|  |  |
| --- | --- |
| logo_ec_17_colors_300dpi | EUROPEAN COMMISSIONDIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT |

Information note

Subject: Handling of notifications in the context of the flexibility provisions under Articles 14(1), 14(4) and 14(6) of EU Regulation No 216/2008

# context

Member States have requested clarifications from the Commission and EASA on the handling of notifications of exemptions and derogations pursuant to Article 14 of EU Regulation No 216/2008 (hereinafter Basic Regulation or BR).

Article 14 provides for three kinds of flexibility provisions:

1. Article 14(1), on the possibility for Member States to react immediately to a safety problem involving a person, product or organisation subject to the BR;
2. Article 14(4), on the possibility for Member States to grant exemptions from the substantive provisions of the BR and its Implementing Rules (IR) in the event of unforeseen urgent operational circumstances or operational needs of a limited duration; and
3. Article 14(6), on the possibility for Member States to issue an approval derogating from the IR where an equivalent level of protection can be achieved by other means.

Experience shows that Article 14(1) has rarely been used, contrary to Article 14(4), which has been used regularly by Member States. In relation to Article 14(6), it was only very rarely used before the extensions of the scope of the BR, but has since then seen its use grow exponentially.

Three issues in particular have arisen in the handling of such notifications:

1. A growing number of Member States are submitting a growing number of notifications. On the one hand, the issue has gained importance for some of the Member States due to the growing pressure from their industry. On the other hand, the Commission and EASA are faced with a considerable and growing workload.
2. Some of the deadlines imposed in the BR are very tight or would even seem impossible to meet in the light of standard decision-making procedures to be followed by the Commission and EASA. Special arrangements may be needed in order to respect the deadlines in the BR.
3. Some provisions are not as clear as they could be, e.g. the way in which an approved derogation can be made applicable also in other Member States.

This note explains how Commission services intend to apply the provisions of Article 14 BR, including how it intends to cope with the above three issues. It reflects the views and intentions of the Directorate General for Mobility and Transport and is without prejudice to any position the Commission may take in any proceeding and without prejudice to the interpretation eventually provided by the Court of Justice.”

# Article 14(1): Immediate reaction to a safety problem

## Basic Regulation

Article 14(1) envisages circumstances in which it is necessary to **react immediately with a safety problem involving a product, person or organisation** subject to the BR, in circumstances where the solution involves a contradiction with the BR or IR.

The use of Article 14(1) requires immediate notification to the Agency, the Commission and other Member States. EASA will assess the measure against the criteria of Article 14(2).

## Possible scenarios

There are three possible scenarios:

1. EASA assesses the measure, and finds that the safety problem can be addressed by a positive decision, under Article 18(d) of the BR. In this case, EASA takes the appropriate decision, notifies the Commission and the relevant Member State, and the procedure ends. In order to enhance transparency, the Agency will also inform all other Member States.
2. EASA assesses the measure, and finds that the safety problem requires an amendment of the BR or IR. In this case, EASA addresses a recommendation to the Commission, informing all Member States, proposing an amendment to the relevant rules, and also mentioning whether the measure should be maintained pending the amendment. The Commission will decide on the issue on the basis of the Agency’s recommendation.
3. EASA assesses the measure, and finds that it is not appropriately justified, either because there is no real safety problem, or because it could be addressed by the Member State in accordance with existing provisions. In this case, EASA will invite the Member State to withdraw the measure. If the measure is withdrawn, the Member State shall notify the withdrawal to the Commission, EASA and the other Member States and the procedure ends. If the Member State does not withdraw the measure, the Commission will decide on the measure on the basis of the Agency’s recommendation.

## Timeframes

The following timeframes apply:

* + For EASA: it shall take a decision under Article 18(d) *or* a recommendation to the Commission within **one month** after formal notification by the Member State;
	+ For the Commission: there is no specific deadline foreseen in the BR for the Commission to adopt a decision in accordance with the regulatory procedure with scrutiny.

The period for the Agency to issue its recommendation will only start when the Agency receives the formal notification from the Member State, through its Permanent Representation. However, it should also be noted that in a situation whereby EASA needs further information necessary to assess the case, the notification by the Member State is to be considered incomplete. The deadline of one month provided in Article 14(2) is to be calculated from the moment all relevant information is obtained from the Member State and, therefore, the notification is considered to be complete.

