

DECISION OF THE EEA JOINT COMMITTEE
No 196/2018

of 21 September 2018

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area (“the EEA Agreement”), and in particular Article 98 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011¹ is to be incorporated into the EEA Agreement.
- (2) Implementing Regulation (EU) 2017/373 repeals Commission Regulation (EC) No 482/2008², Commission Implementing Regulation (EU) No 1034/2011³ and Commission Implementing Regulation (EU) No 1035/2011⁴, which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement.
- (3) Some of the provisions in Regulation (EU) 2017/373 originate from International Civil Aviation Organisation (ICAO) provisions which are only applicable to the ICAO EUR (European) region, which Iceland is not a part of due to its geographical situation.
- (4) Some of the provisions in Regulation (EU) 2017/373 refer to EU regulations which are limited in scope to ICAO EUR (European) and AFI (African) regions and may not be applied in Iceland.
- (5) Iceland, being located in the ICAO NAT (North Atlantic) region, is committed to fulfil and comply with ICAO NAT Supplementary Regional Provisions.
- (6) Annex XIII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XIII to the EEA Agreement shall be amended as follows:

1. The following is inserted after point 66xf (Commission Implementing Regulation (EU) No 390/2013):

¹ OJ L 62, 8.3.2017, p. 1.

² OJ L 141, 31.5.2008, p. 5.

³ OJ L 271, 18.10.2011, p. 15.

⁴ OJ L 271, 18.10.2011, p. 23.

‘66xg. **32017 R 0373**: Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1).

The Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) When reference in the Regulation and its Acceptable Means of Compliance (AMC)/Guidance Material (GM) is made to ICAO provisions applicable to ICAO EUR, it should be understood as not being a requirement for Iceland, where Iceland complies with ICAO NAT Regional supplementary provisions. ICAO NAT provisions may be considered to be AMC and GM for Iceland.
 - (b) When reference in the Regulation is made to European regulations which are limited in scope to ICAO EUR/AFI, it should be understood as not being a requirement for Iceland unless Iceland has specifically stated that such regulations are applicable in Iceland. Alternatively, national regulations or applicable ICAO provisions shall apply.
 - (c) Alternative Means of Compliance (AltMOC) should not be necessary in cases where Iceland complies with ICAO NAT Regional Supplementary Provisions.
 - (d) In point ATM/ANS.AR.A.025 of Annex II the words “the EFTA Surveillance Authority” shall be inserted in paragraph (b) after the words “Member States”.
 - (e) In point ATM/ANS.AR.C.050 of Annex II the words “and the EFTA Surveillance Authority” shall be inserted in paragraph (e)(1) after the words “the Commission”.
 - (f) In point ATM/ANS.OR.D.005 of Annex III the words “and the EFTA Surveillance Authority, as the case may be,” shall be inserted in paragraph (c) after the words “the Commission”.
 - (g) In point ATM/ANS.OR.D.025 of Annex III:
 - (i) the words “; the Standing Committee of the EFTA States, the EFTA Surveillance Authority” shall be inserted in paragraph (c) after the words “the Commission”; and
 - (ii) the words “; the EFTA Surveillance Authority, as the case may be” shall be inserted in paragraph (e) after the words “the Commission”.
2. Point 66wn (Commission Regulation (EU) No 677/2011) shall be amended as follows:
- (a) The following indent is added:

‘- **32017 R 0373**: Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 (OJ L 62, 8.3.2017, p. 1).’
 - (b) Point (j) is deleted.
3. The texts of points 66wf (Commission Regulation (EC) No 482/2008), 66xb (Commission Implementing Regulation (EU) No 1034/2011) and 66xc (Commission Implementing Regulation (EU) No 1035/2011) are deleted.

Article 2

The text of Implementing Regulation (EU) 2017/373 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 22 September 2018, provided that all the notifications under Article 103(1) of the EEA Agreement have been made*.

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, 21 September 2018.

*For the EEA Joint Committee
The President*

Oda Helen Sletnes

*The Secretaries
To the EEA Joint Committee*

Hege M. Hoff

Mikołaj Karłowski

* No constitutional requirements indicated.