



Ref. 1074485

14 December 2007

DECISION OF THE COUNCIL NO 5 OF 2007

(ADOPTED AT THE 12TH MEETING ON 13 DECEMBER 2007)

AMENDMENTS TO THE APPENDIX TO ANNEX Q TO THE CONVENTION

AIR TRANSPORT

THE COUNCIL,

Having regard to the Member States' endeavour to regularly update the Convention in order to take account of developments under the Agreement on the European Economic Area and the Bilateral Agreements of 21 June 1999 between the Swiss Confederation on the one hand and the European Community and its Member States on the other,

Having regard to Article 53(3) of the Convention, empowering the Council to amend the Appendix to Annex Q to the Convention,

Having regard to the recommendation of the Committee on Air Transport in its report to the Council to amend the Appendix to Annex Q (Air transport) to the Convention,

DECIDES:

1. The Appendix to Annex Q to the Convention shall be amended as follows:
 - a) The following shall be deleted in point 1:
'No 295/91
Council Regulation of 4 February 1991 establishing common rules for a denied boarding compensation system in scheduled air transport.
(Articles 1-9)

No 80/51

Council Directive of 20 December 1979 on the limitation of noise emissions from subsonic aircraft, as amended by Directive 83/206/EEC. (Articles 1-9)'

- b) The following shall be inserted in point 1 after the reference to Council Regulation (EEC) No 95/93:

'No 793/2004

Regulation of the European Parliament and of the Council of 21 April 2004 amending Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports. (Articles 1-2)'

- c) The following shall be inserted in point 1 after the reference to Council Regulation (EC) No 2027/97:

'No 889/2002

Regulation of the European Parliament and of the Council of 13 May 2002 amending Council Regulation (EC) No 2027/97 on air carrier liability in the event of accidents. (Articles 1-2)'

- d) The following shall be deleted in point 2:

'No 93/65

Council Directive of 19 July 1993 on the definition and the use of compatible technical and operating specifications for the procurement of air traffic management equipment and systems. (Article 1-5, 7-10)

The provisions of the Directive shall, for the purposes of this Convention, be read with the following adaptation:

The Annex should be adapted to include organisations in the EFTA States covered by Article 5.

No 97/15

Commission Directive of 25 March 1997 adopting Eurocontrol standards and amending Council Directive 93/65/EEC on the definition and use of compatible technical specifications for the procurement of air-traffic-management equipment and systems. (Articles 1-4, 6)'

- e) The following shall be inserted in point 3 after the reference to Council Directive 94/56/EC:

'No 1592/2002

Regulation of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.
(Articles 1-11, 57)

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

- (a) In Articles 9(1) and 9(2)(a) the words “or an EFTA State” shall be inserted after the words “the Community”.
- (b) Articles 9(2)(b) and (c) shall not apply.
- (c) With regard to Switzerland, Annex II to the Regulation is extended to include the following aircraft as products falling under Article 2(3)(a)(ii) of Commission Regulation No 1702/2003:
 - A/c – [HB IDJ] – type CL600-2B19
 - A/c – [HB-IGM] – type Gulfstream G-V-SP
 - A/c – [HB-IIS, HB-IIY, HB-IMJ, HB-IVL, HB-IVZ, HB-JES] – type Gulfstream G-V
 - A/c – [HB-IBX, HB-IKR, HB-IMY, HB-ITF, HB-IWY] – type Gulfstream G-IV
 - A/c – [HB-XJF, HB-ZCW, HB-ZDF, HB-ZDO] – type MD 900

No 1643/2003

Regulation of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 1592/2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.

No 1701/2003

Commission Regulation of 24 September 2003 adapting Article 6 of Regulation (EC) No 1592/2002 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.

No 104/2004

Commission Regulation of 22 January 2004 laying down rules on the organisation and composition of the Board of Appeal of the European Aviation Safety Agency.

No 488/2005

Commission Regulation of 21 March 2005 on the fees and charges levied by the European Aviation Safety Agency.

No 1702/2003

Commission Regulation of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations.

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

With regard to Switzerland the date “28 September 2003” referred to in paragraphs 3, 4, 6, 8, 10, 11, 13 and 14 of Article 2 shall be replaced by the date “1 December 2006”.

No 381/2005

Commission Regulation of 7 March 2005 amending Regulation (EC) No 1702/2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organizations.

No 2042/2003

Commission Regulation of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks.

No 2003/42

Directive of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation.
(Articles 1-12)'

- f) The following shall be inserted in point 4 after the reference to Commission Regulation (EC) No 622/2003:

'No 781/2005

Commission Regulation of 24 May 2005 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security.
(Articles 1-2)

No 857/2005

Commission Regulation of 6 June 2005 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security.
(Articles 1-2)'

- g) The following shall be inserted in point 5 after the reference to Council Directive 93/13/EEC:

'No 261/2004

Regulation of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91.

(Articles 1-18)'

- h) The numbering of point 5 (Others) shall be changed to 6.
- i) The following shall be inserted after the reference to Commission Regulation (EC) No 1138/2004:

‘5. Air Traffic Management

No 549/2004

Regulation of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation).

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

This Regulation shall not apply to Liechtenstein.

No 550/2004

Regulation of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation).

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

- (a) In Articles 3(2), 7(1) and (6), 8(1) and 10(1) the words “and the EFTA States” shall be inserted after the words “the Community”.
- (b) With regard to Iceland the last sentence of Article 14 shall read as follows:

“This scheme shall be consistent with Article 15 of the 1944 Chicago Convention on International Civil Aviation and with Eurocontrol’s charging system for en route charges or with Joint Financing Agreements administered by ICAO for the North-Atlantic region.”
- (c) With regard to Iceland the following shall be added at the end of the first sentence of Article 15(2)(b):

“or North-Atlantic Region.”
- (d) This Regulation shall not apply to Liechtenstein.

No 551/2004

Regulation 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 (the airspace Regulation).

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

This Regulation shall not apply to Liechtenstein.

No 552/2004

Regulation of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation).

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

- (a) In Articles 5(2) and 7(4), as well as in the second and the last indent of section 3 of Annex III the words “or the EFTA States” shall be inserted after the words “the Community”.
- (b) This Regulation shall not apply to Liechtenstein.

No 2096/2005

Commission Regulation of 20 December 2005 laying down common requirements for the provision of air navigation services.

No 2150/2005

Commission Regulation of 23 December 2005 laying down common rules for the flexible use of airspace.’

2. This Decision shall take immediate effect.
 3. The Secretary-General of the European Free Trade Association shall deposit the text of this Decision with the Depositary.
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