

EFTA SURVEILLANCE AUTHORITY DECISION

of 20 September 2021

instructing the central administrator of the European Union Transaction Log to enter the national aviation allocation tables of Iceland and Norway into the European Union Transaction Log

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 its Article 5 (“the Surveillance and Court Agreement”),

Having regard to the Act referred to at point 21al 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 system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC,

as amended and as adapted to the EEA Agreement by Protocol 1 thereto (“the Act”),

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

Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011,

as amended and as adapted to the EEA Agreement by Protocol 1 thereto (“Regulation (EU) No 389/2013”), and in particular Article 55(3) thereof,

Whereas:

Article 28a(1) of the Act provides a temporary derogation from the EU emissions trading system (“EU ETS”) for the period between 2013 and 2023, in respect of flights to and from aerodromes in countries outside the European Economic Area (“EEA”) and from flights between the EEA and outermost regions, and between different outermost regions. Article 28a(2) of the Act further provides that aircraft operators shall be issued a number of free allowances reduced in proportion to the reduction of the surrender obligation.

By its Decision of 18 December 2014,¹ the EFTA Surveillance Authority (“the Authority”) instructed the central Administrator of the European Union Transaction Log to enter the national aviation allocation tables of Iceland and Norway, for the years 2013-2016, into the European Union Transaction Log.

¹ College Decision No 561/14/COL (Document No 727052).

Article 28a(2) of the Act required the EFTA States to publish the number of aviation allowances allocated to each aircraft operator for the years 2017-2023 before 1 September 2018.

The EFTA States notified to the Authority the number of aviation allowances allocated to each aircraft operator for the years 2017-2020,² and the Authority, by its Decision of 17 March 2017,³ instructed the central administrator of the European Union Transaction Log to enter the national aviation allocation tables into the European Union Transaction Log. The Union Registry functionality did not permit at the time to upload national aviation allocation tables for years after 2020.

Due to changes to the scope of the EU ETS, it is necessary to revise the number of free allowances to be issued to aircraft operators for 2020 in order to ensure a homogeneous application of the rules within the EEA.

Article 28a(7) of the Act provides that the temporary derogation relating to flights to and from third countries shall apply to countries with whom an agreement pursuant to Article 25 or 25a of the Act has been reached only in line with the terms of such agreement.

On 23 November 2017 the Agreement between the European Union and the Swiss Confederation on the linking of the respective greenhouse gas emissions trading systems⁴ ('the Linking Agreement') was signed and entered into force on 1 January 2020. Pursuant to Point B of Annex I to the Linking Agreement flights departing from an aerodrome situated in the EEA and arriving at an aerodrome situated in the territory of Switzerland are included in the scope of the EU ETS. On 18 May 2020, the Commission adopted a Delegated Decision (EU) 2020/1071⁵ amending the Act, as regards the exclusion of incoming flights from Switzerland from the EU ETS. Therefore, it is necessary to make the corresponding changes to the national aviation allocation tables.

Accordingly, on 25 June 2021 Norway⁶ notified the Authority of changes to the national aviation allocation tables for aviation allowances to be allocated for free in 2020 for aircraft operators that have performed flights from the EEA to Switzerland.

On 30 June and 25 June 2021 Iceland⁷ and Norway⁸ notified the national aviation allocation tables for the years 2021-2023 to the Authority.

Pursuant to Article 28a(2) of the Act the number of allowances allocated to aircraft operators from 1 January 2021 should be subject to the application of the linear factor referred to in Article 9 of the Act. Pursuant to Article 9 of the Act, the linear reduction factor that cuts the overall number of emission allowances is set at an annual rate of 2,2 % from 2021 onwards.

The notifications by Iceland and Norway of the national aviation allocation tables for the years 2021-2023 reflect the scope changes to the EU ETS as mentioned above.

Concerning the allocations for the years 2021-2023, flights departing from, arriving to or within aerodromes situated in the United Kingdom are not covered by the scope of this decision following the same approach as that applied by the European Commission in

² Document No 844993 (Iceland) and Document No 843707 (Norway).

