

DECISION OF THE EEA JOINT COMMITTEE
No 91/2019

of 29 March 2019

amending Annex XVII (Intellectual Property) to the EEA Agreement

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) Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure¹ is to be incorporated into the EEA Agreement.
- (2) Annex XVII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is inserted after point 12 (Regulation (EU) 2017/1128 of the European Parliament and of the Council) of Annex XVII to the EEA Agreement:

- ‘13. **32016 L 0943:** Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

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

- (a) In Article 1(1), the term “TFEU” shall, for the EFTA States, be read as “EEA Agreement”
- (b) The reference in Article 1(2)(a) and Article 5(a) to “the right to freedom of expression and information as set out in the Charter” shall, for the EFTA States, be read as “the fundamental right to freedom of expression and information”.
- (c) In Article 1(2)(b) and (c), the term “Union or national rules” shall, for the EFTA States, be read as “EEA rules or national rules”.
- (d) The reference in Article 1(2)(c) to “Union institutions and bodies” shall, for the EFTA States, be read as including “EEA EFTA institutions and bodies”.

¹ OJ L 157, 15.6.2016, p. 1.

- (e) In Article 1(2)(c) and (3)(c), Article 3(2) and Article 5(c) and (d), the term “Union or national law” shall, for the EFTA States, be read as “EEA law or national law”.
- (f) In Article 1(2)d and Article 3(1)(c), the term “Union law and national laws and practices” shall, for the EFTA States, be read as “EEA law and national laws and practices”.’

Article 2

The text of Directive (EU) 2016/943 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 30 March 2019, provided that all the notifications under Article 103(1) of the EEA Agreement have been made*.

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, 29 March 2019.

*For the EEA Joint Committee
The President*

Claude Maerten

*The Secretaries
to the EEA Joint Committee*

Hege M. Hoff

Mikołaj Karłowski

* Constitutional requirements indicated.