



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.7.2006
SEC(2006) 987 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 a new paragraph in adaptation (b) of point 26a) (Council Regulation (EEC) No 881/1992 of the Council of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from a territory of a Member State or passing across the territory of one or more Member States, as corrected by OJ L 213, 29.7.1992, p.36), of Annex XIII in the field of Transport.
3. The draft Decision contains adaptations in view of the specific situation in the EEA EFTA countries and the EC Member States in relation to their respective transport of goods to and from Switzerland. The proposed adaptations take into account the following:
 - (i) the EEA contracting Parties aim at ensuring that hauliers established in an EFTA State be free to carry out transport of goods by road from an EC Member State to Switzerland and vice versa;
 - (ii) the EEA contracting Parties also aim at ensuring that hauliers established in an EC Member State be free to carry out transport of goods by road from an EFTA State to Switzerland and vice versa;

To this end it is proposed to grant, subject to the condition of reciprocity, to hauliers established in Switzerland the right to carry out transport of goods by road from an EC Member State to an EFTA State and vice versa;
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.../...¹.
- (2) Council Regulation (EEC) No 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States², as corrected by OJ L 213, 29.7.1992, p. 36, is incorporated into the Agreement.
- (3) The Contracting Parties aim at ensuring that hauliers established in an EFTA State be free to carry out transport of goods by road from an EC Member State to Switzerland and vice versa.
- (4) The Contracting Parties also aim at ensuring that hauliers established in an EC Member State be free to carry out transport of goods by road from an EFTA State to Switzerland and vice versa.
- (5) To this end, the EEA Joint Committee is to grant, subject to the condition of reciprocity, hauliers established in Switzerland the right to carry out transport of goods by road from an EC Member States to an EFTA State and vice versa.
- (6) Annex XIII to the Agreement should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The following paragraphs shall be added in adaptation (b) of point 26a (Council Regulation (EEC) No 881/92) of Annex XIII to the Agreement:

¹ OJ L

² OJ L 95, 9.4.1992, p. 1.

‘The Community and the EFTA States grant hauliers established in Switzerland the right to carry out transport of goods by road from an EC Member State to an EFTA State and vice versa. This is subject to the condition that, on the one hand, Switzerland and the Community grant hauliers established in an EFTA State the right to carry out transport of goods by road from an EC Member State to Switzerland and vice versa and that, on the other hand, Switzerland and the EFTA States grant hauliers established in an EC Member State the right to carry out transport of goods by road from an EFTA State to Switzerland and vice versa.

The application of the arrangement set out in the previous paragraph shall prevail over provisions in existing bilateral or multilateral agreements binding the Community, on the one hand, and the EFTA States, on the other hand, to the extent that the same subject matter is governed by this Decision.’

Article 2

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*, or on the date of the last notification of adoption of the respective agreements between the Community and Switzerland granting hauliers established in an EFTA State the right to carry out transport of goods by road from an EC Member State to Switzerland and vice versa, on the one hand, and between the EFTA States and Switzerland granting hauliers established in an EC Member State the right to carry out transport of goods by road from an EFTA State to Switzerland and vice versa, on the other hand, whichever is the later.

Article 3

The President of the EEA Joint Committee shall notify Switzerland of the adoption of this Decision and of the last notification to the EEA Joint Committee under Article 103(1) of the Agreement, if any.

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.]