As a prerequisite for EASA to meet these deadlines, it is essential that the Member State /NAAs, when notifying a measure, use the relevant template provided by the Agency (through its website, in the following address [*http://easa.europa.eu/regulations/flexibility-provisions.php*](http://easa.europa.eu/regulations/flexibility-provisions.php)). The template defines the minimum information needed for the Agency to assess the case. The Member State should thus send the notification form to the Agency, the Commission/EFTA Surveillance Authority and other Member States with a simple cover letter. Only such an approach can avoid that the Agency receives notifications that cannot be processed due to missing information.

## Evaluation of measures

Article 14(1) envisages circumstances in which it is necessary to deal immediately with a safety problem in circumstances where the solution involves a contradiction with the BR or IR. This is most likely to involve the imposition of additional requirements on a national level, but it could also theoretically cover a dispensation from compliance with an existing requirement. Circumstances requiring the use of Article 14(1) are likely to be very rare, since usually the approval and oversight procedures established in the IR provide several possibilities to address safety problems as they arise, or rulemaking can address developing safety concerns, and may involve the issue of some kind of safety directive where no such possibility is foreseen in the IR.

It is difficult to foresee any circumstances in the fields covered by the initial scope of the BR where the use of Article 14(1) would be justifiable, given EASA’s powers to issue immediate measures as well as the well-established processes in place. However, in the fields covered by the first and second extensions it is possible that situations may arise where the implementation of a certain rule has unexpected and unforeseen safety impacts or where the rule does not address suddenly emerging practices. This could occur in cases where the safety risk was not known or could not be adequately addressed when the IR was adopted. In these cases, taking into account the more limited executive powers given to EASA, it is possible that Member States will be better placed to take immediate action.

When evaluating the measures proposed by the Member State, the following criteria will be taken into account:

* + The Member State has clearly demonstrated the need to take the measure. This includes not only clear evidence of both the safety issue and of the need to address it immediately, but also the demonstration that there is no possibility to adequately react to the problem in a way that ensures compliance with the BR or IR.
	+ EASA has no executive competence to act, or the situation requires urgent remedial action in advance of EASA being able to exercise its competence.

## General applicability of the measures

Art 14(3) foresees that, when the Commission decides that the measure may be maintained pending the adoption of the amendment to the rule, other Member States shall implement the measures as appropriate, and that certificates granted under these measures shall be subject to mutual recognition. It is understood that this will only apply until such time as the relevant rules are amended, without any need for the Commission to revoke its previous decision.

In the case of a positive decision, therefore, the Commission will to the extent possible draft it in such a way that it may be applied by all Member States. The Commission will as a rule have the positive decision translated in all official languages.

The provisions of Article 15 of the BR "Information network" shall apply to the measures in question and therefore Commission, Agency and the national aviation authorities of the Member State shall exchange any information available to them in this context.

It should be noted that such a decision authorising the maintenance of a measure does not automatically confer a right on a legal or natural person. Similarly to the Member State who initially applies the measure, other Member States will need to issue their own national decisions. They may rely on the existing Commission decision, even if it is not formally addressed to them, and do not need to request another legal act to be issued by the Commission specifically addressed to them. They should, however, notify the Commission, the Agency and the other Member States of the measures taken.

# Article 14(4): Exemptions

## Basic Regulation

This article is designed to allow Member States granting exemptions from the substantive requirements of the BR or its implementing rules **in the event of unforeseen urgent operational circumstances (cumulative) or operational needs of a limited duration, and on condition that the level of safety is not adversely affected**.

The Member State granting exemptions has to notify mandatorily to EASA, the Commission and the other Member States when:

- the **exemptions become repetitive**, or

- the **exemptions are granted for periods of more than two months**.

EASA will then assess whether the exemptions notified by a Member State are less restrictive than the applicable Community provisions and, within one month of being notified thereof, issue a recommendation to the Commission in accordance with Article 18(b) of the BR on **whether these exemptions comply with the general safety objectives of the BR or any other rule of Community law**. In particular due attention shall be paid to the objectives listed in Article 2 of BR, namely to establish and maintain a high uniform level of civil aviation safety in Europe, to facilitate the free movement of goods, persons and services, to promote cost-efficiency in the regulatory and certification processes and to avoid duplication at national and European level, and to provide a level playing field for all actors in the internal aviation market. For this purpose, as laid out by Article 2(3) of BR, the means of achieving these objectives shall be, among others listed in that article, the preparation, adoption and uniform application of all necessary acts, and the uniform implementation of all necessary acts by NAAs and the Agency. EASA will also inform the Member State concerned of its recommendation.

