DECISION OF THE EEA JOINT COMMITTEE

No 179/2004

of 9 December 2004

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 171/2004 of 3 December 2004 [1].

(2) Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency [2] has as its principal objective to establish and maintain a high uniform level of civil aviation safety within the Community.

(3) The activities of the European Aviation Safety Agency may affect the level of civil aviation safety within the European Economic Area.

(4) Regulation (EC) No 1592/2002 is therefore to be incorporated into the Agreement in order to allow for the full participation of the EFTA States in the European Aviation Safety Agency,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

The texts of Regulation (EC) No 1592/2002 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

---

[1] See page 21 of this Official Journal.

[2] OJ L 240, 7.9.2002, p. 1.

Article 3

This Decision shall enter into force on 10 December 2004, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

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, 9 December 2004.

For the EEA Joint Committee
The President
Kjartan JÓHANNSSON

(*) Constitutional requirements indicated.

ANNEX

to Decision of the EEA Joint Committee No 179/2004

The following shall be inserted after point 66m (Commission Regulation (EC) No 1138/2004) in Annex XIII to the Agreement:

'66n. **32002 R 1592**: Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (OJ L 240, 7.9.2002, p. 1).

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

(a) Unless otherwise stipulated below, and notwithstanding the provisions of Protocol 1 to the Agreement, the term "Member States(s)" contained in the Regulation shall be understood to include, in addition to its meaning in the Regulation, the EFTA States. Paragraph 11 of Protocol 1 shall apply.

(b) As regards the EFTA States, the Agency shall, as and when appropriate, assist the EFTA Surveillance Authority or the Standing Committee, as the case may be, in the performance of their respective tasks.

(c) Nothing in the present Regulation shall be construed so as to transfer to EASA authority to act on behalf of the EFTA States under international agreements for other purposes than to assist in the performance of their obligations pursuant to such agreements.

(d) Article 9 shall be amended as follows:

(i) In paragraph 1, the words "or an EFTA State" shall be inserted after the words "the Community".

(ii) Paragraph 2 of Article 9 shall be replaced by the following:

"Whenever the Community negotiates with a third country in order to conclude an agreement providing that a Member State or the Agency may issue certificates on the basis of certificates issued by the aeronautical authorities of that third country, 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."

(e) The following paragraph shall be added to Article 11:

"5. Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of the Regulation, apply to any documents of the Agency regarding the EFTA States as well."

(f) The following shall be added in Article 12(2)(b):

"The Agency shall also assist the EFTA Surveillance Authority and provide it with the same support, where such measures and tasks fall within the competence of the Authority pursuant to the Agreement."

(g) Article 12(2)(e) shall be replaced by the following:

"in its field of competence carry out functions and tasks ascribed to the Contracting Parties by applicable international Conventions, in particular the Chicago Convention. The national aviation authorities of the EFTA States shall perform such functions and tasks only as foreseen in the present Regulation."

(h) The first sentence of Article 15 shall be replaced by the following:

"With regard to products, parts and appliances referred to in Article 4(1), the Agency shall, where applicable and as specified in the Chicago Convention or its annexes, carry out the functions and tasks of the State of design, manufacture or registry when related to design approval. The national aviation authorities of the EFTA States shall perform such functions and tasks only as ascribed to them pursuant to the present Article."

(i) Article 16 shall be amended as follows:

The following shall be added in paragraph 1:

"The Agency shall report to the EFTA Surveillance Authority on standardisation inspections in an EFTA State."

The following shall be added in paragraph 3:

"As regards the EFTA States, the Agency shall be consulted by the EFTA Surveillance Authority."

(j) The following paragraph shall be added to Article 20:

"4. By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency."

(k) The following shall be added to Article 21:

"EFTA States shall apply to the Agency and to its staff the Protocol of Privileges and Immunities of the European Communities and applicable rules adopted pursuant to the Protocol"

(l) The following shall be inserted after the word "Community" in the first paragraph of Article 23:

", Icelandic and Norwegian."

(m) The following shall be inserted after Article 24(2)(c):

"(ca) The general report and the Agency's programme of work, pursuant to paragraphs (b) and (c) respectively, shall be forwarded to the EFTA Surveillance Authority."

(n) The following paragraph shall be added in Article 25:

"3. The EFTA Sates shall participate fully in the Management Board and shall within it have the same rights and obligations as EU Member States, except for the right to vote."

(o) The following paragraph shall be added in Article 32:

"6. Nationals of the EFTA States shall be eligible as members, including Chairpersons, of Boards of Appeal. When the Commission draws up the list of persons referred to in paragraph 3, it shall also consider suitable persons of EFTA States' nationalities."

(p) The following shall be inserted at the end of paragraph 1 of Article 45:

"As regards the EFTA States, the Agency shall assist the EFTA Surveillance Authority in the performance of the aforesaid tasks."

(q) The following paragraph shall be added in Article 48:

"8. The EFTA States shall participate in the financial contribution from the Community referred to in the first indent of paragraph 1. For this purpose, the procedures laid down in Article 82(1)(a) and Protocol 32 to the Agreement shall apply *mutatis mutandis*."

(r) The following paragraphs shall be added in Article 54:

"6. The EFTA States shall participate fully in the committee established pursuant to paragraph 1 and shall within it have the same rights and obligations as EC Member States, except for the right to vote.

7. Where, in the absence of an agreement between the Commission and the committee, the Council may take a decision on the matter in question, the EFTA States may raise the issue in the EEA Joint Committee in conformity with Article 5 of the Agreement."'