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 [][][][][][].

ACTS REFERRED TO

I. GENERAL []


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. [ ] [²]


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. [ ] [³]
1. Regulat


1eaa. \[4]\[4]

1eab. \[4]\[4]

1eac. \[4]\[4]


\[3]\[3] 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.


\[6]\[6] Indent added by Decision No 293/2023 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 28.10.2023.


\[12]\[12] 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.

12016 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).


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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.


1f. 32012 D 0119: Commission Implementing Decision 2012/119/EU of 10 February 2012 laying down rules concerning guidance on the collection of data and on the drawing up of BAT reference documents and on their quality assurance referred to in Directive 2010/75/EU of the European

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**(54) Point inserted by Decision No 125/2021 (OJ L [to be published]) and EEA Supplement No (to be published), e.i.f. 20.3.2021.


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).


[*] Point inserted by Decision No 93/2019 (OJ L 210, 2.7.2020, p. 79 and EEA Supplement No 44, 2.7.2020, p. 95), e.i.f. 30.3.2019.


[*] 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.

[*] Point inserted by Decision No 155/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 24.4.2021.


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.


\(^{(5)}\) Point inserted by Decision No 104/2023 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 29.4.2023.

\(^{(5)}\) Point inserted by Decision No 166/2023 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 14.6.2023.

\(^{(5)}\) Point inserted by Decision No 166/2023 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 14.6.2023.


\(^{(5)}\) Point and adaptation text inserted by Decision No 156/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 24.4.2021.

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

In Article 1, as regards the EFTA States, the words “reporting year 2019” shall read “reporting year 2020”.


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.

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[^7]: 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.
[^8]: 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.


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.


-{2} 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.


-{2} Indent added by Decision No 137/2014 (OJ L 342, 27.11.2014, p. 45 and EEA Supplement No 71, 27.11.2014, p. 43), e.i.f. 28.6.2014.

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.


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

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

(b) [*] As regards the EFTA States, the first calculation and publication of the Harmonised Risk Indicator 1 according to Section 2(7) of Annex IV shall be due by 1 September 2022.

(c) As regards the EFTA States, Section 3(4) of Annex IV shall read as follows:

“The baseline for Harmonised Risk Indicator 2 shall be set at 100, and is equal to the average result of the above calculation for the period 2016-2018. The first year of calculation is 2016.”

(d) As regards the EFTA States, the first calculation and publication of the Harmonised Risk Indicator 2 according to Section 3(6) of Annex IV shall be due by 1 September 2022.

(e) Liechtenstein is exempted from calculating and publishing the Harmonised Risk Indicator 1 according to Section 2 of Annex IV and the Harmonised Risk Indicator 2 according to Section 3 of Annex IV.


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:


[*] 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.

[*] Indent and words “, as amended by:” added by Decision No 158/2022 (OJ L 246, 22.9.2022, p. 125 and EEA Supplement No 61, 22.9.2022, p. 121), e.i.f. 30.4.2022.

[*] The word “adaptation” is replaced by the word “adaptations” by Decision No 158/2022 (OJ L 246, 22.9.2022, p. 125 and EEA Supplement No 61, 22.9.2022, p. 121), e.i.f. 30.4.2022.

[*] The existing adaptation is numbered as adaptation (a) by Decision No 158/2022 (OJ L 246, 22.9.2022, p. 125 and EEA Supplement No 61, 22.9.2022, p. 121), e.i.f. 30.4.2022.

[*] Adaptations (b) to (e) added by Decision No 158/2022 (OJ L 246, 22.9.2022, p. 125 and EEA Supplement No 61, 22.9.2022, p. 121), e.i.f. 30.4.2022.

(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 the Council of 6 September 2006 on the quality of fresh waters needing protection or improvement in order to support fish life,

Eco-Labels


2aa. [ ] (**)

2ab. [ ] (**)

2ac. [ ] (**)


2ae. [ ] (***)

2af. [ ] [**]

2b. [ ] [**]

2c. [ ] [**]


2da. [ ] [**]

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.**[188]** 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:


**[186]** 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.


**[189]** Indent added by Decision No 175/2019 (OJ L 291, 10.11.2022, p. 65 and EEA Supplement No 74, 10.11.2022, p. 68), e.i.f 15.6.2019.

**[190]** Indent added by Decision No 167/2023 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 14.6.2023.


**[116]** Indent and words "", as amended by: "", added by Decision No 20/2022 (OJ L 175, 30.6.2022, p. 34 and EEA Supplement No 42, 30.6.2022, p. 31), e.i.f. 5.2.2022.