## Possible scenarios

Basically, there are three scenarios:

1. If EASA's recommendation is positive as regards the measure adopted by the Member State concerned, there is no need for the Commission to further act upon the granted exemption and the procedure ends. All the Member States will be informed of EASA's positive recommendations.
2. If EASA's recommendation is negative as regards the measure adopted by the Member State concerned, EASA will invite that Member State to revoke the exemption. If the exemption is revoked, the procedure ends.
3. If EASA's recommendation is negative as regards the measure adopted by the Member State concerned and this Member State refuses to revoke the exemption, the Commission will examine the exemption on the basis of the EASA recommendation.

In the third scenario, as EASA is in this matter the Commission's main advisor, it is clear that, most likely, the Commission will take a decision not to permit the exemption in accordance with the procedure referred to in Article 65(7) of the BR[[1]](#footnote-2). For this reason, EASA will be invited to add to its negative recommendation a draft Commission Implementing Decision to this effect. Once adopted by the Commission, the Decision would apply immediately, without its prior submission to the committee, as provided for in Article 8(2) of Regulation (EU) No 182/2011. Then, at the latest 14 days after the adoption of the Commission Implementing Decision, the Commission shall submit the act in question to the committee to obtain its opinion. In the event of the committee delivering a negative opinion by qualified majority voting, the Commission shall immediately repeal the Implementing Decision.

In the interest of speed, efficiency and legal certainty for operators, the Commission and EASA urge Member States to revoke themselves the exemptions on which EASA has issued a negative recommendation, not awaiting a formal Commission decision.

In the same interest, it is essential that any such revocation is effectively communicated to EASA and the Commission.

## Timeframes

The following timeframes apply:

* + For EASA: it shall issue its recommendation within **one month** after official notification by the Member State.
	+ For the Commission: there is no specific deadline foreseen in the BR although it is understood that it should react immediately if the Agency's recommendation is negative and take a decision based on Article 8 ("immediately applicable acts") of Regulation (EU) No 182/2011[[2]](#footnote-3).

The same approach explained in point 2.3 on counting timeframes applies.

## Evaluation of exemption requests

Although the text of Article 14(4) does not say so explicitly, these exemptions are intended to address specific, rather than generic, cases. Therefore, one of the first things to be assessed is whether the addressees of the exemptions are clearly identified or identifiable.

It is in relation to these addressees that the reasons for the granting of the exemption, notably the unforeseen urgent operational circumstances or operational needs of a limited duration, will be assessed. Some Member States have tried to justify the granting of an exemption based on operational needs of the NAAs themselves, but this type of justification is in itself not sufficient. The need should be identified in respect of the beneficiary or categories of beneficiaries of the exemption, not of the NAA. The exemptions are not intended to be used for NAAs.

It is also important to stress that when basing an exemption on the first criterion of Article 14(4), the urgent and unforeseen characters are cumulative, meaning that it is not enough that there is an urgency: it is also required that this urgent situation could not have been reasonably foreseen, by both the addressees of the exemption and the NAA itself, in a way that prevented other mitigation measures (not necessitating an exemption to the rules) to be taken. Some Member States have granted exemptions to allow operations before the relevant certificates or approvals have been issued, because the normal administrative delays associated with such approvals were not adequately anticipated by the addressees. In some other cases, specifically in relation to the implementation of the extensions to the BR, exemptions have been granted to cover periods of time needed by the NAAs to adapt to the new requirements. These situations, however urgent, cannot reasonably qualify as unforeseen, and will therefore not be accepted as fulfilling the criterion of Article 14(4).

On the other hand, the mention of the limited duration of exemptions granted under Article 14(4) should be understood as meaning that the proposed end date of the exemption should not only be clearly indicated, but also be duly motivated. The duration of the exemption should be proportionate and not exceed what is strictly necessary to address the situation.

Article 14(4) also requires that it is demonstrated that the level of safety is not adversely affected by the exemption. This should be read in conjunction with the criteria for the evaluation by EASA mentioned in Article 14(5): whether the exemptions granted are less restrictive than the applicable provisions, and whether they comply with the general safety objectives of the BR and IR. Member States shall in particular demonstrate that they have put in place conditions or mitigating measures to ensure that the level of safety is not adversely affected. The reference to the compliance with the general safety objectives of the BR, on the other hand, limits the type and scope of the exemptions that may be acceptable, and gives an indication on the kind of mitigating measures that could be used.

