ANNEX XX
ENVIRONMENT

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INTRODUCTION

When the acts referred to in this Annex contain notions or refer to procedures which are specific to the Community legal order, such as

- preambles,
- the addressees of the Community acts,
- references to territories or languages of the EC,
- references to rights and obligations of EC Member States, their public entities, undertakings or individuals in relation to each other, and
- references to information and notification procedures,

Protocol 1 on horizontal adaptations shall apply, unless otherwise provided for in this Annex.

SECTORAL ADAPTATION

For the purposes of this Annex and notwithstanding the provisions of Protocol 1, the term "Member State(s)" contained in the acts referred to shall be understood to include, in addition to its meaning in the relevant EC acts, Iceland, Liechtenstein, Norway [^[1] | ][^[2]].

ACTS REFERRED TO

I. GENERAL [^[1]}

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

References to Union legislation in the Directive shall apply to the extent and in the form that the relevant Union acts are incorporated into this Agreement.


1ba. [ ] [4]


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

The provisions of this Directive apply only to Directives included in the EEA Agreement.

Liechtenstein shall put into effect the measures necessary to comply with this Directive as from 1 July 1996.


1d. [ ] [10]

1e. [ ] [11]


1eab. [17] 1ead. [18]

1eac. [18]


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[16] Indent and words "**, as amended by:" added by Decision No 159/2014 (OJ L 15, 22.1.2015, p. 87 and EEA Supplement No 5, 22.1.2015, p. 10), e.i.f. pending; it shall apply from 9.7.2014.


[18] Indent added by Decision No 131/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.6.2019.


[24] Point inserted by Decision No 282/2015 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.11.2015.

32016 D 1621: Commission Decision (EU) 2016/1621 of 7 September 2016 adopting a guidance document on notification to accreditation and licensing bodies by environmental verifiers active in a Member State other than that where the accreditation or licence was granted under Regulation (EC) No 1221/2009 of the European Parliament and of the Council (OJ L 242, 9.9.2016, p. 32).


Point inserted by Decision No 92/2019 (OJ L 210, 2.7.2020, p. 78 and EEA Supplement No 44, 2.7.2020, p. 94), e.i.f. 30.3.2019.

Point inserted by Decision No 174/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 15.6.2019.

Point inserted by Decision No 174/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 15.6.2019.

Point inserted by Decision No 174/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 15.6.2019.


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

At the time of the incorporation of the Directive into this Agreement, there are no large combustion plants, waste incineration or co-incineration plants, or installations producing titanium dioxide as referred to in Chapters III, IV and VI of the Directive in operation in Liechtenstein. Liechtenstein will comply with the corresponding provisions if and when such plants and installations are put into operation.


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⁹³ Point inserted by Decision No 166/2020 (OJ L [to be published]) and EEA Supplement No [to be published]), c.f. 24.10.2020.


1fl. [*] 32014 D 0768: Commission Implementing Decision 2014/768/EU of 30 October 2014 establishing the type, format and frequency of information to be made available by the Member States on integrated emission management techniques applied in mineral oil and gas refineries, pursuant to Directive 2010/75/EU of the European Parliament and of the Council (OJ L 315, 1.11.2014, p. 15).


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

(a) Article 3(2)(b) of the Directive shall not apply.

(b) The words ‘, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC’ shall be deleted from point d of Annex I (Information referred to in Article 5(1)) to the Directive.


[51] Point inserted by Decision No 71/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.


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

(a) Without prejudice to future development by the EEA Joint Committee, it should be noted that the following Community acts are not incorporated into the EEA Agreement:


Therefore all references to these acts shall not apply to the EFTA States.

(b) Article 2(3) shall not apply to the EFTA States.

(c) With respect to the EFTA States, 'protected species and natural habitats' shall mean:

Where an EFTA State so determines, any habitat or species or types of habitats or species which the EFTA State designates for equivalent purposes as those laid down in the two Directives referred to in Article 2(3).


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

(a) With regard to the EFTA States, the time limits set in Articles 6(a), 6(b) and 7(3) shall be understood to include an additional period of three years.

(b) With regard to the EFTA States, the dates mentioned in Articles 21(2), 21(3) and 24(1) shall be understood to include an additional period of three years.


[Point and adaptation text inserted by Decision No 55/2010 (OJ L 181, 15.7.2010, p. 23 and EEA Supplement No 37, 15.7.2010, p. 31), e.i.f. 1.7.2011.]

[Adaptation text (a) and (b) replaced by Decision No 137/2012 (OJ L 309, 8.11.2012, p. 18 and EEA Supplement No 63, 8.11.2012, p. 21), e.i.f. 14.7.2012.]

[Point inserted by Decision No 124/2010 (OJ L 58, 3.3.2011, p. 82 and EEA Supplement No 12, 3.3.2011, p. 26), e.i.f. 1.7.2011.]


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

With regard to the EFTA States, the dates mentioned in Article 4 shall be understood to include an additional period of three years.


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

With regard to the EFTA States, the time limits set in Article 8 shall be understood to include an additional period of three years.


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

With regard to the EFTA States, the date mentioned in Article 14a shall be understood to include an additional period of three years.


\[^{(4)}\] Text of point 1jb (Commission Decision 2009/442/EC) replaced by Decision No 45/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 21.3.2020.


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

With regard to Norway, the words “26 November 2012” in Article 4(2) shall be replaced by the words “1 January 2016”.


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

Since certain Community acts listed in Directive 2008/99/EC are not incorporated into the EEA Agreement, all references to such acts, to definitions in these acts and to offences concerning conduct falling within the scope of these acts contained in Directive 2008/99/EC shall not apply to the EFTA States. These acts currently are:


(iv) Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation,


(vii) Directive 2006/7/EC of the European Parliament and the Council of 15 February 2006 concerning the management of bathing water quality,

(viii) Directive 2006/44/EC of the European Parliament and of the Council of 6 September 2006 on the quality of fresh waters needing protection or improvement in order to support fish life,


Eco-Labels


[*] Point inserted by Decision No 208/2014 (OJ L 202, 30.7.2015, p. 96 and EEA Supplement No 43, 30.7.2015, p. 95), e.i.f. 1.6.2015.
-\{79\}


2aa. [ ] \{79\}

2ab. [ ] \{79\}

2ac. [ ] \{79\}


2ae. [ ] \{79\}

2af. [ ] \{79\}

2b. [ ] \{80\}

2c. [ ] \{80\}

2d. \{80\} 32015 D 2099: Commission Decision (EU) 2015/2099 of 18 November 2015 establishing the ecological criteria for the award of the EU Ecolabel for growing media, soil improvers and mulch (OJ L 303, 20.11.2015, p. 75), as amended by:

2da. [ ] \{80\}

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2c. (*) 32017 D 1218: Commission Decision (EU) 2017/1218 of 23 June 2017 establishing the EU Ecolabel criteria for laundry detergents (OJ L 180, 12.7.2017, p. 63), as amended by:


2g. (*) 32016 D 1349: Commission Decision (EU) 2016/1349 of 5 August 2016 establishing the ecological criteria for the award of the EU Ecolabel for footwear (OJ L 214, 9.8.2016, p. 16), as amended by:


2h. (*) 32017 D 1216: Commission Decision (EU) 2017/1216 of 23 June 2017 establishing the EU Ecolabel criteria for dishwasher detergents (OJ L 180, 12.7.2017, p. 31), as amended by:


2i. (*) []


(*) Indent added by Decision No 175/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f 15.6.2019.


(*) Indent and words “*, as amended by: *added by Decision No 72/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.


(*) Indent added by Decision No 175/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f 15.6.2019.


