DECISION OF THE EEA JOINT COMMITTEE

No 105/2017

of 13 June 2017

amending Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement [2018/800]

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) 2017/920 of the European Parliament and of the Council of 17 May 2017 amending Regulation (EU) No 531/2012 as regards rules for wholesale roaming markets (¹) is to be incorporated into the EEA Agreement.

(2) Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment (²) is to be incorporated into the EEA Agreement.

(3) Commission Implementing Regulation (EU) 2016/2292 of 16 December 2016 setting out the weighted average of maximum mobile termination rates across the Union and repealing Implementing Regulation (EU) 2015/2352 (³) is to be incorporated into the EEA Agreement.

(4) Implementing Regulation (EU) 2016/2292 repeals Commission Implementing Regulation (EU) 2015/2352 (⁴), which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.

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

HAS ADOPTED THIS DECISION:

Article 1

Annex XI to the EEA Agreement shall be amended as follows:

(1) the following indent is added in point 5cu (Regulation (EU) No 531/2012 of the European Parliament and of the Council):

'— **32017 R 0920**: Regulation (EU) 2017/920 of the European Parliament and of the Council of 17 May 2017 (OJ L 147, 9.6.2017, p. 1).';

(2) the following adaptation is added in point 5cu (Regulation (EU) No 531/2012 of the European Parliament and of the Council:

'(c) Provisions of the Regulation conferring tasks to BEREC shall apply in accordance with, and from the date of entry into force of, a decision of the EEA Joint Committee incorporating of Regulation (EC) No 1211/2009 of the European Parliament and of the Council into the EEA Agreement.';

(3) the following point is inserted after point 5cub (Commission Implementing Regulation (EU) 2015/2352):

'5cuc. **32016 R 2286**: Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment (OJ L 344, 17.12.2016, p. 46).';

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(4) the text of point 5cub (Commission Implementing Regulation (EU) 2015/2352) is replaced by the following:

'**32016 R 2292**: Commission Implementing Regulation (EU) 2016/2292 of 16 December 2016 setting out the weighted average of maximum mobile termination rates across the Union and repealing Implementing Regulation (EU) 2015/2352 (OJ L 344, 17.12.2016, p. 77).'

Article 2

The texts of Regulation (EU) 2017/920 and Implementing Regulations (EU) 2016/2286 and (EU) 2016/2292 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 14 June 2017, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

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, 13 June 2017.

For the EEA Joint Committee
The President
Claude MAERTEN

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(*) No constitutional requirements indicated.