



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 December 2011

18132/11

**Interinstitutional File:
2011/0395 (NLE)**

**EEE 56
TRANS 348
AVIATION 261**

PROPOSAL

from: European Commission
dated: 2 December 2011

No Cion doc.: SEC(2011) 1449 final

Subject: Proposal for a Council Decision on the position to be taken by the European Union in the EEA Joint Committee concerning an amendment to Annex XIII (Transport)

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: SEC(2011) 1449 final



EUROPEAN COMMISSION

Brussels, 1.12.2011
SEC(2011) 1449 final

2011/0395 (NLE)

Proposal for a

COUNCIL DECISION

**on the position to be taken by the European Union in the EEA Joint Committee
concerning an amendment to Annex XIII (Transport)**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

In order to ensure the requisite legal security and homogeneity of the Internal Market, the EEA Joint Committee is to integrate all the relevant Community legislation into the EEA Agreement as soon as possible after its adoption.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The draft Decision of the EEA Joint Committee (annexed to the proposed Council Decision) aims to amend Annex XIII (transport) by adding new Community acquis in this field. This concerns Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management which is to be incorporated into the Agreement. A derogation is proposed for Liechtenstein, considering that the country's particular situation concerning civil aviation (i.e. very limited activities, only one heliport) has to be taken into due account. Based on a bilateral agreement, Switzerland is taking care of the Liechtenstein airspace as regards air control issues.

3. LEGAL ELEMENTS OF THE PROPOSAL

Article 1(3) of Council Regulation (EC) No 2894/94 concerning arrangements for implementing the EEA Agreement provides that the Council establishes the position to be adopted on the Union's behalf on such Decisions, on a proposal from the Commission.

The Commission submits the Draft Decision of the EEA Joint Committee for adoption by the Council as the Union's position. The Commission would hope to be able to present it in the EEA Joint Committee at the earliest possible opportunity.

Proposal for a

COUNCIL DECISION

**on the position to be taken by the European Union in the EEA Joint Committee
concerning an amendment to Annex XIII (Transport)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 100(2) and 218 (9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Annex XIII to the Agreement on the European Economic Area, ("the EEA Agreement") contains specific provisions and arrangements concerning transport.
- (2) Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management¹ should be incorporated in the EEA Agreement.
- (3) Annex XIII to the EEA Agreement should therefore be amended accordingly.
- (4) The position of the Union within the EEA Joint Committee should be based on the attached draft Decision

¹ OJ L 80, 26.3.2010, p. 10

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union withn the EEA Joint Committee on the proposed amendment to Annex XIII to the EEA Agreement shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at ...,

*For the Council
The President*

ANNEX

Draft

DECISION OF THE EEA JOINT COMMITTEE
No
of
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 .../... of ...¹.
- (2) Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management² is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 66wh (Commission Regulation (EC) No 262/2009) of Annex XIII to the Agreement:

‘66wi. **32010 R 0255**: Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management (OJ L 80, 26.3.2010, p. 10).

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

This Regulation shall not apply to Liechtenstein.’

Article 2

The texts of Regulation (EU) No 255/2010 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 OJ L ...

² OJ L 80, 26.3.2010, p. 10.

Article 3

This Decision shall enter into force on [...], 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, .

For the EEA Joint Committee

The President

*The Secretaries
to the EEA Joint Committee*

* [No constitutional requirements indicated.] [Constitutional requirements indicated.]