

DECISION OF THE EEA JOINT COMMITTEE
No 126/2021

of 19 March 2021

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) 2019/1122 of 12 March 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the functioning of the Union Registry¹ is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2019/1124 of 13 March 2019 amending Delegated Regulation (EU) 2019/1122 as regards the functioning of the Union Registry under Regulation (EU) 2018/842 of the European Parliament and of the Council² is to be incorporated into the EEA Agreement.
- (3) By virtue of Decision of the EEA Joint Committee No 269/2019 of 25 October 2019, Regulation (EU) 2018/842 does not apply to Liechtenstein.
- (4) Annex XX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is inserted after point 21ana (Commission Regulation (EU) No 389/2013) of Annex XX to the EEA Agreement:

‘21anb. **32019 R 1122**: Commission Delegated Regulation (EU) 2019/1122 of 12 March 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the functioning of the Union Registry (OJ L 177, 2.7.2019, p. 3), as amended by:

- **32019 R 1124**: Commission Delegated Regulation (EU) 2019/1124 of 13 March 2019 (OJ L 177, 2.7.2019, p. 66).

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).

¹ OJ L 177, 2.7.2019, p. 3.

² OJ L 177, 2.7.2019, p. 66.

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.”

Article 2

The text of Delegated Regulations (EU) 2019/1122 and (EU) 2019/1124 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 20 March 2021, provided that all the notifications under Article 103(1) of the EEA Agreement have been made*.

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, 19 March 2021.

*For the EEA Joint Committee
The President*

Clara Ganslandt

*The Secretaries
To the EEA Joint Committee*

Hege M. Hoff

Mikołaj Karłowski

* No constitutional requirements indicated.