ANNEX XIII

TRANSPORT

TABLE OF CONTENTS – PART I

I. Inland Transport
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PART III In EEA Annexes: Transport – Part III

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INTRODUCTION

When the acts referred to in this Annex contain notions or refer to procedures which are specific to the Community legal order, such as

- preambles;
- the addressees of the Community acts;
- references to territories or languages of the EC;
- references to rights and obligations of EC Member States, their public entities, undertakings or individuals in relation to each other; and
- references to information and notification procedures;

Protocol 1 on horizontal adaptations shall apply, unless otherwise provided for in this Annex.

SECTORAL ADAPTATIONS

I. Where the acts referred to in this Annex contain references to the EEC Treaty, they shall, for the purposes of the present Agreement,

(a) be read, with regard to the following references, as indicated below:

- Article 55 EEC = Article 32 EEA
- Article 56 EEC = Article 33 EEA
- Article 57 EEC = Article 30 EEA
- Article 58 EEC = Article 34 EEA
- Article 77 EEC = Article 49 EEA
- Article 79 EEC = Article 50 EEA
- Article 85 EEC = Article 53 EEA
- Article 86 EEC = Article 54 EEA
- Article 92 EEC = Article 61 EEA
- Article 93 EEC = Article 62 EEA
- Article 214 EEC = Article 122 EEA

(b) be deemed, with regard to the following references, as not relevant:
- Article 75 EEC
- Article 83 EEC
- Article 94 EEC
- Article 95 EEC
- Article 99 EEC
- Article 172 EEC
- Article 192 EEC
- Article 207 EEC
- Article 209 EEC

II. For the purposes of the present Agreement, the following shall be added to the lists set out in Annex II, A.1 of Regulation (EEC) No 1108/70, (1), (4), (6):

"- Norges Statsbaner
  [ ] (4)
  [ ] (6)"

III. When an act referred to in this Annex provides for procedures to settle a dispute between EC Member States and a dispute arises between EFTA States they shall submit the dispute for settlement to the appropriate EFTA body applying equivalent procedures. If a dispute arises between an EC Member State and an EFTA State, the respective Contracting Parties shall submit the dispute for settlement by the EEA Joint Committee applying equivalent procedures.

ACTS REFERRED TO

I. INLAND TRANSPORT

(i) General issues


- 172 B: Act concerning the Conditions of Accession and Adjustments to the Treaties – Accession to the European Communities of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland (OJ No L073, 27.3.1972, p.90),

- 373 D 0101(01): Council Decision of the European Communities of 1 January 1973 adjusting the instruments concerning the accession of new Member States to the European Communities (OJ No L002, 1.1.1973, p.19),


(4) Indent “Schweizerische Bundesbahnen” deleted by the Adjusting Protocol.


- **185 I**: Act concerning the Conditions of Accession and Adjustments to the Treaties – Accession to the European Communities of the Kingdom of Spain and the Portuguese Republic (OJ No L 302, 15.11.1985, p.23).


- **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),

- **1 94 N**: Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments of the Treaties on which the European Union is founded (OJ C 241, 29.8.1994, p. 21 as amended by OJ L 1, 1.1.1995, p. 1).


The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptation:

The following shall be added to Annex II of the Regulation:

A.1 **RAIL** – Main networks

See sectoral adaptation II.

A.2 **RAIL** – Networks open to public traffic and connected to the main network (excluding urban networks)

"Norway
Norges Statsbaner
[ ]
[ ]"
B. ROAD

"Iceland"
1. bjóðvegir
2. Sýsluvegir
3. Bjóðvegir í þéttbýli
4. Götur sveitarfélagi

Liechtenstein
1. Landesstrassen
2. Gemeindestrassen

Norway
1. Riksveger
2. Fylkesveger
3. Kommunale veger

[ ]

2. [ ]


3. [ ]


4. [ ]


(ii) Infrastructure

5. [ ]


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

(a) As regards the EFTA States, the word “TFEU” in Article 3(5) shall read “EEA Agreement”.

(b) Article 6 shall not apply to Iceland.

(c) This Directive shall not apply to Liechtenstein.


(iii) Competition rules

6. **360 R 0011**: Council Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79(3) of the Treaty establishing the European Economic Community (OJ No 52, 16.8.1960, p.1121/60) as amended and supplemented by:


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

For the application of Articles 11 to 26 of this Regulation, see Protocol 21.


(1) Listed here for purposes of information only. For application, see Annex XIV on Competition.

8. [ ]

9. [ ]


(1) Listed here for purposes of information only. For application, see Protocol 21.

10a. **32009 R 0906**: Commission Regulation (EC) No 906/2009 of 28 September 2009 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia) (OJ L 256, 29.9.2009, p.31), as amended by:

Listed here for purposes of information only. For application, see Annex XIV on Competition.

(iv) State aid

11. [ ]

(v) Frontier facilitation


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

[ ]

(b) the first sentence of Article 4 shall be replaced by the following:

"For the purposes of implementing this Regulation, and in accordance with Article 13 of Protocol 10 to the EEA Agreement, the provisions of Protocol 11 to the Agreement shall apply mutatis mutandis."

(vi) Combined transport


- [42] 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),


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

to Article 6 (3) shall be added:

- Iceland: Þungaskattur,
- Liechtenstein: Motorfahrzeugsteuer,
- Norway: Vektårsavgift,

(vii) Technical harmonisation and safety (**)

13a. [ ] (**)
13b. [ ] (**)
13c. (**)


(**) Indent added by Decision No 159/2014 (OJ L 15, 22.1.2015, p. 87 and EEA Supplement No 5, 22.1.2015, p. 10), e.i.f. pending; it shall apply from 9.7.2014.

(*** Adaptation added by EEA Council Decision No 1/95.


(******) Indent added by Decision No 121/2010 (OJ L 58, 3.3.2011, p. 79 and EEA Supplement No 12, 3.3.2011, p. 23), e.i.f. 11.11.2010.


(******) Indent added by Decision No 60/2015 (OJ L 129, 19.5.2016, p. 44 and EEA Supplement No 29, 19.5.2016, p. 45), e.i.f. 21.3.2015.


II. ROAD TRANSPORT

(i) Technical harmonization and safety

14. [ ] [73]

15. [ ] [74]

- [()]


[()]
The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for Hungary (Annex X, Chapter 6, Point 4) and Poland (Annex XII, Chapter 8, Point 3), shall apply.

[()]
The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 5, point 3) and Romania (Annex VII, Chapter 6, point 2), shall apply.


- [()]


16. [ ] [()]

16a. [ ] [()]


- [()]


[()]


[()]


[()]


[()]


[()]


[()]


[()]


[()]


[()]

Indent and words “as amended by:” above added by Decision No 249/2021 (OJ L, 2024/506, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 49), e.i.f. 25.9.2021.

[()]


[()]


[()]

16c. **32019 R 0621**: Commission Implementing Regulation (EU) 2019/621 of 17 April 2019 on the technical information necessary for roadworthiness testing of the items to be tested, on the use of the recommended test methods, and establishing detailed rules concerning the data format and the procedures for accessing the relevant technical information (OJ L 108, 23.4.2019, p. 5).


The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for Malta (Annex XI, Chapter 6, Point 1), shall apply.


(1) Listed here for purposes of information only. For application, see Annex XXI.


17e. [ ]

17f. [ ]


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

The following shall be added to paragraph 2.3.6 of Annex I to the Directive:

‘An exception can be made for tunnels shorter than 10 km and with traffic volume lower than 4000 vehicles per lane if a risk analysis shows that the same or better overall safety can be obtained with alternative safety measures.’


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\[^{[17]}\] Indent and words “; , as amended by:” inserted by Decision No 14/2022 (OJ L 175, 30.6.2022, p. 27 and EEA Supplement No 42, 30.6.2022, p. 25), c.f. 5.2.2022.


(ii) Taxation


- 172 B: Act concerning the conditions of access and the adjustments to the Treaties (OJ L 73, 27.3.1972, p. 92),


- 103 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 Hungary, the Republic of Lithuania, the Republic of Poland, the Republic of Malta, 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),

The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for Malta (Annex XI, Chapter 6, Point 3), shall apply.

The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Romania (Annex VII, Chapter 6, point 3), shall apply.

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

(a) The following shall be added to Article 3(1):

‘- Iceland: Þungaskattur,
- Liechtenstein: Motorfahrzeugsteuer,
- Norway: Vektårsavgift.’

(b) In the situation referred to in Article 8(1), regarding EFTA States, ‘Commission’ shall read ‘EFTA Surveillance Authority’.

(c) Regarding the EFTA States, Article 6 shall be replaced by the following:

‘The EFTA States shall continue to apply their existing provisions referred to in Article 3(1) so as to ensure that competition is not distorted, i.e. that the rate for each vehicle category or subcategory referred to in Annex I to the Directive is not lower than the minimum laid down in the Annex.

Without prejudice to Article 6 of Council Directive 92/106/EEC of 7 December 1992, the EFTA States may not grant any exemption from, or reduction in, the taxes referred to in Article 3 which would distort competition, i.e. which would render the chargeable tax lower than the minimum referred to in the previous paragraph.’

(d) The following shall be added at the end of Article 7(1):

‘As of 1 January 2001 Liechtenstein may levy a toll (Heavy Vehicle Fee) to the level set in Switzerland for the same vehicle category and according to the same system as in Switzerland.

As of the entry into force of this Decision, the number of kilometers to be considered in the computation of the toll to be paid will be based on the total kilometers driven, reduced by three kilometers for each crossing of the Liechtenstein/Austrian border in Schaanwald/Tisis.

If the volume of traffic at the border post in Schaanwald/Tisis increases disproportionately in comparison with other border posts in the region by attracting detour traffic, Liechtenstein, after consultation with and approval by the Joint Committee may reduce the deduction of three kilometers at the Schaanwald/Tisis border.’

(e) The following subparagraphs shall be added in Article 7i(2):


[Indent added by Decision No 159/2014 (OJ L 15, 22.1.2015, p. 87 and EEA Supplement No 5, 22.1.2015, p. 10), e.i.f. pending; it shall apply from 9.7.2014.]

[Indent added by Decision No 244/2016 (OJ I. [to be published] and EEA Supplement No 56, 23.8.2018, p. 52), e.i.f. 3.12.2016.]


Point (f) renumbered (d) and word “7(9)” replaced by “7(1)” by Decision No 244/2016 (OJ I. [to be published] and EEA Supplement No 56, 23.8.2018, p. 52), e.i.f. 3.12.2016.

“For tolling arrangements on trans-European road network in other parts of Norway than in southeastern Norway, the current level of discounts or reductions in tolls for frequent users may be applied to tolling arrangements already in place on the date of the entry into force of Decision of the EEA Joint Committee No 129/2012 of 13 July 2012(1) provided that the share of international heavy goods traffic on the infrastructure network concerned is below 30%.

For tolling arrangements put in place after the date of the entry into force of Decision of the EEA Joint Committee No 129/2012, discounts or reductions in tolls for frequent users may exceed the level set out in Article 7i(2)(c) of this Directive provided that:

- the share of international heavy goods traffic on the infrastructure network concerned is not higher than 5%,
- the level of such discounts or reductions is justified by specific circumstances, notably when the infrastructure network concerned consists of bridges or tunnels to replace a ferry.

(1) OJ L 309, 8.11.2012, p. 8.”


(iii) Social harmonization

19. [ ] {[128]}


- {[130]} 32012 R 0613: Commission Regulation (EU) No 613/2012 of 9 July 2012 (OJ 178, 10.7.2012, p. 6),

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{[130]} Indent and words “as amended by:” added by Decision No 89/2014 (OJ L 310, 30.10.2014, p. 52 and EEA Supplement No 63, 30.10.2014, p. 44), e.i.f. 1.8.2015.
{[131]} Indent added by Decision No 159/2014 (OJ L 15, 22.1.2015, p. 87 and EEA Supplement No 5, 22.1.2015, p. 10), c.i.f. pending; it shall apply from 9.7.2014.
The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) In Article 7(1), regarding the EFTA States the words “in the currencies of Member States which do not participate in the third stage of the economic and monetary union” shall be read “in the currencies of the EFTA States” and the words “published in the Official Journal of the European Union” shall read “published officially in each EFTA State”.

(b) The EFTA States shall recognise the certificates issued by the EU Member States in accordance with Article 21 of the Regulation. For the purposes of such recognition, in the provisions of the certificate set out in Annex III to the Regulation, references to “Member State(s)” shall read “EU Member State(s), Iceland, Liechtenstein and Norway”.

(c) The Community and the EC Member States shall recognise the certificate issued by Iceland, Liechtenstein and Norway in accordance with the Regulation as adapted in Appendix 7 to this Annex.

(d) When issued by Iceland, Liechtenstein and Norway in accordance with the Regulation, the certificate shall correspond to the model set out in Appendix 7 to this Annex.


19ab. [ ]


20. [ ]

20a. [ ]


The transitional arrangements set out in the Annexes to the Act of Accession of 16 April 2003 for Cyprus (Annex VII, Chapter 6), Latvia (Annex VIII, Chapter 6, Point 1) and Lithuania (Annex IX, Chapter 7, Point 1), shall apply.

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

(a) In Article 2 point 1, the following indent shall be added to the list:
   ‘- the conventional sign ‘16’ is to be added for Norway’

(b) In Chapter IV, the following shall be added to the table in point 172:

<table>
<thead>
<tr>
<th>IS</th>
<th>Ökumannskort</th>
<th>Eftirlitskort</th>
<th>Verkstæðiskort</th>
<th>Fyrirtækiskort</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO</td>
<td>sjáforkort</td>
<td>kontrollkort</td>
<td>verkstæðiskort</td>
<td>verkstæðiskort</td>
</tr>
</tbody>
</table>

(c) In Chapter IV, the following paragraph shall be added at the end of the list in point 174:
   ‘the distinguishing sign of the EFTA State issuing the card, printed in black surrounded by a black ellipse. The distinguishing signs shall be as follows:

   FL  Liechtenstein
   IS  Iceland

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157. Indent added by Decision No 159/2014 (OJ L 15, 22.1.2015, p. 87 and EEA Supplement No 5, 22.1.2015, p. 10), e.i.f. pending; it shall apply from 9.7.2014.
158. Indent added by Decision No 107/2015 (OJ L 211, 4.8.2016, p. 64 and EEA Supplement No 42, 4.8.2016, p. 61), e.i.f. 1.5.2015.


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

In Annex II, chapter I, point 1(a), the following shall be added:

“Norway 16”.

21ba.\(^{173}\) 32016 R 0068: Commission Implementing Regulation (EU) 2016/68 of 21 January 2016 on common procedures and specifications necessary for the interconnection of electronic registers of driver cards (OJ L 15, 22.1.2016, p. 51), as amended by:

\(^{163}\) Point inserted by Decision No 154/2006 (OJ L 89, 29.3.2007, p. 27 and EEA Supplement No 15, 29.3.2007, p. 22), e.i.f. 1.5.2008.


