



Council of the  
European Union

038303/EU XXVI. GP  
Eingelangt am 12/10/18

Brussels, 12 October 2018  
(OR. en)

---

---

**Interinstitutional File:**  
**2018/0351(NLE)**

---

---

13108/18  
ADD 1

AELE 51  
EEE 40  
N 52  
ISL 38  
FL 38  
MI 712  
JUR 494  
ECOFIN 913  
SURE 37

## PROPOSAL

---

From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 12 October 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

---

No. Cion doc.: COM(2018) 682 final - ANNEX I

---

Subject: ANNEX to the Proposal for a Council Decision on the position to be  
adopted, on behalf of the European Union, within the EEA Joint Committee  
concerning an amendment to Annex IX (Financial Services) to the EEA  
Agreement (OMNIBUS II)

---

Delegations will find attached document COM(2018) 682 final - ANNEX I.

---

Encl.: COM(2018) 682 final - ANNEX I



Brussels, 12.10.2018  
COM(2018) 682 final

ANNEX

**ANNEX**

**to the**

**Proposal for a Council Decision**

**on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex IX (Financial Services) to the EEA Agreement**

**(OMNIBUS II)**

ANNEX

DECISION OF THE EEA JOINT COMMITTEE

No

of

**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) Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority)<sup>1</sup> 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*

Annex IX to the EEA Agreement shall be amended as follows:

1. Point 1 (Directive 2009/138/EC of the European Parliament and of the Council) is amended as follows:
  - (i) the following indent is added:
    - ‘- **32014 L 0051**: Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 (OJ L 153, 22.5.2014, p. 1).’;
  - (ii) the following adaptations are added:
    - ‘(k) References to the powers of EIOPA under Articles 18 and 19 of Regulation (EU) No 1094/2010 of the European Parliament and of the Council in the Directive shall be understood as referring, in the cases provided for in and in accordance with point 31h of this Annex, to the powers of the EFTA Surveillance Authority as regards the EFTA States.

---

<sup>1</sup> OJ L 153, 22.5.2014, p. 1.

- (l) In Articles 52(3) and 77f(1), the words “, the EFTA Surveillance Authority, the Standing Committee of the EFTA States” shall be inserted after the words “the Council”.
  - (m) In Article 65a, the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “EIOPA”.
  - (n) In Article 70, references to “central banks of the European System of Central Banks (ESCB)” and “central banks of the ESCB” shall be understood to include, in addition to their meaning in the Directive, the national central banks of the EFTA States.
  - (o) In Article 138(4), as regards the EFTA States, the word “EIOPA” shall read “the EFTA Surveillance Authority” and the words “as declared by EIOPA” shall read “as declared by the EFTA Surveillance Authority on the basis of drafts prepared by EIOPA”.
  - (p) Information originating in the EFTA States shall not be exchanged by EIOPA as part of cooperation arrangements concluded with third country or their authorities pursuant to Articles 172(4)(e) or 260(5)(e) without the express agreement of the authorities which have disclosed it and, where appropriate, solely for the purposes for which those authorities gave their agreement.
  - (q) In Article 308b(15), as regards the EFTA States, the words “23 May 2014” shall read “the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision]”.
2. The following indent is added in points 29b (Directive 2003/71/EC of the European Parliament and of the Council), 31eb (Regulation (EC) No 1060/2009 of the European Parliament and of the Council) and 31i (Regulation (EU) No 1095/2010 of the European Parliament and of the Council):
- ‘ - **32014 L 0051**: Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 (OJ L 153, 22.5.2014, p. 1).’
3. The following is added in point 31h (Regulation (EU) No 1094/2010 of the European Parliament and of the Council):
- ‘, as amended by:
- **32014 L 0051**: Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 (OJ L 153, 22.5.2014, p. 1).’

## *Article 2*

The text of Directive 2014/51/EU 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 [...], 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*.

Done at Brussels, .

*For the EEA Joint Committee  
The President*

*The Secretaries  
to the EEA Joint Committee*

---

\* [No constitutional requirements indicated.] [Constitutional requirements indicated.]