

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0019/2003

28 January 2003

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REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing an ecopoint system applicable to heavy goods vehicles travelling through Austria for the year 2004
(COM(2001) 807 – C5-0699/2001 – 2001/0310(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Luciano Caveri

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 21 December 2001 the Commission submitted to Parliament, pursuant to Article 251(2) and Article 71(1) of the EC Treaty, the proposal for a regulation of the European Parliament and of the Council establishing an ecopoint system applicable to heavy goods vehicles travelling through Austria for the year 2004 (COM(2001) 807 – 2001/0310 (COD)).

At the sitting of 16 January 2002 the President of Parliament announced that he had referred this proposal to the Committee on Regional Policy, Transport and Tourism as the committee responsible and the Committee on the Environment, Public Health and Consumer Policy for its opinion (C5-0699/2001).

The Committee on Regional Policy, Transport and Tourism appointed Luciano Caveri rapporteur at its meeting of 22 January 2002.

It considered the Commission proposal and draft report at its meetings of 18 and 19 June 2002, 10 September 2002, 8 October 2002 and 20-21 January 2003.

At the last meeting it adopted the draft legislative resolution by 41 votes to 4, with 1 abstention.

The following were present for the vote: Luciano Caveri, chairman and rapporteur; Rijk van Dam and Helmuth Markov, vice-chairmen; Emmanouil Bakopoulos, Rolf Berend, Philip Charles Bradbourn, Felipe Camisón Asensio, Luigi Cocilovo, Danielle Darras, Alain Esclopé, Giovanni Claudio Fava, Markus Ferber (for Mathieu J.H. Grosch), Jacqueline Foster, Konstantinos Hatzidakis, Ewa Hedkvist Petersen, Roger Helmer (for James Nicholson), Juan de Dios Izquierdo Collado, Georg Jarzembowski, Karsten Knolle (for Dana Rosemary Scallon), Dieter-Lebrecht Koch, Giorgio Lisi, Nelly Maes, Sérgio Marques, Emmanouil Mastorakis, Erik Meijer, Bill Miller (for John Hume), Francesco Musotto, Karla M.H. Peijs, Wilhelm Ernst Piecyk, Giovanni Pittella (for Joaquim Vairinhos), Samuli Pohjamo, Bernard Poignant, Alonso José Puerta, Reinhard Rack, Carlos Ripoll y Martínez de Bedoya, Ingo Schmitt, Elisabeth Schroedter (for Jan Dhaene), Brian Simpson, Renate Sommer, Dirk Sterckx, Margie Sudre, Hannes Swoboda (for Ulrich Stockmann), Herman Vermeer, Christian Ulrik von Boetticher (for Ari Vatanen), Mark Francis Watts and Jan Marinus Wiersma (for Garrelt Duin).

The opinion of the Committee on the Environment, Public Health and Consumer Policy is attached.

The report was tabled on 28 January 2003.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council on establishing an ecopoint system applicable to heavy goods vehicles travelling through Austria for the year 2004 (COM(2001) 807 – C5-0699/2001 – 2001/0310(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2001) 807¹),
 - having regard to Article 251(2) of the EC Treaty and Article 71(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0699/2001),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism and the opinion of the Committee on the Environment, Public Health and Consumer Policy (A5-0019/2003),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 Title

Proposal for a regulation of the European Parliament and of the Council establishing ***an ecopoint*** system applicable to heavy goods vehicles travelling through Austria for the year 2004

Proposal for a regulation of the European Parliament and of the Council establishing ***a transitional points*** system applicable to heavy goods vehicles travelling through Austria for the year 2004 ***within the framework of a sustainable transport policy for the sensitive Alpine region***

(The change from 'ecopoint' to 'transitional points' system applies to the whole legislative text. Its adoption will require

¹ OJ C 103 E, 30.4.2002, p. 230.

technical adjustments to be applied wherever reference has been made to the new transitional system introduced from 2004.)

Amendment 2
Recital 3 a (new)

(3a) This measure is also justified by the need to protect the environment and therefore the local population from the extremely serious consequences of air and noise pollution caused by the transit of very high numbers of lorries.

