9.9.2015, p. 7).
- 51h. <sup>{154}</sup> **32015 D 0296**: Commission Implementing Decision (EU) 2015/296 of 24 February 2015 establishing procedural arrangements for cooperation between Member States on electronic identification pursuant to Article 12(7) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (OJ L 53, 25.2.2015, p. 14).

---

<sup>{147}</sup> Point inserted by Decision No 120/2006 (OJ L 333, 30.11.2006, p. 47 and EEA Supplement No 60, 30.11.2006, p. 35), e.i.f. 23.9.2006.

<sup>{148}</sup> Point inserted by Decision No 167/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 15.6.2019.

<sup>{149}</sup> Point inserted by Decision No 167/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 15.6.2019.

<sup>{150}</sup> Point inserted by Decision No 167/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 15.6.2019.

<sup>{151}</sup> Point inserted by Decision No 167/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 15.6.2019.

<sup>{152}</sup> Point inserted by Decision No 242/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 28.9.2019.

<sup>{153}</sup> Point inserted by Decision No 242/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 28.9.2019.

<sup>{154}</sup> Point inserted by Decision No 242/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 28.9.2019.

5li. <sup>{155}</sup> **32015 D 1984**: Commission Implementing Decision (EU) 2015/1984 of 3 November 2015 defining the circumstances, formats and procedures of notification pursuant to Article 9(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (OJ L 289, 5.11.2015, p. 18).

5m. <sup>{156}</sup> **32000 L 0031**: Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptation:

In situations referred to in Article 5(1)(g), as regards the EFTA States the VAT identification number shall be the number allocated to the service provider pursuant to their national legislation.

5n. <sup>{157}</sup> **32005 D 0752**: Commission Decision 2005/752/EC of 24 October 2005 establishing an expert group on electronic commerce (OJ L 282, 26.10.2005, p. 20).

Procedures for the association of Liechtenstein, Iceland and Norway in accordance with Article 101 of the Agreement:

Each EFTA State may, in accordance with Article 3 of Commission Decision 2005/752/EC, appoint a person to participate as an observer in the meetings of the expert group on electronic commerce.

The European Commission shall, in due time, inform the participants of the dates of the meetings of the group and transmit to them the relevant documentation.

5o. <sup>{158}</sup> **32019 R 0517**: Regulation (EU) 2019/517 of the European Parliament and of the Council of 19 March 2019 on the implementation and functioning of the .eu top-level domain name and amending and repealing Regulation (EC) No 733/2002 and repealing Commission Regulation (EC) No 874/2004 (OJ L 91, 29.3.2019, p. 25).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

In Articles 4(4) and (5) and 11(f), the references to Union law shall be understood as references to the EEA Agreement.

Modalities for association of the EFTA States in accordance with Article 101 of the Agreement:

The EFTA States shall participate fully in the .eu Multistakeholder Advisory Group, except for the right to vote.

5oa. <sup>{159}</sup> **32002 R 0733**: Regulation (EC) No 733/2002 of the European Parliament and of the Council of 22 April 2002 on the implementation of the .eu Top Level Domain (OJ L 113, 30.4.2002, p. 1), as amended by:

- <sup>{160}</sup> **32019 R 0517**: Regulation (EU) 2019/517 of the European Parliament and of the Council of 19 March 2019 (OJ L 91, 29.3.2019, p. 25).

<sup>{155}</sup> Point inserted by Decision No 242/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 28.9.2019.

<sup>{156}</sup> Point inserted by Decision No 120/2006 (OJ L 333, 30.11.2006, p. 47 and EEA Supplement No 60, 30.11.2006, p. 35), e.i.f. 23.9.2006.

<sup>{157}</sup> Point inserted by Decision No 120/2006 (OJ L 333, 30.11.2006, p. 47 and EEA Supplement No 60, 30.11.2006, p. 35), e.i.f. 23.9.2006, and subsequently text added by Decision No 115/2007 (OJ L 047, 21.2.2008, p. 36 and EEA Supplement No 9, 21.2.2008, p. 29), e.i.f. 29.9.2007.

