



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.2.2003
SEC(2003) 188 final

Draft

DECISION OF THE EEA JOINT COMMITTEE
amending Annex XX (Environment) to the EEA Agreement

- Draft common position of the Community -
(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In order to ensure the requisite legal security and homogeneity, the EEA Joint Committee is to integrate all the relevant Community legislation into the EEA Agreement as soon as possible after its adoption.
2. The EEA Joint Committee should therefore adopt the attached decision to amend Annex XX to the EEA Agreement by adding recently adopted acquis in the field of Environment. The decision concerns:

32000 L 0076: Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste (OJ L 332, 28.12.2000, p. 91).
3. The proposal includes an adaptation for EEA EFTA States.
4. Article 1(3)(a) of Council Regulation (EC) No 2894/94 concerning the arrangements for implementing the EEA Agreement envisages that the Council establish the Community position for decisions extending Community legislation with substantial changes.
5. The Council is requested to approve the attached draft decision for adoption by the EEA Joint Committee. The Commission would hope to be able to put forward the position of the Community in the EEA Joint Committee in March 2003.

Draft

DECISION OF THE EEA JOINT COMMITTEE

amending Annex XX (Environment) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XX to the Agreement was amended by Decision of the EEA Joint Committee No .../... of ...¹.
- (2) Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste² is to be incorporated into the Agreement.
- (3) Iceland has a number of small and very small municipalities located in peripheral areas where land for landfill of waste is limited.
- (4) Transportation to and from these municipalities is difficult for a large part of the year and makes collection of waste from a wider area to larger incineration and co-incineration plants undesirable or even impossible.
- (5) In order to discontinue former practice of open burning of waste some peripheral municipalities had set up incineration and co-incineration plants treating less than one ton of waste per hour.
- (6) The highly expensive continuous measurements of emissions as well as the six-monthly measurement of dioxin required by the Directive 2000/76/EC place a disproportionate burden upon these incineration and co-incineration plants of the peripheral municipalities.
- (7) The obligation of continuous measurements of emissions shall thus be replaced by annual measurements and the six-monthly measurement of dioxin shall be replaced by a non-recurring single measurement for these incineration and co-incineration plants.

¹ OJ L ...

² OJ L 332, 28.12.2000, p. 91.

- (8) In light of their limited environmental impact as well as the economic constraints encountered by incineration and co-incineration plants treating less than one ton of waste per hour, these incineration and co-incineration plants shall be exempted from compliance with the emission limit values contained in Directive 2000/76/EC and continue to be subject to the emission limit values contained in Directives 89/369/EEC, 89/429/EEC and 94/67/EC.
- (9) For the same reasons, incineration plants treating more than one but less than three tons of waste per hour shall be subject to a non-recurring single measurement of dioxin and exempted from compliance with the air emission limit values contained in Directive 2000/76/EC and continue to be subject to the air emission limit values contained in Directives 89/369/EEC, 89/429/EEC and 94/67/EC,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XX to the Agreement shall be amended as follows:

1. The following point shall be inserted after point 32db (Directive 2000/53/EC of the European Parliament and of the Council):

'32dc. **32000 L 0076:** Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste (OJ L 332, 28.12.2000, p. 91).

The provisions of the Directive shall, for the purposes of the Agreement, be read with the adaptations enumerated in the Appendix to the present Annex.'

2. The following shall be added in points 20 (Council Directive 89/369/EEC), 21 (Council Directive 89/429/EEC) and 21b (Council Directive 94/67/EC):

‘, as amended by:

- **32000 L 0076:** Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 (OJ L 332, 28.12.2000, p. 91).

The provisions of the Directive shall, for the purposes of the Agreement, be read with the adaptations enumerated in the Appendix to the present Annex.'

3. The following indent shall be added in point 26 (Council Directive 75/439/EEC):

‘- **32000 L 0076:** Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 (OJ L 332, 28.12.2000, p. 91).

The provisions of the Directive shall, for the purposes of the Agreement, be read with the adaptations enumerated in the Appendix to the present Annex.'

4. The heading ‘**APPENDIX TO ANNEX XX**’ shall be inserted after point 39 (Recommendation 2001/331/EC of the European Parliament and of the Council).

5. The adaptations mentioned in the Annex to the present Decision shall be inserted as the text of the Appendix to Annex XX.

Article 2

The texts of Directive 2000/76/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement of the *Official Journal of the European Communities*, shall be authentic.

Article 3

This Decision shall enter into force on [...], provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, .

*For the EEA Joint Committee
The President*

*The Secretaries
to the EEA Joint Committee*

* [No constitutional requirements indicated.] [Constitutional requirements indicated.]

ANNEX
to Decision of the EEA Joint Committee No []/2003

‘ADAPTATIONS TO DIRECTIVE 2000/76/EC OF 4 DECEMBER 2000

- (a) In Iceland, the existing incineration and co-incineration plants of Ísafjörður, Tálknafjörður, Hófshreppur (Svínafell), Kirkjubæjarklaustur, Vestmannaeyjar and Patreksfjörður, which treat less than one ton of waste per hour shall, until the end of their operational lifetime, be subject to the Directive with the following adaptations:
- (i) With the exception of dioxins, the measurements of the air pollutants mentioned in Article 11(2)(a) and (c) shall be carried out on a yearly basis.
 - (ii) Articles 11(4) and 11(6) shall not apply.
 - (iii) In Article 11(7) the words ‘from twice a year to once every two years and for dioxins and furans from twice a year to once every year’ shall be replaced by ‘from once a year to once every two years’.
 - (iv) Articles 11(10), 11(11), 11(12), 11(13), 11(14), 11(16) and 11(17) shall not apply.
 - (v) Dioxins shall only be subject to a non-recurring single measurement, whose results shall be notified to the EFTA Surveillance Authority.
- (b) The incineration and co-incineration plants mentioned in paragraph (a) shall continue to be subject to the emission limit values provided for in the Directives 89/369/EEC, 89/429/EEC and 94/67/EC.
- (c) In Iceland, the existing incineration and co-incineration plant of Suðurnes, which treats more than one but less than three tons of waste per hour shall, until the end of its operational lifetime, be subject to the Directive with the following adaptations:
- (i) Dioxins shall only be subject to a non-recurring single measurement, whose results shall be notified to the EFTA Surveillance Authority.
 - (ii) The air emission limit values provided for in paragraphs (a), (b) and (c) of Annex V to the Directive shall not apply and the corresponding air emission limit values provided for in the Directives 89/369/EEC, 89/429/EEC and 94/67/EC shall continue to apply.
- (d) Without prejudice to paragraphs (b) and (c)(ii), Article 8(1) and the Annex to Directive 75/439/EEC as well as the Directives 89/369/EEC, 89/429/EEC and 94/67/EC shall be repealed.
- (e) Paragraphs (a) to (d) shall be subject to review every five years or whenever new and cheaper technology for more extensive pollution measurements is developed, whichever comes first.’