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ANNEX

ANNEX

to the

Proposal for a

COUNCIL DECISION

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex II (Technical regulations, standards, testing and certification) and Annex IV (Energy) to the EEA Agreement

(EED)

ANNEX

DRAFT DECISION OF THE EEA JOINT COMMITTEE

No […]

of […]

amending Annex II (Technical regulations, standards, testing and certification) and 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) Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC[1] is to be incorporated into the EEA Agreement.

(2) Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency[2] is to be incorporated into the EEA Agreement.

(3) The EFTA States are not included in the EU energy efficiency headline target of 20 percent energy savings by 2020. Article 3 of Directive 2012/27/EU should apply to the EFTA States except for the provisions in Article 3(1)(a) and 3(5).

(4) The EFTA States are not included in the EU energy efficiency 2030 headline targets of at least 32,5 percent. Article 1(1) of Directive 2012/27/EU, as amended by Directive (EU) 2018/2002, should therefore not apply to the EFTA States. The EFTA States shall instead set national indicative energy efficiency targets for 2030.

(5) The derogations for Iceland aim to ensure that energy efficiency measures are implemented in a cost-effective and appropriate manner to its situation with an isolated and nearly fossil-free energy system, with high levels of security of supply and energy independence. Iceland has an extensive deployment of renewable geothermal energy with special characteristics, which inter alia makes it necessary for Iceland to derogate from certain requirements as regards metering in Articles 9a, 9b and 9c.

(6) Article 5 of Directive 2012/27/EU, as amended by Directive (EU) 2018/2002, refers to minimum energy performance standards contained in Article 4 of Directive 2010/31/EU on the energy performance of buildings. Iceland is exempt from applying Directive 2010/31/EU in accordance with Decision of the EEA Joint Committee No 135/2022. Therefore, obligations on the minimum energy performance in buildings shall follow from national legislation in Iceland.

[1] OJ L 315, 14.11.2012, p. 1.
[2] OJ L 328, 21.12.2018, p. 210.

(7) Iceland has a disproportionally high share of energy intensive industry resulting in a savings obligation that is several times higher than the EU average. 88 % of primary energy in Iceland is renewable and the cost of electricity and heat is low, implying fewer cost optimal savings. Therefore, in accordance with Article 7(1), Iceland should achieve new energy savings each year from 1 January 2021 to 31 December 2030 equivalent to 0,24 % of final energy consumption averaged over the most recent three-year period prior to 1 January 2019.

(8) Iceland has no natural gas infrastructure and is exempt from Directive 2009/73/EC on the internal market for natural gas in accordance with Decision of the EEA Joint Committee No 93/2017. Therefore, Articles 9 and 10 as regards metering for natural gas and billing information for natural gas shall not apply to Iceland.

(9) Directive 2004/8/EC on the promotion of cogeneration based on a useful heat demand in the internal energy market does not apply to geothermal cogeneration as regards Iceland in accordance with Decision of the EEA Joint Committee No 151/2006. Articles 14 and 15 regarding cogeneration in Directive 2012/27/EU, as amended by Directive (EU) 2018/2002, correlate to the articles regarding cogeneration in Directive 2004/8/EC. Iceland already covers 90 % of total heat demand with geothermal energy and continues to promote the development of geothermal cogeneration within its national legal framework wherever technically feasible. Therefore, Articles 14 and 15 shall not apply to geothermal cogeneration as regards Iceland.

(10) Additional flexibility in the application of Articles 5 and 20 of Directive 2012/27/EU, as amended by Directive (EU) 2018/2002, has been agreed. In Article 20(5), the reference to Article 5(1) should be replaced by a reference to Article 5 to allow the obligations of the whole Article 5 to be fulfilled by contributions to a fund.

(11) Directive 2012/27/EU repeals Directive 2004/8/EC[3], which is incorporated into the EEA Agreement and is consequently to be repealed under the EEA Agreement.

(12) Annexes II and IV to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is added in point 6 (Directive 2009/125/EC of the European Parliament and of the Council) of Chapter IV of Annex II to the EEA Agreement:

‘, as amended by:

- **32012 L 0027**: Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 (OJ L 315, 14.11.2012, p. 1).’

