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⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

DECISIONS

COUNCIL DECISION (EU) 2022/2571

of 24 November 2022

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment to Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 (containing the list provided for in Article 101) to the EEA Agreement (Audiovisual Media Services Directive)

(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 53(1) and Article 62, 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 Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('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 XI to the EEA Agreement, which contains provisions on electronic communication, audiovisual services and information society, and Protocol 37 (containing the list provided for in Article 101) ('Protocol 37') to the EEA Agreement.
- (3) Directive (EU) 2018/1808 of the European Parliament and of the Council ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 to the EEA Agreement should be amended accordingly.
- (5) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision,

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU 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) in view of changing market realities (OJ L 303, 28.11.2018, p. 69).

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the EEA Joint Committee on the proposed amendment to 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 Luxembourg, 24 November 2022.

For the Council
The President
A. HUBÁČKOVÁ

DRAFT**DECISION OF THE EEA JOINT COMMITTEE No [...]****of [...]****amending 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) Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU 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) in view of changing market realities ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Annex XI and Protocol 37 to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Point 5p (Directive 2010/13/EU of the European Parliament and of the Council) of Annex XI to the EEA Agreement shall be amended as follows:

1. The following is added:

‘, as amended by:

— **32018 L 1808**: Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 (OJ L 303, 28.11.2018, p. 69).’

2. Adaptations (a), (b) and (c) are renumbered as adaptations (b), (c) and (d).
3. The following adaptation is inserted before adaptation (b):

‘(a) In Article 1(1)(a)(i) and (aa), the words “Articles 56 and 57 of the Treaty on the Functioning of the European Union” shall be replaced by the words “Articles 36 and 37 of the Agreement on the European Economic Area”.’

4. The following adaptations are inserted after adaptation (d):

‘(e) In Articles 2(5c) and 28a(7), the following subparagraph shall be added:

“In cases involving both an EFTA State and an EU Member State, the EFTA Surveillance Authority and the Commission shall cooperate with a view to agreeing on identical decisions as to which Member State has jurisdiction.”

(f) In Article 6, as regards the EFTA States:

- (i) in paragraph 1(a), the words “any of the grounds referred to in Article 21 of the Charter” shall read “any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, or on grounds of nationality”;
- (ii) in paragraph 1(b), the reference to Article 5 of Directive (EU) 2017/541 shall be understood to refer to the corresponding provisions of the national law of the EFTA States;

⁽¹⁾ OJ L 303, 28.11.2018, p. 69.

- (iii) in paragraph 2, the words “respect the rights and observe principles set out in the Charter” shall read “respect fundamental rights”.
- (g) In Article 28b, as regards the EFTA States:
 - (i) in paragraph 1(b), the words “any of the grounds referred to in Article 21 of the Charter” shall read “any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, or on grounds of nationality”;
 - (ii) in paragraph 1(c), the references to Article 5 of Directive (EU) 2017/541, to Article 5(4) of Directive 2011/93/EU and to Article 1 of Framework Decision 2008/913/JHA shall be understood to refer to the corresponding provisions of the national law of the EFTA States.
- (h) In Article 30b:
 - (i) in paragraph 2, the words “and an EFTA Surveillance Authority representative” shall be inserted after the word “Commission representative”;
 - (ii) in paragraph 2, the following sentence shall be added:
“The EFTA States shall participate fully in ERGA, except for the right to vote.”

Article 2

The text of point 39 of Protocol 37 to the EEA Agreement shall be replaced by the following:

“The European Regulators Group for Audiovisual Media Services (ERGA) (Commission Decision C(2014)462 of 3.2.2014 on establishing the European Regulators Group for Audiovisual Media Services and Directive (EU) 2018/1808 of the European Parliament and of the Council).”

Article 3

The text of Directive (EU) 2018/1808 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 4

This Decision shall enter into force on [...], provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 5

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

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

**Joint Declaration by the Contracting Parties to Decision No [...] incorporating Directive (EU)
2018/1808 into the Agreement**

[for adoption with the Decision and for publication in the OJ]

Directive (EU) 2018/1808 contains provisions with references to Directive (EU) 2017/541 of the European Parliament and of the Council, to Directive 2011/93/EU of the European Parliament and of the Council and to Framework Decision 2008/913/JHA, which are adopted under Title V TFEU. It is recalled that the incorporation of acts with such provisions into the EEA Agreement is without prejudice to the understanding that EU legislation adopted pursuant to Title V TFEU falls outside the scope of the EEA Agreement.

With regard to the references to Article 5 of Directive (EU) 2017/541, to Article 5(4) of Directive 2011/93/EU and to Article 1 of Framework Decision 2008/913/JHA, the Contracting Parties, in the context of long-standing common values and European identity, acknowledge that the corresponding provisions of the national law of the EFTA States are applied in a functionally equivalent manner.

