



EUROPEAN FREE TRADE ASSOCIATION

Ref. 15-2165

18 June 2015

DECISION OF THE COUNCIL NO 2 OF 2015

(Adopted at the 4th meeting on 9 June 2015 subject to confirmation by Liechtenstein, which was provided on 17 June 2015)

AMENDMENT TO THE APPENDIX TO ANNEX Q TO THE CONVENTION

AIR TRANSPORT

THE COUNCIL,

Having regard to the Member States' endeavour to regularly update the Convention in order to take account of developments under the Agreement on the European Economic Area and the bilateral Agreements of 21 June 1999 between the Swiss Confederation on the one hand and the European Community and its Member States on the other,

Having regard to Article 53(3) of the Convention, empowering the Council to amend the Appendix to Annex Q to the Convention,

Having regard to the recommendation of the Committee on Air Transport to the Council to amend the Appendix to Annex Q (Air transport) to the Convention, ref. 15-1114,

DECIDES:

1. The Appendix to Annex Q to the Convention shall be amended as follows:

a) The following texts shall be deleted from point 3 (Air Safety):

'No 94/56

Council Directive of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents. (Articles 1-13)'

‘No 593/2007

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

‘No 287/2008

Commission Regulation of 28 March 2008 on the extension of the period of validity of referred to in Article 2c(3) of Regulation (EC) No 1702/2003.’

‘No 1356/2008

Commission Regulation of 23 December 2008 amending Regulation (EC) No 593/2007 on the fees and charges levied by the European Aviation Safety Agency.’

‘No 494/2012

Commission Regulation of 11 June 2012 amending Regulation (EC) No 593/2007 on the fees and charges levied by the European Aviation Safety Agency.’

‘No 659/2013

Commission Implementing Regulation of 10 July 2013 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community.’

- b) The following shall be inserted in point 3 (Air Safety) after the reference to Commission Implementing Regulation (EU) No 628/2013:

‘No 70/2014

Commission Regulation of 27 January 2014 amending Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council.

No 245/2014

Commission Regulation of 13 March 2014 amending Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew.

No 996/2010

Regulation of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC.

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

“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.” is added in Article 18(5) and 19(1).

No 368/2014

Commission Implementing Regulation of 10 April 2014 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community.

No 69/2014

Commission Regulation of 27 January 2014 amending Regulation (EU) No 748/2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations.

No 379/2014

Commission Regulation of 7 April 2014 amending Commission Regulation (EU) No 965/2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council.

No 2012/780/EU

Commission Decision of 5 December 2012 on access rights to the European Central Repository of Safety Recommendations and their responses established by Article 18(5) of Regulation (EU) No 996/2010 of the European Parliament and of the Council on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC.

No 319/2014

Commission Regulation (EU) No 319/2014 of 27 March 2014 on the fees and charges levied by the European Aviation Safety Agency, and repealing Regulation (EC) No 593/2007.

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

In Article 3(5), the words “or an EFTA State” shall be inserted after the words “the Union”.’

- c) The following shall be inserted in point 4 (Aviation Security) after the reference to Commission Implementing Decision 7275/2013:

‘No 278/2014

Commission Implementing Regulation of 19 March 2014 amending Regulation (EU) No 185/2010 as regards clarification, harmonisation and simplification of the use of explosive trace detection.

No 687/2014

Commission Implementing Regulation of 20 June 2014 amending Regulation (EU) No 185/2010 as regards clarification, harmonisation and simplification of aviation security measures, equivalence of security standards and cargo and mail security measures.

No 1200/2014

Commission Implementing Decision of 5.3.2014 amending Commission Decision C(2010) 774 laying down detailed measures for the implementation of the common basic standards on aviation security in respect of air cargo and mail.

No 1635/2014

Commission Implementing Decision of 17.3.2014 amending Decision C(2010) 774 as regards clarification, harmonisation and simplification of the use of explosive trace detection.