Amendment 3
Recital 3 b (new)

(3b) The European Environment Agency notes that enlargement of the European Union is likely to result in a huge increase in transit traffic. The scope of this Regulation must therefore be extended in the course of enlargement to include the applicant countries.

Justification

The increase in transit traffic predicted as a result of enlargement of the European Union is likely to increase pollution. The scope of the Regulation must therefore be extended to cover the applicant countries joining the European Union.

Amendment 4
Recital 3 c (new)

(3c) The United Nations has declared 2002 the International Year of the Mountain and is promoting the protection and sustainable use of mountainous areas in order to ensure the well-being of people living in mountain and lowland areas.

Justification

The International Year of the Mountain should provide an opportunity for establishing an ecopoint system that ensures the best possible protection for the Alps.

Amendment 5
Recital 3 d (new)

(3d) The Convention on the protection of the Alps (Alpine Convention) signed and ratified by the European Union on 26 February 1996¹ lays down various rules to reduce heavy goods traffic in the Alpine area. Notably, it lays down that the volume of and dangers posed by intra-Alpine and trans-Alpine traffic are to be reduced to a level which is not harmful to humans, animals and plants and their habitats.

¹ OJ L 61, 12.3.1996, pp 31-36

Justification

The transitional points system for 2004, 2005 and 2006 should take account of the Alpine Convention.

Amendment 6
Recital 4 a (new)

(4a) It is essential to find non-discriminatory solutions to reconcile the obligations deriving from the Community Treaties (including Articles 6, 51(1), and 71 of the EC Treaty), for instance as regards free movement of services and goods and protection of the environment and the local population, and from other international conventions and treaties such as the Alpine Convention and in particular the Transport

Protocol thereto – which the European Union needs to ratify as a matter of urgency – and the Kyoto Protocol.

Amendment 7

Recital 5

(5) ***An ecopoint*** system should therefore be established for the year 2004.

(5) ***A transitional standards*** system should therefore be established for the year 2004.

Amendment 8

Article 1, point (c)

c) *transit traffic through Austria* – traffic through Austrian ***territory*** from a point of departure to a point of arrival, both of which lie outside Austria;

c) *transit traffic through the Austrian Alps* – traffic through ***the Austrian Alps*** from a point of departure to a point of arrival, both of which lie outside Austria;

Justification

The ecopoint system restricts the free movement of goods by controlling the volume of traffic. Pursuant to the case law of the European Court of Justice, this can be justified only on grounds of overriding public interest. In the case of the ecopoint system, it can be justified only on the grounds of protection of the people living in, and the ecosystem of, the Alps. A restriction applying to the whole of Austria cannot be justified.

Amendment 9

Article 1, point (e)

e) *transit of goods by road through Austria* – transit traffic of lorries through ***Austria***, whether such vehicles are loaded or empty;

e) *transit of goods by road through the Austrian Alps* - transit traffic of lorries through ***the Austrian Alps***, whether such vehicles are loaded or empty;

Justification

The ecopoint system restricts the free movement of goods by controlling the volume of traffic. Pursuant to the case law of the European Court of Justice, this can be justified only on grounds of overriding public interest. In the case of the ecopoint system, it can be justified only on the grounds of protection of the people living in, and the ecosystem of, the Alps. A restriction applying to the whole of Austria cannot be justified.

Amendment 10
Article 1, point (f a) (new)

(fa) sensitive Alpine region – the transfrontier area comprising the whole of the Alpine arc as defined in geographical terms in the Alpine Convention.

Justification

Given that an international solution is needed to traffic problems for the Alps, is necessary to give a precise and official geographical description of this region. The Alpine Convention contains such a description.

Amendment 11
Article 3, paragraph 2, introductory sentence (new)

2. From 1 January 2004 to 31 December 2004, the following provisions shall apply:

2. During the period for which the transitional points system is introduced, the following provisions shall apply:

Justification

Technical amendment needed to ensure consistency with Amendment 13 to Article 3(3) on quotas for the years 2004, 2005 and 2006.

