

DECISION OF THE EEA JOINT COMMITTEE
No 93/2011

of 20 July 2011

amending Annex XX (Environment) 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 XX to the Agreement was amended by Decision of the EEA Joint Committee No 87/2011 of 1 July 2011¹.
- (2) Commission Decision 2011/389/EU of 30 June 2011 on the Union-wide quantity of allowances referred to in Article 3e(3) (a) to (d) of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community² is to be incorporated into the Agreement.
- (3) In accordance with Annex XX of the Agreement, under point 21a) (Directive 2003/87/EC of the European Parliament and of the Council), adaptation (be) subparagraph 1, the EFTA Surveillance Authority has provided the figures for the total number of allowances, the number of allowances to be auctioned, the number of allowances in the special reserve and the number of free allowances concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries. These figures have been determined arithmetically from the figures on historical aviation emissions set by Decision of the EEA Joint Committee No 87/2011 of 1 July 2011 by applying the same percentages that were used to calculate the Union-wide figures for the total number of allowances, the Union-wide number of allowances to be auctioned, the Union-wide number of allowances in the special reserve and the Union-wide number of free allowances.

¹ See page xx of this Official Journal.

² OJ L 173, 1.7.2011, p. 13.

- (4) According to the same adaptation text, the EEA Joint Committee shall decide on the EEA-wide figures for the total number of allowances, the number of allowances to be auctioned, the number of allowances in the special reserve and the number of free allowances, by adding the relevant figures concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries to the relevant Union-wide figures set out in Articles 1 to 4 of Commission Decision 2011/389/EU,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 21apb (Commission Decision 2011/149/EU) of Annex XX to the Agreement:

‘21apc. **32011 D 0389**: Commission Decision 2011/389/EU of 30 June 2011 on the Union-wide quantity of allowances referred to in Article 3e(3) (a) to (d) of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community (OJ L 173, 1.7.2011, p.13).

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

- (a) The following paragraphs shall be added in Article 1(1):

“The total number of allowances referred to in Article 3c(1) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 1 885 617.

The EEA-wide total number of allowances referred to in Article 3c(1) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 is 214 777 670.”

- (b) The following paragraphs shall be added in Article 1(2):

“The total number of allowances referred to in Article 3c(2) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 1 846 738.

The EEA-wide total number of allowances referred to in Article 3c(2) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 is 210 349 264.”

- (c) The following paragraphs shall be added in Article 2(1):

“The total number of allowances referred to in Article 3d(1) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 282 843.

The EEA-wide total number of allowances referred to in Article 3d(1) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 is 32 216 651.”

- (d) The following paragraphs shall be added in Article 2(2):

“The total number of allowances referred to in Article 3d(2) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 277 011.

The EEA-wide total number of allowances referred to in Article 3d(2) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 is 31 552 390.”

- (e) The following paragraphs shall be added in Article 3:

“The total number of allowances referred to in Article 3f(1) of Directive 2003/87/EC relating to the special reserve concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 443 216.

The EEA-wide total number of allowances referred to in Article 3f(1) of Directive 2003/87/EC relating to the special reserve is 50 483 824.”

- (f) The following paragraphs shall be added in Article 4(1):

“The total number of allowances referred to in Article 3e(3)(d) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 1 602 774.

The EEA-wide total number of allowances referred to in Article 3e(3)(d) of Directive 2003/87/EC relating to the period from 1 January 2012 to 31 December 2012 is 182 561 019.”

- (g) The following paragraphs shall be added in Article 4(2):

“The total number of allowances referred to in Article 3e(3)(d) of Directive 2003/87/EC relating to each year of the period beginning on 1

January 2013 concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries is 1 514 325.

The EEA-wide total number of allowances referred to in Article 3e(3)(d) of Directive 2003/87/EC relating to each year of the period beginning on 1 January 2013 is 172 486 396.”

Article 2

The texts of Decision 2011/389/EU 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 21 July 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

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, 20 July 2011.

For the EEA Joint Committee

The President

Kurt Jäger

The Secretaries

to the EEA Joint Committee

Bergdís Ellertsdóttir Gianluca Grippa

* No constitutional requirements indicated.