

DECISION OF THE EEA JOINT COMMITTEE
No 396/2021

of 10 December 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) Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles¹ is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2019/888 of 13 March 2019 amending Annex I to Regulation (EU) 2018/956 of the European Parliament and of the Council as regards the data on new heavy-duty vehicles to be monitored and reported by Member States and by manufacturers² is to be incorporated into the EEA Agreement.
- (3) Annex XX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is inserted after point 21azj (Commission Implementing Decision (EU) 2021/973) of Annex XX to the EEA Agreement:

‘21azk. **32018 R 0956**: Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles (OJ L 173, 9.7.2018, p. 1), as amended by:

- **32019 R 0888**: Commission Delegated Regulation (EU) 2019/888 of 13 March 2019 (OJ L 142, 29.5.2019, p. 43).

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

- (a) In Article 4(1), as regards the EFTA States, the words “1 January 2019” shall be replaced by the words “from 1 July of the year following the entry into force of Decision of the EEA Joint Committee No 396/2021 of 10 December 2021”.
- (b) As regards the EFTA States, the second subparagraph of Article 4(1) shall read as follows:

“By 30 September each year, starting in the year following the year mentioned in the first subparagraph of this provision, the competent authorities of the EFTA

¹ OJ L 173, 9.7.2018, p. 1.

² OJ L 142, 29.5.2019, p. 43.

States shall report those data to the Commission in accordance with the reporting procedure set out in Annex II. The EFTA States shall notify the EFTA Surveillance Authority, by email to the address established pursuant to point 1.1 of Annex II, when data are transmitted to the Commission.”

(c) The following shall be added to Article 4(2):

“With regard to Liechtenstein, the competent authority responsible for the monitoring and reporting of data in accordance with this Regulation is the National Road Office (Amt für Strassenverkehr).”

(d) As regards the EFTA States, the second subparagraph of Article 5(1) shall read as follows:

“By 30 September each year, from the starting years set out in point 1 of Part B of Annex I, manufacturers of heavy-duty vehicles established in an EFTA State shall report those data for each new heavy-duty vehicle with a date of simulation falling within the preceding calendar year to the Commission in accordance with the reporting procedure set out in Annex II. The contact point shall notify the EFTA Surveillance Authority, by email to the address established pursuant to point 1.1 of Annex II, when data are transmitted to the Commission.”

(e) The data reported by the EFTA States and by manufacturers established in the EFTA States shall also be kept in the Central Register referred to in Article 6. The EFTA Surveillance Authority shall have access to the relevant parts of the Central Register.

(f) In Article 8(1), the words “and, as the case may be, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(g) Article 8(2) shall, for the EFTA States, read as follows: “The EFTA Surveillance Authority shall, in close cooperation with the Commission, carry out its own verification of the quality of the data reported pursuant to Articles 4 and 5.”

(h) In Article 9(1), as regards manufacturers established in an EFTA State, the words “the Commission” shall be replaced by the words “the EFTA Surveillance Authority”. The EFTA Surveillance Authority shall cooperate closely with the Commission when it assesses whether to impose administrative fines on manufacturers established in an EFTA State.

(i) The following subparagraph shall be added in Article 9(4):

“As regards administrative fines imposed on manufacturers established in the EFTA States, the EFTA States shall determine the allocation of the amounts of the administrative fines.”

(j) In Part B of Annex I, for manufacturers established in the EFTA States, the starting year for the monitoring of data shall be the year following the entry into force of Decision of the EEA Joint Committee No 396/2021 of 10 December 2021”, and the starting year for the reporting of data shall be the year thereafter.

(k) For the purposes of point 1.1. of Annex II, the EFTA Surveillance Authority shall establish an email address for notifications under this Regulation.’

Article 2

The texts of Regulation (EU) 2018/956 and Delegated Regulation (EU) 2019/888 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 11 December 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, 10 December 2021.

*For the EEA Joint Committee
The President*

Rolf Einar Fife

*The Secretaries
To the EEA Joint Committee*

Hege M. Hoff

Mikołaj Karłowski

* Constitutional requirements indicated.