

DECISION OF THE EEA JOINT COMMITTEE No 20/2019
of 8 February 2019
amending Annex IX (Financial services) to the EEA Agreement [2020/938]

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) 2017/389 of 11 November 2016 supplementing Regulation (EU) No 909/2014 of the European Parliament and of the Council as regards the parameters for the calculation of cash penalties for settlement fails and the operations of CSDs in host Member States ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2017/390 of 11 November 2016 supplementing Regulation (EU) No 909/2014 of the European Parliament and of the Council with regard to regulatory technical standards on certain prudential requirements for central securities depositories and designated credit institutions offering banking-type ancillary services ⁽²⁾, as corrected by OJ L 122, 17.5.2018, p. 35, is to be incorporated into the EEA Agreement.
- (3) Commission Delegated Regulation (EU) 2017/391 of 11 November 2016 supplementing Regulation (EU) No 909/2014 of the European Parliament and of the Council with regard to regulatory technical standards further specifying the content of the reporting on internalised settlements ⁽³⁾, as corrected by OJ L 122, 17.5.2018, p. 36, is to be incorporated into the EEA Agreement.
- (4) Commission Delegated Regulation (EU) 2017/392 of 11 November 2016 supplementing Regulation (EU) No 909/2014 of the European Parliament and of the Council with regard to regulatory technical standards on authorisation, supervisory and operational requirements for central securities depositories ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) Commission Implementing Regulation (EU) 2017/393 of 11 November 2016 laying down implementing technical standards with regard to the templates and procedures for the reporting and transmission of information on internalised settlements in accordance with Regulation (EU) No 909/2014 of the European Parliament and of the Council ⁽⁵⁾ is to be incorporated into the EEA Agreement.
- (6) Commission Implementing Regulation (EU) 2017/394 of 11 November 2016 laying down implementing technical standards with regard to standard forms, templates and procedures for authorisation, review and evaluation of central securities depositories, for the cooperation between authorities of the home Member State and the host Member State, for the consultation of authorities involved in the authorisation to provide banking-type ancillary services, for access involving central securities depositories, and with regard to the format of the records to be maintained by central securities depositories in accordance with Regulation (EU) No 909/2014 of the European Parliament and of the Council ⁽⁶⁾ is to be incorporated into the EEA Agreement.
- (7) Annex IX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is inserted after point 31bf (Regulation (EU) No 909/2014 of the European Parliament and of the Council) of Annex IX to the EEA Agreement:

'31bfa. **32017 R 0389**: Commission Delegated Regulation (EU) 2017/389 of 11 November 2016 supplementing Regulation (EU) No 909/2014 of the European Parliament and of the Council as regards the parameters for the calculation of cash penalties for settlement fails and the operations of CSDs in host Member States (OJ L 65, 10.3.2017, p. 1).

⁽¹⁾ OJ L 65, 10.3.2017, p. 1.

⁽²⁾ OJ L 65, 10.3.2017, p. 9.

⁽³⁾ OJ L 65, 10.3.2017, p. 44.

⁽⁴⁾ OJ L 65, 10.3.2017, p. 48.

⁽⁵⁾ OJ L 65, 10.3.2017, p. 116.

⁽⁶⁾ OJ L 65, 10.3.2017, p. 145.

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

In point (a) of the third paragraph of Article 9, the words “the Decision of the EEA Joint Committee containing” shall be inserted after the words “entry into force of”.

- 31bfb. **2017 R 0390:** Commission Delegated Regulation (EU) 2017/390 of 11 November 2016 supplementing Regulation (EU) No 909/2014 of the European Parliament and of the Council with regard to regulatory technical standards on certain prudential requirements for central securities depositories and designated credit institutions offering banking-type ancillary services (OJ L 65, 10.3.2017, p. 9), as corrected by OJ L 122, 17.5.2018, p. 35.

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

- (a) In Article 23(2), the reference to “members of the European System of Central Banks” shall be understood to include, in addition to its meaning in the Delegated Regulation, the national central banks of the EFTA States.
- (b) In Article 36(8)(b)(i), the words “Union currencies” shall be replaced by the words “official currencies of the Contracting Parties to the EEA Agreement”.
- 31bfc. **2017 R 0391:** Commission Delegated Regulation (EU) 2017/391 of 11 November 2016 supplementing Regulation (EU) No 909/2014 of the European Parliament and of the Council with regard to regulatory technical standards further specifying the content of the reporting on internalised settlements (OJ L 65, 10.3.2017, p. 44), as corrected by OJ L 122, 17.5.2018, p. 36.
- 31bfd. **2017 R 0392:** Commission Delegated Regulation (EU) 2017/392 of 11 November 2016 supplementing Regulation (EU) No 909/2014 of the European Parliament and of the Council with regard to regulatory technical standards on authorisation, supervisory and operational requirements for central securities depositories (OJ L 65, 10.3.2017, p. 48).

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

- (a) In Article 2(1)(a), the words “Union currency” shall be replaced by the words “official currency of the Contracting Parties to the EEA Agreement”.
- (b) In Article 96(2), the words “the Decision of the EEA Joint Committee containing” shall be inserted after the words “entry into force of”.
- 31bfe. **2017 R 0393:** Commission Implementing Regulation (EU) 2017/393 of 11 November 2016 laying down implementing technical standards with regard to the templates and procedures for the reporting and transmission of information on internalised settlements in accordance with Regulation (EU) No 909/2014 of the European Parliament and of the Council (OJ L 65, 10.3.2017, p. 116).
- 31bff. **2017 R 0394:** Commission Implementing Regulation (EU) 2017/394 of 11 November 2016 laying down implementing technical standards with regard to standard forms, templates and procedures for authorisation, review and evaluation of central securities depositories, for the cooperation between authorities of the home Member State and the host Member State, for the consultation of authorities involved in the authorisation to provide banking-type ancillary services, for access involving central securities depositories, and with regard to the format of the records to be maintained by central securities depositories in accordance with Regulation (EU) No 909/2014 of the European Parliament and of the Council (OJ L 65, 10.3.2017, p. 145).

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

In the second paragraph of Article 17, the words “the Decision of the EEA Joint Committee containing” shall be inserted after the words “entry into force of”.

Article 2

The texts of Delegated Regulations (EU) 2017/389, (EU) 2017/390, as corrected by OJ L 122, 17.5.2018, p. 35, (EU) 2017/391, as corrected by OJ L 122, 17.5.2018, p. 36, and (EU) 2017/392 and Implementing Regulations (EU) 2017/393 and (EU) 2017/394 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 9 February 2019, 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 Decision of the EEA Joint Committee No 18/2019 of 8 February 2019 (7), 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, 8 February 2019.

For the EEA Joint Committee
The President
Claude MAERTEN

(*) No constitutional requirements indicated.

(7) OJ L 60, 28.2.2019, p. 3.