\(^{167}\) Indent added by Decision No 188/2022 (OJ L 267, 13.10.2022, p. 38 and EEA Supplement No 66, 13.10.2022, p. 37), e.i.f. pending.


\(^{172}\) Indent and words “*, as amended by:” added by Decision No 78/2022 (OJ L 182, 7.7.2022, p. 65 and EEA Supplement No 45, 7.7.2022, p. 53), e.i.f. 1.4.2024.


22. [ ]

23. [ ]


24. [ ]

24a. [ ]
The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

the EFTA States shall issue registration certificates based on the model described in Annex I to the Directive or based on the model described in Annexes I and II to the Directive and adapted as follows:

(a) in Point IV, second indent of Annex II, the following shall be added in the second indent:

```
| "IS  Iceland |
| FL  Liechtenstein |
| N   Norway    |
```

(b) in Point IV, fourth indent of Annex I, the words "other languages of the European Community" shall be replaced by "languages of the European Community and of the other EFTA States";

(c) in Point IV, fifth indent of Annex I, the words "European Community" shall be replaced by "European Economic Area";

(d) in Point IV, second indent of Annex II, the following shall be added in the second indent:

```
| "IS  Iceland |
| FL  Liechtenstein |
```
(e) in Point IV, fourth indent of Annex II, the words "other languages of European Community" shall be replaced by "languages of the European Community and of the other EFTA States";

(f) in Point IV, fifth indent of Annex II, the words "European Community" shall be replaced by "European Economic Area".

24d. point inserted by Decision No 80, 12.7.2020.


24ea. point inserted by Decision No 122/2016.


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

(a) The second sentence of Article 1(1) shall be replaced by the following:

“The driving licences of the EFTA States shall contain the distinguishing sign of the State issuing the licence. The respective distinguishing signs are: IS (Iceland), FL (Liechtenstein), N (Norway).”

(b) In Article 15(2), the words “Union legislation” shall be replaced by the words “the EEA Agreement”.

(c) Liechtenstein shall, in case of accession of new Member States to the EEA, have a transitional period of 5 years before the obligations under Article 1(1) in connection with Annex I, point 3, letter (e) apply.

(d) In point 3 of Annex I, the introductory sentence in letter (c) regarding page 1 of the licence shall be replaced by the following:

“the distinguishing sign of the EFTA State issuing the licence encircled by the ellipse referred to in Article 37 of the U.N. Convention on road traffic of 8 November 1968 (with the same background as the driving licence); the distinguishing signs shall be as follows:”

(e) In point 3 of Annex I, the following shall be added in letter (c) regarding page 1 of the licence:

“IS: Iceland

FL: Liechtenstein

N: Norway;”

(f) In point 3 of Annex I, the words “European Union model” in letter (e) regarding page 1 of the licence shall be replaced by “EEA model”.

[207] Indent added by Decision No 159/2014 (OJ L 15, 22.1.2015, p. 87 and EEA Supplement No 5, 22.1.2015, p. 10), e.i.f. pending; it shall apply from 9.7.2014.


[213] Indent added by Decision No 155/2022 (OJ L 246, 22.9.2022, p. 120 and EEA Supplement No 61, 22.9.2022, p. 116), e.i.f. 1.4.2024.

[214] Adaptation (b) inserted by Decision No 155/2022 (OJ L 246, 22.9.2022, p. 120 and EEA Supplement No 61, 22.9.2022, p. 116), e.i.f. 1.4.2024.

[215] Adaptations (b) to (h) renumbered as adaptations (c) to (i) by Decision No 155/2022 (OJ L 246, 22.9.2022, p. 120 and EEA Supplement No 61, 22.9.2022, p. 116), e.i.f. 1.4.2024.

(g) In point 3 of Annex I, the following shall be added to letter (e) regarding page 1 of the licence:

“Ökuskírteini
Førerkort/Førarkort;”

(h) In point 3 of Annex I, letter (f) regarding page 1 of the licence shall not apply.

(i) In point 3 of Annex I, the words “or Icelandic or Norwegian” shall be added in letter (b) regarding page 2 of the licence after the word “Swedish”.

24a. 32012 R 0383: Commission Regulation (EU) No 383/2012 of 4 May 2012 laying down technical requirements with regard to driving licences which include a storage medium (microchip) (OJ L 120, 5.5.2012, p. 1), as amended by:


The provisions of the Regulation shall, for the purpose of this Agreement, be read with the following adaptation:

In point III.4.2 of Annex III, the following shall be added to letter (a) regarding the distinguishing numbers:

“- 14 for Iceland
- 15 for Liechtenstein
- 16 for Norway”


(iv) Access to the market (goods)

25. [ ]


The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 7, point 2) shall apply.

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

(a) Article 1(2) shall be replaced by the following:

“In the event of carriage from a Contracting Party to a third country and vice versa, this Regulation shall not apply to that part of any journey carried out within the territory of a Contracting Party of loading or unloading, unless otherwise agreed by the Contracting Parties.”

(b) Article 1(3) shall be replaced by the following:

“This Regulation shall not affect provisions, relating to the carriage from an EFTA State to a third country referred to in paragraph 2, laid down in bilateral agreements concluded between an EFTA State and a third country which, either under bilateral authorisations or under liberalisation agreements allow loading and unloading in a Contracting Party by hauliers established in another Contracting Party, provided the principle of non-discrimination between Community hauliers and hauliers from an EFTA State is respected.”

(c) The EFTA States shall recognise the Community licences and driver attestations issued by the EU Member States in accordance with the Regulation. For the purposes of such recognition, in the General Provisions of the Community licence, set out in Annex II to this Regulation, and of the driver attestation, set out in Annex III to this Regulation, references to “Community” shall read “Community and Iceland, Liechtenstein and Norway” and references to “Member States” shall read “EU Member State(s) and (or) Iceland, Liechtenstein and Norway.”

(d) The Community and the EC Member States shall recognise the licences and driver attestations issued by an EFTA State in accordance with this Regulation, as adapted in part b) of Annexes II and III in Appendix 2 to the present Annex.

(e) When issued by an EFTA State, the licences and driver attestations shall correspond to the models set out in Appendix 2 to the present Annex.


(g) The text of Article 9(1)(e) shall be replaced by the following:

“VAT (value added tax) or turnover tax on transport services.”

(h) In situations referred to in Article 10:

- regarding the EFTA States, “Commission” shall read “EFTA Surveillance Authority” and “Council” shall read “EFTA Standing Committee”;
if the Commission receives a request from an EU Member State or the EFTA Surveillance Authority from Iceland, Liechtenstein or Norway to adopt safeguard measures, the EEA Joint Committee shall without delay be notified thereof and be provided with all relevant information.

At the request of a Contracting Party, consultations shall take place within the EEA Joint Committee. Such consultations may also be requested in the case of prolongation of the safeguard measures.

Once the European Commission or the EFTA Surveillance Authority has adopted a decision, it shall immediately notify the measures taken to the EEA Joint Committee.

If any of the Contracting Parties concerned considers that the safeguard measures would create an imbalance between the rights and obligations of the Contracting Parties, Article 114 of the Agreement shall apply mutatis mutandis.

26. [ ]

26a. [ ]

26aa. [ ]

1 94 N: Protocol No 9 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments of the Treaties on which the European Union is founded (OJ C241, 29.8.1994, p. 21 as adjusted by OJ L1, 1.1.1995, p. 1), as amended and supplemented by:

- 394 R 3298: Commission Regulation (EC) No 3298/94 of 21 December 1994 laying down detailed measures concerning the system of Rights of Transit (Ecopoints) for heavy goods vehicles transiting through Austria, established by Article 11 of Protocol No 9 to the Act of Accession of Austria, Finland and Sweden (OJ L341, 30.12.1994, p. 20);


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

(a) By adding the ecopoints calculated, on the basis of the reference year 1991, for a total of 25 700 single transit trips per year (Iceland: 100; Liechtenstein: 21 000; Norway: 4 600), the table in Article 9 of the Regulation shall read as follows:

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage of ecopoints</th>
<th>Ecopoints for vehicles of Contracting Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>100,0 %</td>
<td>23,962,280</td>
</tr>
<tr>
<td>2001</td>
<td>47,2 %</td>
<td>11,318,836</td>
</tr>
<tr>
<td>2002</td>
<td>43,5 %</td>
<td>10,432,232</td>
</tr>
<tr>
<td>2003</td>
<td>39,6 %</td>
<td>9,483,955</td>
</tr>
</tbody>
</table>

(b) the table in Annex D of the Regulation shall read as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>3,688,365</td>
<td>3,401,686</td>
<td>3,076,080</td>
</tr>
<tr>
<td>D</td>
<td>3,453,294</td>
<td>3,182,073</td>
<td>2,898,150</td>
</tr>
<tr>
<td>A</td>
<td>1,476,911</td>
<td>1,355,533</td>
<td>1,274,152</td>
</tr>
<tr>
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The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

(b) in the cases referred to in Article 3, regarding the EFTA States, "Commission" shall read "EFTA Surveillance Authority";

(c) in situations referred to in Article 4:

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regarding the EFTA States, "Commission" shall read "EFTA Surveillance Authority" and "Council" shall read "EFTA Standing Committee".

If the EC Commission receives a request from an EC Member State or the EFTA Surveillance Authority from an EFTA State to adopt safeguard measures, the EEA Joint Committee shall without delay be notified thereof and be provided with all relevant information.

At the request of a Contracting Party, consultations shall take place within the EEA Joint Committee. Such consultations may also be requested in the case of prolongation of the safeguard measures.

Once the EC Commission or the EFTA Surveillance Authority has adopted a decision, it shall immediately notify the measures taken to the EEA Joint Committee.

If any of the Contracting Parties considers that the safeguard measures would create an imbalance between the rights and obligations of the Contracting Parties, Article 114 of the Agreement shall apply mutatis mutandis;

(d) with regard to Article 5, the EFTA States shall be associated with the work of the Advisory Committee as regards its general tasks of following the situation on the transport market and giving advice as to the collection of the data necessary to monitor the market and detect a crisis.

26c. [ ]

26d. [ ]

26e. [ ]


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 5 shall not apply.

(b) In Article 11, the words “and EFTA State” shall be inserted after the words “Member State”.

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[243] Indent and words “, as amended by:” added by Decision No 272/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 31.10.2019.
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The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

As regards the EFTA States, Article 5 shall not apply.

(v) Rates (goods)


(vi) 

28. [ ]

(vii) Hired vehicles (goods)

29. [ ]


(viii) Access to the market (passengers)

30. [ ]

31. [ ]

32. [ ]


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

(a) Article 1(2) shall be replaced by the following:
   “In the event of carriage from a Contracting Party to a third country and vice versa, this Regulation shall not apply to that part of any journey carried out within the territory of the Contracting Party of picking up or setting down, unless otherwise agreed by the Contracting Parties.”

(b) Article 1(3) shall not apply.

(c) The EFTA States shall recognise the Community licence issued by the EU Member States in accordance with the Regulation. For the purposes of such recognition, in the provisions of the Community licence set out in Annex II to the Regulation, references to “Member State(s)” shall read “EU Member State(s), Iceland, Liechtenstein and/or Norway.”

(d) The Community and the EC Member States shall recognise the licences issued by Iceland, Liechtenstein and Norway in accordance with the Regulation as adapted in Appendix 4 to this Annex.

(e) When issued by Iceland, Liechtenstein and Norway, the licences shall correspond to the model set out in Appendix 4 to this Annex.

(f) The text of Article 16(1)(e) shall be replaced by the following:
   “VAT (value added tax) or turnover tax on transport services.”

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

(a) The EFTA States shall recognise the EU documents issued by EU Member States and the EU and the EU Member States shall recognise the documents issued by the EFTA States.

(b) In Article 7, the words “the Union legislation” shall read “the legislation applicable pursuant to the EEA Agreement”.

(c) In the documents set out in Annexes II to VI, the words “Member State(s)” shall read “Member State(s) or EEA EFTA State(s)”, the words “Union legislation” and “relevant Union legislation” shall read “the EEA Agreement”, the words “the Community legislation” shall read “the legislation applicable pursuant to the EEA Agreement” and the words “Community licence” shall read “licence”.

(d) The text of point 1(v) in part C of the document set out in Annex II shall read “the value added tax (VAT) or turnover tax on the transport services.”

(e) In the documents set out in Annexes II, III, IV, V and VI, the words “Iceland (IS), Liechtenstein (FL) and Norway (N)” shall be added to any list of international distinguishing signs and the words “as amended by:”, added by Decision No 89/2014 (OJ L 310, 30.10.2014, p. 52 and EEA Supplement No 63, 30.10.2014, p. 44), e.i.f. 1.8.2015.

(f) The text of Article 16(1)(e) shall be replaced by the following:
   “VAT (value added tax) or turnover tax on transport services.”


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

(a) The EFTA States shall recognise the EU documents issued by EU Member States and the EU and the EU Member States shall recognise the documents issued by the EFTA States.

(b) In Article 7, the words “the Union legislation” shall read “the legislation applicable pursuant to the EEA Agreement”.

(c) In the documents set out in Annexes II to VI, the words “Member State(s)” shall read “EU Member State(s) or EEA EFTA State(s)”, the words “Union legislation” and “relevant Union legislation” shall read “the EEA Agreement”, the words “the Community legislation” shall read “the legislation applicable pursuant to the EEA Agreement” and the words “Community licence” shall read “licence”.

(d) The text of point 1(v) in part C of the document set out in Annex II shall read “the value added tax (VAT) or turnover tax on the transport services.”

(e) In the documents set out in Annexes II, III, IV, V and VI, the words “Iceland (IS), Liechtenstein (FL) and Norway (N)” shall be added to any list of international distinguishing signs and the words “as amended by:”, added by Decision No 89/2014 (OJ L 310, 30.10.2014, p. 52 and EEA Supplement No 63, 30.10.2014, p. 44), e.i.f. 1.8.2015.


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

(a) The EFTA States shall recognise the EU documents issued by EU Member States and the EU and the EU Member States shall recognise the documents issued by the EFTA States.

(b) In Article 7, the words “the Union legislation” shall read “the legislation applicable pursuant to the EEA Agreement”.

(c) In the documents set out in Annexes II to VI, the words “Member State(s)” shall read “EU Member State(s) or EEA EFTA State(s)”, the words “Union legislation” and “relevant Union legislation” shall read “the EEA Agreement”, the words “the Community legislation” shall read “the legislation applicable pursuant to the EEA Agreement” and the words “Community licence” shall read “licence”.

(d) The text of point 1(v) in part C of the document set out in Annex II shall read “the value added tax (VAT) or turnover tax on the transport services.”