2n. [ ] {114}

2o. [114] 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:


2p. [ ] {122}


2s. [1] {124}


2v. Commission Decision 2014/312/EU of 28 May 2014 establishing the ecological criteria for the award of the EU Ecolabel for outdoor paints and varnishes (OJ L 164, 3.6.2014, p. 45), as amended by:

2w. 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:

[126] Indent and words “*, as amended by:” added by Decision No 175/2019 (OJ L 291, 10.11.2022, p. 65 and EEA Supplement No 74, 10.11.2022, p. 68), e.i.f. 15.6.2019.
[129] Indent and words “*, as amended by: *, added by Decision No 283/2015 (OJ L [to be published]) and EEA Supplement No [to be published]), e.i.f. 1.11.2015.
[131] Indent and words “*, as amended by: *, added by Decision No 283/2015 (OJ L [to be published]) and EEA Supplement No [to be published]), e.i.f. 1.11.2015.
[135] Indent added by Decision No 21/2022 (OJ L 175, 30.6.2021, p. 35 and EEA Supplement No 42, 30.6.2021, p. 32), e.i.f. 5.2.2022.
2x.\textsuperscript{[144]} [ ]


2z. [ ] [\textsuperscript{147}]


2zc.\textsuperscript{[152]} 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:


\textsuperscript{[146]} Indent and words "", as amended by: ", added by Decision No 294/2023 (OJ L [to be published]) and EEA Supplement No [to be published], e.i.f. 28.10.2023.


\textsuperscript{[148]} 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.

\textsuperscript{[149]} Indent and words "", as amended by: ", added by Decision No 207/2013 (OJ L 92, 27.3.2014, p. 33 and EEA Supplement No 19, 27.3.2014, p. 36), e.i.f. 9.11.2013.


2zd.[188] 32016 D 1332: Commission Decision (EU) 2016/1332 of 28 July 2016 establishing the ecological criteria for the award of the EU Ecolabel for furniture (OJ L 210, 4.8.2016, p. 100), as amended by:

2ze. [ ] [199]

2zf. [ ] [164]

2zg.[188] 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:

2zh.[188] 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:

2.7.2020, p. 59

2z. [172]

2zm. [173]

2zn. [174]

2zo. [177]

2zp. [180]

2zk. [178]

2zl. [171]


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:


[147] Indent added by Decision No 175/2019 (OJ L 291, 10.11.2022, p. 65 and EEA Supplement No 74, 10.11.2022, p. 68), e.i.f. 15.6.2019.


[172] Point 2zd (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 (OJL [to be published]) and EEA Supplement No [to be published], e.i.f. 6.2.2021.


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


[178] Indent and words "as", as amended by: "as added by Decision No 94/2019 (OJ L 210, 2.7.2020, p. 80 and EEA Supplement No 44, 2.7.2020, p. 96), e.i.f. 30.3.2019.


II. WATER

3. [ ] \[185\]


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:

“The time limit for transposition into national law for Directive 2000/60/EC set out in Part B of Annex II shall not apply and shall be replaced by the date of entry into force of the Decision of the EEA Joint Committee incorporating Directive 2000/60/EC into this Agreement.”

5. [ ] \[187\]

6. [ ] \[188\]

7. [ ] \[189\]


\[181\] Indents and words “", as amended by: “", added by Decision No 167/2023 (OJ L [to be published]) and EEA Supplement No [to be published]), e.i.f. 14.6.2023.

\[182\] Point inserted by Decision No 95/2019 (OJ L 210, 27.7.2020, p. 81 and EEA Supplement No 44, 2.7.2020, p. 98), e.i.f. 30.3.2019.

\[183\] Point inserted by Decision No 176/2019 (OJ L 291, 10.11.2022, p. 66 and EEA Supplement No 74, 10.11.2022, p. 70), e.i.f. 15.6.2019.

\[184\] Point inserted by Decision No 72/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.


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.

The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Romania (Annex VII, Chapter 9, Section C, point 5), shall apply.

The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 10, Section IV, Point 2) shall apply.

8. [ ] [195]

9. [ ] [196]

10. [ ] [197]

11. [ ] [198]

12. [ ] [199]


[201] Indent and words "as, as amended by:" added by Decision No 157/2016 (OJ L 73, 15.3.2018, p. 31 and EEA Supplement No 16, 15.3.2018, p. 36), e.i.f. 9.7.2016.


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.

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

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.


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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 I 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.


III. AIR

13d. [ ][221]

13e. [ ][221]
14. [ ]

14a. [ ]

14b. [ ]


15. [ ]

16. [ ]

17. [ ]


- [235] 1 94 N: Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments of the Treaties on which the


[229a] Text inserted 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.


"[26] The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for Latvia (Annex VIII, Chapter 10, Section D, point 1) shall apply.

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. [ ]
19a. [ ]
20. [ ]
21. [ ]
21a. [ ]


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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. [ ] [247]


21abb. [ ] [249]

21abc. [ ] [250]

21abd. [ ] [251]


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 “Commission” 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.


