

DECISION OF THE EEA JOINT COMMITTEE

No 99/2018

of 27 April 2018

amending Annex XX (Environment) to the EEA Agreement [2020/1459]

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) Regulation (EU) 2017/2392 of the European Parliament and of the Council of 13 December 2017 amending Directive 2003/87/EC to continue current limitations of scope for aviation activities and to prepare to implement a global market-based measure from 2021 ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) This Joint Committee Decision does not affect the autonomy of the Contracting Parties with respect to international negotiations on climate change, in particular in the context of the United Nations Framework Convention on Climate Change and the Kyoto Protocol or any other international agreement on climate change, other than in respect of aspects relevant to the EU Emission Trading Scheme (EU ETS) that are incorporated into the EEA Agreement. However, the EFTA States shall take due account of the obligations they have undertaken in the EEA Agreement. Each EFTA State is responsible for implementing policies and measures to comply with its international commitments under the United Nations Framework Convention on Climate Change, the Kyoto Protocol and any other international agreement related to climate change.
- (3) Budgetary issues are not part of the EEA Agreement. Financial contributions from the EFTA States to the EU Member States are negotiated through the EEA Financial Mechanisms. The application of the provisions of Directive 2003/87/EC of the European Parliament and of the Council ⁽²⁾ concerning these issues and the application of the criteria for distribution amongst certain EU Member States of certain percentages of the total quantity of allowances to be auctioned pursuant to points (b) and (c) of Article 10(2) and to Annexes IIa and IIb to Directive 2003/87/EC is therefore without prejudice to the scope of the EEA Agreement.
- (4) Annex XX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following indent is added in point 21a (Directive 2003/87/EC of the European Parliament and of the Council) of Annex XX to the EEA Agreement:

‘— **32017 R 2392**: Regulation (EU) 2017/2392 of the European Parliament and of the Council of 13 December 2017 (OJ L 350, 29.12.2017, p. 7).’.

Article 2

The text of Regulation (EU) 2017/2392 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 28 April 2018, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

⁽¹⁾ OJ L 350, 29.12.2017, p. 7.

⁽²⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

(*) No constitutional requirements indicated.

Article 4

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

Done at Brussels, 27 April 2018.

For the EEA Joint Committee
The President
Claude MAERTEN

**Declaration by the EFTA States to Decision No 99/2018 incorporating Regulation (EU) 2017/2392
into the EEA Agreement**

Regulation (EU) 2017/2392 states that revenues generated from the auctioning of allowances for aviation should be used to tackle climate change. The application of this provision by the EFTA States is without prejudice to the scope of the EEA Agreement.
