DECISION OF THE EEA JOINT COMMITTEE

No 105/2011

of 30 September 2011

amending Annex XXI (Statistics) 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 XXI to the Agreement was amended by Decision of the EEA Joint Committee No 89/2011 of 1 July 2011 [1].

(2) Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 [2] is to be incorporated into the Agreement.

(3) Regulation (EC) No 471/2009 repeals, with effect from 1 January 2010, Council Regulation (EC) No 1172/95 [3], which is incorporated into the Agreement, but which should continue to apply to the EFTA States and consequently be repealed under the Agreement with effect from 1 January 2012,

HAS ADOPTED THIS DECISION:

Article 1

Annex XXI to the Agreement shall be amended as follows:

(1) point 8 (Council Regulation (EC) No 1172/95) shall be renumbered as point 8a;

(2) the following point shall be inserted before new point 8a (Council Regulation (EC) No 1172/95):

'8. **32009 R 0471**: Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 (OJ L 152, 16.6.2009, p. 23).

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

(a) the EFTA States shall put into effect the measures necessary to comply with this Regulation by 1 January 2012;

(b) for the EFTA States, all references to the centralised clearing system and related provisions shall not be relevant;

(c) for Liechtenstein, the text of Article 2(a) shall read:

" 'goods' means all movable property, excluding electricity;";

(d) the text of Article 2(b) shall be replaced by the following:

"The statistical territory of the EEA shall, in principle, comprise the customs territories of the Contracting Parties. The Contracting Parties shall define their statistical territories accordingly.

For Norway, the Svalbard Archipelago and the Jan Mayen Island shall be included in the statistical territory.

Liechtenstein shall be exempted from collecting data on trade between Switzerland and Liechtenstein. Liechtenstein shall only collect data on direct imports and exports excluding warehouses and duty-free warehouses.

For Iceland, the statistical territory shall comprise the customs territory.";

(e) Liechtenstein shall be exempted from collecting the data referred to in Article 5(1)(e);

(f) Article 5(1)(f) and (k) shall not apply to the EFTA States;

(g) the classification referred to in Article 5(1)(h) shall be made at least down to the first six digits;

(h) Article 5(1)(l) shall not apply to Liechtenstein;

(i) Article 5(1)(m)(ii) shall not apply to the EFTA States;

(j) Article 5(1)(m)(iii) shall not apply to Liechtenstein;

[1] OJ L 262, 6.10.2011, p. 61.
[2] OJ L 152, 16.6.2009, p. 23.
[3] OJ L 118, 25.5.1995, p. 10.

(k) Article 6 shall not apply for statistical data which the EFTA States are exempted from collecting under Article 5;

(l) Article 7 shall not apply to the EFTA States;

(m) Article 9(2) shall not apply to Liechtenstein;

(n) as regards Liechtenstein, statistical results covered by Article 10 which make it possible to indirectly identify exporters and importers shall not be disseminated, even without request of an importer or exporter, and only two digit level information of the Harmonised System shall be disseminated.';

(3) the text of new point 8a (Council Regulation (EC) No 1172/95) shall be deleted with effect from 1 January 2012.

Article 2

The text of Regulation (EC) No 471/2009 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 3

This Decision shall enter into force on 1 October 2011, 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, 30 September 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

(*) No constitutional requirements indicated.