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#### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: Draft DECISION OF THE EEA JOINT COMMITTEE amending Annex IV  
(Energy) to the EEA Agreement

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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) 2022/759 of 14 December 2021 amending Annex VII to Directive (EU) 2018/2001 of the European Parliament and of the Council as regards a methodology for calculating the amount of renewable energy used for cooling and district cooling<sup>1</sup> is to be incorporated into the EEA Agreement.
- (2) Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources<sup>2</sup>, as corrected by OJ L 311, 25.9.2020, p. 11 and OJ L 41, 22.2.2022, p. 37, is to be incorporated into the EEA Agreement.
- (3) Directive (EU) 2018/2001 repeals Directive 2009/28/EC of the European Parliament and of the Council<sup>3</sup>, which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.

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<sup>1</sup> OJ L 139, 18.5.2022, p. 1.

<sup>2</sup> OJ L 328, 21.12.2018, p. 82.

<sup>3</sup> OJ L 140, 5.6.2009, p. 16.

- (4) The EFTA States are not included in the binding overall Union target for the share of energy from renewable sources in the Union's gross final energy consumption in 2030. Article 3 of Directive (EU) 2018/2001 should apply to the EFTA States except for the provisions in Article 3(1), 3(5) and 3(6) of that Directive. The EFTA States should instead set national indicative renewable energy targets for 2030 and should consequently not apply Article 8 regarding the Union renewable development platform and statistical transfers. This does not preclude the possibility for future negotiations between the EFTA States and the Union as regards cooperation on renewable energy targets after 2030.
- (5) The EFTA States may apply support schemes in accordance with Article 4 of Directive (EU) 2018/2001 for the purpose of reaching or exceeding their respective national indicative renewable energy targets.
- (6) Article 7(5) of Directive (EU) 2018/2001 provides for exemptions for Cyprus and Malta in the form of a lower threshold when it comes to the calculation of gross final consumption of energy, in connection with the amount of energy consumed in aviation. Iceland is a remote island with long distances between Iceland and the neighbouring countries. In light of this specific geographic situation, the same threshold should apply to Iceland as to Cyprus and Malta.
- (7) In cases where Norway has a duty to consult the Sami people, it is necessary to ensure that the time periods for the permit-granting process referred to in Article 16(4), 16(5) and 16(6) of Directive (EU) 2018/2001 may be extended for up to one year.

- (8) Norway and Iceland have high shares of renewable electricity. Norway predominantly uses renewable electricity for heating purposes, while Iceland covers a large part of its heating demand from renewable geothermal sources and uses renewable electricity where geothermal sources are not available. It is therefore appropriate to adapt the calculation methods relating to the mainstreaming of heating and cooling in Directive (EU) 2018/2001 as regards the EFTA States.
- (9) In view of Liechtenstein's regional union with Switzerland, within which fuels are regulated by Swiss authorities and supplied by Swiss entities, and due to this being the sole source of supplies of transport fuels in Liechtenstein, a temporary derogation from Articles 25-31 of Directive (EU) 2018/2001 which provide rules on renewable energy in the transport sector and sustainability rules for renewable fuels is appropriate. Liechtenstein follows Switzerland's system of increasing biofuels based on a CO<sub>2</sub> compensation mechanism, which is comparable in ambition to the substitution and saving effects of biofuel targets. CO<sub>2</sub> emissions from fuels for combustion vehicles have to be compensated by domestic measures and measures abroad. Article 37 of Liechtenstein's CO<sub>2</sub> Ordinance (LR 814.065.1) and Articles 9 and 10 of the CO<sub>2</sub> Act (LR 814.065) stipulate that, as of 2024, 23 % of the CO<sub>2</sub> emissions must be compensated. That derogation should apply to Directive (EU) 2018/2001 as in force before the amendment by Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023<sup>4</sup>. That derogation is strictly limited in time and should apply only until an agreement is reached concerning incorporation of Directive (EU) 2018/2001 as amended by Directive (EU) 2023/2413 into the EEA Agreement. An agreement should be deemed to be reached once Directive (EU) 2018/2001 as amended by Directive (EU) 2023/2413 has been incorporated into the EEA Agreement.

