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**DECISION OF THE EEA JOINT COMMITTEE**  
**No 50/2010**

**of 30 April 2010**

**amending Annex IX (Financial services) and Annex XII (Free movement of capital) to  
the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as ‘the Agreement’, and in particular Article 98 thereof,

Whereas:

- (1) Annex IX to the Agreement was amended by Decision of the EEA Joint Committee No 10/2010 of 29 January 2010<sup>1</sup>.
- (2) Annex XII to the Agreement was amended by Decision of the EEA Joint Committee No 43/2005 of 11 March 2005<sup>2</sup>.
- (3) Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims<sup>3</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following shall be added in point 16b (Directive 98/26/EC of the European Parliament and of the Council) of Annex IX to the Agreement:

‘, as amended by:

- **32009 L 0044**: Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 (OJ L 146, 10.6.2009, p. 37).’

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<sup>1</sup> OJ L 101, 22.4.2010, p. 19.

<sup>2</sup> OJ L 198, 28.7.2005, p. 45.

<sup>3</sup> OJ L 146, 10.6.2009, p. 37.

## Article 2

The following shall be added in point 4 (Directive 2002/47/EC of the European Parliament and of the Council) of Annex XII to the Agreement:

‘, as amended by:

- **32009 L 0044**: Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 (OJ L 146, 10.6.2009, p. 37).

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

In Article 1(4)(c), the words “as defined in Article 1 and Article 2(2) and (3) of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises” shall not apply.’

## Article 3

The texts of Directive 2009/44/EC 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 4

This Decision shall enter into force on 1 May 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee\*.

## Article 5

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 2010.

*For the EEA Joint Committee  
The President*

*Alan Seatter*

*The Secretaries  
to the EEA Joint Committee*

*Bergdís Ellertsdóttir Gianluca Grippa*

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\* Constitutional requirements indicated.