ANNEX XI

ELECTRONIC COMMUNICATION, AUDIOVISUAL SERVICES AND INFORMATION SOCIETY. (¹)

<table>
<thead>
<tr>
<th>TABLE OF CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telecommunication services</td>
</tr>
<tr>
<td>Postal services</td>
</tr>
<tr>
<td>Data Protection</td>
</tr>
<tr>
<td>Information Society Services</td>
</tr>
<tr>
<td>Audiovisual services</td>
</tr>
<tr>
<td>Acts of which the Contracting Parties Shall Take Note</td>
</tr>
</tbody>
</table>

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 (²)


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2. [ ]

3. [ ]


5a. [ ]

5b. [ ]

5c. [ ]

5ca. [ ]

5cb. [ ]

5cc. [ ]

5cd. [ ]


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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.


(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”.


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.

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. [ ]

5cj. [ ]
5ck. [ ] (25)

5cl. [ ] (25)


5cm. [ ] (27)


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

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(27) Indent and words ‘, as amended by:’ added by Decision No 275/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

(28) Indent and words ‘Commission Decision No’ removed and replaced by ‘Commission Decision No’.


(30) Indent and words ‘Commission Decision No’ removed and replaced by ‘Commission Decision No’.
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.”


5ct. [ ]


5cuc. [*] 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:


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[*] 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.


5cy. 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:


5czc. 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:


  (51) 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.


  (59) Indent added by Decision No 254/2022 (OJ [to be published] and EEA Supplement No [to be published]), e.i.f. 24.9.2022.


32013 D 0654: Commission Implementing Decision 2013/654/EU of 12 November 2013 (OJ L 303, 14.11.2013, p. 48), as amended by:


5cze. 46 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:


5cze. 46 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:


5cze. 46 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:


5czi. 46 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

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[^e4]: Indent and words “a” 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.
[^e4]: 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.
[^e4]: 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.
[^e4]: 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.
capable of providing electronic communications services in the Union (OJ L 307, 7.11.2012, p. 84), as amended by:


5czj.\(^{77}\) 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).

5czk.\(^{78}\) 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:


5czl.\(^{80}\) 32016 D 0339: Commission Implementing Decision (EU) 2016/339 of 8 March 2016 on the harmonisation of the 2 010-2 055 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.\(^{81}\) 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).


5czp.\(^{84}\) 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:


5czq.\(^{86}\) 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), as amended by:


\(^{76}\) 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.

\(^{77}\) 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.


\(^{79}\) 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.

\(^{80}\) 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.


\(^{84}\) 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.

\(^{85}\) 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.

\(^{86}\) 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.

\(^{87}\) Indent and words „, as amended by:” added by Decision No 256/2022 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 24.9.2022.
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.


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

The national regulatory authorities of the EFTA States with primary responsibility for overseeing the day-to-day operation of the markets for electronic communications networks and services shall participate fully in the work of the Board of Regulators of BEREC, the working groups of BEREC and the Management Board of the BEREC Office.

They shall be represented at an appropriate level in accordance with the provisions of the BEREC Regulation.

To that effect, the national regulatory authorities of the EFTA States shall have the same rights and obligations as the national regulatory authorities of the EU Member States, except for the right to vote. Members from the EFTA States shall not be eligible for the Chairmanship of the Board of Regulators and of the Management Board.

BEREC and the BEREC Office shall, as and when appropriate, assist the EFTA Surveillance Authority and the national regulatory authorities of the EFTA States, as the case may be, in the performance of their respective tasks.

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

(a) In Article 4:

(i) in paragraph 1 point (a), the words “, the EFTA Surveillance Authority” shall be inserted before the words “and the Commission”;

(ii) in paragraph 1 point (e), the words “, the EFTA Surveillance Authority” shall be inserted before the words “or the Commission”;

(iii) the following paragraph shall be inserted:

“1a. The positions of the national regulatory authorities of the EFTA States shall be recorded separately by BEREC when issuing opinions in accordance with paragraph 1 point (c)(i) and (ii).”;

(iv) in paragraph 4, as regards the EFTA States, the words “relevant Union law” shall read “the EEA Agreement”;

(v) in paragraph 4, the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the words “and the Commission”.

(b) In Article 7(4), the words “and the EFTA Surveillance Authority” shall be inserted after the words “The Commission”.

(c) In Article 13(3),

(i) the words “, the EFTA Surveillance Authority” shall be inserted after the word “BEREC”;

[88] Point and adaptation texts inserted by Decision No 274/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.I.E. pending.
(ii) the words “and the EFTA Surveillance Authority” shall be inserted after the words “from the Commission”.

(d) In Article 15:

(i) in paragraph 1, the following sentence shall be added at the end of the first subparagraph: “A representative of the EFTA Surveillance Authority shall participate in the Management Board without the right to vote.”;

(ii) in paragraph 2, the words “and of the EFTA Surveillance Authority” shall be inserted after the words “of the Commission”.

(e) The following paragraph shall be added in Article 25:

“5. The EFTA States shall participate in the contribution from the Union referred to in paragraph 3 point (a). 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) In Article 30, the following subparagraphs shall be added:

“By way of derogation from Articles 12(2)(a) and 82(3)(a) of the Conditions of Employment of Other Servants of the European Union, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the recruitment authority of the Agency.

By way of derogation from Articles 12(2)(c), 82(3)(c) and 85(3) of the Conditions of Employment of Other Servants of the European Union, the languages referred to in Article 129(1) of the EEA Agreement shall be considered by the Office, in respect of its staff, as languages of the Union referred to in Article 55(1) of the Treaty on European Union.”.

(g) The following shall be added in Article 34:

“The EFTA States shall grant privileges and immunities to the BEREC Office equivalent to those contained in the Protocol on Privileges and Immunities of the European Union.”