Amendment 12
Article 3, paragraph 2, point (b)

(b) The value of the total NO_x emissions from lorries shall be ***set according to an*** ecopoint system. Under that system any lorry crossing Austria in transit shall require a number of ecopoints equivalent to its NO_x emissions (authorised under the Conformity of Production (COP) value or type-approval value). The method of calculation and administration of such points is described in Annex 2.

(b) The value of the total NO_x emissions from lorries shall be ***based on the former*** ecopoint system¹. Under that system any lorry crossing Austria in transit shall require a number of ecopoints equivalent to its NO_x emissions (authorised under the Conformity of Production (COP) value or type-approval value). The method of calculation and administration of such points is described in Annex 2.

¹ ***OJ C 241, 29.8.1994 (Protocol No 9)***

Amendment 13

Article 3, paragraph 3

3. If the framework proposal on charging for the use of infrastructure *is not adopted by then, the terms of paragraph 2 will be extended for one further year and thereafter, if necessary, for a second year at most.*

3. If the framework proposal on charging for the use of infrastructure *has not entered into force by the end of 2004, the use of environment-friendly lorries shall be encouraged for transit traffic in the Austrian Alps, in particular in the Brenner, the Tauern, and the Pyhrn in accordance with the following arrangements:*

In 2004:

- *quota system¹ for EURO 0, 1, and 2 lorries,*
- *unrestricted transit for EURO 3 lorries.*

In 2005 and 2006:

- *no transit using EURO 0 and 1 lorries,*
- *quota system for EURO 2 lorries,*
- *unrestricted transit for EURO 3 and 4² lorries.*

After 2006, no quota system shall be applied.

¹ *The quotas will be based on the 2002 ecopoint quotas*

² *As defined in Directives 91/542/EEC and 99/96/EC.*

Amendment 14

Article 3, paragraph 4

4. The Commission, acting in accordance with the procedure laid down in Article 5, shall adopt detailed measures concerning the procedures relating to the ecopoint system, the distribution of ecopoints and technical issues concerning the application of this Article.

4. The Commission, acting in accordance with the procedure laid down in Article 5, shall:

- ***fix the number of ecopoints in accordance with Article 3(2)(b);***
- adopt detailed measures concerning the procedures relating to the *transitional points* system, the distribution of ecopoints and technical issues concerning the application

of this Article;

- increase proportionally by each new Member State and by year the quotas fixed in accordance with the provisions of Article 3 and the annexes, taking account of the accession of Central and Eastern European countries in 2004.

Amendment 15

Article 4, paragraph 1 a (new)

§

1a. The decisions of the Commission and the committee referred to in Article 5 must be consistent with a sustainable transport policy devised for the Alpine region as a whole, especially sensitive areas such as the Brenner area, Mont Blanc, the Tauern, the Pyhrn, the Lyons to Turin route (Fréjus), and others. That policy shall be based on the one hand on the objective obligations incumbent on the Union and Member States under the articles of the EC Treaty, the Alpine Convention, and other binding instruments and also, in so far as legislation permits, on the principles set out by the Commission in its White Paper to govern future transport policy up to 2010 for sensitive mountain regions, for example sustainability, freedom to provide services, protection of citizens and the environment, promotion of intermodal transport, and cross-financing.

The above policy must result in a traffic flow regulation system applying only to Alpine passes and other ecologically sensitive areas lying along trans-European corridors, and shall comply fully with Article 3, paragraph 3.

Amendment 16

Article 4, paragraph 3 a (new)

3a. The countries affected by this

Regulation shall be called upon to include in the existing system checks with a view to ascertaining whether actual NO_x emissions from heavy goods vehicles correspond to the value authorised for conformity of production (COP) purposes or derived from type-approval.

EXPLANATORY STATEMENT

Introduction

To prepare this report, the rapporteur and RETT Committee consulted various people including the transport ministers of Germany, Italy and Austria, at its meeting of 10 September 2002. The rapporteur also listened carefully to members of the committee who took the opportunity to put questions to ministers and also put forward their own points of view.

