



EUROPEAN
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Proposal for a

COUNCIL DECISION

**on the position to be adopted, on behalf of the European Union,
in the EEA Joint Committee concerning an amendment to Annex XXI (Statistics)
to the EEA Agreement
(Energy Statistics)**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

In order to ensure the requisite legal security and homogeneity of the Internal Market, the EEA Joint Committee is to integrate all the relevant EU legislation into the EEA Agreement as soon as possible after its adoption.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The draft Decision of the EEA Joint Committee (annexed to the proposed Council Decision) aims to amend Annex XXI (Statistics) to the EEA Agreement in order to incorporate Commission Regulation (EU) No 431/2014 of 24 April 2014 amending Regulation (EC) No 1099/2008 on energy statistics, as regards the implementation of annual statistics on energy consumption in households¹ into the EEA Agreement.

The EEA EFTA States are requesting derogations to EU acquis for Liechtenstein and Iceland. Since these adaptations introduce changes which are more than mere technical adjustments, as foreseen in Article 1(3) of Council Regulation (EC) No 2894/94, the corresponding EU position shall be adopted by the Council.

The EEA EFTA States request the derogation for Iceland arguing that Iceland is not connected to the European energy grid and is as such an isolated independent energy system. Electricity production in Iceland is based on almost 100% renewable sources, accounting for practically all residential energy end use. Household use of electricity in Iceland accounts for 4% of the total energy consumption in Iceland. The detailed breakdown of household energy consumption by activity set out in Annex B of Regulation (EC) No 1099/2008, would thus not be relevant for the Icelandic power strategy and of even less value to the EU power strategy, as Iceland constitutes an isolated energy system. There is thus no national interest in these particular statistics, and they would not add any value to the European statistics produced in accordance with the Regulation.

Furthermore, compliance would require survey data collection which would be a costly and burdensome venture, and likely to divert organizational capacity and funds away from statistical production of more significant value to both the EU and Iceland.

Against this background, considering the specific situation as described above, an adaptation text has thus been put forward, exempting Iceland from data collection falling within the scope of Annex B.

Please note that for technical reasons, this Joint Committee Decision replaces the entire text of point 26a of Annex XXI to the EEA Agreement. Nevertheless, Regulation (EC) No 1099/2008 and the specific exemption for Liechtenstein provided for in point (a) have been part of the EEA Agreement since the entry into force of Decision of the EEA Joint Committee No 89/2009 of 3 July 2009.

¹ OJ L 131, 1.5.2014, p. 1.

3. LEGAL ELEMENTS OF THE PROPOSAL

Article 1(3) of Council Regulation (EC) No 2894/94 concerning arrangements for implementing the EEA Agreement provides that the Council establishes the position to be adopted on the Union's behalf on such Decisions, on a proposal from the Commission.

The Commission submits the Draft Decision of the EEA Joint Committee for adoption by the Council as the Union's position. The Commission would hope to be able to present it in the EEA Joint Committee at the earliest possible opportunity.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) and 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 Area², and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area³ ('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 XXI (Statistics) to the EEA Agreement.
- (3) Commission Regulation (EU) No 431/2014 amending Regulation (EC) No 1099/2008 of the European Parliament and of the Council⁴ is to be incorporated into the EEA Agreement.
- (4) Annex XXI to the EEA Agreement should therefore be amended accordingly.
- (5) The position of the Union within the EEA Joint Committee should 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 XXI (Statistics) to the EEA Agreement, shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

² OJ L 305, 30.11.1994, p. 6.

³ OJ L 1, 3.1.1994, p. 3.

⁴ Commission Regulation (EU) No 431/2014 of 24 April 2014 amending Regulation (EC) No 1099/2008 of the European Parliament and of the Council on energy statistics, as regards the implementation of annual statistics on energy consumption in households, OJ L 131, 1.5.2014, p. 1.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council
The President