

**DECISION OF THE EEA JOINT COMMITTEE No 168/2020**  
**of 23 October 2020**  
**amending Annex XX (Environment) to the EEA Agreement [2023/1743]**

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) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO<sub>2</sub> emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 <sup>(1)</sup> is to be incorporated into the EEA Agreement.
- (2) Regulation (EU) 2019/631 repeals, with effect from 1 January 2020, Regulations (EC) No 443/2009 <sup>(2)</sup> and (EU) No 510/2011 of the European Parliament and of the Council <sup>(3)</sup>, which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement.
- (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 point is inserted after point 21ayf (Commission Implementing Decision (EU) 2019/313):

‘21az. **32019 R 0631**: Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO<sub>2</sub> emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (OJ L 111, 25.4.2019, p. 13).

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

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

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

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

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

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

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

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

<sup>(1)</sup> OJ L 111, 25.4.2019, p. 13.

<sup>(2)</sup> OJ L 140, 5.6.2009, p. 1.

<sup>(3)</sup> OJ L 145, 31.5.2011, p. 1.

(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.”

2. The texts of points 21ae (Regulation (EC) No 443/2009) and 21ay (Regulation (EU) No 510/2011) are deleted.

## Article 2

The text of Regulation (EU) 2019/631 of 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 24 October 2020, or on the day following the last notification to the EEA Joint Committee under Article 103(1) of the EEA Agreement, 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, 23 October 2020.

*For the EEA Joint Committee*  
*The President*  
Sabine MONAUNI

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\* Constitutional requirements indicated.