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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.06.2005  
COM(2005) 255 final

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Proposal for a

**COUNCIL DECISION**

**concerning the position of the Community on Decision 1/2005 of the  
Community/Switzerland Inland Transport Committee on the creation of a joint  
observatory for traffic in the Alpine region**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

The Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road<sup>1</sup> entered into force on 1 June 2002. Article 51 of the Agreement established a joint committee known as the “Community/Switzerland Inland Transport Committee” to be responsible for the management and proper application of the Agreement.

### **The traffic observatory**

Article 45 of the Agreement requires a permanent observatory to be set up to monitor road, rail and combined traffic in the Alpine region. Paragraph 3 of the Article requires the Contracting Parties to determine the administrative procedures governing the operation of the observatory by means of a decision of the Joint Committee.

To that end, the Commission and Switzerland have agreed that the activities of the observatory are to be directed by the “observatory” working party set up by Decision 1/2003 of the Joint Committee. The working party will implement the strategic objectives of the observatory as decided by the Joint Committee and monitor the degree to which the set objectives are attained. The tasks of gathering data and drafting reports are to be entrusted to a service provider selected through a tendering procedure in accordance with the rules on public contracts. Expenditure associated with the mandate of the outside consultant is to be borne in equal measure by Switzerland and the European Community. The working party will examine and adopt, by mutual agreement, the reports drafted by the outside consultant. It will submit its conclusions to the Joint Committee, which will take the decisions arising therefrom. If a report is not approved, the working party will inform the Joint Committee of the divergent views expressed by its members.

### **Community Position on Decision 1/2005**

Article 4 of Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation stipulates that the position to be taken by the Community as regards decisions of the Joint Committee is to be adopted by the Council, acting by qualified majority on a proposal from the Commission, for the matters contained in Articles 42, 45, 46, 47 and 54 of the Agreement. Article 45 of the Agreement concerns the traffic observatory.

The Council is therefore invited to adopt the attached Decision.

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<sup>1</sup> OJ L 114, 30.4.2002, p. 91.

Proposal for a

## **COUNCIL DECISION**

### **concerning the position of the Community on Decision 1/2005 of the Community/Switzerland Inland Transport Committee on the creation of a joint observatory for traffic in the Alpine region**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road, and in particular Article 45 thereof,

Having regard to the Decision of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation (2002/309/EC, Euratom),<sup>2</sup> and in particular Article 4 thereof,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road (hereinafter referred to as “the Agreement”) entered into force on 1 June 2002.
- (2) Article 51 of the Agreement established a Community/Switzerland Inland Transport Committee (Joint Committee) to be responsible for the management and proper application of the Agreement.
- (3) Article 45 of the Agreement requires a permanent observatory to be set up to monitor road, rail and combined traffic in the Alpine region. Paragraph 3 of the Article requires the Contracting Parties to determine the administrative procedures governing the operation of the observatory by means of a decision of the Joint Committee.
- (4) The first indent of Article 4(1) of the Decision of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation (2002/309/EC, Euratom) provides that the position to be taken by the Community as regards decisions of the Joint Committee is to be adopted by the Council, acting by qualified majority on a proposal from the Commission, for the matters contained in Article 45 of the Agreement,

HAS DECIDED AS FOLLOWS:

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<sup>2</sup> OJ L 114, 30.4.2002, p. 1.

*Sole Article*

The position of the European Community in the Community/Switzerland Inland Transport Committee established by Article 51 of the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road concerning the creation of a joint observatory for traffic in the Alpine region shall be based on the annex to this Decision.

Done at Brussels,

*For the Council*  
*The President*

## ANNEX 1

Draft

### **DECISION 1/2005 of the Community/Switzerland Inland Transport Committee**

#### **on the creation of a joint observatory for traffic in the Alpine region**

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road, and in particular Articles 45 and 51(2) thereof,

Whereas:

- (1) Article 45(1) of the Agreement requires a permanent observatory to be set up to monitor road, rail and combined traffic in the Alpine region.
- (2) To that end, the Agreement requires the Contracting Parties to determine the financing and the administrative procedures governing the operation of the observatory by means of a decision of the Joint Committee,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

A joint Switzerland/European Community observatory for the monitoring of traffic in the Alpine region, hereinafter referred to as “the observatory”, is hereby set up.

#### *Article 2*

1. The observatory shall centralise the statistics from the Community, international and national organisations relating to road and rail traffic and accompanied and unaccompanied combined transport in the Alpine region. It shall report to the Joint Committee annually on the trends in this traffic.
2. The observatory shall gather data on infrastructure congestion and on the environment, as well as any other statistics requested by the Joint Committee for the proper application of its mandate and in accordance with Article 47 of the Agreement on inland transport.
3. The observatory shall provide decision-making assistance to the Joint Committee regarding any triggering of the unilateral safeguard measures specified in Article 46 of the Agreement on inland transport.

4. The Joint Committee may entrust other tasks to the observatory.

### *Article 3*

1. The observatory shall, as far as possible, use existing statistics and statistics established on the basis of Community and Swiss law.
2. As far as possible, the observatory shall use the common definitions and the data encoding and transmission formats established for Community transport statistics. Where such formats are unavailable or inappropriate, the observatory shall produce formats which are as simple and user-friendly as possible.
3. All exchanged statistics shall be aggregate data. Pursuant to the applicable legislation of the Swiss Confederation and the European Community on data protection and the confidentiality of statistics, they must not enable individual transport companies to be identified.

