

DECISION OF THE EEA JOINT COMMITTEE**No 80/2003****of 20 June 2003****amending Annex XI (Telecommunication services) 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 168/2002 of 6 December 2002 ⁽¹⁾.
- (2) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2002/58/EC repeals, with effect from 31 October 2003, Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 ⁽³⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,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 shall be amended as follows:

1. The following point shall be inserted after point 5h (Directive 2000/31/EC of the European Parliament and of the Council):
 - '5ha. **32002 L 0058**: Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

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

- (a) in Article 1(3), the words "the Treaty establishing the European Community" shall be replaced with the words "EEA Agreement";
- (b) in Article 15(1), the words "general principles of Community law, including those referred to in Article 6(1) and (2) of the Treaty on European Union" shall be replaced with the words "general principles of EEA law".

⁽¹⁾ OJ L 38, 13.2.2003, p. 30.

⁽²⁾ OJ L 201, 31.07.2002, p. 37.

⁽³⁾ OJ L 24, 30.01.1998, p. 1.

Procedures for the association of Liechtenstein, Iceland and Norway in accordance with Article 101 of the Agreement:

The person appointed by each EFTA State to participate as observer in the meetings of the working party on the protection of individuals with regard to the processing of personal data may, under the same terms and conditions as set out in point 5e (Directive 95/46/EC of the European Parliament and of the Council), also participate in the meetings when the working party on the protection of individuals with regard to the processing of personal data carries out the tasks laid down in Article 30 of Directive 95/46/EC of the European Parliament and of the Council with regard to matters covered by this Directive, namely the protection of fundamental rights and freedoms and of legitimate interests in the electronic communications sector.'

2. The text of point 5f (Directive 97/66/EC of the European Parliament and of the Council) shall be deleted with effect from 31 October 2003.

Article 2

The texts of Directive 2002/58/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 3

This Decision shall enter into force on 21 June 2003, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

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, 20 June 2003.

For the EEA Joint Committee

The President

P. WESTERLUND

(*) Constitutional requirements indicated.