DECISION OF THE EEA JOINT COMMITTEE

No 173/2012

of 28 September 2012

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, as amended by the Protocol adjusting the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

(1) Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union [1] is to be incorporated into the Agreement.

(2) Regulation (EU) No 531/2012 repeals Regulation (EC) No 717/2007 of the European Parliament and of the Council [2], which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.

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

HAS ADOPTED THIS DECISION:

Article 1

The text of point 5cu (Regulation (EC) No 717/2007 of the European Parliament and of the Council) of Annex XI to the EEA Agreement shall be replaced by the following:

'**32012 R 0531**: Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union (OJ L 172, 30.6.2012, p. 10).

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

(a) The following paragraph shall be added in Article 1(6):

"In the absence of a published exchange rate of the euro to the Icelandic króna by the European Central Bank on the date of the entry into force of the Decision of the EEA Joint Committee No 173/2012 of 28 September 2012 incorporating this Regulation into the EEA Agreement, the exchange rate published by the Icelandic Central Bank on that same date shall apply.

For the purposes of the subsequent limits and maximum charges provided for in Article 7(2), Article 9(1) and Article 12(1), the reference exchange rates applied to determine the revised values shall, in the case of the Icelandic króna and in the absence of a corresponding publication by the European Central Bank, be those published by the Icelandic Central Bank two months preceding the date from which the revised values apply."

(b) The following paragraph shall be added in Article 1(7):

"In the absence of a published exchange rate of the euro to the Icelandic króna by the European Central Bank on the date of the entry into force of the Decision of the EEA Joint Committee No 173/2012 of 28 September 2012 incorporating this Regulation into the EEA Agreement, the exchange rate published by the Icelandic Central Bank on that same date shall apply.

For the purposes of the subsequent limits and maximum charges provided for in Article 8(2), Article 10(2) and Article 13(2), the reference exchange rates applied to determine the revised values shall, in the case of the Icelandic króna and in the absence of a corresponding publication by the European Central Bank, be the average of the exchange rates published by the Icelandic Central Bank two, three and four months preceding the date from which the revised values apply.".'

Article 2

The texts of Regulation (EU) No 531/2012 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 1 November 2012 or on the day following the last notification to the EEA Joint Committee under Article 103(1) of the EEA Agreement (*), whichever is the later.

[1] OJ L 172, 30.6.2012, p. 10.
[2] OJ L 171, 29.6.2007, p. 32.

(*) Constitutional requirements indicated.

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 Brussels, 28 September 2012.

For the EEA Joint Committee

The President

Atle LEIKVOLL