

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

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 services¹, 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-236/09² 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*.

¹ OJ L 373, 21.12.2004, p. 37.

² OJ C 130, 30.4.2011, p. 4.

* Constitutional requirements indicated.

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*.

Done at Brussels, 29 October 2021.

For the EEA Joint Committee

The President

Rolf Einar Fife

The Secretaries

To the EEA Joint Committee

Hege M. Hoff

Mikołaj Karłowski

Not yet published