

## DECISION OF THE EEA JOINT COMMITTEE

No 133/2012

of 13 July 2012

## amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

HAS ADOPTED THIS DECISION:

*Article 1*

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Point 64a (Regulation (EC) No 1008/2008 of the European Parliament and of the Council) of Annex XIII to the EEA Agreement shall be amended as follows:

Whereas:

(1) Annex XIII to the EEA Agreement was amended by Decision of the EEA Joint Committee No 113/2012 of 15 June 2012 <sup>(1)</sup>.

(1) the current adaptation (b) shall be renumbered as adaptation (c);

(2) Annex XIII to the EEA Agreement was amended by Decision of the EEA Joint Committee No 90/2011 of 19 July 2011 <sup>(2)</sup>, which incorporates into the EEA Agreement Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community <sup>(3)</sup>.

(2) the following adaptation shall be inserted after adaptation (a):

'(b) the following paragraph shall be added in Article 15:

(3) The Contracting Parties aim at ensuring that EEA EFTA <sup>(4)</sup> air carriers are entitled to operate air services from Member States of the Union to Switzerland and vice versa.

"6. Under the same conditions as Community and EEA EFTA (\*) air carriers, Swiss air carriers shall be entitled to operate air services from Member States of the European Union to EEA EFTA States and vice versa. This shall be subject to the condition that, on the one hand, the Community and Switzerland grant EEA EFTA air carriers the right to operate air services from Member States of the European Union to Switzerland and vice versa, and, on the other hand, that Switzerland and the EEA EFTA States grant Community air carriers the right to operate air services from Switzerland to EEA EFTA States and vice versa.

(4) The Contracting Parties also aim at ensuring that Community air carriers are entitled to operate air services from an EEA EFTA State to Switzerland and vice versa.

Any restrictions on this arrangement arising from existing bilateral or multilateral agreements binding the Community, on the one hand, and the EEA EFTA States, on the other hand, are hereby superseded.

(5) To this end, the EEA Joint Committee is to grant, subject to the condition of reciprocity, Swiss air carriers the right to operate from Member States of the Union to an EEA EFTA State and vice versa.

(\*) References to 'EFTA' in this Decision are in accordance with Article 2(b) of the EEA Agreement to be read as references to 'EEA EFTA'."

(6) Annex XIII to the EEA Agreement should therefore be amended accordingly,

*Article 2*

This Decision shall enter into force on 14 July 2012, provided that all the notifications under Article 103(1) of the EEA Agreement have been made to the EEA Joint Committee (\*), or on the date of entry into force of the agreement between the European Union and Switzerland granting EEA EFTA air carriers the right to operate air services from Member States of the European Union to Switzerland and vice versa, on the one hand, or of the agreement between the EEA EFTA States and Switzerland granting Community air carriers the right to operate air services from Switzerland to EEA EFTA States and vice versa, on the other hand, whichever is the latest.

<sup>(1)</sup> OJ L 270, 4.10.2012, p. 37.

<sup>(2)</sup> OJ L 262, 6.10.2011, p. 62.

<sup>(3)</sup> OJ L 293, 31.10.2008, p. 3.

<sup>(4)</sup> References to 'EFTA' in this Decision are in accordance with Article 2(b) of the EEA Agreement to be read as references to 'EEA EFTA'.

(\*) No constitutional requirements indicated.

*Article 3*

The President of the EEA Joint Committee shall notify Switzerland of the adoption of this Decision and of the last notification to the EEA Joint Committee under Article 103(1) of the EEA Agreement, if any.

*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 July 2012.

*For the EEA Joint Committee*

*The President*

Atle LEIKVOLL

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