

DECISION OF THE EEA JOINT COMMITTEE No 40/2005**of 11 March 2005****amending Annex XIII (Transport) and Protocol 21 (on the implementation of competition rules applicable to undertakings) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 16/2005 of 8 February 2005 ⁽¹⁾.
- (2) Protocol 21 to the Agreement was amended by Decision of the EEA Joint Committee No 178/2004 of 3 December 2004 ⁽²⁾.
- (3) Council Regulation (EC) No 411/2004 of 26 February 2004 repealing Regulation (EEC) No 3975/87 and amending Regulations (EEC) No 3976/87 and (EC) No 1/2003, in connection with air transport between the Community and third countries ⁽³⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be added in point 60 (Council Regulation (EEC) No 3975/87) of Annex XIII to the Agreement:

‘, as amended by:

- **32004 R 0411**: Council Regulation (EC) No 411/2004 of 26 February 2004 (OJ L 68, 6.3.2004, p. 1).’

⁽¹⁾ OJ L 161, 23.6.2005, p. 37.

⁽²⁾ OJ L 133, 26.5.2005, p. 35.

⁽³⁾ OJ L 68, 6.3.2004, p. 1.

Article 2

1. The following shall be added in point 1(3) (Council Regulation (EC) No 1/2003) of Article 3 of Protocol 21 to the Agreement:

‘, as amended by:

— **32004 R 0411**: Council Regulation (EC) No 411/2004 of 26 February 2004 (OJ L 68, 6.3.2004, p. 1).’

2. The following indent shall be added in point 1(13) (Council Regulation (EEC) No 3975/87) of Article 3 of Protocol 21 to the Agreement:

‘— **32004 R 0411**: Council Regulation (EC) No 411/2004 of 26 February 2004 (OJ L 68, 6.3.2004, p. 1).’

Article 3

The texts of Regulation (EC) No 411/2004 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 4

This Decision shall enter into force on 12 March 2005, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*), or on the day of entry into force of Decision of the EEA Joint Committee No 130/2004 of 24 September 2004, whichever is the later.

Article 5

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 11 March 2005.

For the EEA Joint Committee

The President

Richard WRIGHT

(*) No constitutional requirements indicated.