DECISION OF THE EEA JOINT COMMITTEE

No 20/2003

of 31 January 2003

amending Annex XVII (Intellectual property) 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 XVII to the Agreement was amended by Decision of the EEA Joint Committee No 171/2002 of 6 December 2002 ([1]).

(2) Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions ([2]) is to be incorporated into the Agreement.

(3) Directive 98/44/EC relies on a definition in and a reference to Council Regulation (EC) No 2100/94 ([3]), which is not incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 9c (Directive 2001/84/EC of the European Parliament and of the Council) in Annex XVII to the Agreement:

'9d. **398 L 0044:** Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions (OJ L 213, 30.7.1998, p. 13).

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

In view of the patent union between Liechtenstein and Switzerland, Liechtenstein shall not deliver any patent as laid down in this Directive.'

Article 2

The texts of Directive 98/44/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.

([1]) OJ L 38, 13.2.2003, p. 36.
([2]) OJ L 213, 30.7.1998, p. 13.
([3]) OJ L 227, 1.9.1994, p. 1.

Article 3

This Decision shall enter into force on 1 February 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, 31 January 2003.

For the EEA Joint Committee

The President

P. WESTERLUND

(*) Constitutional requirements indicated.