DECISION OF THE EEA JOINT COMMITTEE

No 47/2009

of 24 April 2009

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 31/2009 of 17 March 2009 ([1]).

(2) Commission Decision 2008/393/EC of 8 May 2008 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Jersey ([2]) is to be incorporated into the Agreement.

(3) In the joined cases C-317/04 and C-318/04 the European Court of Justice annulled Commission Decision 2004/535/EC ([3]), which is incorporated into the Agreement and which is consequently to be deleted 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 5ej (Commission Decision 2004/535/EC):

'5ek. **32008 D 0393**: Commission Decision 2008/393/EC of 8 May 2008 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Jersey (OJ L 138, 28.5.2008, p. 21).';

2. the text of point 5ej (Commission Decision 2004/535/EC) shall be deleted.

Article 2

The text of Decision 2008/393/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 25 April 2009, 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, 24 April 2009.

For the EEA Joint Committee
The President
Alan SEATTER

([1]) OJ L 130, 28.5.2009, p. 25.
([2]) OJ L 138, 28.5.2008, p. 21.
([3]) OJ L 235, 6.7.2004, p. 11.
(*) No constitutional requirements indicated.