DECISION OF THE EEA JOINT COMMITTEE

No 120/2006

of 22 September 2006

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 61/2006 of 2 June 2006 ([1]).

(2) Commission Decision 2005/752/EC of 24 October 2005 establishing an expert group on electronic commerce ([2]) is to be incorporated into the Agreement.

(3) Directive 1999/93/EC of the European Parliament and of the Council ([3]), Commission Decision 2000/709/EC ([4]) and Directive 2000/31/EC of the European Parliament and of the Council ([5]), which have been incorporated under the Chapter 'Data Protection', need to be moved to the Chapter 'Information Society Services' of Annex XI to the Agreement.

(4) Annex XI to the Agreement contains acts that are obsolete and can therefore be deleted from the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XI to the Agreement shall be amended as follows:

1. The following points shall be inserted after point 5k (Directive 2003/98/EC of the European Parliament and of the Council):

'5l. **399 L 0093**: Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures (OJ L 13, 19.1.2000, p. 12).

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

(a) in Article 7(1)(c) the words "or between an EFTA State and third countries or international organisations" shall be inserted after the word "organisations";

(b) in situations referred to in Article 7(2), the Contracting Parties shall keep each other informed and, upon request, consultations shall take place within the EEA Joint Committee;

(c) whenever the Community negotiates with a third country with respect to market access for Community undertakings on the basis of Article 7(3), it shall endeavour to obtain equal treatment for undertakings of the EFTA States.

([1]) OJ L 245, 7.9.2006, p. 8.
([2]) OJ L 282, 26.10.2005, p. 20.
([3]) OJ L 13, 19.1.2000, p. 12.
([4]) OJ L 289, 16.11.2000, p. 42.
([5]) OJ L 178, 17.7.2000, p. 1.

5la. **32000 D 0709**: Commission Decision 2000/709/EC of 6 November 2000 on the minimum criteria to be taken into account by Member States when designating bodies in accordance with Article 3(4) of Directive 1999/93/EC of the European Parliament and of the Council on a Community framework for electronic signatures (OJ L 289, 16.11.2000, p. 42).

5m. **32000 L 0031**: Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).

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

In situations referred to in Article 5(1)(g), as regards the EFTA States the VAT identification number shall be the number allocated to the service provider pursuant to their national legislation.

5n. **32005 D 0752**: Commission Decision 2005/752/EC of 24 October 2005 establishing an expert group on electronic commerce (OJ L 282, 26.10.2005, p. 20).'

2. The text of points 5ca (Decision No 710/97/EC of the European Parliament and of the Council), 5cd (Decision No 128/1999/EC of the European Parliament and of the Council), 5g (Directive 1999/93/EC of the European Parliament and of the Council), 5ga (Commission Decision 2000/709/EC) and 5h (Directive 2000/31/EC of the European Parliament and of the Council) shall be deleted.

Article 2

The texts of Decision 2005/752/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 23 September 2006, 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, 22 September 2006.

For the EEA Joint Committee

The President

Oda Helen SLETNES

(*) No constitutional requirements indicated.