

DECISION OF THE EEA JOINT COMMITTEE No 196/2018
of 21 September 2018
amending Annex XIII (Transport) to the EEA Agreement [2021/310]

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Implementing Regulation (EU) 2017/373 repeals Commission Regulation (EC) No 482/2008 ⁽²⁾, Commission Implementing Regulation (EU) No 1034/2011 ⁽³⁾ and Commission Implementing Regulation (EU) No 1035/2011 ⁽⁴⁾, which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement.
- (3) Some of the provisions in Implementing Regulation (EU) 2017/373 originate from International Civil Aviation Organisation (ICAO) provisions which are only applicable to the ICAO EUR (European) region, which Iceland is not a part of due to its geographical situation.
- (4) Some of the provisions in Implementing Regulation (EU) 2017/373 refer to EU regulations which are limited in scope to ICAO EUR (European) and AFI (African) regions and may not be applied in Iceland.
- (5) Iceland, being located in the ICAO NAT (North Atlantic) region, is committed to fulfil and comply with ICAO NAT Supplementary Regional Provisions.
- (6) Annex XIII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XIII to the EEA Agreement shall be amended as follows:

- (1) the following is inserted after point 66xf (Commission Implementing Regulation (EU) No 390/2013):

'66xg. **32017 R 0373**: Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (OJ L 62, 8.3.2017, p. 1).

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.

⁽¹⁾ OJ L 62, 8.3.2017, p. 1.

⁽²⁾ OJ L 141, 31.5.2008, p. 5.

⁽³⁾ OJ L 271, 18.10.2011, p. 15.

⁽⁴⁾ OJ L 271, 18.10.2011, p. 23.

- (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”;
- (2) point 66wn (Commission Regulation (EU) No 677/2011) shall be amended as follows:
- (a) the following indent is added:
 - ‘— **32017 R 0373**: Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 (OJ L 62, 8.3.2017, p. 1).’;
 - (b) point (j) is deleted;
- (3) the texts of points 66wf (Commission Regulation (EC) No 482/2008), 66xb (Commission Implementing Regulation (EU) No 1034/2011) and 66xc (Commission Implementing Regulation (EU) No 1035/2011) are deleted.

Article 2

The text of Implementing Regulation (EU) 2017/373 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 22 September 2018, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

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, 21 September 2018.

For the EEA Joint Committee
The President
Oda Helen SLETNES

(*) No constitutional requirements indicated.