<sup>{158}</sup> Point 5o (Commission Decision 2006/215/EC) inserted by Decision No 115/2007 (OJ L 47, 21.2.2008, p. 36 and EEA Supplement No 9, 21.2.2008, p. 29), e.i.f. 29.9.2007 and subsequently deleted by Decision No 41/2013 (OJ L 231, 29.8.2013, p. 15 and EEA Supplement No 49, 29.8.2013, p. 17), e.i.f. 16.3.2013. Text of deleted point 5o replaced by Decision 83/2020 (OJ L [to be published] and Supplement No [to be published]), e.i.f. pending.

<sup>{159}</sup> Point 5oa (Regulation (EC) No 733/2002 of the European Parliament and of the Council) inserted by Decision No 85/2013 (OJ L 291, 31.10.2013, p. 49 and EEA Supplement No 61, 31.10.2013, p. 56), e.i.f. 4.5.2013 and will subsequently be deleted with effect from 13 October 2022 by Decision No 83/2020 (OJ L [to be published] and EEA Supplement [to be published]), e.i.f. pending.

<sup>{160}</sup> Indent and words “, as amended by:” added by Decision No 83/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

50aa.<sup>{161}</sup> **32014 D 0207**: Commission Implementing Decision 2014/207/EU of 11 April 2014 on the designation of the .eu Top Level Domain Registry (OJ L 109, 12.4.2014, p. 41).

50ab.<sup>{162}</sup> **32004 R 0874**: Commission Regulation (EC) No 874/2004 of 28 April 2004 laying down public policy rules concerning the implementation and functions of the .eu Top Level Domain and the principles governing registration (OJ L 162, 30.4.2004, p. 40), as amended by:

- **32005 R 1654**: Commission Regulation (EC) No 1654/2005 of 10 October 2005 (OJ L 266, 11.10.2005, p. 35),
- **32007 R 1255**: Commission Regulation (EC) No 1255/2007 of 25 October 2007 (OJ L 282, 26.10.2007, p. 16),
- **32009 R 0560**: Commission Regulation (EC) No 560/2009 of 26 June 2009 (OJ L 166, 27.6.2009, p. 3), as corrected by OJ L 291, 7.11.2009, p. 42 and OJ L 80, 20.3.2012, p. 39,
- <sup>{163}</sup> **32015 R 0516**: Commission Regulation (EU) 2015/516 of 26 March 2015 (OJ L 82, 27.3.2015, p. 14).

50ac.<sup>{164}</sup> **32020 R 0857**: Commission Implementing Regulation (EU) 2020/857 of 17 June 2020 laying down the principles to be included in the contract between the European Commission and the .eu top-level domain Registry in accordance with Regulation (EU) 2019/517 of the European Parliament and of the Council (OJ L 195, 19.6.2020, p. 52).

50ad.<sup>{165}</sup> **32020 R 1083**: Commission Delegated Regulation (EU) 2020/1083 of 14 May 2020 Supplementing Regulation (EU) 2019/517 of the European Parliament and of the Council by establishing the eligibility and selection criteria and the procedure for the designation of the Registry of the.eu top-level domain name (OJ L 239, 24.7.2020, p. 1).

50b.<sup>{166}</sup> **32015 R 2120**: Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1).

50c.<sup>{167}</sup> **32016 L 2102**: Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptation:

In Article 12(3), as regards the EFTA States:

- (i) in point (a), the words “23 September 2018” shall read “the date of entry into force of Decision of the EEA Joint Committee No 59/2021 of 5 February 2021”, and the words “23 September 2019” shall read “one year after the date of entry into force of Decision of the EEA Joint Committee No 59/2021 of 5 February 2021”;
- (ii) in point (b), the words “23 September 2020” shall read “two years after the date of entry into force of Decision of the EEA Joint Committee No 59/2021 of 5 February 2021”;

<sup>{161}</sup> Point inserted by Decision No 85/2013 (OJ L 291, 31.10.2013, p. 49 and EEA Supplement No 61, 31.10.2013, p. 56), e.i.f. 4.5.2013, and subsequently replaced by Decision No 282/2014 (OJ L 311, 26.11.2015, p. 35 and EEA Supplement No 71, 26.11.2015, p. 34), e.i.f. 13.12.2014.