2k.[\textsuperscript{98}]


- [\textsuperscript{98}]


- [\textsuperscript{98}]


2l. [ ] [\textsuperscript{100}]

2m.[\textsuperscript{102}]


2n. [ ] [\textsuperscript{102}]

2o.[\textsuperscript{103}]

32011 D 0331: Commission Decision 2011/331/EU of 6 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for light sources (OJ L 148, 7.6.2011, p. 13), as amended by:

- [\textsuperscript{103}]


- [\textsuperscript{105}]


2p. [ ] [\textsuperscript{106}]

2q.[\textsuperscript{107}]


2r.[\textsuperscript{108}]

32017 D 1214: Commission Decision (EU) 2017/1214 of 23 June 2017 establishing the EU Ecolabel criteria for hand dishwashing detergents (OJ L 180, 12.7.2017, p. 1), as amended by:

[\textsuperscript{97}]


[\textsuperscript{98}]


[\textsuperscript{99}]

Indent added by Decision No 160/2018 (OJ L [to be published] and EEA Supplement No [to be published]), e.l.f. 7.7.2018.

[\textsuperscript{100}]


[\textsuperscript{101}]


[\textsuperscript{102}]


[\textsuperscript{103}]


[\textsuperscript{104}]


[\textsuperscript{105}]


[\textsuperscript{106}]


[\textsuperscript{107}]

2s. [ ]


2u.[114] 32011 D 0381: Commission Decision 2011/381/EU of 24 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel to lubricants (OJ L 169, 29.6.2011, p. 28), as amended by:


[115] Indent added by Decision No 175/2019 (OJ L [to be published] and EEA Supplement No [to be published]), c.f. 15.6.2019.


[113] Indent and words “*, as amended by: “*, added by Decision No 175/2019 (OJ L [to be published] and EEA Supplement No [to be published]), c.f. 15.6.2019.


[115] Indent and words “*, as amended by: “*, added by Decision No 283/2015 (OJ L [to be published] and EEA Supplement No [to be published]), c.f. 1.11.2015.


[117] Indent and words “*, as amended by: “*, added by Decision No 283/2015 (OJ L [to be published] and EEA Supplement No [to be published]), c.f. 1.11.2015.


[119] Indent added by Decision No 161/2018 (OJ L [to be published] and EEA Supplement No [to be published]), c.f. 7.7.2018.

2w.\(^{(121)}\) **32014 D 0391**: Commission Decision 2014/391/EU of 23 June 2014 establishing the ecological criteria for the award of the EU Ecolabel for bed mattresses (OJ L 184, 25.6.2014, p. 18), as amended by:


2x.\(^{(123)}\) [ ]


2z. [ ] \(^{(126)}\)


2xc.\(^{(130)}\) **32007 D 0742**: Commission Decision 2007/742/EC of 9 November 2007 establishing the ecological criteria for the award of the Community eco-label to electrically driven, gas driven or gas absorption heat pumps (OJ L 301, 20.11.2007, p. 14), as amended by:


\(^{(130)}\) Point inserted by Decision No 125/2010 (OJ L 58, 3.3.2011, p. 83 and EEA Supplement No 12, 3.3.2011, p. 28), e.i.f. 11.11.2010.


32017 D 1215: Commission Decision (EU) 2017/1215 of 23 June 2017 establishing the EU Ecolabel criteria for industrial and institutional dishwasher detergents (OJ L 180, 12.7.2017, p. 16), as amended by:


32017 D 1219: Commission Decision (EU) 2017/1219 of 23 June 2017 establishing the EU Ecolabel criteria for industrial and institutional laundry detergents (OJ L 180, 12.7.2017, p. 79), as amended by:


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[133] Indent added by Decision No 118/2015 (OJ L 211, 4.8.2016, p. 77 and EEA Supplement No 42, 4.8.2016, p. 74), e.i.f. 1.5.2015.


[137] Point 2zf (Commission Decision 2012/448/EU) inserted by Decision No 231/2012 (OJ L 81, 21.3.2013, p. 33 and EEA Supplement No 18, 21.3.2013, p. 39), e.i.f. 1.7.2013 subsequently corrected by Corrigendum noted in the Joint Committee Meeting on the 15.7.2013 and subsequently deleted by Decision No 72/2021 (OJL [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.


[140] Indent added by Decision No 175/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f 15.6.2019.


2zl. ¹⁴⁹


2zo.⁶⁰⁹ 32014 D 0763: Commission Decision 2014/763/EU of 24 October 2014 establishing the ecological criteria for the award of the EU Ecolabel for absorbent hygiene products (OJ L 320, 6.11.2014, p. 46), as amended by:


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¹⁴⁹ Indent added by Decision No 175/2019 (OJ L [to be published]) and EEA Supplement No [to be published], e.i.f. 15.6.2019.


¹⁴⁵ Point 2z (Commission Decision 2014/256/EU) inserted by Decision No 118/2015 (OJ L 211, 4.8.2016, p. 77 and EEA Supplement No 42, 4.8.2016, p. 74), e.i.f. 1.5.2015 and subsequently deleted by Decision No 72/2021 (OJ L [to be published]) and EEA Supplement No [to be published]), e.i.f. 6.2.2021.

¹⁴⁸ Point inserted by Decision No 118/2015 (OJ L 211, 4.8.2016, p. 77 and EEA Supplement No 42, 4.8.2016, p. 74), e.i.f. 1.5.2015.

¹⁴⁵ Point inserted by Decision No 118/2015 (OJ L 211, 4.8.2016, p. 77 and EEA Supplement No 42, 4.8.2016, p. 74), e.i.f. 1.5.2015.

¹⁴⁸ Point inserted by Decision No 118/2015 (OJ L 211, 4.8.2016, p. 77 and EEA Supplement No 42, 4.8.2016, p. 74), e.i.f. 1.5.2015.

¹⁴⁸ Point inserted by Decision No 118/2015 (OJ L 211, 4.8.2016, p. 77 and EEA Supplement No 42, 4.8.2016, p. 74), e.i.f. 1.5.2015.

¹⁴⁸ Point inserted by Decision No 203/2017 (OJ L 219, 22.8.2019, p. 16 and EEA Supplement No 68, 22.8.2019, p. 18), e.i.f. 28.10.2017


¹⁴⁸ Indent added by Decision No 72/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.

¹⁴⁵ Point inserted by Decision No 120/2015 (OJ L 211, 4.8.2016, p. 81 and EEA Supplement No 42, 4.8.2016, p. 78), e.i.f. 1.5.2015.


¹⁴⁵ Point inserted by Decision No 163/2018 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 7.7.2018.

¹⁴⁵ Point inserted by Decision No 95/2019 (OJ L 210, 2.7.2020, p. 81 and EEA Supplement No 44, 2.7.2020, p. 98), e.i.f. 30.3.2019.

¹⁴⁵ Point inserted by Decision No 176/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 15.6.2019.
II. WATER

3. [ ] [189]


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

The following shall be added after the first paragraph of Article 13:

“....”

5. [ ] [189]

6. [ ] [161]

7. [ ] [162]


[164] The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for Estonia (Annex VI, Chapter 9, Section C, point 2), Latvia (Annex VIII, Chapter 10, Section C, point 2), Hungary (Annex X, Chapter 8, Section B, point 2) and Malta (Annex XI, Chapter 10, Section C, point 4) shall apply.


