

ANNEX X

SERVICES IN GENERAL

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List provided for in Article 36(2)

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.

ACTS REFERRED TO

1. **32006 L 0123:** Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

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

- (a) In Article 3(3), “rules of the Treaty” shall read “rules of the EEA Agreement”;
- (b) In Article 4(1), “Article 50 of the Treaty” shall read “Article 37 of the EEA Agreement”;
- (c) In Articles 4(2) and 4(3), “Article 48 of the Treaty” shall read “Article 34 of the EEA Agreement”;
- (d) In Article 4(5), “Article 43 of the Treaty” shall read “Article 31 of the EEA Agreement”;
- (e) Article 4(8) shall read:

“overriding reasons relating to the public interest’ means, without prejudice to Article 6 of the EEA Agreement, reasons recognised as such in the rulings of the Court of Justice of the European Community, including the following grounds: public policy; public security; public safety; public health; preserving the financial equilibrium of the social security system; the protection of consumers; recipients of services and workers; fairness of trade transactions; combating fraud; the protection of the environment and the urban environment; the health of animals; intellectual property; the conservation of the national historic and artistic heritage; social policy objectives and cultural policy objectives;”;
- (f) The following subparagraph shall be inserted after the first subparagraph of Article 15(7):

“When the Commission and the EFTA Surveillance Authority, in accordance with paragraph 4(d) of Protocol 1 to the EEA Agreement, exchange information on notifications received from the EU Member States or the EFTA States respectively, the Commission shall communicate the information received from the EFTA Surveillance Authority to the EU Member States and the EFTA Surveillance Authority shall communicate the information received from the Commission to the Standing Committee of the EFTA States. Furthermore, the EFTA Surveillance Authority shall inform the Standing Committee of the notifications received from the EFTA States.”;
- (g) The following subparagraph shall be inserted in Article 21(2):

“When the Commission and the EFTA Surveillance Authority, in accordance with paragraph 4(a) of Protocol 1 to the EEA Agreement, exchange information on the names and contact details received from the EU Member States or the EFTA States respectively, the Commission shall communicate the information received from the EFTA Surveillance Authority to the EU Member States and the EFTA

{ } Title, introduction text and point inserted by Decision No 45/2009 (OJ L 162, 25.6.2009, p. 23 and EEA Supplement No 33, 25.6.2009, p. 8), e.i.f 1.5.2010.

Surveillance Authority shall communicate the information received from the Commission to the Standing Committee of the EFTA States.”;

- (h) Article 22(1)(d) shall not apply with regard to the EFTA States;
- (i) The following shall be added in Article 28(8):
 “With regard to the EFTA States, it shall be the EFTA Surveillance Authority to periodically inform them about the functioning of the mutual assistance provisions.”;
- (j) The following shall be added in Article 39(2):
 “Without prejudice to paragraph 4(d) of Protocol 1 to the EEA Agreement, the Commission shall forward the reports received from the EU Member States to the EFTA Surveillance Authority for distribution to the EFTA States and the EFTA Surveillance Authority shall forward the information received from an EFTA State to the other EFTA States, to the Standing Committee of the EFTA States and to the Commission for distribution to the EU Member States. The Commission and the EFTA Surveillance Authority shall exchange information on the observations received from the EU Member States and the EFTA States respectively.”;
- (k) The following shall be added in Article 39(3):
 “The EFTA States may also present their reports and observations in the Committee.”;
- (l) The following subparagraph shall be added in Article 39(5):
 “When the Commission and the EFTA Surveillance Authority, in accordance with paragraph 4(d) of Protocol 1 to the EEA Agreement, exchange information on the requirements transmitted by the EU Member States or the EFTA States respectively, the Commission shall communicate the information received from the EFTA Surveillance Authority to the EU Member States and the EFTA Surveillance Authority shall communicate the information received from the Commission to the Standing Committee of the EFTA States. Furthermore, the EFTA Surveillance Authority shall inform the Standing Committee of the requirements transmitted by the EFTA States.”
- 1a. {²} **32009 D 0739**: Commission Decision 2009/739/EC of 2 October 2009 setting out the practical arrangements for the exchange of information by electronic means between Member States under Chapter VI of Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (OJ L 263, 7.10.2009, p. 32).
- 1b. {³} **32009 D 0767**: Commission Decision 2009/767/EC of 16 October 2009 setting out measures facilitating the use of procedures by electronic means through the ‘points of single contact’ under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (OJ L 274, 20.10.2009, p. 36), as corrected by OJ L 299, 14.11.2009, p. 18, as amended by:
- {⁴} **32010 D 0425**: Commission Decision 2010/425/EU of 28 July 2010 (OJ L 199, 31.7.2010, p. 30),
- {⁵} **32013 R 0519**: Commission Regulation (EU) No 519/2013 of 21 February 2013 (OJ L 158, 10.6.2013, p. 74),
- {⁶} **32013 D 0662**: Commission Implementing Decision 2013/662/EU of 14 October 2013 (OJ L 306, 16.11.2013, p. 21).
- 1c. {⁷} **32011 D 0130**: Commission Decision 2011/130/EU of 25 February 2011 establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (OJ L 53, 26.2.2011, p. 66), as amended by:
- {⁸} **32014 D 0148**: Commission Implementing Decision 2014/148/EU of 17 March 2014 (OJ L 80, 19.3.2014, p. 7), as corrected by OJ L 95, 29.3.2014, p. 69.

