DECISION OF THE EEA JOINT COMMITTEE

No 81/2008

of 4 July 2008

amending Annex IX (Financial services) and Protocol 37 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 Articles 98 and 101 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) Protocol 37 to the Agreement was amended by Decision of the EEA Joint Committee No 142/2007 of 26 October 2007 ([2]).

(3) Commission Decision 2001/527/EC of 6 June 2001 establishing the Committee of European Securities Regulators ([3]) is to be incorporated into the Agreement.

(4) Commission Decision 2001/528/EC of 6 June 2001 establishing the European Securities Committee ([4]) is to be incorporated into the Agreement.

(5) Commission Decision 2004/5/EC of 5 November 2003 establishing the Committee of European Banking Supervisors ([5]) is to be incorporated into the Agreement.

(6) Commission Decision 2004/6/EC of 5 November 2003 establishing the Committee of European Insurance and Occupational Pensions Supervisors ([6]) is to be incorporated into the Agreement.

(7) Commission Decision 2004/7/EC of 5 November 2003 amending Decision 2001/527/EC establishing the Committee of European Securities Regulators ([7]) is to be incorporated into the Agreement.

(8) Commission Decision 2004/8/EC of 5 November 2003 amending Decision 2001/528/EC establishing the European Securities Committee ([8]) is to be incorporated into the Agreement.

(9) Commission Decision 2004/9/EC of 5 November 2003 establishing the European Insurance and Occupational Pensions Committee ([9]) is to be incorporated into the Agreement.

([1]) OJ L 257, 25.9.2008, p. 29.
([2]) OJ L 100, 10.4.2008, p. 70.
([3]) OJ L 191, 13.7.2001, p. 43.
([4]) OJ L 191, 13.7.2001, p. 45.
([5]) OJ L 3, 7.1.2004, p. 28.
([6]) OJ L 3, 7.1.2004, p. 30.
([7]) OJ L 3, 7.1.2004, p. 32.
([8]) OJ L 3, 7.1.2004, p. 33.
([9]) OJ L 3, 7.1.2004, p. 34.

(10) Commission Decision 2004/10/EC of 5 November 2003 establishing the European Banking Committee [1] is to be incorporated into the Agreement.

(11) For the Agreement to function well, Protocol 37 to the Agreement is to be extended to include the Committee of European Securities Regulators set up by Decision 2001/527/EC, the European Securities Committee set up by Decision 2001/528/EC, the Committee of European Banking Supervisors set up by Decision 2004/5/EC, the Committee of European Insurance and Occupational Pensions Supervisors set up by Decision 2004/6/EC, the European Insurance and Occupational Pensions Committee set up by Decision 2004/9/EC and the European Banking Committee set up by Decision 2004/10/EC, and Annex IX is to be amended in order to specify the procedures for association with these Committees,

HAS DECIDED AS FOLLOWS:

Article 1

Annex IX to the Agreement shall be amended as follows:

1. points 31bb (Directive 2003/41/EC of the European Parliament and of the Council), 31c (Directive 2002/65/EC of the European Parliament and of the Council) and 31d (Directive 2002/87/EC of the European Parliament and of the Council) shall be renumbered as points 31d, 31e and 31ea;

2. the following shall be inserted after point 31bac (Commission Regulation (EC) No 1287/2006):

'(iv) Other issues

31c. **32001 D 0527**: Commission Decision 2001/527/EC of 6 June 2001 establishing the Committee of European Securities Regulators (OJ L 191, 13.7.2001, p. 43), as amended by:

— **32004 D 0007**: Commission Decision 2004/7/EC of 5 November 2003 (OJ L 3, 7.1.2004, p. 32).

Modalities for the association of the EFTA States in accordance with Article 101 of the Agreement:

Each EFTA State may, in accordance with Article 3 of Commission Decision 2001/527/EC, appoint a person to participate as an observer in the meetings of the Committee of European Securities Regulators.

