

III

(Other acts)

EUROPEAN ECONOMIC AREA

DECISION OF THE EEA JOINT COMMITTEE No 84/2019

of 29 March 2019

amending Annex IX (Financial services) to the EEA Agreement [2019/1400]

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) Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Regulation (EU) 2017/1129 repeals Directive 2003/71/EC of the European Parliament and of the Council ⁽²⁾, which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement with effect from 21 July 2019.
- (3) 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 29b (Directive 2003/71/EC of the European Parliament and of the Council) is deleted with effect from 21 July 2019.
- (2) The following is inserted after point 29bc (Commission Delegated Regulation (EU) 2016/301):

'29bd. **32017 R 1129:** Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 30.6.2017, p. 12).

The provisions of the Regulation 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 Regulation, the EFTA States and their competent authorities, respectively.
- (b) References to other acts in the Regulation shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.

⁽¹⁾ OJ L 168, 30.6.2017, p. 12.

⁽²⁾ OJ L 345, 31.12.2003, p. 64.

- (c) In Article 9(3), the words “or the date of entry into force of Decision of the EEA Joint Committee No 84/2019 of 29 March 2019, whichever is the later” shall be inserted after the words “21 July 2019”.
- (d) In Article 22(11), the words “Union law” shall be replaced by “the EEA Agreement”.
- (e) In the second sentence of Article 33(5) the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”.
- (f) In Article 34(1), as regards the EFTA States, the words “and the EFTA Surveillance Authority” shall be inserted after the word “ESMA”.
- (g) In Article 35(2), the words “laid down by Union” shall be replaced by “of the EEA Agreement”.
- (h) In the second sentence of Article 37(3) the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”.
- (i) In Article 38(2)(d), the words “Union law” shall read “provisions of the EEA Agreement”.
- (j) In Article 46(3), the words “or the date of entry into force of Decision of the EEA Joint Committee No 84/2019 of 29 March 2019, whichever is the later” shall be inserted after the words “21 July 2019”.
- (k) In Article 49(2) and (3), the words “or the date of entry into force of Decision of the EEA Joint Committee No 84/2019 of 29 March 2019, whichever is the later” shall be inserted after the words “21 July 2019”.
- (l) In Article 49(2), the words “21 July 2018” and the words “20 July 2017” shall read “the date of entry into force of Decision of the EEA Joint Committee No 84/2019 of 29 March 2019”.

Article 2

The text of Regulation (EU) 2017/1129 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 or on the day following the last notification under Article 103(1) of 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, 29 March 2019.

For the EEA Joint Committee
The President
Claude MAERTEN

(*) Constitutional requirements indicated.