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<sup>4</sup> OJ L, 2023/2413, 31.10.2023, ELI: <http://data.europa.eu/eli/dir/2023/2413/oj>.

- (10) Liechtenstein has been exempted from Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics<sup>5</sup> given it is unable to provide original data about ‘primary energy consumption’ or ‘final energy consumption’. Liechtenstein may reformat national statistical data into the data on primary energy consumption and final energy consumption where this is required under Directive (EU) 2018/2001.
- (11) Annex IV to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

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<sup>5</sup> OJ L 304, 14.11.2008, p. 1.

## *Article 1*

The text of point 41 (Directive 2009/28/EC of the European Parliament and of the Council) of Annex IV to the EEA Agreement is replaced by the following:

‘**32018 L 2001**: Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82), as corrected by OJ L 311, 25.9.2020, p. 11 and OJ L 41, 22.2.2022, p. 37, as amended by:

- **32022 R 0759**: Commission Delegated Regulation (EU) 2022/759 of 14 December 2021 (OJ L 139, 18.5.2022, p. 1).

Decisions on recognition of voluntary schemes for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and (EU) 2018/2001 of the European Parliament and of the Council are referred to in Chapter XVII of Annex II.

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

- (a) Articles 3(1), 3(5), 3(6), 5(4), 5(5) and 8 shall not apply to the EFTA States.

(b) In Article 3:

(i) in paragraph 2, the following subparagraph shall be added:

“Each EFTA State shall set a national indicative renewable energy target expressed as a share of renewable energy in gross final energy consumption in 2030, as part of its respective integrated national energy and climate plan in accordance with Articles 3 to 5 and 9 to 14 of Regulation (EU) 2018/1999. In preparing their draft integrated national energy and climate plans, EFTA States may consider the formula referred to in Annex II to that Regulation.”;

(ii) in paragraph 4, the following subparagraph shall be added:

“From 1 January 2026, the share of energy from renewable sources in each EFTA State’s gross final consumption of energy shall not be lower than the baseline share shown in the third column of the table in Part A of Annex I. The EFTA States shall take the necessary measures to ensure compliance with that baseline share.”.

(c) In Article 4:

(i) in paragraph 1, the following sentence shall be added:

“In order for the EFTA States to reach or exceed their respective national indicative renewable energy targets set in Article 3(2) of this Directive, the EFTA States may apply support schemes.”;



- (ii) in paragraph 3, the words “the applicable Union law on the internal market for electricity” shall be replaced by the words “legislation on the internal market for electricity applicable pursuant to the EEA Agreement”.
- (d) In Article 5(2), the words “Union law on the internal market in electricity” shall be replaced by the words “legislation on the internal market in electricity applicable pursuant to the EEA Agreement”.
- (e) In Articles 4(9), 6(1), 21(7) and 22(7), the words “Articles 107 and 108 TFEU” shall be replaced by “Articles 61 and 62 of the EEA Agreement”.
- (f) In the third subparagraph of Article 7(5), the word “, Iceland” shall be inserted after the word “Cyprus”.
- (g) In Article 16(4) and (5), the words “, or where Norway has a duty to consult the Sami people” shall be inserted after the words “extraordinary circumstances”.
- (h) In Article 16(6), the words “, or where Norway has a duty to consult the Sami people,” shall be inserted after the word “installation”.
- (i) In Article 19(11), the following subparagraphs shall be added:

“EFTA States shall not recognise guarantees of origin issued by a third country except where the Union has concluded an agreement with that third country on mutual recognition of guarantees of origin issued in the Union and compatible guarantees of origin systems established in that third country, and the EFTA States have concluded a substantially equivalent agreement with that third country, and only where there is a direct import or export of energy.

The EFTA States shall endeavour to conclude agreements referred to in the first subparagraph.”.

