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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2023) 585 final
Subject:	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 IV (Energy) to the EEA Agreement (EPBD: comparative methodology framework)

Delegations will find attached document COM(2023) 585 final.

Encl.: COM(2023) 585 final



EUROPEAN
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Brussels, 16.10.2023
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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 IV (Energy) to the EEA Agreement

(EPBD: comparative methodology framework)

ANNEX

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 elements¹ 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

¹ OJ L 81, 21.3.2012, p. 18.

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.

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 2022², 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.]

² OJ L 246, 22.9.2022, p. 87.