21ac.  [ ] [264]

21ad.  [ ] [264]

21ae.  [ ] [264]

21af.  [ ] [264]

21ag.  [ ] [264]

21ah.  [ ] [264]

21ai.  [ ] [264]


21aej. [ ] {271}
21ack. [ ] {272}
21ael. [ ] {273}
21aem. [ ] {274}
21acen. [ ] {275}
21aco. [ ] {276}
21aec. [ ] {277}
21aqc. [ ] {278}
21acr. [ ] {279}
21acs. [ ] {280}
21act. [ ] {281}


21aev.  [ ] [26]

21aew.  [ ] [26]

21aex.  [ ] [26]

21aey. [26] 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:


21aexz. [26]
21aezb. [ ] \footnote{286}


21aeze. [ ] \footnote{300}

21af. [ ] \footnote{300}

21ag. [ ] \footnote{300}


21ai. [ ] \footnote{300}
21aj. [ ] \(^{[307]}\)


\(^{[311]}\) Indent added by Decision No 6/2011 (OJ L 93, 7.4.2011, p. 35 and EEA Supplement No 19, 7.4.2011, p. 11), e.l.f. 2.4.2011.

\(^{[312]}\) Indent added by Decision No 152/2012 (OJ L 309, 8.11.2012, p. 38 and EEA Supplement No 63, 8.11.2012, p. 43), e.l.f. 27.7.2012.


{228} 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.

{229} 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 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

[229] Indent added by Decision No 220/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 10.7.2021.
[228] Indent added by Decision No 22/2022 (OJ L 175, 30.6.2022, p. 37 and EEA Supplement No 42, 30.6.2022, p. 34), e.i.f. 5.2.2022.
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:

\[ \text{Iceland: } 1 774 646 \text{ tonnes of CO₂ equivalent.} \]

\[ \text{Liechtenstein: } 0 \text{ tonnes of CO₂ equivalent.} \]

\[ \text{Norway: } 5 269 254 \text{ tonnes of CO₂ equivalent.} \]

(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:

\[ \text{Liechtenstein: } 20 943 \text{ tonnes of CO₂ equivalent.} \]

\[ \text{Norway: } 18 635 669 \text{ tonnes of CO₂ equivalent.} \]

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:

\[ \text{EEA AGR} (2023)331, p. 79. } \]

\[ \text{EEA Supplement No 70, 28.9.2023, p. 103 and EEA Supplement No 70, 28.9.2023, p. 93, e.I.f. 1.2.2021.} \]
“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 fulfillment 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) In the second paragraph of the entry ‘Aviation’ of column ‘Activities’ of the table in Annex I:

(i) the second paragraph of point (j) and point (k) as amended by Commission Delegated Decision (EU) 2020/1071 of 18 May 2020, and point (l) shall apply from 1 January 2020,

(ii) the second paragraph of point (j) and point (k) as amended by Commission Delegated Regulation (EU) 2021/1416 of 17 June 2021, and point (m) shall apply from 1 January 2021.

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

[24] Adaptation text (u) inserted by Decision No 220/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 10.7.2021 and subsequently replaced by Decision No 22/2022 (OJ L 175, 30.6.2022, p. 37 and EEA Supplement No 42, 30.6.2022, p. 34), e.i.f. 5.2.2022.

[25] Adaptation text (u) renumbered as (v) by Decision No 220/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 10.7.2021.
“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 [26]

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>
<tr>
<td>2017</td>
<td>15 758</td>
</tr>
<tr>
<td>2018</td>
<td>15 445</td>
</tr>
</tbody>
</table>

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) (27)**

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

Iceland

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount of allowances</th>
</tr>
</thead>
</table>

<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. \(^{(128)}\)

<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>
<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>
</tbody>
</table>


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

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129) 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. Title of the act subsequently replaced by Decision No 23/2022 (OJ L 175, 30.6.2022, p. 39 and EEA Supplement No 42, 30.6.2022, p. 36), e.i.f. 5.2.2022.
128) Indent and words "", as amended by" added 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.
133) Indent added by Decision No 102/2014 (OJ L 310, 30.10.2014, p. 70 and EEA Supplement No 63, 30.10.2014, p. 60), e.i.f. 17.5.2014.
137) Indent added by Decision No 23/2022 (OJ L 175, 30.6.2022, p. 39 and EEA Supplement No 42, 30.6.2022, p. 36), e.i.f. 5.2.2022.
(a)[338] 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. [ ] [340]


21ald.[342] 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 CO\textsubscript{2} 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:


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[342] 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.

[343] Indent and words “as amended by” added by Decision No 123/2015 (OJ L 211, 4.8.2016, p. 82 and EEA Supplement No 42, 4.8.2016, p. 79), e.i.f. 1.5.2015.

[344] 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.
21alf. {[48]} 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:


21alg.[{48}]


- {[49]}


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.


- {[49]}


- {[52]}


{[51]} Indent and words "", as amended by: added by Decision No 112/2020 (OJ L 172, 6.7.2023, p. 33 and EEA Supplement No 51, 6.7.2023, p. 32), e.i.f. 1.2.2021.
{[53]} Indent and words "", as amended by: added by Decision No 309/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 30.10.2021.
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.  

