



EUROPEAN COMMISSION

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2012/0009 (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)**

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 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 Union acquis in this field. This concerns

- (a) 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,
- (b) 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 (recast), and
- (c) 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.

which are to be incorporated into the Agreement.

For the purpose of the implementation of these acts, certain adaptations are proposed e.g. concerning mutual recognition of certificates and licences and model forms are annexed to the draft EEA Joint Committee Decision.

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)**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Annex XIII to the Agreement on the European Economic Area, ("the EEA Agreement") contains specific provisions and arrangements concerning transport.
- (2) 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/EC¹ should be incorporated into the Agreement.
- (3) 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 (recast)² should be incorporated into the Agreement.
- (4) 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 561/2006³ should be incorporated into the Agreement.
- (5) Council Directive 96/26/EC⁴, which is incorporated into the Agreement, is repealed by Regulation (EC) No 1071/2009 while it should continue to apply until and consequently be repealed under the Agreement with effect from 4 December 2011, when Regulation (EC) No 1071/2009 will become applicable.
- (6) Council Regulations (EEC) Nos 881/92⁵ and 3118/93⁶ and Directive 2006/94/EC of the European Parliament and of the Council⁷, which are incorporated into the

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.

Agreement, are repealed by Regulation (EC) No 1072/2009 while they should continue to apply until and consequently be repealed under the Agreement with effect from 4 December 2011, when Regulation (EC) No 1072/2009 will become fully applicable.

- (7) Council Regulations (EEC) No 684/92⁸ and (EC) No 12/98⁹, which are incorporated into the Agreement, are repealed by Regulation (EC) No 1073/2009 while they should continue to apply until and consequently be repealed under the Agreement with effect from 4 December 2011, when Regulation (EC) No 1073/2009 will become fully applicable,
- (8) Annex XIII to the EEA Agreement should therefore be amended accordingly.
- (9) The position of the Union within the EEA Joint Committee should be based on the attached draft Decision

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union within 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.

Article 2

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

Done at Brussels,

*For the Council
The Presiden*

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.

ANNEX

Draft

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:

- (10) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No .../... of ...¹.
- (11) 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/EC² is to be incorporated into the Agreement.
- (12) 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 (recast)³ is to be incorporated into the Agreement.
- (13) 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 561/2006⁴ is to be incorporated into the Agreement.
- (14) Council Directive 96/26/EC⁵, which is incorporated into the Agreement, is repealed by Regulation (EC) No 1071/2009 while it should continue to apply until and consequently be repealed under the Agreement with effect from 4 December 2011, when Regulation (EC) No 1071/2009 will become applicable.
- (15) Council Regulations (EEC) Nos 881/92⁶ and 3118/93⁷ and Directive 2006/94/EC of the European Parliament and of the Council⁸, which are incorporated into the

¹

...

² OJ L 300, 14.11.2009, p. 51.

³ OJ L 300, 14.11.2009, p. 72.

⁴ OJ L 300, 14.11.2009, p. 88.

⁵ OJ L 124, 23.5.1996, p. 1.

⁶ OJ L 95, 9.4.1992, p. 1.

⁷ OJ L 279, 12.11.1993, p. 1.

Agreement, are repealed by Regulation (EC) No 1072/2009 while they should continue to apply until and consequently be repealed under the Agreement with effect from 4 December 2011, when Regulation (EC) No 1072/2009 will become fully applicable.

- (16) Council Regulations (EEC) No 684/92⁹ and (EC) No 12/98¹⁰, which are incorporated into the Agreement, are repealed by Regulation (EC) No 1073/2009 while they should continue to apply until and consequently be repealed under the Agreement with effect from 4 December 2011, when Regulation (EC) No 1073/2009 will become fully applicable,

HAS ADOPTED THIS DECISION:

Article 1

Annex XIII to the Agreement shall be amended as follows:

1. The following point shall be 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).

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 European Union and the EU 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.

⁸ OJ L 374, 27.12.2006, p. 5.

⁹ OJ L 74, 20.3.1992, p. 1.

¹⁰ OJ L 4, 8.1.1998, p. 10.

- (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 shall be 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).

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

Paragraph 6a of Article 8 shall apply to drivers engaged in a single occasional coach driving in the territory of Iceland.’

3. The following point shall be 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 (recast) (OJ L 300, 14.11.2009, p. 72).

The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 or, as the case may be, to the Protocol of Accession of 25 April 2005 for Bulgaria (Annex VI, Chapter 5, point 1) and Romania (Annex VII, Chapter 6, point 1) concerning Council Regulation (EEC) No 3118/93 shall apply *mutatis mutandis*.

With regard to the safeguard mechanisms contained in the transitional arrangements referred to in the previous paragraph, **PROTOCOL 44 ON SAFEGUARD MECHANISMS PURSUANT TO ENLARGEMENTS OF THE EUROPEAN ECONOMIC AREA** shall apply.

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) Articles 1(5) and 1(6) shall only be applicable to own account transport.
- (d) 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.”
- (e) The Community and the EU 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.
- (f) 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.
- (g) 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.
- (h) The text of Article 9(1)(e) shall be replaced by the following:

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

- (i) 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 shall be 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 EU 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 Agreement.

- (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) shall be deleted with effect from 4 December 2011.

Article 2

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

Article 3

The texts of Regulations (EC) Nos 1071/2009, 1072/2009 and 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 , provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

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, .

For the EEA Joint Committee

The President

*The Secretaries
to the EEA Joint Committee*

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

ANNEX

to Decision of the EEA Joint Committee No

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

1. Appendix 2 to Annex XIII to the Agreement shall be 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 State¹
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 entitles²
.....
.....

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 Norway³, 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 States".
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 vehicle¹. 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 State¹
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 Norway²

(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

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.

This attestation shall be valid from.....	to.....
Issued in	on.....
..... 5	

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 vehicle¹ 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

2. Appendix 4 to Annex XIII to the Agreement shall be 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 State¹
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 licence².....
.....
.....

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 Norway³ 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 to Annex XIII to the Agreement shall be 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 concerned¹

Name of the authorised authority or body²

CERTIFICATE OF PROFESSIONAL COMPETENCE IN ROAD HAULAGE/PASSENGER TRANSPORT³

No.....

We

hereby certify that⁴

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 transport³ 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 operator⁶, 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.