<sup>{162}</sup> Point 50ab (Commission Regulation (EC) No 874/2004) with 3 indents and adaptation texts inserted by Decision No 85/2013 (OJ L 291, 31.10.2013, p. 49 and EEA Supplement No 61, 31.10.2013, p. 56), e.i.f. 4.5.2013. Adaptation texts subsequently deleted by Decision No 271/2015 (OJ L 161, 22.6.2017, p. 57 and EEA Supplement No 38, 22.6.2017, p. 59), e.i.f. 1.11.2015 and will subsequently be deleted with effect from 13 October 2022 by Decision No 83/2020 (OJ L [to be published] and EEA Supplement [to be published]), e.i.f. pending.

<sup>{163}</sup> Indent added by Decision No 271/2015 (OJ L 161, 22.6.2017, p. 57 and EEA Supplement No 38, 22.6.2017, p. 59), e.i.f. 1.11.2015.

<sup>{164}</sup> Point inserted by Decision No 119/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

<sup>{165}</sup> Point inserted by Decision No 119/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

<sup>{166}</sup> Point inserted by Decision No 92/2016 (OJ L 300, 16.11.2017, p. 43 and EEA Supplement No 73, 16.11.2017, p. 47), e.i.f. 1.6.2017.

<sup>{167}</sup> Point inserted by Decision No 59/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

- (iii) in point (c), the words “23 June 2021” shall read “two and a half years after the date of entry into force of Decision of the EEA Joint Committee No 59/2021 of 5 February 2021”.

50ca.<sup>{168}</sup> **32018 D 1523**: Commission Implementing Decision (EU) 2018/1523 of 11 October 2018 establishing a model accessibility statement in accordance with Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies (OJ L 256, 12.10.2018, p. 103).

### Audiovisual services <sup>{169}</sup>

5p.<sup>{170}</sup> **32010 L 0013**: Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1), as corrected by OJ L 263, 6.10.2010, p. 15.

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) In Article 1(1)(n)(iii), the words “or an EFTA State” shall be added after the word “Union”.
- (b) The following subparagraph shall be added to Article 1(1)(n)(iii):
- “If a Contracting Party intends to conclude an agreement related to the audiovisual sector, it shall inform the EEA Joint Committee thereof. Consultations concerning the contents of such agreements may take place at the request of any Contracting Party.”
- (c) In Article 2(5), the words “Articles 49 to 55 of the Treaty on the Functioning of the European Union” shall read “Articles 31 to 35 of the Agreement on the European Economic Area”.

Detailed arrangements for the association of Liechtenstein, Iceland and Norway in accordance with Article 101 of this Agreement:

Each EFTA State may designate one representative of the competent authority designated by each EFTA State who is to participate in the meetings of the Contact Committee on audiovisual media services to which reference is made in Article 29 of Directive 2010/13/EU of the European Parliament and of the Council.

The European Commission shall in due time inform the participants of the dates of the meetings of the Contact Committee and shall transmit to them the relevant information.

5q.<sup>{171}</sup> **398 L 0084**: Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access (OJ L 320, 28.11.1998, p. 54).

5r.<sup>{172}</sup> **C(2014)462**: Commission Decision C(2014)462 of 3.2.2014 on establishing the European Regulators Group for Audiovisual Media Services.

The provisions of the Decision shall, for the purposes of this Agreement, be read with the following adaptation:

<sup>{168}</sup> Point inserted by Decision No 60/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

<sup>{169}</sup> Points and texts inserted by Decision No 45/2009 (OJ L 162, 25.6.2009, p. 23 and EEA Supplement No 33, 25.6.2009, p. 8), e.i.f. 1.5.2010.

<sup>{170}</sup> Text of point 5p (Council Directive 89/552/EEC) replaced by Decision No 109/2012 (OJ L 270, 4.10.2012, p. 31 and EEA Supplement No 56, 4.10.2012, p. 31), e.i.f. 1.2.2013.

<sup>{171}</sup> Text of point 5q inserted by Decision No 17/2001 (OJ L 117, 26.4.2001, p. 21 and EEA Supplement No 22, 26.4.2001, p. 14), e.i.f. 1.10.2001.