21an.  


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.

(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

9494 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.
9494 Indent added by Decision No 178/2019 (OJ L 291, 10.11.2022, p. 69 and EEA Supplement No 74, 10.11.2022, p. 73), e.i.f. 15.6.2019.
9494 Indent added by Decision No 157/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 24.4.2021.
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 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.

(b) In Article 7(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 30(8), 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 subparagraph shall be added in Articles 46(2), 47(3), 49(2), 53(3) and 54(1):

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

(e) The following subparagraphs shall be added in Articles 65(1), 66(2), 68(1) and (4):

“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.”

(f) The following subparagraph shall be added in Article 66(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.”

(g) The following subparagraph shall be added in Article 68(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.”

(h) The following shall be added after the first sentence of Article 80(4):

“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.”

(i) The following subparagraph shall be added in Article 80(7):

“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.”


\[390\] Point inserted 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.
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.”


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.”

\textsuperscript{[21a]} 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.


\textsuperscript{[21c]} Indent added by Decision No 168/2023 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 14.6.2023.

\textsuperscript{[21d]} 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.

\textsuperscript{[21e]} Point and adaptation text inserted by Decision No 87/2011 (OJ L 262, 6.10.2011, p. 59 and EEA Supplement No 54, 6.10.2011, p. 74), e.i.f. 2.7.2011.

\textsuperscript{[21f]} Point and adaptation text inserted by Decision No 93/2011 (OJ L 262, 6.10.2011, p. 65 and EEA Supplement No 54, 6.10.2011, p. 82), e.i.f. 21.7.2011.
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.\cite{78} 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. [ ] \cite{79}

21apg. [ ] \cite{80}


21api.\cite{82} Commission Implementing Decision 2014/389/EU of 23 June 2014 on additional historical aviation emissions and additional aviation allowances to take into consideration the accession of Croatia to the European Union (OJ L 183, 24.6.2014, p. 135).


\begin{itemize}
    \item [\cite{84}] 32020 R 2085: Commission Implementing Regulation (EU) 2020/2085 of 14 December 2020 (OJ L 423, 15.12.2020, p. 37),
    \item [\cite{85}] 32022 R 0388: Commission Implementing Regulation (EU) 2022/388 of 8 March 2022 (OJ L 79, 9.3.2022, p. 1),
    \item [\cite{86}] 32022 R 1371: Commission Implementing Regulation (EU) 2022/1371 of 5 August 2022 (OJ L 206, 8.8.2022, p. 15).
\end{itemize}


\begin{itemize}
\end{itemize}

as regards further arrangements for the adjustments to free allocation of emission allowances due to activity level changes (OJ L 282, 4.11.2019, p. 20), as amended by:


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.


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[31] Point inserted by Decision No 74/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.l.f. 6.2.2021.


- I 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).
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 Kilotones</th>
<th>NOx Kilotones</th>
<th>VOC Kilotones</th>
<th>NH3 Kilotones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iceland</td>
<td>90</td>
<td>27</td>
<td>31</td>
<td>8</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>0.11</td>
<td>0.37</td>
<td>0.86</td>
<td>0.15</td>
</tr>
<tr>
<td>Norway</td>
<td>22</td>
<td>156</td>
<td>195</td>
<td>23</td>
</tr>
</tbody>
</table>

(c) 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.”

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

(e) 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.”

(f) 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.

21as.\[**\] 32009 R 0748: Commission Regulation (EC) No 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator (OJ L 219, 22.8.2009, p. 1), as amended by:


\[**\] 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 5.7.2014.

\[**\] Point and indent inserted by Decision No 86/2011 (OJ L 262, 6.10.2011, p. 58 and EEA Supplement No 54, 6.10.2011, p. 72), e.i.f. 27.7.2011.


\[\text{Indent added by Decision No 158/2016 (OJ L 73, 15.3.2018, p. 32 and EEA Supplement No 16, 15.3.2018, p. 37), e.i.f. 9.7.2016.}\]

\[\text{Indent added by Decision No 147/2017 (OJ L 128, 16.5.2019, p. 48 and EEA Supplement No 40, 16.5.2019, p. 49), e.i.f. 8.7.2017.}\]

\[\text{Indent added by Decision No 166/2018 (OJ L 67, 25.2.2021, p. 61 and EEA Supplement No 13, 25.2.2021, p. 66), e.i.f. 7.7.2018.}\]

\[\text{Indent added by Decision No 43/2019 (OJ L 192, 18.7.2019, p. 51 and EEA Supplement No 57, 18.7.2019, p. 16), e.i.f. 29.3.2019.}\]

\[\text{Indent added by Decision No 177/2019 (OJ L 291, 10.11.2022, p. 68 and EEA Supplement No 74, 10.11.2022, p. 72), e.i.f. 15.6.2019 as corrected before publication by Corrigendum of 11.12.2020.}\]

\[\text{Indent added by Decision No 75/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.}\]

\[\text{Indent added by Decision No 312/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 5.5.2021.}\]

\[\text{Indent added by Decision No 287/2022 (OJ L 117, 4.5.2023, p. 17 and EEA Supplement No 35, 4.5.2023, p. 17), e.i.f. 29.10.2022.}\]

\[\text{Indent added by Decision No 295/2023 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 28.10.2023.}\]