(h) The following paragraph shall be added in Article 36:

“4. Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of the Regulation, apply to the national regulatory authorities of the EFTA States in regard to documents prepared by BEREC or the BEREC Office.”

(i) In Article 40(2),

(i) the words “, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”;

(ii) as regards the EFTA States, the words “Union and national law” shall read “the EEA Agreement and national law”.

(j) In Article 41(1)(a) and (b), the words “, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

5czs.{**}


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

{**} Point and adaptation texts inserted by Decision No 275/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.I.e. pending.
(a) References to Union law, including references to the TFEU and its provisions, shall be understood as references to the EEA Agreement.

(b) In Article 28, the following subparagraphs shall be added in paragraph 4:

“After consulting national regulatory authorities, the EFTA Surveillance Authority may, taking the utmost account of the opinion of the RSPG, adopt decisions addressed to the EFTA States concerned.

If either the EFTA Surveillance Authority or the Commission intends to take a decision regarding a problem or dispute which affects both an EFTA State and an EU Member State, they shall cooperate with a view to agreeing on decisions to resolve the cross-border harmful interference. The EFTA Surveillance Authority and the Commission shall thereby take the utmost account of the opinion of RSPG. Article 109 of the EEA Agreement shall apply mutatis mutandis.”

(c) In Article 31(2), as regards the EFTA States, the words “Article 267 TFEU” shall read “Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice”.

(d) The following subparagraphs shall be added to Article 65(1):

“After consulting national regulatory authorities, the EFTA Surveillance Authority may adopt decisions identifying transnational markets between two or more EFTA States.

If either the EFTA Surveillance Authority or the Commission intends to identify a transnational market which affects both an EFTA State and an EU Member State, they shall cooperate with a view to agreeing on identical decisions identifying this transnational market. Article 109 of the EEA Agreement shall apply mutatis mutandis.”

(e) As regards the EFTA States,

(i) in Article 100(1), the words “the Charter of Fundamental Rights of the Union (the ‘Charter’)” and general principles of Union law shall read “fundamental rights and general principles of the EEA Agreement”;

(ii) in Article 100(2), the words “the rights or freedoms recognised by the Charter”, the words “Article 52(1) of the Charter” and the words “the Charter” shall read “fundamental rights”.

5czsa. ["]


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

In the Annex, as regards the EFTA States:

(i) In part A, the words “EU law” shall be replaced by the words “the EEA Agreement”;

(ii) In part B, references to Union law shall be understood as references to the EEA Agreement.

5czsb. ["]


["] Point and adaptation texts inserted by Decision No 276/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

["] Point inserted by Decision No 277/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

5czu. [53] 32021 D 1730: Commission Implementing Decision (EU) 2021/1730 of 28 September 2021 on the harmonised use of the paired frequency bands 874,4-880,0 MHz and 919,4-925,0 MHz and of the unpaired frequency band 1 900-1 910 MHz for Railway Mobile Radio (OJ L 346, 30.9.2021, p. 1).

Postal services [“]


[*] 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) [8] ‘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) [8] [ ]

Data Protection [“]


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


[52] Point inserted by Decision No 255/2022 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 24.9.2022.


[8] Indent added by Decision No 136/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.


[8] 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.

[8] 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.


[8] Point inserted by Decision 136/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

[8] Point and adaptation text inserted by Decision 246/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.
References to Union law shall be understood as references to the EEA Agreement.


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, 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”.

(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

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[166] Point inserted by Decision 246/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

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 on the incorporation 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.


Footnotes:


5cb. [ ] [107]

5ec. [ ] [108]


5cj. (141)


128) 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.


130) 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.


133) 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.


135) 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.


137) 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.


139) 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.


5eq.  


5f.  

5g.  

5ga.  

5h.  


[132] 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.


[134] 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.


[136] 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.

[137] 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.

[138] Point inserted by Decision No 153/2022 (OJ L 246, 22.9.2022, p. 117 and EEA Supplement No 61, 22.9.2022, p. 113), e.i.f. 30.4.2022, and subsequently corrected (before publication) by Corrigendum of 10.6.2022.

[139] Point inserted by Decision No 219/2022 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 9.7.2022.


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.


Information Society Services


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):

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“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.


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.

(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 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”.


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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.

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.


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.


[^166]: Indent and words “as”, as amended by:” added by Decision No 83/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.8.2021.


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”;

(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”.


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

(a) In Article 3(2), as regards the EFTA States, the words “between 1 January 2020 and 22 December 2021” shall read “between 1 January of the third calendar year and 22 December of the fourth calendar year following the date of entry into force of Decision of the EEA Joint Committee No 353/2021 of 10 December 2021”.

(b) In Article 3(3), as regards the EFTA States, the words “between 23 June 2021 and 22 December 2021” shall read “between 23 June and 22 December of the fourth calendar year following the date of entry into force of Decision of the EEA Joint Committee No 353/2021 of 10 December 2021”.

Audiovisual services (176)


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.


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

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 (189)**


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).


12. [ ] [181]


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17. [ ] (182)

18.[(183)] **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.[(184)] **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).


24.[(189)] **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).


26b.[(193)] **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).

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26c.\textsuperscript{[26b]} 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).


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26i.\textsuperscript{[26i]} 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).


26k.\textsuperscript{[26f]} 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).


\textsuperscript{[26f]} Point inserted by Decision No 75/98 (OJ L 172, 8.7.1999, p. 54 and EEA Supplement No 36, 8.7.1999, p. 138), e.i.f. 1.8.1999.


\textsuperscript{[26f]} 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.


Postal services [208]


Information services [209]


Audiovisual services [212]


[207] 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.


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