

**DECISION OF THE EEA JOINT COMMITTEE No 190/2019**  
**of 10 July 2019**  
**amending Annex IX (Financial services) and Annex XIX (Consumer protection) to the EEA Agreement [2019/1402]**

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) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014<sup>(1)</sup> is to be incorporated into the EEA Agreement.
- (2) Annexes IX and XIX 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:

The following is inserted after point 31k (Regulation (EU) 2015/751 of the European Parliament and of the Council):

- '31l. **32016 R 1011**: Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1).

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) In the second subparagraph of Article 46(4), the third subparagraph of Article 46(10) and in the first subparagraph of Article 46(11), the words "or as the case may be, the EFTA Surveillance Authority" shall be inserted after the word "ESMA".
- (c) In Article 46(10), the words "Union law" shall be replaced by the words "provisions of the EEA Agreement".
- (d) In Article 47(1), as regards the EFTA States, the words "and the EFTA Surveillance Authority" shall be inserted after the word "ESMA".
- (e) In Article 48(3), the words "laid down by Union" shall be replaced by the words "of the EEA Agreement".'

*Article 2*

The following indent is added in point 7h (Directive 2008/48/EC of the European Parliament and of the Council) of Annex XIX to the EEA Agreement:

- '— **32016 R 1011**: Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 (OJ L 171, 29.6.2016, p. 1).'

*Article 3*

The text of Regulation (EU) 2016/1011 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

<sup>(1)</sup> OJ L 171, 29.6.2016, p. 1.

*Article 4*

This Decision shall enter into force on 11 July 2019, or on the day following the last notification under Article 103(1) of the EEA Agreement (\*), whichever is the later.

*Article 5*

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, 10 July 2019.

*For the EEA Joint Committee*

*The President*

Gunnar PÁLSSON

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(\*) Constitutional requirements indicated.