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

(a) The following shall be added to Table 3 of the Annex:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Iceland</td>
<td>38,5 %</td>
<td>38,5 %</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>38,5 %</td>
<td>38,5 %</td>
</tr>
<tr>
<td>Norway</td>
<td>38,5 %</td>
<td>38,5 %</td>
</tr>
</tbody>
</table>

(b) The following shall be added to Table 4 of the Annex:

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Iceland</td>
<td>10 %</td>
<td>15 %</td>
<td>45 %</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>10 %</td>
<td>15 %</td>
<td>45 %</td>
</tr>
<tr>
<td>Norway</td>
<td>10 %</td>
<td>15 %</td>
<td>45 %</td>
</tr>
</tbody>
</table>


\(\text{\textsuperscript{[42]}}\) Indent and words \(\text{"}\), as amended by:\(\text{\textsuperscript{[42]}}\) added by Decision No 40/2020 (OJ L 57, 23.2.2020, p. 19) and EEA Supplement No 16, 23.2.2023, p. 19), e.i.f. 211.3.2020.


\(\text{\textsuperscript{[42]}}\) Point inserted by Decision No 45/2013 (OJ L 231, 29.8.2013, p. 19) and EEA Supplement No 49, 29.8.2013, p. 21), e.i.f. 1.2.2014.

\(\text{\textsuperscript{[42]}}\) Indent and words \(\text{"}\), as amended by:\(\text{\textsuperscript{[42]}}\) added by Decision No 122/2015 (OJ L 211, 4.8.2016, p. 83 and EEA Supplement No 42, 4.8.2016, p. 89), e.i.f. 1.1.2016.

\(\text{\textsuperscript{[42]}}\) Point inserted by Decision No 173/2013 (OJ L 58, 27.2.2014, p. 27 and EEA Supplement No 13, 27.2.2014, p. 29), e.i.f. 1.7.2017.

\(\text{\textsuperscript{[42]}}\) Indent and words \(\text{"}\), as amended by:\(\text{\textsuperscript{[42]}}\) and adaptation text added by Decision No 288/2022 (OJ L 117, 4.5.2023, p. 18 and EEA Supplement No 35, 4.5.2023, p. 18), e.i.f. pending.


21ay. [ ]

21aya. [ ]


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.


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


[^{502}]: 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.

[^{503}]: Indent added by Decision No 182/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 12.6.2021.

[^{504}]: Indent added by Decision No 24/2022 (OJ L 175, 30.6.2022, p. 41 and EEA Supplement No 42, 30.6.2022, p. 38), e.i.f. 5.2.2023.

[^{505}]: Indent added by Decision No 296/2023 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 28.10.2023.
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.”

(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.


21azb. [ ][^470]


21azc.[^470] 32020 D 1035: Commission Implementing Decision (EU) 2020/1035 of 3 June 2020 confirming or amending the provisional calculation of the average specific emissions of CO₂ and specific emissions


[^470] Indent and words “, as amended by” added by Decision No 313/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.l.f. 30.10.2021.


[^473] Indent and words “, as amended by” added by Decision No 179/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.l.f. 10.7.2021.


[^475] Indent and words “, as amended by” added by Decision No 313/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.l.f. 30.10.2021.


targets for manufacturers of passenger cars and light commercial vehicles for the calendar year 2018 pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council (OJ L 227, 16.7.2020, p. 37), as amended by:


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

(a) The following sentence shall be added in Article 3(6):

“For Norway, ‘existing combustion plant’ means a combustion plant put into operation before 20 December 2021.”

(b) The following sentence shall be added in Article 6(7):

“For Norway, from 20 December 2021, emissions into the air of SO₃, NOₓ and dust from a new medium combustion plant shall not exceed the emission limit values set out in Part 2 of Annex II.”


32021 D 0973: Commission Implementing Decision (EU) 2021/973 of 1 June 2021 confirming or amending the provisional calculation of the average specific emissions of CO₂ and the specific emissions targets for manufacturers of passenger cars and light commercial vehicles for the calendar year 2019 and, for the passenger car manufacturer Dr Ing. h.c. F. Porsche AG and the Volkswagen pool,

479 Point and adaptation text inserted by Decision No 183/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 12.6.2021.
480 Point inserted by Decision No 184/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 12.6.2021.
481 Point 21az (Commission Implementing Decision (EU) 2020/1222 inserted by Decision No 185/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 12.6.2021 subsequently deleted by Decision No 222/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 10.7.2021.
482 Point inserted by Decision No 185/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 12.6.2021.
483 Point inserted by Decision No 222/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 10.7.2021.
484 Point inserted by Decision No 355/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 11.12.2021.


