

DECISION OF THE EEA JOINT COMMITTEE
No 259/2019

of 25 October 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) Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC¹, as corrected by OJ L 287, 21.10.2016, p. 320, is to be incorporated into the EEA Agreement.
- (2) Regulation (EU) No 596/2014 repeals Directive 2003/6/EC of the European Parliament and of the Council², Commission Regulation (EC) No 2273/2003³, and Commission Directives 2003/124/EC⁴, 2003/125/EC⁵ and 2004/72/EC⁶, which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement.
- (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. The text of point 29a (Directive 2003/6/EC of the European Parliament and of the Council) is replaced by the following:

‘32014 R 0596: Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC, as corrected by OJ L 287, 21.10.2016, p. 320.

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

¹ OJ L 173, 12.6.2014, p. 1.
² OJ L 96, 12.4.2003, p. 16.
³ OJ L 336, 23.12.2003, p. 33.
⁴ OJ L 339, 24.12.2003, p. 70.
⁵ OJ L 339, 24.12.2003, p. 73.
⁶ OJ L 162, 30.4.2004, p. 70.

- (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.
 - (c) References to “members of the ESCB” shall be understood to include, in addition to their meaning in the Regulation, the national central banks of the EFTA States.
 - (d) In Article 13:
 - (i) in the second subparagraph of paragraph 6, the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”;
 - (ii) in paragraph 10, the words “and to the EFTA Surveillance Authority” shall be inserted after the words “the Commission”;
 - (iii) in paragraph 11, as regards the EFTA States, the words “2 July 2014” shall read “the date of entry into force of Decision of the EEA Joint Committee No 259/2019 of 25 October 2019”.
 - (e) In Article 22, the words “, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”.
 - (f) In paragraphs 1 and 2 of Article 24, the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”.
 - (g) In Article 25:
 - (i) in the first and fourth subparagraph of paragraph 1, in paragraph 5, and in the second subparagraph of paragraph 7, the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”;
 - (ii) as regards the EFTA States, the second subparagraph of paragraph 1 shall not apply;
 - (iii) in paragraph 7, as regards the EFTA States, the words “Article 258 TFEU” shall be replaced by the words “Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice”.
 - (h) In paragraph 1 of Article 30, the words “3 July 2016” shall read “the date of entry into force of Decision of the EEA Joint Committee No 259/2019 of 25 October 2019”.
2. The texts of points 29aa (Commission Regulation (EC) No 2273/2003), 29ab (Commission Directive 2003/124/EC), 29ac (Commission Directive 2003/125/EC) and 29c (Commission Directive 2004/72/EC) are deleted.

Article 2

The text of Regulation (EU) No 596/2014, as corrected by OJ L 287, 21.10.2016, p. 320, 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 26 October 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, 25 October 2019.

*For the EEA Joint Committee
The President*

Gunnar Pálsson

*The Secretaries
To the EEA Joint Committee*

Hege M. Hoff

Mikołaj Karłowski

* [Constitutional requirements indicated.]