³ Document No 846753.

⁴ OJ L 322, 7.12.2017, p. 3.

⁵ *Commission Delegated Decision (EU) 2020/1071 of 18 May 2020 amending Directive 2003/87/EC of the European Parliament and of the Council, as regards the exclusion of incoming flights from Switzerland from the EU emissions trading system*, incorporated into the EEA Agreement by Decision of the EEA Joint Committee No 220/2021.

⁶ Document No 1210296 and 1210292.

⁷ Document No 1210989 and 1210991.

⁸ Document No 1210296 and 1210294.

Commission Decision of 16 December 2020 on instructing the central administrator to enter the national aviation allocation tables of the EU Member States for the years 2021-2023 into the European Union Transaction Log.⁹

Following discussions with the services of the European Commission the Authority is satisfied that the notified aviation allocation tables are in accordance with Article 28a of the Act.

The central administrator should therefore be instructed to make the corresponding changes in the European Union Transaction Log,

HAS ADOPTED THIS DECISION:

1. The EFTA Surveillance Authority instructs the central administrator of the European Union Transaction Log to enter the changes to the national aviation allocation tables for aviation allowances to be allocated for free in 2020 by the EFTA States administering aircraft operators which have performed flights from the EEA to Switzerland in the European Union Transaction Log.
2. The revised national aviation allocation table for 2020 is set out in Annex I to this decision.
3. The EFTA Surveillance Authority instructs the central administrator of the European Union Transaction Log to enter the national aviation allocation tables of Iceland and Norway with the final annual amounts for the free allocation of aviation emission allowances for the period from 2021 to 2023 in the European Union Transaction Log.
4. The national aviation allocation tables of Iceland and Norway for the period from 2021 to 2023 are set out in Annexes II and III to this decision.
5. This decision shall be notified to the central administrator of the European Union Transaction Log.

Done at Brussels,

For the EFTA Surveillance Authority

Bente Angell-Hansen
President

Frank J. Büchel
College Member

Högni Kristjánsson
Responsible College Member

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

This document has been electronically authenticated by Bente Angell-Hansen, Melpo-Menie Josephides.

⁹ Commission Decision of 16 December 2020 on instructing the central administrator to enter the national aviation allocation tables of Belgium, Bulgaria, Cyprus, Czechia, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Iceland, Italy, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Norway, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden into the European Union Transaction Log (OJ C 471, 10.2.2021, p.1.).

Annex I: Norway

Note: The values for 2020 are total. They include the initial allocation for the flights between EEA aerodromes and the additional allocation for the flights to Switzerland. These values need to be inserted as updates in the national aviation allocation tables XML file.

ETSID	Operator name	2020
22212	Norwegian Air Shuttle ASA	827 543

Annex II: Iceland

Note: The values from 2021 to 2023 are total values resulting from the application of the annual linear reduction factor of 2,2 %. These values need to be inserted in the National Aviation Allocation Tables XML file.

ETSID	Operator name	2021	2022	2023
27616	Bluebird	6 429	6 284	6 140
3176	Flugfélag Íslands ehf.	7 835	7 659	7 483
1479	ICELANDAIR	132 645	129 661	126 677
35682	INVESTAIR 300 LLC	1	1	1
30279	Papier Mettler	48	47	46
28475	Silk Way Airlines	10	10	10
F12111	Supervalu Inc	3	3	3
	TOTAL	146 971	143 665	140 360

Annex III: Norway

Note: The values from 2021 to 2023 are total values resulting from the application of the annual linear reduction factor of 2,2 %. These values need to be inserted in the National Aviation Allocation Tables XML file.

ETSID	Operator name	2021	2022	2023
37084	Bristow Norway AS	3 873	3 786	3 698
3536	CHC Helikopter Service	5 860	5 728	5 596
22212	NORWEGIAN AIR SHUTTLE ASA	736 924	720 347	703 770
33705	SUNDT AIR MNGT AS	18	17	17
5343	Widerøes Flyveselskap AS	53 964	52 750	51 536
	TOTAL	800 639	782 628	764 617