(e) In the documents set out in Annexes II, III, IV, V and VI, the words “Iceland (IS), Liechtenstein (FL) and Norway (N)” shall be added to any list of international distinguishing signs and the words “as amended by:”, added by Decision No 89/2014 (OJ L 310, 30.10.2014, p. 52 and EEA Supplement No 63, 30.10.2014, p. 44), e.i.f. 1.8.2015.

adapted for the purposes of the Agreement on the European Economic Area” shall be added after the words “Regulation (EC) No 1073/2009” and after the words “Regulation (EC) No 1073/2009 of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006”.

(f) In the table of the document set out in Annex VI, the following abbreviations “IS”, “FL” and “N” shall be inserted.

33. [ ] [256]
33a. [ ] [257]
33b. [ ] [258]
33c. [ ] [259]
34. [ ] [260]


[267] Indent added by Decision No 159/2014 (OJ L 15, 22.1.2015, p. 87 and EEA Supplement No 5, 22.1.2015, p. 10), c.f. pending; it shall apply from 9.7.2014.

[268] Indent added by Decision No 155/2022 (OJ L 246, 22.9.2022, p. 120 and EEA Supplement No 61, 22.9.2022, p. 116), c.f. 1.4.2024.
The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

(a) The following paragraph shall be added to Article 9:

‘Drivers referred to in Art. 1 having their normal residence in Liechtenstein and working in Liechtenstein are alternatively entitled to undergo periodic training referred to in Art. 7 in Switzerland, Austria and Germany, as long as the periodic training provided in these states fully complies with this Directive.’

(b) The following adaptations shall be made to Annex I:

(i) the words “Union legislation” shall be replaced by the words “the EEA Agreement”;

(ii) in Section 4, the words “The maximum duration of the e-learning training shall not exceed 12 hours.” shall not apply to Iceland.

(c) The EFTA States may issue a driver qualification card in accordance with the provisions of this Directive and adapted as follows:

(i) In point 2 (c) of Annex II regarding side 1 of the card, the following shall be added after the entry for the UK:

“the distinguishing sign of the EFTA State issuing the card encircled by the ellipse as referred to in Article 37 of the U.N. Convention on road traffic of 8 November 1968 (with the same background as the card); the distinguishing sign shall be as follows:

IS: Iceland
FL: Liechtenstein
N: Norway”

(ii) In point 2(e) of Annex II regarding side 1 of the card, the words “European Union model” shall be replaced by “EEA model”.

(iii) In point 2(e) of Annex II regarding side 1 of the card, the following shall be added:

“atvinnuskírteini ökumanns
yrkessjáförbevis/yrkessjáförprov”

(iv) Point 2(f) of Annex II regarding side 1 of the card shall not apply to the EFTA States.

(v) In point 2(b) of Annex II regarding side 2 of the card, the words ‘and Swedish’ shall be replaced by ‘Swedish, Icelandic and Norwegian’.

(vi) In point 2(b) of Annex II regarding side 2 of the card, the following paragraph shall be added:

“A reference to the Norwegian language shall be understood as a reference to both Literary Norwegian (‘yrkessjáförbevis’) and New Norwegian (‘yrkessjáförprov’).”

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268 Adaptation (b) inserted by Decision No 155/2022 (OJ L 246, 22.9.2022, p. 120 and EEA Supplement No 61, 22.9.2022, p. 116), e.i.f. pending.

269 Adaptation (b) is renumbered as adaptation (c) by Decision No 155/2022 (OJ L 246, 22.9.2022, p. 120 and EEA Supplement No 61, 22.9.2022, p. 116), e.i.f. 1.4.2024.

270 The text of adaptation (c)(ii) was replaced by Decision No 155/2022 (OJ L 246, 22.9.2022, p. 120 and EEA Supplement No 61, 22.9.2022, p. 116), e.i.f. 1.4.2024.


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

(a) References to temporary protection or adequate protection under national law in accordance with Directive 2001/55/EC and Implementing Decision (EU) 2022/382 shall, as regards the EFTA States, be understood to refer to the corresponding temporary protection or adequate protection in accordance with the national law of the EFTA States.

(b) In Article 5, the following sentence shall be added:

“The Commission shall forward the information received from Ukraine to the EFTA Surveillance Authority.”

**ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE**

The Contracting Parties take note of the content of the following acts:

36b. **32010 H 0019**: Commission Recommendation 2010/19/EU of 13 January 2010 on the secure exchange of electronic data between Member States to check the uniqueness of driver cards that they issue (OJ L 9, 14.1.2010, p. 10).


**III. TRANSPORT BY RAIL**

(i) **Structural policy**


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

a) The references to Articles 93, 101, 102, 106, 107 and 108 TFEU shall read Articles 49, 53, 54, 59, 61 and 62 of the EEA Agreement, respectively.
b) Article 14(3) to (5) shall not apply to the EFTA States insofar as it concerns agreements between those States and third countries.

c) In Article 40(2), the words “and the EFTA Surveillance Authority” shall be inserted after the word “Commission”.

d) In Article 15, the following paragraph shall be added:

“7. The obligation set out in paragraph 5 shall not apply to Liechtenstein insofar as an EU Member State has provided, for a given year, data to the Commission that include the territory of Liechtenstein. It shall apply to all other data covered by paragraph 5”.

e) In Article 27(1), the words “or, as regards Norway, Norwegian and an official language of the Union,” shall be inserted after the words “two official languages of the Union”.

37a. [ ]

37aa. [ ]


37ab. [ ]


37ad. [ ]

37ae. [ ]


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

(a) In section 7.3.2.3(a) of the Annex, the words “Norway and” shall be inserted before the word “Sweden”;

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[288] Indent and words “; as amended by:” added by Decision No 19/2014 (OJ L 211, 17.7.2014, p. 27 and EEA Supplement No 42, 17.7.2014, p. 25), e.i.f. 1.7.2014.


(b) In section 7.3.2.4(a) of the Annex, the words “Norway and” shall be inserted before the word “Sweden”.

(c) In section 7.3.2.4(b) of the Annex, the words “Norway and” shall be inserted before the word “Sweden”.

(d) In section 7.4.1(b) of the Annex, the word “. Norway” shall be inserted before the words “and Sweden” and the word “. Norwegian” shall be inserted before the words “and Swedish”.


\[\text{\textsuperscript{[309]}}\text{\textsuperscript{309}}}\] Adaptation texts (c) and (d) added by Decision No 248/2021 (OJ L, 2024/471, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 38), e.i.f. 1.6.2022.

\[\text{\textsuperscript{[309]}}\text{\textsuperscript{309}}}\] Point inserted by Decision No 247/2021 (OJ L, 2024/469, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 35), e.i.f. 1.6.2022.

\[\text{\textsuperscript{[309]}}\text{\textsuperscript{309}}}\] Point inserted by Decision No 247/2021 (OJ L, 2024/469, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 35), e.i.f. 1.6.2022 and subsequently deleted by Decision No 134/2024 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 13.6.2024.

\[\text{\textsuperscript{[309]}}\text{\textsuperscript{309}}}\] Point inserted by Decision No 247/2021 (OJ L, 2024/469, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 35), e.i.f. 1.6.2022.

\[\text{\textsuperscript{[309]}}\text{\textsuperscript{309}}}\] Point inserted by Decision No 247/2021 (OJ L, 2024/469, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 35), e.i.f. 1.6.2022.

\[\text{\textsuperscript{[309]}}\text{\textsuperscript{309}}}\] Point inserted by Decision No 247/2021 (OJ L, 2024/469, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 35), e.i.f. 1.6.2022.

\[\text{\textsuperscript{[309]}}\text{\textsuperscript{309}}}\] Point inserted by Decision No 247/2021 (OJ L, 2024/469, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 35), e.i.f. 1.6.2022.

\[\text{\textsuperscript{[309]}}\text{\textsuperscript{309}}}\] Point inserted by Decision No 251/2021 (OJ L, 2024/473, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 51), e.i.f. 1.6.2022.

\[\text{\textsuperscript{[309]}}\text{\textsuperscript{309}}}\] Indent and words “., as amended by:” added by Decision No 252/2021 (OJ L, 2024/498, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 52), e.i.f. 1.6.2022.

\[\text{\textsuperscript{[309]}}\text{\textsuperscript{309}}}\] Indent added by Decision No 399/2021 (OJ L, 2024/720, 14.3.2024 and EEA Supplement No 23, 14.3.2024, p. 112), e.i.f. 1.6.2022.


37b. \([\text{ }^{113}\text{ }]\) 

37c. \([\text{ }^{114}\text{ }]\) 

37ca. \([\text{ }^{115}\text{ }]\) 

37d. \([\text{ }^{116}\text{ }]\) 

37da. \([\text{ }^{117}\text{ }]\) 

37db.\(^{118}\) **32008 D 0163:** Commission Decision 2008/163/EC of 20 December 2007 concerning the technical specification of interoperability relating to ‘safety in railway tunnels’ in the trans-European conventional and high-speed rail system (OJ L 64, 7.3.2008, p. 1), as amended by:


\(^{112}\) Indent added by Decision No 284/2022 (OJ L 117, 4.5.2023, p. 13 and EEA Supplement No 35, 4.5.2023, p. 13), e.i.f. 29.10.2022.


\(^{120}\) Indent added by Decision No 19/2014 (OJ L 211, 17.7.2014, p. 27 and EEA Supplement No 42, 17.7.2014, p. 25), e.i.f. 1.7.2014.


\(^{124}\) Indent added by Decision No 248/2021 (OJ L, 2024/471, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 38), e.i.f. 1.6.2022.


37df. Commission Decision 2011/274/EU of 26 April 2011 concerning a technical specification for interoperability relating to the ‘infrastructure’ subsystem of the trans-European conventional rail system (OJ L 126, 14.5.2011, p. 53), as amended by:


\[\text{Note} \]

(320) Indent added by Decision No 104/2024 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 27.4.2024.


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

(a) The following shall be added in Section 7.3.2.3 of the Annex to the Decision:

“Specific case Norway

(“P”) For unrestricted access to the Norwegian network units shall remain within the kinematic gauge NO1. Lines accepting larger gauges are specified in the Network Statement.

This does not prevent the access of TSI compliant rolling stock to the national network.”

(b) The following section shall be inserted after Section 7.3.2.13 of the Annex to the Decision:

“7.3.2.13 bis Powerfactor (4.2.8.2.6)

Specific case Norway

(“P”) For unrestricted operation on the Norwegian network, the following applies to electric traction units:

- The capacitive power factor shall not be less than 0.95 at contact line voltages of more than 16.5 kV when the traction unit is actively consuming power.

- The capacitive power shall not exceed 60 kVAr when the traction unit regenerates power.

- The inductive power factor shall not be less than 0.95 at contact line voltages below 16.5 kV when the traction unit regenerates power.”

(c) The following shall be added in Section 7.3.2.16 of the Annex to the Decision:

“Specific case Norway

(“T”) This specific case is applicable for units operated on lines with non-upgraded catenary system. Lines with TSI compliant catenary system are indicated in the network statement.

The pantograph head geometry shall be according to EN 50367:2011 Figure B.6 (1800 mm).”

(d) The following section shall be inserted after Section 7.3.2.16 of the Annex to the Decision:

“7.3.2.16 bis Pantograph static contact force (4.2.8.2.9.5)

Specific case Norway


("P") This specific case is applicable for units operated on lines with non-upgraded catenary system. Lines with TSI compliant catenary system are indicated in the network statement.

At standstill, pantographs should have a static contact force of 55 N."

(e) The following shall be added in Section 7.3.2.17 of the Annex to the Decision:

“Specific case Norway

("P") This specific case is applicable for units operated on lines with non-upgraded catenary system. Lines with TSI compliant catenary system are indicated in the network statement.

In addition to the TSI requirements, pantographs must comply with a curve based on the following formula: \( F_m = 0.00097v^2 + 55 \), with a tolerance of \( \pm 10\% \)."

(f) The following shall be added in Section 7.4 of the Annex to the Decision:

“Specific conditions Norway

("P") For unrestricted access of rolling stock on the Norwegian network under winter conditions, it shall be demonstrated that the rolling stock meets the following requirements:

- Temperature zone T2 as specified in clause 4.2.6.1.2 shall be selected.
- Snow, ice and hail severe conditions as specified in clause 4.2.6.1.5 shall be selected.

37dj. (\[341\]) 32011 R 0454: Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem ‘telematics applications for passenger services’ of the trans-European rail system (OJ L 123, 12.5.2011, p. 11), as amended by:


- (\[354\]) Point inserted by Decision No 19/2013 (OJ L 144, 30.5.2013, p. 24 and EEA Supplement No 31, 30.5.2013, p. 28), e.i.f. 2.2.2013.
The Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

The following shall be inserted after section 7.4.2.11.1.

**7.4.2.12** Particular features on the Norwegian network

**7.4.2.12.1** Assessment of mean useful voltage (6.2.4.1)

P case

Alternatively to assessment of mean useful voltage according to EN 50388:2012, clause 15.4, the power supply performance is also allowed to be assessed by:
- A comparison with a reference where the power supply solution has been used for a similar or more demanding train schedule. The reference shall have a similar or larger:
  - distance to the voltage controlled bus bar (frequency converter station),
  - impedance of the OCL system.
- A rough estimation of $U_{\text{mean useful}}$ for simple cases resulting in an increased additional capacity for future traffic demands.


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

(a) The following shall be added in section 7.3.2.12 of the Annex:

`Specific case Norway (‘T’)`

For unrestricted operation on the Norwegian network, the following applies to electric traction units:

- The capacitive power factor shall not be less than 0.95 at contact line voltages of more than 16.5 kV when the traction unit is actively consuming power
- The capacitive power shall not exceed 60 kVAr when the traction unit regenerates power
- The inductive power factor shall not be less than 0.95 at contact line voltages below 16.5 kV when the traction unit regenerates power.'

(b) The following shall be added in section 7.3.2.14 of the Annex:

`Specific case Norway (‘T’)`

This specific case is applicable for units operated on lines with non-upgraded catenary system. Lines with TSI compliant catenary system are indicated in the net-work statement.

The pantograph head geometry shall be according to EN 50367:2011 Figure B.6 (1800 mm).`

(c) The following shall be inserted after section 7.3.2.15 of the Annex:

`7.3.2.15bis Pantograph static contact force (IC level) (4.2.8.2.9.5)`

Specific case Norway (‘T’)

\textsuperscript{[358]} Point inserted by Decision No 187/2015 (OJ L 8, 12.1.2017, p. 17 and EEA Supplement No 3, 1.1.2017, p. 16), e.i.f. 11.7.2015.

\textsuperscript{[359]} Indent and words “, as amended by” added by Decision No 248/2021 (OJ L, 2024/471, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 38), e.i.f. 1.6.2022.