COUNCIL DECISION (EU) 2022/2572**of 19 December 2022**

requesting the Commission to submit a study complementing the impact assessment of the proposal for a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 of the European Parliament and of the Council, and to propose follow-up actions, if appropriate in view of the outcomes of the study

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 241 thereof,

Whereas:

- (1) In its Conclusions on the Farm to Fork Strategy from 19 October 2020, the Council took note of the reduction targets for pesticides set out in the Strategy and highlighted the need for effort from Member States and all stakeholders and for intensive cooperation, consultation and collaboration in achieving that target.
- (2) The Council also welcomed the Commission's objective to reduce the adverse effects of the use of plant protection products on the environment, such as supporting the development of more comprehensive plant protection approaches based on the principles of integrated pest management and highlighted in this regard the importance of ensuring adequate and scientifically-sound integrated pest management measures and the promotion of the use of sustainable alternative plant protection products and methods.
- (3) Furthermore, it recalled the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽¹⁾ and called on the Commission to base legislative proposals on thorough impact assessments. It considered it necessary to ensure consistency and coherence between the measures envisaged by the F2F Strategy and related Union policies and strategies. The Council also stressed that, with regard to the realisation of the objectives and measures proposed in the F2F Strategy, adequate attention needs to be given to the economic, social and environmental dimensions of sustainable food systems, including with regards to the competitiveness of Union agricultural and related sectors.
- (4) On 22 June 2022, the Commission submitted to the European Parliament and to the Council a proposal for a Regulation on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 of the European Parliament and of the Council ⁽²⁾. The proposal aims to provide an ambitious approach to address growing societal concerns around the use and risk of pesticides and its impact on environment and human health. It includes new provisions on the use of pesticides, alternative non-chemical pest control techniques and integrated pest management. The proposal introduces legally binding Union reduction targets of 50 % for pesticide use and risk, while obliging the Member States to set national reduction targets to achieve this overall target. Those national targets may only deviate from the 50 % Union targets within the parameters of a binding formula.
- (5) The Council is concerned that the impact assessment accompanying the proposal does not consider the possible long-term impacts of the proposed Regulation on the food security in the Union. The fact that the impact assessment was concluded before the war in Ukraine and the energy, fertilisers and food price crises, further validates those concerns. The Council therefore considers that additional quantitative analysis on a number of indicators needs to be conducted in order to determine whether the assessment of the economic and social effects of the proposal needs to be adjusted. In particular, the Council considers that an additional analysis reflecting the Union's agricultural production, the expected decrease in yields in the Union resulting from the reduction and restriction of the use of plant protection products and the potential dependence on food and feed imports should be carried out. The Council also considers that a more in-depth analysis of the situation of small and medium enterprises and the profitability along their supply chain would be necessary.

⁽¹⁾ OJ L 123, 12.5.2016, p. 1.

⁽²⁾ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).

- (6) The Council takes note of the Commission non-paper on the definition and scope of provisions on sensitive areas in the proposal for a regulation on the sustainable use of plant protection products (SUR) of 15 November 2022 and its suggestion to reduce the extent of those areas to ensure the feasibility of a ban or partial-ban on the use of chemical plant protection products in those areas, and in particular the suggestion to exclude nitrate-sensitive areas from the definition of sensitive areas. However, the Council is of the opinion that further data and an analysis of the impact of such measures in the areas that could be considered sensitive as well as in forest areas would still be necessary.
- (7) In view of the above, while wishing to continue with the examination of various technical aspects of the proposal without undue delays, the Council considers that a study is necessary in order to complement the existing impact assessment of the proposal, in accordance with the Interinstitutional Agreement on Better Law Making, especially paragraphs 12, 13 and 16 thereof as well as its paragraph 10 on the application of Article 241 of the Treaty on the Functioning of the European Union,

HAS ADOPTED THIS DECISION:

Article 1

1. The Council requests that the Commission submit, as soon as possible to facilitate the ongoing legislative process, but at the latest by 28 June 2023 a study complementing the existing impact assessment of the proposal for a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation (EU) 2011/2115 on the following aspects:

- (a) the quantitative impacts of the Commission proposal on food production in the Union, in particular by quantifying the impact on agricultural yields for the main type of relevant crops and plant products individually, while taking into account, in the context of setting the national reduction targets, the specific conditions in the Member States, including different climate regions;
- (b) the analysis of the consequences of the Commission proposal on the food and feed availability in the Union, assessed on the basis of the main types of basic food and feed products, and of the possibility of increased dependence on food and feed imports for the main types of crops and the impact on export of food and feed products from the Union;
- (c) the potential impact on food and feed prices in general and in particular for staple food products related to the impacts referred to in point (a);
- (d) the quantified impacts of increased administrative burden on competitiveness and profitability of small and medium-sized farms;
- (e) the availability of alternatives to plant protection products and the potential increased risk of introduction and spread of harmful organisms in the Union due to the limited availability of alternative means of mitigating that risk;
- (f) quantification of the impact of banning the use of plant protection products in the sensitive areas as defined in Article 3(16) of the proposal, especially in areas used by the general public and in human settlements;
- (g) quantification of the impacts of the proposed restriction concerning the use of plant protection products on forest stands and forest dependent biodiversity.

2. The Council requests that the Commission propose any follow-up action justified in light of the outcome of the study.

Article 2

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at Brussels, 19 December 2022.

For the Council

The President

J. SÍKELA

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