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DECISION OF THE EEA JOINT COMMITTEE
No 138/2010

of 10 December 2010

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 123/2010 of 10 November 2010 ¹.
- (2) Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002² was incorporated into the Agreement by Decision of the EEA Joint Committee No 69/2009³ of 29 May 2009, with country specific adaptations.
- (3) Commission Regulation (EU) No 185/2010 of 4 March 2010 laying down detailed measures for the implementation of the common basic standards on aviation security⁴ is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 358/2010 of 23 April 2010 amending Regulation (EU) No 185/2010 of 4 March 2010 laying down detailed measures for the implementation of the common basic standards on aviation security⁵ is to be incorporated into the Agreement.
- (5) Regulation (EU) No 185/2010 repeals Regulations (EC) Nos 1217/2003⁶, 1486/2003⁷, 1138/2004⁸ and 820/2008⁹, which are incorporated into the Agreement, but which should continue to apply until, and therefore only be repealed under the Agreement with effect from, the day of the entry into force of the last of the Decisions of the EEA

¹ OJ L ...
² OJ L 97, 9.4.2008, p. 72.
³ OJ L 232, 3.9.2009, p. 25.
⁴ OJ L 55, 5.3.2010, p. 1.
⁵ OJ L 105, 27.4.2010, p. 12.
⁶ OJ L 169, 8.7.2003, p. 44.
⁷ OJ L 213, 23.8.2003, p. 3.
⁸ OJ L 221, 22.6.2004, p. 6.
⁹ OJ L 221, 19.8.2008, p. 8.

Joint Committee incorporating into the Agreement the measures¹⁰ necessary for the applicability of Regulation (EC) No 300/2008,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as follows:

1. The following point shall be inserted after point 66hd (Commission Regulation (EU) No 1254/2009):

‘66he.**32010 R 0185**: Commission Regulation (EU) No 185/2010 of 4 March 2010 laying down detailed measures for the implementation of the common basic standards on aviation security (OJ L 55, 5.3.2010, p. 1), as corrected by OJ L 253, 28.9.2010, p. 61, as amended by:

- **32010 R 0358**: Commission Regulation (EU) No 358/2010 of 23 April 2010 (OJ L 105, 27.4.2010, p. 12).

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

This Regulation shall apply as from the date on which the last of the Decisions of the EEA Joint Committee incorporating into the Agreement the measures necessary for the applicability of Regulation (EC) No 300/2008 enters into force.’

2. The following shall be added in points 66i (Commission Regulation (EC) No 820/2008), 66j (Commission Regulation (EC) No 1217/2003) and 66m (Commission Regulation (EC) No 1138/2004):

‘The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

This Regulation shall apply until the date on which the last of the Decisions of the EEA Joint Committee incorporating into the Agreement the measures necessary for the applicability of Regulation (EC) No 300/2008 enters into force.’

3. The text of point 66k (Commission Regulation (EC) No 1486/2003) shall be amended as follows:

- (i) The current adaptation shall be numbered as adaptation (a).

¹⁰ Commission Regulation (EC) No 272/2009 of 2 April 2009, Commission Regulation (EU) No 1254/2009 of 18 December 2009, Commission Regulation (EU) No 18/2010 of 8 January 2010, Commission Regulation (EU) No 72/2010 of 26 January 2010, Commission Regulation (EU) No 185/2010 of 4 March 2010, Commission Regulation (EU) No 297/2010 of 9 April 2010, Commission Regulation (EU) No 357/2010 of 23 April 2010, Commission Regulation (EU) No 358/2010 of 23 April 2010, Commission Decision C(2010)774 final of 13 April 2010 and Commission Decision C(2010)2604 final of 23 April 2010.

(ii) The following adaptation shall be inserted after the new adaptation (a):

‘(b) This Regulation shall apply until the date on which the last of the Decisions of the EEA Joint Committee incorporating into the Agreement the measures necessary for the applicability of Regulation (EC) No 300/2008 enters into force.’

4. The text of points 66i (Commission Regulation (EC) No 820/2008), 66j (Commission Regulation (EC) No 1217/2003), 66k (Commission Regulation (EC) No 1486/2003) and 66m (Commission Regulation (EC) No 1138/2004) shall be deleted with effect from the date on which the last of the Decisions of the EEA Joint Committee incorporating into the Agreement the measures necessary for the applicability of Regulation (EC) No 300/2008 enters into force.

Article 2

The texts of Regulations (EU) Nos 185/2010 and 358/2010 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 11 December 2010, 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 Union*.

Done at Brussels, 10 December 2010.

*For the EEA Joint Committee
The President*

Stefán Haukur Jóhannesson

*The Secretaries
to the EEA Joint Committee*

Bergdis Ellertsdóttir Gianluca Grippa

* No constitutional requirements indicated.