



Brussels, 30.5.2013
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2013/0163 (NLE)

Proposal for a

COUNCIL DECISION

**on the position to be adopted, on behalf of the European Union,
in the EEA Joint Committee
concerning an amendment to Annex XXI
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 EU 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 XXI (Statistics) to the EEA Agreement in order to incorporate Regulation (EU) No 70/2012 of the European Parliament and of the Council of 18 January 2012 on statistical returns in respect of the carriage of goods by road (recast)¹.

Regulation (EU) No 70/2012 of the European Parliament and of the Council of 18 January 2012 on statistical returns in respect of the carriage of goods by road (recast) is incorporated into the EEA Agreement with certain adaptations for the EEA EFTA States.

The adaptations concern the applicability to Iceland and Liechtenstein.

Regulation (EU) No 70/2012 repeals Council Regulation (EC) No 1172/98², which is incorporated into the Agreement and which is subsequently to be repealed under the EEA Agreement.

With regards to Council Regulation (EC) No 1172/98 of 25 May 1998 (repealed by Regulation (EU) No 70/2012) on statistical returns in respect of the carriage of goods by road, Iceland was granted a total derogation. The reason at that time was the total isolation of the Icelandic road system from the European road system. Practically there were no road transport vehicles engaged in the international carriage of goods between Iceland and Europe. For that reason, Icelandic statistics on domestic carriage of goods by road would not add any further information to the statistics on European carriage of goods by road. The situation in 2012 is the same. Therefore Regulation (EU) No 70/2012 shall not apply to Iceland.

The main reason that Liechtenstein was not exempted from Council Regulation (EC) No 1172/98 of 25 May 1998 was the assumption that the number of the road transport vehicles would increase in the future, but the contrary was the case. There was a substantial reduction of the freight transports from 2005, the first year of the survey, until 2010:

number of enterprises minus 25%;

number of road transport vehicles minus 19%;

number of laden vehicle kilometres minus 32%;

freight in tons minus 24%;

ton kilometres minus 22%.

¹ OJ L 32, 3.2.2012, p. 1.

² OJ L 163, 6.6.1998, p. 1.

In 2010, Liechtenstein's road transport vehicles had 491 EU transport licenses. But not all vehicles do regularly carry out road freight transport operations on the territory of EU Member States.³ The Swiss Customs Authorities register each transport vehicle leaving the customs area of Switzerland and Liechtenstein. In the year 2010, 458 different transport vehicles left the customs area of Switzerland and Liechtenstein but only 268 vehicles crossed the border into the European Union once every two weeks.

The demand for the results of the survey is very limited. There are only six subscribers for the publications from outside the administration and very few downloads of the publications on the internet.

In the case of the survey on carriage of goods by road, there is no balance between the burden on respondents, the high costs for the statistical office and the benefits at European and national level. The data's value added for European Statistics is very limited and there is no domestic demand for the results of the survey. This contradicts two major principles of the statistical Code of Practice:

According to principle 9 of the statistical Code of Practice the reporting burden has to be proportionate to the needs of the users and may not be excessive for respondents. An obligation for Liechtenstein to carry out the survey on transport of goods by road is not in line with this principle as the excessive burden for respondents is not proportionate to the very small interest of users for these data.

According to principle 11 of the statistical Code of Practice, European statistics have to meet the need of users. It follows from this that statistical data which neither respond to a need at European nor at national level should not be collected.

In view of this, a discussion took place with representatives of Eurostat and DG Move and Liechtenstein at a meeting in Luxembourg on 21 February 2013, on an adaptation text according to which Regulation (EU) No 70/2012 shall not apply to Liechtenstein for as long as the number of Liechtenstein-registered goods road transport vehicles which regularly carry out road freight transport operations on the territory of EEA Member States (thus outside the Swiss-Liechtenstein Customs territory) does not exceed 400 vehicles.

In order for Eurostat to be able to monitor the number of Liechtenstein-registered goods road transport vehicles which regularly carry out road freight transport operations on the territory of EEA Member States, the adaptation furthermore foresees an obligation for Liechtenstein to annually submit this number to Eurostat. As Liechtenstein receives these numbers from Switzerland (as mentioned above the Swiss Customs Authorities register each transport vehicle leaving the customs area of Switzerland and Liechtenstein) with some months delay, the deadline for submission of these numbers to Eurostat shall be end of April following the year to which the numbers relate.

