Council Decision (EU) 2019/1843 of 24 October 2019 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Text with EEA relevance)

COUNCIL DECISION (EU) 2019/1843

of 24 October 2019

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 191 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area[(1)], and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement on the European Economic Area[(2)] ('the EEA Agreement') entered into force on 1 January 1994.

(2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Protocol 31 to the EEA Agreement.

(3) Protocol 31 to the EEA Agreement contains specific provisions on cooperation in specific fields outside the four freedoms.

(4) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement in Union actions to include Regulations (EU) 2018/841[(3)] and (EU) 2018/842[(4)] of the European Parliament and of the Council and related provisions from Regulations (EU) 2018/1999[(5)] and (EU) No 525/2013[(6)] of the European Parliament and of the Council and from Commission Implementing Regulation (EU) No 749/2014[(7)].

(5) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for that extended cooperation.

(6) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/1843. (See end of Document for details)*

Article 1

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment of Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Strasbourg, 24 October 2019.

For the Council

The President

A.-K. PEKONEN

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2019/1843. (See end of Document for details)*

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No […]

of […]

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ("the EEA Agreement"), and in particular Articles 86 and 98 thereof,

Whereas:

(1) The European Union, Iceland and Norway are committed to reduce their overall greenhouse gas emissions, in view of holding the increase in the global average temperature well below 2°C above pre#industrial levels, and to pursue efforts to limit the temperature increase to 1,5°C above pre#industrial levels.

(2) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU[(8)].

(3) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013[(9)].

(4) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to certain provisions of Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council[(10)], which are essential for the implementation of Regulations (EU) 2018/841 and (EU) 2018/842.

(5) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to certain provisions of Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC[(11)], which are essential for the implementation of Regulation (EU) 2018/842.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/1843. (See end of Document for details)*

(6) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to certain provisions of Commission Implementing Regulation (EU) No 749/2014 of 30 June 2014 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) No 525/2013 of the European Parliament and of the Council[12], which are essential for the implementation of Regulation (EU) 2018/842.

(7) By this Decision, Iceland and Norway are taking action to fulfil their emissions reduction targets of an at least 40 % reduction of greenhouse gas emissions by 2030 compared to 1990 levels.

(8) This Decision is without prejudice to how the EU, Iceland and Norway implement the Paris Agreement.

(9) Budgetary issues are not part of the EEA Agreement. The application of Article 5(6) of Regulation (EU) 2018/842 is therefore without prejudice to the scope of the EEA Agreement.

(10) The EFTA Surveillance Authority should coordinate closely with the European Commission whenever it is called to undertake tasks relating to Iceland and Norway pursuant to this Decision.

(11) The competences of the EFTA Surveillance Authority and the EFTA Court pursuant to this Decision are limited to the obligations hereby undertaken.

(12) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for that extended cooperation to take place,

HAS ADOPTED THIS DECISION:

Article 1

The following paragraph shall be inserted after paragraph 7 of Article 3 (Environment) of Protocol 31 to the EEA Agreement:

8. (a) Iceland and Norway will fulfil their respective greenhouse gas emission reduction targets for the period from 1 January 2021 to 31 December 2030 in accordance with the following acts:

— **32018 R 0841**: Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.06.2018, p. 1).

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

(i) In Article 6(2), the words “30 years” shall, for Iceland, be read as “50 years”.

(ii) The following shall be added to Article 8(7):

The EFTA States shall communicate their revised proposed forest reference levels to the EFTA Surveillance Authority no later than

nine months after the entry into force of Decision of the EEA Joint Committee No xx of xx/xxxx [this decision] for the period from 2021#2025. The EFTA Surveillance Authority shall publish the proposed forest reference levels communicated to it by the EFTA States.

(iii) Article 13(2)(a) shall, for the EFTA States, read as follows:

The EFTA State has submitted a strategy as set out below for the land use, land use change and forestry sector with a perspective of at least 30 years, including also ongoing or planned specific measures to ensure the conservation or enhancement, as appropriate, of forest sinks and reservoirs;

1. By 1 January 2020, each EFTA State shall prepare and submit to the EFTA Surveillance Authority its strategy for the land use, land use change and forestry sector with a perspective of at least 30 years. EFTA States should, where necessary, update these strategies by 1 January 2025.

2. The EFTA States' strategies shall contribute to:

   (a) fulfilling the EFTA States' commitments under the UNFCCC and the Paris Agreement to reduce anthropogenic greenhouse gas emissions and enhance removals by sinks and to promote increased carbon sequestration;

   (b) fulfilling the objective of the Paris Agreement of holding the increase in the global average temperature to well below 2 °C above pre# industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre# industrial levels;

   (c) achieving long#term greenhouse gas emission reductions and enhancements of removals by sinks to the extent relevant for the LULUCF sector, in accordance with the objective, in the context of necessary reductions according to the IPCC to reduce EFTA states greenhouse gas emissions in a cost#effective manner and enhance removals by sinks in pursuit of the temperature goals in the Paris Agreement so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.

3. The EFTA States' strategies shall cover:

   (a) emission reductions and enhancements of removals in land use, land#use change and