

DECISION OF THE EEA JOINT COMMITTEE No 64/2020
of 30 April 2020
amending Annex IX (Financial Services) to the EEA Agreement [2023/489]

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) 2017/2155 of 22 September 2017 amending Delegated Regulation (EU) No 149/2013 with regard to regulatory technical standards on indirect clearing arrangements ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2017/2188 of 11 August 2017 amending Regulation (EU) No 575/2013 of the European Parliament and of the Council as regards the waiver on own funds requirements for certain covered bonds ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Commission Delegated Regulation (EU) 2017/2295 of 4 September 2017 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for disclosure of encumbered and unencumbered assets ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Commission Delegated Regulation (EU) 2018/171 of 19 October 2017 on supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the materiality threshold for credit obligations past due ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) Commission Delegated Regulation (EU) 2018/405 of 21 November 2017 correcting certain language versions of Regulation (EU) No 575/2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ⁽⁵⁾ is to be incorporated into the EEA Agreement.
- (6) Commission Delegated Regulation (EU) 2018/728 of 24 January 2018 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for procedures for excluding transactions with non-financial counterparties established in a third country from the own funds requirement for credit valuation adjustment risk ⁽⁶⁾ is to be incorporated into the EEA Agreement.
- (7) Commission Delegated Regulation (EU) 2018/959 of 14 March 2018 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards of the specification of the assessment methodology under which competent authorities permit institutions to use Advanced Measurement Approaches for operational risk ⁽⁷⁾ is to be incorporated into the EEA Agreement.
- (8) Commission Delegated Regulation (EU) 2019/667 of 19 December 2018 amending Delegated Regulations (EU) 2015/2205, (EU) 2016/592 and (EU) 2016/1178 to extend the dates of deferred application of the clearing obligation for certain OTC derivative contracts ⁽⁸⁾ is to be incorporated into the EEA Agreement.

⁽¹⁾ OJ L 304, 21.11.2017, p. 13.

⁽²⁾ OJ L 310, 25.11.2017, p. 1.

⁽³⁾ OJ L 329, 13.12.2017, p. 6.

⁽⁴⁾ OJ L 32, 6.2.2018, p. 1.

⁽⁵⁾ OJ L 74, 16.3.2018, p. 3.

⁽⁶⁾ OJ L 123, 18.5.2018, p. 1.

⁽⁷⁾ OJ L 169, 6.7.2018, p. 1.

⁽⁸⁾ OJ L 113, 29.4.2019, p. 1.

- (9) Commission Implementing Regulation (EU) 2017/2114 of 9 November 2017 amending Implementing Regulation (EU) No 680/2014 as regards templates and instructions ⁽⁹⁾ is to be incorporated into the EEA Agreement.
- (10) Commission Implementing Regulation (EU) 2017/2241 of 6 December 2017 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council ⁽¹⁰⁾ is to be incorporated into the EEA Agreement.
- (11) Commission Implementing Regulation (EU) 2018/688 of 23 March 2018 amending Implementing Regulation (EU) 2016/2070 as regards benchmarking portfolios, reporting templates and reporting instructions ⁽¹¹⁾ is to be incorporated into the EEA Agreement.
- (12) Commission Implementing Regulation (EU) 2018/815 of 1 June 2018 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council ⁽¹²⁾ is to be incorporated into the EEA Agreement.
- (13) Commission Implementing Regulation (EU) 2018/1580 of 19 October 2018 amending Implementing Regulation (EU) 2015/2197 laying down implementing technical standards with regard to closely correlated currencies in accordance with Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁽¹³⁾ is to be incorporated into the EEA Agreement.
- (14) Commission Implementing Regulation (EU) 2018/1627 of 9 October 2018 amending Implementing Regulation (EU) No 680/2014 as regards prudent valuation for supervisory reporting ⁽¹⁴⁾ is to be incorporated into the EEA Agreement.
- (15) Commission Implementing Regulation (EU) 2018/1889 of 4 December 2018 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council ⁽¹⁵⁾ is to be incorporated into the EEA Agreement.
- (16) 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 indents are added in point 14a (Regulation (EU) No 575/2013 of the European Parliament and of the Council):
 - **32017 R 2188**: Commission Delegated Regulation (EU) 2017/2188 of 11 August 2017 (OJ L 310, 25.11.2017, p. 1),
 - **32018 R 0405**: Commission Delegated Regulation (EU) 2018/405 of 21 November 2017 (OJ L 74, 16.3.2018, p. 3).'
2. The following indents are added in point 14ab (Commission Implementing Regulation (EU) No 680/2014):
 - **32017 R 2114**: Commission Implementing Regulation (EU) 2017/2114 of 9 November 2017 (OJ L 321, 6.12.2017, p. 1),
 - **32018 R 1627**: Commission Implementing Regulation (EU) 2018/1627 of 9 October 2018 (OJ L 281, 9.11.2018, p. 1).'

⁽⁹⁾ OJ L 321, 6.12.2017, p. 1.

