DECISION OF THE EEA JOINT COMMITTEE

No 88/2014

of 16 May 2014

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

(1) Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC ([1]) is to be incorporated into the EEA Agreement.

(2) Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market ([2]) is to be incorporated into the EEA Agreement.

(3) Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 ([3]) is to be incorporated into the EEA Agreement.

(4) Regulation (EC) No 1071/2009 repeals Council Directive 96/26/EC ([4]), which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.

(5) Regulation (EC) No 1072/2009 repeals Council Regulations (EEC) No 881/92 ([5]) and (EEC) No 3118/93 ([6]) and Directive 2006/94/EC of the European Parliament and of the Council ([7]), which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement.

(6) Regulation (EC) No 1073/2009 repeals Council Regulations (EEC) No 684/92 ([8]) and (EC) No 12/98 ([9]), which are incorporated into the EEA Agreement and which are consequently to be repealed under the EEA Agreement.

(7) Annex XIII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XIII to the EEA Agreement shall be amended as follows:

1. The following point is inserted after point 19 (Council Directive 96/26/EC):

'19a. **32009 R 1071**: Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

([1]) OJ L 300, 14.11.2009, p. 51.
([2]) OJ L 300, 14.11.2009, p. 72.
([3]) OJ L 300, 14.11.2009, p. 88.
([4]) OJ L 124, 23.5.1996, p. 1.
([5]) OJ L 95, 9.4.1992, p. 1.
([6]) OJ L 279, 12.11.1993, p. 1.
([7]) OJ L 374, 27.12.2006, p. 5.
([8]) OJ L 74, 20.3.1992, p. 1.
([9]) OJ L 4, 8.1.1998, p. 10.

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

(a) In Article 7(1), regarding the EFTA States the words "in the currencies of Member States which do not participate in the third stage of the economic and monetary union" shall be read "in the currencies of the EFTA States" and the words "published in the *Official Journal of the European Union*" shall read "published officially in each EFTA State".

(b) The EFTA States shall recognise the certificates issued by the EU Member States in accordance with Article 21 of the Regulation. For the purposes of such recognition, in the provisions of the certificate set out in Annex III to the Regulation, references to "Member State(s)" shall read "EU Member State(s), Iceland, Liechtenstein and Norway".

(c) The Community and the EC Member States shall recognise the certificate issued by Iceland, Liechtenstein and Norway in accordance with the Regulation as adapted in Appendix 7 to this Annex.

(d) When issued by Iceland, Liechtenstein and Norway, the certificate shall correspond to the model set out in Appendix 7 to this Annex.

(e) In Annex I, the reference to Council Decision 85/368/EEC shall be replaced by a reference to Recommendation 2008/C 111/01 of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning.'

2. The following is added in point 24e (Regulation (EC) No 561/2006 of the European Parliament and of the Council):

', as amended by:

— **32009 R 1073:** Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 300, 14.11.2009, p. 88).'

3. The following point is inserted after point 25 (Directive 2006/94/EC of the European Parliament and of the Council):

'25a. **32009 R 1072:** Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

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

(a) Article 1(2) shall be replaced by the following:

"In the event of carriage from a Contracting Party to a third country and vice versa, this Regulation shall not apply to that part of any journey carried out within the territory of a Contracting Party of loading or unloading, unless otherwise agreed by the Contracting Parties."

(b) Article 1(3) shall be replaced by the following:

"This Regulation shall not affect provisions, relating to the carriage from an EFTA State to a third country referred to in paragraph 2, laid down in bilateral agreements concluded between an EFTA State and a third country which, either under bilateral authorisations or under liberalisation agreements allow loading and unloading in a Contracting Party by hauliers established in another Contracting Party, provided the principle of non-discrimination between Community hauliers and hauliers from an EFTA State is respected."

(c) The EFTA States shall recognise the Community licences and driver attestations issued by the EU Member States in accordance with the Regulation. For the purposes of such recognition, in the General Provisions of the Community licence, set out in Annex II to this Regulation, and of the driver attestation, set out in Annex III to this Regulation, references to "Community" shall read "Community and Iceland, Liechtenstein and Norway" and references to "Member States" shall read "EU Member State(s) and (or) Iceland, Liechtenstein and Norway."

(d) The Community and the EC Member States shall recognise the licences and driver attestations issued by an EFTA State in accordance with this Regulation, as adapted in part (b) of Annexes II and III in Appendix 2 to the present Annex.

