

DECISION OF THE EEA JOINT COMMITTEE
No 50/2023

of 17 March 2023

amending Annex V (Free movement of workers) and Annex VIII (Right of establishment) 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) 2019/1157 of the European Parliament and of the Council of 20 June 2019 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement¹ is to be incorporated into the EEA Agreement.
- (2) The concept of ‘Union Citizenship’ is not included in the EEA Agreement.
- (3) Immigration policy is not part of the EEA Agreement and thus residence rights for third country nationals fall outside the scope of the EEA Agreement.
- (4) However, family members within the meaning of Directive 2004/38/EC of the European Parliament and of the Council² having third country nationality enjoy certain derived rights of EEA citizens.
- (5) Regulation (EU) 2019/1157 contains provisions with references to acts adopted under Title V TFEU. It is recalled that the incorporation of acts with such provisions into the EEA Agreement is without prejudice to the understanding that EU legislation adopted pursuant to Title V TFEU falls outside the scope of the EEA Agreement.
- (6) Annexes V and VIII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following point is inserted after point 1 of Annex V to the EEA Agreement:

- ‘1a. The act referred to in point 10a of Annex VIII (Regulation (EU) 2019/1157 of the European Parliament and of the Council), as adapted for the purposes of the Agreement, shall apply, as appropriate, to the fields covered by this Annex.’

¹ OJ L 188, 12.7.2019, p. 67.

² Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

Article 2

The following point is inserted after point 10 of Annex VIII to the EEA Agreement:

‘10a. **32019 R 1157**: Regulation (EU) 2019/1157 of the European Parliament and of the Council of 20 June 2019 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement (OJ L 188, 12.7.2019, p. 67).

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

- (a) The words “Union citizen(s)” shall be replaced by the words “national(s) of EU Member States and EFTA States”.
- (b) In Article 3(4), as regards the EFTA States, the words “, printed in negative in a blue rectangle and encircled by 12 yellow stars” shall not apply.
- (c) In Article 6(h), as regards the EFTA States, the words “, printed in negative in a blue rectangle and encircled by twelve yellow stars” shall not apply.
- (d) In Article 7(2), the words “Family Member EU” shall be replaced by the words “Family Member EEA”.
- (e) In Article 10(2), as regards the EFTA States, the words “the Charter,” shall not apply.
- (f) In Article 11(4), as regards the EFTA States, the word “Union” shall read “the EEA Agreement”.
- (g) In Article 5(1), as regards the EFTA States, the words “by 3 August 2031” shall read “ten years after the date of entry into force of Decision of the EEA Joint Committee No 50/2023 of 17 March 2023”.
- (h) In Article 5(2), as regards the EFTA States, the words “by 3 August 2026” shall read “five years after the date of entry into force of Decision of the EEA Joint Committee No 50/2023 of 17 March 2023”.
- (i) In Article 8(1), as regards the EFTA States, the words “by 3 August 2026” shall read “five years after the date of entry into force of Decision of the EEA Joint Committee No 50/2023 of 17 March 2023”.
- (j) In Article 8(2), as regards the EFTA States, the words “by 3 August 2023” shall read “two years after the date of entry into force of Decision of the EEA Joint Committee No 50/2023 of 17 March 2023”.’

Article 3

The text of Regulation (EU) 2019/1157 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 4

This Decision shall enter into force on 18 March 2023, provided that all the notifications under Article 103(1) of the EEA Agreement have been made*.

Article 5

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, 17 March 2023.

*For the EEA Joint Committee
The President*

Nicolas von Lingen

*The Secretaries
To the EEA Joint Committee*

Siri Veseth Meling

Matúš Minárik

* Constitutional requirements indicated.