⁽¹⁰⁾ OJ L 322, 7.12.2017, p. 27.

⁽¹¹⁾ OJ L 124, 18.5.2018, p. 1.

⁽¹²⁾ OJ L 137, 4.6.2018, p. 3.

⁽¹³⁾ OJ L 263, 22.10.2018, p. 53.

⁽¹⁴⁾ OJ L 281, 9.11.2018, p. 1.

⁽¹⁵⁾ OJ L 309, 5.12.2018, p. 1.

3. The following is added in point 14ax (Commission Implementing Regulation (EU) 2015/2197):

‘, as amended by:

— **32018 R 1580**: Commission Implementing Regulation (EU) 2018/1580 of 19 October 2018 (OJ L 263, 22.10.2018, p. 53).’

4. The following points are inserted after point 14azm (Commission Delegated Regulation (EU) 2017/1230):

‘14azn. **32017 R 2295**: Commission Delegated Regulation (EU) 2017/2295 of 4 September 2017 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for disclosure of encumbered and unencumbered assets (OJ L 329, 13.12.2017, p. 6).

14azo. **32018 R 0171**: Commission Delegated Regulation (EU) 2018/171 of 19 October 2017 on supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the materiality threshold for credit obligations past due (OJ L 32, 6.2.2018, p. 1).

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

In Article 6, as regards the EFTA States, the words “31 December 2020” shall read “31 December of the second year following the year of entry into force of Decision of the EEA Joint Committee No 64/2020 of 30 April 2020”.

14azp. **32018 R 0728**: Commission Delegated Regulation (EU) 2018/728 of 24 January 2018 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for procedures for excluding transactions with non-financial counterparties established in a third country from the own funds requirement for credit valuation adjustment risk (OJ L 123, 18.5.2018, p. 1).

14azq. **32018 R 0959**: Commission Delegated Regulation (EU) 2018/959 of 14 March 2018 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards of the specification of the assessment methodology under which competent authorities permit institutions to use Advanced Measurement Approaches for operational risk (OJ L 169, 6.7.2018, p. 1).

14azr. **32017 R 2241**: Commission Implementing Regulation (EU) 2017/2241 of 6 December 2017 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 322, 7.12.2017, p. 27).

14azs. **32018 R 0815**: Commission Implementing Regulation (EU) 2018/815 of 1 June 2018 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 137, 4.6.2018, p. 3).

14azt. **32018 R 1889**: Commission Implementing Regulation (EU) 2018/1889 of 4 December 2018 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 309, 5.12.2018, p. 1).’

5. The following is added in point 14m (Commission Implementing Regulation (EU) 2016/2070):

‘— **32018 R 0688**: Commission Implementing Regulation (EU) 2018/688 of 23 March 2018 (OJ L 124, 18.5.2018, p. 1).

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

(a) In Article 7(3), as regards the EFTA States, the words “31 May 2018” shall read “the last day of the month preceding the entry into force of Decision of the EEA Joint Committee No 64/2020 of 30 April 2020”.

- (b) As regards the EFTA States, in the year of entry into force of Decision of the EEA Joint Committee No 64/2020 of 30 April 2020, the date referred to in Article 4(2), shall be understood to mean 30 June.'
6. The following is added in point 31bcf (Commission Delegated Regulation (EU) No 149/2013):
' as amended by:
— **32017 R 2155**: Commission Delegated Regulation (EU) 2017/2155 of 22 September 2017 (OJ L 304, 21.11.2017, p. 13).'
7. The following indent is added in points 31bcp (Commission Delegated Regulation (EU) 2015/2205), 31bcq (Commission Delegated Regulation (EU) 2016/592) and 31bcr (Commission Delegated Regulation (EU) 2016/1178):
' — **32019 R 0667**: Commission Delegated Regulation (EU) 2019/667 of 19 December 2018 (OJ L 113, 29.4.2019, p. 1).'
8. In adaptation (b)(iii)(a) of points 31bcp (Commission Delegated Regulation (EU) 2015/2205), 31bcq (Commission Delegated Regulation (EU) 2016/592) and 31bcr (Commission Delegated Regulation (EU) 2016/1178), the words "Decision of the EEA Joint Committee No 113/2018 of 31 May 2018" shall be replaced by the words "Decision of the EEA Joint Committee No 64/2020 of 30 April 2020".

Article 2

The texts of Delegated Regulations (EU) 2017/2155, (EU) 2017/2188, (EU) 2017/2295, (EU) 2018/171, (EU) 2018/405, (EU) 2018/728, (EU) 2018/959, (EU) 2019/667 and Implementing Regulations (EU) 2017/2114, (EU) 2017/2241, (EU) 2018/688, (EU) 2018/815, (EU) 2018/1580, (EU) 2018/1627 and (EU) 2018/1889 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 1 May 2020, 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, 30 April 2020.

For the EEA Joint Committee
The President
Clara GANSLANDT

* No constitutional requirements indicated.