



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.3.2004
SEC(2004) 315 final

Draft

DECISION OF THE EEA JOINT COMMITTEE
amending Annex XIII (Transport) to the EEA Agreement

- Draft common position of the Community –
(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In order to ensure the requisite legal security and homogeneity, the EEA Joint Committee is to integrate all the relevant Community legislation into the EEA Agreement as soon as possible after its adoption.
2. The EEA Joint Committee should therefore adopt the attached draft decision to amend Annex XIII to the EEA Agreement by adding recently adopted acquis in the field of Transport. The decision concerns:

32002 R 2320: Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security.
3. The draft decision contains adaptations in view of the specific situation in the EEA EFTA countries. The abovementioned regulation will not apply to existing civil aviation infrastructure in Liechtenstein or to domestic air services in Iceland. For certain airports in Norway (cf. Annex to the draft Joint Committee Decision), a transition period until 1 January 2005 is proposed subject to the conditions detailed in the decision.
4. Article 1(3)(a) of Council Regulation (EC) No 2894/94 concerning the arrangements for implementing the EEA Agreement envisages that the Council establish the Community position for decisions extending Community legislation with substantial changes.
5. The draft decision of the EEA Joint Committee is submitted for the approval of the Council, after which the Commission will put forward the position of the Community in the EEA Joint Committee at the earliest possible occasion.

Draft

DECISION OF THE EEA JOINT COMMITTEE

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) Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security² is to be incorporated into the Agreement.
- (3) The specific geographical location and low population density of Iceland, as well as the composition of the fleet of aircraft serving on domestic routes in Iceland require that this Regulation does not apply to domestic air services in the territory of Iceland. The national security measures applicable to domestic air services in Iceland provide an adequate level of protection.
- (4) In view of the specific situation of Liechtenstein resulting from the combined effect of a very small territory, a specific geographical structure as well as from the fact that the total amount of air traffic in Liechtenstein is very limited, that no international regular air services to or from Liechtenstein are available and that the civil aviation infrastructure in Liechtenstein consists of only one heliport, this Regulation should not apply to the existing civil aviation infrastructure in the territory of Liechtenstein.
- (5) Since most of the Norwegian regional airports are situated in remote areas and the national security measures in domestic air services in Norway provide an adequate level of protection, the date of implementation of the Regulation at certain Norwegian regional airports should be adjusted,

¹ OJ L ...

² OJ L 355, 30.12.2002, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as follows:

1. The following point shall be inserted after point 66f (Directive 2002/30/EC of the European Parliament and of the Council):

‘66g. **32002 R 2320**: Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security (OJ L 355, 30.12.2002, p. 1).

The provisions of the Regulation shall, for the purpose of the present Agreement, be read with the following adaptations:

- (a) The measures laid down in this Regulation shall not apply to domestic air services at airports in the territory of Iceland.
- (b) The measures laid down in this Regulation shall not apply to the existing civil aviation infrastructure in the territory of Liechtenstein.
- (c) This Regulation shall be implemented not later than 1 January 2005 at the Norwegian regional airports specified in Appendix 8 to the present Annex, provided the following requirements are met:
 - (i) There are no international regular air services to/from the airport.
 - (ii) Necessary compensatory measures are in place at Norwegian airports where the Regulation is fully implemented concerning flights arriving from each of these regional airports – such as separating departing screened passengers from arriving passengers who have not been screened to the standard detailed in the Regulation, and re-screening of passengers and baggage – to ensure that the security level is not compromised.’

2. The heading ‘**APPENDIX 8 TO ANNEX XIII**’ shall be inserted at the end of Annex XIII.

3. The text in the Annex to the present Decision shall be inserted as the text of Appendix 8 to Annex XIII.

Article 2

The texts of Regulation (EC) No 2320/2002 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

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.]

ANNEX
to Decision of the EEA Joint Committee No

‘Norwegian regional airports referred to in adaptation (c) of point 66(g) (Regulation (EC) No 2320/2002 of the European Parliament and of the Council):

ANDØYA (military airport with civil traffic)

BÅTSFJORD

BERLEVÅG

FØRDE, Bringeland

HAMMERFEST

HASVIK

HONNINGSVÅG, Valan

LEKNES

MEHAMN

MO I RANA, Røssvoll

MOSJØEN, Kjærstad

NAMSOS

NARVIK, Framnes

ØRSTA/VOLDA, Hovden

RØRVIK, Ryum

RØST

SANDANE, Anda

SANDNESSJØEN, Stokka

SOGNDAL, Haukåsen

SØRKJOSEN

STOKMARKNES, Skagen

SVOLVÆR, Helle

VADSØ

VÆRØY (heliport)

WARDØ, Svartnes’