DECISION OF THE EEA JOINT COMMITTEE

No 291/2014

of 12 December 2014

amending Annex XIII (Transport) to the EEA Agreement [2015/2158]

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) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions ([1]) is to be incorporated into the EEA Agreement.

(2) Implementing Regulation (EU) No 390/2013 repeals, with effect from 1 January 2015, Commission Regulation (EU) No 691/2010 ([2]) and Commission Implementing Regulation (EU) No 1216/2011 ([3]), which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement with effect from 1 January 2015.

(3) 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 added to point 66wn (Commission Regulation (EU) No 677/2011):

', as amended by:

— **32013 R 0390**: Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 (OJ L 128, 9.5.2013, p. 1).'

2. The following point is inserted after point 66xe (Commission Implementing Decision 2014/132/EU):

'66xf. **32013 R 0390**: Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions (OJ L 128, 9.5.2013, p. 1).

The Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) Regarding the EFTA States Article 3(1) shall be replaced by the following:

"Where the Standing Committee of the EFTA States decides to designate a Performance Review Body to assist the EFTA Surveillance Authority in the implementation of the performance scheme, such designation shall be for a fixed term consistent with the reference periods. If the Commission has designated a performance review body, the Standing Committee of the EFTA States shall endeavour to designate the same entity under similar conditions to fulfil the same tasks in regard to the EFTA States."

(b) In Articles 14(1) and 18(1), the following subparagraph shall be added:

"If the assessment concerns performance plans and targets, which relate to one or more EU Member States and one or more EFTA States, the assessment shall be carried out by the EFTA Surveillance Authority with regard to the EFTA State(s) and by the Commission with regard to the EU Member State(s). The Commission and the EFTA Surveillance Authority shall in this regard cooperate with a view to adopting identical positions all through the procedure established in this Article."

(c) In Article 15(1), the following subparagraph shall be added:

"If the assessment concerns performance plans and targets, which relate to one or more EU Member States and one or more EFTA States, the assessment shall be carried out by the EFTA Surveillance Authority with regard to the EFTA State(s) and by the Commission with regard to the EU Member State(s). The Commission and the EFTA Surveillance Authority shall in this regard cooperate with a view to adopting identical positions all through the procedure established in this Article."

([1]) OJ L 128, 9.5.2013, p. 1.
([2]) OJ L 201, 3.8.2010, p. 1.
([3]) OJ L 310, 25.11.2011, p. 3.

(d) In Article 18(2), the following subparagraph shall be added:

"If a functional airspace block covers the airspace of one or more EU Member States and one or more EFTA States, the tasks and powers set out in this point shall be carried out and exercised by the EFTA Surveillance Authority with regard to the EFTA State(s) and by the Commission with regard to the EU Member State(s). The Commission and the EFTA Surveillance Authority shall in this regard cooperate with a view to adopting identical positions."

(e) In Article 18(3), the following subparagraph shall be added:

"Where the Network Performance Plan relates to both the Network Manager designated by the Commission and the Network Manager designated by the Standing Committee of the EFTA States, the Commission and the EFTA Surveillance Authority shall cooperate with a view to adopting identical positions."

(f) In Article 18(4), the following subparagraph shall be added:

"Where performance plans and targets relate to one or more EU Member States and one or more EFTA States, the Commission and the EFTA Surveillance Authority shall cooperate with a view to reporting jointly on the achievement of performance targets to the Single Sky Committee."

(g) In Article 18(3) and (4), the word "Commission" shall read "EFTA Surveillance Authority" as regards the EFTA States.'

3. The text of point 66xa (Commission Regulation (EU) No 691/2010) shall be deleted with effect from 1 January 2015.

Article 2

The texts of Implementing Regulation (EU) No 390/2013 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 13 December 2014, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*), or on the day of the entry into force of Decision of the EEA Joint Committee No 135/2014 of 27 June 2014 ([1]), whichever is the later.

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, 12 December 2014.

For the EEA Joint Committee
The President
Kurt JÄGER

(*) No constitutional requirements indicated.
([1]) OJ L 342, 27.11.2014, p. 42.