(e) When issued by an EFTA State, the licences and driver attestations shall correspond to the models set out in Appendix 2 to the present Annex.

(f) In Article 5(1)(b) and 5(2), the words "within the meaning of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents" and "within the meaning of Directive 2003/109/EC" shall not apply.

(g) The text of Article 9(1)(e) shall be replaced by the following:

"VAT (value added tax) or turnover tax on transport services."

(h) In situations referred to in Article 10:

— regarding the EFTA States, "Commission" shall read "EFTA Surveillance Authority" and "Council" shall read "EFTA Standing Committee",

— if the Commission receives a request from an EU Member State or the EFTA Surveillance Authority from Iceland, Liechtenstein or Norway to adopt safeguard measures, the EEA Joint Committee shall without delay be notified thereof and be provided with all relevant information.

At the request of a Contracting Party, consultations shall take place within the EEA Joint Committee. Such consultations may also be requested in the case of prolongation of the safeguard measures.

Once the European Commission or the EFTA Surveillance Authority has adopted a decision, it shall immediately notify the measures taken to the EEA Joint Committee.

If any of the Contracting Parties concerned considers that the safeguard measures would create an imbalance between the rights and obligations of the Contracting Parties, Article 114 of the Agreement shall apply *mutatis mutandis*.'

4. The following point is inserted after point 32 (Council Regulation (EEC) No 684/92):

'32a. **32009 R 1073:** Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88).

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

(a) Article 1(2) shall be replaced by the following:

"In the event of carriage from a Contracting Party to a third country and vice versa, this Regulation shall not apply to that part of any journey carried out within the territory of the Contracting Party of picking up or setting down, unless otherwise agreed by the Contracting Parties."

(b) Article 1(3) shall not apply.

(c) The EFTA States shall recognise the Community licence issued by the EU Member States in accordance with the Regulation. For the purposes of such recognition, in the provisions of the Community licence set out in Annex II to the Regulation, references to "Member State(s)" shall read "EU Member State(s), Iceland, Liechtenstein and/or Norway."

(d) The Community and the EC Member States shall recognise the licences issued by Iceland, Liechtenstein and Norway in accordance with the Regulation as adapted in Appendix 4 to this Annex.

(e) When issued by Iceland, Liechtenstein and Norway, the licences shall correspond to the model set out in Appendix 4 to this Annex.

(f) The text of Article 16(1)(e) shall be replaced by the following:

"VAT (value added tax) or turnover tax on transport services.'"

5. The text of points 19 (Council Directive 96/26/EC), 25 (Directive 2006/94/EC of the European Parliament and of the Council), 26a (Council Regulation (EEC) No 881/92), 26c (Council Regulation (EEC) No 3118/93), 32 (Council Regulation (EEC) No 684/92) and 33b (Council Regulation (EC) No 12/98) is deleted.

Article 2

Appendices 2, 4 and 7 to Annex XIII to the EEA Agreement shall be amended as specified in the Annex to this Decision.

Article 3

The texts of Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EC) No 1073/2009 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 4

This Decision shall enter into force on 17 May 2014, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 5

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, 16 May 2014.

For the EEA Joint Committee

The President

Gianluca GRIPPA

(*) Constitutional requirements indicated.

ANNEX

Appendices 2, 4 and 7 to Annex XIII to the EEA Agreement shall be amended as follows:

1. Appendix 2 is replaced by the following:

'APPENDIX 2

DOCUMENTS SET OUT IN THE ANNEX TO REGULATION (EC) NO 1072/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, AS ADAPTED FOR THE PURPOSES OF THE EEA AGREEMENT

(see adaptation (f) in point 25 of Annex XIII to the Agreement)

ANNEX II

EUROPEAN ECONOMIC AREA

(a)

(Colour Pantone light blue, format DIN A4 cellulose paper 100g/m² or more)

(First page of the licence)

(Text in (one of) the official language(s) of the EFTA State issuing the licence)

Distinguishing sign of the State ([1]) issuing the licence	Name of the competent authority or body

LICENCE No …

(or)

CERTIFIED TRUE COPY No

for the international carriage of goods by road for hire or reward

This licence entitles ([2]) ……

……

……

to engage in the international carriage of goods by road for hire or reward by any route, for journeys or parts of journeys carried out for hire or reward within the territory of the Community and Iceland, Liechtenstein and Norway ([3]), as laid down in Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market, as adapted for the purposes of the Agreement on the European Economic Area (EEA Agreement), and in accordance with the general provisions of this licence.

