

DECISION OF THE EEA JOINT COMMITTEE
No 229/2013
of 13 December 2013
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 Regulation (EU) No 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services ⁽¹⁾, as corrected by OJ L 229, 6.9.2011, p. 18, is to be incorporated into the EEA Agreement.
- (2) Commission Implementing Regulation (EU) No 1216/2011 of 24 November 2011 amending Commission Regulation (EU) No 691/2010 laying down a performance scheme for air navigation services and network functions ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) 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 indent is added in point 66x (Commission Regulation (EC) No 2096/2005):

— **32010 R 0691**: Commission Regulation (EU) No 691/2010 of 29 July 2010 (OJ L 201, 3.8.2010, p. 1), as corrected by OJ L 229, 6.9.2011, p. 18.'

2. The following is inserted after point 66x (Commission Regulation (EC) No 2096/2005):

'66xa. **32010 R 0691**: Commission Regulation (EU) No 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services (OJ L 201, 3.8.2010, p. 1), as corrected by OJ L 229, 6.9.2011, p. 18, as amended by:

— **32011 R 1216**: Commission Implementing Regulation (EU) No 1216/2011 of 24 November 2011 (OJ L 310, 25.11.2011, p. 3).

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

- (a) in Article 3, the word "Commission" shall read "Standing Committee of the EFTA States";
- (b) in Article 13(1) the following paragraph shall be added:

"If the assessment concerns performance plans, which relate to one or more EU Member States and one or more EFTA States, the assessment shall be carried out by the EFTA Surveillance Authority with regard to the EFTA State(s) and by the Commission with regard to the EU Member State(s). The Commission and the EFTA Surveillance Authority shall in this regard cooperate with a view to adopting identical positions.";

⁽¹⁾ OJ L 201, 3.8.2010, p. 1.

⁽²⁾ OJ L 310, 25.11.2011, p. 3.

(c) in Article 14(1) the following paragraph shall be added:

“If the assessment concerns performance targets, which relate to one or more EU Member States and one or more EFTA States, the assessment shall be carried out by the EFTA Surveillance Authority with regard to the EFTA State(s) and by the Commission with regard to the EU Member State(s). The Commission and the EFTA Surveillance Authority shall in this regard cooperate with a view to adopting identical positions.”;

(d) in Article 17(2) the following paragraph shall be added:

“If a functional airspace block covers the airspace of one or more EU Member State(s) and one or more EFTA State(s), the tasks and powers set out in this point shall be carried out and exercised by the EFTA Surveillance Authority with regard to the EFTA State(s) and by the Commission with regard to the EU Member State(s). The Commission and the EFTA Surveillance Authority shall in this regard cooperate with a view to adopting identical positions.”;

(e) in Article 17(3) the following paragraph shall be added:

“Where performance plans and targets relate to one or more EU Member States and one or more EFTA States, the Commission and the EFTA Surveillance Authority shall cooperate with a view to reporting jointly on the achievement of performance targets to the Single Sky Committee.”.

Article 2

The texts of Regulation (EU) No 691/2010 and Implementing Regulation (EU) No 1216/2011 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 14 December 2013, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*), or on the day of the entry into force of the Decision of the EEA Joint Committee No 228/2013 of 13 December 2013 (†), 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, 13 December 2013.

For the EEA Joint Committee

The President

Thórir IBSEN

(*) No constitutional requirements indicated.

(†) See page 25 of this Official Journal.