\textsuperscript{[360]} Indent and words “, as amended by” added by Decision No 248/2021 (OJ L, 2024/471, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 38), e.i.f. 1.6.2022.

\textsuperscript{[361]} Indent added by Decision No 248/2021 (OJ L, 2024/471, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 38), e.i.f. 1.6.2022.
This specific case is applicable for units operated on lines with non-upgraded catenary system. Lines with TSI compliant catenary system are indicated in the network statement.

At standstill, pantographs should have a static contact force of 55 N.

(d) The following shall be added in section 7.3.2.16 of the Annex:

‘Specific case Norway (“T”)’

This specific case is applicable for units operated on lines with non-upgraded catenary system. Lines with TSI compliant catenary system are indicated in the network statement.

In addition to the TSI requirements, pantographs must comply with a curve based on the following formula: 

\[ F_m = 0.00097 v^2 + 55 \]

with a tolerance of ± 10 %.

(e) The following shall be added in section 7.4 of the Annex:

‘Specific conditions Norway’

For unrestricted access of rolling stock on the Norwegian network under winter conditions, it shall be demonstrated that the rolling stock meets the following requirements:

- Temperature zone T2 as specified in clause 4.2.6.1.1 shall be selected.
- Snow, ice and hail severe conditions as specified in clause 4.2.6.1.2 shall be selected.’

37e. [ ]


The provisions of the Decision shall, for the purposes of this Agreement, be read with the following adaptation:

In point 7.7.2.4 of the Annex to the Decision the words "and Norway" shall be added after the word "Lithuania".

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(364) Indent and words "as amended by:" above, added by Decision No 144/2007 (OJ L 100, 10.4.2008, p. 86) and EEA Supplement No 19, 10.4.2008, p. 86), e.i.f. 27.10.2007.


(366) Indent and words "as amended by:" added by Decision No 19/2014 (OJ L 211, 17.7.2014, p. 27 and EEA Supplement No 42, 17.7.2014, p. 25), e.i.f. 1.7.2014.


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

The following subparagraph shall be added after the third subparagraph of section 7.1(a) of the Annex:

“The EFTA Surveillance Authority shall have observer status in the Steering Committee.”


37j. [ ]

Footnotes:


37k. [ ] \[^{[79]}\]

37l. [ ] \[^{[79]}\]

37m.\[^{[80]}\] 32008 D 0164: Commission Decision 2008/164/EC of 21 December 2007 concerning the technical specification of interoperability relating to ‘persons with reduced mobility’ in the trans-European conventional and high-speed rail system (OJ L 64, 7.3.2008, p. 72), as amended by:


The provisions of the Decision shall, for the purposes of this Agreement, be read with the following adaptation:

The following shall be added at the end of section 7.4.1.2 (Platform offset) of the Annex:

Norway ‘P’

\[
b_{q_0(\text{inside})} = 1670 + \frac{41000}{R}
\]

\[
b_{q_0(\text{outside})} = 1670 + \frac{31000}{R}
\]


\[^{[80]}\] Indent and words “, as amended by:” added by Decision No 19/2014 (OJ L 211, 17.7.2014, p. 27 and EEA Supplement No 42, 17.7.2014, p. 25), e.i.f. 1.7.2014.


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

In point 7.4. of the Annex to the Regulation, the words “and Norway” shall be added after the word “Sweden” and the words “and Norwegian” shall be added after the word “Swedish”.

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

The following shall be inserted after section 7.7.19.11 of the Annex:

7.7.20. Particular features of the Norwegian network

7.7.20.1. Platform offset (4.2.9.3)

P cases

As set out in point 4.2.9.3(1), the distance between the track centre and the platform edge parallel to the running plane ($b_q$), as defined in chapter 13 of EN 15273-3:2013, shall be calculated with the following values for allowed additional overthrow ($S_{kin}$):

(a) on the inside of the curve: $S_{kin} = 40.5/R$

(b) on the outside of the curve: $S_{kin} = 31.5/R$
The provisions of the Directive shall, for the purposes of this Agreement be read with the following adaptations:

(a) In Article 11(2), the words “or, as regards the EFTA States, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(b) The following paragraphs shall be added in Article 51:

“4. The EFTA States shall participate fully in the committee, except for the right to vote.

5. The Chairman of the committee may invite the EFTA Surveillance Authority to participate as an observer, without voting rights.”


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

In Articles 8(1) and 10(1), the words “, Icelandic and Norwegian” shall be added after the words “the official languages of the Union”.


37pd. 32019 R 0773: Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (OJ L 139I, 27.5.2019, p. 5), as amended by:


[397] Indent and words “, as amended by:” added by Decision No 255/2021 (OJ L, 2024/489, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 56), e.i.f. 1.6.2022.


[400] Indent and words “, as amended by:” above added by Decision No 254/2021 (OJ L, 2024/472, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 54), e.i.f. 1.6.2022.


38. [ ]

39. [ ]

39a. [ ]

40. [ ]

41. [ ]

41a. [ ]

41b. [ ]


(ii) Rates

42. [ ]
(iii) Access to the market \{[^{420}]\}

42a. \{[^{429}]\}

42aa. \{[^{428}]\}

(iv) Technical harmonization and safety \{[^{421}]\}

42b. \{[^{422}]\}

42c. \{[^{423}]\}


42e. \{[^{425}]\}

42ea. \{[^{426}]\}


42ec. \{[^{428}]\}

42ed.\{[^{429}]\} 32012 D 0226: Commission Decision 2012/226/EU of 23 April 2012 on the second set of common safety targets as regards the rail system (OJ L 115, 27.4.2012, p. 27), as amended by:


[^{429}]: Indent and words “... added by Decision No 93/2014 (OJ L 310, 30.10.2014, p. 58 and EEA Supplement No 63, 30.10.2014, p. 50), e.i.f. 17.5.2014.
The provisions of the Decision shall, for the purposes of this Agreement, be read with the following adaptations:

(a) The tables set out in the Annex to the Decision shall be supplemented as follows:

The following shall be added to the table in point 1.1:

<table>
<thead>
<tr>
<th>Country</th>
<th>NRV 1.1 (× 10 − 9) (*)</th>
<th>NRV 1.2 (× 10 − 9) (***)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway (NO)</td>
<td>2.84</td>
<td>0.033</td>
</tr>
</tbody>
</table>

The following shall be added to the table in point 1.2:

<table>
<thead>
<tr>
<th>Country</th>
<th>NRV 2 (× 10 − 9) (*)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway (NO)</td>
<td>2.82</td>
</tr>
</tbody>
</table>

The following shall be added to the table in point 1.3:

<table>
<thead>
<tr>
<th>Country</th>
<th>NRV 3.1 (× 10 − 9) (*)</th>
<th>NRV 3.2 (**)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway (NO)</td>
<td>21.7</td>
<td>n.a.</td>
</tr>
</tbody>
</table>

The following shall be added to the table in point 1.4:

<table>
<thead>
<tr>
<th>Country</th>
<th>NRV 4 (× 10 − 9) (*)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway (NO)</td>
<td>14.20</td>
</tr>
</tbody>
</table>

The following shall be added to the table in point 1.5:

<table>
<thead>
<tr>
<th>Country</th>
<th>NRV 5 (× 10 − 9) (*)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway (NO)</td>
<td>91.8</td>
</tr>
</tbody>
</table>

The following shall be added to the table in point 1.6:

<table>
<thead>
<tr>
<th>Country</th>
<th>NRV 6 (× 10 − 9) (*)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway (NO)</td>
<td>50.9</td>
</tr>
</tbody>
</table>

(b) The measures laid down in this Decision shall not apply to the existing rail infrastructure in the territory of Liechtenstein.


The provisions of the 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)’ and other terms referring to their public entities contained in the Regulation shall be understood to include, in addition to its meaning in the Regulation, the EFTA States and their public entities.

(b) As regards the EFTA States, the EFTA Surveillance Authority or the Standing Committee of the EFTA States, as the case may be, may, as and when appropriate, request assistance of the Agency in the performance of their respective tasks.

(c) The EFTA States shall participate fully in the working parties and groups established by the Agency and shall within them have the same rights and obligations as EU Member States, except for the right to vote.

(d) The following shall be added to Article 11(4):

“When the visits have been carried out in an EFTA State, the Agency shall also send the report to the EFTA Surveillance Authority.”

(e) In Articles 25(2), 25(3), 26(2), 26(3), 26(5), 27(2), 33(3), 33(5), 33(7), 34(4), 34(5) and 34(6) the words “or, as regards the EFTA States, the EFTA Surveillance Authority,” shall be inserted after the words “the Commission”.

(f) In Articles 29(2), 29(3), 30(3) and 32(2) the words “and the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(g) The following shall be added to Article 35(5):

“The Agency shall, at the EFTA Surveillance Authority’s request, provide reports on the state of implementation and application of provisions of the EEA Agreement concerning railway safety and interoperability in a given EFTA State.”

(h) In Article 38(7) the words “and the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(i) The following paragraphs shall be added to Article 47:

6. The EFTA States shall participate fully in the Management Board and shall within it have the same rights and obligations as EU Member States, except for the right to vote.

7. The EFTA Surveillance Authority shall have one representative on the Management Board, without the right to vote.

The EFTA Surveillance Authority shall appoint a member of the Management Board as well as an alternate who shall replace the member in his/her absence.

(j) In Article 51(1)(a) the words “the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(k) The following paragraph shall be added to Article 55:
“7. Nationals of the EFTA States shall be eligible as members, including Chairpersons, of the Boards of Appeal. When the Commission draws up the list of persons referred to in paragraph 3(a), it shall also consider suitable persons of EFTA States’ nationalities.”

(l) The following paragraph shall be added to Article 64:

“11. The EFTA States shall participate in the financial contribution from the Union referred to in paragraph 2(a). For this purpose, the procedures laid down in Article 82(1)(a) and Protocol 32 to the EEA Agreement shall apply mutatis mutandis.”

(m) The following paragraph shall be added in Article 67:

“4. By way of derogation from Articles 12(2)(a) and 82(3)(a) of the Conditions of Employment of Other Servants, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency. By way of derogation from Articles 12(2)(e), 82(3)(e) and 85(3) of the Conditions of Employment of Other Servants, the languages referred to in Article 129(1) of the EEA Agreement shall be considered by the Agency, in respect of its staff, as languages of the Union referred to in Article 55(1) of the Treaty on European Union.”

(n) The following shall be added to Article 70:

“The EFTA States shall grant privileges and immunities to the Agency equivalent to those contained in the Protocol on Privileges and Immunities of the European Union.”

(o) The following shall be added to Article 74:

“Documents which an EFTA State or a person subject to the jurisdiction of an EFTA State sends to the Agency may be drafted in any one of the languages referred to in Article 129(1) of the EEA Agreement selected by the sender. The reply shall be drafted in the same language.”

(p) The following shall be added to paragraph 1 of Article 77:

“Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of this Regulation, apply to any documents of the Agency regarding the EFTA States as well.”

(q) The following shall be added to Article 78:

“For the application of this Regulation, the Agency shall apply the principles contained in the Commission’s security rules for protecting European Union classified Information (EUCI) and sensitive non-classified information, as set out in Commission Decision (EU, Euratom) 2015/444 to such information regarding the EFTA States as well.”
The Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) Article 22(6) shall not apply.

(b) The text of point 2(c) of Annex I shall be replaced by the following:

“The distinguishing sign of the EFTA States issuing the licence, printed in black encircled by a black ellipse. The distinguishing signs shall be as follows:

IS: Iceland
FL: Liechtenstein
N: Norway”

(b) In point 2(e) of Annex I the words “European Communities model” shall be replaced by “EEA model”.


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

(a) The terms “Community model” and “European Communities model” in the Regulation and its Annexes shall be replaced by “EEA model” when a licence, a complementary certificate, a certified copy of complementary certificate or an application form for train driving licences is issued by an EFTA State.

(b) In Annex I section 3(c), the introductory sentence shall, with regard to the EFTA States, be replaced by:

“the distinguishing sign of the EFTA State issuing the licence, printed in black encircled by a black ellipse.”

(c) In Annex I section 3(c), the following shall be added:

“N: Norway”

(d) In Annex I section 3(d) the following shall be added:

“Norwegian: FØRERBEVIS”
(e) In Annex I section 6, the following shall be added with regard to the EFTA States:

“The distinguishing sign of the EFTA State issuing the licence shall be printed in accordance with section 3(c) of this Annex.”

(a) The rectangle containing 12 stars in the complementary certificate, copy of complementary certificate and train driving licence application form set out in Annexes II section 4, III section 4 and IV section 2 shall, with regard to the EFTA States, be replaced by the distinguishing sign of the issuing EFTA State, printed in black encircled by a black ellipse.


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

As regards the EFTA States, references to Directive (EU) 2019/882 shall apply in accordance with, and from the date of entry into force of, the Decision of the EEA Joint Committee incorporating that Directive into the EEA Agreement.


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

In the second sentence of Article 15(3), the words “or, as regards the EFTA States, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.


IV. TRANSPORT BY INLAND WATERWAY

(i) Access to the market


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

(a) The Commission shall also be informed by the EFTA States, in accordance with the provisions of Article 2, of any information referred to in that Article which EFTA States may send to the CCR.

(b) Article 3 shall not apply.

43b. [462] 

396 R 1356: Council Regulation (EC) No 1356/96 of 8 July 1996 on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services (OJ No L 175, 13.7.1996, p. 7).

(ii) Structural policy

44.

[ ]

44a.

[ ]

45.

[ ]

45a. [464] 


(ii) Access to the occupation

46.


[ ]

46a. [ ]

46b. [ ]

[ ]

[ ]

[ ]

46c. [469] [470] 


[469] Adaptation regarding Switzerland deleted by the Adjusting Protocol.

(iv) Technical harmonization


47.  [ ]

47a.  [ ]


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[487] Indent and words "as amended by:" added by Decision No 15/2022 (OJ L 175, 30.6.2022, p. 28 and EEA Supplement No 42, 30.6.2022, p. 26), e.i.f. 5.2.2022.


- [185 I] 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),


[ ] [496]


49ab.  


**V. MARITIME TRANSPORT**

Protocol 19 shall apply in the field of third country relations in maritime transport.

50.  

50a.  

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(501) Indent and words “as amended by:” added by Decision No 88/2019 (OJ L 210, 2.7.2020, p. 73 and EEA Supplement No 44, 2.7.2020, p. 89), e.i.f. 30.3.2019.


(504) Indent and words “as amended by:” added by Decision No 127/2019 (OJ L 279, 27.10.2022, p. 32 and EEA Supplement No 69, 27.10.2022, p. 33), e.i.f. 1.6.2019.


51. [ ]

52. [ ]

53. **386 R 4055**: Council Regulation (EEC) No 4055/86 of 22 December 1986 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries (OJ No L378, 31.12.1986, p.1), as amended by:

- **390 R 3573**: Council Regulation (EEC) No 3573/90 of 4 December 1990 amending, as a result of German unification, Regulation (EEC) No 4055/86 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries (OJ No L353, 17.12.1990, p. 16).

