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DECISION OF THE EEA JOINT COMMITTEE
No 117/2009

of 22 October 2009

amending Protocol 21 (On the implementation of competition rules applicable to undertakings) 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) Protocol 21 to the Agreement was amended by Decision of the EEA Joint Committee No 132/2007 of 26 October 2007¹.
- (2) Commission Regulation (EC) No 802/2004 of 7 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings², as corrected by OJ L 172, 6.5.2004, p. 9, is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 1792/2006 of 23 October 2006 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement of persons, competition policy, agriculture (veterinary and phytosanitary legislation), fisheries, transport policy, taxation, statistics, social policy and employment, environment, customs union, and external relations by reason of the accession of Bulgaria and Romania³ was incorporated into the Agreement by Decision of the EEA Joint Committee No 132/2007 of 26 October 2007 and needs to be added as an indent to Regulation (EC) No 802/2004.
- (4) Commission Regulation (EC) No 1033/2008 of 20 October 2008 amending Regulation (EC) No 802/2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings⁴ is to be incorporated into the Agreement.
- (5) Regulation (EC) No 802/2004 repeals Commission Regulation (EC) No 447/98⁵ which is incorporated into the Agreement and is therefore to be repealed under the Agreement,

¹ OJ L 100, 10.4.2008, p. 1.

² OJ L 133, 30.4.2004, p. 1.

³ OJ L 362, 20.12.2006, p. 1.

⁴ OJ L 279, 22.10.2008, p. 3.

⁵ OJ L 61, 2.3.1998, p. 1

HAS DECIDED AS FOLLOWS:

Article 1

The text of point 2 (Commission Regulation (EC) No 447/98) of Article 3(1) of Protocol 21 to the Agreement shall be replaced by the following:

‘**32004 R 0802**: Commission Regulation (EC) No 802/2004 of 7 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (OJ L 133, 30.4.2004, p. 1), as corrected by OJ L 172, 6.5.2004, p. 9, as amended by:

- **32006 R 1792**: Commission Regulation (EC) No 1792/2006 of 23 October 2006 (OJ L 362, 20.12.2006, p. 1),
- **32008 R 1033**: Commission Regulation (EC) No 1033/2008 of 20 October 2008 (OJ L 279, 22.10.2008, p. 3).’

Article 2

The texts of Regulations (EC) Nos 802/2004, as corrected by OJ L 172, 6.5.2004, p. 9, and 1033/2008 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 October 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, 22 October 2009.

*For the EEA Joint Committee
The President*

O. H. Sletnes

*The Secretaries
to the EEA Joint Committee*

B. Ellertsdóttir L-O. Hollner

* No constitutional requirements indicated.