

EUROPEAN COMMISSION

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2011/0312 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken by the European Union in the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

In order to ensure the requisite legal security and homogeneity of the Internal Market, the EEA Joint Committee is to integrate all the relevant Community legislation into the EEA Agreement as soon as possible after its adoption.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The draft Decision of the EEA Joint Committee (annexed to the proposed Council Decision) aims to amend Annex IV (Energy) to the EEA Agreement in order to incorporate into the Agreement Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC.

3. LEGAL ELEMENTS OF THE PROPOSAL

Article 1(3) of Council Regulation (EC) No 2894/94 concerning arrangements for implementing the EEA Agreement provides that the Council establishes the position to be adopted on the Union's behalf on such Decisions, on a proposal from the Commission.

The Commission submits the Draft Decision of the EEA Joint Committee for adoption by the Council as the Union's position. The Commission would hope to be able to present it in the EEA Joint Committee at the earliest possible opportunity.

2011/0312 (NLE)

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on the position to be taken by the European Union in the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114(1), 192(1) and 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) Annex IV to the Agreement on the European Economic Area, (hereinafter referred to as "the EEA Agreement") contains specific provisions and arrangements concerning energy.

(2) Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC[2] is to be incorporated into the Agreement.

(3) Directive 2009/28/EC repeals Directive 2001/77/EC of the European Parliament and of the Council[3], which is incorporated into the Agreement and is therefore to be repealed under the Agreement.

(4) Norway's fulfilment of the target for share of energy from renewable sources in gross final consumption of energy in 2020 must be seen in the context of the initial high share of renewable energy compared to the EU Member States, and the uncertainty associated with supply and demand embedded in the combination of a hydro-based energy production system and a cold climate'

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1 OJ L 305, 30.11.1994, p. 6.
2 OJ L 140, 5.6.2009, p. 16.
3 OJ L 283, 27.10.2001, p. 33.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union in the EEA Joint Committee on a proposed amendment to Annex IV (Energy) to the EEA Agreement 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 day of its adoption.

Done at …,

For the Council
The President

ANNEX

DECISION OF THE EEA JOINT COMMITTEE
No

of

amending Annex IV (Energy) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

(1) Annex IV to the Agreement was amended by Decision of the EEA Joint Committee No ... of …[1].

(2) Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC[2] is to be incorporated into the Agreement.

(3) Directive 2009/28/EC repeals Directive 2001/77/EC of the European Parliament and of the Council[3], which is incorporated into the Agreement and is therefore to be repealed under the Agreement.

(4) Norway's fulfilment of the target for share of energy from renewable sources in gross final consumption of energy in 2020 must be seen in the context of the initial high share of renewable energy compared to the EU Member States, and the uncertainty associated with supply and demand embedded in the combination of a hydro-based energy production system and a cold climate'

HAS ADOPTED THIS DECISION:

Article 1

Annex IV to the Agreement shall be amended as follows:

1. The text of point 19 (Directive 2001/77/EC of the European Parliament and of the Council) shall be deleted with effect from 1 January 2012.

2. The following shall be inserted after point 40 (Commission Regulation (EU) No 774/2010):

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1 OJ L …
2 OJ L 140, 5.6.2009, p. 16.
3 OJ L 283, 27.10.2001, p. 33.

‘41. **32009 L 0028**: Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).

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

(a) The Directive shall not apply to Liechtenstein.

(b) The second sentence of Article 3(1) shall not apply to the EFTA States.

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

“Norway and Iceland shall notify their national renewable energy action plans to the EFTA Surveillance Authority no later than six months after the entry into force of Decision of the EEA Joint Committee No […], incorporating Directive 2009/28/EC.”

(d) The following shall be added in Article 22(1):

“Norway and Iceland shall submit a report on progress in the promotion and use of energy from renewable sources by 31 December 2013, and every two years thereafter. The fifth report, to be submitted by 31 December 2021, shall be the last report required.”

(e) The following shall be added in point A of Annex I:

	Share of energy from renewable sources in gross final consumption of energy, 2005 (S_{2005})	Target for share of energy from renewable sources in gross final consumption of energy, 2020 (S_{2020})
Iceland	55,0 %	64 %
Norway	58,2 %	67,5 %

Article 2

The texts of Directive 2009/28/EC 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 , provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee[*].

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

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, .

For the EEA Joint Committee

The President

The Secretaries
to the EEA Joint Committee