

DECISION OF THE EEA JOINT COMMITTEE
No 297/2021

of 29 October 2021

amending Annex IV (Energy) 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 Regulation (EU) No 838/2010 of 23 September 2010 on laying down guidelines relating to the inter-transmission system operator compensation mechanism and a common regulatory approach to transmission charging¹ is to be incorporated into the EEA Agreement.
- (2) Close cooperation between TSOs and regulators should ensure that sensitive information, such as detailed information about electrical substations, exact location of underground transmission, information about control systems and detailed vulnerability analyses that can be used for sabotage, is effectively protected.
- (3) Commission Regulation (EU) No 774/2010² has expired in the EU and should consequently be repealed under the EEA Agreement.
- (4) Annex IV to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The text of point 40 (Commission Regulation (EU) No 774/2010) shall be replaced by the following:

‘32010 R 0838: Commission Regulation (EU) No 838/2010 of 23 September 2010 on laying down guidelines relating to the inter-transmission system operator compensation mechanism and a common regulatory approach to transmission charging (OJ L 250, 24.9.2010, p. 5).

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

- (a) The following shall be added to points 4.1 to 4.3 of Part A of the Annex:

“Agreements between TSOs may ensure that sensitive information is effectively protected and help guaranteeing that all information which is necessary to implement the ITC mechanism is submitted without delay.”
- (b) The first sentence of point 3 of part B of the Annex shall be replaced with the following:

¹ OJ L 250, 24.9.2010, p. 5.

² OJ L 233, 3.9.2010, p. 1.

“The value of the annual average transmission charges paid by producers shall be within a range of 0 to 0,5 EUR/MWh, except those applying in Denmark, Sweden, Finland, Norway, Iceland, Romania, Ireland, Great Britain and Northern Ireland.”

- (c) The second sentence of point 3 of part B of the Annex shall be replaced with the following:

“The value of the annual average transmission charges paid by producers in Denmark, Sweden, Finland, Norway and Iceland shall be within a range of 0 to 1,2 EUR/MWh.”

Article 2

The text of Regulation (EU) No 838/2010 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 30 October 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, 29 October 2021.

*For the EEA Joint Committee
The President*

Rolf Einar Fife

*The Secretaries
To the EEA Joint Committee*

Hege M. Hoff

Mikołaj Karłowski

* No constitutional requirements indicated.