

DECISION OF THE EEA JOINT COMMITTEE
No 165/2019

of 14 June 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) Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC¹, as corrected by OJ L 102, 23.4.2018, p. 97, is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2017/2055 of 23 June 2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for the cooperation and exchange of information between competent authorities relating to the exercise of the right of establishment and the freedom to provide services of payment institutions² is to be incorporated into the EEA Agreement.
- (3) Directive (EU) 2015/2366 repeals Directive 2007/64/EC of the European Parliament and of the Council³, which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.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. The following indent is added in points 14 (Directive 2013/36/EU of the European Parliament and of the Council), 31e (Directive 2002/65/EC of the European Parliament and of the Council) and 31g (Regulation (EU) No 1093/2010 of the European Parliament and of the Council):
 - ‘- **32015 L 2366**: Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 (OJ L 337, 23.12.2015, p. 35), as corrected by OJ L 102, 23.4.2018, p. 97.’

¹ OJ L 337, 23.12.2015, p. 35.

² OJ L 294, 11.11.2017, p. 1.

³ OJ L 319, 5.12.2007, p. 1.

2. The following is added in point 15 (Directive 2009/110/EC of the European Parliament and of the Council):

‘, as amended by:

- **32015 L 2366:** Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 (OJ L 337, 23.12.2015, p. 35).

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

In Article 18(4), as regards the EFTA States:

- (i) the words “13 January 2018” shall read “the date of entry into force of Decision of the EEA Joint Committee No 165/2019 of 13 June 2019”;
- (ii) the words “until 13 July 2018” shall read “until six months after the date of entry into force of Decision of the EEA Joint Committee No 165/2019 of 13 June 2019”;
- (iii) the words “by 13 July 2018” shall read “within six months following the date of entry into force of Decision of the EEA Joint Committee No 165/2019 of 13 June 2019”.

3. The text of point 16e (Directive 2007/64/EC of the European Parliament and of the Council) is replaced by the following:

‘**32015 L 2366:** Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).

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 apply to the extent and in the form that those acts are incorporated into this Agreement.
- (c) Article 4(36) shall read as follows:

“‘micro-enterprise’ means an enterprise, which, at the time of conclusion of the payment service contract, is any entity engaged in an economic activity, irrespective of its legal form. This includes, in particular, self-employed persons and family businesses engaged in craft or other activities, and partnerships or associations regularly engaged in an economic activity. The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million. Within the SME category, a microenterprise is defined as an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million.”

- (d) In Article 26(1), the words “the central banks of the EFTA States and the EFTA Surveillance Authority” shall be inserted after the word “EBA”.
 - (e) In Article 27:
 - (i) in paragraph 1, the words “request its assistance” shall be replaced by the words “request the assistance of EBA or the EFTA Surveillance Authority, as the case may be,”;
 - (ii) in the first sentence of paragraph 2, the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “EBA”.
 - (f) In Article 30(3), the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “EBA”.
 - (g) In Article 96(2), the words “and the national central banks of the EFTA States” shall be inserted after the words “members of the European System of Central Banks”.
 - (h) In Article 109, as regards the EFTA States:
 - (i) in paragraphs 1 and 3, the words “13 January 2018” shall read “the date of entry into force of Decision of the EEA Joint Committee No 165/2019 of 13 June 2019”;
 - (ii) in paragraph 1, the words “by 13 July 2018” shall read “within six months following the date of entry into force of Decision of the EEA Joint Committee No 165/2019 of 13 June 2019”;
 - (iii) in paragraph 3, the words “until 13 January 2019” shall read “until one year after the date of entry into force of Decision of the EEA Joint Committee No 165/2019 of 13 June 2019”;
 - (iv) in paragraph 3, the words “by 13 January 2019” shall read “within one year following the date of entry into force of Decision of the EEA Joint Committee No 165/2019 of 13 June 2019”;
 - (v) in paragraph 5, the words “by 13 January 2020” shall read “within two years following the date of entry into force of Decision of the EEA Joint Committee No 165/2019 of 13 June 2019”.
4. The following point is inserted after point 16e (Directive (EU) 2015/2366 of the European Parliament and of the Council):
- ‘16ea. **32017 R 2055**: Commission Delegated Regulation (EU) 2017/2055 of 23 June 2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for the cooperation and exchange of information between competent authorities relating to the exercise of the right of establishment and the freedom to provide services of payment institutions (OJ L 294, 11.11.2017, p. 1).’

Article 2

The texts of Directive (EU) 2015/2366, as corrected by OJ L 102, 23.4.2018, p. 97, and of Delegated Regulation (EU) 2017/2055 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 15 June 2019, 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, 14 June 2019.

*For the EEA Joint Committee
The President*

Claude Maerten

*The Secretaries
to the EEA Joint Committee*

Hege M. Hoff

Mikołaj Karłowksi

* [Constitutional requirements indicated.]