8.  [ ] [168]

9.  [ ] [168]

10. [ ] [169]

11. [ ] [170]

12. [ ] [171]


[168] The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for the Czech Republic (Annex V, Chapter 7, Section B), Estonia (Annex VI, Chapter 9, Section C, point 1), Cyprus (Annex VII, Chapter 9, Section C), Latvia (Annex VIII, Chapter 10, Section C, point 1), Lithuania (Annex IX, Chapter 10, Section C), Hungary (Annex X, Chapter 8, Section B, point 1), Malta (Annex XI, Chapter 10, Section C, point 3), Poland (Annex XII, Chapter 13, Section C, point 2), Slovenia (Annex XIII, Chapter 9, Section B) and Slovakia (Annex XIV, Chapter 9, Section C, point 3) shall apply.

[169] The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 10, Section C) and Romania (Annex VII, Chapter 9, Section C, point 4), shall apply.


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

Iceland shall put into effect the measures necessary for it to comply with the provisions of this Directive as from 1 January 1995.


The provisions of the Decision shall, for the purposes of the present Agreement, be read with the following adaptation:

The provisions of this Decision and Annexes apply only to Directives included in the EEA Agreement.


[185] Indent added by Decision No 194/2014 (OJ L 202, 30.7.2015, p. 48 and EEA Supplement No 43, 30.7.2015, p. 48), e.i.f. 1.6.2015.
The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

(a) Without prejudice to future development by the EEA Joint Committee, it should be noted that the following Community acts are not incorporated into the EEA Agreement:


(b) The time limits mentioned in Articles 4(1)(a)(ii) and (iii), 4(1)(b)(ii), 4(1)(c), 5(1) and 5(2), 6(1), 8(2), 10(2), 11(7) and 11(8), 13(6) and 13(7) as well as 17(4) of the Directive, which run from the date of entry into force of the Directive, shall be understood to run from the date of entry into force of the Decision of the EEA Joint Committee No 125/2007 of 28 September 2007 incorporating this Directive into the Agreement.

In accordance with Paragraph 11 of Protocol 1 on horizontal adaptations, any reference to the date mentioned in Article 24 shall be understood to refer to the date of entry into force of the Decision of the EEA Joint Committee No 125/2007 of 28 September 2007 incorporating this Directive into the Agreement.


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(188) Indent and words "as amended by:" added by Decision No 67/2015 (OJ L 129, 19.5.2016, p. 51 and EEA Supplement No 29, 19.5.2016, p. 52), e.i.f. 21.3.2015.


III. AIR

13d. [ ]

13e. [ ]

14. [ ]

14a. [ ]

14b. [ ]


\[196\] Indent and words “as amended by;” added by Decision No 194/2014 (OJ L 202, 30.7.2015, p. 48 and EEA Supplement No 43, 30.7.2015, p. 48), e.i.f. 1.6.2015.


The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 10, Section II) shall apply.


15. [ ] [204]

16. [ ] [205]

17. [ ] [206]


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

(a) in Article 9 "the Treaty" shall read "the EEA Agreement";

(b) Iceland shall put into effect the measures necessary for it to comply with the provisions of this Directive as from 1 January 1995.

19. [ ] [209]


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


(b) Article 8(4) and (5)(b) shall not apply.

(c) With regard to the EFTA States, the words “, the respective quantities, the period for which the exemption shall be valid and those users which may take advantage of those essential laboratory and analytical uses” in Article 10(2) shall not apply.

(d) Article 10(6) shall not apply.

(e) In Article 11(2) the words “, except for 10(6),” shall be inserted after the words “Article 10(3) to (7)”.

(f) Article 11(5) shall not apply.

(g) Article 14(1), (3) and (4) shall not apply.

(h) Chapter IV shall not apply.

(i) The provisions concerning import and export in Article 24 shall not apply.


(j) Articles 27 and 28 shall not apply.

The EFTA States shall, at national level, put into effect the measures necessary to comply with the corresponding provisions of the Montreal Protocol and with the corresponding measures in Regulation (EC) No 1005/2009 of the European Parliament and of the Council.


21ab. [ ] [219]


21abb. [ ] [221]

21abc. [ ] [222]

21abd. [ ] [222]


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21ae. [ ] (230)


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

(a) Without prejudice to Protocol 1 to the Agreement, in Article 7(1), the words “, or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “Commission”.

(b) Article 7(2) and the email set out in Annex I shall not apply as regards the EFTA Surveillance Authority.


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[232] Indent and words “, or the EFTA Surveillance Authority, as the case may be,” as amended by: “added by Decision No 194/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 11.7.2019.


[249] The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) In Articles 8 and 9, the words ‘, or, in the case of a manufacturer established in the EFTA States, to the EFTA Surveillance Authority,’ shall be inserted after the word ‘Commission’.

(b) Article 9(5) shall not apply as regards the EFTA Surveillance Authority.


21acy.[273] 32017 R 1152: Commission Implementing Regulation (EU) 2017/1152 of 2 June 2017 setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure with regard to light commercial vehicles and amending Implementing Regulation (EU) No 293/2012 (OJ L 175, 7.7.2017, p. 644), as amended by:


[268] Indent added by Decision No 79/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.


[270] Indent and words “, as amended by:” added by Decision No 73/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.


21acee. [26] 2019 D 0314: Commission Implementing Decision (EU) 2019/314 of 21 February 2019 on the approval of the technology used in SEG Automotive Germany GmbH High efficient 48V motor generator (BRM) plus 48V/12V DC/DC converter for use in conventional combustion engine and


[28] Indent added by Decision No 195/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.l.f. 11.7.2019.

[28] Indent added by Decision No 84/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.l.f. 13.6.2020.


[28] Indent added by Decision No 196/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.l.f. 11.7.2019.

[28] Indent added by Decision No 84/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.l.f. 13.6.2020.


[28] Point inserted by Decision No 244/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.l.f. 28.9.2019.


21af.  [ ] \[279\]

21ag.  [ ] \[279\]


21ai.  [ ] \[280\]

21aj.  [ ] \[280\]


The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 10, Section I, Point 1) shall apply.

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

(a) At the time of incorporation of the Directive, Liechtenstein does not have any aviation activities as defined in the Directive operated on its territory. Liechtenstein will comply with the Directive when relevant aviation activities take place on its territory.

(b) The following subparagraph shall be added in Article 3c(4):

“The EEA Joint Committee shall, in accordance with the procedures laid down in the EEA Agreement and based on figures provided by the EFTA Surveillance Authority in cooperation with Eurocontrol, decide on the EEA-wide historical aviation emissions by adding the relevant numbers concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries to the Commission decision when incorporating the latter into the EEA Agreement.”

(c) In Article 3d (4), the second subparagraph shall be deleted.

(d) The following subparagraph shall be added in Articles 3e (2) and 3f (4):

“By the same date, the EFTA States shall submit applications received to the EFTA Surveillance Authority, which shall promptly pass them onto the Commission.”

(e) The following subparagraphs shall be added in Article 3e (3):

“The EEA Joint Committee shall, in accordance with the procedures laid down in the EEA Agreement and based on figures provided by the EFTA Surveillance Authority in cooperation with Eurocontrol, decide on the EEA-wide number for the total number of allowances, the number of allowances to be auctioned, the number of allowances in the special reserve and the number of free allowances, by adding the relevant numbers concerning flights within and


[291] Indent added by Decision No 165/2018 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 7.7.2018.

[292] Indent added by Decision No 112/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.2.2021.


between the territories of the EFTA States and flights between the EFTA States and third countries to the Commission decision when incorporating the latter into the EEA Agreement.

The Commission shall decide on the EEA-wide benchmark. During the decision-making process the Commission shall cooperate closely with the EFTA Surveillance Authority. The calculation and publication by the EFTA States under Article 3e(4) shall take place subsequent to the decision of the EEA Joint Committee incorporating the decision adopted by the Commission into the EEA Agreement.”