Furthermore, it is important to note that the relevant standard for measuring the level of safety is the one resulting from the application of the BR and IR. In this sense, it is not considered sufficient for a Member State to argue that the level of safety achieved with a certain exemption corresponds to a situation in the past, referring to previous national rules. It is also not enough to argue compliance with ICAO SARPs, since in certain cases the European rules are more stringent, and aim at a higher level of protection. In other words, the equivalency of the safety level must be evaluated with reference to the currently applicable rules, not with reference to past rules or ICAO basic standards. EASA shall ultimately evaluate that the level of safety is adequately addressed.

## Repetitive exemptions

Article 14(4) establishes that Member States only need to notify the Agency, the Commission and the other Member States of exemptions granted when they are granted for periods of more than 2 months, and as soon as they become repetitive.

Even though a case-by-case evaluation would always be needed in order to assess whether a certain exemption is repetitive or not, the following criteria have long been used:

- Only the exemptions granted by a Member State shall be considered when assessing whether the exemptions granted by that Member State are repetitive. This means that an exemption granted by a Member State shall not be taken into account to assess whether similar exemptions granted by another Member State are repetitive.

- For the determination of the repetitive character of an exemption, it is necessary to clearly identify the exemption considered, based on the following criteria:

· the person or organisation it is issued to;

· the products, persons or organisations exempted;

· the rule or requirement that is exempted from; and

· the date of issue.

Therefore, the fact that a further exemption is granted to the same person or organisation, against the same requirement and for the same product, shall be taken into account when assessing the repetitive character of an exemption. This is also the case of an extension in time of an existing exemption, or when an exemption that has already expired is renewed (for example to meet a seasonal need). However the reason(s) underlying the granting of an exemption (the operational need or urgent operational circumstance), the safety justifications and the nature of the mitigating measures are not relevant to assess the repetitive character of an exemption. The duration of the initial exemption is also irrelevant.

# Article 14(6): Derogations

## Basic Regulation

Member States may grant an approval derogating from the implementing rules of the BR (not the BR itself) on condition that:

- the **Member State** **gives reasons** to demonstrate the **need to derogate**,

- the derogation leads to an **equivalent level of protection by other means**, and details are provided on the means and conditions,

- the derogation **shall not entail discrimination on grounds of nationality**, and

- the draft derogation is **notified to EASA and the Commission before the Member States** **grant the approval**.

Subsequently the Agency shall issue a recommendation to the Commission in accordance with Article 18(b) BR on whether the approval proposed fulfils the conditions.

## Possible scenarios

Unlike exemptions, Member States signal their "intent" to grant an approval for a derogation and shall not apply this derogation until it is formally approved by a Commission decision.

There are two possible scenarios:

1. Where the Commission finds, taking into account the recommendation delivered by EASA, that the conditions laid down in paragraph 6 are met, the derogation may be granted by the Member States. The decision of the Commission is notified to all Member States which are also entitled to apply the derogation.
2. Where the Commission finds, taking into account the recommendation delivered by EASA, that the conditions laid down in paragraph 6 are not met, the derogation will not be approved by the Commission and cannot be applied.

## Timeframes

The following timeframes apply:

* + For EASA: it shall issue its recommendation within **two months** after formal notification by the Member State.
	+ For the Commission: within **one month** of receiving the Agency's recommendation, the Commission shall adopt, in accordance with the regulatory procedure with scrutiny, a Decision for approving the derogation. If the proposal for derogation is rejected, the Member State concerned and the other Member States will be informed thereof via the EASA website.

The same approach explained in point 2.3 on counting timeframes applies.

The Member State can approve the draft derogation only after the Commission has adopted a positive decision. In case the draft measure notified by the Member State under Article 14(6) meets the criteria defined under Article 14(4), the Member State is allowed to grant it under the conditions provided by Article 14(4).

##  Evaluation of derogation requests

Although Article 14(6) is drafted in rather general terms, it was not the intention of the Legislator to include in the BR a provision which would allow Member States to operate under different rules in a wide or systematic way. This would undermine one of the objectives of the Regulation which is to create a single safety system promoting the efficient functioning of the internal market.

