



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 May 2012

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PROPOSAL

from: European Commission

dated: 10 May 2012

No Cion doc.: COM(2012) 210 final

Subject: Proposal for a Council decision on the position to be taken by the European Union in the EEA Joint Committee concerning an amendment to Annex XIII (Transport) to the EEA Agreement

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2012) 210 final



EUROPEAN COMMISSION

Brussels, 10.5.2012
COM(2012) 210 final

2012/0104 (NLE)

Proposal for a

COUNCIL DECISION

**on the position to be taken by the European Union in the EEA Joint Committee
concerning an amendment to Annex XIII (Transport) to the EEA Agreement**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

In order to ensure the requisite legal security and homogeneity of the Internal Market, the EEA Joint Committee is to integrate all the relevant European Union legislation into the EEA Agreement as soon as possible after its adoption.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The draft Decision of the EEA Joint Committee (annexed to the proposed Council Decision) aims to amend Annex XIII (Transport) by adding new European Union acquis in this field.

This concerns Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures, which is to be incorporated into the Agreement.

For the purpose of the implementation of this act, the following adaptations in relation to Norway are proposed:

1. For existing tolling arrangements on the trans-European road network in south-eastern Norway, the application of discounts or reductions in tolls for frequent users shall comply with Article 7(4b) of this Directive by 31 December 2014 at the latest;
2. The existing tolling arrangements on the trans-European road network outside south-eastern Norway can retain their current level of discounts provided that the share of international heavy goods traffic on the concerned infrastructure network is below 30%;
3. For future, new tolling arrangements on the trans-European road network outside south-eastern Norway, discounts or reductions in tolls for frequent users may exceed the level set out in Article 7(4b) of this Directive provided that:
 - the share of international heavy goods traffic on the infrastructure network concerned is not higher than 5 %,
 - the level of such discounts or reductions is justified by specific circumstances, notably when the infrastructure network concerned consists of bridges and/or tunnels to replace a ferry.

3. LEGAL ELEMENTS OF THE PROPOSAL

Article 1(3) of Council Regulation (EC) No 2894/94 concerning arrangements for implementing the EEA Agreement provides that the Council establishes the position to be adopted on the Union's behalf on such Decisions, on a proposal from the Commission.

The Commission submits the Draft Decision of the EEA Joint Committee for adoption by the Council as the Union's position. The Commission would hope to be able to present it in the EEA Joint Committee at the earliest possible opportunity.

Proposal for a

COUNCIL DECISION

**on the position to be taken by the European Union in the EEA Joint Committee
concerning an amendment to Annex XIII (Transport) to the EEA Agreement**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 91(1) in conjunction with 218(9) thereof,

Having regard to the Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area¹, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Annex XIII to the Agreement on the European Economic Area (hereinafter referred to as "the EEA Agreement") contains specific provisions and arrangements concerning transport.
- (2) Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures² is to be incorporated into the Agreement,
- (3) It is appropriate to include in the Agreement a provision allowing for an adaptation in relation to tolling arrangements on the trans-European road network in Norway,
- (4) Annex XIII to the EEA Agreement should therefore be amended accordingly.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union in the EEA Joint Committee on the proposed amendment to Annex XIII to the EEA Agreement shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

¹ OJ L 305, 30.11.1994, p. 6.

² OJ L 157, 9.6.2006, p. 8.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council
The President*

ANNEX

Draft (12.03.2012)

DECISION OF THE EEA JOINT COMMITTEE

No

of

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 .../... of ...³.
- (2) Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures⁴ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Point 18a (Directive 1999/62/EC of the European Parliament and of the Council) of Annex XIII to the Agreement shall be amended as follows:

1. The following indent shall be added:
 - ‘- **32006 L 0038**: Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006 (OJ L 157, 9.6.2006, p. 8).’
2. The adaptation text shall be amended as follows:
 - (i) The texts of adaptations (d) and (e) shall be deleted.
 - (ii) Adaptation (f) shall be renumbered as adaptation (e).
 - (iii) The following adaptation shall be added before new adaptation (e):
 - ‘(d) The following shall be added at the end of Article 7(4b):

³ OJ L ...

⁴ OJ L 157, 9.6.2006, p. 8.

- “(a) For tolling arrangements on the trans-European road network in south-eastern Norway which are already in place on the date of the entry into force of Decision of the EEA Joint Committee No xx/2012, the application of discounts or reductions in tolls for frequent users shall comply with Article 7(4b) of this Directive by 31 December 2014 at the latest.
- (b) On the trans-European road network in other parts of Norway, the current level of discounts or reductions in tolls for frequent users may be applied to tolling arrangements already in place on the date of the entry into force of Decision of the EEA Joint Committee No xx/2012 provided that the share of international heavy goods traffic on the infrastructure network concerned is below 30 %.

For tolling arrangements put in place after the date of the entry into force of Decision of the EEA Joint Committee No xx/2012, discounts or reductions in tolls for frequent users may exceed the level set out in Article 7(4b) of this Directive provided that:

- the share of international heavy goods traffic on the infrastructure network concerned is not higher than 5 %,
- the level of such discounts or reductions is justified by specific circumstances, notably when the infrastructure network concerned consists of bridges and/or tunnels to replace a ferry.”

Article 2

The texts of Directive 2006/38/EC 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 , provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

* [No constitutional requirements indicated.] [Constitutional requirements indicated.]

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*