

DECISION OF THE EEA JOINT COMMITTEE
No 83/2019

of 29 March 2019

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) No 524/2014 of 12 March 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the information that competent authorities of home and host Member States supply to one another¹ is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2016/822 of 21 April 2016 amending Delegated Regulation (EU) No 153/2013 as regards the time horizons for the liquidation period to be considered for the different classes of financial instruments² is to be incorporated into the EEA Agreement.
- (3) Commission Delegated Regulation (EU) 2016/1608 of 17 May 2016 amending Delegated Regulation (EU) No 1222/2014 with regard to regulatory technical standards for the specification of the methodology for the identification of global systemically important institutions and for the definition of subcategories of global systemically important institutions³ is to be incorporated into the EEA Agreement.
- (4) Commission Delegated Regulation (EU) 2016/2251 of 4 October 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty⁴, as corrected by OJ L 29, 3.2.2017, p. 69, is to be incorporated into the EEA Agreement.
- (5) Commission Delegated Regulation (EU) 2017/323 of 20 January 2017 correcting Delegated Regulation (EU) 2016/2251 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty⁵ is to be incorporated into the EEA Agreement.

¹ OJ L 148, 20.5.2014, p. 6.

² OJ L 137, 26.5.2016, p. 1.

³ OJ L 240, 8.9.2016, p. 1.

⁴ OJ L 340, 15.12.2016, p. 9.

⁵ OJ L 49, 25.2.2017, p. 1.

- (6) Commission Delegated Regulation (EU) 2017/610 of 20 December 2016 amending Regulation (EU) No 648/2012 of the European Parliament and of the Council as regards the extension of the transitional periods related to pension scheme arrangements⁶ is to be incorporated into the EEA Agreement.
- (7) Commission Delegated Regulation (EU) 2017/979 of 2 March 2017 amending Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to the list of exempted entities⁷ is to be incorporated into the EEA Agreement.
- (8) Commission Delegated Regulation (EU) 2017/1230 of 31 May 2017 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards further specifying the additional objective criteria for the application of a preferential liquidity outflow or inflow rate for cross-border undrawn credit or liquidity facilities within a group or an institutional protection scheme⁸ is to be incorporated into the EEA Agreement.
- (9) Commission Implementing Regulation (EU) No 620/2014 of 4 June 2014 laying down implementing technical standards with regard to information exchange between competent authorities of home and host Member States, according to Directive 2013/36/EU of the European Parliament and of the Council⁹ is to be incorporated into the EEA Agreement.
- (10) Commission Implementing Regulation (EU) No 1317/2014 of 11 December 2014 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council¹⁰ is to be incorporated into the EEA Agreement.
- (11) Commission Implementing Regulation (EU) 2015/880 of 4 June 2015 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council,¹¹ as corrected by OJ L 244, 19.9.2015, p. 60, is to be incorporated into the EEA Agreement.
- (12) Commission Implementing Regulation (EU) 2015/2326 of 11 December 2015 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulation (EU) No 575/2013 and Regulation (EU) No 648/2012 of the European Parliament and of the Council¹² is to be incorporated into the EEA Agreement.
- (13) Commission Implementing Regulation (EU) 2016/892 of 7 June 2016 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulation (EU) No 575/2013 and Regulation (EU) No

⁶ OJ L 86, 31.3.2017, p. 3.

⁷ OJ L 148, 10.6.2017, p. 1.

⁸ OJ L 177, 8.7.2017, p. 7.

⁹ OJ L 172, 12.6.2014, p. 1.

¹⁰ OJ L 355, 12.12.2014, p. 6.

¹¹ OJ L 143, 9.6.2015, p. 7.

¹² OJ L 328, 12.12.2015, p. 108.

648/2012 of the European Parliament and of the Council¹³ is to be incorporated into the EEA Agreement.