{²} Point inserted by Decision No 86/2010 (OJ L 277, 21.10.2010, p. 40 and EEA Supplement No 59, 21.10.2010, p. 9), e.i.f. 3.7.2010.

{³} Point inserted by Decision No 102/2010 (OJ L 332, 16.12.2010, p. 52 and EEA Supplement No 70, 16.12.2010, p. 9), e.i.f. 1.11.2011.

{⁴} Indent and words “, as amended by:” added by Decision No 97/2011 (OJ L 318, 1.12.2011, p. 35 and EEA Supplement No 65, 1.12.2011, p. 7), e.i.f. 1.5.2012.

{⁵} Indent added by Decision No 159/2014 (OJ L 15, 22.1.2015, p. 87 and EEA Supplement No 5, 22.1.2015, p. 10), e.i.f. pending; it shall apply from 9.7.2014.

{⁶} Indent added by Decision No 189/2014 (OJ L 202, 30.7.2015, p. 41 and EEA Supplement No 43, 30.7.2015, p. 41), e.i.f. 26.9.2014.

{⁷} Point inserted by Decision No 21/2012 (OJ L 161, 21.6.2012, p. 27 and EEA Supplement No 34, 21.6.2012, p. 32), e.i.f. 11.2.2012.

{⁸} Indent and words “, as amended by:” added by Decision No 280/2014 (OJ L 311, 26.11.2015, p. 33 and EEA Supplement No 71, 26.11.2015, p. 32), e.i.f. 13.12.2014.

2. {⁹} **32011 L 0024**: Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

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

Without prejudice to future development by the EEA Joint Committee, it should be noted that the following acts are not incorporated into the EEA Agreement:

- (a) Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality,
- (b) Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality.

Therefore all references to these acts shall not apply to the EFTA States.

- 2a.{¹⁰} **32012 L 0052**: Commission Implementing Directive 2012/52/EU of 20 December 2012 laying down measures to facilitate the recognition of medical prescriptions issued in another Member State (OJ L 356, 22.12.2012, p. 68).
- 2b.{¹¹} **32013 D 0329**: Commission Implementing Decision 2013/329/EU of 26 June 2013 providing the rules for the establishment, management and transparent functioning of the Network of national authorities or bodies responsible for health technology assessment (OJ L 175, 27.6.2013, p. 71).
- 2c.{¹²} **32014 D 0286**: Commission Delegated Decision 2014/286/EU of 10 March 2014 setting out criteria and conditions that European Reference Networks and healthcare providers wishing to join a European Reference Network must fulfil (OJ L 147, 17.5.2014, p. 71).
- 2d.{¹³} **32014 D 0287**: Commission Implementing Decision 2014/287/EU of 10 March 2014 setting out criteria for establishing and evaluating European Reference Networks and their Members and for facilitating the exchange of information and expertise on establishing and evaluating such Networks (OJ L 147, 17.5.2014, p. 79), as amended by:
- {¹⁴} **32019 D 1269**: Commission Implementing Decision (EU) 2019/1269 of 26 July 2019 (OJ L 200, 29.7.2019, p. 35).
- 2e.{¹⁵} **32020 D 0534**: Commission Implementing Decision (EU) 2020/534 of 16 April 2020 suspending the examination of applications for membership of existing European Reference Networks (OJ L 119, 17.4.2020, p. 18).
3. {¹⁶} **32012 R 1024**: Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC (OJ L 316, 14.11.2012, p. 1), as amended by:
- {¹⁷} **32014 L 0060**: Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 (OJ L 159, 28.5.2014, p. 1), as corrected by OJ L 147, 12.6.2015, p. 24,
 - {¹⁸} **32013 L 0055**: Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 (OJ L 354, 28.12.2013, p. 132),
 - {¹⁹} **32014 L 0067**: Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 (OJ L 159, 28.5.2014, p. 11),

{⁹} Point inserted by Decision No 153/2014 (OJ L 15, 22.1.2015, p. 78 and EEA Supplement No 5, 22.1.2015, p. 11), e.i.f. 1.8.2015.