In addition a number of contacts were made with associations, interest groups, NGOs, political organisations etc. These greatly contributed to the thinking and coordination work of which this report is the result.

It is clear that viewpoints diverged markedly, but each party concerned was aware that we have a duty to prepare for the future, and that going back to the stage of base recrimination would lay us open to the charge of inaction and inertia. We are still at present facing a total stalemate, although there is evidence of goodwill.

The problem has surfaced at European Union level because no solution has been found at the bi- or trilateral level. Quite rightly, in the statements and discussion at the meeting of 10 September, and in the numerous contacts with representatives from the whole spectrum of the parties involved, the wish was expressed for a *European solution*, which should be compatible with the Alpine Convention transport protocol, whose early ratification by the European Union is desirable. To this end the rapporteur has also already clearly expressed his support for a European solution, to prevent the persistence of two separate classes of European citizen in the Alps.

Although there are signs of such a solution in the distance, we are not yet ready to apply it because several measures, particularly legislative measures, first need taking to create the necessary legal framework.

The European Union must finally give itself the means for dealing with the problem!

The main principles that will form the basis of the solutions in the case of funding were announced in the latest Commission White Paper on transport: better tarification of infrastructure use, cross-financing for infrastructure in the Alps and Pyrenees, and increased EU participation in the funding of major infrastructure projects forming part of the Trans-European transport network. The method of calculation and the details need regulating, and the legislative process will take its time, but every institution, not only at EU but also at national level, involved in that process carries a heavy responsibility to ensure that the procedures are completed as soon as possible.

In the case of the environment, particularly atmospheric emissions, the old ecopoints system has, in conjunction with the Auto-Oil programme, helped to provide a significantly improved 'environmental contribution' from heavy goods vehicles compared with the past. And we are only halfway there! The table shows the different stages in the Auto-Oil programme. It shows that there have been significant reductions in the various polluting gases and particles. But in

the meantime we have now come to face another task: to devise a provisional solution that will be valid for the period leading up to the introduction of a definitive solution. That is a delicate task and a balancing act that will call for a great deal of understanding from us all!

Efforts to find a solution

In response to the hopes expressed by Heads of State and Government at the Laeken and Copenhagen Summits, admirable efforts were made by the Danish Presidency in trying to come up with a last-minute solution.

It must be understood that this can only be a 'virtual', non-formalised solution, consisting of extending the ecopoints system for 3 years on the whole of Austrian territory and with measures to encourage the phasing out of old, polluting lorries and introduce the less polluting EURO 4 models.

What the rapporteur deeply regrets is that agreement by a number of countries apparently could only be obtained in exchange for derogations and exemptions in favour of certain countries, and that the two main protagonists in this scenario (Austria and Italy) were actually opposed.

The solution may well require a whole new approach to the problem. That was the view shared by the great majority on the Committee on Regional Policy, Transport and Tourism when it adopted its amendments to the Commission proposal.

Aspects of the amendments

1. In its amendments, the Committee on Regional Policy, Transport and Tourism tried to take into account and reconcile:

- Concern for the environment where it is most necessary (viz. quotas on transit through the 3 Alpine passes);
- Ending the infringement of the principle of free movement of goods and services that an ecopoints system on the rest of Austrian territory constitutes; pressure on the 3 Alpine passes should then reduce spontaneously;
- Phased withdrawal of polluting lorries;
- Encouraging introduction of new-generation EURO 4 engines;
- Streamlining the legislative process, thus paving the way for the entry into force of charging for the use of infrastructure.

2. Similarly, by making heavy goods vehicles in categories EURO 0, 1 and 2 subject to quotas, we are giving expression to the view that the special position of the Alpine routes needs recognising. It also is an incentive for renovating the heavy goods vehicle fleet and using the best available technology.

To illustrate the available margin for manoeuvre, we should note that at present emission values for lorries in category EURO 3 fitted with a catalyser and particle trap at the

manufacturing stage may be as low as half the values imposed for the future EURO 5 lorry¹, to be introduced in 2008.