- (j) In Articles 19(12) and 36(3), the words “Union law” shall be replaced by the words “the EEA Agreement”.
- (k) In Article 20(3), the words “or, as regards the EFTA States, their respective national indicative renewable energy target set in accordance with Article 3(2)” shall be inserted after the words “Union target set in Article 3(1) of this Directive”.
- (l) In Article 23(1), the words “and calculated in accordance with the methodology set out in Article 7, without prejudice to paragraph 2 of this Article” shall not apply to the EFTA States.
- (m) In Article 23(2)(b), the words “or, as regards the EFTA States, where its share of renewable energy, including renewable electricity, used in the heating and cooling sector is above 60 %, may count any such share as fulfilling the average annual increase” shall be inserted after the words “the average annual increase”.
- (n) In Article 29(1)(a), the words “contributing towards the Union target set in Article 3(1) and” shall not apply to the EFTA States.
- (o) Articles 25 to 31 shall not apply to Liechtenstein until incorporation of Directive (EU) 2018/2001 as amended by Directive (EU) 2023/2413 into the EEA Agreement.

- (p) The following shall be added to the table in point A of Annex I:

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	Share of energy from renewable sources in gross final consumption of energy, 2005 (S <sub>2005</sub> )	Target for share of energy from renewable sources in gross final consumption of energy, 2020 (S <sub>2020</sub> )
Iceland	55,0 %	64 %
Norway	58,2 %	67,5 %
Liechtenstein	7%	24%

”

- (q) In points (b), (c) and (d) of paragraph 6 of Annex IV, the words “national and Union law” shall be replaced by “national law and legislation applicable pursuant to the EEA Agreement”.’

## *Article 2*

The texts of Delegated Regulation (EU) 2022/759 and Directive (EU) 2018/2001, as corrected by OJ L 311, 25.9.2020, p. 11 and OJ L 41, 22.2.2022, p. 37, 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\*.

*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 ..., ...

*For the EEA Joint Committee*

*The President*

*The Secretaries*

*To the EEA Joint Committee*

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

**Declaration by the EFTA States  
to Decision No ...  
incorporating Directive (EU) 2018/2001 of the European Parliament and of the Council  
into the Agreement**

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

The incorporation of Directive (EU) 2018/2001 of the European Parliament and of the Council into the EEA Agreement extends the common regulatory framework for the promotion of energy from renewable sources to the EFTA States. The EFTA States are not included in the EU renewable energy headline target. However, the EFTA States have set the following respective indicative national renewable energy targets:

- Iceland has set a national indicative renewable energy target expressed as a share of renewable energy in gross final energy consumption of 80 % in 2030. The Icelandic national renewable target is based on the Icelandic Environment and Energy Agency (UOS)’s analysis and forecast towards 2030. The sectors for electricity and heating in Iceland are based on 100 % renewable energy sources of hydro and geothermal energy. The Icelandic indicative renewable target for 2030 is sixteen percentage points higher than the national target for the share of energy from renewable sources in gross final consumption of energy in 2020.

- On 6 November 2020 the Liechtenstein Parliament (Landtag) adopted its Energy Strategy for 2030 setting a national target of 30 % for the share of energy from renewable sources. This objective is pursued as follows: Approx. 17 % from domestic, renewable energy sources (primarily photovoltaics and, where possible, wind power and, on a smaller scale, biomass) and approx. 13 % from imported, renewable energy sources (e-fuels, renewable hydrogen). Reporting on the achievement of objectives takes place annually (as part of a monitoring report for the attention of the Liechtenstein Parliament).
  - Norway has set a national indicative renewable energy target expressed as a share of renewable energy in gross final energy consumption of 77,5 % in 2030. The Norwegian national renewable target is based on the Norwegian Energy Agency (NVE)’s analysis and forecasts towards 2030, and on internal assessments undertaken by the Norwegian Ministry of Energy. Norway’s starting point is very high as Norway has been an early mover in renewable energy. At the same time, that means that the most cost-efficient and easily available measures are already used. The Norwegian indicative renewable target for 2030 is ten percentage points higher than the national target for the share of energy from renewable sources in gross final consumption of energy of 67,5 % in 2020.
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