

IV

(Other acts)

EUROPEAN ECONOMIC AREA

THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 79/2008

of 4 July 2008

amending Annex IX (Financial services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex IX to the Agreement was amended by Decision of the EEA Joint Committee No 66/2008 of 6 June 2008 ⁽¹⁾.
- (2) Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 amending Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of holdings in the financial sector ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex IX to the Agreement shall be amended as follows:

1. the following indent shall be added in points 7a (Council Directive 92/49/EEC), 11 (Directive 2002/83/EC of the European Parliament and of the Council), 14 (Directive 2006/48/EC of the European Parliament and of the Council) and 31ba (Directive 2004/39/EC of the European Parliament and of the Council):

— **32007 L 0044:** Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 (OJ L 247, 21.9.2007, p. 1).;

⁽¹⁾ OJ L 257, 25.9.2008, p. 29.

⁽²⁾ OJ L 247, 21.9.2007, p. 1.

2. the following shall be added in point 7b (Directive 2005/68/EC of the European Parliament and of the Council):

‘, as amended by:

— **32007 L 0044**: Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 (OJ L 247, 21.9.2007, p. 1).’;

3. point 7a (Council Directive 92/49/EEC) shall be amended as follows:

- (i) current adaptation (a) shall be renumbered as adaptation (b),

- (ii) the following adaptation shall be inserted before new adaptation (b):

‘(a) Articles 15, 15a, 15b and 15c regarding the prudential assessment of a proposed acquirer shall not apply where the proposed acquirer, as defined in the Directive, is situated or regulated outside the territory of the Contracting Parties.’;

4. point 7b (Directive 2005/68/EC of the European Parliament and of the Council) shall be amended as follows:

- (i) the current adaptation shall be numbered as adaptation (b),

- (ii) the following adaptation shall be inserted before new adaptation (b):

‘(a) Articles 19, 19a and 20 regarding the prudential assessment of a proposed acquirer shall not apply where the proposed acquirer, as defined in the Directive, is situated or regulated outside the territory of the Contracting Parties.’;

5. point 11 (Directive 2002/83/EC of the European Parliament and of the Council) shall be amended as follows:

- (i) current adaptations (b), (c) and (d) shall be renumbered as adaptations (c), (d) and (e),

- (ii) the following adaptation shall be inserted after adaptation (a):

‘(b) Articles 15, 15a, 15b and 15c regarding the prudential assessment of a proposed acquirer shall not apply where the proposed acquirer, as defined in the Directive, is situated or regulated outside the territory of the Contracting Parties.’;

6. point 14 (Directive 2006/48/EC of the European Parliament and of the Council) shall be amended as follows:

(i) current adaptations (c) and (d) shall be renumbered as adaptations (d) and (e),

(ii) the following adaptation shall be inserted after adaptation (b):

‘(c) Articles 19, 19a, 19b, 20 and 21(3) regarding the prudential assessment of a proposed acquirer shall not apply where the proposed acquirer, as defined in the Directive, is situated or regulated outside the territory of the Contracting Parties.’;

7. point 31ba (Directive 2004/39/EC of the European Parliament and of the Council) shall be amended as follows:

(i) the current adaptation shall be numbered as adaptation (b),

(ii) the following adaptation shall be inserted before new adaptation (b):

‘(a) Articles 10, 10a and 10b regarding the prudential assessment of a proposed acquirer shall not apply where the proposed acquirer, as defined in the Directive, is situated or regulated outside the territory of the Contracting Parties.’

Article 2

The text of Directive 2007/44/EC 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 5 July 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*), or on the day of entry into force of Decision of the EEA Joint Committee No 65/2008 of 6 June 2008, 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, 4 July 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

(*) Constitutional requirements indicated.