Particular remarks: ……	
……	
This licence shall be valid from ……	to ……
Issued in ……,	on ……
…… ([4])	

([1]) The distinguishing signs are IS (Iceland), (FL) Liechtenstein, (N) Norway.
([2]) Name or business name and full address of the haulier.
([3]) Hereinafter referred to as "the EFTA State".
([4]) Signature and seal of the issuing competent authority or body.

(b)

(Second page of the licence)

(Text in (one of) the official language(s) of the EFTA State issuing the licence)

GENERAL PROVISIONS

This licence is issued under Regulation (EC) No 1072/2009 as adapted for the purposes of the EEA Agreement.

It entitles the holder to engage in the international carriage of goods by road for hire or reward by any route for journeys or parts of journeys carried out within the territory of the Community and the EFTA States and, where appropriate, subject to the conditions laid down herein:

— where the point of departure and the point of arrival are situated in two different States which are either EU Member States or EFTA States, with or without transit through one or more EU Member States or EFTA States or third countries,

— from an EU Member State or an EFTA State to a third country or vice versa, with or without transit through one or more EU Member States or EFTA States or third countries,

— between third countries with transit through the territory of one or more EU Member States or EFTA States,

and unladen journeys in connection with such carriage.

In the case of carriage from an EU Member State or EFTA State to a third country or vice versa, this licence is not valid for that part of the journey carried out in the EU Member States or EFTA State of loading or unloading.

This licence is personal to the holder and is non-transferable.

It may be withdrawn by the competent authority of the EFTA State which issued it, notably where the holder has:

— not complied with all the conditions for using the licence,

— supplied incorrect information with regard to the data needed for the issue or extension of the licence.

The original of the licence must be kept by the haulage undertaking.

A certified copy of the licence must be kept in the vehicle [1]. In the case of a coupled combination of vehicles it must accompany the motor vehicle. It covers the coupled combination of vehicles even if the trailer or semi-trailer is not registered or authorised to use the roads in the name of the licence holder or if it is registered or authorised to use the roads in an EU Member State or another EFTA State.

The licence must be presented at the request of any authorised inspecting officer.

Within the territory of each EU Member State and EFTA State, the holder must comply with the laws, regulations and administrative provisions in force in that State, in particular with regard to transport and traffic.

[1] "Vehicle" means a motor vehicle registered in an EFTA State, or a coupled combination of vehicles the motor vehicle of which at least is registered in an EFTA State, used exclusively for the carriage of goods.

ANNEX III

EUROPEAN ECONOMIC AREA

(a)

(Colour Pantone pink, format DIN A4 cellulose paper 100g/m² or more)

(First page of the attestation)

(Text in (one of) the official language(s) of the EFTA State issuing the attestation)

Distinguishing sign of the State (1) issuing the attestation	Name of the competent authority or body

DRIVER ATTESTATION No …

for the carriage of goods by road for hire or reward under a Community licence or a licence issued by Iceland, Liechtenstein or Norway (2)

(Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market)

This attestation certifies that on the basis of the documents presented by:

……

…… (3)

the following driver:

Name and forename ……	
Date and place of birth ……	Nationality. ……
Type and reference number of identity paper ……	
Date of issue ……	Place of issue ……
Driving licence number ……	
Date of issue ……	Place of issue ……
Social security number ……	

is employed, in accordance with the laws, regulations or administrative provisions and, as appropriate, the collective agreements, in accordance with the rules applicable in the following EFTA State, on the conditions of employment and of vocational training of drivers applicable in that EFTA State to carry out road transport operations in that State:

…… (4)

Particular remarks ……

……

This attestation shall be valid from ……	to ……
Issued in ……	on ……
…… (5)	

(1) The distinguishing signs are IS (Iceland), (FL) Liechtenstein, (N) Norway.
(2) Hereinafter referred to as "the EFTA States".
(3) Name or business name and full address of the haulier.
(4) Name of the haulier's State of establishment.
(5) Signature and seal of the issuing competent authority or body.

(b)

(Second page of the attestation)

(Text in (one of) the official language(s) of the EFTA State issuing the attestation)

GENERAL PROVISIONS

This attestation is issued under Regulation (EC) No 1072/2009 as adapted for the purposes of the EEA Agreement.

It certifies that the driver named therein is employed, in accordance with the laws, regulations, or administrative provisions and, as appropriate, the collective agreements, in accordance with the rules applicable in the EFTA State mentioned on the attestation, on the conditions of employment and of vocational training of drivers applicable in that EFTA State to carry out road operations in that State.

