

DECISION OF THE EEA JOINT COMMITTEE
No 80/2019

of 29 March 2019

amending Annex IX (Financial services) 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) Commission Delegated Regulation (EU) No 241/2014 of 7 January 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for Own Funds requirements for institutions¹ is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) No 1151/2014 of 4 June 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards on the information to be notified when exercising the right of establishment and the freedom to provide services² is to be incorporated into the EEA Agreement.
- (3) Commission Delegated Regulation (EU) 2015/61 of 10 October 2014 to supplement Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to liquidity coverage requirement for Credit Institutions³ is to be incorporated into the EEA Agreement.
- (4) Commission Delegated Regulation (EU) 2015/62 of 10 October 2014 amending Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to the leverage ratio⁴ is to be incorporated into the EEA Agreement.
- (5) Commission Delegated Regulation (EU) 2015/488 of 4 September 2014 amending Delegated Regulation (EU) No 241/2014 as regards own funds requirements for firms based on fixed overheads⁵ is to be incorporated into the EEA Agreement.
- (6) Commission Delegated Regulation (EU) 2015/585 of 18 December 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the specification of margin periods of risk⁶ is to be incorporated into the EEA Agreement.

¹ OJ L 74, 14.3.2014, p. 8.

² OJ L 309, 30.10.2014, p. 1.

³ OJ L 11, 17.1.2015, p. 1.

⁴ OJ L 11, 17.1.2015, p. 37.

⁵ OJ L 78, 24.3.2015, p. 1.

⁶ OJ L 98, 15.4.2015, p. 1.

- (7) Commission Delegated Regulation (EU) 2015/850 of 30 January 2015 amending Delegated Regulation (EU) No 241/2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for Own Funds requirements for institutions⁷ is to be incorporated into the EEA Agreement.
- (8) Commission Delegated Regulation (EU) 2015/923 of 11 March 2015 amending Delegated Regulation (EU) No 241/2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for own funds requirements for institutions⁸ is to be incorporated into the EEA Agreement.
- (9) Commission Delegated Regulation (EU) 2016/98 of 16 October 2015 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for specifying the general conditions for the functioning of colleges of supervisors⁹ is to be incorporated into the EEA Agreement.
- (10) Commission Delegated Regulation (EU) 2016/101 of 26 October 2015 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for prudent valuation under Article 105(14)¹⁰, as corrected by OJ L 28, 4.2.2016, p. 17, is to be incorporated into the EEA Agreement.
- (11) Commission Implementing Regulation (EU) No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council¹¹ is to be incorporated into the EEA Agreement.
- (12) Commission Implementing Regulation (EU) No 710/2014 of 23 June 2014 laying down implementing technical standards with regard to conditions of application of the joint decision process for institution-specific prudential requirements according to Directive 2013/36/EU of the European Parliament and of the Council¹² is to be incorporated into the EEA Agreement.
- (13) Commission Implementing Regulation (EU) No 926/2014 of 27 August 2014 laying down implementing technical standards with regard to standard forms, templates and procedures for notifications relating to the exercise of the right of establishment and the freedom to provide services according to Directive 2013/36/EU of the European Parliament and of the Council¹³ is to be incorporated into the EEA Agreement.
- (14) Commission Implementing Regulation (EU) 2015/79 of 18 December 2014 amending Implementing Regulation (EU) No 680/2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council as regards asset

⁷ OJ L 135, 2.6.2015, p. 1.

⁸ OJ L 150, 17.6.2015, p. 1.

⁹ OJ L 21, 28.1.2016, p. 2.

¹⁰ OJ L 21, 28.1.2016, p. 54.

¹¹ OJ L 191, 28.6.2014, p. 1.

¹² OJ L 188, 27.6.2014, p. 19.

¹³ OJ L 254, 28.8.2014, p. 2.

encumbrance, single data point model and validation rules¹⁴ is to be incorporated into the EEA Agreement.

- (15) Commission Implementing Regulation (EU) 2015/227 of 9 January 2015 amending Implementing Regulation (EU) No 680/2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council¹⁵ is to be incorporated into the EEA Agreement.
- (16) Commission Implementing Regulation (EU) 2015/1278 of 9 July 2015 amending Implementing Regulation (EU) No 680/2014 laying down implementing technical standards with regard to supervisory reporting of institutions as regards instructions, templates and definitions¹⁶, as corrected by OJ L 210, 7.8.2015, p. 38, is to be incorporated into the EEA Agreement.
- (17) Commission Implementing Regulation (EU) 2016/99 of 16 October 2015 laying down implementing technical standards with regard to determining the operational functioning of the colleges of supervisors according to Directive 2013/36/EU of the European Parliament and of the Council¹⁷ is to be incorporated into the EEA Agreement.
- (18) Commission Implementing Regulation (EU) 2016/100 of 16 October 2015 laying down implementing technical standards specifying the joint decision process with regard to the application for certain prudential permissions pursuant to Regulation (EU) No 575/2013 of the European Parliament and of the Council¹⁸ is to be incorporated into the EEA Agreement.
- (19) Commission Implementing Regulation (EU) 2016/313 of 1 March 2016 amending Implementing Regulation (EU) No 680/2014 with regard to additional monitoring metrics for liquidity reporting¹⁹ is to be incorporated into the EEA Agreement.
- (20) Commission Implementing Regulation (EU) 2016/322 of 10 February 2016 amending Implementing Regulation (EU) No 680/2014 laying down implementing technical standards with regard to supervisory reporting of institutions of the liquidity coverage requirement²⁰, as corrected by OJ L 95, 9.4.2016, p. 17, is to be incorporated into the EEA Agreement.
- (21) Commission Implementing Regulation (EU) 2016/428 of 23 March 2016 amending Implementing Regulation (EU) No 680/2014 laying down implementing technical standards with regard to supervisory reporting of institutions as regards the reporting of the Leverage Ratio²¹ is to be incorporated into the EEA Agreement.

