

DECISION OF THE EEA JOINT COMMITTEE
No 386/2021

of 10 December 2021

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) Commission Delegated Regulation (EU) 2019/356 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to regulatory technical standards specifying the details of securities financing transactions (SFTs) to be reported to trade repositories¹ is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2019/357 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to regulatory technical standards on access to details of securities financing transactions (SFTs) held in trade repositories² is to be incorporated into the EEA Agreement.
- (3) Commission Delegated Regulation (EU) 2019/358 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to regulatory technical standards on the collection, verification, aggregation, comparison and publication of data on securities financing transactions (SFTs) by trade repositories³ is to be incorporated into the EEA Agreement.
- (4) Commission Delegated Regulation (EU) 2019/359 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to regulatory technical standards specifying the details of the application for registration and extension of registration as a trade repository⁴ is to be incorporated into the EEA Agreement.
- (5) Commission Delegated Regulation (EU) 2019/360 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to fees charged by the European Securities and Markets Authority to trade repositories⁵ is to be incorporated into the EEA Agreement.
- (6) Commission Implementing Regulation (EU) 2019/363 of 13 December 2018 laying down implementing technical standards with regard to the format and frequency of reports on the details of securities financing transactions (SFTs) to trade repositories in accordance with Regulation (EU) 2015/2365 of the European Parliament and of the

¹ OJ L 81, 22.3.2019, p. 1.

² OJ L 81, 22.3.2019, p. 22.

³ OJ L 81, 22.3.2019, p. 30.

⁴ OJ L 81, 22.3.2019, p. 45.

⁵ OJ L 81, 22.3.2019, p. 58.

Council and amending Commission Implementing Regulation (EU) No 1247/2012 with regard to the use of reporting codes in the reporting of derivative contracts⁶ is to be incorporated into the EEA Agreement.

- (7) Commission Implementing Regulation (EU) 2019/364 of 13 December 2018 laying down implementing technical standards with regard to the format of applications for registration and extension of registration of trade repositories in accordance with Regulation (EU) 2015/2365 of the European Parliament and of the Council⁷ is to be incorporated into the EEA Agreement.
- (8) Commission Implementing Regulation (EU) 2019/365 of 13 December 2018 laying down implementing technical standards with regard to the procedures and forms for exchange of information on sanctions, measures and investigations in accordance with Regulation (EU) 2015/2365 of the European Parliament and of the Council⁸ is to be incorporated into the EEA Agreement.
- (9) 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 point 31bcb (Commission Implementing Regulation (EU) No 1247/2012):

‘- **32019 R 0363:** Commission Implementing Regulation (EU) 2019/363 of 13 December 2018 (OJ L 81, 22.3.2019, p. 85).’

2. The following is inserted after point 31bh (Regulation (EU) 2015/2365 of the European Parliament and of the Council):

‘31bb. **32019 R 0356:** Commission Delegated Regulation (EU) 2019/356 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to regulatory technical standards specifying the details of securities financing transactions (SFTs) to be reported to trade repositories (OJ L 81, 22.3.2019, p. 1).

31bh. **32019 R 0357:** Commission Delegated Regulation (EU) 2019/357 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to regulatory technical standards on access to details of securities financing transactions (SFTs) held in trade repositories (OJ L 81, 22.3.2019, p. 22).

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

References to members of the ESCB shall be understood to include, in addition to their meaning in the Delegated Regulation, the national central banks of the EFTA States.

⁶ OJ L 81, 22.3.2019, p. 85.

⁷ OJ L 81, 22.3.2019, p. 125.

⁸ OJ L 81, 22.3.2019, p. 128.

31bhd. **32019 R 0358:** Commission Delegated Regulation (EU) 2019/358 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to regulatory technical standards on the collection, verification, aggregation, comparison and publication of data on securities financing transactions (SFTs) by trade repositories (OJ L 81, 22.3.2019, p. 30).

31bhe. **32019 R 0359:** Commission Delegated Regulation (EU) 2019/359 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to regulatory technical standards specifying the details of the application for registration and extension of registration as a trade repository (OJ L 81, 22.3.2019, p. 45).

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

- (a) In Article 1(2):
 - (i) the words “or by the EFTA Surveillance Authority, as the case may be,” shall be inserted after the words “by ESMA”;
 - (ii) the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the words “for ESMA”.
- (b) In Article 14(3), the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “ESMA”.
- (c) In Article 17(b), the words “Union or third country legislation” shall read “the EEA Agreement or third country legislation”.
- (d) In Article 27, the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “ESMA”.

31bhf. **32019 R 0360:** Commission Delegated Regulation (EU) 2019/360 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to fees charged by the European Securities and Markets Authority to trade repositories (OJ L 81, 22.3.2019, p. 58).

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

- (a) In Article 9(2), the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “ESMA”.
- (b) In Article 10(2), the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “ESMA”.
- (c) In Article 12:
 - (i) in paragraph 1, the words “Only ESMA” shall be replaced by the words “Only ESMA or, as regards trade repositories established in the EFTA States, the EFTA Surveillance Authority”;

- (ii) in paragraph 2, the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “ESMA”.
- (d) In Part 2 of the Annex, in the fourth subparagraph of paragraph 3 and in paragraph 4, the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “ESMA”.
- 31bhg. **32019 R 0363:** Commission Implementing Regulation (EU) 2019/363 of 13 December 2018 laying down implementing technical standards with regard to the format and frequency of reports on the details of securities financing transactions (SFTs) to trade repositories in accordance with Regulation (EU) 2015/2365 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) No 1247/2012 with regard to the use of reporting codes in the reporting of derivative contracts (OJ L 81, 22.3.2019, p. 85).
- 31bhh. **32019 R 0364:** Commission Implementing Regulation (EU) 2019/364 of 13 December 2018 laying down implementing technical standards with regard to the format of applications for registration and extension of registration of trade repositories in accordance with Regulation (EU) 2015/2365 of the European Parliament and of the Council (OJ L 81, 22.3.2019, p. 125).
- 31bhi. **32019 R 0365:** Commission Implementing Regulation (EU) 2019/365 of 13 December 2018 laying down implementing technical standards with regard to the procedures and forms for exchange of information on sanctions, measures and investigations in accordance with Regulation (EU) 2015/2365 of the European Parliament and of the Council (OJ L 81, 22.3.2019, p. 128).’

Article 2

The texts of Delegated Regulations (EU) 2019/356, (EU) 2019/357, (EU) 2019/358, (EU) 2019/359, (EU) 2019/360 and Implementing Regulations (EU) 2019/363, (EU) 2019/364 and (EU) 2019/365 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 11 December 2021, provided that all the notifications under Article 103(1) of the EEA Agreement have been made*, or on the day of the entry into force of Decision of the EEA Joint Committee No 385/2021 of 10 December 2021⁹, whichever is the later.

* No constitutional requirements indicated.

⁹ OJ L ...

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, 10 December 2021.

*For the EEA Joint Committee
The President*

Rolf Einar Fife

*The Secretaries
To the EEA Joint Committee*

Hege M. Hoff Mikołaj Karłowski

Not yet published