The driver attestation shall belong to the haulier, who puts it at the disposal of the driver designated therein when that driver drives a vehicle ([1]) engaged in carriage using a Community licence or a licence by an EFTA State issued to that haulier. The driver attestation is not transferable. The driver attestation shall be valid only as long as the conditions under which it was issued are still satisfied and must be returned immediately by the haulier to the issuing authorities if these conditions are no longer met.

It may be withdrawn by the competent authority of the EFTA State which issued it, in particular where the holder has:

— not complied with all the conditions for using the attestation,

— supplied incorrect information with regard to the data needed for the issue or extension of the attestation.

A certified true copy of the attestation must be kept by the haulage undertaking.

An original attestation must be kept in the vehicle and must be presented by the driver at the request of any authorised inspecting officer.

([1]) "Vehicle" means a motor vehicle registered in an EFTA State, or a coupled combination of vehicles the motor vehicle of which at least is registered in an EFTA State, used exclusively for the carriage of goods.'

2. Appendix 4 is replaced by the following:

'APPENDIX 4

DOCUMENTS SET OUT IN THE ANNEX TO REGULATION (EC) NO 1073/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, AS ADAPTED FOR THE PURPOSES OF THE EEA AGREEMENT

(see adaptation (e) in point 32 of Annex XIII to the Agreement)

ANNEX II

EUROPEAN ECONOMIC AREA

(a)

(Colour Pantone light blue, format DIN A4 cellulose paper 100g/m² or more)

(First page of the licence)

(Text in the official language(s) or one of the official languages of the EFTA State issuing the licence)

Distinguishing sign of the State ([1]) issuing the licence	Name of the competent authority or body

LICENCE No …

(or)

CERTIFIED TRUE COPY No

for the international carriage of passengers by coach and bus for hire or reward

The holder of this licence ([2]) ……

……

……

is authorised to carry out international carriage of passengers by road for hire or reward in the territory of the Community and Iceland, Liechtenstein and Norway ([3]) pursuant to the conditions laid down by Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus service, as adapted for the purposes of the Agreement on the European Economic Area (EEA Agreement), and in accordance with the general provisions of this licence.

Comments: ……	
……	
This licence is valid from ……	To ……
Issued in ……	On ……
…… ([4])	

([1]) The distinguishing signs are IS (Iceland), (FL) Liechtenstein, (N) Norway.
([2]) Name or business name and full address of the haulier.
([3]) Hereinafter referred to as "the EFTA States".
([4]) Signature and seal of the competent authority or body issuing the licence.

(b)

(Second page of the licence)

(Text in the official language(s) or one of the official languages of the EFTA State issuing the licence)

GENERAL PROVISIONS

1. This licence is issued pursuant to Regulation (EC) No 1073/2009 as adapted for the purposes of the EEA Agreement.

2. This licence is issued by the competent authorities of the EFTA State of establishment of the carrier for hire or reward who:

   (a) is authorised in the EFTA State of establishment to undertake carriage by means of regular services, including special regular services, or occasional services by coach and bus;

   (b) satisfies the conditions laid down in accordance with Community rules, as adapted for the purposes of the EEA Agreement, on admission to the occupation of road passenger transport operator in national and international transport operations;

   (c) meets legal requirements regarding the standards for drivers and vehicles.

3. This licence permits the international carriage of passengers by coach and bus for hire or reward on all transport links for journeys carried out in the territory of the Community and the EFTA States:

   (a) where the point of departure and point of arrival are situated in two different States which are either EU Member States or EFTA States, with or without transit through one or more EU Member States or EFTA States or third countries;

   (b) where the point of departure and the point of arrival are in the same EU Member State or EFTA State, while the picking up or setting down of passengers is in another EU Member State or EFTA State or in a third country;

   (c) from an EU Member State or EFTA State to a third country and vice versa, with or without transit through one or more EU Member States or EFTA States or third countries;

   (d) between third countries crossing the territory of one or more EU Member States or EFTA States in transit;

   and empty journeys in connection with transport operations under the conditions laid down by Regulation (EC) No 1073/2009 as adapted for the purposes of the EEA Agreement.

   In the case of a transport operation from an EU Member State or an EFTA State to a third country and vice versa, this licence does not apply for that part of the journey carried out in the EU Member State or EFTA State of picking up or setting down.