For the purpose of the adaptation, the term "regularly" is defined as "leaving the Swiss-Liechtenstein Custom Union territory towards the EU more than twice a month".

³ Note: As Swiss law requires Liechtenstein-registered vehicles to have an EU-licence, even if they only operate within the Swiss-Liechtenstein Custom Union territory, the number of Liechtenstein-registered vehicles carrying out road freight transport operations on the territory of the EU does not correspond to, and is considerably smaller, than the number of EU-licences.

For the case that the number of Liechtenstein-registered goods road transport vehicles which regularly carry out road freight transport operations on the territory of EEA Member States exceeds 400 vehicles and Regulation (EU) No 70/2012 becomes applicable to Liechtenstein, the adaptation clarifies (in line with what has been so far foreseen with regard to Regulation (EC) No 1172/98 and due to the reasons highlighted above) that the data collection method shall be adapted to the structural characteristics of road transport in the country, in agreement with Eurostat. In particular, Liechtenstein may transmit data covering only vehicles which regularly carry out road freight transport operations on the territory of EEA Member States.

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 adopted, on behalf of the European Union,
in the EEA Joint Committee
concerning an amendment to Annex XXI
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 Article 338 (1), in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area⁴, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area⁵ (“the EEA Agreement”) entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Annex XXI thereto.
- (3) Annex XXI to the EEA Agreement contains specific provisions concerning statistics.
- (4) Regulation (EU) No 70/2012 of the European Parliament and of the Council of 18 January 2012 on statistical returns in respect of the carriage of goods by road (recast)⁶ is to be incorporated into the EEA Agreement with certain adaptations for the EEA EFTA states.

⁴ OJ L 305, 30.11.1994, p. 6.

⁵ OJ L 1, 3.1.1994, p. 3.

⁶ OJ L 32, 3.2.2012, p. 1.

- (5) Regulation (EU) No 70/2012 repeals Council Regulation (EC) No 1172/98⁷, which is incorporated into the Agreement and which is subsequently to be repealed under the Agreement.
- (6) Annex XXI to the EEA Agreement should therefore be amended accordingly.
- (7) The position of the Union in the EEA Joint Committee should be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the European Union, in the EEA Joint Committee on the proposed amendment to Annex XXI 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 President*

⁷ OJ L 163, 6.6.1998, p. 1.

Annex

Draft

DECISION OF THE EEA JOINT COMMITTEE

No

of

amending Annex XXI (Statistics) 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) Regulation (EU) No 70/2012 of the European Parliament and of the Council of 18 January 2012 on statistical returns in respect of the carriage of goods by road (recast)⁸ is to be incorporated into the EEA Agreement.
- (2) Regulation (EU) No 70/2012 repeals Council Regulation (EC) No 1172/98⁹, which is incorporated into the Agreement and which is subsequently to be repealed under the Agreement.
- (3) Annex XXI to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION :

Article 1

The text of point 7f (Council Regulation (EC) No 1172/98) of Annex XXI to the EEA Agreement is replaced by the following:

‘32012 R 0070: Regulation (EU) No 70/2012 of the European Parliament and of the Council of 18 January 2012 on statistical returns in respect of the carriage of goods by road (recast) (OJ L 32, 3.2.2012, p. 1).

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

- (a) This Regulation shall not apply to Iceland.

⁸ OJ L 32, 3.2.2012, p. 1.

⁹ OJ L 163, 6.6.1998, p. 1.

- (b) This Regulation shall not apply to Liechtenstein, so long as the number of Liechtenstein-registered goods road transport vehicles, which regularly carry out road freight transport operations on the territory of EEA Member States, does not exceed 400 vehicles.

For that purpose, Liechtenstein shall annually, at the latest by the end of April following the year to which the number relates, submit to Eurostat the number of Liechtenstein-registered goods road transport vehicles which regularly carry out road freight transport operations on the territory of EEA Member States. Regularly in this context shall be understood as leaving the Swiss-Liechtenstein Custom Union territory towards the EU more than twice a month.

As soon as this Regulation will apply to Liechtenstein, the data collection method shall be adapted to the structural characteristics of road transport in the country, in agreement with Eurostat. In particular, Liechtenstein may transmit data covering only vehicles which regularly carry out road freight transport operations on the territory of EEA Member States.

Article 2

The texts of Regulation (EU) No 70/2012 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 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, .

For the EEA Joint Committee

The President

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

*The Secretaries
to the EEA Joint Committee*