### *Article 4*

1. The activities of the observatory shall be directed by the “observatory” working party set up by Decision 1/2003 of the Joint Committee.
2. The working party shall implement the strategic objectives of the observatory as decided by the Joint Committee and shall monitor the degree to which the set objectives are attained.
3. The working party shall include at least one representative of the Swiss Federal Statistical Office and one representative of the Swiss Federal Transport Office, as well as two representatives of the Commission of the European Communities, one from the field of transport and the other from the field of statistics. The members of the working party may be assisted at their meetings by representatives of other institutions attending as observers.
4. The tasks of gathering data and drafting reports shall be entrusted to a service provider selected in accordance with the rules on public contracts. This contract shall be subject to the Community directives on the public procurement procedures based on the public contracts agreement of 15 April 1994 concluded within the WTO framework. All invitations to tender shall be published by Switzerland and by the European Commission. Selection of the service provider, including the drafting of the specifications and any award decision, shall be performed jointly by the Contracting Parties within the “observatory” working party. The contract shall be awarded to the tenderer offering the best value for money. The contract with the service provider shall be governed by Swiss law and shall be signed for the two contracting Parties by the heads of delegation within the Joint Committee.
5. The working party shall examine and adopt, by mutual agreement, the reports drafted by the service provider. It shall submit its conclusions to the Joint Committee, which shall take the decisions arising therefrom. If a report is not approved, the working party shall inform the Joint Committee of the divergent views expressed by its members.
6. To enable the service provider to perform the contract properly, the authorities of the Member States of the European Community and of the Swiss Confederation shall give it access

to all the statistical data available to them.

#### *Article 5*

1. Expenditure associated with the performance of the contract in accordance with Article 4(4) shall be borne in equal measure by Switzerland and the European Community. The budget for the contract shall be no more than €250 000 for the first year and, depending on the availability and quality of the data to be gathered, no more than €100 000 for subsequent years.
2. Each party shall bear any expenses it incurs in relation to its participation in the meetings of the “observatory” working party.
3. Expenditure associated with the material organisation of working party meetings shall normally be borne by the party holding the chair.
4. Expert costs arising from a mandate given by an individual party shall be borne by that party.

#### *Article 6*

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

Done at Brussels,

*The Chair*

*The Head of the Swiss Delegation*

## ANNEX 2

### FICHE D'IMPACT BUDGETAIRE

*(cf. Article 16 des R.I.)*

**Fiche à utiliser dans les cas exceptionnels où la Commission doit prendre une décision individuelle d'attribution**

<b>Domaine(s) politique(s):</b> Transport
<b>Activité(s):</b> accord des transport terrestres ce/suisse

<b>Dénomination de l'action:</b> observatoire des trafics
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#### 1. LIGNE(S) BUDGÉTAIRE(S) CONCERNEE(S) + INTITULÉ(S)

**06020401**

#### 2. BASE LEGALE

Accord entre la Communauté européenne et la Confédération suisse sur le transport de marchandises et de voyageurs par rail et par route (JO L 114 du 30.4.2002, p.91).

#### 3. DONNÉES CHIFFRÉES GLOBALES DE L'EXERCICE ( en Euros )

##### ▣ 3.a. - Exercice en cours

		<b>CE</b>	<b>CP</b>
Crédit initial de l'exercice		11.300.000	8.700.000
Budgets supplémentaires			0
Virements			
<b>Total du crédit</b>		11.300.000	8.700.000
Consommation au	<i>Date : 30/05/2005</i>	773.179,37	1.853.948,85
Solde disponible		10.526.820,30	6.846.051,15
<b>Montant de l'action proposée</b>		125.000	125.000

##### ▣ 3.b. - Reports à l'exercice

NA

##### ▣ 3.c. - Exercice suivant

NA

##### ▣ 3.d. - Exercices suivants (dans le cas des engagements par tranches annuelles)

*(Dans le cas des programmes adoptés par tranches annuelles, il y a lieu de répartir les engagements sur toute la durée prévisionnelle des engagements)*

Ligne budgétaire	N	N+1	N+2	N+3	N+4	Total
06020401	125.000	50.000	50.000	50.000	50.000	325.000

#### 4. DESCRIPTION DE L'ACTION

Selon l'accord entre la Confédération suisse et la Communauté européenne sur le trafic voyageurs et marchandises par rail et par route un observatoire du trafic marchandises doit être mis en place. Il servira à saisir et à évaluer l'évolution des transports dans la région alpine par rail et par route (y compris le trafic combiné).

A cette fin la Commission et la Suisse sont convenues que les activités de l'observatoire sont dirigées par le groupe de travail « observatoire » institué par la décision 1/2003 du Comité mixte. Le groupe de travail met en œuvre les objectifs stratégiques de l'observatoire définis par le Comité mixte et contrôle le degré de réalisation des objectifs fixés. Les tâches de collecte des données et de préparation des rapports sont confiées à un prestataire de services sélectionné par appel d'offre. Les dépenses liées au mandat du consultant externe sont prises en charge à part égale par la Suisse et la Communauté européenne. Le groupe de travail examine et adopte, d'un commun accord, les rapports élaborés par le consultant externe.

#### 5. MODE DE CALCUL ADOPTE

Le contrat aura initialement une durée de deux ans et est renouvelable pour une durée supplémentaire de trois ans au maximum. La moitié du budget payable par la CE de EUR 125.000 pour la première année et de EUR 50.000 pour les années suivantes a été fixé en fonction des estimations de travail à effectuer par le prestataire de service.

#### 6. ECHEANCIER DE PAIEMENTS (EN EUROS)

Ligne	Montant	2005	2006	2007	2008	Exercices ultérieurs
2005	125.000	37.500	87.500			
2006	50.000		15.000	35.000		
2007	50.000			15.000	35.000	
2008	50.000				15.000	35.000
2009	50.000					50.000
Total	325.000	37.500	102.500	50.000	50.000	85.000

**NB :** Ce calendrier de paiements n'est qu'indicatif étant donné que les modalités contractuelles doivent être encore décidées.