

DECISION OF THE EEA JOINT COMMITTEE
No 117/2011

of 21 October 2011

amending Annex IX (Financial services) 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 78/2011 of 1 July 2011¹.
- (2) Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (codified version)² is to be incorporated into the Agreement.
- (3) Directive 2009/103/EC repeals Council Directives 72/166/EEC³, 84/5/EEC⁴, 90/232/EEC⁵ and Directives 2000/26/EC⁶ and 2005/14/EC⁷ of the European Parliament and of the Council, which are incorporated into the Agreement and are consequently to be repealed under the Agreement, except for those provisions of Directives 2000/26/EC and 2005/14/EC which amend Council Directives 73/239/EEC⁸ and 88/357/EEC⁹, which will be repealed under the Agreement by the Decision of the EEA Joint Committee incorporating Directive 2009/138/EC of the European Parliament and of the Council¹⁰ into the Agreement.
- (4) The current EEA adaptation to Directive 2000/26/EC should be maintained with regard to Directive 2009/103/EC,

¹ OJ L 262, 6.10.2011, p. 45.

² OJ L 263, 7.10.2009, p. 11.

³ OJ L 103, 2.5.1972, p. 1.

⁴ OJ L 8, 11.1.1984, p. 17.

⁵ OJ L 129, 19.5.1990, p. 33.

⁶ OJ L 181, 20.7.2000, p. 65.

⁷ OJ L 149, 11.6.2005, p. 14.

⁸ OJ L 228, 16.8.1973, p. 3.

⁹ OJ L 172, 4.7.1988, p. 1.

¹⁰ OJ L 335, 17.12.2009, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

Annex IX to the Agreement shall be amended as follows:

1. The text of point 8 (Council Directive 72/166/EEC) shall be replaced by the following:

‘32009 L 0103: Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (codified version) (OJ L 263, 7.10.2009, p. 11).

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

Article 21(6) shall read as follows:

“The appointment of a claims representative shall not in itself constitute the opening of a branch within the meaning of Article 1(b) of Directive 92/49/EEC and the claims representative shall not be regarded as an establishment within the meaning of Article 2(c) of Directive 88/357/EEC.”

2. The text of points 9 (Second Council Directive 84/5/EEC), 10 (Third Council Directive 90/232/EEC) and 10a (Directive 2000/26/EC of the European Parliament and of the Council) shall be deleted.

Article 2

The texts of Directive 2009/103/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 3

This Decision shall enter into force on 1 November 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

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*.

* No constitutional requirements indicated.

Done at Brussels, 21 October 2011.

*For the EEA Joint Committee
The President
Kurt Jäger*

*The Secretaries
to the EEA Joint Committee
Bergdís Ellertsdóttir Gianluca Grippa*