<sup>{172}</sup> Point inserted by Decision No 192/2014 (OJ L 202, 30.7.2015, p. 44 and EEA Supplement No 43, 30.7.2015, p. 44), e.i.f. 26.9.2014 and subsequently corrected before publication by Corrigendum of 20.3.2015.

In Article 4(1), the words “and an EFTA Surveillance Authority representative” shall be inserted after the word “Commission”.

Modalities for association of the EFTA States in accordance with Article 101 of the Agreement:

The EFTA States shall participate fully in the European Regulators Group for Audiovisual Services, except for the right to vote.

### *ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE*

The Contracting Parties take note of the contents of the following Acts:

#### **Telecommunication services** <sup>{173}</sup>

6. **388 Y 1004(01):** Council Resolution 88/C 257/01 of 30 June 1988 on the development of the common market for telecommunications services and equipment up to 1992 (OJ No C 257, 4.10.1988, p. 1).
7. **389 Y 0511(01):** Council Resolution 89/C 117/01 of 27 April 1989 on standardization in the field of information technology and telecommunications (OJ No C 117, 11.5.1989, p. 1).
8. **389 Y 0801:** Council Resolution 89C/ 196/04 of 18 July 1989 on the strengthening of the coordination for the introduction of the Integrated Services Digital Network (ISDN) in the European Community up to 1992 (OJ No C 196, 1.8.1989, p. 4).
9. **390 Y 0707(02):** Council Resolution 90/C 166/02 of 28 June 1990 on the strengthening of the Europe-wide cooperation on radio frequencies in particular with regard to services with a pan-European dimension (OJ No C 166, 7.7.1990, p. 4).
10. **390 Y 3112(01):** Council Resolution 90C/ 329/25 of 14 December 1990 on the final stage of the coordinated introduction of pan-European land-based public digital mobile cellular communications in the Community (GSM) (OJ No C 329, 31.12.1990, p. 25).
11. **384 X 0549:** Council Recommendation 84/549/EEC of 12 November 1984 concerning the implementation of harmonization in the field of telecommunications (OJ No L 298, 16.11.1984, p. 49).
12. [ ] <sup>{174}</sup>
13. **386 X 0659:** Council Recommendation 86/659/EEC of 22 December 1986 on the coordinated introduction of the Integrated Services Digital Network (ISDN) in the European Community (OJ No L 382, 31.12.1986, p. 36).
14. **387 X 0371:** Council Recommendation 87/371/EEC of 25 June 1987 on the coordinated introduction of public pan-European cellular digital and land-based mobile communications in the Community (OJ No L 196, 17.7.1987, p. 81).
15. **390 X 0543:** Council Recommendation 90/543/EEC on the coordinated introduction of pan-European land-based public radio paging in the Community (OJ No L 310, 9.11.1990, p. 23).
16. **391 X 0288:** Council Recommendation 91/C 288/EEC on the coordinated introduction of digital European cordless telecommunications (DECT) into the Community (OJ No L 144, 8.6.1991, p. 47).
17. [ ] <sup>{175}</sup>

<sup>{173}</sup> Heading inserted by Decision No 28/94 (OJ L 339, 29.12.1994, p. 87 and EEA Supplement No 53, 29.12.1994, p. 18), e.i.f. 1.2.1995.

<sup>{174}</sup> Text of point 12 (Council Recommendation 84/550/EEC) deleted by Decision No 41/2013 (OJ L 231, 29.8.2013, p. 15 and EEA Supplement No 49, 29.8.2013, p. 17), e.i.f. 16.3.2013.

