

**DECISION OF THE EEA JOINT COMMITTEE****No 26/2016****of 5 February 2016****amending Annex II (Technical regulations, standards, testing and certification) and Annex IV (Energy) to the EEA Agreement [2017/1309]**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Commission Implementing Decision 2011/435/EU of 19 July 2011 on the recognition of the 'Roundtable of Sustainable Biofuels EU RED' scheme for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council <sup>(1)</sup>, as corrected by OJ L 253, 20.9.2012, p. 32, is to be incorporated into the EEA Agreement.
- (2) Commission Implementing Decision 2011/436/EU of 19 July 2011 on the recognition of the 'Abengoa RED Bioenergy Sustainability Assurance' scheme for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council <sup>(2)</sup> is to be incorporated into the EEA Agreement.
- (3) Commission Implementing Decision 2011/437/EU of 19 July 2011 on the recognition of the 'Biomass Biofuels Sustainability voluntary scheme' for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council <sup>(3)</sup> is to be incorporated into the EEA Agreement.
- (4) Commission Implementing Decision 2011/438/EU of 19 July 2011 on the recognition of the 'International Sustainability and Carbon Certification' scheme for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council <sup>(4)</sup> is to be incorporated into the EEA Agreement.
- (5) Commission Implementing Decision 2011/439/EU of 19 July 2011 on the recognition of the 'Bonsucro EU' scheme for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council <sup>(5)</sup> is to be incorporated into the EEA Agreement.
- (6) Commission Implementing Decision 2011/440/EU of 19 July 2011 on the recognition of the 'Round Table on Responsible Soy EU RED' scheme for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council <sup>(6)</sup> is to be incorporated into the EEA Agreement.
- (7) Commission Implementing Decision 2011/441/EU of 19 July 2011 on the recognition of the 'Greenery Brazilian Bioethanol verification programme' scheme for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council <sup>(7)</sup> is to be incorporated into the EEA Agreement.
- (8) Commission Implementing Decision 2012/210/EU of 23 April 2012 on recognition of the 'Ensus voluntary scheme under RED for Ensus bioethanol production' for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 98/70/EC of the European Parliament and of the Council <sup>(8)</sup> is to be incorporated into the EEA Agreement.

<sup>(1)</sup> OJ L 190, 21.7.2011, p. 73.

<sup>(2)</sup> OJ L 190, 21.7.2011, p. 75.

<sup>(3)</sup> OJ L 190, 21.7.2011, p. 77.

<sup>(4)</sup> OJ L 190, 21.7.2011, p. 79.

<sup>(5)</sup> OJ L 190, 21.7.2011, p. 81.

<sup>(6)</sup> OJ L 190, 21.7.2011, p. 83.

<sup>(7)</sup> OJ L 190, 21.7.2011, p. 85.

<sup>(8)</sup> OJ L 110, 24.4.2012, p. 42.