(f) The following subparagraph shall be added in Article 3f (5):

“The Commission shall decide on the EEA-wide benchmark. During the decision-making process the Commission shall cooperate closely with the EFTA Surveillance Authority. The calculation and publication by the EFTA States under Article 3f(7) shall take place subsequent to the decision of the EEA Joint Committee incorporating the decision adopted by the Commission into the EEA Agreement.”

(g) The following paragraphs shall be inserted in Article 9:

“The increase in the average annual total quantity of allowances in the EU ETS due to the extension of the system to cover Liechtenstein and Norway pursuant to paragraph 1 shall be in accordance with the EFTA Surveillance Authority’s decisions concerning their national allocation plans for the period from 2008 to 2012.

The increase in the average annual total quantity of allowances in the EU ETS due to the extension of the system to cover Iceland pursuant to paragraph 1 shall correspond to 23 934 tonnes of CO2 equivalent.

In respect of the EFTA States, the figures to be taken into account for the calculation of the EEA-wide quantity of allowances to be issued from 2013 onwards pursuant to this Article are set out in Part A of the Appendix.”

(h) The following sentence shall be added in Article 9a (1):

“For Norway, the average annual quantity of allowances issued in respect of the installations mentioned in this paragraph is 878 850.”

(i) The following subparagraph shall be added in Article 9a(2):

“With regard to installations in the EFTA States carrying out activities listed in Annex I which are only included in the EU ETS from 2013 onwards, the average annual emissions of the reported period for the adjustment shall be:

{26}Iceland: 1 774 646 tonnes of CO2 equivalent.

Liechtenstein: 0 tonnes of CO2 equivalent.

Norway: 5 269 254 tonnes of CO2 equivalent.”

(j) The following paragraphs shall be added after Article 9a(4):

“5. In respect of the EFTA States, the figures to be taken into account for the adjustment of the EEA-wide quantity of allowances to be issued from 2013 onwards pursuant to this Article are set out in Part A of the Appendix.

6. The Commission shall calculate and adjust the annual EEA-wide quantity of allowances to be issued from 2013 onwards in accordance with Article 9 and this Article in order to include the EFTA States’ figures as set out in Part A of the Appendix. The Commission shall publish the adjusted EEA-wide quantities of allowances for 2013 and onwards.”

(k) The following paragraph shall be added in Article 10(2):
“For the purposes of point (a), in respect of Liechtenstein and Norway, their shares shall be calculated on the basis of the following emissions:

Liechtenstein: 20 943 tonnes of CO2 equivalent.
Norway: 18 635 669 tonnes of CO2 equivalent.

In respect of Iceland, the share referred to in point (a) shall be calculated on the basis of 36 196 tonnes of CO2 equivalent adjusted by 899 645 tonnes of CO2 equivalent, representing the share of verified emissions for 2005 from installations carrying out activities listed in Annex I, which are only included in the EU ETS from 2013 onwards. Iceland's share shall thus be calculated on the basis of 935 841 tonnes of CO2 equivalent.”

(l) Article 10(3) shall not apply to the EFTA States.

(m) The following sentence shall be added to the second subparagraph of Article 10b(3):

“Sectors and subsectors in the EFTA States shall submit their applications to the EFTA Surveillance Authority, which shall pass them on to the Commission.”

(n) The second sentence in Article 16(3) shall be replaced by the following:

“The EFTA States shall provide for excess emissions penalties that are equivalent to those in the EU Member States.”

(o) The following paragraph shall be inserted after Article 16(12):

“13. The EFTA States shall submit any requests pursuant to Article 16(5) and (10) to the EFTA Surveillance Authority, which shall promptly pass them on to the Commission.”

(p) The following subparagraph shall be added in Article 18a(1):

“Reallocation of aircraft operators to the EFTA States shall take place during year 2011, after fulfilment by the operator of its 2010 obligations. A different timeline for reallocation of aircraft operators initially assigned to a Member State on the basis of the criteria mentioned under (b), can be agreed by the initial administering Member State, further to an explicit request introduced by the operator within 6 months from the adoption by the Commission of the EEA-wide list of operators provided for in Article 18a(3)(b). In this case, reallocation shall take place no later than in 2020 with regard to the trading period beginning in 2021.”

(q) In Article 18a(3)(b), the words “for the European Economic Area” shall be inserted after the words “aircraft operators”.

(r) The following subparagraph shall be added in Article 18b:

“For the purposes of carrying out their tasks under the Directive, the EFTA States and the EFTA Surveillance Authority may request the assistance of Eurocontrol or another relevant organisation and may conclude to that effect any appropriate arrangements with those organisations.”

(s) The following paragraph shall be added to Article 20:

“4. The issue, transfer and cancellation of allowances concerning the EFTA States, their operators and the aircraft operators administered by them shall be registered in the independent transaction log referred to in paragraph 1.

The Central Administrator shall be competent to perform the tasks referred to in paragraphs 1 to 3 when the EFTA States, their operators or the aircraft operators administered by them are concerned.”

(t) The following paragraph shall be added to Article 25:

“2. Allowances of the EU ETS include allowances issued or traded by the EFTA States or their operators under the EU ETS. Upon conclusion by the Union of an agreement referred to in this Article, no distinction shall be made between such allowances.”
The Commission shall keep the EFTA States informed at an early stage regarding the negotiation and conclusion of agreements or non-binding arrangements according to this Article.”

(u) The following shall be added after Annex V:

“APPENDIX

PART A

EFTA States’ figures relevant to the calculation and adjustment of the EEA-wide quantity of allowances to be issued from 2013 to 2020 pursuant to Articles 9 and 9a of Directive 2003/87/EC

1. EFTA States’ figures pursuant to Article 9 (297)
For the determination of these figures, the linear factor of 1.74% has been applied.

Iceland

These figures are based on the average annual verified emissions from 2005 to 2010 from activities falling in principle under Directive 2003/87/EC during the period from 2008 to 2012 corresponding to 23 934 allowances.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount of allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>22 685</td>
</tr>
<tr>
<td>2014</td>
<td>22 268</td>
</tr>
<tr>
<td>2015</td>
<td>21 852</td>
</tr>
<tr>
<td>2016</td>
<td>21 435</td>
</tr>
<tr>
<td>2017</td>
<td>21 019</td>
</tr>
<tr>
<td>2018</td>
<td>20 602</td>
</tr>
<tr>
<td>2019</td>
<td>20 186</td>
</tr>
<tr>
<td>2020</td>
<td>19 769</td>
</tr>
</tbody>
</table>

Liechtenstein

These figures are based on an average annual total quantity of allowances by Liechtenstein for the period from 2008 to 2012 corresponding to 17 943 allowances as set out in Liechtenstein’s National Allocation Plan.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount of allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>17 006</td>
</tr>
<tr>
<td>2014</td>
<td>16 694</td>
</tr>
<tr>
<td>2015</td>
<td>16 382</td>
</tr>
<tr>
<td>2016</td>
<td>16 070</td>
</tr>
</tbody>
</table>

(297) Table replaced by Decision No 230/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.2.2021.
Norway

These figures are based on an average annual total quantity of allowances by Norway for the period from 2008 to 2012 corresponding to 14 255 268 allowances, as set out in the Norwegian National Allocation Plan.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount of allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>13 511 143</td>
</tr>
<tr>
<td>2014</td>
<td>13 263 101</td>
</tr>
<tr>
<td>2015</td>
<td>13 015 060</td>
</tr>
<tr>
<td>2016</td>
<td>12 767 018</td>
</tr>
<tr>
<td>2017</td>
<td>12 518 976</td>
</tr>
<tr>
<td>2018</td>
<td>12 270 935</td>
</tr>
<tr>
<td>2019</td>
<td>12 022 893</td>
</tr>
<tr>
<td>2020</td>
<td>11 774 851</td>
</tr>
</tbody>
</table>

2. EFTA States’ figures pursuant to Article 9a(1)

For the determination of these figures, the linear factor of 1.74% has been applied.

