



Council of the  
European Union

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

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Subject: 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 (RED II)

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**COUNCIL DECISION (EU) .../...**

**of ...**

**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 (RED II)**

**(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<sup>1</sup>, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

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<sup>1</sup> OJ L 305, 30.11.1994, p. 6, ELI: <http://data.europa.eu/eli/reg/1994/2894/oj>.

Whereas:

- (1) The Agreement on the European Economic Area<sup>2</sup> (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) 2022/759<sup>3</sup> and Directive (EU) 2018/2001 of the European Parliament and of the Council<sup>4</sup> should be incorporated into the EEA Agreement.
- (4) Several provisions of Directive (EU) 2018/2001 require substantive adaptations that reflect the specificities of the EEA Agreement and of the EFTA States.

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<sup>2</sup> OJ L 1, 3.1.1994, p. 3, ELI: [http://data.europa.eu/eli/agree\\_international/1994/1/oj](http://data.europa.eu/eli/agree_international/1994/1/oj).

<sup>3</sup> 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

(OJ L 139, 18.5.2022, p. 1, ELI: [http://data.europa.eu/eli/reg\\_del/2022/759/oj](http://data.europa.eu/eli/reg_del/2022/759/oj)).

<sup>4</sup> 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, ELI: <http://data.europa.eu/eli/dir/2018/2001/oj>), as corrected by OJ L 311, 25.9.2020, p. 11 and OJ L 41, 22.2.2022, p. 37.

- (5) Since the Union's binding renewable energy target does not apply to the EFTA States, the Union target set out in Article 3(1) of Directive (EU) 2018/2001 should not apply to EFTA States. That Article was therefore adapted accordingly. However, the EFTA States set out in a voluntary manner their national indicative targets for renewable energy, as set out in the Declaration of EFTA States attached to the EEA Joint Committee Decision. Consequently, the EFTA States should not be part of the Union renewable development platform nor partake in statistical transfers with the Member States. Article 8 of Directive (EU) 2018/2001 should therefore not apply to the EFTA States.
- (6) Given the Iceland's remote geographical location and related challenges with calculating gross final consumption of energy in relation to the amount of energy consumed in aviation, the same threshold as that granted to Cyprus and Malta in Article 7 of Directive (EU) 2018/2001 should apply to Iceland.
- (7) As regards the permit-granting procedures set out in Article 16 of Directive (EU) 2018/2001, the Joint Committee Decision should take into account the particular obligations of Norway to consult the Sami people, so to ensure that the time periods for the permit-granting process referred to in Article 16(4), (5) and (6) of Directive (EU) 2018/2001 may be extended for up to one year.

- (8) The EFTA States should follow the Union policy with respect to mutual recognition of guarantees of origin with third countries set out in Article 19(11) of Directive (EU) 2018/2001. Accordingly, they should not recognise guarantees of origin issued by a third country unless the Union has concluded an agreement with that third country, and unless the criteria set out in that Article are met. Article 19(11) of Directive (EU) 2018/2001 was therefore adapted accordingly.
- (9) Since Norway and Iceland have high shares of renewable electricity and Norway uses that electricity predominantly for heating purposes while Iceland covers its heating demand from either renewable geothermal sources or renewable electricity, it is appropriate to adapt the calculation methods relating to the mainstreaming of heating and cooling set out in Article 23 of Directive (EU) 2018/2001.
- (10) Furthermore, it is currently not possible for Liechtenstein to apply Articles 25 to 31 of Directive (EU) 2018/2001 on renewable energy in the transport sector and sustainability requirements for renewable fuels, given that policy on fuels is regulated in the regional union of Liechtenstein with Switzerland. Therefore, a temporary derogation should be granted to Liechtenstein, taking into account that it applies within that regional union a system of increasing biofuels based on a CO<sub>2</sub> compensation mechanism with a target of 23 % applicable since 2024. The derogation should only apply until Directive (EU) 2018/2001 as amended by Directive (EU) 2023/2413 of the European Parliament and of the Council<sup>5</sup> has been incorporated into the EEA Agreement.

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<sup>5</sup> Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652 (OJ L, 2023/2413, 31.10.2023, ELI: <http://data.europa.eu/eli/dir/2023/2413/oj>).

- (11) Annex IV (Energy) to the EEA Agreement should therefore be amended accordingly.
- (12) 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 of 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 ..., ...

*For the Council*

*The President*

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