

**DECISION OF THE EEA JOINT COMMITTEE**  
**No 165/2011**

**of 19 December 2011**

**amending Annex XIII (Transport) 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 XIII to the Agreement was amended by Decision of the EEA Joint Committee No 152/2011 of 2 December 2011<sup>1</sup>.
- (2) Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky, Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky, Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky, and Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network were incorporated into the Agreement by Decision of the EEA Joint Committee No 67/2006 of 2 June 2006<sup>2</sup>, with country specific adaptations.
- (3) Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Directive 2006/23/EC<sup>3</sup> is to be incorporated into the Agreement.
- (4) Directive 2006/23/EC of the European Parliament and of the Council<sup>4</sup>, which is incorporated into the Agreement, is repealed by Regulation (EC) No 1108/2009, while it should continue to apply until and be repealed under the Agreement with

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<sup>1</sup> OJ L ...

<sup>2</sup> OJ L 245, 7.9.2006, p. 18.

<sup>3</sup> OJ L 309, 24.11.2009, p. 51.

<sup>4</sup> OJ L 114, 27.4.2006, p. 22.

effect from the date on which the measures referred to in Article 8c(10) of Regulation (EC) No 216/2008 as amended by Regulation (EC) No 1108/2009 become applicable under the Agreement,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Annex XIII to the Agreement shall be amended as follows:

1. The following indent shall be added in point 66n (Regulation (EC) No 216/2008 of the European Parliament and of the Council):  
  
‘- **32009 R 1108**: Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 309, 24.11.2009, p. 51).’
2. The following shall be added in point 66z (Directive 2006/23/EC of the European Parliament and of the Council):  
  
‘The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptation:  
  
This Directive shall apply until the date on which the measures referred to in Article 8c(10) of Regulation (EC) No 216/2008 as amended by Regulation (EC) No 1108/2009 become applicable under the Agreement.’
3. The text of point 66z (Directive 2006/23/EC of the European Parliament and of the Council) shall be deleted with effect from the date on which the measures referred to in Article 8c(10) of Regulation (EC) No 216/2008 as amended by Regulation (EC) No 1108/2009 become applicable under this Agreement.

#### *Article 2*

The texts of Regulation (EC) No 1108/2009 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

#### *Article 3*

This Decision shall enter into force on 20 December 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint

Committee\*, or on the day of the entry into force of Decision of the EEA Joint Committee No 163/2011 of 19 December 2011<sup>5</sup>, whichever is the later.

*Article 4*

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

Done at Brussels, 19 December 2011.

*For the EEA Joint Committee*

The President  
Kurt Jäger

The Secretaries  
to the EEA Joint Committee  
Bergdís Ellertsdóttir    Gianluca Grippa

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\* No constitutional requirements indicated.  
5 OJ L ...