

DECISION OF THE EEA JOINT COMMITTEE No 214/2018
of 26 October 2018
amending Annex IX (Financial services) to the EEA Agreement [2021/497]

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) Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Directive (EU) 2018/411 of the European Parliament and of the Council of 14 March 2018 amending Directive (EU) 2016/97 as regards the date of application of Member States' transposition measures ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Directive (EU) 2016/97 repeals Directive 2002/92/EC of the European Parliament and of the Council ⁽³⁾, which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.
- (4) 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) point 13b (Directive 2002/92/EC of the European Parliament and of the Council) is deleted;
- (2) the following is inserted after point 13d (Commission Decision 2004/9/EC):

'13e. **32016 L 0097**: Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ L 26, 2.2.2016, p. 19), as amended by:

— **32018 L 0411**: Directive (EU) 2018/411 of the European Parliament and of the Council of 14 March 2018 (OJ L 76, 19.3.2018, p. 28).

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

- (a) Notwithstanding the provisions of Protocol 1 to this Agreement, and unless otherwise provided for in this Agreement, the terms "Member State(s)" and "competent authorities" shall be understood to include, in addition to their meaning in the Directive, the EFTA States and their competent authorities, respectively.
- (b) References to other acts in the Directive shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.
- (c) In the fourth subparagraph of Article 5(1), the second subparagraph of Article 8(3) and Article 9(2), the words "or, as the case may be, the EFTA Surveillance Authority" shall be inserted after the word "EIOPA".
- (d) In Articles 5(3) and 8(5), the words " , the EFTA Surveillance Authority" shall be inserted after the word "EIOPA".'

⁽¹⁾ OJ L 26, 2.2.2016, p. 19.

⁽²⁾ OJ L 76, 19.3.2018, p. 28.

⁽³⁾ OJ L 9, 15.1.2003, p. 3.

Article 2

The texts of Directives (EU) 2016/97 and (EU) 2018/411 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 27 October 2018, 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, 26 October 2018.

For the EEA Joint Committee
The President
Oda Helen SLETNES

(*) Constitutional requirements indicated.