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COUNCIL DECISION (EU) 2025/2560

of 24 November 2025

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex XI (Electronic communication, audiovisual services and information society) to 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 16(2), in conjunction with Articles 114(1) and 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, the EEA Joint Committee may decide to amend, inter alia, Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement.

(3) Regulations (EU) 2021/1232 ([3]) and (EU) 2024/1307 ([4]) of the European Parliament and of the Council should be incorporated into the EEA Agreement.

(4) Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement should therefore be amended accordingly.

(5) The position of the Union within 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) to 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, ELI: http://data.europa.eu/eli/reg/1994/2894/oj.
([2]) OJ L 1, 3.1.1994, p. 3, ELI: http://data.europa.eu/eli/agree_internation/1994/1/oj.
([3]) Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L 274, 30.7.2021, p. 41, ELI: http://data.europa.eu/eli/reg/2021/1232/oj).
([4]) Regulation (EU) 2024/1307 of the European Parliament and of the Council of 29 April 2024 amending Regulation (EU) 2021/1232 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L, 2024/1307, 14.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1307/oj).

Article 2

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

Done at Brussels, 24 November 2025.

For the Council

The President

L. LØKKE RASMUSSEN

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No …

of …

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) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse ([1]) is to be incorporated into the EEA Agreement.

(2) Regulation (EU) 2024/1307 of the European Parliament and of the Council of 29 April 2024 amending Regulation (EU) 2021/1232 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse ([2]) is to be incorporated into the EEA Agreement.

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

HAS ADOPTED THIS DECISION:

Article 1

The following is inserted after point 5haa (Commission Regulation (EU) No 611/2013) of Annex XI to the EEA Agreement:

'5hab. **32021 R 1232**: Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L 274, 30.7.2021, p. 41), as amended by:

— **32024 R 1307**: Regulation (EU) 2024/1307 of the European Parliament and of the Council of 29 April 2024 (OJ L, 2024/1307, 14.5.2024).

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

(a) Notwithstanding the provisions of Protocol 1 to 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.

(b) In Article 2, as regards the EFTA States:

([1]) OJ L 274, 30.7.2021, p. 41, ELI: http://data.europa.eu/eli/reg/2021/1232/oj.
([2]) OJ L, 2024/1307, 14.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1307/oj.

(i) paragraph 2, point (a), shall read "'child pornography' understood as: (i) any material that visually depicts a child engaged in real or simulated sexually explicit conduct; (ii) any depiction of the sexual organs of a child for primarily sexual purposes; (iii) any material that visually depicts any person appearing to be a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of any persons appearing to be a child, for primarily sexual purposes; or (iv) realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes."

(ii) paragraph 2, point (b) shall read "'pornographic performance' understood as a live exhibition aimed at an audience, including by means of information and communication technology, of: (i) a child engaged in real or simulated sexually explicit conduct; or (ii) the sexual organs of a child for primarily sexual purposes."

(iii) in paragraph 3, the reference to Article 6 of Directive 2011/93/EU shall be understood as a reference to the corresponding provisions of the national law of the EFTA States.

(c) In Article 3:

(i) in paragraph 1, point (g)(vii), as regards the EFTA States, the words "by 3 February 2022, and by 31 January every year thereafter" shall read "by 31 January every year following the entry into force of [this Decision]";

(ii) in paragraph 1, point (g)(vii) the words "or the EFTA Surveillance Authority, for providers registered in the EFTA States" shall be inserted after the word "Commission";

(iii) in paragraph 1, point (h)(v), as regards the EFTA States, the reference to Directive 2011/93/EU shall be understood as reference to the corresponding provisions of the national law of the EFTA States.

(d) In Article 7:

(i) in paragraph 1, as regards the EFTA States, the words "By 3 September 2021" shall read "No later than two months from the date of entry into force of [this Decision]";

(ii) in paragraph 1 the words "or the EFTA Surveillance Authority, for providers registered in the EFTA States" shall be inserted after the word "Commission".

(e) When receiving information from providers under this Regulation, the EFTA Surveillance Authority shall submit the information to the Commission, without undue delay. The information provided by providers located in the EFTA States under paragraph 1 of Article 7 of the Regulation shall be made public by the Commission.'.

Article 2

The texts of Regulations (EU) 2021/1232 and (EU) 2024/1307 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 …, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*) or on the day of the entry into force of Decision of the EEA Joint Committee No 275/2021 of 24 September 2021 ([3]), whichever is the later.

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]
([3]) OJ L, 2024/479, 22.2.2024, ELI: http://data.europa.eu/eli/dec/2024/479/oj.

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 …, …

For the EEA Joint Committee

The President

The Secretaries

To the EEA Joint Committee