

DECISION OF THE EEA JOINT COMMITTEE No 106/2019
of 11 April 2019
amending Annex XIII (Transport) to the EEA Agreement [2019/1236]

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) Regulation (EU) 2019/502 of the European Parliament and of the Council of 25 March 2019 on common rules ensuring basic air connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) This decision relates to the incorporation, into the EEA Agreement, of EU unilateral contingency measures adopted in order to ensure the good functioning of the internal market in case of withdrawal of the UK from the EU without an agreement (no deal scenario). The EEA Agreement is not designed to address the relations between the EEA States and the UK, as a third State. Therefore, the incorporation is accepted on an exceptional basis and under condition that the application of the contingency measures is limited to the very short period of time after the withdrawal. The incorporation cannot be used as a precedent in the future and in other cases related to the EU measures affecting third countries.
- (3) Annexes XIII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is inserted after point 64c (Council Directive 96/67/EC) of Annex XIII to the EEA Agreement:

'64d. **32019 R 0502:** Regulation (EU) 2019/502 of the European Parliament and of the Council of 25 March 2019 on common rules ensuring basic air connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (OJ L 85I, 27.3.2019, p. 49).

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

- (a) As regards the EFTA States, Article 4(3) shall not apply.
- (b) The following paragraph shall be added to Article 15:

"4. The EFTA States shall participate fully in the committee established pursuant to paragraph 1 and shall within it have the same rights and obligations as EU Member States, except for the right to vote."

Article 2

The text of Regulation (EU) 2019/502 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 April 2019, or on the day following the last notification under Article 103(1) of the EEA Agreement (*), whichever is the later.

⁽¹⁾ OJ L 85I, 27.3.2019, p. 49.

(*) No constitutional requirements indicated.

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, 11 April 2019.

For the EEA Joint Committee
The President
Claude MAERTEN
