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 ] [3].

ACTS REFERRED TO

1. [1]


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3. \[\text{[ ]}\]

3a. \[\text{[ ]}\]

4. \[\text{[ ]}\]


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. \[\text{[ ]}\]


7c. \[\text{[ ]}\] \[\text{[ ]}\]

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


\[\text{[ ]}\] \[\text{[ ]}\] \[\text{[ ]}\] \[\text{[ ]}\] \[\text{[ ]}\] \[\text{[ ]}\] \[\text{[ ]}\] \[\text{[ ]}\] \[\text{[ ]}\]


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.


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

(a) As regards the EFTA States, the ODR platform referred to in Article 5 of the Regulation shall be accessible within 40 working days from the entry into force of Decision of the EEA Joint Committee No 194/2016 of 23 September 2016.

(b) The ODR platform shall be accessible in all the languages referred to in Article 129(1) of the EEA Agreement.

(c) [40] [ ]


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

(a) References to other acts in the Directive shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.

(b) As regards the EFTA States, Article 11(2) shall read as follows:

“2. For the purposes of this Article, ‘habitual residence’ shall be determined in accordance with the following:

(a) The habitual residence of companies and other bodies, corporate or unincorporated, shall be the place of central administration;

The habitual residence of a natural person acting in the course of his business activity shall be his principal place of business;

(b) Where the contract is concluded in the course of the operations of a branch, agency or any other establishment, or if, under the contract, performance is the responsibility of such a branch, agency or establishment, the place where the branch, agency or any other establishment is located shall be treated as the place of habitual residence;
(c) For the purposes of determining the habitual residence, the relevant point in time shall be the time of the conclusion of the contract.”

(c) In Article 18(2), the following shall be added:

“The Commission shall include on that list competent authorities and single points of contact designated by the EFTA States.”

(d) In Article 20(4), the following shall be inserted after the words “notified to the Commission.”:

“The Commission shall include on that list the ADR entities established in the EFTA States and listed in accordance with paragraph 2.”


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

In Article 14(4), as regards the EFTA States, the words “the Union” shall read “an EFTA State”.

ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE

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


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[43] Point and adaptation text inserted by Decision No 187/2017 (OJ L [to be published]) and EEA Supplement No [to be published], e.i.f. pending.


