

Case No: 85022
Document No: 1154376
Decision No: 157/20/COL

EFTA SURVEILLANCE AUTHORITY DECISION

of 16 December 2020

as regards the forest reference levels to be applied by Iceland and Norway for the period 2021-2025 under the LULUCF Regulation

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to:

- the Act referred to at Article 3, paragraph 8(a) of Protocol 31 to the EEA Agreement, Regulation No (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 *on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU* (“the LULUCF Regulation”) as adapted to the EEA Agreement by Protocol 31 thereto, and in particular to Article 8 of this regulation;
- Article 79(3) of the Agreement on the European Economic Area (“the EEA Agreement”);
- Article 5(2)(a) of the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice (“the SCA”);

Whereas:

The LULUCF Regulation was incorporated into Article 3, paragraph 8(a) of Protocol 31 to the EEA Agreement by Decision of the EEA Joint Committee No 269/2019 of 25 October 2019 (“JCD No 269/2019”), which entered into force on 11 March 2020.

The LULUCF Regulation, and in particular Article 8 thereof, sets out the rules for the establishment of forest reference levels (“FRLs”) for Iceland and Norway to account for emissions and removals resulting from managed forest land.

The Commission Delegated Regulation as regards the forest reference levels to be applied by the Member States for the period 2021-2025¹ was adopted on 28 October 2020.²

Iceland³ and Norway⁴ formally submitted their national forestry accounting plans (“NFAP”), including the proposed FRLs for the period from 2021 to 2025, to the EFTA Surveillance Authority (“the Authority”) on 28 April 2020 and 12 March 2020 respectively.⁵

¹ C(2020) 7316 final.

² This act will enter into force if no objection has been expressed by the European Parliament or the Council within the timing foreseen under Article 16(6) of the LULUCF Regulation. After that, the act will be published in the Official Journal of the European Union and will come into force after 20 days.

³ Document No 1130252.

⁴ Document No 1121140.

Pursuant to Article 8 of the LULUCF Regulation, the Authority has undertaken a technical assessment of the NFAPs submitted by Iceland and Norway to assess the extent to which the proposed FRLs have been determined in accordance with the requirements set out in the LULUCF Regulation.

Aligning with the process undertaken by the European Commission for the EU Member States, the Authority established an expert group⁶ - the EFTA LULUCF Expert Group - to assist the Authority in carrying out the technical assessment. The EFTA LULUCF Expert Group is composed of experts from Iceland and Norway, independent experts appointed in their personal capacity, representatives from other public entities and representatives from research institutes and non-governmental organisations. A summary of the work carried out, including the views expressed by the experts appointed, and the conclusions thereof can be found on the Authority's website.⁷

Based on the views of the EFTA LULUCF Expert Group and the technical assessment, the Authority issued its technical recommendations on 26 June 2020 (Decision No 068/20/COL),⁸ with a view to facilitating the technical revision of the proposed FRLs.

As required by Article 8(7) of the LULUCF Regulation, based on the technical assessment and the technical recommendations, Iceland and Norway revised their NFAPs, and their proposed FRLs. Iceland communicated its revised NFAP and revised proposed FRL to the Authority on 13 October 2020.⁹ Norway communicated its revised NFAP and revised proposed FRL to the Authority on 9 November 2020.¹⁰ The Authority published the proposed revised FRLs on 16 November 2020.¹¹

The Authority organised a meeting of the EFTA LULUCF Expert Group on 3 December 2020, to collect their feedback on the revised NFAPs and proposed FRLs.

The Authority takes note of the foreseen technical corrections as recorded in the minutes from the 4th meeting of the EFTA LULUCF Expert Group.¹²

The Authority presented the draft FRLs for Iceland and Norway for consultation of the EFTA LULUCF Expert Group.

The EFTA LULUCF Expert Group agreed that the FRLs that the Authority proposes to include in the Annex to this decision, were determined in accordance with the principles and requirements set out in paragraphs 4 and 5 of Article 8 and in Article 5(1) of the LULUCF Regulation, as incorporated into the EEA Agreement.

The Authority should therefore lay down the FRLs to be applied by Iceland and Norway for the period from 2021 to 2025.

The FRLs to be applied by Iceland and Norway for the period from 2021 to 2025 are set out in the Annex to the present decision.

This Decision is in line with the opinion of the EFTA LULUCF Expert Group.

⁵ Both Iceland and Norway had shared their NFAPs informally with the Authority, on 7 January 2020 and on 21 March 2019 respectively, to support the process for the establishment of the FRL.

⁶ College Decision 093/19/COL of 6 December 2019 and College Decision 022/20/COL of 20 March 2020.

⁷ <https://www.eftasurv.int/internal-market/lulucf>

⁸ [EFTA Surveillance Authority Decision No 068/20/COL](https://www.eftasurv.int/internal-market/lulucf)

⁹ Document No 1157952.

¹⁰ Document No 1162182.

¹¹ <https://www.eftasurv.int/internal-market/lulucf>

¹² Document No 1164181.

HAS ADOPTED THIS DECISION:

1. The forest reference levels to be applied by Iceland and Norway for the period from 2021 to 2025 are set out in the Annex to this Decision.
2. This Decision shall be notified to Iceland and Norway.

Done at Brussels, 16 December 2020

For the EFTA Surveillance Authority

Bente Angell-Hansen
President

Frank J. Büchel
College Member

Högni Kristjánsson
Responsible College Member

Carsten Zatschler
Countersigning as Director,
Legal and Executive Affairs

This document has been electronically authenticated by Bente Angell-Hansen, Carsten Zatschler.

ANNEX:**Forest reference levels to be applied by Iceland and Norway for the period from
2021 to 2025**

EFTA State	Forest reference level for the period from 2021 to 2025 in tonnes of CO₂ equivalent per year
Iceland	-30 405
Norway	-26 085 000