

Agreement on the
European Economic Area

The EEA Joint Committee

DECISION OF THE EEA JOINT COMMITTEE
No 121/98
of 18 December 1998

amending Annex XIII (Transport)
to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as “the Agreement”, and in particular Article 98 thereof,

Whereas Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 112/98 of 27 November 1998¹;

Whereas Council Regulation (EC) No 11/98 of 11 December 1997 amending Regulation (EEC) No 684/92 on common rules for the international carriage of passengers by coach and bus² is to be incorporated into the Agreement;

Whereas Council Regulation (EEC) No 2454/92 of 23 July 1992 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State³ was declared void by the European Court of Justice;

Whereas Council Regulation (EC) No 12/98 of 11 December 1997 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State⁴ is to be incorporated into the Agreement;

Whereas the effects of Council Regulation (EEC) No 2454/92 will persist until Council Regulation (EC) No 12/98 has been fully implemented,

HAS DECIDED AS FOLLOWS:

1 OJ L ...
2 OJ L 4, 8.1.1998, p. 1.
3 OJ L 251, 29.8.1992, p. 1.
4 OJ L 4, 8.1.1998, p. 10.

Article 1

Point 32 (Council Regulation (EEC) No 684/92) in Annex XIII to the Agreement shall be amended as follows:

1. The following shall be added before the adaptations:

“, as amended by:

- **398 R 0011**: Council Regulation (EC) No 11/98 of 11 December 1997 (OJ L 4, 8.1.1998, p. 1).”

2. The text of adaptation (b) shall be replaced by the following:

“Article 1(3) shall not apply.”

3. The following shall be added after adaptation (b):

- “(c) the EFTA States shall recognise the Community licence issued by the EC Member States in accordance with the Regulation. For the purposes of such recognition, in the provisions of the Community licence set out in the Annex to the Regulation, references to “Member State(s)” shall read “EC Member State(s), Iceland, Liechtenstein and/or Norway”;
- (d) the Community and the EC Member States shall recognise the documents 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 documents shall correspond to the model set out in Appendix 4 to this Annex.”

Article 2

The Appendix in the Annex to this Decision shall replace Appendix 4 to Annex XIII to the Agreement.

Article 3

The following point shall be inserted after point 33a (Council Regulation (EEC) No 2454/92) in Annex XIII to the Agreement:

- “33b. **398 R 0012**: Council Regulation (EC) No 12/98 of 11 December 1997 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State (OJ L 4, 8.1.1998, p. 10).

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

(a) the text of Article 4(1)(e) shall be replaced by the following:

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

(b) in situations referred to in Article 9:

- regarding the EFTA States, “Commission” shall read “EFTA Surveillance Authority” and “Council” shall read “EFTA Standing Committee”;
- if the EC Commission receives a request from an EC Member State or the EFTA Surveillance Authority from an EFTA State 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 EC 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 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*.”

Article 4

The text of point 33a (Council Regulation (EEC) No 2454/92) in Annex XIII to the Agreement shall be deleted with effect from 1 January 2000.

Article 5

The texts of Council Regulation (EC) No 11/98 and of Council Regulation (EC) No 12/98 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 6

This Decision shall enter into force on 19 December 1998, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee.

Article 7

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 18 December 1998.

For the EEA Joint Committee
The President

.....
N. v. Liechtenstein

The Secretaries
to the EEA Joint Committee

.....
G. Vik

.....
E. Gerner

ANNEX
to Decision No 121/98 of the EEA Joint Committee

“APPENDIX 4

**LICENCE REFERRED TO IN THE ANNEX OF COUNCIL REGULATION (EC)
No 11/98, AS ADAPTED FOR THE PURPOSES OF THE EEA AGREEMENT**

(see adaptation (e) in point 32 of Annex XIII to the Agreement)

EUROPEAN ECONOMIC AREA

(a)

(Heavy-duty, blue - dimension DIN A4)

(First page of the licence)

(Text in the official language(s) or one of the official languages of the EFTA State issuing the licence)

Distinctive symbol of the EFTA State ⁽¹⁾ issuing the licence

Designation of the competent authority or body

LICENCE No ...

for the international carriage of passengers by coach and bus for hire or reward

The holder of this licence ⁽²⁾

is authorised to carry out international carriage of passengers by road for hire or reward within the territory of the European Community and Iceland, Liechtenstein and Norway ⁽³⁾ pursuant to the conditions laid down by Council Regulation (EEC) No 684/92 of 16 March 1992, as amended by Regulation (EC) No 11/98 and adapted for the purposes of the Agreement on the European Economic Area and in accordance with the general provisions of this licence.

Comments:.....

This licence is valid from to Issued in on

..... ⁽⁴⁾

(1) (IS) Iceland, (FL) Liechtenstein, (N) Norway. (2) Full name or business name of the carrier. (3) Hereinafter referred to as "the EFTA States". (4) Signature and stamp of the competent authority or body issuing the licence.

General provisions

1. This licence is issued pursuant to Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus, as amended by Regulation (EC) No 11/98 and adapted for the purposes of the Agreement on the European Economic Area (EEA).
2. This licence is issued by the competent authorities of the EC Member State or EFTA State of establishment of the carrier for hire or reward who:
 - is authorised in the EC Member State or EFTA State of establishment to undertake carriage by means of regular services, including special regular services or occasional services by coach and bus,
 - satisfies the conditions laid down in accordance with EEA rules on admission to the occupation of road passenger transport operator in national and international transport operations,
 - meets legal requirements on road safety as far as the standards for drivers and vehicles are concerned.
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 European Economic Area:
 - where the place of departure and place of destination are situated in two different EC Member States or EFTA States, with or without transit through one or more EC Member States or EFTA States or third countries,
 - from an EC Member State or EFTA State to a third country and vice versa, with or without transit through one or more EC Member States or EFTA States or third countries,
 - between third countries crossing the territory of one or more EC Member States or EFTA States in transit,

and empty journeys in connection with transport operations under the conditions laid down by Regulation (EEC) No 684/92.

In the case of a transport operation from an EC Member State or an EFTA State to a third country and vice versa, Regulation (EEC) No 684/92 is not applicable for the journey made in the territory of the EC 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 EC Member State or EFTA State of issue in particular where the carrier:
 - no longer meets the conditions laid down in Article 3(1) of Regulation (EEC) No 684/92,
 - has supplied inaccurate information regarding the data required for the issue or renewal of the licence,
 - has committed a serious breach or repeated minor breaches of road safety regulations, 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 Article 2(1.3) of Regulation (EEC) No 684/92. The competent authorities of the EC Member State or EFTA State of establishment of the carrier who committed the breach may, *inter alia*, withdraw the EEA licence or make temporary and/or partial withdrawals of the certified true copies of the EEA licence.

These penalties are determined in accordance with the seriousness of the breach committed by the holder of the EEA licence and with the total number of certified true copies that he possesses in respect of his international trade.

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 inspecting officer.
8. The holder must, on the territory of each EC Member State and 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. Regular services shall be 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 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 to and from the educational institution for school pupils and students;
- (c) the carriage of soldiers and their families between their homes and the area of their barracks.

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 Section II of Regulation (EEC) No 684/92. These services shall not cease to be occasional services solely because they are provided at certain intervals.

Occasional services do not require authorisation."