4. This licence is personal and non-transferable.

5. This licence may be withdrawn by the competent authority of the EFTA State of issue in particular where the carrier:

   (a) no longer satisfies the conditions laid down in Article 3(1) of Regulation (EC) No 1073/2009;

   (b) has supplied inaccurate information regarding the data required for the issue or renewal of the licence;

(c) has committed a serious infringement or infringements of Community road transport legislation, as adapted for the purposes of the EEA Agreement, in any EU Member State or EFTA State, in particular with regard to the rules applicable to vehicles, driving and rest periods for drivers and the provision, without authorisation, of parallel or temporary services as referred to in the fifth subparagraph of Article 5(1) of Regulation (EC) No 1073/2009. The competent authorities of the EFTA State of establishment of the carrier who committed the infringement may, inter alia, withdraw the licence or make temporary or permanent withdrawals of some or all of the certified true copies of the licence.

These penalties are determined in accordance with the seriousness of the breach committed by the holder of the licence and with the total number of certified true copies that he possesses in respect of his international transport services.

6. The original of the licence must be kept by the carrier. A certified true copy of the licence must be carried on the vehicle carrying out an international transport operation.

7. This licence must be presented at the request of any authorised inspecting officer.

8. The holder must, on the territory of each EU Member State or EFTA State, comply with the laws, regulations and administrative measures in force in that State, particularly with regard to transport and traffic.

9. "Regular services" means services which provide for the carriage of passengers at specified intervals along specified routes, passengers being taken up and set down at predetermined stopping points, and which are open to all, subject, where appropriate, to compulsory reservation.

The regular nature of the service shall not be affected by any adjustment to the service operating conditions.

Regular services require authorisation.

"Special regular services" means regular services, by whomsoever organised, which provide for the carriage of specified categories of passengers, to the exclusion of other passengers, at specified intervals along specified routes, passengers being taken up and set down at predetermined stopping points.

Special regular services shall include:

(a) the carriage of workers between home and work;

(b) carriage of school pupils and students to and from the educational institution.

The fact that a special service may be varied according to the needs of users shall not affect its classification as a regular service.

Special regular services do not require authorisation if they are covered by a contract between the organiser and the carrier.

The organisation of parallel or temporary services, serving the same public as existing regular services, requires authorisation.

"Occasional services" means services which do not fall within the definition of regular services, including special regular services, and whose main characteristic is that they carry groups constituted on the initiative of a customer or of the carrier himself. The organisation of parallel or temporary services comparable to existing regular services and serving the same public as the latter shall be subject to authorisation in accordance with the procedure laid down in Chapter III of Regulation (EC) No 1073/2009. These services shall not cease to be occasional services solely on the grounds that they are provided at certain intervals.

Occasional services do not require authorisation.'

3. Appendix 7 is replaced by the following:

'APPENDIX 7

CERTIFICATE REFERRED TO IN ANNEX III TO REGULATION (EC) NO 1071/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, AS ADAPTED FOR THE PURPOSES OF THE EEA AGREEMENT

(see adaptation (d) in point 19 of Annex XIII to the Agreement)

ANNEX III

EUROPEAN ECONOMIC AREA

(Colour Pantone stout fawn, format DIN A 4 cellulose paper 100 g/m² or more)

(Text in the official language(s) or one of the official languages of the EFTA State issuing the certificate)

Distinguishing sign of the EFTA State concerned ([1])	Name of the authorised authority or body ([2])

CERTIFICATE OF PROFESSIONAL COMPETENCE IN ROAD HAULAGE/PASSENGER TRANSPORT ([3])

No .....

We .....

hereby certify that ([4]) .....

born on ..... in .....

has successfully passed the tests for the examination (year: …; session: …) ([5]) necessary for the award of the certificate of professional competence in road haulage/passenger transport ([3]) in accordance with Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator ([6]), as adapted for the purposes of the EEA Agreement.

This certificate constitutes the sufficient proof of professional competence referred to in Article 21 of Regulation (EC) No 1071/2009.

Issued at ..... , on ..... ([7])

([1]) The distinguishing signs are IS (Iceland), (FL) Liechtenstein, (N) Norway.
([2]) Authority or body designated in advance for this purpose by each EFTA State to issue this certificate.
([3]) Delete as appropriate.
([4]) Surname and forename; place and date of birth.
([5]) Identification of the examination.
([6]) OJ L 300, 14.11.2009, p. 51.
([7]) Seal and signature of the authorised authority or body issuing the certificate.'