No 3870/2014

Commission Implementing Decision of 17.6.2014 amending Commission Decision C(2010) 774 as regards clarification, harmonisation and simplification of the use of explosive trace detection.

No 4054/2014

Commission Implementing Decision of 20.6.2014 amending Decision C(2010) 774 as regards clarification, harmonisation and simplification of aviation security measures and as regards air cargo and mail transported into the Union.’

- d) The following shall be inserted in point 5 (Air Traffic Management) after the reference to Commission Implementing Regulation No 657/2013:

‘No 1070/2009

Regulation of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system.

No 923/2012

Commission Implementing Regulation of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010

No 1191/2010

Commission Regulation of 16 December 2010 amending Regulation (EC) No 1794/2006 laying down a common charging scheme for air navigation services.

No 441/2014

Commission Implementing Regulation of 30 April 2014 amending Regulation (EC) No 29/2009 laying down requirements on data link services for the single European sky.

No 691/2010

Commission Regulation of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services.

No 1216/2011

Commission Implementing Regulation of 24 November 2011 amending Commission Regulation (EU) No 691/2010 laying down a performance scheme for air navigation services and network functions.

No 176/2011

Commission Regulation of 24 February 2011 on the information to be provided before the establishment and modification of a functional airspace block.

No 121/2011

Commission Decision of 21 February 2011 setting the European Union-wide performance targets and alert thresholds for the provision of air navigation services for the years 2012 to 2014.

No 677/2011

Commission Regulation of 7 July 2011 laying down detailed rules for the implementation of air traffic management (ATM) network functions and amending Regulation (EU) No 691/2010.

No 1034/2011

Commission Implementing Regulation of 17 October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010.

No 1035/2011

Commission Implementing Regulation of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010.

No 448/2014

Commission Implementing Regulation of 2 May 2014 amending Implementing Regulation (EU) No 1035/2011 by updating references to the Annexes to the Chicago Convention.

No 1206/2011

Commission Implementing Regulation of 22 November 2011 laying down requirements on aircraft identification for surveillance for the single European sky.

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

“Switzerland UIR” is added in Annex I.

No 1207/2011

Commission Implementing Regulation of 22 November 2011 laying down requirements for the performance and the interoperability of surveillance for the single European sky.

No 390/2013

Commission Implementing Regulation of 3 May 2013 laying down a performance scheme for air navigation services and network functions.

No 391/2013

Commission Implementing Regulation of 3 May 2013 laying down a common charging scheme for air navigation services.

No 409/2013

Commission Implementing Regulation 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.

No 132/2014

Commission Implementing Decision of 11 March 2014 setting the Union-wide performance targets for the air traffic management network and alert thresholds for the second reference period 2015-19.

No 716/2014

Commission Implementing Regulation of 27 June 2014 on the establishment of the Pilot Common Project supporting the implementation of the European Air Traffic Management Master Plan.’

- e) The following shall be inserted in point 5 (Air Traffic Management) after the reference to Commission Regulation No 29/2009:

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

- (a) “Switzerland UIR” is added in Annex I, part A.
- (b) “Norway FIR south of 61°30” is added in Annex I, part B.’

- f) The text under Regulation (EC) No 549/2004 of the European Parliament and of the Council in point 5 (Air Traffic Management) shall be replaced by the following:

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

- (a) In Article 11, the words “Community-wide” shall read “regional or national” with regard to Iceland.
- (b) With regard to Iceland, Article 11 shall apply as of 1 January 2015.
- (c) This Regulation shall not apply to Liechtenstein.’

- g) The text under Regulation (EC) No 550/2004 of the European Parliament and of the Council in point 5 (Air Traffic Management) shall be replaced by the following:

‘The provisions of the Regulation shall, for the purposes of this Convention, 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.”
- (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.”

- (e) 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) This Regulation shall not apply to Liechtenstein.’

2. This Decision shall take immediate effect.
 3. The Secretary-General of the European Free Trade Association shall deposit the text of this Decision with the Depositary.
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