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

(a) Article 2 shall be replaced by: 'There shall be no unilateral national restrictions on the carriage of certain goods wholly or partly reserved for vessels flying the national flag.'

(b) With respect to Article 5(1), it is understood that cargo sharing arrangements in bulk trades in any future agreements with third countries are prohibited.

(c) For the implementation of Articles 5, 6 and 7, Protocol 19 to the EEA Agreement shall apply.


The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 7, Point 1) shall apply.

With regard to the safeguard mechanisms contained in the transitional arrangements referred to in the previous paragraphs, **PROTOCOL 44 ON SAFEGUARD MECHANISMS PURSUANT TO ENLARGEMENTS OF THE EUROPEAN ECONOMIC AREA** shall apply.

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

(a) In situations referred to in Article 5:

- regarding the EFTA States, "Commission" shall read "EFTA Surveillance Authority";

- if the EC Commission receives a request from an EC Member State or the EFTA Surveillance Authority from an EFTA State to adopt safeguard measures, the EEA Joint Committee shall without delay be notified thereof and be provided with all relevant information.

At the request of a Contracting Party consultations shall take place within the EEA Joint Committee. Such consultations may also be requested in cases where the EC Commission or the EFTA Surveillance Authority adopt safeguard measures on their own initiative.

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Once the EC Commission or the EFTA Surveillance Authority have adopted a decision they shall immediately notify the measures taken to the EEA Joint Committee.

(b) Article 7 shall be replaced by the following:

“Save as otherwise provided in this Agreement, the Contracting Parties shall not introduce any new restrictions on the freedom to provide services which have in fact been attained at the date of the decision by the EEA Joint Committee to include this Regulation in the Agreement.”


54a. [ ]

55. [ ]


Modalities for the association of the EFTA States in accordance with Article 101 of the Agreement:

Each EFTA State may, in accordance with Article 4 of Commission Decision (EU) 2016/566, appoint a person to participate as an observer in the meetings of the high-level steering group for governance of the digital maritime system and services.

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**Notes:**


55ba. 32009 D 0491: Commission Decision 2009/491/EC of 16 June 2009 on criteria to be followed in order to decide when the performance of an organisation acting on behalf of a flag State can be considered an unacceptable threat to safety and the environment (OJ L 162, 25.6.2009, p. 6).


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

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(a) In Article 3:

(i) in paragraph 1, the following subparagraph shall be added:

“EFTA States which wish to grant an authorisation to any organisation which is not yet recognised shall submit a request for recognition to the EFTA Surveillance Authority together with complete information on, and evidence of, the organisation’s compliance with the minimum criteria set out in Annex I and on the requirement and its undertaking that it shall comply with the provisions of Articles 8(4), 9, 10 and 11. The EFTA Surveillance Authority shall further submit the request to the Commission.”;

(ii) in paragraph 2, the following subparagraph shall be added:

“If the request was submitted by an EFTA State, the Commission, together with the respective EFTA State, and in close cooperation with the EFTA Surveillance Authority, shall carry out assessments of the organisations for which the request for recognition was received in order to verify that the organisations meet and undertake to comply with the requirements referred to in paragraph 1.”.

(b) The following subparagraph shall be added in Article 5:

“In the case of organisations which have their principal place of business in an EFTA State and have been recognised on the basis of a request from an EFTA State, the above tasks assigned to the Commission shall be carried out in close cooperation with the EFTA Surveillance Authority. Any preventive and remedial action towards organisations which have their principal place of business in an EFTA State and have been recognised on the basis of a request from an EFTA State shall be taken by the EFTA Surveillance Authority. The Commission shall provide the EFTA Surveillance Authority with its assessment and a proposal on how to act.”.

(c) In Article 6:

(i) in paragraphs 1 and 2, the following subparagraph shall be added:

“In the case of organisations which have their principal place of business in an EFTA State and have been recognised on the basis of a request from an EFTA State, the above tasks assigned to the Commission shall be carried out by the EFTA Surveillance Authority. The Commission shall provide the EFTA Surveillance Authority with its assessment and a proposal on how to act.”;

(ii) in paragraph 4, the words “or, as regards decisions taken by the EFTA Surveillance Authority, the EFTA Court” shall be inserted after the words “Court of Justice of the European Communities”.

(d) In Article 7:

(i) in paragraph 1(c), the words “and, as regards organisations which have their principal place of business in an EFTA State and have been recognised on the basis of a request from an EFTA State, the assessment of the EFTA Surveillance Authority” shall be inserted after the word “Commission”;

(ii) in paragraph 2(a), the words “and, as regards organisations which have their principal place of business in an EFTA State and have been recognised on the basis of a request from an EFTA State, the assessment of the EFTA Surveillance Authority” shall be inserted after the words “its own assessment”;

(iii) in paragraph 3, the words “, at the request of the EFTA Surveillance Authority as regards organisations which have their principal place of business in an EFTA State and have been recognised on the basis of a request from an EFTA State,” shall be inserted after the word “initiative”.

(e) In Article 8:

(i) in paragraphs 1 and 2, the following subparagraph shall be added:
“In the case of organisations which have their principal place of business in an EFTA State and have been recognised on the basis of a request from an EFTA State, the EFTA Surveillance Authority, together with the respective EFTA State, and in close cooperation with the Commission, shall carry out the assessments.”;

(ii) in paragraph 3, the following subparagraph shall be added:

“In the case of organisations which have their principal place of business in an EFTA State and have been recognised on the basis of a request from an EFTA State, the above tasks assigned to the Commission shall be carried out by the EFTA Surveillance Authority in close cooperation with the Commission.”;

(f) In Article 10:

(i) in paragraph 1, the words “, or as regards organisations recognised on the basis of a request from an EFTA State, the EFTA Surveillance Authority” shall be inserted after the word “Commission”;

(ii) in paragraph 4, the words “and EFTA States” shall be inserted after the words “Member States”, and the words “and the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “Commission”.

(g) In Article 11:

(i) in paragraph 5, the words “, the EFTA Surveillance Authority” shall be inserted after the words “flag States”;

(ii) in paragraph 7, the words “and to the EFTA States” shall be inserted after the words “Member States”.

(h) In Article 16, the words “and the EFTA States” shall be inserted after the words “the Member States”.


- Commission Implementing Decision C(2017) 1881 of 24.3.2017,

- Commission Implementing Decision C(2020) 4226 of 29.6.2020,


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

(a) As regards the provisions on the implementation of Article 6 of Regulation (EC) No 391/2009, the word “Commission” shall read “the EFTA Surveillance Authority in the case of organisations which have their principal place of business in an EFTA State and have been recognised on the basis of a request from an EFTA State”.

(b) In Article 10(1), the words “, at the request of the EFTA Surveillance Authority in the case of organisations which have their principal place of business in an EFTA State and have been recognised on the basis of a request from an EFTA State,” shall be inserted after the word “initiative”.

(c) In Article 11:

(i) the following subparagraph shall be added in paragraph 1:

“As regards the EFTA States, the request shall be submitted to the EFTA Surveillance Authority, together with the documentary evidence referred to in paragraph 3. The EFTA Surveillance Authority shall pass the request and the documentary evidence on to the Commission.”;

(ii) the following subparagraph shall be added to paragraph 7:

“Where the request was made by an EU Member State and concerns organisations which have their principal place of business in an EFTA State and have been recognised on the basis of a request from an EFTA State, the Commission shall also pass on the request and its accompanying evidence to the EFTA Surveillance Authority.”.

(d) The following paragraph shall be added to Article 16:

“6. Access to documents and other evidence compiled by the EFTA Surveillance Authority shall be governed by the applicable rules of the EFTA Surveillance Authority.”.

(e) In Article 22(4), the words “or the EFTA Court in the case of decisions taken by the EFTA Surveillance Authority” shall be inserted after the words “Court of Justice of the European Union”.

(f) In Article 23(4)(b), the words “or the EFTA Court in the case of decisions taken by the EFTA Surveillance Authority” shall be inserted after the words “Court of Justice of the European Union”.


56. [..] *(545)*


56aa. [..] *(545)*


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

In Article 24(4) subparagraph 2, the words “and the EFTA Surveillance Authority” shall be inserted after the words “Member States”.


*(543)* Point inserted by Decision No 134/2010 (OJ L 85, 31.3.2011, p. 18 and EEA Supplement No 17, 31.3.2011, p. 9), e.i.f. 11.12.2010 subsequently corrected by Corrigendum noted in the Joint Committee Meeting on the 15.3.2013.

*(544)* Indent and words “, as amended by:” added by Decision No 22/2014 (OJ L 211, 17.7.2014, p. 32 and EEA Supplement No 42, 17.7.2014, p. 29), e.i.f. 15.2.2014.


*(547)* Indent and adaptation text added by Decision No 107/2020 (OJ L 172, 6.7.2023, p. 23 and EEA Supplement No 51, 6.7.2023, p. 23), e.i.f. pending.


56c. [565] [ ]


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

In Article 10(5), the words “and the EFTA Surveillance Authority” shall be inserted after the words “Member States”.


56d. [ ] [560]


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[569] Indent added by Decision No 37/2024 (OJ L, 2024/1524, 27.6.2024 and EEA Supplement No 51, 27.6.2024, p. 64), e.i.f. pending.


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

(a) As regards the EFTA States, in Article 5(4) first sentence, the words “Union and national legislation” shall read “the EEA Agreement and national legislation”, and in Article 5(4) second sentence, the words “Union law” shall read “the provisions of the EEA Agreement”.

(b) Articles 8(2) and 10(4), as regards the EFTA States, the words “Union or national law” shall read “the EEA Agreement or national law”.

(c) In Article 9(3)(a), the words “, the EFTA Surveillance Authority” shall be inserted before the words “and Member States”.


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

(a) As regards the EFTA States, in Article 5(4) first sentence, the words “Union and national legislation” shall read “the EEA Agreement and national legislation”, and in Article 5(4) second sentence, the words “Union law” shall read “the provisions of the EEA Agreement”.

(b) Articles 8(2) and 10(4), as regards the EFTA States, the words “Union or national law” shall read “the EEA Agreement or national law”.

(c) In Article 9(3)(a), the words “, the EFTA Surveillance Authority” shall be inserted before the words “and Member States”.


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

In Article 9(4) subparagraph 7, the words “, the EFTA Surveillance Authority” shall be inserted before the words “and Member States”.


[598] Point inserted by Decision No 22/2013 (OJ L 144, 30.5.2013, p. 28 and EEA Supplement No 31, 30.5.2013, p. 32), e.i.f. 2.2.2013.


The text of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

\textsuperscript{[59]} Point inserted by Decision No 131/2014 (OJ L 342, 27.11.2014, p. 38 and EEA Supplement No 71, 27.11.2014, p. 36), e.i.f. 28.6.2014.

\textsuperscript{[60]} Point inserted by Decision No 63/2015 (OJ L 129, 19.5.2016, p. 47 and EEA Supplement No 29, 19.5.2016, p. 48), e.i.f. 21.3.2015.


\textsuperscript{[66]} Point inserted by Decision No 288/2023 (OJ L 204/2114, 16.5.2024 and EEA Supplement No 42, 16.5.2024, p. 68), e.i.f. 28.10.2023.


\textsuperscript{[70]} Indent and words “, as amended by:” added by Decision No 107/2020 (OJ L 172, 6.7.2023, p. 23 and EEA Supplement No 51, 6.7.2023, p. 23), e.i.f. pending.

\textsuperscript{[71]} Indent added by Decision No 191/2022 (OJ L 267, 13.10.2022, p. 43 and EEA Supplement No 66, 13.10.2022, p. 41), e.i.f. pending.
In Article 9, the words ‘and the territories of the EFTA States’ shall be inserted after the words ‘the customs territory of the Union’.

In Article 9, the words ‘that territory’ shall be replaced by the words ‘those territories’.

The following shall be inserted at the end of Article 9:

“This exemption shall not apply to reporting formalities related to Customs matters.”

References to other acts in the Directive shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.


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

As regards the EFTA States, Article 11(2) and the customs reporting obligations specified in point 7 of Part A of the Annex shall not apply.


The text of the Regulation shall, for the purpose of this Agreement be read with the following adaptations:

(a) As regards the EFTA States, the column with the heading “UCC Annex B” in Section 2 of Annex II shall be optional.

(b) In Section 2 of Annex II, information in a data element regarding UCC code list and the GEONOM code list shall not apply to the EFTA States.


The text of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

The second paragraph of Article 5 shall not apply to the EFTA States.


and amending the Regulations on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p. 1), as amended by:


[426] The text of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) Unless otherwise stipulated below, and notwithstanding the provisions of Protocol 1 to the Agreement, the term ‘Member State(s)’ contained in the Regulation shall be understood to include, in addition to its meaning in the Regulation, the EFTA States. Paragraph 11 of Protocol 1 shall apply.

(b) [427] In Article 1(1) the words “as well as response to marine pollution caused by oil and gas installations” shall not apply to the EFTA States, to the extent the oil and gas installations are not falling in the territorial scope of the EEA Agreement.’

(c) [428] The following paragraph shall be added to Article 2 and Article 2a:


[416] Indent added by Decision No 328/2023 (OJ L, 2024/1445, 13.6.2024 and EEA Supplement No 48, 13.6.2024, p. 63), e.i.f. 9.12.2023. Adaptation (b) is renumbered as adaptation (c), adaptations (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) by Decision 327/2023 (OJ L, 2024/1423, 13.6.2024 and EEA Supplement No 48, 13.6.2024, p. 59), e.i.f. 9.12.2023.


As regards the EFTA States, the Agency shall, as and when appropriate, assist the EFTA Surveillance Authority or the Standing Committee, as the case may be, in the performance of their respective tasks.

(d) Articles 2(3)(d) and 2(5) the words “as well as marine pollution caused by oil and gas installations” shall not apply to the EFTA States, to the extent the oil and gas installations are not falling in the territorial scope of the EEA Agreement.

(e) Articles 2(4)(g) and 2a(2)(e) shall not apply to the EFTA States, to the extent the oil and gas installations are not falling in the territorial scope of the EEA Agreement.

(f) Article 3 shall be amended as follows:

(i) in paragraph 3, the following shall be added: “The Agency shall assist the EFTA Surveillance Authority or the Standing Committee, as necessary, in the performance of its tasks related to recognised organisations and training and qualifications for seafarers in third countries in accordance with the EEA Agreement.”;

(ii) in paragraph 4, the following shall be added: “When the visit or an inspection has been carried out in an EFTA State on behalf of the EFTA Surveillance Authority, the Agency shall send the report to the EFTA Surveillance Authority and the EFTA State concerned.”;

(iii) in paragraph 5, the following shall be added: “The EFTA Surveillance Authority shall also receive the Agency’s analysis.”.

