

ANNEX XIX

CONSUMER PROTECTION

List provided for in Article 72

INTRODUCTION

When the acts referred to in this Annex contain notions or refer to procedures which are specific to the Community legal order, such as:

- preambles,
- the addressees of the Community acts,
- references to territories or languages of the EC,
- references to rights and obligations of EC Member States, their public entities, undertakings or individuals in relation to each other, and
- references to information and notification procedures,

Protocol 1 on horizontal adaptations shall apply, unless otherwise provided for in this Annex.

SECTORAL ADAPTATIONS

For the purposes of this Annex and notwithstanding the provisions of Protocol 1, the term "Member State(s)" contained in the acts referred to shall be understood to include, in addition to its meaning in the relevant EC acts, Iceland, Liechtenstein, Norway, []^{1} []^{2}.

ACTS REFERRED TO

1.^{3}

1a.^{4} **398 L 0006:** Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers (OJ L 80, 18.3.1998, p. 27).

2.^{5} **32006 L 0114:** Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (codified version) (OJ L 376, 27.12.2006, p. 21).

^{1} Words "and Switzerland" deleted by the Adjusting Protocol.

^{2} Words "Austria, Finland" and "Sweden" deleted by Decision No 43/2005 (OJ No L 198, 28.7.2005, p.45 and EEA Supplement No 38, 28.7.2005, p. 26), e.i.f. 12.3.2005.

^{3} Text of point 1 deleted by Decision No 113/98 (OJ No L 277, 28.10.1999, p. 50 and EEA Supplement No 46, 28.10.1999, p. 164), e.i.f. 28.11.1998.

^{4} Point inserted by Decision No 113/98 (OJ No L 277, 28.10.1999, p. 50 and EEA Supplement No 46, 28.10.1999, p. 164), e.i.f. 28.11.1998.

^{5} Point 2 (Council Directive 84/450/EEC) replaced by Decision No 34/2010 (OJ No L 143, 10.6.2010, p. 29 and EEA Supplement No 30, 10.6.2010, p. 37), e.i.f. 13.3.2010.

3. **385 L 0577**: Council Directive 85/577/EEC of 20 December 1985 to protect the consumer in respect of contracts negotiated away from business premises (OJ No L 372, 31.12.1985, p. 31).
- 3a.^{6} **397 L 0007**: Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (OJ No L 144, 4.6.1997, p. 19), as amended by:
- ^{7} **32002 L 0065**: Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 (OJ L 271, 9.10.2002, p. 16),
- ^{8} **32005 L 0029**: Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 (OJ L 149, 11.6.2005, p. 22),
- ^{9} **32007 L 0064**: Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 (OJ L 319, 5.12.2007, p. 1).
- 4.^{10} []
5. **387 L 0357**: Council Directive 87/357/EEC of 25 June 1987 on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of consumers (OJ No L 192, 11.7.1987, p. 49).
- The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptation:
- in Article 4(2), the reference to Decision 84/133/EEC shall be read as a reference to Decision 89/45/EEC.
- 6.^{11} []
7. **390 L 0314**: Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours (OJ No L 158, 23.6.1990, p. 59).
- 7a.^{12} **393 L 0013**: Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ No L 95, 21.4.1993, p.29).
- 7b.^{13} **32008 L 0122**: Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts (OJ L 33, 3.2.2009, p. 10).
- 7c.^{14} **397 L 0005**: Directive 97/5/EC of the European Parliament and of the Council⁽¹⁾ of 27 January 1997 on cross-border credit transfers (OJ No L 43, 14.2.1997, p. 25).

^{6} Point inserted by Decision No 15/98 (OJ No L 272, 8.10.1998, p. 22 and EEA Supplement No 42, 8.10.1998, p. 99), e.i.f. 1.7.2000.

^{7} Indent and words “, as amended by:” above, added by Decision No 47/2003 (OJ No L 193, 31.7.2003, p. 18 and EEA Supplement No 39, 31.7.2003, p. 12), e.i.f. 1.5.2004.

^{8} Indent added by Decision No 93/2006 (OJ No L 289, 19.10.2006, p. 34 and EEA Supplement No 52, 19.10.2006, p. 27), e.i.f. pending.