- 18.<sup>{176}</sup> **392 X 0382:** Council Recommendation of 5 June 1992 on the harmonized provision of a minimum set of packet-switched data services (PSDS) in accordance with open network provision (ONP) principles (OJ No L 200, 18.7. 1992, p. 1).
- 19.<sup>{177}</sup> **392 X 0383:** Council Recommendation of 5 June 1992 on the provision of harmonized integrated services digital network (ISDN) access arrangements and a minimum set of ISDN offerings in accordance with open network provision (ONP) principles (OJ No L 200, 18. 7. 1992, p. 10).
- 20.<sup>{178}</sup> **392 Y 0625(01):** Council Resolution of 5 June 1992 on the development of the integrated services digital network (ISDN) in the Community as a European-wide telecommunications infrastructure for 1993 and beyond (OJ No C 158, 25. 6. 1992, p. 1).
- 21.<sup>{179}</sup> **392 Y 1204(02):** Council Resolution of 19 November 1992 on the promotion of Europe-wide cooperation on numbering of telecommunications services (OJ No C 318, 4. 12. 1992, p. 2).
- 22.<sup>{180}</sup> **393 Y 0106(01):** Council Resolution of 17 December 1992 on the assessment of the situation in the Community telecommunications sector (OJ No C 2, 6. 1. 1993, p. 5).
- 23.<sup>{181}</sup> **392 Y 1204(01):** Council Resolution of 19 November 1992 on the implementation of the European Radiocommunications Committee decisions (OJ No C 318, 4. 12. 1992, p. 1).
- 24.<sup>{182}</sup> **393 Y 0806(01):** Council Resolution of 22 July 1993 on the review of the situation in the telecommunications sector and the need for further development in that market (OJ No C 213, 6. 8. 1993, p. 1).
- 25.<sup>{183}</sup> **393 Y 1216(01):** Council Resolution of 7 December 1993 on the introduction of satellite personal communication services in the Community (OJ No C 339, 16. 12. 1993, p. 1).
- 26.<sup>{184}</sup> **394 Y 0216(01):** Council Resolution 94/C 48/01 of 7 February 1994 on the universal service principles in the telecommunications sector (OJ No C 48, 16.2.1994, p.1).
- 26a.<sup>{185}</sup> **394 Y 1231(04):** Council Resolution 94/C 379/03 of 22 December 1994 on the principles and timetable for the liberalization of telecommunications infrastructures (OJ No C 379, 31.12.1994, p. 4).
- 26b.<sup>{186}</sup> **394 Y 1231(05):** Council Resolution 94/C 379/04 of 22 December 1994 on further development of the Community's satellite communications policy, especially with regard to the provision of, and access to, space segment capacity (OJ No C 379, 31.12.1994, p. 5).
- 26c.<sup>{187}</sup> **395 Y 0722(02):** Council Resolution 95/C 188/02 of 29 June 1995 on the further development of mobile and personal communications in the European Union (OJ No C 188, 22.7.1995, p. 3).

---

<sup>{175}</sup> Text of point 17 (Council Resolution 92/C 8/01) inserted by Decision No 7/94 (OJ L 160, 28.6.1994, p. 1 and EEA Supplement No 17, 28.6.1994, p. 1), e.i.f. 1.7.1994, and subsequently deleted by Decision No 41/2013 (OJ L 231, 29.8.2013, p. 15 and EEA Supplement No 49, 29.8.2013, p. 17), e.i.f. 16.3.2013.

<sup>{176}</sup> Point inserted by Decision No 7/94 (OJ L 160, 28.6.1994, p. 1 and EEA Supplement No 17, 28.6.1994, p. 1), e.i.f. 1.7.1994.

<sup>{177}</sup> Point inserted by Decision No 7/94 (OJ L 160, 28.6.1994, p. 1 and EEA Supplement No 17, 28.6.1994, p. 1), e.i.f. 1.7.1994.

<sup>{178}</sup> Point inserted by Decision No 7/94 (OJ L 160, 28.6.1994, p. 1 and EEA Supplement No 17, 28.6.1994, p. 1), e.i.f. 1.7.1994.

<sup>{179}</sup> Point inserted by Decision No 7/94 (OJ L 160, 28.6.1994, p. 1 and EEA Supplement No 17, 28.6.1994, p. 1), e.i.f. 1.7.1994.

<sup>{180}</sup> Point inserted by Decision No 7/94 (OJ L 160, 28.6.1994, p. 1 and EEA Supplement No 17, 28.6.1994, p. 1), e.i.f. 1.7.1994.

<sup>{181}</sup> Point inserted by Decision No 7/94 (OJ L 160, 28.6.1994, p. 1 and EEA Supplement No 17, 28.6.1994, p. 1), e.i.f. 1.7.1994.

