ANNEX XI

ELECTRONIC COMMUNICATION, AUDIOVISUAL SERVICES AND INFORMATION SOCIETY. [\(^1\)]

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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 [\(^2\)]


Annex XI

1a.

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:


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. [ ]

3. [ ]

4.


5.


5a. [ ]

5b. [ ]

5c. [ ]

5ca. [ ]

5cb. [ ]

5cc. [ ]


(2) Indent added by Decision No 193/2018 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 22.9.2018.


5cd. [ ]


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, \textit{de jure} or \textit{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”.


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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. [ ] (22)


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.


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.’

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(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.

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.*’


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).


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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.

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.


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.”


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.”

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 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

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5ct.\[42\]


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."

(c) 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.


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:


5cw. 32007 D 0131: Commission Decision 2007/131/EC of 21 February 2007 on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community (OJ L 55, 23.2.2007, p. 33), as amended by:


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(50) 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.
(55) Indent added by Decision No 240/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.
The provisions of the Decision shall, for the purposes of this Agreement, be read with the following adaptation:

Iceland and Norway shall be exempted from allowing the use of the 6.0 to 8.5 GHz band by equipment using ultra-wideband technology onboard aircraft.

5cx.\(^{(57)}\) **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:

-\(^{(58)}\) **32007 D 0698:** Commission Decision 2007/698/EC of 29 October 2007 (OJ L 284, 30.10.2007, p. 31),


5cy.\(^{(60)}\) **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:


5cz.\(^{(62)}\) **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:


-\(^{(64)}\) **32009 D 0381:** Commission Decision 2009/381/EC of 13 May 2009 (OJ L 119, 14.5.2009, p. 32),

-\(^{(65)}\) **32010 D 0368:** Commission Decision 2010/368/EU of 30 June 2010 (OJ L 166, 1.7.2010, p. 33),


5cza. [ ] \(^{(69)}\)


\(^{(58)}\) 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.


\(^{(68)}\) Indent added by Decision No 240/2017 (OJ L [to be published] and EEA Supplement [No [to be published]), e.i.f. 16.12.2017.

5czc. 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:

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


5czd. 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:


5czg. Commission Decision 2010/166/EU of 19 March 2010 on harmonised conditions of use of radio spectrum for mobile communication services on board vessels (MVC services) in the European Union (OJ L 72, 20.3.2010, p. 38), as amended by:


(5cz) 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 [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017


(5cz) 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.


5czi.[85] 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:


5czi.[87] 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).


Postal services [91]


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[86] Indent, and words “, as amended by:” added by Decision No 194/2018 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 22.9.2018.
[89] Point inserted by Decision No 152/2018 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.
[90] Point inserted by Decision No 153/2018 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.
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) in Article 5(2) “Treaty, in particular Articles 36 and 56 thereof” shall read “EEA Agreement, in particular Articles 13 and 33 thereof”;

(b) in Article 26 “Treaty” shall read “EEA Agreement”.

Data Protection {[*]}

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”.

(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.


5eb. 5ec. 5ed. 5ee. 5ef.


5ec {98} 5ed. 5ee. 5ef.


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(7) 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.


(9) 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.


(9) 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.


5ej. [ ]


\[(\text{[186]} \text{Indent and words "as amended by" above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.}\]


\[(\text{[188]} \text{Indent and words "as amended by" above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.}\]


\[(\text{[190]} \text{Indent and words "as amended by" above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.}\]


\[(\text{[192]} \text{Indent and words "as amended by" above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.}\]


\[(\text{[195]} \text{Indent and words "as amended by" above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.}\]


\[(\text{[197]} \text{Indent and words "as amended by" above added by Decision No 95/2017 (OJ L 36, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.}\]


5f. \[ \text{\textsuperscript{[127]}} \]

5g. \[ \text{\textsuperscript{[128]}} \]

5ga. \[ \text{\textsuperscript{[129]}} \]


\textsuperscript{(199)} Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 3, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.


\textsuperscript{(201)} Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 3, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.


\textsuperscript{(203)} Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 3, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.


\textsuperscript{(205)} Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 3, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.


\textsuperscript{(207)} Indent and words “, as amended by” above added by Decision No 95/2017 (OJ L 3, 7.2.2019, p. 54 and EEA Supplement No 11, 7.2.2019, p. 64), e.i.f. 6.5.2017.


5h. [ ]{138}


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.


\textbf{Information Society Services} \textsuperscript{133}


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.”;


\textsuperscript{138} 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.


(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.


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 Decision of the EEA Joint Committee No 22/2018 of 9 February 2018”;


[137] 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. pending.

(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”.


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.

5o. [ ]


Audiovisual services [152]


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”.

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(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.


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 \[156\]


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. [ ] {157}


17. [ ] {158}


19. {160} 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).


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26b.\textsuperscript{[169]} 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.\textsuperscript{[170]} 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).


\textsuperscript{[172]} 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.


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. 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).


Postal services


Information services


**Audiovisual services**\textsuperscript{[189]}


\textsuperscript{[194]} 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.