

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 22 July 1993

concerning the amendment of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation

(93/453/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 84 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas Council Decision 92/384/EEC of 22 June 1992 concerning the conclusion of an Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation <sup>(2)</sup> established a uniform system of rules concerning market access, airline capacity as well as price setting in the field of civil aviation;

Whereas, since the conclusion of the Agreement, new legislation in the field of civil aviation has been adopted in the Community; whereas Article 12 of the Agreement provides for the integration into the Agreement of amendments made to the legislation of each Party;

Whereas, in these exceptional circumstances, it is appropriate to amend Article 19 of the Agreement to ensure that the objective of the Agreement, a uniform

system of rules throughout the Community, Norway and Sweden, will be met also after the entry into force of an Agreement between the Community and EFTA countries on the European Economic Area;

Whereas the Council decided in its meeting of 22 July 1993 that these amendments should be made and has authorized the Commission to conduct negotiations with Norway and Sweden with a view to making the necessary amendments;

Whereas the Commission has conducted the negotiations in coordination and close cooperation with the Member States throughout the negotiating process,

HAS DECIDED AS FOLLOWS:

*Article 1*

The decision of the Joint Committee established under Article 13 of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation to integrate into the said Agreement legislation adopted in the Community after the negotiations of that Agreement is hereby approved on behalf of the Community.

The decision of the Joint Committee is attached to this Decision.

<sup>(1)</sup> Opinion delivered on 16 July 1993 (not yet published in the Official Journal).

<sup>(2)</sup> OJ No L 200, 18. 7. 1992, p. 20.

*Article 2*

The Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden to amend Article 19 (3) of the Agreement between the said parties on civil aviation is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

*Article 3*

The President of the Council shall carry out the necessary formalities as provided for in Article 23 of the Agreement.

*Article 4*

This Decision shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 22 July 1993.

*For the Council*

*The President*

M. OFFECIERS-VAN DE WIELE

## DECISION OF THE JOINT COMMITTEE

of 26 March 1993

## I

Pursuant to Article 12 (3) of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation, the Joint Committee has decided that the following Regulations and Directive shall be integrated into the Agreement and be added to the list in Annex I thereto.

## 21. (EEC) No 2407/92

Council Regulation of 23 July 1992 on licensing of air carriers.

Articles 1 to 18.

## 22. (EEC) No 2408/92

Council Regulation of 23 July 1992 on access for Community air carriers to intra-Community air routes.

Articles 1 to 15.

The list of category 1 airports set out in Annex I to the Regulation shall be supplemented as follows:

- Norway: Oslo airport system,
- Sweden: Stockholm airport system.

The list of airport systems set out in Annex II to the Regulation shall be supplemented as follows:

- Norway: Oslo — Fornebu/Gardermoen,
- Sweden: Stockholm — Arlanda/Bromma.

## 23. (EEC) No 2409/92

Council Regulation of 23 July 1992 on fares and rates for air carriers.

Articles 1 to 11.

## 24. (EEC) No 1284/91

Council Regulation of 14 May 1991 amending Regulation (EEC) No 3975/87 laying down the procedure for the application of the rules on competition to undertakings in the air transport sector.

Article 1.

Any reference to Articles 85 and 86 in this Regulation shall be understood to mean Article 4 or 5 of this Agreement respectively.

## 25. (EEC) No 2410/92

Council Regulation of 23 July 1992 amending Regulation (EEC) No 2975/87 laying down the procedure for the application of the rules on competition to undertakings in the air transport sector.

Article 1.

Any reference to Articles 85 and 86 in this Regulation shall be understood to mean Article 4 or 5 of this Agreement respectively.

## 26. (EEC) No 2411/92

Council Regulation of 23 July 1992 amending Regulation (EEC) No 3976/87 on the application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector.

Article 1.

Any reference to Articles 85 and 86 in this Regulation shall be understood to mean Article 4 or 5 of this Agreement respectively.

## 27. (EEC) No 3922/91

Council Regulation of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation.

Articles 1 to 3, 5 to 11, 13.

## 28. 91/670/EEC

Council Directive of 16 December 1991 on mutual acceptance of personnel licences for the exercise of functions in civil aviation.

Articles 1 to 7.