Norway

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount of allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>832 974</td>
</tr>
<tr>
<td>2014</td>
<td>817 682</td>
</tr>
<tr>
<td>2015</td>
<td>802 390</td>
</tr>
<tr>
<td>2016</td>
<td>787 098</td>
</tr>
<tr>
<td>2017</td>
<td>771 806</td>
</tr>
<tr>
<td>2018</td>
<td>756 514</td>
</tr>
<tr>
<td>2019</td>
<td>741 222</td>
</tr>
<tr>
<td>2020</td>
<td>725 930</td>
</tr>
</tbody>
</table>

3. EFTA States’ figures pursuant to Article 9a(2) \(^{[298]}\)

For the determination of these figures, the linear factor of 1.74% has been applied.

\(^{[298]}\) Table replaced by Decision No 230/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.2.2021.
### Iceland

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount of allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>1,682,010</td>
</tr>
<tr>
<td>2014</td>
<td>1,651,131</td>
</tr>
<tr>
<td>2015</td>
<td>1,620,252</td>
</tr>
<tr>
<td>2016</td>
<td>1,589,373</td>
</tr>
<tr>
<td>2017</td>
<td>1,558,494</td>
</tr>
<tr>
<td>2018</td>
<td>1,527,616</td>
</tr>
<tr>
<td>2019</td>
<td>1,496,737</td>
</tr>
<tr>
<td>2020</td>
<td>1,465,858</td>
</tr>
</tbody>
</table>

### Norway

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount of allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>4,994,199</td>
</tr>
<tr>
<td>2014</td>
<td>4,902,514</td>
</tr>
<tr>
<td>2015</td>
<td>4,810,829</td>
</tr>
<tr>
<td>2016</td>
<td>4,719,144</td>
</tr>
<tr>
<td>2017</td>
<td>4,627,459</td>
</tr>
<tr>
<td>2018</td>
<td>4,535,774</td>
</tr>
<tr>
<td>2019</td>
<td>4,444,089</td>
</tr>
<tr>
<td>2020</td>
<td>4,352,404</td>
</tr>
</tbody>
</table>

### PART B

EFTA States’ figures relevant to the calculation and adjustment of the EEA-wide quantity of allowances to be issued from 2021 to 2030 pursuant to Articles 9 and 9a of Directive 2003/87/EC

For the determination of these figures, the linear factor of 2.2% has been applied. [199]

<table>
<thead>
<tr>
<th>CAP 2021-2030</th>
<th>Iceland</th>
<th>Norway</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>1,432,642</td>
<td>16,404,311</td>
</tr>
</tbody>
</table>

[199] Column regarding Iceland replaced by Decision No 230/2020 (OJ L [to be published]) and EEA Supplement No [to be published], e.i.f. 1.2.2021.
<table>
<thead>
<tr>
<th>Year</th>
<th>Emission Allowances (tCO₂)</th>
<th>Reserve (tCO₂)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>1,393,440</td>
<td>15,955,437</td>
</tr>
<tr>
<td>2023</td>
<td>1,354,238</td>
<td>15,506,563</td>
</tr>
<tr>
<td>2024</td>
<td>1,315,037</td>
<td>15,057,689</td>
</tr>
<tr>
<td>2025</td>
<td>1,275,835</td>
<td>14,608,814</td>
</tr>
<tr>
<td>2026</td>
<td>1,236,633</td>
<td>14,159,940</td>
</tr>
<tr>
<td>2027</td>
<td>1,197,432</td>
<td>13,711,066</td>
</tr>
<tr>
<td>2028</td>
<td>1,158,230</td>
<td>13,262,192</td>
</tr>
<tr>
<td>2029</td>
<td>1,119,029</td>
<td>12,813,318</td>
</tr>
<tr>
<td>2030</td>
<td>1,079,827</td>
<td>12,364,443</td>
</tr>
</tbody>
</table>

21al. Point and adaptation text inserted by Decision No 152/2012 (OJ L 309, 8.11.2012, p. 38 and EEA Supplement No 63, 8.11.2012, p. 43), e.i.f. 27.7.2012.


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

(a) [308] As regards the EFTA States, the first sentence of Article 22(7) shall read as follows:

“The EFTA States shall notify the identity of the auctioneer(s) and its (their) contact details to the EFTA Surveillance Authority, which will forward the information to the Commission.”;

(b) The following sentences shall be added in Article 24(2):

“Subject to the conclusion by the EFTA States and by the Commission on its own account and on behalf of the Member States of an agreement whereby the EFTA States join the Joint Procurement Agreement to Procure an Auction Monitor, the EFTA States shall participate in the joint action pursuant to this Article.”;

(c) The following sentence shall be added in Article 26(1):

“Subject to the conclusion by the EFTA States and by the Commission on its own account and on behalf of the participating Member States of an agreement whereby the EFTA States join the Joint Procurement Agreement to Procure Common Auction Platforms, the EFTA States shall participate in the joint action pursuant to this Article.”;

(d) Articles 30 to 32 shall not apply to the EFTA States;

(e) The following subparagraph shall be added in Article 52(3):

“The share of the costs of the auction monitor relating to the auction platform appointed pursuant to Article 26(1) shall be distributed between the Member States participating in the joint action and the EFTA States in accordance with their shares of the total volume of allowances auctioned on the auction platform concerned.”


21alc. [ ] [310]


21ald. [312] 32010 D 0670: Commission Decision 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO2 as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council (OJ L 290, 6.11.2010, p. 39), as amended by:


[312] Point inserted by Decision No 152/2012 (OJ L 309, 8.11.2012, p. 38 and EEA Supplement No 63, 8.11.2012, p. 43), e.i.f. 27.7.2012.

[313] Indent and words “as amended by” added by Decision No 121/2015 (OJ L 211, 4.8.2016, p. 82 and EEA Supplement No 42, 4.8.2016, p. 79), e.i.f. 1.5.2015.

21alf.\{315\}32010 D 0634: Commission Decision 2010/634/EU of 22 October 2010 adjusting the Union-wide quantity of allowances to be issued under the Union Scheme for 2013 and repealing Decision 2010/384/EU (OJ L 279, 23.10.2010, p. 34), as amended by:


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

Articles 1 and 2 shall not apply.


\{314\} Point inserted by Decision No 152/2012 (OJ L 309, 8.11.2012, p. 38 and EEA Supplement No 63, 8.11.2012, p. 43), e.i.f. 27.7.2012.


\{320\} Point inserted by Decision No 165/2018 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 7.7.2018.

\{321\} Indent and words \"as amended by: \" added by Decision No 112/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.2.2021.

\{322\} Point inserted by Decision No 143/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.2.2021.

\{323\} Point and adaptation texts inserted by Decision No 144/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.2.2021 and subsequently corrected before publication by Corrigendum of 5.2.2021.
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.”


21am.  [ ] \textit{\textsuperscript{[25]}}

21an.  [ ] \textit{\textsuperscript{[26]}}


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

(a) The issue, transfer and cancellation of allowances concerning the EFTA States, their operators and the aircraft operators administered by them shall be registered in the European Union Transaction Log (EUTL).

The Central Administrator shall be competent to perform the tasks referred to in paragraphs 1 to 3 of Article 20 of Directive 2003/87/EC when the EFTA States, their operators or the aircraft operators administered by them are concerned.


\[\textit{\textsuperscript{[28]}}\] Indent and words *, as amended by *, added by Decision No 284/2015 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.11.2015.


\[\textit{\textsuperscript{[30]}}\] Indent added by Decision No 178/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 15.6.2019.
(b) In Article 8(4), the following sentence shall be added:

“The EFTA Surveillance Authority shall coordinate the implementation of this Regulation with the national administrators of each EFTA State and the Central Administrator.”