- (14) Commission Implementing Regulation (EU) 2016/2227 of 9 December 2016 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council¹⁴ is to be incorporated into the EEA Agreement.
- (15) Commission Implementing Regulation (EU) 2017/461 of 16 March 2017 laying down implementing technical standards with regard to common procedures, forms and templates for the consultation process between the relevant competent authorities for proposed acquisitions of qualifying holdings in credit institutions as referred to in Article 24 of Directive 2013/36/EU of the European Parliament and of the Council¹⁵ is to be incorporated into the EEA Agreement.
- (16) Commission Implementing Regulation (EU) 2017/954 of 6 June 2017 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council¹⁶ is to be incorporated into the EEA Agreement.
- (17) Commission Implementing Regulation (EU) 2017/1443 of 29 June 2017 amending Implementing Regulation (EU) No 680/2014 laying down implementing technical standards with regards to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council¹⁷ is to be incorporated into the EEA Agreement.
- (18) Commission Implementing Regulation (EU) 2017/1486 of 10 July 2017 amending Implementing Regulation (EU) 2016/2070 as regards benchmarking portfolios and reporting instructions¹⁸ is to be incorporated into the EEA Agreement.
- (19) Commission Implementing Regulation (EU) 2018/634 of 24 April 2018 amending Implementing Regulation (EU) 2016/1799 as regards the mapping tables specifying the correspondence between the credit risk assessments of external credit assessment institutions and the credit quality steps set out in Regulation (EU) No 575/2013 of the European Parliament and of the Council¹⁹ is to be incorporated into the EEA Agreement.
- (20) Commission Implementing Decision (EU) 2016/377 of 15 March 2016 on the equivalence of the regulatory framework of the United States of America for central counterparties that are authorised and supervised by the Commodity Futures Trading Commission to the requirements of Regulation (EU) No 648/2012 of the European Parliament and of the Council²⁰ is to be incorporated into the EEA Agreement.

¹³ OJ L 151, 8.6.2016, p. 4.

¹⁴ OJ L 336, 10.12.2016, p. 36.

¹⁵ OJ L 72, 17.3.2017, p. 57.

¹⁶ OJ L 144, 7.6.2017, p. 14.

¹⁷ OJ L 213, 17.8.2017, p. 1.

¹⁸ OJ L 225, 31.8.2017, p. 1.

¹⁹ OJ L 105, 25.4.2018, p. 14.

²⁰ OJ L 70, 16.3.2016, p. 32.

- (21) Commission Implementing Decision (EU) 2016/2269 of 15 December 2016 on the equivalence of the regulatory framework for central counterparties in India in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council²¹ is to be incorporated into the EEA Agreement.
- (22) Commission Implementing Decision (EU) 2016/2274 of 15 December 2016 on the equivalence of the regulatory framework for central counterparties in New Zealand in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council²² is to be incorporated into the EEA Agreement.
- (23) Commission Implementing Decision (EU) 2016/2275 of 15 December 2016 on the equivalence of the regulatory framework for central counterparties in Japan in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council²³ is to be incorporated into the EEA Agreement.
- (24) Commission Implementing Decision (EU) 2016/2276 of 15 December 2016 on the equivalence of the regulatory framework for central counterparties in Brazil in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council²⁴ is to be incorporated into the EEA Agreement.
- (25) Commission Implementing Decision (EU) 2016/2277 of 15 December 2016 on the equivalence of the regulatory framework for central counterparties in the Dubai International Financial Centre in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council²⁵ is to be incorporated into the EEA Agreement.
- (26) Commission Implementing Decision (EU) 2016/2278 of 15 December 2016 on the equivalence of the regulatory framework for central counterparties in the United Arab Emirates in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council²⁶ is to be incorporated into the EEA Agreement.
- (27) 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. The following indent is added in point 14ab (Commission Implementing Regulation (EU) No 680/2014):
‘ - **32017 R 1443**: Commission Implementing Regulation (EU) 2017/1443 of 29 June 2017 (OJ L 213, 17.8.2017, p. 1).’
2. The following is added in point 14m (Commission Implementing Regulation (EU) 2016/2070):
‘, as amended by:

²¹ OJ L 342, 16.12.2016, p. 38.

²² OJ L 342, 16.12.2016, p. 54.

²³ OJ L 342, 16.12.2016, p. 57.

²⁴ OJ L 342, 16.12.2016, p. 61.

²⁵ OJ L 342, 16.12.2016, p. 65.

²⁶ OJ L 342, 16.12.2016, p. 68.

- **32017 R 1486:** Commission Implementing Regulation (EU) 2017/1486 of 10 July 2017 (OJ L 225, 31.8.2017, p. 1).’
3. The following is added in point 14azc (Commission Implementing Regulation (EU) 2016/1799):
- ‘, as amended by:
- **32018 R 0634:** Commission Implementing Regulation (EU) 2018/634 of 24 April 2018 (OJ L 105, 25.4.2018, p. 14).’
4. The following points are inserted after point 14azf (Commission Delegated Regulation (EU) 2017/208):
- ‘14azg. **32014 R 1317:** Commission Implementing Regulation (EU) No 1317/2014 of 11 December 2014 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 355, 12.12.2014, p. 6).
- 14azh. **32015 R 0880:** Commission Implementing Regulation (EU) 2015/880 of 4 June 2015 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 143, 9.6.2015, p. 7), as corrected by OJ L 244, 19.9.2015, p. 60.
- 14azi. **32015 R 2326:** Commission Implementing Regulation (EU) 2015/2326 of 11 December 2015 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulation (EU) No 575/2013 and Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 328, 12.12.2015, p. 108).
- 14azj. **32016 R 0892:** Commission Implementing Regulation (EU) 2016/892 of 7 June 2016 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulation (EU) No 575/2013 and Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 151, 8.6.2016, p. 4).
- 14azk. **32016 R 2227:** Commission Implementing Regulation (EU) 2016/2227 of 9 December 2016 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 336, 10.12.2016, p. 36).
- 14azl. **32017 R 0954:** Commission Implementing Regulation (EU) 2017/954 of 6 June 2017 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 144, 7.6.2017, p. 14).
- 14azm. **32017 R 1230:** Commission Delegated Regulation (EU) 2017/1230 of 31 May 2017 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards further specifying the additional objective criteria for the application of a preferential liquidity outflow or inflow rate for cross-border undrawn credit or