## 29. (EEC) No 95/93

Council Regulation of 18 January 1993 on common rules for the allocation of slots at Community airports.

Articles 1 to 13.

The territory of Svalbard shall be exempted from the application of the Regulations and Directive listed above.

## II

In order to safeguard the proper functioning of the Agreement, the Joint Committee in accordance with Article 12 (3) recommends the Contracting Parties to amend the Agreement as set out in the Annex to the Decision.

## III

Pursuant to Article 14 (3) of the Agreement, the Decision in I above is subject to approval or ratification by the Contracting Parties in accordance with their own procedures.

This Decision shall enter into force on 1 July 1993 or on the date on which the last instrument of ratification has been deposited in accordance with Article 23 (3) of the Agreement whichever date is the later.

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## AGREEMENT

### between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation

THE EUROPEAN ECONOMIC COMMUNITY, THE KINGDOM OF SWEDEN AND THE KINGDOM OF NORWAY,

HAVE AGREED AS FOLLOWS:

Whereas the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation, hereinafter referred to as the Agreement, entered into force on 6 July 1992;

Whereas the Agreement establishes a uniform system of rules in the field of civil aviation;

Whereas, since the conclusion of this Agreement, new legislation in the field of civil aviation has been adopted in the Community; whereas Article 12 of the Agreement provides for the integration in the Agreement of amendments made to the legislation of each Party;

Whereas the Joint Committee, in accordance with Article 12 of the Agreement, decided on 26 March 1993 to integrate this new legislation into the Agreement;

Whereas this new legislation anticipates legislation that will be applicable under the EEA Agreement at the moment the internal procedures for its inclusion in the EEA Agreement are completed;

Whereas Article 19 (3) of the Agreement provides that the Agreement shall cease to be in force from the date an agreement between the Community and EFTA countries on the European Economic Area enters into force;

Whereas, in order to ensure that the objective of the Agreement, a uniform system of rules throughout the Community, Norway and Sweden will be met also after the entry into force of the EEA Agreement for the time required to complete the procedures to supplement the legislation in the EEA Agreement, it is important that the Agreement remains in force for a limited period of time;

Whereas, in view of these exceptional circumstances, this Agreement does not prejudice in any way the provisions of the EEA Agreement and in particular not the application of Article 120 of the EEA Agreement,

#### *Article 1*

Article 19 (3) of the Agreement will be replaced by the following:

'3. This Agreement shall cease to be in force from the date on which an agreement between the Community and EFTA countries of the European Economic Area (EEA) enters into force.

However, as far as legislation mentioned in the Annex to the said Agreement and adopted in accordance with Article 12 (3) is concerned, this Agreement shall continue to apply to the extent that the same subject matter is not governed by the EEA Agreement.

If this Agreement has continued to apply in part for 18 months after the entry into force of the EEA Agreement, the Joint Committee shall meet to decide upon the continued application of this Agreement. If the Joint Committee does not decide otherwise, this Agreement shall cease to be in force two years after the entry into force of the EEA Agreement.

In a case where the application of this Article conflicts with provisions of the EEA Agreement the latter shall prevail.'

#### *Article 2*

This Agreement shall be subject to approval or ratification in accordance with the Contracting Parties' own procedures and the Parties shall notify each other of the completion of the procedures necessary for that purpose.

This Agreement shall enter into force on the date on which the last instrument of ratification has been deposited. It shall be published in the *Official Journal of the European Communities*.

This Agreement and the instruments of ratification shall be deposited in the archives of the Secretariat of the Council of the European Communities, which shall deliver a certified copy thereof to each Contracting Party.

#### *Article 3*

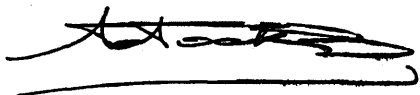
This Agreement is drawn up in all the official languages: Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish, of the Community as well as in the Norwegian and Swedish languages, all texts being equally authentic.

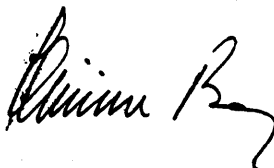
Done at Brussels, on the twenty-eighth of July of the year one thousand nine hundred and ninety-three,

*For the Council of the  
European Communities*

*For the Kingdom  
of Norway*

*For the Kingdom  
of Sweden*

  
Jürgen Tiedemann





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