

DECISION OF THE EEA JOINT COMMITTEE
No 244/2016

of 2 December 2016

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) Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures¹ is to be incorporated into the EEA Agreement.
- (2) Annex XIII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

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

1. The following indent is added:
 - ‘- **32011 L 0076**: Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 (OJ L 269, 14.10.2011, p. 1).’
2. Points (d) and (e) are replaced by the following:
 - ‘(e) The following subparagraphs shall be added in Article 7i(2):

“For tolling arrangements on trans-European road network in other parts of Norway than in south-eastern 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 129/2012 of 13 July 2012⁽¹⁾ provided that the share of international heavy goods traffic on the infrastructure network concerned is below 30 %.

”

¹ OJ L 269, 14.10.2011, p. 1.

For tolling arrangements put in place after the date of the entry into force of Decision of the EEA Joint Committee No 129/2012, discounts or reductions in tolls for frequent users may exceed the level set out in Article 7i(2)(c) 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 or tunnels to replace a ferry.

(¹) OJ L 309, 8.11.2012, p. 8.”

3. Point (f) is renumbered as point (d), and the word “7(9)” therein is replaced by the word “7(1)”.

Article 2

The text of Directive 2011/76/EU 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 3 December 2016, provided that all the notifications under Article 103(1) of the EEA Agreement have been made*.

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, 2 December 2016.

For the EEA Joint Committee

The President

Bergdís Ellertsdóttir

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

The Secretaries

To the EEA Joint Committee

Dag Wernø Holter Vaclav Navratil

Provisional text

Declaration by the EFTA States

to Decision of the EEA Joint Committee No 244/2016 incorporating Directive 2011/76/EU into the EEA Agreement

The incorporation of Articles 2(b), 7c, 7f(4) and (5), 7g(1)(iv), 7h(3) and (4), 7i(1), 7j(3) and (4), 11(1)(a) and (d) and Annexes IIIa and IIIb of Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures², as amended by Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures³, into the EEA Agreement is without prejudice to the scope of the EEA Agreement.

² OJ L 187, 20.7.1999, p. 42.

³ OJ L 269, 14.10.2011, p. 1.