

DECISION OF THE EEA JOINT COMMITTEE
No 237/2019

of 27 September 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) 2015/63 of 21 October 2014 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to *ex ante* contributions to resolution financing arrangements¹, as corrected by OJ L 156, 20.6.2017, p. 38, is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2016/860 of 4 February 2016 specifying further the circumstances where exclusion from the application of write-down or conversion powers is necessary under Article 44(3) of Directive 2014/59/EU of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms² is to be incorporated into the EEA Agreement.
- (3) Commission Delegated Regulation (EU) 2016/1075 of 23 March 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the content of recovery plans, resolution plans and group resolution plans, the minimum criteria that the competent authority is to assess as regards recovery plans and group recovery plans, the conditions for group financial support, the requirements for independent valuers, the contractual recognition of write-down and conversion powers, the procedures and contents of notification requirements and of notice of suspension and the operational functioning of the resolution colleges³, as corrected by OJ L 205, 30.7.2016, p. 27, is to be incorporated into the EEA Agreement.
- (4) Commission Delegated Regulation (EU) 2016/1400 of 10 May 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the minimum elements of a business reorganisation plan and the minimum contents of the reports on the progress in the implementation of the plan⁴ is to be incorporated into the EEA Agreement.
- (5) Commission Delegated Regulation (EU) 2016/1434 of 14 December 2015 correcting Delegated Regulation (EU) 2015/63 supplementing Directive 2014/59/EU of the

¹ OJ L 11, 17.1.2015, p. 44.

² OJ L 144, 1.6.2016, p. 11.

³ OJ L 184, 8.7.2016, p. 1.

⁴ OJ L 228, 23.8.2016, p. 1.

European Parliament and of the Council with regard to *ex ante* contributions to resolution financing arrangements⁵ is to be incorporated into the EEA Agreement.

- (6) Commission Delegated Regulation (EU) 2016/1450 of 23 May 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the criteria relating to the methodology for setting minimum requirements for own funds and eligible liabilities⁶ is to be incorporated into the EEA Agreement.
- (7) Commission Implementing Regulation (EU) 2016/1066 of 17 June 2016 laying down implementing technical standards with regard to procedures, standard forms and templates for the provision of information for the purpose of resolution plans for credit institutions and investment firms pursuant to Directive 2014/59/EU of the European Parliament and of the Council⁷ is to be incorporated into the EEA Agreement.
- (8) Annex IX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is inserted after point 19b (Directive 2014/59/EU of the European Parliament and of the Council) of Annex IX to the EEA Agreement:

‘19ba. **32015 R 0063**: Commission Delegated Regulation (EU) 2015/63 of 21 October 2014 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to *ex ante* contributions to resolution financing arrangements (OJ L 11, 17.1.2015, p. 44), as corrected by OJ L 156, 20.6.2017, p. 38, as amended by:

- **32016 R 1434**: Commission Delegated Regulation (EU) 2016/1434 of 14 December 2015 (OJ L 233, 30.8.2016, 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), as regards the EFTA States, the words “31 December 2024” shall read “31 December 2027”.
- (b) As regards the EFTA States, except for Liechtenstein, the text of Article 20 (1)-(4) shall read as follows:

“Transitional provisions

1. Where the information required by a specific indicator as referred to in Annex II is not included in the applicable supervisory reporting requirement referred to in Article 14 for the reference year, that risk indicator shall not apply until that supervisory reporting requirement becomes applicable. The weight of other available risk indicators shall be rescaled proportionally to their weight as provided for in Article 7 so that the sum of their weights is 1. In the year of entry into force of Decision of the EEA Joint Committee No 237/2019 of 27 September 2019, where any of the information required in Article 16 is

⁵ OJ L 233, 30.8.2016, p. 1.

⁶ OJ L 237, 3.9.2016, p. 1.

⁷ OJ L 181, 6.7.2016, p. 1.

not available to the deposit guarantee scheme within six months of the entry into force of that Decision for the purposes of the calculation the annual target level referred to in Article 4(2) or of the basic annual contribution of each institution referred to in Article 5, following a notification by the deposit guarantee scheme, the relevant credit institutions shall provide the resolution authorities with that information by that date. By way of derogation from Article 13(1), with regards to the contributions to be paid in the year of entry into force of Decision of the EEA Joint Committee No 237/2019 of 27 September 2019 the resolution authorities shall notify each institution of its decision determining the annual contribution to be paid by them at the latest within nine months of the entry into force of Decision of the EEA Joint Committee No 237/2019 of 27 September 2019.

2. By way of derogation from Article 13(4), and with regards to the contributions to be paid in the year of entry into force of Decision of the EEA Joint Committee No 237/2019 of 27 September 2019, the amount due under the decision referred to in Article 13(3) shall be paid by 31 December of that year or within one month after the notification of that decision, whichever date is later.