^{9} Indent added by Decision No 114/2008 (OJ No L [to be published]), e.i.f. pending.

^{10} This point, including the indents, introduced by Decision No 122/98 (OJ No L 297, 18.11.1999, p. 56 and EEA Supplement No 50, 18.11.1999, p. 97), e.i.f. 19.12.1998, replaces former point 4, subsequently the text of Point 4 deleted by Decision No 16/2009 (OJ No L 73, 19.3.2009, p. 53 and EEA Supplement No 16, 19.3.2009, p. 24) with effect from 12 May 2010, e.i.f. pending.

^{11} Text of point 6 deleted by Decision No 113/98 (OJ No L 277, 28.10.1999, p. 50 and EEA Supplement No 46, 28.10.1999, p. 164), e.i.f. 28.11.1998.

^{12} Point inserted by Decision No 7/94.

^{13} Point inserted by Decision No 18/95 (OJ No L 83, 13.4.1995, p. 49 and EEA Supplement No 13, 13.4.1995, p. 34), e.i.f. 1.7.1997 and text subsequently replaced by Decision No 86/2009 (OJ No L 277, 22.10.2009, p. 38 and EEA Supplement No 56, 22.10.2009, p. 16), e.i.f. pending.

^{14} Point inserted by Decision No 1/98 (OJ No L 272, 8.10.1998, p. 1 and EEA Supplement No 42, 8.10.1998, p. 1), e.i.f. 1.2.2000, to be deleted with effect from 1.11.2009 by Decision No 114/2008 (OJ No L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

(1) Listed here for purposes of information only. For application, see Annex IX.

7d.^{15} **32009 L 0022:** Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests (OJ L 110, 1.5.2009, p. 30).

7e.^{16} **399 L 0044:** Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ L 171, 7.7.1999, p. 12).

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

- (a) in Articles 6(4) and 8(2) the word "Treaty" shall read "Agreement on the European Economic Area";
- (b) in Article 6(4) the words ", Icelandic and Norwegian" shall be added at the end of the paragraph.

7f.^{17} **32004 R 2006:** Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation) (OJ L 364, 9.12.2004, p. 1), as amended by:

-^{18} **32005 L 0029:** Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 (OJ L 149, 11.6.2005, p. 22).

7fa.^{19} **32007 D 0076:** Commission Decision 2007/76/EC of 22 December 2006 implementing Regulation (EC) No 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws as regards mutual assistance (OJ L 32, 6.2.2007, p. 192), as amended by:

-^{20} **32008 D 0282:** Commission Decision 2008/282/EC of 17 March 2008 (OJ L 89, 1.4.2008, p. 26).

7g.^{21} **32005 L 0029:** Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22).

7h.^{22} **32008 L 0048:** Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ L 133, 22.5.2008, p. 66).

ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE

The Contracting Parties take note of the content of the following acts:

^{15} Point (Directive 98/27/EC) inserted by Decision No 121/1999 (OJ NO L 325, 21.12.2000, p. 38 and EEA Supplement No 60, 21.12.2000, p. 443), e.i.f. 1.7.2000 and subsequently replaced by Decision No 35/2010 (OJ No L 143, 10.6.2010, p. 30 and EEA Supplement No 30, 10.6.2010, p. 38), e.i.f. pending

^{16} Point inserted by Decision No 12/2000 (OJ No L 52, 22.2.2001, p. 37 and EEA Supplement No 9, 22.2.2001, p. 4), e.i.f. 1.9.2000.

^{17} Point inserted by Decision No 92/2006 (OJ No L 289, 19.10.2006, p. 33 and EEA Supplement No 52, 19.10.2006, p. 26), e.i.f. 1.6.2007.

^{18} Indent and words "as amended by:" above, added by Decision No 93/2006 (OJ No L 289, 19.10.2006, p. 34 and EEA Supplement No 52, 19.10.2006, p. 27), e.i.f. pending.

^{19} Point inserted by Decision No 88/2008 (OJ No L 280, 23.10.2008, p. 25 and EEA Supplement No 64, 23.10.2008, p. 18), e.i.f. 5.7.2007.