(c) In Article 34(7), the following sentence shall be added:

“The word “Commission” shall be replaced by the words “EFTA Surveillance Authority” when account holders under the jurisdiction of an EFTA State are concerned.”

(d) The following sub-paragraph shall be added in Articles 51(2), 52(2), 54(2) and 55(3):

“Where national allocation tables of the EFTA States are concerned, the Central Administrator shall be instructed by the EFTA Surveillance Authority.”

(e) The following sub-paragraph shall be added in Article 59(2):

“Where international credit entitlements of the EFTA States are concerned, the Central Administrator shall be instructed by the EFTA Surveillance Authority.”

(f) The following sub-paragraphs shall be added in Articles 96(1) and 97(2):

“When accounts under the jurisdiction of an EFTA State are concerned, the Commission shall immediately inform the EFTA Surveillance Authority of the instructions given to the Central Administrator and the reasons for these instructions.

In case the suspension of access is not horizontal and to the extent that it is directed at individual accounts under the jurisdiction of an EFTA State, the EFTA Surveillance Authority shall within three working days adopt a decision on the applicability of the Commission’s instructions, based on the explanations given by the Commission. The absence of a decision from the EFTA Surveillance Authority shall have no effect on the validity of the instructions given by the Commission or of the action taken by the Central Administrator.”

(g) The following sub-paragraph shall be added in Article 97(3):

“The word “Commission” shall be replaced by the words “EFTA Surveillance Authority” when account holders under the jurisdiction of an EFTA State are concerned.”

(h) The following sub-paragraph shall be added in Article 99(3):

“A national administrator of an EFTA State may request the EFTA Surveillance Authority to reinstate processes suspended in accordance with paragraph 1 if it considers that the outstanding issues that caused suspension have been resolved. If this is the case, the EFTA Surveillance Authority shall, upon consultation with the Commission, instruct the Central Administrator to reinstate those processes. It shall otherwise reject the request within a reasonable period and inform the national administrator without delay, stating its reasons and setting out criteria to be fulfilled for a subsequent request to be accepted.”

(i) The following sub-paragraph shall be added in Article 110(3):

“When account holders under the jurisdiction of an EFTA State are concerned, such data may be provided by the Central Administrator following the prior consent of the EFTA Surveillance Authority.”

(j) The following sub-paragraph shall be added in Article 110(6):

“Europol shall keep the EFTA Surveillance Authority and the Commission informed of the use it makes of the data when account holders under the jurisdiction of an EFTA State are concerned.”


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

Article 2 shall read:

“The reports of the EFTA States, as far as an EFTA State is concerned, shall be submitted to the EFTA Surveillance Authority by 30 June each year and shall cover the preceding calendar year from 1 January to 31 December. The first report, covering the calendar year 2008, shall be due on 30 June 2009.”


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

The following paragraphs shall be added in Article 1:

“The historical aviation emissions corresponding to the flights within and between the territories of the EFTA States and the flights between the EFTA States and third countries are set at 1 943 935 tonnes of CO2.

The EEA-wide historical aviation emissions are set at 221 420 279 tonnes of CO2.


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[^133]: Indent and words “as amended by:” above, added by Decision No 34/2008 (OJ L 182, 10.7.2008, p. 32 and EEA Supplement No 42, 10.7.2008, p. 20), e.i.f. 15.3.2008.


[^135]: Point inserted by Decision No 43/2011 (OJ L 171, 30.6.2011, p. 44 and EEA Supplement No 37, 30.6.2011, p. 52), e.i.f. 2.4.2011.


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

(a) The following paragraphs shall be added in Article 1(1):

“The total number of allowances referred to in Article 3c(1) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 1 885 617.

The EEA-wide total number of allowances referred to in Article 3c(1) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 is 214 777 670.”

(b) The following paragraphs shall be added in Article 1(2):

“The total number of allowances referred to in Article 3c(2) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 1 846 738.

The EEA-wide total number of allowances referred to in Article 3c(2) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 is 210 349 264.”

(c) The following paragraphs shall be added in Article 2(1):

“The total number of allowances referred to in Article 3d(1) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 282 843.

The EEA-wide total number of allowances referred to in Article 3d(1) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 is 32 216 651.”

(d) The following paragraphs shall be added in Article 2(2):

“The total number of allowances referred to in Article 3d(2) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 277 011.

The EEA-wide total number of allowances referred to in Article 3d(2) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 is 31 552 390.”

(e) The following paragraphs shall be added in Article 3:

“The total number of allowances referred to in Article 3f(1) of Directive 2003/87/EC relating to the special reserve concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 443 216.

The EEA-wide total number of allowances referred to in Article 3f(1) of Directive 2003/87/EC relating to the special reserve is 50 483 824.”

(f) The following paragraphs shall be added in Article 4(1):

“The total number of allowances referred to in Article 3e(3)(d) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 1 602 774.

The EEA-wide total number of allowances referred to in Article 3e(3)(d) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 is 182 561 019.”

(g) The following paragraphs shall be added in Article 4(2):
“The total number of allowances referred to in Article 3e(3)(d) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 1 514 325.

The EEA-wide total number of allowances referred to in Article 3e(3)(d) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 is 172 486 396.”


21ape.\[^{39}\]32010 R 0606: Commission Regulation (EU) No 606/2010 of 9 July 2010 on the approval of a simplified tool developed by the European organisation for air safety navigation (Eurocontrol) to estimate the fuel consumption of certain small emitting aircraft operators (OJ L 175, 10.7.2010, p. 25).

21apf. [ ] \[^{40}\]

21apg. [ ] \[^{41}\]


\[^{47}\] Point inserted by Decision No 74/2021 (OJ L [to be published]) and EEA Supplement No [to be published]), c.f. 6.2.2021.

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

(a) In Article 4(2), as regards the EFTA States, the words “31 December 2016” shall read “one year after the date of entry into force of Decision of the EEA Joint Committee No 160/2019 of 14 June 2019”.

(b) In Article 5(2), as regards the EFTA States, the words “1 January 2017” shall read “one year after the date of entry into force of Decision of the EEA Joint Committee No 160/2019 of 14 June 2019”.

(c) In Article 12(3)(c), as regards the EFTA States, the words “1 January 2017” shall read “one year after the date of entry into force of Decision of the EEA Joint Committee No 160/2019 of 14 June 2019”.

(d) Articles 14 to 19 and Article 25(2) shall not apply.


21aq.(52) **32015 R 2067**: Commission Implementing Regulation (EU) 2015/2067 of 17 November 2015 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons as regards stationary refrigeration, air conditioning and heat pump equipment, and refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases (OJ L 301, 18.11.2015, p. 28).


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- **03 T**: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003 (OJ L 236, 23.9.2003, p. 33),


- \[359\] **32013 L 0017**: Council Directive 2013/17/EU of 13 May 2013 (OJ L 158, 10.6.2013, p. 193). The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

(a) The following subparagraph shall be added in Article 2:

“(f) for Norway, emissions in the territory of Svalbard.”

