DECISIONS

COUNCIL DECISION (EU) 2023/456

of 21 February 2023

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee, as regards the amendment to Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 containing the list provided for in Article 101 of the EEA Agreement

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114, in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ([1]), and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement on the European Economic Area ([2]) ('the EEA Agreement') entered into force on 1 January 1994.

(2) Pursuant to Article 98 of the EEA Agreement, it is possible for the EEA Joint Committee to decide to amend, inter alia, Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 containing the list provided for in Article 101 ('Protocol 37') of the EEA Agreement.

(3) Commission Decision of 11 June 2019 setting up the Radio Spectrum Policy Group ([3]) is to be incorporated into the EEA Agreement.

(4) Annex XI and Protocol 37 to the EEA Agreement should be amended accordingly.

(5) The position of the Union in the EEA Joint Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the Union within the EEA Joint Committee on the proposed amendment of Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 containing the list provided for in Article 101 of the EEA Agreement shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

([1]) OJ L 305, 30.11.1994, p. 6.
([2]) OJ L 1, 3.1.1994, p. 3.
([3]) Commission Decision of 11 June 2019 setting up the Radio Spectrum Policy Group and repealing Decision 2002/622/EC (OJ C 196, 12.6.2019, p. 16).

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 21 February 2023.

For the Council
The President
J. ROSWALL

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DECISION OF THE EEA JOINT COMMITTEE No […]

of …

amending Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 containing the list provided for in Article 101 of 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) Commission Decision of 11 June 2019 setting up the Radio Spectrum Policy Group and repealing Decision 2002/622/EC ([1]) is to be incorporated into the EEA Agreement.

(2) Commission Decision of 11 June 2019 repeals Commission Decision 2002/622/EC ([2]), which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.

(3) Annex XI and Protocol 37 to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The text of point 5ch (Commission Decision 2002/622/EC) of Annex XI to the EEA Agreement is replaced by the following:

'**32019 D 0612(01)**: Commission Decision of 11 June 2019 setting up the Radio Spectrum Policy Group and repealing Decision 2002/622/EC (OJ C 196, 12.6.2019, p. 16).

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

(a) Article 2(4) shall not apply to the EFTA States.

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

The EFTA States shall participate fully in the Radio Spectrum Policy Group and shall within it have the same rights and obligations as EU Member States, except for the right to vote. Members from the EFTA States shall not be eligible for the Chairmanship of the Radio Spectrum Policy Group or its subgroups.'

Article 2

In point 16 of Protocol 37, the words 'Commission Decision 2002/622/EC' are replaced by the words 'Commission Decision of 11 June 2019'.

Article 3

The text of Commission Decision of 11 June 2019 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

([1]) OJ C 196, 12.6.2019, p. 16.
([2]) OJ L 198, 27.7.2002, p. 49.

Article 4

This Decision shall enter into force on […], 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,

For the EEA Joint Committee
The President

The Secretaries
To the EEA Joint Committee

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]