

DECISION OF THE EEA JOINT COMMITTEE
No 63/2018

of 23 March 2018

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) 2016/438 of 17 December 2015 supplementing Directive 2009/65/EC of the European Parliament and of the Council with regard to obligations of depositaries¹ is to be incorporated into the EEA Agreement.
- (2) Commission Implementing Regulation (EU) 2016/1212 of 25 July 2016 laying down implementing technical standards with regard to standard procedures and forms for submitting information in accordance with Directive 2009/65/EC of the European Parliament and of the Council² is to be incorporated into the EEA Agreement.
- (3) Annex IX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is added after point 30f (Commission Directive 2010/44/EU) of Annex IX to the EEA Agreement:

‘30g. **32016 R 0438:** Commission Delegated Regulation (EU) 2016/438 of 17 December 2015 supplementing Directive 2009/65/EC of the European Parliament and of the Council with regard to obligations of depositaries (OJ L 78, 24.3.2016, p. 11).

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

In the second subparagraph of Article 10(1), as regards the EFTA States, the words “which apply in the EEA” shall be inserted after the words “implementing acts adopted by the Commission pursuant to Article 107(4) of Regulation (EU) No 575/2013 of the European Parliament and of the Council”.

30h. **32016 R 1212:** Commission Implementing Regulation (EU) 2016/1212 of 25 July 2016 laying down implementing technical standards with regard to standard procedures and forms for submitting information in accordance with Directive 2009/65/EC of the European Parliament and of the Council (OJ L 199, 26.7.2016, p. 6).’

¹ OJ L 78, 24.3.2016, p. 11.

² OJ L 199, 26.7.2016, p. 6.

Article 2

The texts of Delegated Regulation (EU) No 2016/438 and Implementing Regulation (EU) 2016/1212 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 [24 March 2018](#), 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 the Decision of the EEA Joint Committee incorporating Directives 2013/14/EU and 2014/91/EU of the European Parliament and of the Council into the EEA Agreement, 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, [23 March 2018](#).

*For the EEA Joint Committee
The President*

Claude Maerten

*The Secretaries
to the EEA Joint Committee*

Dag Wernø Holter Vaclav Navratil

* [No constitutional requirements indicated.] [Constitutional requirements indicated.]