

DECISION OF THE EEA JOINT COMMITTEE
No 398/2021

of 10 December 2021

**amending Annex II (Technical regulations, standards, testing and certification) and
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) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC¹ is to be incorporated into the EEA Agreement.
- (2) Annexes II and XX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following indent is added in point 45zzk (Regulation (EC) No 595/2009 of the European Parliament and of the Council) of Chapter I to Annex II to the EEA Agreement:

- ‘- **32019 R 1242:** Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 (OJ L 198, 25.7.2019, p. 202).’

Article 2

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

1. The following indent is added in point 21azk (Regulation (EU) 2018/956 of the European Parliament and of the Council):

‘- **32019 R 1242:** Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 (OJ L 198, 25.7.2019, p. 202).’

2. The following is inserted after point 21azk (Regulation (EU) 2018/956 of the European Parliament and of the Council):

‘21azka. **32019 R 1242:** Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and

¹ OJ L 198, 25.7.2019, p. 202.

(EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC (OJ L 198, 25.7.2019, p. 202).

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

- (a) Without prejudice to Protocol 1 to the Agreement, in Articles 4, 5(1), 6 and 9(2), the words “, or, in the case of a manufacturer established in the EFTA States, the EFTA Surveillance Authority in close cooperation with the Commission,” shall be inserted after the word “Commission”.
- (b) The following subparagraphs shall be added in Article 8(1):
- “Where the manufacturer is established in an EFTA State, the EFTA Surveillance Authority shall impose the excess CO₂ emissions premium.
- The amounts of the excess CO₂ emissions premium shall be distributed between the Commission and the EFTA Surveillance Authority proportionally to the share of the registrations of new heavy duty vehicles registered in the EU or in the EFTA States, respectively, relative to the total number of new heavy duty vehicles registered in the EEA.”
- (c) The following subparagraph shall be added in Article 8(4):
- “The EFTA States shall determine the allocation of the amounts of the excess CO₂ emissions premiums for manufacturers established in the EFTA states.”
- (d) This Regulation shall not apply to Liechtenstein.’

Article 3

The text of Regulation (EU) 2019/1242 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 4

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*, or on the day of the entry into force of Decision of the EEA Joint Committee No 396/2021 of 10 December 2021², whichever is the later.

Article 5

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*

* Constitutional requirements indicated.

² OJ L ...

Rolf Einar Fife

*The Secretaries
To the EEA Joint Committee*

Hege M. Hoff

Mikołaj Karłowski

Not yet published