(g) The following shall be added to paragraph 1 of Article 4:

‘Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of this Regulation, apply to any documents of the Agency regarding the EFTA States as well.’

(h) The following paragraph shall be added to Article 6:

‘By way of derogation from Articles 12(2)(a) and 82(3)(a) of the Conditions of Employment of Other Servants, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

By way of derogation from Articles 12(2)(e), 82(3)(e) and 85(3) of the Conditions of Employment of Other Servants, the languages referred to in Article 129(1) of the EEA Agreement shall be considered by the Agency, in respect of its staff, as languages of the Union referred to in Article 55(1) of the Treaty on European Union.’

(i) The following paragraph shall be added to Article 7:

“The EFTA States shall grant privileges and immunities to the Agency and its staff equivalent to those contained in the Protocol on Privileges and Immunities of the European Union.”.

(j) ‘In Article 10(2)(b), the words “the EFTA Surveillance Authority,” shall be inserted after the words “the Commission,”.

(k) Article 11 shall be amended as follows:


(i) the following shall be added to paragraph 1:

“The EFTA Surveillance Authority shall have one representative on the Administrative Board, without the right to vote.”;

(ii) the following shall be added to paragraph 2:

“The EFTA Surveillance Authority shall appoint a member of the Administrative Board as well as an alternate who will represent the member in his/her absence.”;

(iii) the following paragraph shall be added:

“5. The EFTA States shall participate fully in the Administrative Board and shall within it have the same rights and obligations as EU Member States, except for the right to vote.”.

(l) The following paragraph shall be added to Article 18:

‘12. The EFTA States shall participate in the financial contribution from the Community referred to in the first indent of paragraph 1. For this purpose, the procedures laid down in Article 82(1)(a) and Protocol 32 to the Agreement shall apply mutatis mutandis.’

(m) The following sentence shall be inserted at the end Article 22(3):

‘The Commission shall simultaneously forward the evaluation findings and recommendations also to the Standing Committee for distribution to the EFTA States.’

(n) In Article 10(2)(c), the words “and the EFTA Surveillance Authority,” shall be inserted after the word “Commission”.

(o) This Regulation shall not apply to Liechtenstein. Consequently, Liechtenstein will not participate in the European Maritime Safety Agency or contribute financially to its operation.


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

The following shall be added to Article 5(3):

“In their respective inspections, the Commission may call upon national inspectors listed by EFTA States and the EFTA Surveillance Authority may call upon national inspectors listed by EU Member States.

In their respective inspections, the Commission and the EFTA Surveillance Authority may invite each other to participate as observers.”

56s. [ ]

56t.


With regard to Norway, Article 3(2)(e) shall read as follows:

“(i) ro-ro passenger ferries, and

(ii) passenger ships with more than 100 passengers flying the flag of Norway, in sea areas of Class C and D as defined in Article 4 of Directive 98/18/EC.”

56v.


56w.


Indent and words “, as amended by” added by Decision No 188/2015 (OJ L 8, 12.1.2017, p. 20 and EEA Supplement No 3, 12.1.2017, p. 18), e.i.f. 1.5.2016.

Point inserted by Decision No 32/2010 (OJ L 143, 10.6.2010, p. 27 and EEA Supplement No 30, 10.6.2010, p. 34), e.i.f. 1.5.2013.


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

The following shall be added to Article 1(4):

As regards the EFTA States, this Regulation shall apply to the following maritime ports of the trans-European transport network as shown in Commission Delegated Regulation (EU) 2016/758 amending Regulation (EU) No 1315/2013 of the European Parliament and of the Council as regards adapting Annex III thereto:

ICELAND
Faxaflóahafnir/Sundahöfn
Höfnin á Seyðisfirði
Hafnir Fjarðabyggðar/Mjóeyrarhöfn Reyðarfirði
Höfnin í Vestmannaeyjum
Landeyjahöfn

NORWAY
Bergen
Grenland
Hammerfest
Karmsund
Kirkenes
Kristiansand
Kristiansund
Larvik
Mo i Rana
Molde
Moss
Narvik
Oslo
Stavanger
Trondheim
Tønsberg.

ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE

The Contracting Parties take note of the contents of the following acts:


ACTS REFERRED TO

VI. CIVIL AVIATION

Liechtenstein shall implement the provisions of the acts referred to under subheadings (ii) to(vi) from 1 January 2002 subject to review by the EEA Joint Committee during 2001.\(^{689}\)

(i) Competition rules


\(^{(1)}\) Listed here for purposes of information only. For application, see Protocol 21.

(ii) Market access

62. 390 R 2343: Council Regulation (EEC) No 2343/90 of 24 July 1990 on access for air carriers to scheduled intra-Community air service routes and on the sharing of passenger capacity between air carriers on scheduled air services between Member States (OJ No L 217, 11.8.1990, p.8).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptation:

The list set out in Annex II of the Regulation shall be supplemented as follows:

<table>
<thead>
<tr>
<th>TICELAND:</th>
<th>Keflavik</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORWAY:</td>
<td>Oslo-Fornebu/Gardemoen</td>
</tr>
</tbody>
</table>


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

(a) In Article 8(1), with regard to the EFTA States, ‘Community’ and ‘Commission’ shall read ‘EFTA States’.

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\(^{694}\) Entry “Switzerland”, including provision, deleted by the Adjusting Protocol.


(b) Article 8(2) shall not apply with regard to the EFTA States. The EFTA States shall monitor the application of the discriminatory or non-equivalent treatment of air carriers of the EFTA States by system vendors in third countries.

(c) In Article 11(8), with regard to the EFTA States, the words "by Directive 95/46/EC, by the national provisions adopted pursuant thereto and by the provisions of international agreements to which the Community is party" shall read "by Directive 95/46/EC and by the national provisions adopted pursuant thereto". In Article 11(9), with regard to the EFTA States, the words "the provisions of that Directive, the national provisions adopted pursuant thereto and the provisions of international agreements to which the Community is party" shall read "the provisions of that Directive and the national provisions adopted pursuant thereto".

(d) In Articles 13, 14, 15 and 16, with regard to the EFTA States, ‘Commission’ shall read ‘EFTA Surveillance Authority’, ‘Court of Justice of the European Communities’ shall read ‘EFTA Court’ and ‘Articles 53 and 54 of the EEA Agreement’.


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

(a) In Article 4(f) the words “, except as provided for in an agreement with a third country to which the Community is a party;” shall be replaced by the following:

“... However, operating licenses with legal effects in the entire EEA can be granted on the basis of exceptions to this requirement provided for in agreements with third countries to which the Community or one or more EFTA States are parties, provided the EEA Joint Committee adopts a decision to that effect.”

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

“6. Under the same conditions as Community and EFTA(1) air carriers, Swiss air carriers shall be entitled to operate air services from Member States of the European Union to EFTA States and vice versa. This shall be subject to the condition that, on the one hand,

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<table>
<thead>
<tr>
<th>Adaptation Code</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>670</td>
<td>New adaptation (b) inserted by Decision No 133/2012 (OJ L 309, 8.11.2012, p. 13 and EEA Supplement No 63, 8.11.2012, p. 15), e.i.f. pending.</td>
</tr>
</tbody>
</table>
the Community and Switzerland grant 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 EFTA States grant Community air carriers the right to operate air services from Switzerland to EFTA States and vice versa.

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

(1) The references to “EFTA” are in accordance with Article 2(b) of the EEA Agreement to be read as references to “EEA EFTA”.

(c)[671] The following shall be added at the end of Article 16(9), second subparagraph:

“, as well as regional airports in Iceland and the four northernmost counties in Norway.”

(d)[672] The following paragraph shall be added in Article 25:

“3. 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. The EFTA Surveillance Authority shall have observer status in the committee.”.


[671] Adaptation (b) shall be renumbered as adaptation (c) by Decision No 133/2012 (OJ L 309, 8.11.2012, p. 15), e.i.f. pending.


[676] Indent added by Decision No 48/2020 (OJ L 72, 9.3.2020, p. 3 and EEA Supplement No 19, 9.3.2020, p. 3), e.i.f. 3.4.2020.


[679] Indent added by Decision No 16/2022 (OJ L 175, 30.6.2022, p. 29 and EEA Supplement No 42, 30.6.2022, p. 27), e.i.f. 5.2.2022.

The provision of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

- in situations referred to in Article 12, the Contracting Parties shall keep each other informed and, upon request, consultations shall take place within the EEA Joint Committee.


The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) in Articles 6, 9, 11 and 12, "Commission" shall read "EFTA Surveillance Authority" as regards the EFTA States;

(b) Article 20(2) shall not apply.


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.”

(iii) *Fares*

65.\(^{[688]}\)


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

This Directive shall not apply to Liechtenstein.
(iv) Technical harmonization and safety

[ ] \(^{(iv)}\)


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

Article 9 shall not apply.

66b. [ ] \(^{(*)}\)


66c.  [ ] *(706)*


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

The following subparagraph shall be added in Article 18(5):

“This Liechtenstein and Switzerland have a joint national database on civil aviation occurrences. Relevant data originating from Liechtenstein will be integrated in the central repository together with the Swiss data.”


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

The following subparagraph shall be added in Article 2(2):

“In view of the fact that Liechtenstein and Switzerland have a joint national database according to Directive 2003/42/EC, relevant data originating from Liechtenstein will be integrated in the central repository together with the Swiss data.”


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

Liechtenstein and Switzerland have a joint national database on civil aviation occurrences. Relevant data originating from Liechtenstein will be integrated in the central repository together with the Swiss data. Due to the bilateral cooperation with Switzerland regarding civil aviation occurrences in Liechtenstein, Liechtenstein will handle incoming requests according to this Regulation in close collaboration with Switzerland.


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{[711]} Indent and words “, as amended by:” above, added by Decision No 114/2023 (OJ L, 2023/2294, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 67), e.i.f. 16.7.2024.
The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

a) Article 7 shall not apply with regard to the EFTA States.

b) Article 8 shall not apply with regard to the EFTA States.

If the Commission, on the basis of Article 8, concludes a Memorandum of Understanding concerning audits with the International Civil Aviation Organisation (ICAO), the EFTA States will endeavour to conclude with ICAO a Memorandum of Understanding corresponding to the one of the Commission.

c) Whenever the Community negotiates with a third country on the basis of Article 20 in order to conclude an agreement to advance the goal of “one-stop security”, it shall endeavour to obtain for the EFTA States an offer of a similar agreement with the third country in question. The EFTA States shall, in turn, endeavour to conclude with third countries agreements corresponding to those of the Community.

d) The measures laid down in this Regulation shall not apply to domestic air services at airports in the territory of Iceland.

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


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

This Regulation shall apply as from the date on which the last of the Decisions of the EEA Joint Committee incorporating into the Agreement the measures necessary for the applicability of Regulation (EC) No 300/2008 enters into force.

66hb. [ ]


(a) [228] The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

This Regulation shall apply as from the date on which the last of the Decisions of the EEA Joint Committee incorporating into the Agreement the measures necessary for the applicability of Regulation (EC) No 300/2008 enters into force. [229]

(b) [229] “The following shall be added to Article 6(2):

In its inspections the EFTA Surveillance Authority may call upon national auditors listed by EU Member States as well as inspectors employed by the Commission.”


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

This Regulation shall apply as from the date on which the last of the Decisions of the EEA Joint Committee incorporating into the Agreement the measures necessary for the applicability of Regulation (EC) No 300/2008 enters into force. [233]


66hf. C(2015) 8005: Commission Implementing Decision C(2015) 8005 of 16.11.2015 laying down detailed measures for the implementation of the common basic standards on aviation security containing information, as referred to in point (a) of Article 18 of Regulation (EC) No 300/2008, as amended by:


32021 D 0996: Commission Implementing Decision C(2021) 0996 of 19.2.2021,

32022 D 4638: Commission Implementing Decision C(2022) 4638 of 7.7.2022,


66i.  

66ia.  

66j.  

66k.  


66m.  


(794) Indent and words “, as amended by:” added by Decision No 123/2010 (OJ L 58, 3.3.2011, p. 81 and EEA Supplement No 12, 3.3.2011, p. 25), e.i.f. 1.5.2013.


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

(a) Unless otherwise stipulated below, and notwithstanding the provisions of Protocol 1 to the Agreement, the term 'Member State(s)' contained in the Regulation shall be understood to include, in addition to its meaning in the Regulation, the EFTA States. Paragraph 11 of Protocol 1 shall apply.

(b) As regards the EFTA States, the Agency shall, as and when appropriate, assist the EFTA Surveillance Authority or the Standing Committee, as the case may be, in the performance of their respective tasks. The Agency and the EFTA Surveillance Authority or the Standing Committee, as the case may be, shall cooperate and exchange information as and when appropriate.

(c) Nothing in this Regulation shall be construed so as to transfer to the Agency authority to act on behalf of the EFTA States under international agreements for other purposes than to assist in the performance of their obligations pursuant to such agreements.

(d) Article 12 shall be amended as follows:

(i) In paragraph 1, the words "or an EFTA State" shall be inserted after the words "the Community".

(ii) Paragraph 2 shall be replaced by the following:

"Whenever the Union negotiates with a third country in order to conclude an agreement providing that a Member State or the Agency may issue certificates on the basis of certificates issued by the aeronautical authorities of that third country, it shall endeavour to obtain for the EFTA States an offer of a similar agreement with the third country in question. The EFTA States shall, in turn, endeavour to conclude with third countries agreements corresponding to those of the Union."

(e) The following subparagraph shall be added to Article 14(7):

"Without prejudice to paragraph 4(d) of Protocol 1 to the EEA Agreement, when the Commission and the EFTA Surveillance Authority exchange information on a decision taken pursuant to this paragraph, the Commission shall communicate the information received from the EFTA Surveillance Authority to the EU Member States and the EFTA Surveillance Authority shall communicate the information received from the Commission to the EFTA States."

(f) The following paragraph shall be added to Article 15:

documents shall, for the application of the Regulation, apply to any documents of the Agency regarding the EFTA States as well.”.

(g) The following shall be added to Article 17(2)(b):

“The Agency shall also assist the EFTA Surveillance Authority and provide it with the same support, where such measures and tasks fall within the competence of the Authority pursuant to the Agreement.”.

(h) Article 17(2)(e) shall be replaced by the following:

"in its field of competence carry out functions and tasks ascribed to the Contracting Parties by applicable international conventions, in particular the Chicago Convention. The national aviation authorities of the EFTA States shall perform such functions and tasks only as foreseen in this Regulation.”.

(i) The first sentence of Article 20 shall be replaced by the following:

"With regard to products, parts and appliances referred to in Article 4(1)(a) and (b), the Agency shall, where applicable and as specified in the Chicago Convention or its Annexes, carry out the functions and tasks of the state of design, manufacture or registry when related to design approval. The national aviation authorities of the EFTA States shall perform such functions and tasks only as ascribed to them pursuant to the present Article.”.