- (9) Commission Implementing Decision 2012/395/EU of 16 July 2012 on recognition of the 'Red Tractor Farm Assurance Combinable Crops & Sugar Beet Scheme' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council <sup>(1)</sup> is to be incorporated into the EEA Agreement.
- (10) Commission Implementing Decision 2012/432/EU of 24 July 2012 on recognition of the 'REDcert' scheme for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council <sup>(2)</sup> is to be incorporated into the EEA Agreement.
- (11) Commission Implementing Decision 2012/452/EU of 31 July 2012 on recognition of the 'NTA 8080' scheme for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council <sup>(3)</sup> is to be incorporated into the EEA Agreement.
- (12) Commission Implementing Decision 2012/722/EU of 23 November 2012 on recognition of the 'Roundtable on Sustainable Palm Oil RED' scheme for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council <sup>(4)</sup> is to be incorporated into the EEA Agreement.
- (13) Commission Implementing Decision 2013/256/EU of 30 May 2013 on recognition of the 'Biograce GHG calculation tool' scheme for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council <sup>(5)</sup> is to be incorporated into the EEA Agreement.
- (14) Commission Implementing Decision 2014/6/EU of 9 January 2014 on recognition of the 'HVO Renewable Diesel Scheme for Verification of Compliance with the RED sustainability criteria for biofuels' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council <sup>(6)</sup> is to be incorporated into the EEA Agreement.
- (15) Commission Implementing Decision 2014/324/EU of 3 June 2014 on recognition of the 'Gafta Trade Assurance Scheme' for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 98/70/EC of the European Parliament and of the Council <sup>(7)</sup> is to be incorporated into the EEA Agreement.
- (16) Commission Implementing Decision 2014/325/EU of 3 June 2014 on recognition of the 'KZR INiG System' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council <sup>(8)</sup> is to be incorporated into the EEA Agreement.
- (17) Commission Implementing Decision 2014/666/EU of 17 September 2014 on recognition of the 'Trade Assurance Scheme for Combinable Crops' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council <sup>(9)</sup> is to be incorporated into the EEA Agreement.
- (18) Commission Implementing Decision 2014/667/EU of 17 September 2014 on recognition of the 'Universal Feed Assurance Scheme' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council <sup>(10)</sup> is to be incorporated into the EEA Agreement.
- (19) Commission Implementing Decision (EU) 2015/887 of 9 June 2015 on recognition of the 'Scottish Quality Farm Assured Combinable Crops Limited' scheme for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council and repealing Commission Implementing Decision 2012/427/EU <sup>(11)</sup> is to be incorporated into the EEA Agreement.
- (20) Annexes II and IV to the EEA Agreement should therefore be amended accordingly,

<sup>(1)</sup> OJL 187, 17.7.2012, p. 62.

<sup>(2)</sup> OJL 199, 26.7.2012, p. 24.

<sup>(3)</sup> OJL 205, 1.8.2012, p. 17.

<sup>(4)</sup> OJL 326, 24.11.2012, p. 53.

<sup>(5)</sup> OJL 147, 1.6.2013, p. 46.

<sup>(6)</sup> OJL 5, 10.1.2014, p. 3.

<sup>(7)</sup> OJL 165, 4.6.2014, p. 53.

<sup>(8)</sup> OJL 165, 4.6.2014, p. 56.

<sup>(9)</sup> OJL 276, 18.9.2014, p. 49.

<sup>(10)</sup> OJL 276, 18.9.2014, p. 51.

<sup>(11)</sup> OJL 144, 10.6.2015, p. 17.

HAS ADOPTED THIS DECISION:

*Article 1*

The following points are inserted after point 6a (Directive 98/70/EC of the European Parliament and of the Council) of Chapter XVII of Annex II to the EEA Agreement:

- ‘6aa. **2011 D 0435:** Commission Implementing Decision 2011/435/EU of 19 July 2011 on the recognition of the ‘Roundtable of Sustainable Biofuels EU RED’ scheme for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council (OJ L 190, 21.7.2011, p. 73), as corrected by OJ L 253, 20.9.2012, p. 32.
- 6ab. **2011 D 0436:** Commission Implementing Decision 2011/436/EU of 19 July 2011 on the recognition of the ‘Abengoa RED Bioenergy Sustainability Assurance’ scheme for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council (OJ L 190, 21.7.2011, p. 75).
- 6ac. **2011 D 0437:** Commission Implementing Decision 2011/437/EU of 19 July 2011 on the recognition of the ‘Biomass Biofuels Sustainability voluntary scheme’ for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council (OJ L 190, 21.7.2011, p. 77).
- 6ad. **2011 D 0438:** Commission Implementing Decision 2011/438/EU of 19 July 2011 on the recognition of the ‘International Sustainability and Carbon Certification’ scheme for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council (OJ L 190, 21.7.2011, p. 79).
- 6ae. **2011 D 0439:** Commission Implementing Decision 2011/439/EU of 19 July 2011 on the recognition of the ‘Bonsucro EU’ scheme for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council (OJ L 190, 21.7.2011, p. 81).
- 6af. **2011 D 0440:** Commission Implementing Decision 2011/440/EU of 19 July 2011 on the recognition of the ‘Round Table on Responsible Soy EU RED’ scheme for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council (OJ L 190, 21.7.2011, p. 83).
- 6ag. **2011 D 0441:** Commission Implementing Decision 2011/441/EU of 19 July 2011 on the recognition of the ‘Greenery Brazilian Bioethanol verification programme’ scheme for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council (OJ L 190, 21.7.2011, p. 85).
- 6ah. **2012 D 0210:** Commission Implementing Decision 2012/210/EU of 23 April 2012 on recognition of the ‘Ensus voluntary scheme under RED for Ensus bioethanol production’ for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 98/70/EC of the European Parliament and of the Council (OJ L 110, 24.4.2012, p. 42).
- 6ai. **2012 D 0395:** Commission Implementing Decision 2012/395/EU of 16 July 2012 on recognition of the ‘Red Tractor Farm Assurance Combinable Crops & Sugar Beet Scheme’ for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council (OJ L 187, 17.7.2012, p. 62).
- 6aj. **2012 D 0432:** Commission Implementing Decision 2012/432/EU of 24 July 2012 on recognition of the ‘REDCert’ scheme for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council (OJ L 199, 26.7.2012, p. 24).
- 6ak. **2012 D 0452:** Commission Implementing Decision 2012/452/EU of 31 July 2012 on recognition of the ‘NTA 8080’ scheme for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council (OJ L 205, 1.8.2012, p. 17).
- 6al. **2012 D 0722:** Commission Implementing Decision 2012/722/EU of 23 November 2012 on recognition of the ‘Roundtable on Sustainable Palm Oil RED’ scheme for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council (OJ L 326, 24.11.2012, p. 53).