¹⁴ OJ L 14, 21.1.2015, p. 1.

¹⁵ OJ L 48, 20.2.2015, p. 1.

¹⁶ OJ L 205, 31.7.2015, p. 1.

¹⁷ OJ L 21, 28.1.2016, p. 21.

¹⁸ OJ L 21, 28.1.2016, p. 45.

¹⁹ OJ L 60, 5.3.2016, p. 5.

²⁰ OJ L 64, 10.3.2016, p. 1.

²¹ OJ L 83, 31.3.2016, p. 1.

(22) Commission Implementing Regulation (EU) 2016/1702 of 18 August 2016 amending Implementing Regulation (EU) No 680/2014 as regards templates and instructions²² is to be incorporated into the EEA Agreement.

(23) Annex IX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex IX to the EEA Agreement shall be amended as follows:

1. The following indent is added in point 14a (Regulation (EU) No 575/2013 of the European Parliament and of the Council):
 - ‘- **32015 R 0062**: Commission Delegated Regulation (EU) 2015/62 of 10 October 2014 (OJ L 11, 17.1.2015, p. 37).’
2. The following is inserted after point 14a (Regulation (EU) No 575/2013 of the European Parliament and of the Council):
 - ‘14aa. **32014 R 0241**: Commission Delegated Regulation (EU) No 241/2014 of 7 January 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for Own Funds requirements for institutions (OJ L 74, 14.3.2014, p. 8), as amended by:
 - **32015 R 0488**: Commission Delegated Regulation (EU) 2015/488 of 4 September 2014 (OJ L 78, 24.3.2015, p. 1),
 - **32015 R 0850**: Commission Delegated Regulation (EU) 2015/850 of 30 January 2015 (OJ L 135, 2.6.2015, p. 1),
 - **32015 R 0923**: Commission Delegated Regulation (EU) 2015/923 of 11 March 2015 (OJ L 150, 17.6.2015, p. 1).

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

(a) In Article 4(2), the following points shall be added:

“(t) in Liechtenstein: institutions registered as ‘Genossenschaft’ under the ‘Personen- und Gesellschaftsrechts (PGR) vom 20. Januar 1926’;

(u) in Norway: institutions authorised as ‘kredittforetak organisert som samvirkeforetak’ under the Act on Financial Undertakings and Financial Groups (‘lov 10. april 2015 nr. 17 om finansforetak og finanskonsern’).”

(b) In Article 5(2), the following points shall be added:

“(g) in Norway: institutions authorised as ‘sparebank’ under the Act on Financial Undertakings and Financial Groups (‘lov 10. april 2015 nr. 17 om finansforetak og finanskonsern’);

²² OJ L 263, 29.9.2016, p. 1.

(h) in Iceland: institutions registered as ‘sparisjóður’ under the Icelandic Act on Financial Undertakings.”

14ab. **32014 R 0680**: Commission Implementing Regulation (EU) No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 191, 28.6.2014, p. 1), as amended by:

- **32015 R 0079**: Commission Implementing Regulation (EU) 2015/79 of 18 December 2014 (OJ L 14, 21.1.2015, p. 1),
- **32015 R 0227**: Commission Implementing Regulation (EU) 2015/227 of 9 January 2015 (OJ L 48, 20.2.2015, p. 1),
- **32015 R 1278**: Commission Implementing Regulation (EU) 2015/1278 of 9 July 2015 (OJ L 205, 31.7.2015, p. 1), as corrected by OJ L 210, 7.8.2015, p. 38,
- **32016 R 0313**: Commission Implementing Regulation (EU) 2016/313 of 1 March 2016 (OJ L 60, 5.3.2016, p. 5),
- **32016 R 0322**: Commission Implementing Regulation (EU) 2016/322 of 10 February 2016 (OJ L 64, 10.3.2016, p. 1), as corrected by OJ L 95, 9.4.2016, p. 17,
- **32016 R 0428**: Commission Implementing Regulation (EU) 2016/428 of 23 March 2016 (OJ L 83, 31.3.2016, p. 1),
- **32016 R 1702**: Commission Implementing Regulation (EU) 2016/1702 of 18 August 2016 (OJ L 263, 29.9.2016, p. 1).

