

DECISION OF THE EEA JOINT COMMITTEE No 144/2020
of 25 September 2020
amending Annex XX (Environment) to the EEA Agreement [2023/1402]

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) Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Delegated Regulation (EU) 2019/331 repeals, with effect from 1 January 2021, Commission Decision 2011/278/EU ⁽²⁾, which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement with effect from 1 January 2021.
- (3) Annex XX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

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

1. The following is inserted after point 21alk (Commission Delegated Regulation (EU) 2019/856):

‘21all. **32019 R 0331**: Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 59, 27.2.2019, p. 8).

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

The following sentence shall be added to the second subparagraph of Article 18(4):

“For the EFTA States, a notification to the EFTA Surveillance Authority is equal to a notification to the European Commission as regards the allocation by the European Commission of allowances on a first come, first served basis.”’

2. The text of point 21alc (Commission Decision 2011/278/EU) shall be deleted with effect from 1 January 2021.

Article 2

The text of Delegated Regulation (EU) 2019/331 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 59, 27.2.2019, p. 8.

⁽²⁾ OJ L 130, 17.5.2011, p. 1.

Article 3

This Decision shall enter into force on 26 September 2020, provided that all the notifications under Article 103(1) of the EEA Agreement have been made *, or on the day of the entry into force of Decision of the EEA Joint Committee No 112/2020 of 14 July 2020 ⁽³⁾, 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, 25 September 2020.

For the EEA Joint Committee

The President

Sabine MONAUNI

* No constitutional requirements indicated.

⁽³⁾ Decision of the EEA Joint Committee No 112/2020 of 14 July 2020 amending Annex XX (Environment) to the EEA Agreement 2023/1372 (OJ L 172 6 July 2023 p. 33).