

**Annex 9
to Decision No 7/94
of the EEA Joint Committee**

Annex IX (FINANCIAL SERVICES) to the EEA Agreement, shall be amended as specified below.

ACTS REFERRED TO

A. Chapter I. INSURANCE

1. The following indent shall be added in point 2 (First Council Directive 73/239/EEC) before the adaptations:

"– 392 L 0049: Council Directive 92/49/EEC of 18 June 1992 (OJ No L 228, 11.8.1992, p. 1).".

2. The following indent shall be added in point 7 (Second Council Directive 88/357/EEC):

"– 392 L 0049: Council Directive 92/49/EEC of 18 June 1992 (OJ No L 228, 11.8.1992, p. 1).".

3. The following new point shall be inserted after point 7 (Second Council Directive 88/357/EEC):

"7a. 392 L 0049: Council Directive 92/49/EEC of 18 June 1992 on the co-ordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive)(OJ No L 228, 11.8.1992, p. 1).

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

- (a) in Article 48, the words "notification of this Directive" shall read "decision by the EEA Joint Committee to include this Directive in the EEA Agreement";
- (b) this Directive shall not apply to Finland."

4. The following indent shall be added in point 11 (First Council Directive 79/267/EEC) before the adaptations:

"– 392 L 0096: Council Directive 92/96/EEC of 10 November 1992 (OJ No L 360, 9.12.1992, p. 1).".

5. In point 11 (First Council Directive 79/267/EEC), adaptation (a) shall be replaced by the following:

"(a) The following shall be added to Article 4:

This Directive shall not concern the pension activities of pension insurance undertakings prescribed in the Employees' Pensions Act (TEL) and other related Finnish legislation provided that:

1. pension insurance companies which already under Finnish law are obliged to have separate accounting and management systems for their pension activities will furthermore, as from the date of entry into force of the decision by the EEA Joint Committee to include the third life assurance Directive 92/96/EEC in the EEA Agreement, set up separate legal entities for carrying out these activities;
2. the Finnish authorities allow in a non-discriminatory manner all nationals and companies of Contracting Parties to perform according to Finnish legislation the activities specified in Article 1 related to this exemption whether by means of:
 - ownership or participation in an existing insurance company or group;
 - creation or participation of new insurance companies or groups, including pension insurance companies;

3. the Finnish authorities submit for the approval of the EEA Joint Committee a report before the date of entry into force of the decision by the EEA Joint Committee to include the third life assurance Directive 92/96/EEC in the EEA Agreement, stating which measures have been taken to split up TEL activities from normal insurance activities carried out by Finnish insurance companies in order to conform to all the requirements of the third life assurance Directive.

It is understood that the Finnish authorities in accordance with the relevant provisions of the First Council Directive 79/267/EEC shall withdraw the authorization for insurance companies which have not carried out the provisions of paragraph 1 above by the date of entry into force of the decision by the EEA Joint Committee to include the third life assurance Directive 92/96/EEC in the EEA Agreement."

6. The following shall be added in point 12 (Council Directive 90/619/EEC) before the adaptation:

", as amended by

- 392 L 0096: Council Directive 92/96/EEC of 10 November 1992 (OJ No L 360, 9.12.1992, p. 1)."

7. The following new point shall be inserted after point 12 (Council Directive 90/619/EEC):

"12a. 392 L 0096: Council Directive 92/96/EEC of 10 November 1992 on the co-ordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives 79/267/EEC and 90/619/EEC (third life assurance Directive) (OJ No L 360, 9.12.1992, p. 1).

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

- (a) Article 2: see adaptation (a) to Council Directive 79/267/EEC;

- (b)
1. Sweden shall adopt the laws, regulations and administrative provisions necessary for it to comply with Article 22(1)(b) of this Directive by 1 January 2000.
 2. By 1 July 1994, the Swedish authorities shall submit for the approval of the EEA Joint Committee a schedule of the measures to be adopted to have the exposures exceeding the limits of Article 22(1)(b) of this Directive brought within the said limits.
 3. Not later than 31 December 1997 the Swedish authorities shall present a progress report to the EEA Joint Committee on the measures taken to comply with this Directive.
 4. The EEA Joint Committee shall review the measures on the basis of the reports described in paragraphs 2 and 3. In the light of developments, these measures shall, if appropriate, be adapted with a view to accelerating the process of reduction of the exposures.
 5. The Swedish authorities shall require the life assurance companies concerned to initiate immediately the process of reduction of the relevant exposures. The companies concerned will at no time increase these exposures, unless they are already within the limits prescribed by the Directive and any such increase does not lead them to exceed those limits.
 6. The Swedish authorities shall submit by the end of the transitional period a final report on the results of the above measures;
- (c) in Article 45, the words "the date of notification of this Directive" shall read "the date of the Decision by the EEA Joint Committee to include this Directive in the EEA Agreement".

8. The following new heading and new point shall be inserted after point 12a (Council Directive 92/96/EEC):

"(iv) Supervision and accounts

- 12b. 391 L 0674: Council Directive 91/674/EEC of 19 December 1991 on the annual accounts and consolidated accounts of insurance undertakings (OJ No L 374, 31.12.1991, p. 7).

The provisions of the Directive shall, for the purpose of the present Agreement, be read with the following adaptations:

- (a) in Article 2(1), "Article 58 of the Treaty" shall read "Article 34 of the EEA Agreement";
- (b) Norway and Sweden shall adopt the laws, regulations and administrative provisions necessary for them to comply with this Directive before 1 January 1995;
- (c) in Article 46(3) "the date of the notification of this Directive" shall read "the date of the decision by the EEA Joint Committee to include this Directive in the EEA Agreement", and the reference to "the date referred to in Article 70(1)" shall be understood to be to the date by which the respective EFTA State must adopt the laws, regulations and administrative provisions necessary for it to comply with this Directive."

