

DECISION OF THE EEA JOINT COMMITTEE**No 130/2014****of 27 June 2014****amending Annex XI (Electronic communication, audiovisual services and information society)
to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) 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 ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Regulation (EU) No 526/2013 repeals Regulation (EC) No 460/2004 of the European Parliament and of the Council ⁽²⁾, which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.
- (3) Annex XI to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The text of point 5cp (Regulation (EC) No 460/2004 of the European Parliament and of the Council) of Annex XI to the EEA Agreement is replaced by the following:

'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*."

⁽¹⁾ OJ L 165, 18.6.2013, p. 41.

⁽²⁾ OJ L 77, 13.3.2004, p. 1.

(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.”

Article 2

The texts of Regulation (EU) No 526/2013 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 28 June 2014, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 27 June 2014.

For the EEA Joint Committee

The President

Gianluca GRIPPA

(*) No constitutional requirements indicated.