ANNEX X

SERVICES IN GENERAL

{1}

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


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 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

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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 forward 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.”


[\] 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.

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,


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


2b. [**] 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. [**] 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. [**] 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:


2e. [**] 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).

2f. [**] 32019 D 1765: Commission Implementing Decision 2019/1765 of 22 October 2019 providing the rules for the establishment, the management and the functioning of the network of national authorities responsible for eHealth, and repealing Implementing Decision 2011/890/EU (OJ L 270, 29.7.2019, p. 83), as amended by:


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[*] 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.

[**] 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.

[***] 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.

[****] 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.

[*****] 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.


[***********] 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.
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”.

(c) \[^{26}\] In the second paragraph of Article 5:

(i) in point (b), the words “Union law” shall read “the EEA Agreement”;

(ii) in point (g), the words “, the EFTA Surveillance Authority” shall be inserted after the word “Commission”.

(d) \[^{27}\] In Article 9(4), the words “, the EFTA Surveillance Authority” shall be inserted after the word “Commission”.


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 I 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”.


\[^{28}\] 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.

\[^{29}\] Indent added by Decision No 77/2022 (OJ L 182, 7.7.2022, p. 63 and EEA Supplement No 45, 7.7.2022, p. 51), e.i.f. 1.8.2023.

\[^{30}\] Indent added by Decision No 188/2022 (OJ L 267, 13.10.2022, p. 38 and EEA Supplement No 66, 13.10.2022, p. 37), e.i.f. pending.

\[^{31}\] Indent added by Decision No 333/2022 (OJ L 164, 29.6.2023, p. 75 and EEA supplement No 48, 29.6.2023, p. 72), e.i.f. pending.

\[^{1}\] Adaptation text added by Decision No 333/2022 (OJ L 164, 29.6.2023, p. 75 and EEA supplement No 48, 29.6.2023, p. 72), e.i.f. pending.

\[^{2}\] Adaptation text added by Decision No 333/2022 (OJ L 164, 29.6.2023, p. 75 and EEA supplement No 48, 29.6.2023, p. 72), e.i.f. pending.


\[^{4}\] 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.
(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”.


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

(a) References to Union law shall be understood as references to the EEA Agreement.

(b) In Article 1(1), the words “Article 26(2) TFEU” shall read “Article 1(2)(a) to (d) of the EEA Agreement”.

(c) In Article 5(3), the following subparagraph shall be added:

“As regards the EFTA States, the Commission shall activate the links referred to in paragraph 1 upon request by the EFTA Surveillance Authority.”

(d) In Article 6(4), the words “, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(e) In Article 7(4), the following subparagraph shall be added:

“As regards the EFTA States, the Commission shall activate the links referred to in paragraph 3 upon request by the EFTA Surveillance Authority.”

(f) In Article 17, the following paragraph shall be added:

“4. As regards the EFTA States, the Commission shall temporarily disconnect the information, the procedure, or the assistance or problem-solving service pursuant to point (d) of paragraph 2 or disconnect an assistance or problem-solving service pursuant to paragraph 3 upon request by the EFTA Surveillance Authority.”

(g) In Article 25(3) and (4), the words “, the EFTA Surveillance Authority” shall be inserted after the word “Commission”.

(h) In Article 29, the words “and a representative of the EFTA Surveillance Authority” shall be inserted after the words “Member State”.

(i) In Annex I, as regards the EFTA States, the words “Union Customs Code” shall be replaced by the words “relevant legislation”.


ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE