

DECISION OF THE EEA JOINT COMMITTEE
No 144/2020

of 25 September 2020

amending Annex XX (Environment) to the EEA Agreement

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 Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council¹ is to be incorporated into the EEA Agreement.
- (2) Delegated Regulation (EU) 2019/331 repeals, with effect from 1 January 2021, Commission Decision 2011/278/EU², which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement with effect from 1 January 2021.
- (3) Annex XX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XX to the EEA Agreement shall be amended as follows:

1. The following is inserted after point 21alk (Commission Delegated Regulation (EU) 2019/856):
‘21all. **32019 R 0331**: Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 59, 27.2.2019, p. 8).

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.”

¹ OJ L 59, 27.2.2019, p. 8.

² OJ L 130, 17.5.2011, p. 1.

2. The text of point 21alc (Commission Decision 2011/278/EU) shall be deleted with effect from 1 January 2021.

Article 2

The text of Delegated Regulation (EU) 2019/331 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 26 September 2020, provided that all the notifications under Article 103(1) of the EEA Agreement have been made*, or on the day of the entry into force of Decision of the EEA Joint Committee No 112/2020 of 14 July 2020³, whichever is the later.

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, 25 September 2020.

*For the EEA Joint Committee
The President*

Sabine Monauni

*The Secretaries
To the EEA Joint Committee*

Hege M. Hoff

Mikołaj Karłowski

* No constitutional requirements indicated.
³ OJ L ...