(j) Article 24 shall be amended as follows:

(i) The following shall be added to paragraph 1:

"The Agency shall report to the EFTA Surveillance Authority on standardisation inspections in an EFTA State.”.

(ii) The following shall be added to paragraph 4:

"As regards the EFTA States, the Agency shall be consulted by the EFTA Surveillance Authority.”.

(k) The following shall be added to Article 25(1):

“The power to impose fines and periodic penalty payments on the persons and undertakings to which the Agency has issued a certificate shall in the case where such persons or undertakings are established in an EFTA State be vested in the EFTA Surveillance Authority.”.

(l) In Article 25(4) the words "The Court of Justice of the European Communities" shall be replaced by "The EFTA Court" and the word "Commission" shall be replaced by "EFTA Surveillance Authority" with regard to the EFTA States.

(m) The following paragraph shall be added to Article 29:

"4. By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Union, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.”.

(n) The following shall be added to Article 30:

"The EFTA States shall apply to the Agency and to its staff the Protocol of Privileges and Immunities of the European Union and applicable rules adopted pursuant to that Protocol.”.

(o) The following words shall be inserted after the word "Community" in Article 32(1):

", Icelandic and Norwegian”.

(p) The following shall be inserted after Article 33(2)(c):

"(ca) the annual general report and the Agency’s programme of work, pursuant to paragraphs (b) and (c) respectively, shall be forwarded to the EFTA Surveillance Authority;".
The following paragraph shall be added to Article 34:

"4. The EFTA States shall participate fully in the Management Board and shall within it have the same rights and obligations as EU Member States, except for the right to vote."

The following paragraph shall be added to Article 41:

"6. Nationals of the EFTA States shall be eligible as members, including Chairpersons, of the Boards of Appeal. When the Commission draws up the list of persons referred to in paragraph 3, it shall also consider suitable persons of EFTA States' nationalities."

The following shall be inserted at the end of Article 54(1):

"As regards the EFTA States, the Agency shall assist the EFTA Surveillance Authority in the performance of the aforesaid tasks."

The following words shall be inserted after the word "Treaty" in the first sentence of Article 58(3):

"or in Icelandic or Norwegian"

The following paragraph shall be added to Article 59:

"12. The EFTA States shall participate in the financial contribution from the Community referred to in paragraph 1(a). For this purpose, the procedures laid down in Article 82(1)(a) of, and Protocol 32 to, the Agreement shall apply mutatis mutandis."

The following paragraphs shall be added to Article 65:

"8. 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.

9. Where, in the absence of an agreement between the Commission and the committee, the Council may take a decision on the matter in question, the EFTA States may raise the issue in the EEA Joint Committee in conformity with Article 5 of the Agreement."

Where applicable, and unless otherwise provided, the above adaptations shall apply mutatis mutandis to other Union legislation conferring powers on the Agency and incorporated into this Agreement.'

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

(a) Where persons or undertakings established in an EFTA State are concerned, the word “Commission” shall read “EFTA Surveillance Authority” and the words “Court of Justice of the European Union” shall read “EFTA Court”.

(b) In Article 19, with regards to the EFTA States, the words “in accordance with Council Regulation (EC, Euratom) No 1605/2002 and Commission Regulation (EC, Euratom) No 2342/2002” shall not apply.

Where persons or undertakings established in an EFTA State are concerned, the word “Commission” shall read “EFTA Surveillance Authority” and the words “Court of Justice of the European Union” shall read “EFTA Court”.

In Article 19, with regards to the EFTA States, the words “in accordance with Council Regulation (EC, Euratom) No 1605/2002 and Commission Regulation (EC, Euratom) No 2342/2002” shall not apply.

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Footnotes:


ANNEX XIII – p. 93


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[76] Sub-indent and words “as amended by” added by Decision No 163/2015 (OJ L [to be published]) and EEA Supplement No [to be published]), e.i.f. 12.6.2015.


[76] Indent added by Decision No 163/2015 (OJ L [to be published]) and EEA Supplement No [to be published]), e.i.f. 12.6.2015.


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

In Article 8(1), the words “or an EFTA State” shall be inserted after the words “the Union”. 


*(88)* Indent added by Decision No 17/2022 (OJ L 175, 30.6.2022, p. 30 and EEA Supplement No 42, 30.6.2022, p. 28), e.i.f. 5.2.2022.


*(91)* Indent added by Decision No 115/2023 (OJ L, 2023/02264, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 75), e.i.f. 16.7.2024.

*(92)* Indent added by Decision No 115/2023 (OJ L, 2023/02264, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 75), e.i.f. 16.7.2024.

*(93)* Indent and sub-indent added by Decision No 115/2023 (OJ L, 2023/02264, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 75), e.i.f. 16.7.2024.

*(94)* Indent added by Decision No 118/2023 (OJ L, 2023/02400, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 84), e.i.f. 16.7.2024.


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

In ART.110(a) of Annex 2, the words “, as amended by:” and words “Commission” shall be inserted after the word “Commission”.


\[\text{[816]}\]
\[\text{[817]}\]
\[\text{[818]}\]
\[\text{[819]}\]
\[\text{[820]}\]

\[\text{[821]}\]
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\[\text{[826]}\]
\[\text{[827]}\]
\[\text{[828]}\]

\[\text{[829]}\]


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[838] Indent and words “, as amended by:” added by Decision No 72/2024 (OJ L, 2024/1587, 4.7.2024 and EEA Supplement No 52, 4.7.2024, p. 55), e.i.f. 16.3.2024.


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[855] Indent added by Decision No 131/2023 (OJ L 203/2279, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 98), e.i.f. 16.7.2024.

66pa. [ ]


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[^865]: Indent added by Decision No 258/2021 (OJ L 2024/474, 22.2.2024 and EEA Supplement No 17, 22.2.2024, p. 60), e.i.f. 25.9.2021.

[^866]: Indent added by Decision No 115/2023 (OJ L, 2023/02264, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 75), e.i.f. 16.7.2024. Corrigendum to the EU act subsequently taken note of by the EEA Joint Committee on 17.3.2023.

[^867]: Indent added by Decision No 115/2023 (OJ L, 2023/02264, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 75), e.i.f. 16.7.2024.


[^869]: Indent added by Decision No 115/2023 (OJ L, 2023/02264, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 75), e.i.f. 16.7.2024.


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

(a) In Articles 8(1) and (4), 9(1), 10(1)(c), 16(6) and (7), 17(4)(e) and (6), 19(3), 22(3)(b) and (4) and 23, the word “Commission” shall be replaced by the words “EFTA Surveillance Authority” as regards the EFTA States.

(b) In Article 21(1), the words “or an agreement between the EFTA States and the third country” shall be added after the words “Union agreement” and the words “, as adapted for the purposes of the EEA Agreement,” shall be added after the words “Regulation (EC) No 216/2008”.

(c) In Article 21(2), the words “or a possible future Memorandum of Cooperation between an EFTA State and ICAO” shall be added after the words “between the Union and ICAO”.

66rb.


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

The following paragraph shall be added to Article 3(6):

“Such dedicated provisions pertaining to the fees for certification tasks performed in the context of a bilateral agreement between the Union and a third country shall be replicated in the bilateral agreements that an EFTA State may conclude with the same countries with which the Union already has an agreement.”

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Footnotes:

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

(a) The following paragraphs shall be added in Article 5:

“6. The EFTA States shall participate fully in the committee established pursuant to paragraph 1, except for the right to vote.

7. The EFTA Surveillance Authority shall have observer status in the Single Sky Committee.”

(b) In Article 11, the words “Community-wide” shall read “regional or national” with regard to Iceland.

(c) With regard to Iceland, Article 11 shall apply as of 1 January 2015.

(d) The first sentence of Article 11(2) shall read as follows:

“The Standing Committee of the EFTA States may designate Eurocontrol or another impartial and competent body to act as a “performance review body”. If the Commission has designated a performance review body, the Standing Committee of the EFTA States shall endeavour to designate the same entity under similar conditions to fulfil the same tasks in regard to the EFTA States.”

(e) In Article 11(3)(c) the following paragraph shall be added:

“If a functional airspace block covers the airspace of one or more EU Member States and one or more EFTA States, the tasks and powers set out in this point shall be carried out and exercised by the Commission with regard to the EU Member States and by the EFTA Surveillance Authority with regard to the EFTA States. The Commission and the EFTA Surveillance Authority shall in this regard cooperate with a view to adopting identical positions.”

(f) In Article 11(3)(e) the following paragraph shall be added:

“If the assessment 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...”
Authority with regard to the EFTA States and by the Commission with regard to the EU Member States. The Commission and the EFTA Surveillance Authority shall cooperate with a view to presenting jointly the results to the Single Sky Committee.”

(g) In Article 13a, with regards to the EFTA States, “Member States and the Commission” shall read “the EFTA States and the EFTA Surveillance Authority”.

(h) This Regulation shall not apply to Liechtenstein.


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

(a) With regard to Iceland Article 9a(2)(c) shall read as follows:

“ensure consistency with the European route network established in accordance with Article 6 of the airspace Regulation or the route network established in the ICAO NAT region;”

(b) With regard to Iceland Article 9a(2)(i) shall read as follows:

“facilitate consistency with regional or national performance targets.”

(c) In Article 9a(6) the following paragraph shall be added:

“The Commission and the EFTA Surveillance Authority shall assess the fulfilment of the requirements set out in paragraph 2 by functional airspace blocks involving one or more EU Member States and one or more EFTA States, and shall cooperate with a view to presenting a joint result to the Single Sky Committee for discussion. If the Commission and the EFTA Surveillance Authority find that an airspace block does not fulfil the requirements they shall engage in a dialogue with the concerned EU Member States and the concerned EFTA States respectively with the aim of reaching a consensus on the measures necessary to rectify the situation.”

(d) 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.’

(b) 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.’

(f) Where the EFTA Surveillance Authority, in accordance with Article 16(3), addresses a decision to the EFTA States, any EFTA State may refer the decision to the EFTA Standing Committee...
within one month. The EFTA Standing Committee may take a different decision within a period of one month.

(g) This Regulation shall not apply to Liechtenstein.


66ub. [**] 32013 R 0409: Commission Implementing Regulation (EU) No 409/2013 of 3 May 2013 on the definition of common projects, the establishment of governance and the identification of incentives supporting the implementation of the European Air Traffic Management Master Plan (OJ L 123, 4.5.2013, p. 1), as amended by:


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

In the Annex, the airport ‘Oslo Gardermoen’ shall be added to the lists of airports in points 1.2.1., 1.2.2., 2.2.1. and 2.2.3.


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

[**] [ ]

[**] [ ]

(a)[**] In Article 6(2), the word “Commission” shall, with regard to the EFTA States, be replaced by the words “Standing Committee of the EFTA States”.

(b) In Article 6(2)(b) third subparagraph, the words “after consultation of the Single Sky Committee and” shall, with regard to the EFTA States, not apply.

(c) In Article 6(2)(b) third subparagraph, the following shall be added:
“If the Commission has nominated a Network Manager, the Standing Committee of the EFTA States shall endeavour to designate the same entity under similar conditions to fulfil the same tasks in regard to the EFTA States.”

(d) (\textsuperscript{899}) This Regulation shall not apply to Liechtenstein.


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

This Regulation shall not apply to Liechtenstein.

66wa. [ ] (\textsuperscript{903})

66wb. (\textsuperscript{904}) 32006 R 1032: Commission Regulation (EC) No 1032/2006 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 (OJ L 186, 7.7.2006, p. 27), as amended by:


66wba. (\textsuperscript{906}) 32007 R 0633: Commission Regulation (EC) No 633/2007 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 (OJ L 146, 8.6.2007, p. 7), as amended by:


66wc. (\textsuperscript{908}) 32006 R 1033: Commission Regulation (EC) No 1033/2006 of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the single European sky (OJ L 186, 7.7.2006, p. 46), as amended by:

- (\textsuperscript{909}) [ ]

(\textsuperscript{899}) Adaptation (c) renumbered as (d) by Decision No 228/2013 (OJ L 154, 22.5.2014, p. 25 and EEA Supplement No 29, 22.5.2014, p. 24), e.i.f. 1.1.2015.


(\textsuperscript{904}) Indent and words “, as amended by:” added by Decision No 228/2013 (OJ L 154, 22.5.2014, p. 25 and EEA Supplement No 29, 22.5.2014, p. 24), e.i.f. 1.1.2015.

(\textsuperscript{905}) Indent added by Decision No 114/2023 (OJ L, 2023/02294, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 67), e.i.f. 16.7.2024.


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

The following shall be added to Annex I Part B:

"- Norway FIR south of 61°30'"


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

This Regulation shall not apply to Liechtenstein.


- [930] Commission Implementing Regulation (EU) 2012/0923 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air


[927] Indent and words "as amended by:" added by Decision No 232/2013 (OJ L 154, 22.5.2014, p. 34 and EEA Supplement No 29, 22.5.2014, p. 32), e.i.f. 1.1.2015.


66wm. [948]
66w. [ ] (949)
66x. [ ] (950)
66xa. [ ] (951)
66xb. [ ] (952)
66xc. [ ] (953)


66xf. [ ] (956)


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

(a) When reference in the Regulation and its Acceptable Means of Compliance (AMC)/Guidance Material (GM) is made to ICAO provisions applicable to ICAO EUR, it should be understood as not being a requirement for Iceland, where Iceland complies with ICAO NAT Regional supplementary provisions. ICAO NAT provisions may be considered to be AMC and GM for Iceland.

(b) When reference in the Regulation is made to European regulations which are limited in scope to ICAO EUR/AFI, it should be understood as not being a requirement for Iceland unless Iceland has specifically stated that such regulations are applicable in Iceland. Alternatively, national regulations or applicable ICAO provisions shall apply.

(c) Alternative Means of Compliance (AltMOC) should not be necessary in cases where Iceland complies with ICAO NAT Regional Supplementary Provisions.

(d) In point ATM/ANS.AR.A.025 of Annex II the words “the EFTA Surveillance Authority” shall be inserted in paragraph (b) after the words “Member States”.

(e) In point ATM/ANS.AR.C.050 of Annex II the words “and the EFTA Surveillance Authority” shall be inserted in paragraph (e)(1) after the words “the Commission”.

(f) In point ATM/ANS.OR.D.005 of Annex III the words “and the EFTA Surveillance Authority, as the case may be,” shall be inserted in paragraph (c) after the words “the Commission”.

(g) In point ATM/ANS.OR.D.025 of Annex III:

(i) the words “, the Standing Committee of the EFTA States, the EFTA Surveillance Authority” shall be inserted in paragraph (c) after the words “the Commission”; and

(ii) the words “, the EFTA Surveillance Authority, as the case may be” shall be inserted in paragraph (e) after the words “the Commission”.


