

DECISION OF THE EEA JOINT COMMITTEE
No 162/2011

of 19 December 2011

amending Annex IV (Energy) 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 IV to the Agreement was last amended by Decision of the EEA Joint Committee No 75/2011 of 1 July 2011¹.
- (2) Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC² is to be incorporated into the Agreement.
- (3) Directive 2009/28/EC repeals Directive 2001/77/EC of the European Parliament and of the Council³, which is incorporated into the Agreement and is therefore to be repealed under the Agreement.
- (4) Norway's fulfilment of the target for share of energy from renewable sources in gross final consumption of energy in 2020 must be seen in the context of the initial high share of renewable energy compared to the EU Member States, and the uncertainty associated with supply and demand embedded in the combination of a hydro-based energy production system and a cold climate,

HAS ADOPTED THIS DECISION:

Article 1

Annex IV to the Agreement shall be amended as follows:

- (1) the text of point 19 (Directive 2001/77/EC of the European Parliament and of the Council) shall be deleted with effect from 1 January 2012;
- (2) the following shall be inserted after point 40 (Commission Regulation (EU) No 774/2010):

1 OJ L 262, 6.10.2011, p. 32.

2 OJ L 140, 5.6.2009, p. 16.

3 OJ L 283, 27.10.2001, p. 33.

- '41. **32009 L 0028**: Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) The Directive shall not apply to Liechtenstein.
- (b) The second sentence of Article 3(1) shall not apply to the EFTA States.
- (c) The following shall be added in Article 4(2):

"Norway and Iceland shall notify their national renewable energy action plans to the EFTA Surveillance Authority no later than six months after the entry into force of Decision of the EEA Joint Committee No 162/2011 of 19 December 2011, incorporating Directive 2009/28/EC⁴."

- (d) The following shall be added in Article 22(1):

"Norway and Iceland shall submit a report on progress in the promotion and use of energy from renewable sources by 31 December 2013, and every two years thereafter. The fifth report, to be submitted by 31 December 2021, shall be the last report required."

- (e) The following shall be added in point A of Annex I:

"

	Share of energy from renewable sources in gross final consumption of energy, 2005 (S ₂₀₀₅)	Target for share of energy from renewable sources in gross final consumption of energy, 2020 (S ₂₀₂₀)
Iceland	55,0 %	64 %
Norway	58,2 %	67,5 %

".'

Article 2

The texts of Directive 2009/28/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 20 December 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

⁴ OJ L 76, 15.3.2012, p. 49.

* No constitutional requirements indicated.

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, 19 December 2011.

*For the EEA Joint Committee
The President
Kurt Jäger*

*The Secretaries
to the EEA Joint Committee
Bergdís Ellertsdóttir Gianluca Grippa*