



# EUROPEAN FREE TRADE ASSOCIATION

Ref. 1089230

10 December 2009

## DECISION OF THE COUNCIL NO 4 OF 2009

(Adopted at the tenth meeting on 19 November 2009)

### 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) Point 1 (Third aviation package of liberalisation and other civil aviation rules) shall be amended as follows:

- (i) Under the reference to Council Regulation (EEC) No 2407/92, the words “Article 169 of the EC Treaty” shall be replaced by “Article 226 of the EC Treaty”.
- (ii) The text regarding the reference to Council Regulation (EEC) No 2408/92 shall be replaced by the following:

**‘No 2408/92**

Council Regulation of 23 July 1992 on access for Community air carriers to intra-Community air routes, as amended by:

- **1 03 T:** Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003 (OJ L 236, 23.9.2003, p. 33).

(Articles 1-10, 12-15)

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

The Annexes to the Regulation shall include only airports in the EFTA States.’

- (iii) The following shall be inserted after the reference to Council Regulation (EEC) No 2299/89:

**‘No 2002/30**

Directive of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noiserelated operating restrictions at Community airports, as amended by:

- **1 03 T:** Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003 (OJ L 236, 23.9.2003, p. 33).

(Articles 1 to 12 and 14 to 18)’

- (iv) The following text under the reference to Council Directive 2000/79/EC shall be deleted:

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

Switzerland shall apply the Directive after a transitional period of the same length as the implementation period laid down in the Directive for the Member States of the Community, running as of 1 June 2004.’

- (v) The following text under the reference to Council Directive 93/104/EC shall be deleted:

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

Switzerland shall apply the Directive after a transitional period of the same length as the implementation period laid down in the Directive for the Member States of the Community, running as of 22 April 2004.’

- (vi) The following shall be inserted after the reference to Council Directive 93/104/EC:

**‘No 785/2004**

Regulation of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators.’

- b) The following shall be inserted in point 2 (Technical harmonisation) after the reference to Council Regulation (EEC) No 3922/91:

**‘No 1899/2006**

Regulation of the European Parliament and of the Council of 12 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation.

**No 1900/2006**

Regulation of the European Parliament and of the Council of 20 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation.

**No 8/2008**

Commission Regulation of 11 December 2007 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane.’

- c) Point 3 (Air safety) shall be amended as follows:

- (i) The following shall be inserted after the reference to Council Directive 94/56/EC:

**‘No 2004/36**

Directive of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airport.

(Articles 1-9 and 11-14)

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

The measures laid down in this Directive shall not apply to the existing civil aviation infrastructure in the territory of Liechtenstein.

**No 768/2006**

Commission Regulation of 19 May 2006 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the collection and exchange of information on the safety of aircraft using Community airports and the management of the information system.’

- (ii) The following shall be inserted after the reference to Commission Regulation (EC) No 1701/2003:

**‘No 334/2007**

Commission Regulation of 28 March 2007 amending Regulation (EC) No 1592/2002 of the European Parliament and the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.

**No 103/2007**

Commission Regulation of 2 February 2007 on the extension of the transitional period referred to in Article 53(4) of Regulation (EC) No 1592/2002 of the European Parliament and of the Council.’

- (iii) The following shall be inserted after the reference to Commission Regulation (EC) No 488/2005:

**‘No 593/2007**

Commission Regulation of 31 May 2007 repealing Regulation (EC) No 488/2005 on the fees and charges levied by the European Aviation Safety Agency.

**No 736/2006**

Commission Regulation of 16 May 2006 on working methods of the European Aviation Safety Agency for conducting standardization inspections.’

- (iv) The following text regarding the reference to Commission Regulation (EC) No 488/2005 shall be deleted:

**‘No 488/2005**

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

- (v) The following shall be inserted after the reference to Commission Regulation (EC) No 381/2005:

**‘No 706/2006**

Commission Regulation of 8 May 2006 amending Regulation (EC) No 1702/2003 as regards the period during which Member States may issue approvals of a limited duration.

**No 335/2007**

Commission Regulation of 28 March 2007 amending Regulation (EC) No 1702/2003 as regards the implementing rules related to environmental certification of aircraft and related products, parts and appliances.

**No 375/2007**

Commission Regulation of 30 March 2007 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.’

- (vi) The following shall be inserted after the reference to Commission Regulation (EC) No 2042/2003:

**‘No 707/2006**

Commission Regulation of 8 May 2006 amending Regulation (EC) No 2042/2003 as regards approvals of a limited duration and Annexes I and III.

**No 376/2007**

Commission Regulation of 30 March 2007 amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks.’

- (vii) The following shall be inserted after the reference to Directive 2003/42/EC of the European Parliament and of the Council:

**‘No 2111/2005**

Regulation of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on

informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC.

**No 473/2006**

Commission Regulation of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council.

**No 474/2006**

Commission Regulation of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council, as last amended by Commission Regulation (EC) No 715/2008 of 24 July 2008.

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

The provisions of the Annexes to the Regulation shall apply as long as they are in force in the EU.'

- d) The following shall be inserted in point 4 (Aviation security) after the reference to Commission Regulation (EC) No 857/2005:

**'No 831/2006**

Commission Regulation of 2 June 2006 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security.

**No 1448/2006**

Commission Regulation of 29 September 2006 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security.

**No 1546/2006**

Commission Regulation of 4 October 2006 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security.

**No 1862/2006**

Commission Regulation of 15 December 2006 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security.

**No 65/2006**

Commission Regulation of 13 January 2006 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security.

**No 240/2006**

Commission Regulation of 10 February 2006 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security.

**No 437/2007**

Commission Regulation of 20 April 2007 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security.

**No 358/2008**

Commission Regulation of 22 April 2008 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security.'

- e) The following shall be inserted in point 5 (Air traffic management) after the reference to Commission Regulation (EC) No 2150/2005:

**'No 2006/23**

Directive of the European Parliament and of the Council of 5 April 2006 on a Community air traffic controller licence.

**No 730/2006**

Commission Regulation of 11 May 2006 on airspace classification and access of flights operated under visual flight rules above flight level 195.

**No 1033/2006**

Commission Regulation of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the Single European Sky.

**No 1032/2006**

Commission Regulation of 6 July 2006 laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units.

**No 633/2007**

Commission Regulation of 7 June 2007 laying down requirements for the application of a flight message transfer protocol used for the purpose of notification, coordination and transfer of flights between air traffic control units.'

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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