We must also point out that significant progress will be made not only in terms of NOx (nitrogen oxide) emissions but also in terms of HC (hydrocarbons), CO (carbon monoxide) and particles.

It is clear from research carried out by the European Environment Agency² that in a few years' time the problem of emissions of polluting gases from heavy goods vehicles' diesel motors will be largely resolved.

The aspect of sound pollution may be partly resolved by technical action but will never be totally eliminated.

3. On this last point, namely congestion and the presence of a very large number of lorries on the Trans-Alpine routes, it may in theory be remedied by the construction of the Brenner Base Tunnel. This project should be started as soon as possible. But even aiming for more effective use of the present railway line could make a substantial contribution to the provisional solution of this problem.

Indeed, the present railway line is largely under-used; given the means, it would be possible to run about another 80 trains a day.

The rapporteur accordingly welcomes the coordination effort by the working party, comprising delegations from Germany, Austria and Italy, which has the task of improving the efficiency of the present rail infrastructure. In the interests of its credibility it is essential for progress to be made in the near future.

4. In view of the close links between the ecopoints aspect and the matter of framework legislation on tarification of infrastructure use, the rapporteur takes the view that the European institutions involved in the legislative procedure should take responsibility in this specific case by bringing pressure to bear for entry into force of the framework legislation on charging for infrastructure use. If the legislation is not in force by 31 December, a vacuum risks being created.

Conclusion

With these proposals the rapporteur wishes to contribute to sorting out the almost inextricable problem of ecopoints. The proposals will hopefully form the basis of a solution that will also take into account the emergence in the Alps of several citizens' movements whose aim is to stop the transit of heavy goods vehicles. We should also remember that, following the terrible

¹ 'Investigation of the feasibility of achieving euro V heavy-duty emissions limits with advanced emission control systems' – Document published by the Association for Emissions control by Catalyst www.aece.be.

² Technical report No 74 – 'National and central estimates for air emissions from road transport'
See website www.eea.eu.int.

accident in the Mont Blanc tunnel, the capacity of road tunnels will in future be limited everywhere by safety measures based on a specific directive.

Clearly, in the long run, with the new infrastructure in place and better use of technology, the ecopoints system will have played the role of catalyser (sic) in the history of road transport by encouraging the use of advanced technologies, for the benefit of the Alpine environment as well as the other regions.

The solution put forward here is only a transition towards the European solution that most of those involved want to see. That is the EU's contribution, but the Member States concerned must themselves make a considerable effort in the near future to step up their coordination so as to increase the use of under-used rail capacity without delay.

In the medium term, there are signs of a European solution in the White Paper on transport, the main points of which were mentioned in the introduction. At the same time technical progress is continuing, and noxious gas emissions from diesel motors will be reduced to extremely low levels. If the governments are going to take their own arguments about pollution seriously, they will need to actively promote the introduction of super-clean engines, and from that point of view the distinction between transit and local heavy goods vehicles should cease to exist. The authorities might also include tests on engines that may well have been tampered with, emissions from which are therefore more polluting than specified by their official category standards.

But even these points can only be partial aspects of the solution that must be sought in a much wider context, namely the use of other transport modes, as is the case with intermodal transport, which is already substantial in the Alps, but also with short sea shipping and other means. Here the rapporteur invites the Commission and the Member States to continue, in full agreement with Parliament, their efforts to set up an intelligent general plan for all the mountain regions.

EURO EMISSION STANDARDS
in grammes per kilowatt-hour (g/kWH)

	NO _x	HC	CO	Particles
EURO 0 (1988)	14,4	2,4	11,4	-----
EURO 1 (1992)	8,0	1,1	4,5	0,36
EURO 2 (1996)	7,0	1,1	4,0	0,15
EURO 3 (2000)	5,0	0,66	2,1	0,10
EURO 4 (2005)	3,5	0,46	1,5	0,02
EURO 5 (2008)	2,0	0,46	1,5	0,02

See COM(2000) 862 final, page 17.