In other words, Article 14(6) should not be used to maintain national rules that Regulation 216/2008 or measures adopted by the Commission on the basis of that Regulation were meant to replace. This also applies to provisions which were considered but not retained either by the Legislator in Regulation 216/2008 or by the Commission when adopting decisions under that Regulation. Article 14(6) should neither be used to convert findings identified during standardisation inspections into derogations. Instead, Member States should make the full use of the EASA committee itself and of its rulemaking preparations to ensure their views are heard and understood.

Derogations will thus be evaluated not only in terms of the equivalency of their safety value, or of the safety value of the conditions attached to the derogation, they will also be evaluated in terms of the reasons given to justify the need to derogate. The need will have to be justified on two levels:

* Each of the beneficiaries of the intended approvals must have a demonstrable need, which may be a business/operational need, a safety need, etc.
* The need cannot reasonably be met under existing EU rules. The derogation must effectively establish "other means" of safety protection, not merely represent alleviation from current rules. In these cases the Member State granting the derogation will bear the onus of the proof to demonstrate that there is no discrimination on the grounds of nationality, and the description of the conditions put in place to ensure an equivalent level of protection.

## General applicability of derogations

Art 14(6) speaks of an "approval", which implies an individual decision referring to a specific actor. Member States shall therefore name the beneficiaries or categories of beneficiaries of the derogation in their request. Member States may not adopt legislation of general applicability which derogates from the BR, even where a derogation is authorised.

This being said, the Commission's approval of a derogation should also benefit other actors in the same situation throughout the EU. In the case of a positive decision on a derogation request, the Commission will to the extent possible draft it in such a way that it may be applied to all equivalent cases in all Member States. The Commission will as a rule have the positive decision translated in all official languages.

The provisions of Article 15 of the BR "Information network" shall apply to the measures in question and therefore Commission, Agency and the national aviation authorities of the Member States shall exchange any information available to them in this context.

It should be noted that such a decision authorising a derogation does not automatically confer a right on an operator. Similarly to the Member State who requested the derogation, other Member States will need to issue "approvals" to specific actors. They may rely on the existing Commission Decision, even if it is not formally addressed to them, and do not need to request another decision to be issued by the Commission specifically addressed to them. They should, however, inform the Commission, the Agency and the other Member States of the measures taken and confirm that the conditions outlined in the Commission Decision will be met.

From this follows that other Member States may decide not to approve derogation requests from operators, organisations, or persons under their own oversight, even if the derogation would be based on a Commission decision granting it.

On the other hand, and on the basis of the functioning of the EU internal market, a Member State cannot refuse an operator, organisation, or person that has been granted a derogation in one Member State to access the Member State national airspace or territory. However if the derogation in question establishes specific conditions that are limited to the airspace/territory of the Member State to which the derogation is granted, then the other Member States will be entitled to refuse the access to their airspace/territory to the operator/s to which the derogation is granted.

# Application of Article 14 as regards the EFTA States[[3]](#footnote-4) (Norway, Iceland and Liechtenstein)

The principles for handling exemptions and derogations under the EEA acquis[[4]](#footnote-5) are specified in paragraph 4(d) of Protocol 1 to the EEA Agreement[[5]](#footnote-6). The EEA Joint Committee Decision No 163/2011 of 19 December 2011 incorporating Regulation (EC) No 216/2008 into the Agreement on the European Economic Area adds an additional subparagraph to Article 14(7) of the Basic Regulation:

*"Without prejudice to paragraph 4(d) of Protocol 1 to the EEA Agreement, when the Commission and the EFTA Surveillance Authority exchange information on a decision taken pursuant to this paragraph, the Commission shall communicate the information received from the EFTA Surveillance Authority to the EU Member States and the EFTA Surveillance Authority shall communicate the information received from the Commission to the EFTA States.".*

In principle the process of handling measures, exemptions and derogations under Article 14 of the BR, as described in this Information Note, is the same for the EFTA States and the EU Member States. The only difference is the institution which adopts the final decision: the Commission or the EFTA Surveillance Authority[[6]](#footnote-7).

Notification of measures/exemptions/derogations originating from the EFTA States shall be sent to EASA and the EFTA Surveillance Authority. EASA will evaluate the notified measure/exemption/derogation and deliver its recommendation to the EFTA Surveillance Authority.

