DECISION OF THE EEA JOINT COMMITTEE

No 86/2013

of 3 May 2013

amending Annex XII (Free movement of capital) 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) Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 [1] is to be incorporated into the EEA Agreement.

(2) Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 [2] is to be incorporated into the EEA Agreement.

(3) Annex XII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

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

(1) the text of point 3 (Regulation (EC) No 2560/2001 of the European Parliament and of the Council) is replaced by the following:

'**32009 R 0924**: Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11), as amended by:

— **32012 R 0260**: Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 (OJ L 94, 30.3.2012, p. 22).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

Article 2(12) shall read as follows:

" 'micro-enterprise' means an enterprise, which, at the time of conclusion of the payment service contract, is any entity engaged in an economic activity, irrespective of its legal form. This includes, in particular, self-employed persons and family businesses engaged in craft or other activities, and partnerships or associations regularly engaged in an economic activity. The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million. Within the SME category, a microenterprise is defined as an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million." ';

(2) the following is inserted after point 3 (Regulation (EC) No 924/2009 of the European Parliament and of the Council):

'3a. **32012 R 0260**: Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

Article 2(23) shall read as follows:

" 'micro-enterprise' means an enterprise, which, at the time of conclusion of the payment service contract, is any entity engaged in an economic activity, irrespective of its legal form. This includes, in particular, self-employed persons and family businesses engaged in craft or other activities, and partnerships or associations regularly engaged in an economic activity. The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million. Within the SME category, a microenterprise is defined as an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million." '.

Article 2

The texts of Regulations (EC) No 924/2009 and (EU) No 260/2012 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 266, 9.10.2009, p. 11.
[2] OJ L 94, 30.3.2012, p. 22.

Article 3

This Decision shall enter into force on 4 May 2013, 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, 3 May 2013.

For the EEA Joint Committee
The President
Gianluca GRIPPA

(*) Constitutional requirements indicated.