<sup>{182}</sup> Point inserted by Decision No 7/94 (OJ L 160, 28.6.1994, p. 1 and EEA Supplement No 17, 28.6.1994, p. 1), e.i.f. 1.7.1994.

<sup>{183}</sup> Point inserted by Decision No 7/94 (OJ L 160, 28.6.1994, p. 1 and EEA Supplement No 17, 28.6.1994, p. 1), e.i.f. 1.7.1994.

<sup>{184}</sup> Point inserted by Decision No 28/94 (OJ L 339, 29.12.1994, p. 87 and EEA Supplement No 53, 29.12.1994, p. 18), e.i.f. 1.2.1995.

<sup>{185}</sup> Point inserted by Decision No 26/95 (OJ L 273, 16.11.1995, p. 47 and EEA Supplement No 43, 16.11.1995, p. 1), e.i.f. 1.6.1995, and subsequently corrected by Corrigendum of 16.5.2014.

<sup>{186}</sup> Point inserted by Decision No 26/95 (OJ L 273, 16.11.1995, p. 47 and EEA Supplement No 43, 16.11.1995, p. 1), e.i.f. 1.6.1995, and subsequently corrected by Corrigendum of 16.5.2014.

<sup>{187}</sup> Point inserted by Decision No 5/96 (OJ L 102, 25.4.1996, p. 48 and EEA Supplement No 18, 25.4.1996, p. 14), e.i.f. 1.3.1996.



- 26d.<sup>{188}</sup> **395 Y 1003(01)**: Council Resolution 95/C 258/01 of 18 September 1995 on the implementation of the future regulatory framework for telecommunications (OJ No C 258, 3.10.1995, p. 1).
- 26e.<sup>{189}</sup> **395 Y 1219(03)**: Council Resolution 95/C 341/03 of 27 November 1995 on the industrial aspects for the European Union in the development of the information society (OJ No C 341, 19.12.1995, p. 5).
- 26f.<sup>{190}</sup> **397 Y 1004(01)**: Council Resolution 97/C 303/01 of 22 September 1997 on the further development of a numbering policy for telecommunications services in the European Community (OJ C 303, 4.10.1997, p. 1).
- 26g.<sup>{191}</sup> **398 X 0195**: Commission Recommendation 98/195/EC of 8 January 1998 on interconnection in a liberalised telecommunications market (Part 1 - Interconnection pricing) (OJ L 73, 12.3.1998, p. 42), as amended by:
- <sup>{192}</sup> **398 X 0511**: Commission Recommendation 98/511/EC of 29 July 1998 (OJ L 228, 15.8.1998, p. 30),
- <sup>{193}</sup> **32000 X 0263**: Commission Recommendation 2000/263/EC of 20 March 2000 (OJ L 83, 4.4.2000, p. 30),
- <sup>{194}</sup> **32002 H 0175**: Commission Recommendation 2002/175/EC of 22 February 2002 (OJ L 58, 28.2.2002, p. 56).
- 26h.<sup>{195}</sup> **398 X 0322**: Commission Recommendation 98/322/EC of 8 April 1998 on interconnection in a liberalised telecommunications market (Part 2 - Accounting separation and cost accounting) (OJ L 141, 13.5.1998, p. 6).
- 26i.<sup>{196}</sup> **32000 X 0417**: Commission Recommendation 2000/417/EC of 25 May 2000 on unbundled access to the local loop: enabling the competitive provision of a full range of electronic communications services including broadband multimedia and high-speed Internet (OJ L 156, 29.6.2000, p. 44).
- 26j.<sup>{197}</sup> **32005 H 0698**: Commission Recommendation 2005/698/EC of 19 September 2005 on accounting separation and cost accounting systems under the regulatory framework for electronic communications (OJ L 266, 11.10.2005, p. 64).
- 26k.<sup>{198}</sup> **32011 H 0750**: Commission Recommendation 2011/750/EU of 8 September 2011 on support for an EU-wide eCall service in electronic communication networks for the transmission of in-vehicle emergency calls based on 112 ('eCalls') (OJ L 303, 22.11.2011, p. 46).
- 26l.<sup>{199}</sup> **32010 H 0572**: Commission Recommendation 2010/572/EU of 20 September 2010 on regulated access to Next Generation Access Networks (NGA) (OJ L 251, 25.9.2010, p. 35).

