EFTA SURVEILLANCE AUTHORITY DECISION

No 545/14/COL

of 8 December 2014

authorising Iceland to derogate from certain common aviation safety rules pursuant to Article 14(6) of the Act referred to at point 66n of Annex XIII to the Agreement on the European Economic Area (Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC, as amended) and repealing College Decision 362/14/COL of 14 September 2014 [2015/1946]

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to Article 14(6) and (7) of the Act referred to at point 66n of Annex XIII to the EEA Agreement, as adapted by EEA Joint Committee Decision No 163/2011 of 19 December 2011,

> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC, as amended;

and to Article CAT.POL.A.210(b)(2), (b)(4) and (b)(5) of Annex IV of the Act referred to at point 66nf of Annex XIII to the EEA Agreement as adapted by EEA Joint Committee Decision No 147/2013 of 15 July 2013,

> Regulation (EU) No 965/2012 of 5 October 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, as amended;

both as adapted to the EEA Agreement by Protocol 1 thereto,

Having regard to the opinion of the EFTA Transport Committee delivered on 3 September 2014,

Whereas:

(1) Iceland has requested to apply a certain derogation from the common aviation safety rules contained in the rules implementing Regulation (EC) No 216/2008.

(2) Pursuant to Article 14(7) of that Regulation, as adapted, the EFTA Surveillance Authority has assessed the need for, and the level of protection emerging from, the derogation requested, based on recommendations from the European Aviation Safety Agency, issued on 17 June 2011, 31 July 2014 and 12 November 2014. The Authority concludes that the variation will provide for a level of protection equivalent to the one attained by the application of the common aviation safety rules, provided that certain conditions are met.

(3) Pursuant to Article 14(7) of Regulation (EC) No 216/2008, as adapted, the EFTA Surveillance Authority shall notify its decision to all EFTA States, which shall also be entitled to apply that derogation.

(4) Pursuant to Article 14(7) of Regulation (EC) No 216/2008, as adapted, when the European Commission and the EFTA Surveillance Authority exchange information on a decision taken pursuant to Article 14(7), the European 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 European Commission to the EFTA States.

(5) The description of the derogation, as well as the conditions attached to it, should be such as to enable other EFTA States to apply that measure when they are in the same situation, without requiring further approval from the EFTA Surveillance Authority. Nevertheless, EFTA States should notify the application of derogations, as they may have effects outside that state.

(6) The measures provided for in this Decision are in accordance with the opinion of the EFTA Transport Committee,

HAS ADOPTED THIS DECISION:

Article 1

By this Decision, Decision No 362/14/COL is repealed.

Article 2

Iceland may derogate from the requirements of Article CAT.POL.A.210(b)(2), (b)(4) and (b)(5) of Annex IV of Regulation (EU) No 965/2012, as specified in the Annex to this Decision, provided that conditions specified in Section 2 of the Annex to this Decision are complied with.

Article 3

All EFTA States shall be entitled to apply the same measures referred to in Article 2, as specified in the Annex to this Decision, and subject to the notification obligation set out in Article 14(6) Regulation (EC) No 216/2008, as adapted.

Article 4

The Decision is addressed to Iceland. It is authentic in the English language.

Article 5

This Decision shall be notified to Iceland, Liechtenstein, Norway and to the European Commission.

Done at Brussels, 8 December 2014.

For the EFTA Surveillance Authority

Helga JÓNSDÓTTIR	Xavier LEWIS
College Member	*Director*

ANNEX

DEROGATION BY ICELAND FROM COMMISSION REGULATION (EU) No 965/2012 WITH RESPECT TO TAKE-OFF OBSTACLE CLEARANCE AT ÍSAFJÖRÐUR AIRPORT, ICELAND (BIIS)

1. DESCRIPTION OF THE DEROGATION

Iceland may, by derogation from Article CAT.POL.A.210(b)(2), (b)(4) and (b)(5) Take-off obstacle clearance of Annex IV (Part CAT) to Regulation (EU) No 965/2012 ([1]), as amended, allow the air operator Air Iceland (*Flugfélag Íslands*), to use 25 degrees bank angle at 100 ft for their F50 and Dash 8 aeroplanes at Ísafjörður airport, Iceland (BIIS), to comply with take-off obstacle clearance requirements specified in Article CAT.POL.A.210 of Annex IV to Regulation (EU) No 965/2012.

2. CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

The derogation is restricted as regards operational conditions at Ísafjörður airport, Iceland (BIIS), as regards the weather minima ceiling and visibility criteria, wind and runway contamination criteria as described in the European Aviation Safety Agency's Operational Evaluation Report, dated 17 June 2011.

This derogation applies to air operator Air Iceland (*Flugfélag Íslands*) on the basis of the additional measures implemented by the air operator to achieve a safety level equivalent to that attained by the application of the common technical requirements and administrative procedures set out in Regulation (EU) No 965/2012 as amended. The additional measures relate to aircraft performance, crew selection and training, crew qualification and competence validity period, aircraft MEL restrictions, the air operator's quality system and safety management system, additional operating procedures and electronic crew briefing for the operation to BIIS and are described in the European Aviation Safety Agency's Operational Evaluation Report referred to above.

([1]) The Act referred to at point 66nf of Annex XIII to the EEA Agreement, as adapted by EEA Joint Committee Decision No 147/2013 of 15 July 2013 (Regulation (EU) No 965/2012 of 5 October 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) as amended by Regulation (EU) No 800/2013 of 14 August 2013 and Regulation (EU) No 83/2014 of 29 January 2014, as adapted to the EEA Agreement by Protocol 1 thereto ('Regulation (EU) No 965/2012').