

DECISION OF THE EEA JOINT COMMITTEE

No 69/2009

of 29 May 2009

amending Annex XIII (Transport) 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 50/2009 of 24 April 2009 ⁽¹⁾.
- (2) Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 ⁽²⁾ is to be incorporated into the Agreement.
- (3) The specific geographical location and low population density of Iceland, as well as the composition of the fleet of aircraft serving on domestic routes in Iceland require that Regulation (EC) No 300/2008 does not apply to domestic air services in the territory of Iceland. The national security measures applicable to domestic air services in Iceland provide an adequate level of protection.
- (4) In view of the specific situation of Liechtenstein resulting from the combined effect of a very small territory, a specific geographical structure as well as from the fact that the total amount of air traffic in Liechtenstein is very limited, that no international regular air services to or from Liechtenstein are available and that the civil aviation infrastructure in Liechtenstein consists of only one heliport, this Regulation should not apply to the existing civil aviation infrastructure in the territory of Liechtenstein.
- (5) Regulation (EC) No 300/2008 repeals Regulation (EC) No 2320/2002 of the European Parliament and of the Council ⁽³⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as follows:

1. The text of point 66h (Regulation (EC) No 2320/2002 of the European Parliament and of the Council) shall be replaced by the following:

⁽¹⁾ OJ L 162, 25.6.2009, p. 31.

⁽²⁾ OJ L 97, 9.4.2008, p. 72.

⁽³⁾ OJ L 355, 30.12.2002, p. 1.

'**32008 R 0300**: Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72).

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) 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;
- (c) The measures laid down in this Regulation shall not apply to domestic air services at airports in the territory of Iceland;
- (d) The measures laid down in this Regulation shall not apply to the existing civil aviation infrastructure in the territory of Liechtenstein.'

2. The text of Appendix 8 shall be deleted.

Article 2

The texts of Regulation (EC) No 300/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 30 May 2009, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee ^(*).

^(*) Constitutional requirements indicated.

Article 4

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

Done at Brussels, 29 May 2009.

For the EEA Joint Committee
The President
Alan SEATTER
