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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Draft DECISION OF THE EEA JOINT COMMITTEE amending 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

DRAFT

DECISION OF THE EEA JOINT COMMITTEE

No ...

of ...

**amending 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**

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) 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)¹ is to be incorporated into the EEA Agreement.
- (2) 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 Union² is to be incorporated into the EEA Agreement.
- (3) The Contracting parties acknowledge that the labels ‘data intermediation services provider recognised in the Union’ and ‘data intermediation services provider recognised in the EEA’ can be used interchangeably, with the same rights and obligations associated with the use.
- (4) The Contracting parties acknowledge that the labels ‘data altruism organisation recognised in the Union’ and ‘data altruism organisation recognised in the EEA’ can be used interchangeably, with the same rights and obligations associated with the use.

¹ OJ L 152, 3.6.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/868/oj>.

² OJ L 200, 10.8.2023, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2023/1622/oj.

- (5) The Contracting parties further acknowledge that the common logos set out in Implementing Regulation (EU) 2023/1622 should be the same for all Contracting parties. The reference to ‘EU Recognised’ in the logos should therefore be understood as ‘EEA Recognised’.
- (6) Annexes X and XI and Protocol 37 to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is added in point 5 (Regulation (EU) 2018/1724 of the European Parliament and of the Council) of Annex X to the EEA Agreement:

‘, as amended by:

- **32022 R 0868**: Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 (OJ L 152, 3.6.2022, p. 1).’

Article 2

The following is inserted after point 5k (Directive (EU) 2019/1024 of the European Parliament and of the Council) of Annex XI to the EEA Agreement:

- ‘5ka. **32022 R 0868**: 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).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

- (a) References to Union law shall be understood as references to the EEA Agreement.
- (b) In Article 11, the following paragraph shall be added after paragraph 9:

“9a. As regards an entity registered in the public national register of recognised data intermediation services providers of an EFTA State, the entity may use the label ‘data intermediation services provider recognised in the EEA’.”

(c) In Article 17, the following paragraph shall be added after paragraph 2:

“2a. As regards an entity registered in the public national register of recognised data altruism organisations of an EFTA State, the entity may use the label ‘data altruism organisation recognised in the EEA’.”

(d) In Article 24(5), the words “, or ‘data altruism organisation recognised in the EEA’, as the case may be,” shall be inserted after the words “‘data altruism organisation recognised in the Union’”.

(e) In Article 29(1), the following subparagraph shall be added:

“The EFTA States shall participate fully in the European Data Innovation Board, except for the right to vote.”

5kaa. **32023 R 1622**: 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).’

Article 3

The following point is added in Protocol 37 to the EEA Agreement:

‘49. European Data Innovation Board (Regulation (EU) 2022/868 of the European Parliament and of the Council).’

Article 4

The texts of Regulation (EU) 2022/868 and Implementing Regulation (EU) 2023/1622 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 ..., 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 333/2022 of 9 December 2022³, whichever is later.

* [No constitutional requirements indicated.] [Constitutional requirements indicated.]
³ OJ L 164, 29.6.2023, p. 75, ELI: <http://data.europa.eu/eli/dec/2023/1275/oj>.

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 ..., ...

For the EEA Joint Committee

The President

The Secretaries

To the EEA Joint Committee