^{20} Indent and words "as amended by:" above, added by Decision No 88/2008 (OJ No L 280, 23.10.2008, p. 25 and EEA Supplement No 64, 23.10.2008, p. 18), e.i.f. 5.7.2008.

^{21} Point inserted by Decision No 93/2006 (OJ No L 289, 19.10.2006, p. 34 and EEA Supplement No 52, 19.10.2006, p. 27), e.i.f. pending.

^{22} Point inserted by Decision No 16/2009 (OJ No L 73, 19.3.2009, p. 53 and EEA Supplement No 16, 19.3.2009, p. 24), e.i.f. pending.

8. **388 X 0590**: Commission Recommendation 88/590/EEC of 17 November 1988 concerning payment systems and in particular the relationship between cardholder and card issuer (OJ No L 317, 24.11.1988, p. 55).
9. **388 Y 0611(01)**: Council Resolution 88/C 153/01 of 7 June 1988 on consumer protection in the indication of the prices of foodstuffs and non-food products (OJ No C 153, 11.6.1988, p. 1).
- 10.{²³} **392 X 0295**: Commission Recommendation 92/295/EEC of 7 April 1992 on codes of practice for the protection of consumers in respect of contracts negotiated at a distance (distance selling) (OJ No L 156, 10.6.1992, p. 21).
- 11.{²⁴} **393 Y 0420(01)**: Council Resolution 93/C 110/01 of 5 April 1993 on future action on the labelling of products in the interest of the consumer (OJ No C 110, 20.4.1993, p. 1).
- 12.{²⁵} **379 Y 0630(01)**: Council Resolution of 19 June 1979 on the indication of the prices of foodstuffs and non-food household products prepacked in pre-established quantities (OJ No C 163, 30.6.1979, p. 1).
- 13.{²⁶} **486 Y 0723(07)**: Council Resolution and the Ministers for Education meeting within the Council of 9 July 1986 on consumer education in primary and secondary schools (OJ No C 184, 23.7.1986, p. 21).
- 14.{²⁷} **387 Y 0107(01)**: Council Resolution of 15 December 1986 on the integration of consumer policy in the other common policies (OJ No C 3, 7.1.1987, p. 1).
- 15.{²⁸} **387 Y 0704(03)**: Council Resolution of 25 June 1987 on consumer safety (OJ No C 176, 4.7.1987, p. 3).
- 16.{²⁹} **387 Y 0704(02)**: Council Resolution of 25 June 1987 on consumer redress (OJ No C 176, 4.7.1987, p. 2).
- 17.{³⁰} **388 X 0041**: Commission Recommendation 88/41/EEC of 10 December 1987 on the involvement and improvement of consumer participation in standardization (OJ No L 23, 28.1.1988, p. 26).
- 18.{³¹} **398 X 0257**: Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes (OJ L 115, 17.4.1998, p. 31).
- 19.{³²} **32001 H 0310**: Commission Recommendation 2001/310/EC of 4 April 2001 on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes (OJ L 109, 19.4.2001, p. 56).
- 20.{³³} **32001 H 0193**: Commission Recommendation 2001/193/EC of 1 March 2001 on pre-contractual information to be given to consumers by lenders offering home loans (OJ L 69, 10.3.2001, p. 25).

{²³} Point inserted by Decision No 7/94.

{²⁴} Point inserted by Decision No 7/94.

{²⁵} Point inserted by Decision No 7/94.

{²⁶} Point inserted by Decision No 7/94.

{²⁷} Point inserted by Decision No 7/94.

{²⁸} Point inserted by Decision No 7/94.

{²⁹} Point inserted by Decision No 7/94.

{³⁰} Point inserted by Decision No 7/94.

{³¹} Point inserted by Decision No 13/2000 (OJ No L 103, 12.4.2001, p. 26 and EEA Supplement No 20, 12.4.2001, p. 146), e.i.f. 29.1.2000.

{³²} Point inserted by Decision No 160/2001 (OJ No L 65, 7.3.2002, p. 40 and EEA Supplement No 13, 7.3.2002, p.23), e.i.f. 19.01.2002.

{³³} Point inserted by Decision No 84/2003 (OJ No L 257, 9.10.2003, p. 41 and EEA Supplement No 51, 9.10.2003, p. 24), e.i.f. 21.6.2003.