<sup>{188}</sup> Point inserted by Decision No 6/96 (OJ L 102, 25.4.1996, p. 49 and EEA Supplement No 18, 25.4.1996, p. 17), e.i.f. 1.3.1996.

<sup>{189}</sup> Point inserted by Decision No 41/96 (OJ L 291, 14.11.1996, p. 30 and EEA Supplement No 51, 14.11.1996, p. 10), e.i.f. 1.7.1996.

<sup>{190}</sup> Point inserted by Decision No 75/98 (OJ L 172, 8.7.1999, p. 54 and EEA Supplement No 30, 8.7.1999, p. 138), e.i.f. 1.8.1998.

<sup>{191}</sup> Point inserted by Decision No 93/98 (OJ L 189, 22.7.1999, p. 67 and EEA Supplement No 32, 22.7.1999, p. 157), e.i.f. 26.9.1998.

<sup>{192}</sup> Indent, and words "as amended by:" above, added by Decision No 120/98 (OJ L 297, 18.11.1999, p. 49 and EEA Supplement No 50, 18.11.1999, p. 70), e.i.f. 19.12.1998.

<sup>{193}</sup> Indent added by Decision No 67/2000 (OJ L 250, 5.10.2000, p. 50 and EEA Supplement No 44, 5.10.2000, p. 3), e.i.f. 3.8.2000.

<sup>{194}</sup> Indent added by Decision No 104/2002 (OJ L 298, 31.10.2002, p. 21 and EEA Supplement No 54, 31.10.2002, p. 16), e.i.f. 13.7.2002.

<sup>{195}</sup> Point inserted by Decision No 111/98 (OJ L 277, 28.10.1999, p. 48 and EEA Supplement No 46, 28.10.1999, p. 126), e.i.f. 28.11.1998.

<sup>{196}</sup> Point inserted by Decision No 92/2000 (OJ L 7, 11.1.2001, p. 1 and EEA Supplement No 2, 11.1.2001, p. 1), e.i.f. 28.10.2000.

<sup>{197}</sup> Point inserted by Decision No 84/2008 (OJ L 280, 23.10.2008, p. 18 and EEA Supplement No 64, 23.10.2008, p. 11), e.i.f. 5.7.2008.

<sup>{198}</sup> Point inserted by Decision No 174/2012 (OJ L 341, 13.12.2012, p. 27 and EEA Supplement No 70, 13.12.2012, p. 31), e.i.f. 29.9.2012.

<sup>{199}</sup> Point inserted by Decision No 175/2012 (OJ L 341, 13.12.2012, p. 28 and EEA Supplement No 70, 13.12.2012, p. 32), e.i.f. 29.9.2012.

- 26m.<sup>{200}</sup> **32010 H 0167**: Commission Recommendation 2010/167/EU of 19 March 2010 on the authorisation of systems for mobile communication services on board vessels (MCV services) (OJ L 72, 20.3.2010, p. 42).
- 26n.<sup>{201}</sup> **32013 H 0466**: Commission Recommendation 2013/466/EU of 11 September 2013 on consistent non-discrimination obligations and costing methodologies to promote competition and enhance the broadband investment environment (OJ L 251, 21.9.2013, p. 13).

### Postal services <sup>{202}</sup>

27. **394 Y 0216(02)**: Council Resolution 94/C 48/02 of 7 February 1994 on the development of Community postal services (OJ No C 48, 16.2.1994, p. 3).

### Information services <sup>{203}</sup>

28. **394 Y 0702(01)**: Council Resolution 94/C 181/01 of 20 June 1994 on coordination with regard to information exchange between administrations (OJ No C 181, 2.7.1994, p. 1).
- 29.<sup>{204}</sup> **395 X 0144**: Council Recommendation 95/144/EC of 7 April 1995 on common information technology security evaluation criteria (OJ No L 93, 26.4.1995, p. 27).
- 30.<sup>{205}</sup> **396 Y 1212(01)**: Council Resolution 96/C 376/01 of 21 November 1996 on new policy-priorities regarding the information society (OJ No C 376, 12.12.96, p. 1).

