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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment to Annex X (Services in general), Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 (containing the list provided for in Article 101) to the EEA Agreement (Data Governance Act)

COUNCIL DECISION (EU) .../...

of ...

**on the position to be adopted, on behalf of the European Union,
within the EEA Joint Committee
concerning the amendment to Annex X (Services in general),
Annex XI (Electronic communication, audiovisual services and information society)
and Protocol 37 (containing the list provided for in Article 101)
to the EEA Agreement
(Data Governance Act)
(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 Area¹, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

¹ OJ L 305, 30.11.1994, p. 6, ELI: <http://data.europa.eu/eli/reg/1994/2894/oj>.

Whereas:

- (1) The Agreement on the European Economic Area² (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 X (Services in general), Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 (containing the list provided for in Article 101) to the EEA Agreement.
- (3) Regulation (EU) 2022/868 of the European Parliament and of the Council³ and Commission Implementing Regulation (EU) 2023/1622⁴ should be incorporated into the EEA Agreement.
- (4) Annex X (Services in general), Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 (containing the list provided for in Article 101) 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:

² OJ L 1, 3.1.1994, p. 3, ELI: http://data.europa.eu/eli/agree_international/1994/1/oj.

³ Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act) (OJ L 152, 3.6.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/868/oj>).

⁴ Commission Implementing Regulation (EU) 2023/1622 of 9 August 2023 on the design of common logos to identify data intermediation services providers and data altruism organisations recognised in the Union (OJ L 200, 10.8.2023, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2023/1622/oj).

Article 1

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

Article 2

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

Done at ..., ...

For the Council

The President