3. By way of derogation from Article 14(4), and with regards to the information to be provided to the resolution authority in the year of entry into force of Decision of the EEA Joint Committee No 237/2019 of 27 September 2019 the information referred to in that paragraph shall be provided at the latest within six months of the entry into force of Decision of the EEA Joint Committee No 237/2019 of 27 September 2019.

4. By way of derogation from Article 16(1), the deposit guarantee schemes shall provide the resolution authority by 1 September of the year following the year of entry into force of Decision of the EEA Joint Committee No 237/2019 of 27 September 2019 with the information about the amount of covered deposits as of 31 July of that year, unless the information has been provided by the deposit guarantee schemes within the timeframe set out in Article 16(1).”

(c) As regards the EFTA States, Article 20(5) shall read as follows:

“5. Without prejudice to Article 10 of this Regulation, the EFTA States may, until 31 December 2026, allow institutions whose total assets are equal to or less than EUR 3 000 000 000 to pay a lump-sum of EUR 50 000 for the first EUR 300 000 000 of total liabilities, less own funds and covered deposits. For the total liabilities less own funds and covered deposits above EUR 300 000 000, those institutions shall contribute in accordance with Articles 4 to 9 of this Regulation.”

(d) As regards the EFTA States, the second paragraph of Article 21 shall read as follows:

“It shall apply from 1 January of the year following the year of entry into force of Decision of the EEA Joint Committee No 237/2019 of 27 September 2019.”

19bb. **32016 R 0860**: Commission Delegated Regulation (EU) 2016/860 of 4 February 2016 specifying further the circumstances where exclusion from the application of

write-down or conversion powers is necessary under Article 44(3) of Directive 2014/59/EU of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms (OJ L 144, 1.6.2016, p. 11).

- 19bc. **32016 R 1066:** Commission Implementing Regulation (EU) 2016/1066 of 17 June 2016 laying down implementing technical standards with regard to procedures, standard forms and templates for the provision of information for the purpose of resolution plans for credit institutions and investment firms pursuant to Directive 2014/59/EU of the European Parliament and of the Council (OJ L 181, 6.7.2016, p. 1).
- 19bd. **32016 R 1075:** Commission Delegated Regulation (EU) 2016/1075 of 23 March 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the content of recovery plans, resolution plans and group resolution plans, the minimum criteria that the competent authority is to assess as regards recovery plans and group recovery plans, the conditions for group financial support, the requirements for independent valuers, the contractual recognition of write-down and conversion powers, the procedures and contents of notification requirements and of notice of suspension and the operational functioning of the resolution colleges (OJ L 184, 8.7.2016, p. 1), as corrected by OJ L 205, 30.7.2016, p. 27.

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

- (a) In point (d) of Article 22(7), as regards the EFTA States, the words “upon incorporation into the EEA Agreement” shall be inserted after the words “Article 45(2) of Directive 2014/59/EU”.
 - (b) In Article 43, as regards the EFTA States, the words “Union law” and “applicable Union law” shall read “the EEA Agreement”.
 - (c) In Articles 70(4), 74(1)(c), 80(2)(e), 84(1)(c), 90(1)(e), 95(1)(c), and 105(4)(c), the words “and, where applicable, to provisions of the EEA Agreement” shall be inserted after the words “national law”.
 - (d) In Articles 74(2)(c), 84(2)(c), and 95(2)(c), as regards the EFTA States, the words “Union and national law” shall read “provisions of the EEA Agreement and national law”.
 - (e) In Articles 75(1)(c), 85(1)(c), and 96(1)(c), the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the words “the EBA”.
- 19be. **32016 R 1400:** Commission Delegated Regulation (EU) 2016/1400 of 10 May 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the minimum elements of a business reorganisation plan and the minimum contents of the reports on the progress in the implementation of the plan (OJ L 228, 23.8.2016, p. 1).
- 19bf. **32016 R 1450:** Commission Delegated Regulation (EU) 2016/1450 of 23 May 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the criteria relating to the methodology for setting minimum requirements for own funds and eligible liabilities (OJ L 237, 3.9.2016, p. 1).’

Article 2

The texts of Delegated Regulations (EU) 2015/63, as corrected by OJ L 156, 20.6.2017, p. 38, (EU) 2016/860, (EU) 2016/1075, as corrected by OJ L 205, 30.7.2016, p. 27, (EU) 2016/1400, (EU) 2016/1434 and (EU) 2016/1450 and Implementing Regulation (EU) 2016/1066 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 28 September 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 21/2018 of 9 February 2018⁸, 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, 27 September 2019.

For the EEA Joint Committee

The President

Gunnar Pálsson

The Secretaries

To the EEA Joint Committee

Hege M. Hoff

Mikołaj Karłowski

* [Constitutional requirements indicated.]

⁸ OJ L ...