- 6am. **2013 D 0256:** Commission Implementing Decision 2013/256/EU of 30 May 2013 on recognition of the 'Biograce GHG calculation tool' scheme for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council (OJ L 147, 1.6.2013, p. 46).
- 6an. **2014 D 0006:** Commission Implementing Decision 2014/6/EU of 9 January 2014 on recognition of the 'HVO Renewable Diesel Scheme for Verification of Compliance with the RED sustainability criteria for biofuels' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council (OJ L 5, 10.1.2014, p. 3).
- 6ao. **2014 D 0324:** Commission Implementing Decision 2014/324/EU of 3 June 2014 on recognition of the 'Gafta Trade Assurance Scheme' for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 98/70/EC of the European Parliament and of the Council (OJ L 165, 4.6.2014, p. 53).
- 6ap. **2014 D 0325:** Commission Implementing Decision 2014/325/EU of 3 June 2014 on recognition of the 'KZR INiG System' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council (OJ L 165, 4.6.2014, p. 56).
- 6aq. **2014 D 0666:** Commission Implementing Decision 2014/666/EU of 17 September 2014 on recognition of the 'Trade Assurance Scheme for Combinable Crops' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council (OJ L 276, 18.9.2014, p. 49).
- 6ar. **2014 D 0667:** Commission Implementing Decision 2014/667/EU of 17 September 2014 on recognition of the 'Universal Feed Assurance Scheme' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council (OJ L 276, 18.9.2014, p. 51).
- 6as. **2015 D 0887:** Commission Implementing Decision (EU) 2015/887 of 9 June 2015 on recognition of the 'Scottish Quality Farm Assured Combinable Crops Limited' scheme for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council and repealing Commission Implementing Decision 2012/427/EU (OJ L 144, 10.6.2015, p. 17).'

#### Article 2

The following is added in point 41 (Directive 2009/28/EC of the European Parliament and of the Council) of Annex IV to the EEA Agreement:

'Decisions on recognition of voluntary schemes for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council are referred to in Chapter XVII of Annex II.'

#### Article 3

The texts of Implementing Decisions 2011/435/EU, as corrected by OJ L 253, 20.9.2012, p. 32, 2011/436/EU, 2011/437/EU, 2011/438/EU, 2011/439/EU, 2011/440/EU, 2011/441/EU, 2012/210/EU, 2012/395/EU, 2012/432/EU, 2012/452/EU, 2012/722/EU, 2013/256/EU, 2014/6/EU, 2014/324/EU, 2014/325/EU, 2014/666/EU, 2014/667/EU and (EU) 2015/887 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

#### Article 4

This Decision shall enter into force on 6 February 2016, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (\*).

(\*) No constitutional requirements indicated.

*Article 5*

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 5 February 2016.

*For the EEA Joint Committee*  
*The President*  
Claude MAERTEN

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