{¹⁰} Point inserted by Decision No 153/2014 (OJ L 15, 22.1.2015, p. 78 and EEA Supplement No 5, 22.1.2015, p. 11), e.i.f. 1.8.2015.

{¹¹} Point inserted by Decision No 226/2014 (OJ L 230, 3.9.2015, p. 29 and EEA Supplement No 52, 3.9.2015, p. 29), e.i.f. 1.11.2014.

{¹²} Point inserted by Decision No 281/2014 (OJ L 311, 26.11.2015, p. 34 and EEA Supplement No 71, 26.11.2015, p. 33), e.i.f. 1.8.2015.

{¹³} Point inserted by Decision No 281/2014 (OJ L 311, 26.11.2015, p. 34 and EEA Supplement No 71, 26.11.2015, p. 33), e.i.f. 1.8.2015.

{¹⁴} Indent and words “, as amended by” added by Decision No 134/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 26.9.2020.

{¹⁵} Point inserted by Decision No 134/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 26.9.2020.

{¹⁶} Point inserted by Decision No 102/2015 (OJ L 211, 4.8.2016, p. 55 and EEA Supplement No 42, 4.8.2016, p. 53), e.i.f. 1.7.2016.

{¹⁷} Indent and words “, as amended by:” added by Decision No 121/2016 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.7.2017.

{¹⁸} Indent added by Decision No 94/2017 (OJ L 36, 7.2.2019, 52 and EEA Supplement No 11, 7.2.2019, p. 62), e.i.f. 1.1.2019.

{¹⁹} Indent added by Decision No 215/2018 (OJ L 105, 25.3.2021, p. 11 and EEA Supplement No 21, 25.3.2021, p. 11), e.i.f. 1.1.2020.

- {²⁰} **32016 R 1628**: Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 (OJ L 252, 16.9.2016, p. 53), as corrected by OJ L 231, 6.9.2019, p. 29.

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

- (a) The words “Article 26(2) of the Treaty on the Functioning of the European Union (TFEU)” and “Article 26(2) TFEU” shall read “Article 1(2)(a) to (d) of the EEA Agreement”.
- (b) The words “Union acts” shall read “Union acts incorporated into the EEA Agreement”.

- 3a. {²¹} **32014 D 0089**: Commission Implementing Decision 2014/89/EU of 14 February 2014 on a pilot project to implement the administrative cooperation obligations set out in Directive 2007/59/EC of the European Parliament and of the Council by means of the Internal Market Information System (OJ L 45, 15.2.2014, p. 36).

4. {²²} **32018 R 0302**: Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers’ nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (OJ L 60I, 2.3.2018, p. 1), as corrected by OJ L 66, 8.3.2018, p. 1.

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

- (a) As regards the EFTA States, Article 1(6) shall not apply.
- (b) In Article 2(17), the words “Article 57 TFEU” shall read “Article 37 of the EEA Agreement”.
- (c) In Articles 3(3) and 4(5), the words “Union law” shall read “the EEA Agreement”.
- (d) In Article 4(4), as regards the EFTA States, the words “the provisions of Chapter 1 of Title XII of Directive 2006/112/EC” shall read “special national rules for small enterprises”.
- (e) In Articles 6(1) and 11(2), the words “Article 101 TFEU” shall read “Article 53 of the EEA Agreement”.
- (f) In Article 11(2), as regards the EFTA States:
 - (i) the words “2 March 2018” shall read “the date of entry into force of Decision of the EEA Joint Committee No 311/2019 of 13 December 2019”;
 - (ii) the words “23 March 2020” shall read “two years after the date of entry into force of Decision of the EEA Joint Committee No 311/2019 of 13 December 2019”.

ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE

1. {²³} **32013 H 0461**: Commission Recommendation 2013/461/EU of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2013, p. 10).

{²⁰} Indent added by Decision No 39/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.8.2020.

{²¹} Point inserted by Decision No 103/2015 (OJ L 211, 4.8.2016, p. 57 and EEA Supplement No 42, 4.8.2016, p. 55), e.i.f. pending.

{²²} Point and adaptation text inserted by Decision No 311/2019 (OJ L 68, 5.3.2020, p. 65 and EEA Supplement No 14, 5.3.2020, p. 72), e.i.f. 1.8.2020.

{²³} Point and heading “*Acts of which the contracting parties shall take note*” inserted by Decision No 241/2016 (OJ L 215, 23.8.2018, p. 40 and EEA Supplement No 56, 23.8.2018, p. 48), e.i.f. 3.12.2016.