

## DECISION OF THE EEA JOINT COMMITTEE

No 120/2010

of 10 November 2010

## 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 85/2010 of 2 July 2010 <sup>(1)</sup>.
- (2) Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (recast) <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Commission Directive 2009/83/EC of 27 July 2009 amending certain Annexes to Directive 2006/48/EC of the European Parliament and of the Council as regards technical provisions concerning risk management <sup>(3)</sup> is to be incorporated into the Agreement.
- (4) Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC <sup>(4)</sup> is to be incorporated into the Agreement.
- (5) Commission Recommendation 2009/384/EC of 30 April 2009 on remuneration policies in the financial services sector <sup>(5)</sup> is to be incorporated into the Agreement.
- (6) Directive 2009/65/EC repeals, with effect from 1 July 2011, Council Directive 85/611/EEC <sup>(6)</sup>, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement with effect from 1 July 2011.
- (7) Directive 2009/110/EC repeals, with effect from 30 April 2011, Directive 2000/46/EC of the European Parliament and of the Council <sup>(7)</sup>, which is incorporated into the

Agreement and which is consequently to be repealed under the Agreement with effect from 30 April 2011.

- (8) Directive 2002/92/EC of the European Parliament and of the Council <sup>(8)</sup>, which was incorporated into the Agreement by Decision of the EEA Joint Committee No 115/2003 <sup>(9)</sup> of 26 September 2003, repealed Council Directive 77/92/EEC <sup>(10)</sup>, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

Annex IX to the Agreement shall be amended as follows:

- (1) points 30 (Council Directive 85/611/EEC) and 30a (Commission Directive 2007/16/EC) shall be renumbered as points 30a and 30b respectively;
- (2) the following point shall be inserted before new point 30a (Council Directive 85/611/EEC):
 

'30. **32009 L 0065**: Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (recast) (OJ L 302, 17.11.2009, p. 32).';
- (3) the text of new point 30a (Council Directive 85/611/EEC) shall be deleted with effect from 1 July 2011;
- (4) point 15 (Directive 2000/46/EC of the European Parliament and of the Council) shall be renumbered as point 15a;
- (5) the following point shall be inserted before new point 15a (Directive 2000/46/EC of the European Parliament and of the Council):

'15. **32009 L 0110**: Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7).';

<sup>(1)</sup> OJ L 277, 21.10.2010, p. 39.

<sup>(2)</sup> OJ L 302, 17.11.2009, p. 32.

<sup>(3)</sup> OJ L 196, 28.7.2009, p. 14.

<sup>(4)</sup> OJ L 267, 10.10.2009, p. 7.

<sup>(5)</sup> OJ L 120, 15.5.2009, p. 22.

<sup>(6)</sup> OJ L 375, 31.12.1985, p. 3.

<sup>(7)</sup> OJ L 267, 10.10.2009, p. 7.

<sup>(8)</sup> OJ L 9, 15.1.2003, p. 3.

<sup>(9)</sup> OJ L 331, 18.12.2003, p. 34.

<sup>(10)</sup> OJ L 26, 31.1.1977, p. 14.

- (6) the text of new point 15a (Directive 2000/46/EC of the European Parliament and of the Council) shall be deleted with effect from 30 April 2011;
- (7) the following indents shall be added in point 14 (Directive 2006/48/EC of the European Parliament and of the Council):
- **32009 L 0083**: Commission Directive 2009/83/EC of 27 July 2009 (OJ L 196, 28.7.2009, p. 14),
- **32009 L 0110**: Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 (OJ L 267, 10.10.2009, p. 7).;
- (8) the following indent shall be added in point 23b (Directive 2005/60/EC of the European Parliament and of the Council):
- **32009 L 0110**: Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 (OJ L 267, 10.10.2009, p. 7).;
- (9) the following point shall be inserted after point 43 (Commission Recommendation 2007/657/EC):
- ‘44. **32009 H 0384**: Commission Recommendation 2009/384/EC of 30 April 2009 on remuneration policies in the financial services sector (OJ L 120, 15.5.2009, p. 22).’;
- (10) the text of point 13 (Council Directive 77/92/EEC) shall be deleted;
- (11) points 29f (Commission Directive 2004/72/EC) and 29g (Directive 2004/109/EC of the European Parliament and of the Council) shall be renumbered as points 29c and 29d respectively;
- (12) point 29ga (Commission Directive 2007/14/EC) shall be renumbered as point 29da;
- (13) point 29h (Commission Regulation (EC) No 1569/2007) shall be renumbered as point 29e.

*Article 2*

The texts of Directives 2009/65/EC, 2009/83/EC and 2009/110/EC and Recommendation 2009/384/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 11 November 2010, provided that all the notifications pursuant to Article 103(1) of the Agreement have been made to the EEA Joint Committee (\*).

*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 November 2010.

*For the EEA Joint Committee*

*The President*

Stefán Haukur JÓHANNESSON

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(\*) Constitutional requirements indicated.