When applicable, the EFTA Surveillance Authority will commence the relevant comitology procedures[[7]](#footnote-8) and once the Authority adopts its decision, it will inform

the notifying EFTA State, the other EFTA States, EASA and the Commission of its decision. The Commission will then communicate the information received to the EU Member States. Similarly, when the Commission takes a decision addressed to a EU Member State/s, the EFTA Surveillance Authority shall communicate the information received from the Commission to the EFTA States.

All EFTA States are entitled to apply a decision taken by the EFTA Surveillance Authority approving a derogation based on Article 14(7) of the Basic Regulation. Should an EU Member State wish to apply that same derogation, it shall notify its intention to do so to the Commission under Article 14(6). Since Article 14(6) derogations are introduced at the request of the Member States, the Commission cannot ex officio approve a derogation granted by the EFTA Surveillance Authority, even though EASA may have confirmed the equivalent level of protection of the measure taken at EEA level. It will be necessary that a Member State requests the same derogation before the Commission can adopt a Decision to apply the derogation within the EU.

In other words, there is no automatic effect in the EU Member States of decisions taken by the EFTA Surveillance Authority addressed to an EFTA State/s and vice versa.

# Conclusions

It is important to consider that the flexibility provisions established by Article 14 of the BR cater for **exceptional cases** and therefore should not be used routinely by Member States in order to seek derogations from the implementation of certain rules of the BR and its implementing rules. The reasons and casuistic for appealing to Article 14 shall be carefully assessed by EASA and the Commission to ensure that, as mandated by the BR, the requests are duly justified, do not adversely affect the safety levels and standards applicable and meet the other conditions laid down in the respective paragraphs of Article 14 of the BR.

In order to ensure transparency of the procedures and to provide beneficiaries and NAAs with detailed information, EASA will maintain a log in its website recording all the derogations granted.

1. Once Regulation (EU) No 216/2008 will be aligned with Regulation (EU) No 182/2001 on the Commission's exercise of implementing powers, the safeguard procedure referred to in Article 6 of Council Decision (EC) No 1999/468 (amended by Council Decision (EC) No 2006/512), on implementing powers conferred on the Commission, will be superseded by Article 8 "Immediately applicable implementing acts" of Regulation (EU) No 182/2001. [↑](#footnote-ref-2)
2. Once Regulation (EU) No 216/2008 will be aligned with Regulation (EU) No 182/2001 on the Commission's exercise of implementing powers, the safeguard procedure referred to in Article 6 of Council Decision (EC) No 1999/468 (amended by Council Decision (EC) No 2006/512), on implementing powers conferred on the Commission, will be superseded by Article 8 "Immediately applicable implementing acts" of Regulation (EU) No 182/2001. [↑](#footnote-ref-3)
3. The Agreement on the European Economic Area (“the EEA Agreement”), which entered into force on 1 January 1994, brings together the European Union Member States and the three EFTA States, Iceland, Norway and Liechtenstein. The EEA Agreement provides for the inclusion of EU legislation (including air transport) into the EEA Agreement, thus making it binding upon the EFTA States. [↑](#footnote-ref-4)
4. Acts referred to in the Annexes to the EEA Agreement (OJ L 344, 31.12.1994, p.8). [↑](#footnote-ref-5)
5. "*Functions of the EC Commission in the context of procedures for verification or approval, information, notification or consultation and similar matters shall for the EFTA States be carried out according to procedures established among them. This is without prejudice to paragraphs 2, 3 and 7. The EC Commission and the EFTA Surveillance Authority or the Standing Committee, as the case may be, shall exchange all information regarding these matters. Any issue arising in this context may be referred to the EEA Joint Committee."* [↑](#footnote-ref-6)
6. The EFTA Surveillance Authority ensures that the EFTA States respect their obligations under the EEA Agreement and has powers and applies procedures similar to those applied by the European Commission when monitoring the EFTA States’ compliance with EEA law. [↑](#footnote-ref-7)
7. From the horizontal adaptations set out in Protocol 1 to the EEA Agreement, it follows *i.a.* that the functions of the Commission as regard *e.g.* procedures of notifications, consultations, approvals, and related matters - shall for the EFTA States be carried out according to procedures established among them. The EFTA Surveillance Authority has on the basis of Standing Committee Decisions established its own comitology committees (*e.g*. the EFTA Transport Committee which handles all transport related issues). [↑](#footnote-ref-8)