(b) With regard to the obligations laid down in Article 4, the following national emission ceilings to be attained by the year 2010 by the EFTA States shall be added to Annex I:

<table>
<thead>
<tr>
<th>Country</th>
<th>SO2 Kilotonnes</th>
<th>NOx Kilotonnes</th>
<th>VOC Kilotonnes</th>
<th>NH3 Kilotonnes</th>
</tr>
</thead>
</table>


\[359\] Indent added by Decision No 159/2014 (OJ L 15, 22.1.2015, p. 87 and EEA Supplement No 5, 22.1.2015, p. 10), e.i.f. pending; it shall apply from 9.7.2014.
The text of Article 6(1) shall be replaced by the following:

“The EFTA States shall, by 1 March 2010 at the latest, draw up programmes for the reduction of national emissions of the pollutants referred to in Article 4 with the aim of complying at least with the national emission ceilings laid down in Annex I by 2010 at the latest.”

The text of Article 6(3) shall not apply.

The following sentence shall be added in the first subparagraph of Article 8(2):

“With regard to the EFTA States, the date by which they shall at the latest inform the EFTA Surveillance Authority, in accordance with paragraph 4(a) of Protocol 1 to the EEA Agreement, of the programmes drawn up in accordance with Article 6(1) and (2) shall be 31 March 2010.”

The following subparagraph shall be inserted in Article 8(3):

“When the Commission and the EFTA Surveillance Authority, in accordance with paragraph 4(a) of Protocol 1 to the EEA Agreement, exchange information on the national programmes received from the EU Member States or the EFTA States respectively, the Commission shall communicate the information received from the EFTA Surveillance Authority to the EU Member States and the EFTA Surveillance Authority shall communicate the information received from the Commission to the EFTA States, within one month of their receipt.


21ay. [ ]


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

(a) In Articles 9 and 10, the words “Commission” shall be added after the word “Commission”.

(b) Article 10a (3) shall not apply as regards the EFTA Surveillance Authority.


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\[^{[49]}\] The Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) Without prejudice to Protocol 1 to the Agreement, in Article 6(1), the words “, or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “Commission”.

(b) Article 6(2) and the email set out in Annex I shall not apply as regards the EFTA Surveillance Authority.


\[^{[54]}\] Point inserted by Decision No 244/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 28.9.2019.


\[^{[56]}\] Point inserted by Decision No 142/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 26.9.2020.

\[^{[57]}\] Point and adaptation texts inserted by Decision No 168/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 12.2.2021.
The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) The following subparagraph shall be added in Article 6(2):

“If the pool includes only manufacturers established in the EFTA States, the manufacturers shall file the information with the EFTA Surveillance Authority. If the pool includes at least one manufacturer established in the Union and at least one manufacturer established in the EFTA States, the manufacturers shall file the information with the Commission and the EFTA Surveillance Authority.”

(b) The following subparagraph shall be added in Article 6(3):

“The EFTA Surveillance Authority shall notify manufacturers established in the EFTA States.”

(c) The following subparagraph shall be added in Article 6(4):

“If the pool includes only manufacturers established in the EFTA States, the manufacturers shall jointly inform the EFTA Surveillance Authority. If the pool includes or is extended to include at least one manufacturer established in the Union and at least one manufacturer established in the EFTA States, the manufacturers shall jointly inform both the Commission and the EFTA Surveillance Authority.”

(d) In Article 6(5) the words “Articles 101 and 102 TFEU” shall read “Articles 53 and 54 of the EEA Agreement” and the word “Union” shall read “EEA”.

(e) In Article 6(7), the words “or the EFTA Surveillance Authority” shall be inserted after the word “Commission”.  

(f) The data reported by the EFTA States shall also be kept in the central register referred to in Article 7(4).

(g) The following subparagraph shall be added in Article 7(4):

“The EFTA Surveillance Authority shall make the calculations set out in subparagraph 1 for manufacturers established in the EFTA States and notify each manufacturer established in the EFTA States in accordance with the second subparagraph.”

(h) Without prejudice to Protocol 1 to the Agreement, in Article 7(5) and Article 10(3), (4), (5) and (6), the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “Commission”.

(i) The following subparagraphs shall be added in Article 8(1):

“Where the manufacturer or pool manager is established in an EFTA State, the EFTA Surveillance Authority shall impose the excess emissions premium.

The amounts of the excess emissions premium shall be distributed between the Commission and the EFTA Surveillance Authority proportionally to the share of the registrations of new passenger cars or new light commercial vehicles registered in the EU or in the EFTA States, respectively, relative to the total number of new passenger cars or new light commercial vehicles registered in the EEA.”

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\[399\] Indent and words \*, as amended by:” added by Decision No 232/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 12.2.2021.

\[400\] Indent added by Decision No 76/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.
(j) The following subparagraphs shall be added in Article 8(3):

“The European Commission shall use its established means for collecting excess emissions premiums under paragraph 1 also in relation to the registrations in EFTA States of manufacturers established in the EU.

The EFTA Surveillance Authority shall determine the means for collecting excess emissions premiums under paragraph 1. These means shall be based on the Commission’s means.”

(k) The following subparagraph shall be added in Article 8(4):

“For the EFTA States, the EFTA States shall determine the allocation of the amounts of the excess emissions premium.”

(l) In Article 9(1), the following shall be inserted after the words “the Commission”: “and the EFTA Surveillance Authority, as regards manufacturers established in the EFTA States.”

(m) Without prejudice to Protocol 1 to the Agreement, in Article 10(2) and (4) second subparagraph, the words “; or, in the case of a manufacturer established in the EFTA States, to the EFTA Surveillance Authority,” shall be inserted after the word “Commission”.

(n) The following subparagraph shall be added in Article 11(2):

“Suppliers or manufacturers established in the EFTA States shall send applications pursuant to this Article to the Commission. The Commission shall give the same priority to such applications as to other applications pursuant to this Article.”

(o) The following subparagraph shall be added in Article 11(4):

“Commission Decisions approving innovative technologies pursuant to this Article are generally applicable and shall be incorporated into the EEA Agreement.”

(p) This Regulation shall not apply to Liechtenstein.


IV. CHEMICALS, INDUSTRIAL RISK AND BIOTECHNOLOGY

21b.  [ ] \[408\]

21c.  \[408\]


21d.  \[408\]


22.  \[408\]


22a.  \[408\]


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

(a)  Article 1 shall read:

“The export of metallic mercury (Hg, CAS RN 7439-97-6), cinnabar ore, mercury (I) chloride (Hg2Cl2, CAS RN 10112-91-1), mercury (II) oxide (HgO, CAS RN 21908-53-2) and mixtures of metallic mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95% weight by weight from the EU to the EFTA States and vice versa as well as between the EFTA States shall be allowed.

This shall be without prejudice to stricter import or export bans existing in an EFTA State at the time of the incorporation of this Regulation into the EEA Agreement.

The EFTA States shall take effective measures to ensure that mercury and mercury compounds and mixtures as mentioned in the first subparagraph are not exported from the EU to a third country via an EFTA State. The same shall apply to the mixing of metallic mercury with other substances for the sole purpose of exporting metallic mercury from the EU to a third country via an EFTA State. This shall not apply to exports of compounds referred to in the first subparagraph for research and development, medical or analysis purposes.”

(b)  Article 9 shall not apply with regard to the EFTA States.

23.  \[408\]


23a.  [ ] \[411\]


23c. [ ]


24a. [ ]


24c. [ ]

25. [ ]
25a. [ ] [422]

25b. [ ] [423]


The provisions of the Decision shall, for the purposes of the present Agreement, be read with the following adaptation:

Iceland, Norway [ ] [425] shall put into effect the measures necessary to comply with this Decision as from 1 January 1995.


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

(a) The following paragraph shall be inserted at the end of Article 30(2):

“The EFTA States shall participate fully in the work of the Committee, but shall not have the right to vote. The internal rules of procedure of the Committee shall be adjusted to give full effect to the EFTA States’ participation.”