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 4(1), with regard to the EFTA States, the words “Commission Decision adopted in accordance with Article 5(2) of Regulation (EC) No 549/2004” shall read “Decision by the Standing Committee of the EFTA States”.

(e) In Article 5, as regards the EFTA States, the word “Commission” shall read “Standing Committee of the EFTA States”.

(f) In Article 6, as regards the EFTA States, the word “Commission” shall read “Standing Committee of the EFTA States”.

(g) In Article 7(3)(k), the words “, the Standing Committee of the EFTA States, the EFTA Surveillance Authority” shall be inserted after the word “Commission”.

(h) In Article 7(4), the words “, the Standing Committee of the EFTA States, the EFTA Surveillance Authority” shall be inserted after the word “Commission”.

(i) In Article 18(4)(b), the words “and one representative of the EFTA Surveillance Authority” shall be inserted after the word “Commission”.

(j) In Article 19(2), the following point shall be added in the first subparagraph:

“(j) the EFTA State holding the Chairmanship of the Standing Committee of the EFTA States.”

(k) In Article 22(3), first sentence, the words “, the Standing Committee of the EFTA States, the EFTA Surveillance Authority” shall be inserted after the words “to the Commission”.

(l) In Article 23, first sentence, with regard to the EFTA States, the word “Commission” shall read “EFTA Surveillance Authority”.


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.”

(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”.


66ya. [ ] (??)

66z. [ ] (??)


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

(a) Pending the adoption of a formal decision on the incorporation of updates of the Community list by the EEA Joint Committee in accordance with the procedures laid down in the Agreement, the EFTA States shall simultaneously with the EC Member States take measures corresponding to those taken by the latter on the basis of the Community list as regards air carriers which are subject to an operating ban.

(b) In case such measures raise serious concerns for one or more EFTA States, the EFTA State(s) concerned shall immediately refer the matter to the EEA Joint Committee.

(c) The following paragraph shall be added in Article 15:

“6. 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. The EFTA Surveillance Authority shall have observer status in the committee.”


[977] Point inserted by Decision No 145/2007 (OJ L 100, 10.4.2008, p. 89 and EEA Supplement No 19, 10.4.2008, p. 88), e.i.f. 27.10.2007 and subsequently replaced by Decision No 105/2024 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 27.4.2024.


(986) Indent and text added by Decision No 33/2010 (OJ L 143, 10.6.2010, p. 28 and EEA Supplement No 30, 10.6.2010, p. 35), e.i.f. 13.3.2010.


(989) Indent added by Decision No 34/2011 (OJ L 171, 30.6.2011, p. 34 and EEA Supplement No 37, 30.6.2011, p. 41), e.i.f. 2.4.2011.


(995) Indent added by Decision No 205/2013 (OJ L 92, 27.03.2014, p. 31 and EEA Supplement No 19, 27.03.2014, p. 34), e.i.f. 9.11.2013.

(1006) Indent added by Decision No 90/2019 (OJ L 210, 2.7.2020, p. 75 and EEA Supplement No 44, 2.7.2020, p. 91), e.i.f. 30.3.2019.
The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

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


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

(a) Unless otherwise stipulated below, and notwithstanding the provisions of Protocol 1 to the Agreement, the term “Member State(s)” and other terms referring to their public entities contained in the Regulation shall be understood to include, in addition to its meaning in the Regulation, the EFTA States and their public entities. Paragraph 11 of Protocol 1 shall apply.

(b) As regards the EFTA States, the Agency shall, as and when appropriate, assist the EFTA Surveillance Authority or the Standing Committee of the EFTA States, as the case may be, in the performance of their respective tasks. The Agency and the EFTA Surveillance Authority or the Standing Committee of the EFTA States, as the case may be, shall cooperate and exchange information as and when appropriate.

(c) Nothing in this Regulation shall be construed so as to transfer to the Agency authority to act on behalf of the EFTA States under international agreements for other purposes than to assist in the performance of their obligations pursuant to such agreements.

(d) Relevant Air traffic management/air navigation services requirements in the Regulation, its implementing and delegated acts, which stem from provisions applicable to the ICAO European (EUR) and/or Africa-Indian Ocean (AFI) regions should be understood as not


{1017} Indent added by Decision No 138/2024 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 13.6.2024.

{1018} Point and adaptation text inserted by Decision No 114/2023 (OJ L, 2023/02294, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 67), e.i.f. 16.7.2024.

{1019} Indent and words “, as amended by:” added by Decision No 139/2023 (OJ L, 2023/02282, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 106), e.i.f. 16.7.2024.
being a requirement for Iceland, where Iceland complies with ICAO North Atlantic (NAT) Regional Supplementary Procedures. The latter may be considered to be Acceptable Means of Compliance (AMC) and Guidance Material (GM) for Iceland.

Air traffic management/air navigation services references in the Regulation, or in its implementing and delegated acts, to other EU Regulations which are limited in their geographical scope to the ICAO EUR and or AFI regions, are not binding on Iceland, unless Iceland has specifically stated that such regulations are applicable in Iceland.

(e) Where Iceland complies with NAT Regional Supplementary Procedures (SUPPS) and or guidance material (GM) specific to the NAT region, the use of Alternative Means of Compliance (AltMOC) and subsequent notification thereof, is not required.

(f) The EFTA States shall participate in the repository of information set up by the Agency in cooperation with the Commission, the EFTA Surveillance Authority and the national competent authorities referred to in Article 74.

(g) In Article 62:

(i) in paragraph 1, the words “the EFTA Surveillance Authority,” shall be inserted after the words “The Commission,”;

(ii) in paragraph 5(a), the words “and an EFTA State” shall be inserted after the words “those Member States”;

(iii) as regards the EFTA States, the second subparagraph of paragraph 5 shall read as follows:

“The EFTA States concerned shall, at the latest six months after the date of entry into force of Decision of the EEA Joint Committee No 114/2023 of 28 April 2023, notify the Commission, the Agency and the EFTA Surveillance Authority of their joint-responsibility decision and provide them with all relevant information, in particular the agreement referred to in point (a) and the measures taken to ensure that those tasks are carried out effectively in accordance with point (b). The Commission and the EFTA Surveillance Authority shall cooperate on their assessment of the notification.”;

(iv) in the third subparagraph of paragraph 5, the words “or, as regards the EFTA States, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”, and the words “,”, the EFTA Surveillance Authority” shall be inserted after the words “inform the Commission”;

(v) in paragraph 9, the words “the EFTA Surveillance Authority,” shall be inserted after the words “the Commission.”.

(h) In Article 66:

(i) in paragraph 1, the words “or, as regards the EFTA States, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”;

(ii) in paragraph 3, the words “, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”;

(iii) in paragraph 4, the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the words “the Commission”.

(i) In Article 68:

(i) in paragraph 1(a), the words “, an EFTA State or EFTA States” shall be inserted after the words “the Union”;

(ii) in paragraph 1(c), the words “, an EFTA State or EFTA States” shall be inserted after the words “a Member State”;

(iii) the following subparagraph shall be added to paragraph 3:
“Whenever the Union enters into consultations with a third country with the aim of concluding agreements concerning the recognition of certificates or concludes such agreements, the EFTA States shall be kept duly informed and the Union and its Member States will endeavour to open the possibility for the EFTA States to accede to that agreement or to obtain for the EFTA States an offer of a similar agreement with that third country. The EFTA States shall, in turn, endeavour to conclude with third countries agreements corresponding to those of the Union.”.

(j) In Article 72:

(i) in paragraphs 1 and 6, the words “, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”;

(ii) in paragraph 4, the words “or, as regards the EFTA States, the EFTA Surveillance Authority,” shall be inserted after the words “the Commission”;

(iii) the following paragraph shall be added:

“8. Information or data stemming from the EFTA States and the EFTA Surveillance Authority should at all times be afforded equivalent protection to information or data stemming from the EU Member States, the Agency and the Commission.”.

(k) In Article 74(1) to (7), the words “or, as regards the EFTA States, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(l) The following paragraph shall be added to Article 75:

“3. The Agency shall also assist the EFTA Surveillance Authority with measures and tasks pursuant to this Article.”.

(m) In Article 76:

(i) in paragraph 2, the words “or, as regards the EFTA States, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”;

(ii) in the third subparagraph of paragraph 4, the words “, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(n) In Article 84:

(i) the following subparagraph shall be added to paragraph 1:

“The power to impose fines and periodic penalty payments on the natural or legal person to which the Agency has issued a certificate, or who has made a declaration to it, in accordance with this Regulation, shall in the case where such a natural or legal person has its principal place of business in an EFTA State or, if that person has no principal place of business, where it has its place of residence or place of establishment in an EFTA State, be vested in the EFTA Surveillance Authority.”;

(ii) in paragraph 3, the words “or, as regards the EFTA States, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”;

(iii) in paragraph 5, the words “or, as regards the EFTA States, the EFTA Court,” shall be inserted after the words “The Court of Justice” and the words “and, as regards the EFTA States, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”;

(iv) in paragraph 6, the words “or, as regards the EFTA States, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(o) In Article 85, the following subparagraph shall be added in paragraph 1:

“The Agency shall also assist the EFTA Surveillance Authority and provide it with the same support, where such measures and tasks fall within the competence of the EFTA Surveillance Authority pursuant to the EEA Agreement. The Agency shall report to the
EFTA Surveillance Authority on inspections and other monitoring activities conducted in an EFTA State.”.

(p) In Article 88:

(i) in paragraph 1, the words “, the EFTA Surveillance Authority,” shall be inserted after the words “the Commission”;

(ii) in paragraph 2, the words “and the EFTA Surveillance Authority” shall be inserted after the words “the Commission”;

(iii) in paragraph 3, the words “or, as regards the EFTA States, the EFTA Surveillance Authority,” shall be inserted after the words “the Commission”.

(q) In Article 89(1), the words “, the EFTA Surveillance Authority,” shall be inserted after the words “the Commission”.

(r) In Article 90(4), the words “, the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(s) In Article 93, the words “and the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.

(t) The following paragraph shall be added to Article 95:

“3. By way of derogation from Articles 12(2)(a) and 82(3)(a) of the Conditions of Employment of Other Servants, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

By way of derogation from Articles 12(2)(e), 82(3)(e) and 85(3) of the Conditions of Employment of Other Servants of the European Union, the languages referred to in Article 129(1) of the EEA Agreement shall be considered by the Agency, in respect of its staff, as languages of the Union referred to in Article 55(1) of the Treaty on European Union.”.

(u) The following shall be added to Article 96:

“The EFTA States shall grant privileges and immunities to the Agency and its staff equivalent to those contained in Protocol (No 7) on the privileges and immunities of the European Union annexed to the Treaty on European Union and to the TFEU.”.

(v) The following paragraph shall be added to Article 99:

“6. The EFTA States shall participate fully in the Management Board and shall within it have the same rights and obligations as EU Member States, except for the right to vote. The EFTA Surveillance Authority, as observer, shall appoint one representative and an alternate.”.

(w) The following paragraph shall be added to Article 106:

“7. Nationals of the EFTA States shall be eligible as members, including Chairpersons, of the Boards of Appeal. When the Commission draws up the list of qualified candidates referred to in paragraph 1, it shall also consider EFTA nationals as candidates.”.

(x) In Article 114(3), the words “, the EFTA Surveillance Authority and EFTA States” shall be inserted after the words “Member States”.

(y) In Article 119:

(i) in paragraph 1, the following sentence shall be inserted after the words “held by the Agency.”:

“Regulation (EC) No 1049/2001 shall, for the application of this Regulation, apply to any documents of the Agency regarding the EFTA States.”;
(ii) in paragraph 3, the words “Icelandic and Norwegian” shall be inserted after the words “the Union”;

(iii) in paragraph 5, the words “or in Icelandic or Norwegian” shall be inserted after the words “the Union”.

(z) The following paragraph shall be added to Article 120:

“13. The EFTA States shall participate in the financial contribution from the Union referred to in paragraph 1(a). For this purpose, the procedures laid down in Article 82(1)(a) of and Protocol 32 to the Agreement shall apply mutatis mutandis.”.

(za) The following paragraph shall be added to Article 127:

“5. 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. The EFTA Surveillance Authority shall have observer status in the committee.”.

(zb) In Article 128(4), the words “and EFTA State” shall be inserted after the words “each Member State”.

(zc) Article 140(4) shall not apply to the EFTA States.

(zd) Where applicable, and unless otherwise provided, the above adaptations shall apply mutatis mutandis to other Union legislation conferring powers on the Agency and incorporated into this Agreement.


- **32020 R 0358:** Commission Implementing Regulation (EU) 2020/358 of 4 March 2020 (OJ L 67, 5.3.2020, p. 57),\(^{(1821)}\)


66zbb.\(^{(1822)}\) **32019 R 0945:** Commission Delegated Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems (OJ L 152, 11.6.2019, p. 1), as amended by:


66zbc.\(^{(1824)}\) **32019 R 0947:** Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft (OJ L 152, 11.6.2019, p. 45), as amended by:


\(^{(1820)}\) Point inserted by Decision No 115/2023 (OJ L, 2023/02264, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 75), e.i.f. 16.7.2024.


\(^{(1822)}\) Point inserted by Decision No 115/2023 (OJ L, 2023/02264, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 75), e.i.f. 16.7.2024.

\(^{(1823)}\) Indent added by Decision No 143/2023 (OJ L, 2023/02404, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 110), e.i.f. 16.7.2024.

\(^{(1824)}\) Indent added by Decision No 115/2023 (OJ L, 2023/02264, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 75), e.i.f. 16.7.2024.

\(^{(1825)}\) Point inserted by Decision No 115/2023 (OJ L, 2023/02264, 9.11.2023 and EEA Supplement No 81, 9.11.2023, p. 75), e.i.f. 16.7.2024.
\[\text{(v) Consultation procedure}\]


\[\text{(vi) Social harmonization}\]

68. [ ] \[\text{(viii)}\]

68a. [ ] \[\text{(viii)}\]


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

\[\text{Indent added by Decision No 140/2023 (OJ L 230, 22.8.2023, p. 1), e.l.f. 16.7.2024.}\]

\[\text{Indent added by Decision No 141/2023 (OJ L 230, 22.8.2023, p. 108), e.l.f. 16.7.2024.}\]

\[\text{Indent added by Decision No 142/2023 (OJ L 230, 22.8.2023, p. 109), e.l.f. 16.7.2024.}\]

\[\text{Point inserted by Decision No 115/2023 (OJ L 230, 22.8.2023, p. 75), e.l.f. 16.7.2024.}\]

\[\text{Point inserted by Decision No 116/2023 (OJ L 230, 22.8.2023, p. 81), e.l.f. 16.7.2024.}\]


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