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

(a) In Article 4(1), as regards the EFTA States, the words “1 January 2019” shall be replaced by the words “from 1 July of the year following the entry into force of Decision of the EEA Joint Committee No 396/2021 of 10 December 2021”.

(b) As regards the EFTA States, the second subparagraph of Article 4(1) shall read as follows:

“By 30 September each year, starting in the year following the year mentioned in the first subparagraph of this provision, the competent authorities of the EFTA States shall report those data to the Commission in accordance with the reporting procedure set out in Annex II. The EFTA States shall notify the EFTA Surveillance Authority, by email to the address established pursuant to point 1.1 of Annex II, when data are transmitted to the Commission.”

(c) The following shall be added to Article 4(2):

“With regard to Liechtenstein, the competent authority responsible for the monitoring and reporting of data in accordance with this Regulation is the National Road Office (Amt für Strassenverkehr).”

(d) As regards the EFTA States, the second subparagraph of Article 5(1) shall read as follows:

“By 30 September each year, from the starting years set out in point 1 of Part B of Annex I, manufacturers of heavy-duty vehicles established in an EFTA State shall report those data for each new heavy-duty vehicle with a date of simulation falling within the preceding calendar year to the Commission in accordance with the reporting procedure set out in Annex II. The contact point shall notify the EFTA Surveillance Authority, by email to the address established pursuant to point 1.1 of Annex II, when data are transmitted to the Commission.”

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{[466]} Point, indent and adaptation text inserted by Decision No 396/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

{[467]} Indent added by Decision No 398/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.

{[468]} Indent added by Decision No 25/2022 (OJ L 175, 30.6.2022, p. 42 and EEA Supplement No 42, 30.6.2022, p. 39), e.i.f. pending.

{[469]} Indent added by Decision No 81/2022 (OJ L 182, 7.7.2022, p. 70 and EEA Supplement No 45, 7.7.2022, p. 58), e.i.f. pending.

{[470]} Indent added by Decision No 159/2022 (OJ L 246, 22.9.2022, p. 127 and EEA Supplement No 61, 22.9.2022, p. 123), e.i.f. pending.
(c) The data reported by the EFTA States and by manufacturers established in the EFTA States shall also be kept in the Central Register referred to in Article 6. The EFTA Surveillance Authority shall have access to the relevant parts of the Central Register.

(f) In Article 8(1), the words “and, as the case may be, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(g) Article 8(2) shall, for the EFTA States, read as follows: “The EFTA Surveillance Authority shall, in close cooperation with the Commission, carry out its own verification of the quality of the data reported pursuant to Articles 4 and 5.”

(h) In Article 9(1), as regards manufacturers established in an EFTA State, the words “the Commission” shall be replaced by the words “the EFTA Surveillance Authority”. The EFTA Surveillance Authority shall cooperate closely with the Commission when it assesses whether to impose administrative fines on manufacturers established in an EFTA State.

(i) The following subparagraph shall be added in Article 9(4):

“As regards administrative fines imposed on manufacturers established in the EFTA States, the EFTA States shall determine the allocation of the amounts of the administrative fines.”

(j) In Part B of Annex I, for manufacturers established in the EFTA States, the starting year for the monitoring of data shall be the year following the entry into force of Decision of the EEA Joint Committee No 396/2021 of 10 December 2021”, and the starting year for the reporting of data shall be the year thereafter.

(k) For the purposes of point 1.1. of Annex II, the EFTA Surveillance Authority shall establish an email address for notifications under this Regulation.


The provisions of 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 Articles 4, 5(1), 6 and 9(2), the words “, or, in the case of a manufacturer established in the EFTA States, the EFTA Surveillance Authority in close cooperation with the Commission,” shall be inserted after the word “Commission”.

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

“Where the manufacturer is established in an EFTA State, the EFTA Surveillance Authority shall impose the excess CO₂ emissions premium.

The amounts of the excess CO₂ emissions premium shall be distributed between the Commission and the EFTA Surveillance Authority proportionally to the share of the registrations of new heavy duty vehicles registered in the EU or in the EFTA States, respectively, relative to the total number of new heavy duty vehicles registered in the EEA.”

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

“The EFTA States shall determine the allocation of the amounts of the excess CO₂ emissions premiums for manufacturers established in the EFTA states.”

(d) This Regulation shall not apply to Liechtenstein.

^[12] ] Point and adaptation text inserted by Decision No 396/2021 (OJ L, [to be published] and EEA Supplement No [to be published]), e.i.f. pending.