(b) Article 23 shall be replaced by the following:

“1. Where a Contracting Party has detailed grounds for considering that a GMO as or in a product which has been properly notified and has received written consent under this Directive constitutes a risk to human health or the environment, that Contracting Party may restrict or prohibit the use and/or sale of that GMO as or in a product on its territory. The Contracting Party shall ensure that in the event of a severe risk, emergency measures, such as suspension or termination of the placing on the market, shall be applied, including information to the public.

The Contracting Party shall immediately inform the other Contracting Parties through the EEA Joint Committee of actions taken under this Article and give reasons for its decision.


[427] Indent and word “,” as amended by:” above, added by Decision No 321/2019 (OJ L 68, 5.3.2020, p. 79 and EEA Supplement No 14, 5.3.2020, p. 87), e.i.f. 1.8.2020.

2. If a Contracting Party so requires, consultations on the appropriateness of the measures taken shall take place in the EEA Joint Committee. Part VII of the Agreement shall apply.”

(c) The Contracting Parties agree that the Directive only covers aspects relating to the potential risks to humans, plants, animals and the environment. The EFTA States therefore reserve the right to apply their national legislation in this area in relation to other concerns than health and environment, in so far as it is compatible with this Agreement.

(d) Liechtenstein shall not be obliged to receive and/or process applications concerning the first placing on the market of GMOs (Articles 12 to 24). However, Liechtenstein shall receive all information from other Member States within the authorisation procedures as foreseen by the Directive.

{[25] (c)} In Article 26c(1), as regards the EFTA States, the words “From 2 April 2015 until 3 October 2015” shall be replaced with “Until six months after the entry into force of Decision of the EEA Joint Committee No 321/2019 of 13 December 2019”, and the words “before 2 April 2015” shall be replaced with “before the entry into force of Decision of the EEA Joint Committee No 321/2019 of 13 December 2019”.

25e. [ ] {[48]}

25f. {[48]}


25g. {[48]}


25h. {[48]}


25i. {[48]}


25j. {[48]}


25k. {[48]}


{[429]} Adaptation text (c) inserted by Decision No 321/2019 (OJ L 68, 5.3.2020, p. 79 and EEA Supplement No 14, 5.3.2020, p. 87), e.i.f. 1.8.2020.


V. WASTE

26. [ ]

27. [ ]

28. [ ]

29. [ ]

30. [ ]

31. [ ]


32a. [ ]


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The provisions of the Decision shall, for the purposes of the present Agreement, be read with the following adaptation:


32ab. [ ] [449]

32b. [ ] [450]


The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for Latvia (Annex VIII, Chapter 10, Section B, point 1), Hungary (Annex X, Chapter 8, Section A, point 1), Malta (Annex XI, Chapter 10, Section B, point 1), Poland (Annex XII, Chapter 13, Section B, point 1) and Slovakia (Annex XIV, Chapter 9, Section B, point 1) concerning Regulation (EEC) No 259/93 shall apply mutatis mutandis.

The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 10, Section B, point 1) and Romania (Annex VII, Chapter 9, Section B, point 1) concerning Regulation (EEC) No 259/93 shall apply mutatis mutandis.

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

(a) As regards exports for recovery (Title IV, Chapter 2 of the Regulation), Liechtenstein shall be deemed to be a country to which the OECD Decision applies.

(b) For hazardous waste which is disposed of or recovered in Switzerland, Liechtenstein may use the Swiss notification and movement documents instead of the standard forms annexed to the Regulation.

(c) In Article 2(29) the words “or into the territory of the EFTA States” shall be added after the words “customs territory of the Community”.

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32ca. [ ] [465]


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[464] Indent added by Decision No 244/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 30.12.2020.


control of transboundary movements of wastes does not apply (OJ L 316, 4.12.2007, p. 6), as amended by:


[49] The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for Estonia (Annex VI, Chapter 9, Section B), Latvia (Annex VIII, Chapter 10, Section B, point 3) and Poland (Annex XII, Chapter 13, Section B, point 3) shall apply.

[49] The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 10, Section B, point 3) and Romania (Annex VII, Chapter 9, Section B, point 3) shall apply.


[49] Indent added by Decision No 159/2014 (OJ L 15, 22.1.2015, p. 87 and EEA Supplement No 5, 22.1.2015, p. 10), e.i.f. pending; it shall apply from 9.7.2014.


[49] Indents and words “, as amended by” added by Decision No 28/2013 (OJ L 144, 30.5.2013, p. 34 and EEA Supplement No 31, 30.5.2013, p. 39), e.i.f. 2.2.2013.


The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 10, Section III) shall apply.


[489] Indent added by Decision No 103/2014 (OJ L 310, 30.10.2014, p. 72 and EEA Supplement No 63, 30.10.2014, p. 61), e.i.f. 17.05.2014.


32f. [ ] [496]


32fd. [ ] [499]


[506] Point inserted by Decision No 60/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.
[508] Indent and words “as, amended by:” added by Decision No 123/2015 (OJ L 211, 4.8.2016, p. 84 and EEA Supplement No 42, 4.8.2016, p. 81), e.i.f. 1.5.2015. Corrigendum to the EU act subsequently taken note of by the EEA Joint Committee on 7.7.2017.
[509] Indent added by Decision No 285/2015 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 1.11.2015. Corrigendum to the EU act subsequently taken note of by the EEA Joint Committee on 18.3.2016.

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:
In Article 2(e), and in point 6 of the Statement of Conformity set out in Annex III, the words ‘or the territories of the EFTA States’ shall be inserted after the words ‘the customs territory of the Union’.


The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:
In Article 2(4), the words ‘or the territory of the EFTA States’ shall be inserted after the words ‘the customs territory of the Union’.


The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:
In Article 2(4), the words ‘or the territory of the EFTA States’ shall be inserted after the words ‘the customs territory of the Union’.


[f34] Point and text inserted by Decision No 142/2014 (J L 342, 27.11.2014, p. 50 and EEA Supplement No 71, 27.11.2014, p. 48), e.i.f. 28.6.2014.
[f38] Point and adaptation text inserted by Decision No 257/2018 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.12.2018.
The provisions of this Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) In Article 3(1)(10), the words “or, where applicable, in accordance with Council Directive 94/57/EC” shall be inserted after the words “Regulation (EC) No 391/2009 of the European Parliament and of the Council”.

(b) In Articles 4 and 14, references to “relevant Union law”, “provisions of Union law” or “Union law provisions” shall be understood as referring to relevant provisions of the EEA Agreement.

(c) In Article 16:

(i) in point (a) of paragraph 1, the following words shall be added after the words “Article 14(3)”: 

“, or which are located in an EFTA State and have been notified by that EFTA State to the EFTA Surveillance Authority in accordance with Article 14(3)”; 

(ii) in paragraph 2, the words “located in a Member State” shall be replaced by the words “located in the European Economic Area”; 

(iii) in paragraph 6, the following subparagraph shall be added:

“For the purposes of this Article, the EFTA Surveillance Authority shall communicate to the Commission all relevant information it receives from an EFTA State pursuant to the first subparagraph or to Article 14.”


[519] Indent and words “as amended by:” added by Decision No 40/2020 (OJ L [to be published]) and EEA Supplement No [to be published]), e.i.f. 21.3.2020.


[525] Indent added by Decision No 134/2019 (OJ L [to be published]) and EEA Supplement No [to be published]), e.i.f. 1.6.2019.
32. [ ] (f58)

VI. Noise


**ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE**

The Contracting Parties take note of the content of the following acts:


35. [ ] (f53)

36. [ ] (f54)


37. [ ] \(^{[539]}\) 

38. [ ] \(^{[538]}\) 


40. [ ] \(^{[538]}\) 


42. [ ] \(^{[540]}\) 


APPENDIX TO ANNEX XX \(^{[542]}\) [ ]