

Case No: 94320
Document No: 1552918
Decision No: 157/25/COL

EFTA SURVEILLANCE AUTHORITY DECISION

of 26 September 2025

instructing the central administrator of the Union Registry to enter the changes to the national aviation allocation tables done in accordance with Joint Committee Decision No 334/2023 into the Union Registry

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, in particular Article 5 thereof,

Having regard to the Act referred to at point 21aI of Annex XX to the Agreement on the European Economic Area ("the EEA Agreement"),

Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC,

as amended and as adapted to the EEA Agreement by Protocol 1 thereto ('Directive 2003/87/EC'), and in particular Article 3(d)(1) as adapted by point 21aI, letter (c), of Annex XX to the EEA Agreement,¹

Having regard to the Act referred to at point 21anb of Annex XX to the EEA Agreement,

Commission Delegated Regulation (EU) 2019/1122 of 12 March 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the functioning of the Union Registry,

as amended² and as adapted to the EEA Agreement by Protocol 1 thereto ('Regulation (EU) 2019/1122'), and in particular Article 49(1a) thereof,

Whereas:

When incorporating the latest amendments³ to Directive 2003/87/EC in the EEA Agreement, the EEA Joint Committee introduced an additional free allocation to aircraft

¹ OJ L 275, 25.10.2003, p.32. Joint Committee Decision No 146/2007 of 26 October 2007.

² See, in particular, *Commission Delegated Regulation (EU) 2025/1253 of 11 February 2025 amending Delegated Regulation (EU) 2019/1122 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the functioning of the Union Registry* (OJ L, 2025/1253, 26.6.2025), as incorporated into the EEA Agreement at point 21and of Annex XX to that Agreement by Decision of the Joint Committee No 220/2025 (not yet published).

³ *Directive (EU) 2023/958 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC as regards aviation's contribution to the Union's economy-wide emission reduction target and the appropriate implementation of a global market-based measure*

operators by Iceland, for the period from 1 January 2025 until 31 December 2026, in Article 3d(1) of that directive. By virtue of the adaptation, reflected in point 21al, letter (c), of Annex XX to the EEA Agreement, three subparagraphs are inserted after the first subparagraph of Article 3(d)(1) of Directive 2003/87/EC.

All additional free allocations pursuant to Article 3d(1) of Directive 2003/87/EC as adapted by point 21al, letter (c), of Annex XX to the EEA Agreement, are allocated by the Icelandic competent authority, upon applications by the aircraft operators, and administered by Iceland in the Union Registry.

Iceland must ensure that the additional free allocation is undertaken in accordance with the principle of equal treatment applicable under the EEA Agreement, including equal treatment between airlines on the same route. Iceland must allocate additional free allowances up to a level of the number of allowances to be auctioned by Iceland pursuant to Article 3d(3) of Directive 2003/87/EC, in respect of flights departing from an aerodrome located in Iceland and arriving at an aerodrome located in the EEA, in Switzerland or in the United Kingdom, or departing from an aerodrome located in the EEA and arriving in Iceland.

Accordingly, the changes to the national aviation allocation tables done in accordance with Joint Committee Decision No 334/2023 and notified by Iceland pursuant to Article 49(1a) of Regulation (EU) 2019/1122 may concern airline operators administrated by other EEA EFTA States or EU Member States.

The EFTA Surveillance Authority ('the Authority') notes that the allocation by Iceland is contingent upon the submission and publication by the aircraft operator of an independently verified climate-neutrality plan.⁴ The Authority further notes that the independent verifier must examine annually the actual fulfilment by the aircraft operator of the measures planned and committed to in the climate-neutrality plan, and in case the independent verifier reports non-fulfilment by an aircraft operator, the Icelandic competent authority must claim the freely allocated allowances back.

Pursuant to Article 3(d)(1) of Directive 2003/87/EC as adapted by point 21al, letter (c), of Annex XX to the EEA Agreement, the additional free allocation must not exceed the level of free allocation in 2024, and must be subject to the application of the linear reduction factor referred to in Article 9 of Directive 2003/87/EC. If there are insufficient allowances, a uniform adjustment must be applied in respect of all allocations. The number of allowances equal to the additional free allocation must be deducted from the number of allowances to be auctioned by Iceland pursuant to Article 3d(3) of Directive 2003/87/EC.

Pursuant to Article 49(1a) of Regulation (EU) 2019/1122, Iceland notified to the Authority, by letter dated 22 September 2025,⁵ changes to the national aviation allocation tables of Iceland and Italy done in accordance with Article 3(d)(1) of Directive 2003/87/EC as adapted by point 21al, letter (c), of Annex XX to the EEA Agreement.

Following consultations with the services of the European Commission, the Authority is satisfied that the changes to the national aviation allocation tables are in accordance with Article 3(d)(1) of Directive 2003/87/EC as adapted by point 21al, letter (c), of Annex XX to the EEA Agreement.

The central administrator of the Union Registry should, therefore, be instructed to upload the changes to the national aviation allocation tables into the Union Registry.

(OJ L 130, 16.5.2023, pp. 115–133), as incorporated into the EEA Agreement at point 21al of Annex XX to that Agreement by Decision of the Joint Committee No 334/2023 (OJ L, 2024/1419, 13.6.2024 and EEA Supplement No 48, 13.6.2024, p. 72).

⁴ In accordance with the verification and accreditation procedures of Article 15 of Directive 2003/87/EC.

⁵ Document No 1563568.

HAS ADOPTED THIS DECISION:

1. The EFTA Surveillance Authority instructs the central administrator of the Union Registry to enter the changes to the national aviation allocation tables done in accordance with Joint Committee Decision No 334/2023 into the Union Registry.
2. The changes to the national aviation allocation tables done in accordance with Joint Committee Decision No 334/2023 for the year 2025 are set out in Annex I to this decision.
3. This decision shall be notified to the central administrator of the Union Registry.

Done at Brussels,

For the EFTA Surveillance Authority

Arne Røksund
President

Stefan Barriga
College Member

Árni Páll Árnason
Responsible College Member

Melpo-Menie Joséphidès
Countersigning as Director,
Legal and Executive Affairs

This document has been electronically authenticated by Arne Roeksund, Melpo-Menie Josephides.

Annex I: Allowances allocated free of charge pursuant to Decision of the EEA Joint Committee No 334/2023

ETSID	Administrating State	Operator name	Allowances allocated free of charge pursuant to Decision of the EEA Joint Committee No 334/2023
			2025
1479	ICELAND	ICELANDAIR	40652
48354	ICELAND	Fly Play HF	14017
28484	ITALY	Neos	1365