

**DECISION OF THE EEA JOINT COMMITTEE**  
**No 172/2019**

**of 14 June 2019**

**amending Annex XIX (Consumer protection) 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) Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004<sup>1</sup> is to be incorporated into the EEA Agreement.
- (2) Regulation (EU) 2017/2394 repeals, with effect from 17 January 2020, Regulation (EC) No 2006/2004 of the European Parliament and of the Council<sup>2</sup>, which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement with effect from 17 January 2020.
- (3) The Contracting Parties share the goal of ensuring a high level of consumer protection, and the understanding that the incorporation of Regulation (EU) 2017/2394 into the EEA Agreement does not imply changes to the definition of “widespread infringement with a Union dimension”. As a consequence, the thresholds for determining whether an infringement is with a Union dimension will be calculated solely on the basis of the EU Member States concerned by the infringement without taking into account the EFTA States.
- (4) Annex XIX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

The text of point 7f (Regulation (EC) No 2006/2004 of the European Parliament and of the Council) of Annex XIX to the EEA Agreement shall be replaced by the following with effect from 17 January 2020:

‘**32017 R 2394**: Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).

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

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<sup>1</sup> OJ L 345, 27.12.2017, p. 1.

<sup>2</sup> OJ L 364, 9.12.2004, p. 1.

- (a) Notwithstanding the provisions of Protocol 1 to this Agreement, the territories and populations of the EFTA States shall not be taken into account for the purposes of Article 3(4).
- (b) In Article 10(2), as regards the EFTA States, the words “the principles of the Charter of Fundamental Rights of the European Union” shall read “fundamental rights”.
- (c) In Article 35(1):
  - (i) the words “, the EFTA Surveillance Authority” shall be inserted after the words “single liaison offices”;
  - (ii) the following sentence shall be added: “The EFTA Surveillance Authority shall have access to the information provided by or concerning the EFTA States.”

#### *Article 2*

The text of Regulation (EU) 2017/2394 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 15 June 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, 14 June 2019.

*For the EEA Joint Committee  
The President*

*Claude Maerten*

*The Secretaries  
to the EEA Joint Committee*

*Hege M. Hoff*

*Mikołaj Karłowski*

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\* [Constitutional requirements indicated.]