liquidity facilities within a group or an institutional protection scheme (OJ L 177, 8.7.2017, p. 7).’

5. The following is added in point 14l (Commission Delegated Regulation (EU) No 1222/2014):

‘, as amended by:

- **32016 R 1608:** Commission Delegated Regulation (EU) 2016/1608 of 17 May 2016 (OJ L 240, 8.9.2016, p. 1).’

6. The following is added after point 14n (Commission Delegated Regulation (EU) 2017/180):

‘14o. **32014 R 0524:** Commission Delegated Regulation (EU) No 524/2014 of 12 March 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the information that competent authorities of home and host Member States supply to one another (OJ L 148, 20.5.2014, p. 6).

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

In Articles 12(1) and 16(a), the words “or, as regards the EFTA States, national law or the EEA Agreement” shall be inserted after the words “national or Union law”.

14p. **32014 R 0620:** Commission Implementing Regulation (EU) No 620/2014 of 4 June 2014 laying down implementing technical standards with regard to information exchange between competent authorities of home and host Member States, according to Directive 2013/36/EU of the European Parliament and of the Council (OJ L 172, 12.6.2014, p. 1).

14q. **32017 R 0461:** Commission Implementing Regulation (EU) 2017/461 of 16 March 2017 laying down implementing technical standards with regard to common procedures, forms and templates for the consultation process between the relevant competent authorities for proposed acquisitions of qualifying holdings in credit institutions as referred to in Article 24 of Directive 2013/36/EU of the European Parliament and of the Council (OJ L 72, 17.3.2017, p. 57).’

7. The following indents are inserted in point 31bc (Regulation (EU) No 648/2012 of the European Parliament and of the Council):

- ‘- **32017 R 0610:** Commission Delegated Regulation (EU) 2017/610 of 20 December 2016 (OJ L 86, 31.3.2017, p. 3),
- **32017 R 0979:** Commission Delegated Regulation (EU) 2017/979 of 2 March 2017 (OJ L 148, 10.6.2017, p. 1).’

8. The following points are inserted after point 31bcan (Commission Implementing Decision (EU) 2016/2273):

‘31bcao. **32016 D 0377:** Commission Implementing Decision (EU) 2016/377 of 15 March 2016 on the equivalence of the regulatory framework of the United States of America for central counterparties that are authorised and supervised by the Commodity Futures Trading Commission to the requirements of

Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 70, 16.3.2016, p. 32).

31bcap. **32016 D 2269**: Commission Implementing Decision (EU) 2016/2269 of 15 December 2016 on the equivalence of the regulatory framework for central counterparties in India in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 342, 16.12.2016, p. 38).

31bcaq. **32016 D 2274**: Commission Implementing Decision (EU) 2016/2274 of 15 December 2016 on the equivalence of the regulatory framework for central counterparties in New Zealand in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 342, 16.12.2016, p. 54).

31bcar. **32016 D 2275**: Commission Implementing Decision (EU) 2016/2275 of 15 December 2016 on the equivalence of the regulatory framework for central counterparties in Japan in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 342, 16.12.2016, p. 57).

31bcas. **32016 D 2276**: Commission Implementing Decision (EU) 2016/2276 of 15 December 2016 on the equivalence of the regulatory framework for central counterparties in Brazil in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 342, 16.12.2016, p. 61).

31bcac. **32016 D 2277**: Commission Implementing Decision (EU) 2016/2277 of 15 December 2016 on the equivalence of the regulatory framework for central counterparties in the Dubai International Financial Centre in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 342, 16.12.2016, p. 65).

31bcau. **32016 D 2278**: Commission Implementing Decision (EU) 2016/2278 of 15 December 2016 on the equivalence of the regulatory framework for central counterparties in the United Arab Emirates in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 342, 16.12.2016, p. 68).’

9. The following is inserted in point 31bcj (Commission Delegated Regulation (EU) No 153/2013):

‘, as amended by:

- **32016 R 0822**: Commission Delegated Regulation (EU) 2016/822 of 21 April 2016 (OJ L 137, 26.5.2016, p. 1).’