Article 2

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

1. The text of point 24 (Directive 2004/8/EC of the European Parliament and of the Council) is replaced by the following:

[3] OJ L 52, 21.2.2004, p. 50.

‘**32012 L 0027**: Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1), as amended by:

- **32018 L 2002**: Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 (OJ L 328, 21.12.2018, p. 210).

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

(a) Articles 1(1) and 3(1)(a) and third subparagraph of Article 7(1) shall not apply to the EFTA States.

(b) In Article 3(5), the following subparagraph shall be added:

"Each EFTA State shall set a national indicative energy efficiency target for 2030, based on either primary or final energy consumption, or energy intensity, as part of its respective integrated national energy and climate plan in accordance with Articles 3 and 7 to 12 of Regulation (EU) 2018/1999."

(c) In Article 5, the words ", or, as regards Iceland, obligations in accordance with national legislation in Iceland" shall be inserted after the words "Article 4 of Directive 2010/31/EU".

(d) In point (b) of Article 7(1), the following sentence shall be added:

"By way of derogation from the requirement in the first sentence of this point, Iceland shall achieve new savings each year from 1 January 2021 to 31 December 2030 equivalent to 0,24 % of annual final energy consumption, averaged over the most recent three-year period prior to 1 January 2019."

(e) Article 9 shall not apply to Iceland as regards metering for gas.

(f) In Article 9a(1), the words ", or the equivalent energy consumption as regards Iceland" shall be inserted after the words "actual energy consumption".

(g) Articles 9a and 9c shall not apply to district heating systems in Iceland with fewer than 1 500 end-users.

(h) Article 9b shall not apply to Iceland.

(i) Article 10 shall not apply to Iceland as regards billing information for gas.

(j) In Article 20(5), the reference to Article 5(1) shall be replaced by a reference to Article 5.

(k) Article 14 and 15 shall not apply to Iceland as regards geothermal cogeneration.'

2. The following is added in point 26 (Directive 2009/125/EC of the European Parliament and of the Council):

', as amended by:

- **32012 L 0027**: Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 (OJ L 315, 14.11.2012, p. 1).'

Article 3

The texts of Directives 2012/27/EU and (EU) 2018/2002 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 […], provided that all the notifications under Article 103(1) of the EEA Agreement have been made[*].

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, […].

For the EEA Joint Committee

The President

[…]

The Secretaries
To the EEA Joint Committee
[…]

[*] [No constitutional requirements indicated.] [Constitutional requirements indicated.]

Declaration by the EFTA States

to Decision No […] incorporating Directive 2012/27/EU of the European Parliament and of the Council into the EEA Agreement

[for adoption with the Decision and for publication in the OJ]

The incorporation of Directive 2012/27EU of the European Parliament and of the Council into the EEA Agreement extends the common regulatory framework of measures to promote energy efficiency to the EFTA States. The EFTA States are not included in the EU energy efficiency headline target. However, the EFTA States have set the following respective indicative national energy efficiency targets:

- The Icelandic Government has set a national target of 25 % more efficient energy use by 2030 than in 2015. The target is expressed as a cross-sectoral objective of reducing energy intensity i.e. the ratio of energy consumption (final) to real GDP in PPS adjusted terms. The indicator is part of the energy forecast that is published annually by the Environment and Energy Agency of Iceland.

- On 6 November 2020 the Liechtenstein Parliament (Landtag) adopted its Energy Strategy for 2030 setting a national energy efficiency target of 20 % compared to 2008. Central elements of the efficiency increase in the period up to 2030 are building renovations, highly efficient new buildings and efficiency improvements in lighting, motor drives and domestic appliances. Both electric heat pumps for heat supply and the electrification of transport will lead to a significant substitution of fossil fuels in the future. Reporting on the achievement of objectives takes place annually (as part of a monitoring report for the attention of Parliament).

- The Norwegian Parliament (Storting) has set a national target of 30 % more efficient energy use by 2030 than in 2015 (Government Bill St. 25 (2015-2016)). The target is expressed as a cross-sectoral objective of reducing energy intensity i.e. the ratio of energy input (primary) to real GDP. The Ministry of Energy provides annual reporting on the target in the Report to the Storting (white paper) on the National Budget.