

DECISION OF THE EEA JOINT COMMITTEE**No 153/2003****of 7 November 2003****amending Annex XI (Telecommunication services) and Annex XIV (Competition) 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, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XI to the Agreement was amended by Decision of the EEA Joint Committee No 80/2003 of 20 June 2003 ⁽¹⁾.
- (2) Annex XIV to the Agreement was amended by Decision of the EEA Joint Committee No 82/2003 of 20 June 2003 ⁽²⁾.
- (3) Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services ⁽³⁾ is to be incorporated into the Agreement.
- (4) Directive 2002/77/EC repeals, with effect from 25 July 2003, Commission Directive 90/388/EEC ⁽⁴⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XI to the Agreement is amended as follows:

1. the following point is inserted after point 5cf (Decision No 676/2002/EC of the European Parliament and of the Council):

'5cg. **32002 L 0077**: Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (OJ L 249, 17.9.2002, p. 21) (*).

(*) Listed here for purposes of information only. For application, see Annex XIV.

The provisions of the Directive, for the purposes of the present Agreement, are read with the following adaptations:

In Article 7(2), "competition rules of the EC Treaty" reads "the competition rules of the EEA Agreement".;

2. the text of point 3 (Commission Directive 90/388/EEC) is deleted with effect from 25 July 2003.

⁽¹⁾ OJ L 257, 9.10.2003, p. 31.

⁽²⁾ OJ L 257, 9.10.2003, p. 37.

⁽³⁾ OJ L 249, 17.9.2002, p. 21.

⁽⁴⁾ OJ L 192, 24.7.1990, p. 10.

Article 2

Annex XIV to the Agreement is amended as follows:

1. the following point is inserted after point 13 (Commission Directive 90/388/EEC):

‘13a. **32002 L 0077**: Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (OJ L 249, 17.9.2002, p. 21).

The provisions of the Directive, for the purposes of the present Agreement, are read with the following adaptation:

In Article 7(2), “competition rules of the EC Treaty” reads “the competition rules of the EEA Agreement”.’

2. the text of point 13 (Commission Directive 90/388/EEC) is deleted with effect from 25 July 2003.

Article 3

The text of Directive 2002/77/EC 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 8 November 2003, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

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 Brussels, 7 November 2003.

For the EEA Joint Committee

The President

HSB PRINZ NIKOLAUS von LIECHTENSTEIN

(*) Constitutional requirements indicated.