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:


(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:


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

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2. OJ L 96, 12.4.2003, p. 16.
(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”.

Article 2

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.


For the EEA Joint Committee
The President

Gunnar Pálsson

The Secretaries
To the EEA Joint Committee

Hege M. Hoff    Mikołaj Karłowski

* [Constitutional requirements indicated.]