

DECISION OF THE EEA JOINT COMMITTEE No 252/2022
of 23 September 2022
amending Annex IX (Financial services) to the EEA Agreement [2023/781]

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) 2021/732 of 26 January 2021 amending Delegated Regulation (EU) No 667/2014 with regard to the content of the file to be submitted by the investigation officer to the European Securities and Markets Authority, the right to be heard with regard to interim decisions and the lodging of fines and periodic penalty payments ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Annex IX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Point 31bco (Commission Delegated Regulation (EU) No 667/2014) of Annex IX to the EEA Agreement shall be amended as follows:

- (1) the following is added:

‘, as amended by:

— **32021 R 0732**: Commission Delegated Regulation (EU) 2021/732 of 26 January 2021 (OJ L 158, 6.5.2021, p. 8).;

- (2) adaptations (d) to (g) are renumbered as adaptations (e) to (h);

- (3) the following adaptation is added after adaptation (c):

‘(d) In Article 3a, as regards the EFTA States:

- (i) in paragraph 1, the first subparagraph of paragraph 4 and the third subparagraph of paragraph 5, the word “ESMA” shall read “the EFTA Surveillance Authority”;
- (ii) in paragraph 2, the words “and the EFTA Surveillance Authority” shall be inserted after the word “ESMA”;
- (iii) in paragraphs 3 and 5, the words “inform the EFTA Surveillance Authority thereof. The EFTA Surveillance Authority shall, without undue delay,” shall be inserted after the words “it shall”;
- (iv) in the first sentence of the second subparagraph of paragraph 4, the first subparagraph of and the second sentence of the second subparagraph of paragraph 5, the word “ESMA” shall read “The EFTA Surveillance Authority”;
- (v) in the third and fourth subparagraphs of paragraph 4, the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”.

Article 2

The text of Delegated Regulation (EU) 2021/732 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

⁽¹⁾ OJ L 158, 6.5.2021, p. 8.

Article 3

This Decision shall enter into force on 24 September 2022, 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 50/2021 of 5 February 2021 (?), whichever is the later.

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, 23 September 2022.

For the EEA Joint Committee
The President
Kristján Andri STEFÁNSSON

(*) No constitutional requirements indicated.

(?) Not yet published in the Official Journal.