21azkd.\[\textit{(47)}\]\textbf{32021 R 0941}: Commission Implementing Regulation (EU) 2021/941 of 10 June 2021 laying down a specific procedure for identifying heavy-duty vehicles certified as vocational vehicles but not registered as such and applying corrections to the annual average specific CO\(_2\) emissions of a manufacturer to take those vehicles into account (OJ L 205, 11.6.2021, p. 77).


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

(a) In Article 4(1), the words “and the EFTA Surveillance Authority as regards manufacturers and pools of manufacturers established in the EFTA States” shall be inserted after the word “Commission”.

(b) In the first paragraph of Article 5 the words “or the EFTA Surveillance Authority as regards manufacturers established in the EFTA States” shall be inserted after the word “Commission”.

(c) In Article 6(3) and (5), the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “Commission”.

\[\textit{(42)}\] Point inserted by Decision No 160/2022 (OJ L 246, 22.9.2022, p. 128 and EEA Supplement No 61, 22.9.2022, p. 124), e.i.f. pending.
\[\textit{(43)}\] Point and indent inserted by Decision No 198/2022 (OJ L 267, 13.10.2022, p. 52 and EEA Supplement No 66, 13.10.2022, p. 50), e.i.f. pending.
\[\textit{(44)}\] Point inserted by Decision No 106/2023 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.
\[\textit{(45)}\] Point inserted by Decision No 26/2022 (OJ L 75, 30.6.2022, p. 43 and EEA Supplement No 42, 30.6.2022, p. 40), e.i.f. pending.
\[\textit{(46)}\] Point inserted by Decision No 81/2022 (OJ L 182, 7.7.2022, p. 70 and EEA Supplement No 45, 7.7.2022, p. 58), e.i.f. pending.
\[\textit{(47)}\] Point inserted by Decision No 82/2022 (OJ L 182, 7.7.2022, p. 72 and EEA Supplement No 45, 7.7.2022, p. 60), e.i.f. pending.
In Article 6(4), the words “the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “Commission”.

In Articles 9(3) and 12, as regards the EFTA States, the word “2022” shall read “2023”.

In Articles 9(3) and 12, the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “Commission”.


21azm.\{\textsuperscript{45}\} 32022 D 2087: Commission Implementing Decision (EU) 2022/2087 of 26 September 2022 confirming or amending the provisional calculation of the average specific emissions of CO\textsubscript{2} and the specific emissions targets for manufacturers of passenger cars and light commercial vehicles for the calendar year 2020 and informing manufacturers of the values to be used for the calculation of the specific emissions targets and derogation targets for the calendar years 2021 to 2024 pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council (OJ L 280, 28.10.2022, p. 49).

IV. CHEMICALS, INDUSTRIAL RISK AND BIOTECHNOLOGY

21b. [ ] \{\textsuperscript{46}\}


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

(a) In Article 2(6), the words “Article 28(2) TFUE” shall be replaced by the words “Article 8 of the EEA Agreement”.


\{\textsuperscript{45}\} Point inserted by Decision No 74/2023 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 18.3.2023.


In Article 2(6) and (7), the words “or the territories of the EFTA States” shall be inserted after the words “the customs territory of the Union”.

In Article 2(7), the words “other than the external Union transit procedure” shall not apply as regards the EFTA States.

The export and import restrictions in Articles 3, 4 and 5 shall not apply between the EU and the EFTA States. This is without prejudice to stricter export and import 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 is not exported from or imported to the EU via an EFTA State.

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

“When an economic operator has notified competent authorities in an EFTA State in accordance with paragraph 3 and the EFTA State considers that the criteria referred to in the first subparagraph of paragraph 6 are fulfilled, the EFTA State shall forward the notification to the Commission. The EFTA State concerned shall inform the Commission of cases in which it considers that the criteria referred to in the first subparagraph of paragraph 6 were not fulfilled”.

The following subparagraph shall be added in Article 8(6):

“Commission implementing acts, specifying whether a relevant new mercury-added product or new manufacturing process is authorised, are generally applicable and shall be incorporated into the EEA Agreement”.

In Article 10(1), the words “From 1 January 2019” shall, as regards the EFTA States, read “As from one year after the entry into force of Decision of the EEA Joint Committee No 158/2021 of 23 April 2021”.

In Article 10(2), the words “From 1 July 2018” shall, as regards the EFTA States, read “As from six months after the entry into force of Decision of the EEA Joint Committee No 158/2021 of 23 April 2021”.

In Article 10(3), the words “By 1 July 2019” shall, as regards the EFTA States, read “As from eighteen months after the entry into force of Decision of the EEA Joint Committee No 158/2021 of 23 April 2021”.

In Article 10(4), the words “From 1 January 2019” shall, as regards the EFTA States, read “As from one year after the entry into force of Decision of the EEA Joint Committee No 158/2021 of 23 April 2021”.

In Article 10(4)(a), the words “from 1 January 2018” shall, as regards the EFTA States, read “from the entry into force of Decision of the EEA Joint Committee No 158/2021 of 23 April 2021”.