10. The following is inserted after point 31bcr (Commission Delegated Regulation (EU) 2016/1178)

‘31bcs. **32016 R 2251**: Commission Delegated Regulation (EU) 2016/2251 of 4 October 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty (OJ L 340, 15.12.2016, p. 9), as corrected by OJ L 29, 3.2.2017, p. 69, as amended by:

- **32017 R 0323**: Commission Delegated Regulation (EU) 2017/323 of 20 January 2017 (OJ L 49, 25.2.2017, p. 1).

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

- (a) In Article 35, as regards the EFTA States, the words “16 August 2012” shall read “1 July 2017”.
- (b) In Article 36, as regards the EFTA States:
 - (i) in point (a) of paragraph 1, the words “this Regulation” shall read “Decision of the EEA Joint Committee Decision No 83/2019 of 29 March 2019”;
 - (ii) in points (b) and (c) of paragraph 1, the words “1 September 2017” and the words “1 September 2018” shall read “1 month after the date of entry into force of Decision of the EEA Joint Committee Decision No 83/2019 of 29 March 2019”;
 - (iii) in point (d) of paragraph 1, the words “1 September 2019” shall read “1 month after the date of entry into force of Decision of the EEA Joint Committee Decision No 83/2019 of 29 March 2019 or from 1 September 2019, whichever is the later.”;
 - (iv) in paragraph 2, points (a) and (b) shall read as follows:
 - “(a) 3 years after the date of entry into force of this Regulation, where no equivalence decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 11(3) of that Regulation in respect of the relevant third country applies in the EEA;
 - (b) the later of the following dates where an equivalence decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 11(3) of that Regulation in respect of the relevant third country applies in the EEA:
 - (i) 4 months after the date of entry into force of the decision of the EEA Joint Committee containing the decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 11(3) of that Regulation in respect of the relevant third country;
 - (ii) the applicable date determined pursuant to paragraph 1.”.
- (c) In Article 37, as regards the EFTA States:
 - (i) point (b) of paragraph 1 shall read as follows:
 - “(b) from 5 months after the date of entry into force of Decision of the EEA Joint Committee No 83/2019 of 29 March 2019.”;
 - (ii) in point (b) of paragraph 2, the words “the date of entry into application of” shall read “the date of entry into force of the decision of the EEA Joint Committee containing”;
 - (iii) in paragraph 3, points (a) and (b) shall read as follows:

- “(a) 3 years after the date of entry into force of this Regulation, where no equivalence decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 11(3) of that Regulation in respect of the relevant third country applies in the EEA;
- (b) the later of the following dates where an equivalence decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 11(3) of that Regulation in respect of the relevant third country applies in the EEA:
 - (i) 4 months after the date of entry into force of the decision of the EEA Joint Committee containing the decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 11(3) of that Regulation in respect of the relevant third country;
 - (ii) the applicable date determined pursuant to paragraph 1.”.
- (d) In Article 38(2), as regards the EFTA States, the words “4 July 2017” shall read “6 months after the date of entry into force of Decision of the EEA Joint Committee No 83/2019 of 29 March 2019.”
- (e) In point (a) of Article 39(1), as regards the EFTA States, the words “March, April and May of 2016” shall read “March, April and May of the year preceding the year of entry into force of Decision of the EEA Joint Committee No 83/2019 of 29 March 2019”.’

Article 2

The texts of Delegated Regulations (EU) No 524/2014, (EU) 2016/822, (EU) 2016/1608, (EU) 2016/2251, as corrected by OJ L 29, 3.2.2017, p. 69, (EU) 2017/323, (EU) 2017/610, (EU) 2017/979 and (EU) 2017/1230 and Implementing Regulations (EU) No 620/2014, (EU) No 1317/2014, (EU) 2015/880, as corrected by OJ L 244, 19.9.2015, p. 60, (EU) 2015/2326, (EU) 2016/892, (EU) 2016/2227, (EU) 2017/461, (EU) 2017/954, (EU) 2017/1443, (EU) 2017/1486 and (EU) 2018/634 and Implementing Decisions (EU) 2016/377, (EU) 2016/2269, (EU) 2016/2274, (EU) 2016/2275, (EU) 2016/2276, (EU) 2016/2277 and (EU) 2016/2278 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 30 March 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 79/2019 of 29 March 2019²⁷, whichever is the later.

* No constitutional requirements indicated.
²⁷ OJ L ...

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, 29 March 2019.

*For the EEA Joint Committee
The President*

Claude Maerten

*The Secretaries
to the EEA Joint Committee*

Hege M. Hoff

Mikołaj Karłowski

Provisional text