# DECISION OF THE EEA JOINT COMMITTEE

## No 109/2012

## of 15 June 2012

## amending Annex XI (Electronic communication, audiovisual services and information society), Annex XIX (Consumer protection) and Protocol 37 to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Articles 98 and 101 thereof,

Whereas:

(1) Annex XI to the Agreement was amended by Decision of the EEA Joint Committee No 94/2012 of 30 April 2012 [1].

(2) Annex XIX to the Agreement was amended by Decision of the EEA Joint Committee No 68/2012 of 30 March 2012 [2].

(3) Protocol 37 to the Agreement was amended by Decision of the EEA Joint Committee No 61/2012 of 30 March 2012 [3].

(4) Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities [4] is to be incorporated into the Agreement.

(5) Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) [5], as corrected by OJ L 263, 6.10.2010, p. 15, is to be incorporated into the Agreement.

(6) For the Agreement to function well, Protocol 37 to the Agreement is to be amended to include the Contact Committee on Audiovisual Media Services set up by Directive 2010/13/EU, and Annex XI is to be amended in order to specify the procedures for association with this Committee.

(7) Directive 2010/13/EU repeals Council Directive 89/552/EEC [6] which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

HAS ADOPTED THIS DECISION:

*Article 1*

The text of point 5p (Council Directive 89/552/EEC) of Annex XI to the Agreement shall be replaced by the following:

'**32010 L 0013**: Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1), as corrected by OJ L 263, 6.10.2010, p. 15.

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";

(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.'

[1] OJ L 248, 13.9.2012, p. 32.
[2] OJ L 207, 2.8.2012, p. 48.
[3] OJ L 207, 2.8.2012, p. 41.
[4] OJ L 332, 18.12.2007, p. 27.
[5] OJ L 95, 15.4.2010, p. 1.
[6] OJ L 298, 17.10.1989, p. 23.

*Article 2*

The following indent shall be added in point 7f (Regulation (EC) No 2006/2004 of the European Parliament and of the Council) of Annex XIX to the Agreement:

'— **32007 L 0065**: Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 (OJ L 332, 18.12.2007, p. 27).'

*Article 3*

Protocol 37 (containing the list provided for in Article 101) to the Agreement shall be amended as follows:

(1) the text of point 12 (Contact Committee on Television Broadcasting Activities (Council Directive 89/552/EEC)) shall be deleted;

(2) the following point shall be inserted:

'35. The Contact Committee on Audiovisual Media Services (Directive 2010/13/EU of the European Parliament and of the Council).'

*Article 4*

The texts of Directives 2007/65/EC and 2010/13/EU 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 5*

This Decision shall enter into force on 16 June 2012, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

*Article 6*

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, 15 June 2012.

*For the EEA Joint Committee*
*The Acting President*
Gianluca GRIPPA

(*) Constitutional requirements indicated.