In Article 10(4)(b), the words “from 1 January 2021” shall, as regards the EFTA States, read “as from three years after the entry into force of Decision of the EEA Joint Committee No 158/2021 of 23 April 2021”.

In Article 18(1), the words “By 1 January 2020” shall, as regards the EFTA States, read “As from two years after the entry into force of Decision of the EEA Joint Committee No 158/2021 of 23 April 2021”.

Article 18(1)(b) shall not apply to the EFTA States.

22aa.[408] 32019 D 1752: Commission Implementing Decision (EU) 2019/1752 of 25 February 2019 establishing questionnaires, as well as the format and frequency of reports to be prepared by the Member States in


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

Article 1 and Annex I shall not apply to the EFTA States.


23a.  


23c.  


24a.  


24c. [**] **

25. [**] **

25a. [**] **

25b. [**] **


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

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


[**] Indent and words “ ..., 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.


[**] Indent added by Decision No 234/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.
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.

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.

\[\text{[(a)]}\] 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. [ ] 25f.\[\text{[(a)]}\]


\[\text{[(a)]}\] 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. []


- **[21]**

*I 94 N: Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments of the Treaties on which the*

32a. [ ] (32)


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


32ab. [ ] (327)

32b. [ ] (328)


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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 of waste 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(9) the words “or into the territory of the EFTA States” shall be added after the words “customs territory of the Community”.

32ca. [ ]


\[\text{[559]}\] 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.

\[\text{[560]}\] Indents added by Decision No 84/2022 (OJ L 182, 7.7.2022, p. 75 and EEA Supplement No 45, 7.7.2022, p. 63), e.i.f. 19.3.2022.


\[\^{70}\] 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.


\[\^{73}\] Indent added by Decision No 159/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 24.4.2021.

\[\^{74}\] Indent added by Decision No 186/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 12.6.2021.


\[\^{76}\] Indent added by Decision No 169/2023 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 14.6.2023.


32f. [ ]


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

Articles 7, 11 and 16 shall not apply to Liechtenstein.


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

This Regulation shall not apply to Liechtenstein.


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[8] Point inserted by Decision No 135/2004 (OJ L 64, 10.3.2005, p. 76 and EEA Supplement No 12, 10.3.2005, p. 54), e.i.f. 25.9.2004

32fd. [ ]


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[885] Point inserted by Decision No 80/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.l.f. 6.2.2021.

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

Article 9(4), (5), (7) and (8) and Article 37(3) shall not apply to Liechtenstein.


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’.


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[602] Indent added by Decision No 285/2015 (OJ L [to be published] and EEA Supplement No [to be published]), c.f. 1.11.2015. Corrigendum to the EU act subsequently taken note of by the EEA Joint Committee on 18.3.2016.


[604] Indent and adaptation text added by Decision No 318/2021 (OJ L [to be published] and EEA Supplement No [to be published]), c.f. pending.


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

For the purposes of Article 3 and Annex I, Liechtenstein shall use an equivalent method to determine the weight of the municipal waste recycled.


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.

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[406] Point and adaptation text inserted by Decision No 318/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. pending.
[407] Point inserted by Decision No 86/2022 (OJ L 182, 7.7.2022, p. 78 and EEA Supplement No 45, 7.7.2022, p. 66), e.i.f. pending.
[408] Point inserted by Decision No 86/2022 (OJ L 182, 7.7.2022, p. 78 and EEA Supplement No 45, 7.7.2022, p. 66), e.i.f. pending.
[409] Point inserted by Decision No 87/2022 (OJ L 182, 7.7.2022, p. 80 and EEA Supplement No 45, 7.7.2022, p. 68), e.i.f. pending.
(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.”


- 32020 D 0095: Commission Implementing Decision (EU) 2020/95 of 22 January 2020 (OJ L 18, 23.1.2020, p. 6),


\[^{417}\] Indent added by Decision No 96/2019 (OJ L 210, 2.7.2020, p. 82 and EEA Supplement No 44, 2.7.2020, p. 99), e.i.f. 30.3.2019.


VI. Noise


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

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


35. [ ] \(^{654}\)

36. [ ] \(^{655}\)

37. [ ] \(^{657}\)

38. [ ] \(^{658}\)


40. [ ] \(^{660}\)


\(^{655}\) Text of point 36 (Council Resolution (89/C273/01)) deleted by Decision No 80/2013 (OJ L 291, 31.10.2013, p. 39 and EEA Supplement No 61, 31.10.2013, p. 44), e.i.f. 4.5.2013.

\(^{657}\) Text of point 37 (Council Resolution (90/C122/02)) deleted by Decision No 80/2013 (OJ L 291, 31.10.2013, p. 39 and EEA Supplement No 61, 31.10.2013, p. 44), e.i.f. 4.5.2013.


42. [ ] [442]


APPENDIX TO ANNEX XX [444] [ ]

