



**DECISION OF THE EEA JOINT COMMITTEE No 308/2021**

**of 29 October 2021**

**amending Annex XVIII (Health and safety at work, labour law, and equal treatment for men and women) to the EEA Agreement [2024/548]**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area (“the EEA Agreement”), and in particular Article 98 thereof,

Whereas:

- (1) Article 5(2) of Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services <sup>(1)</sup>, which is incorporated into the EEA Agreement, was declared invalid with effect from 21 December 2012 by the Court of Justice of the European Union in its judgment of 1 March 2011 in Case C-236/09 <sup>(2)</sup> and consequently Article 5(2) should also be invalidated under the EEA Agreement.
- (2) Annex XVIII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

The text of point 21c (Council Directive 2004/113/EC) of Annex XVIII to the EEA Agreement is replaced by the following:

**‘32004 L 0113:** Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37).

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

- (a) In Articles 5 and 17, the references to “21 December 2007” shall be read as “30 June 2010”.
- (b) Article 5(2) shall not apply.’

*Article 2*

This Decision shall enter into force on 30 October 2021, provided that all the notifications under Article 103(1) of the EEA Agreement have been made \*.

*Article 3*

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

<sup>(1)</sup> OJ L 373, 21.12.2004, p. 37.

<sup>(2)</sup> OJ C 130, 30.4.2011, p. 4.

\* Constitutional requirements indicated.

Done at Brussels, 29 October 2021.

*For the EEA Joint Committee*  
*The President*  
Rolf Einar FIFE

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