### Audiovisual services <sup>{206}</sup>

- 31.<sup>{207}</sup> **394 Y 0702(02)**: Council Resolution 94/C 181/02 of 27 June 1994 on a framework for Community policy on digital video broadcasting (OJ C 181, 2.7. 1994, p. 3).
- 32.<sup>{208}</sup> **398 X 0560**: Council Recommendation 98/560/EC of 24 September 1998 on the development of the competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity (OJ L 270, 7.10.1998, p. 48).
- 33.<sup>{209}</sup> **499 Y 0205(01)**: Resolution 1999/C 30/01 of the Council and of the Representatives of the Governments of the Member States, Meeting within the Council of 25 January 1999 concerning public service broadcasting (OJ C 30, 5.2.1999, p. 1).
- 34.<sup>{210}</sup> **32005 H 0865**: Recommendation 2005/865/EC of the European Parliament and of the Council of 16 November 2005 on film heritage and the competitiveness of related industrial activities (OJ L 323, 9.12.2005, p. 57).
- 35.<sup>{211}</sup> **32006 H 0952**: Recommendation 2006/952/EC of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the

---

<sup>{200}</sup> Point inserted by Decision No 201/2013 (OJ L 92, 27.03.2014, p. 27 and EEA Supplement No 19, 27.03.2014, p. 30), e.i.f. 9.11.2013.

<sup>{201}</sup> Point inserted by Decision No 59/2015 (OJ L 129, 19.5.2016, p. 43 and EEA Supplement No 29, 19.5.2016, p. 44), e.i.f. 21.3.2015.

<sup>{202}</sup> Heading and point inserted by Decision No 28/94 (OJ L 339, 29.12.1994, p. 87 and EEA Supplement No 53, 29.12.1994, p. 18), e.i.f. 1.2.1995.

<sup>{203}</sup> Heading and point inserted by Decision No 28/94 (OJ L 339, 29.12.1994, p. 87 and EEA Supplement No 53, 29.12.1994, p. 18), e.i.f. 1.2.1995.

<sup>{204}</sup> Point inserted by Decision No 7/96 (OJ L 102, 25.4.1996, p. 50 and EEA Supplement No 18, 25.4.1996, p. 21), e.i.f. 1.3.1996.

<sup>{205}</sup> Point inserted by Decision No 103/97 (OJ L 193, 9.7.1998, p. 64 and EEA Supplement No 27, 9.7.1998, p. 138), e.i.f. 18.12.1997.

<sup>{206}</sup> Heading and points inserted by Decision No 45/2009 (OJ L 162, 25.6.2009, p. 23 and EEA Supplement No 33, 25.6.2009, p. 8), e.i.f. 1.5.2010.

<sup>{207}</sup> Point inserted by Decision No 45/2009 (OJ L 162, 25.6.2009, p. 23 and EEA Supplement No 33, 25.6.2009, p. 8), e.i.f. 1.5.2010.

<sup>{208}</sup> Point inserted by Decision No 45/2009 (OJ L 162, 25.6.2009, p. 23 and EEA Supplement No 33, 25.6.2009, p. 8), e.i.f. 1.5.2010.

<sup>{209}</sup> Point inserted by Decision No 45/2009 (OJ L 162, 25.6.2009, p. 23 and EEA Supplement No 33, 25.6.2009, p. 8), e.i.f. 1.5.2010.

<sup>{210}</sup> Point inserted by Decision No 45/2009 (OJ L 162, 25.6.2009, p. 23 and EEA Supplement No 33, 25.6.2009, p. 8), e.i.f. 1.5.2010.

competitiveness of the European audiovisual and on-line information services industry (OJ L 378, 27.12.2006, p. 72).

---

---

<sup>{211}</sup> Point inserted by Decision No 54/2012 (OJ L 207, 2.8.2012, p. 34 and EEA Supplement No 43, 2.8.2012, p. 42), e.i.f. 31.3.2012.