

DECISION OF THE EEA JOINT COMMITTEE
No 318/2019
of 13 December 2019
amending Annex XIII (Transport) to the EEA Agreement [2020/336]

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 Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Implementing Regulation (EU) 2019/317 repeals, with effect from 1 January 2020, Commission Implementing Regulations (EU) No 390/2013 ⁽²⁾ and (EU) No 391/2013 ⁽³⁾, which are incorporated into the EEA Agreement and which are consequently repealed under the EEA Agreement.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 point is inserted after point 66xj (Commission Implementing Regulation (EU) 2019/123):

'66xk. **32019 R 0317:** Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 (OJ L 56, 25.2.2019, p. 1.)

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

- (a) Notwithstanding the provisions of Protocol 1 to the Agreement, the term "Member State(s)" shall be understood to include, in addition to its meaning in the Implementing Regulation, the EFTA States.
- (b) As regards the EFTA States, the term "Network Manager" shall refer to the Network Manager appointed by the Standing Committee of the EFTA States.
- (c) As regards the EFTA States, the term "Performance Review Body" shall refer to the Performance Review Body designated by the Standing Committee of the EFTA States.
- (d) In Article 14(1), the following subparagraph shall be added:

"If the assessment concerns performance plans and 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 all through the procedure established in this Article."

⁽¹⁾ OJ L 56, 25.2.2019, p. 1.

⁽²⁾ OJ L 128, 9.5.2013, p. 1.

⁽³⁾ OJ L 128, 9.5.2013, p. 31.

(e) In Article 15(1), the following subparagraph shall be added:

“If the assessment and review concerns performance plans and 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 all through the procedure established in this Article.”

(f) In Article 18(1), the following subparagraph shall be added:

“If the reasoned request 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 all through the procedure established in this Article.”

(g) In Article 19(2), the following subparagraph shall be added:

“Where the Network Performance Plan relates to both the Network Manager appointed by the Commission and the Network Manager appointed by the Standing Committee of the EFTA States, the Commission and the EFTA Surveillance Authority shall cooperate with a view to adopting identical positions.”

(h) In Article 19(1), (3) and (4), as regards the EFTA States, the word “Commission” shall read “EFTA Surveillance Authority”.

2. The texts of point 66xf (Commission Implementing Regulation (EU) No 390/2013) and 66wm (Commission Implementing Regulation (EU) No 391/2013) shall be deleted with effect from 1 January 2020.

Article 2

The text of Implementing Regulation (EU) 2019/317 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 2019, 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 Decision of the EEA Joint Committee No 317/2019 of 13 December 2019 (†), 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 2019.

For the EEA Joint Committee
The President
Gunnar PÁLSSON

(*) No constitutional requirements indicated.

(†) See page 72 of this Official Journal.