



2023/2640

23.11.2023

COUNCIL DECISION (EU) 2023/2640

of 20 November 2023

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment to Annex IV (Energy) to the EEA Agreement (EPBD: comparative methodology framework)

(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 194(2) 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, Annex IV (Energy) to the EEA Agreement.
- (3) Commission Delegated Regulation (EU) No 244/2012 ⁽³⁾ should be incorporated into the EEA Agreement.
- (4) Annex IV (Energy) to the EEA Agreement should therefore be amended accordingly.
- (5) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the 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 date of its adoption.

Done at Brussels, 20 November 2023.

For the Council
The President
H. CREVITS

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ 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).

DRAFT

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 ('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 elements ⁽¹⁾ 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 point 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).

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.

⁽¹⁾ OJ L 81, 21.3.2012, p. 18.

Article 3

This Decision shall enter into force on ..., provided that all the notifications under Article 103(1) of the EEA Agreement have been made *, or on the day of the entry into force of Decision of the EEA Joint Committee No 135/2022 of 29 April 2022 ^(?), whichever is the later.

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

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

^(?) OJ L 246, 22.9.2022, p. 87.