9. After point 12b (Council Directive 91/674/EEC), the heading "(iv) Other issues" shall be replaced by the following heading:

"(v) Other issues"

B. Chapter II. BANKS AND OTHER CREDIT INSTITUTIONS

1. The following shall be added in point 17 (Council Directive 89/299/EEC):

", as amended by:

–391 L 0633: Council Directive 91/633/EEC of 3 December 1991 (OJ No L 339, 11.12.1991, p. 33),

–392 L 0016: Council Directive 92/16/EEC of 16 March 1992 (OJ No L 75, 21.3.1992, p. 48)."

The provisions of the Directive shall, for the purpose of the present Agreement, be read with the following adaptation:

"Article 4a of Directive 89/299/EEC shall apply to Norway."

2. Point 20 (Council Directive 83/350/EEC) shall be replaced by the following:

"20. 392 L 0030: Council Directive 92/30/EEC of 6 April 1992 on the supervision of credit institutions on a consolidated basis (OJ No L 110, 28.4.1992, p. 52).

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

- (a) whenever a Contracting Party has decided to initiate negotiations as referred to in Article 8 of the Directive, it shall inform the EEA Joint committee thereof. The contracting Parties shall consult within the framework of the EEA Joint committee on what course to take, whenever this is of mutual interest;
- (b) Norway and Sweden may apply their national accounting standards and the scope of consolidation until the end of the transition periods granted to them in the adaptation to Council Directive 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions."

3. The following new point shall be inserted after point 23 (Council Directive 91/308/EEC):

"23a. 392 L 0121: Council Directive 92/121/EEC of 21 December 1992 on the monitoring and control of large exposures of credit institutions (OJ No L 29, 5.2.1993, p. 1).

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

- (a) Austria, Norway and Sweden shall implement the provisions of the Directive by 1 January 1995;
- (b) loans secured to the satisfaction of the competent authorities by shares in Finnish residential housing companies, operating in accordance with the Finnish Housing Company Act 1991 or subsequent equivalent legislation, shall be treated in the same way as the ones secured by mortgages on residential property in accordance with the rules set out in Article 4(7)(p) and 6(9) of the Directive;
- (c) in Article 6(1), the words "when this Directive is published in the Official Journal of the European Communities" shall read "on the date of publication in the Official Journal of the European Communities of the Decision by the EEA Joint Committee to include this Directive in the EEA Agreement";
- (d) in Article 6(3), the words "on the date of the publication of this Directive in the Official Journal of the European Communities" shall read "on the date of publication in the Official Journal of the European Communities of the Decision by the EEA Joint Committee to include this Directive in the EEA Agreement".

C. Chapter III. STOCK EXCHANGE AND SECURITIES

1. The following new heading and new points shall be inserted after point 30 (Council Directive 85/611/EEC):

"(iii) Investment services

30a. 393 L 0006: Council Directive 93/6/EEC of 15 March 1993 on the capital adequacy of investment firms and credit institutions (OJ No L 141, 11.6.1993, p. 1).

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptation:

in Article 3(5), the words "the date of notification of this Directive" shall read "the date of entry into force of the decision by the EEA Joint Committee to include this Directive in the EEA Agreement".

- 30b. 393 L 0022: Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field (OJ No L 141, 11.6.1993, p. 27).

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptation:

as regards relations with third-country investment firms described in Article 7 of the Directive, the following shall apply:

1. with a view to achieving a maximum degree of convergence in the application of a third-country regime for investment firms, the contracting Parties shall exchange information as described in Articles 7(2) and 7(6) and consultations shall be held regarding matters referred to in Articles 7(3), 7(4) and 7(5), within the framework of the EEA Joint Committee and according to specific procedures to be agreed by the contracting Parties;
2. authorizations granted by the competent authorities of a contracting party to investment firms being direct or indirect subsidiaries of parent undertakings governed by the laws of a third country shall have validity in accordance with the provisions of this directive throughout the territory of all contracting Parties. However,
 - (a) when a third country imposes quantitative restrictions on the establishment of investment firms of an EFTA State or imposes restrictions on such investment firms that it does not impose on Community investment firms, authorizations granted by competent authorities within the Community to investment firms being direct or indirect subsidiaries of parent undertakings governed by the laws of that third country shall have validity only in the Community, except where an EFTA State decides otherwise for its own jurisdiction;

(b) where the Community has decided that decisions regarding authorizations of investment firms being direct or indirect subsidiaries of parent undertakings governed by the laws of a third country shall be limited or suspended, any authorization granted by a competent authority of an EFTA State to such investment firms shall have validity only in its own jurisdiction, except where another contracting Party decides otherwise for its own jurisdiction;

(c) the limitations or suspensions referred to in subparagraphs (a) and (b) may not apply to investment firms or their subsidiaries already authorized in the territory of a Contracting Party;

3. whenever the Community negotiates with a third country on the basis of Articles 7(4) and 7(5), in order to obtain national treatment and effective market access for its investment firms, it shall endeavour to obtain equal treatment for the investment firms of the EFTA States."

ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE

The following new point shall be inserted after point 36 (Commission Recommendation 90/109/EEC):

- "37. 392 X 0048: Commission Recommendation 92/48/EEC of 18 December 1991 on insurance intermediaries (OJ No L 19, 28.1.1992, p. 32)."