31ca. **32001 D 0528**: Commission Decision 2001/528/EC of 6 June 2001 establishing the European Securities Committee (OJ L 191, 13.7.2001, p. 45), as amended by:

— **32004 D 0008**: Commission Decision 2004/8/EC of 5 November 2003 (OJ L 3, 7.1.2004, p. 33).

Modalities for the association of the EFTA States in accordance with Article 101 of the Agreement:

Each EFTA State may, in accordance with Article 3 of Commission Decision 2001/528/EC, appoint persons to participate as observers in the meetings of the European Securities Committee.

[1] OJ L 3, 7.1.2004, p. 36.

The EC Commission shall, in due time, inform the participants of the dates of the meetings of the Committee and transmit to them the relevant documentation.';

3. the following point shall be inserted after point 23d (Regulation (EC) No 1781/2006 of the European Parliament and of the Council):

'23e. **32004 D 0005**: Commission Decision 2004/5/EC of 5 November 2003 establishing the Committee of European Banking Supervisors (OJ L 3, 7.1.2004, p. 28).

Modalities for the association of the EFTA States in accordance with Article 101 of the Agreement:

Each EFTA State may, in accordance with Article 3 of Commission Decision 2004/5/EC, appoint persons to participate as observers in the meetings of the Committee of European Banking Supervisors.';

4. the following points shall be inserted after point 13b (Directive 2002/92/EC of the European Parliament and of the Council):

'13c. **32004 D 0006**: Commission Decision 2004/6/EC of 5 November 2003 establishing the Committee of European Insurance and Occupational Pensions Supervisors (OJ L 3, 7.1.2004, p. 30).

Modalities for the association of the EFTA States in accordance with Article 101 of the Agreement:

Each EFTA State may, in accordance with Article 3 of Commission Decision 2004/6/EC, appoint persons to participate as observers in the meetings of the Committee of European Insurance and Occupational Pensions Supervisors.

13d. **32004 D 0009**: Commission Decision 2004/9/EC of 5 November 2003 establishing the European Insurance and Occupational Pensions Committee (OJ L 3, 7.1.2004, p. 34).

Modalities for the association of the EFTA States in accordance with Article 101 of the Agreement:

Each EFTA State may, in accordance with Article 3 of Commission Decision 2004/9/EC, appoint persons to participate as observers in the meetings of the European Insurance and Occupational Pensions Committee.

The EC Commission shall, in due time, inform the participants of the dates of the meetings of the Committee and transmit to them the relevant documentation.';

5. the following point shall be inserted after point 16c (Directive 2001/24/EC of the European Parliament and of the Council):

'16d. **32004 D 0010**: Commission Decision 2004/10/EC of 5 November 2003 establishing the European Banking Committee (OJ L 3, 7.1.2004, p. 36).

Modalities for the association of the EFTA States in accordance with Article 101 of the Agreement:

Each EFTA State may, in accordance with Article 3 of Commission Decision 2004/10/EC, appoint persons to participate as observers in the meetings of the European Banking Committee.

The EC Commission shall, in due time, inform the participants of the dates of the meetings of the Committee and transmit to them the relevant documentation.'

Article 2

The following points shall be inserted in Protocol 37 (containing the list provided for in Article 101) to the Agreement:

'21. The Committee of European Securities Regulators (Commission Decision 2001/527/EC).

22. The European Securities Committee (Commission Decision 2001/528/EC).

23. The Committee of European Banking Supervisors (Commission Decision 2004/5/EC).

24. The Committee of European Insurance and Occupational Pensions Supervisors (Commission Decision 2004/6/EC).

25. The European Insurance and Occupational Pensions Committee (Commission Decision 2004/9/EC).

26. The European Banking Committee (Commission Decision 2004/10/EC).'

Article 3

The texts of Decisions 2001/527/EC, 2001/528/EC, 2004/5/EC, 2004/6/EC, 2004/7/EC, 2004/8/EC, 2004/9/EC and 2004/10/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 4

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 (*).

Article 5

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

(*) No constitutional requirements indicated.