

DECISION OF THE EEA JOINT COMMITTEE
No 318/2023

of 8 December 2023

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 Delegated Regulation (EU) No 244/2012 of 16 January 2012 supplementing Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings by establishing a comparative methodology framework for calculating cost-optimal levels of minimum energy performance requirements for buildings and building elements¹ is to be incorporated into the EEA Agreement.
- (2) Due to the specificities of Iceland’s relatively recent and uniform building stock, a temporary and conditional exemption from applying Directive 2010/31/EU on the energy performance of buildings was agreed, pursuant to Decision of the EEA Joint Committee No 135/2022 of 29 April 2022 amending Annex IV (Energy) to the EEA Agreement. This exemption applies to Directive 2010/31/EU as in force before the amendment by Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018. Delegated Regulation (EU) No 244/2012 should therefore not apply to Iceland. The exemption is strictly limited in time and should apply only until an agreement is reached concerning incorporation of Directive 2010/31/EU as amended by Directive (EU) 2018/844 into the EEA Agreement. An agreement should be deemed to be reached once Directive 2010/31/EU as amended by Directive (EU) 2018/844 has been incorporated into the EEA Agreement.
- (3) Annex IV to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is inserted after point 17 (Directive 2010/31/EU of the European Parliament and of the Council) of Annex IV to the EEA Agreement:

- ‘17a. **32012 R 0244:** Commission Delegated Regulation (EU) No 244/2012 of 16 January 2012 supplementing Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings by establishing a comparative methodology framework for calculating cost-optimal levels of minimum energy performance requirements for buildings and building elements (OJ L 81, 21.3.2012, p. 18).

¹ OJ L 81, 21.3.2012, p. 18.

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

The Regulation shall not apply to Iceland.’

Article 2

The text of Delegated Regulation (EU) No 244/2012 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 9 December 2023, 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, 8 December 2023.

*For the EEA Joint Committee
The President*

Pascal Schafhauser

*The Secretaries
To the EEA Joint Committee*

Siri Veseth Meling

Matúš Minárik

* No constitutional requirements indicated.