14ac. **32015 R 0061**: Commission Delegated Regulation (EU) 2015/61 of 10 October 2014 to supplement Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to liquidity coverage requirement for Credit Institutions (OJ L 11, 17.1.2015, p. 1).

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

- (a) In paragraphs 3 and 4 of Article 19, as regards the EFTA States, the words “upon its incorporation into the EEA Agreement” shall be inserted after the words “Regulation (EU) No 575/2013”.
- (b) In the last sentence of paragraph 5 of Article 24, the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the words “The Commission”.

14ad. **32015 R 0585**: Commission Delegated Regulation (EU) 2015/585 of 18 December 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the specification of margin periods of risk (OJ L 98, 15.4.2015, p. 1).

14ae. **32016 R 0100**: Commission Implementing Regulation (EU) 2016/100 of 16 October 2015 laying down implementing technical standards specifying the joint decision process with regard to the application for certain prudential permissions pursuant to Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 21, 28.1.2016, p. 45).

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

In point (c) of Article 10(2), as regards the EFTA States, the word “EBA” shall read “EFTA Surveillance Authority”.

14af. **2016 R 0101**: Commission Delegated Regulation (EU) 2016/101 of 26 October 2015 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for prudent valuation under Article 105(14) (OJ L 21, 28.1.2016, p. 54), as corrected by OJ L 28, 4.2.2016, p. 17.

14b. **2014 R 0710**: Commission Implementing Regulation (EU) No 710/2014 of 23 June 2014 laying down implementing technical standards with regard to conditions of application of the joint decision process for institution-specific prudential requirements according to Directive 2013/36/EU of the European Parliament and of the Council (OJ L 188, 27.6.2014, p. 19).

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

(a) In Articles 10(1)(c), 11(1)(c), 16(1)(c) and 17(1)(c), as regards the EFTA States, the words “applicable Union” shall read “legislation applicable pursuant to the EEA Agreement”.

14c. **2014 R 0926**: Commission Implementing Regulation (EU) No 926/2014 of 27 August 2014 laying down implementing technical standards with regard to standard forms, templates and procedures for notifications relating to the exercise of the right of establishment and the freedom to provide services according to Directive 2013/36/EU of the European Parliament and of the Council (OJ L 254, 28.8.2014, p. 2).

14d. **2014 R 1151**: Commission Delegated Regulation (EU) No 1151/2014 of 4 June 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards on the information to be notified when exercising the right of establishment and the freedom to provide services (OJ L 309, 30.10.2014, p. 1).

14e. **2016 R 0098**: Commission Delegated Regulation (EU) 2016/98 of 16 October 2015 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for specifying the general conditions for the functioning of colleges of supervisors (OJ L 21, 28.1.2016, p. 2).

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

(a) In Articles 3(4) and 23(4), the following point shall be added:

“(c) the EFTA Surveillance Authority, for the purpose of enabling it to carry out its duties under Directive 2013/36/EU, Regulation (EU) No 575/2013, and under Regulation (EU) No 1093/2010.”

(b) In Article 13(1), as regards the EFTA States, the words “national or Union law” shall read “national law or legislation applicable pursuant to the EEA Agreement”.

(c) In Article 22(1), the words “or, as regards the EFTA States, of the EEA Agreement and national law” shall be inserted after the words “applicable Union and national law”.

14f. **32016 R 0099**: Commission Implementing Regulation (EU) 2016/99 of 16 October 2015 laying down implementing technical standards with regard to determining the operational functioning of the colleges of supervisors according to Directive 2013/36/EU of the European Parliament and of the Council (OJ L 21, 28.1.2016, p. 21).’

Article 2

The texts of Delegated Regulations (EU) No 241/2014, (EU) No 1151/2014, (EU) 2015/61, (EU) 2015/62, (EU) 2015/488, (EU) 2015/585, (EU) 2015/850, (EU) 2015/923, (EU) 2016/98 and (EU) 2016/101, as corrected by OJ L 28, 4.2.2016, p. 17, and Implementing Regulations (EU) No 680/2014, (EU) No 710/2014, (EU) No 926/2014, (EU) 2015/79, (EU) 2015/227, (EU) 2015/1278, as corrected by OJ L 210, 7.8.2015, p. 38, (EU) 2016/99, (EU) 2016/100, (EU) 2016/313, (EU) 2016/322, as corrected by OJ L 95, 9.4.2016, p. 17, (EU) 2016/428 and (EU) 2016/1702 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*, or on the day of the entry into force of Decision of the EEA Joint Committee No 79/2019 of 29 March 2019²³, whichever is the later.

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

* No constitutional requirements indicated.
²³ OJ L ...

to the EEA Joint Committee

Hege M. Hoff

Mikołaj Karłowski

Provisional text