17 April 2002

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND CONSUMER POLICY

for the Committee on Regional Policy, Transport and Tourism

on the proposal for a European Parliament and Council regulation establishing an ecopoint system applicable to heavy goods vehicles travelling through Austria for the year 2004 (COM(2001) 807 – C5-0699/2001 – 2001/0310(COD))

Draftsman: Hans Kronberger

PROCEDURE

At its meeting of 22 January 2002 the Committee on the Environment, Public Health and Consumer Policy appointed Hans Kronberger draftsman.

The committee considered the draft opinion at its meetings of 26 March 2002 and 17 April 2002.

At the latter meeting it adopted the following amendments by 32 votes to 3 with 1 abstention.

The following were present for the vote: Caroline F. Jackson, chairman; Mauro Nobilia, Alexander de Roo and Anneli Hulthén, vice-chairmen; Hans Kronberger, draftsman; Per-Arne Arvidsson, María del Pilar Ayuso González, Hans Blokland, David Robert Bowe, Chris Davies, Avril Doyle, Marialiese Flemming, Laura González Álvarez, Françoise Grossetête, Cristina Gutiérrez Cortines, Marie Anne Isler Béguin, Hedwig Keppelhoff-Wiechert (for John Bowis), Eija-Riitta Anneli Korhola, Bernd Lange, Giorgio Lisi (for Martin Callanan), Jules Maaten, Minerva Melpomeni Malliori, Marit Paulsen, Encarnación Redondo Jiménez (for Raffaele Costa), Dagmar Roth-Behrendt, Guido Sacconi, Giacomo Santini (for Karl-Heinz Florenz), Karin Scheele, Horst Schnellhardt, Inger Schörling, Jonas Sjöstedt, Catherine Stihler, Robert William Sturdy (for Cristina García-Orcóyen Tormo), Astrid Thors, Antonios Trakatellis and Kathleen Van Brempt

BRIEF JUSTIFICATION

The main transit routes in the Alpine region pass through especially vulnerable areas which are particularly badly affected by the pollution caused by the increase in transit traffic. Studies prove that, in mountainous areas, the same amount of traffic causes NO_x concentrations three times greater than those it causes on the plains. Furthermore, Alpine ecosystems are especially sensitive to atmospheric pollutants and pollutant depositions. An ecologically intact Alpine region provides protection against avalanches, mudslides and erosion. The Alps are a region of significance for the whole of Europe in terms of its topography, climate, aquatic environment, flora, fauna, landscape and culture. Any impairment of this function could have disastrous consequences for Europe as a whole.

A reduction in environmental pollution caused by transit traffic was the key aim of the ecopoint system laid down in Protocol No 9 to the Act of Accession, which covers road, rail and combined transport in Austria and entered into force on 1 January 1995.

The ecopoint system established in Protocol No 9 is designed to help achieve the 60% reduction in total NO_x emissions from heavy goods vehicles travelling through Austria in the period between 1 January 1992 and 31 December 2003.

Every year, the number of ecopoints available is reduced using a specified formula until a 60% reduction in pollution has been achieved. A specific number of ecopoints is deducted for every lorry transiting through Austria, one ecopoint equating to 1g/kWh NO_x emission.

Pursuant to Article 11(4) of Protocol No 9, the Commission produced a scientific study, in cooperation with the European Environment Agency (EEA), to determine the degree to which the objective set for the reduction of pollution has been achieved. In the report it drew up with the assistance of the European Environment Agency (COM(2000) 862), the Commission concludes that the objective set in Protocol No 9, i.e. a sustainable and lasting 60% reduction in pollution, has not been achieved. An additional study by the European Environment Agency (Road freight transport and the environment in mountainous areas, Technical report No 68) also concludes that this objective has not been met. In actual fact, NO_x emissions from lorries transiting Austria on the Inn valley-Brenner route, the main HGV transit route, have increased. At virtually all measuring stations in the Tyrol, the average annual NO_x concentrations exceed EU air quality standards for the protection of vegetation. And the Commission and the EEA note that the EU air quality standards for the protection of human health are exceeded both near to motorways and in urban areas. According to the EEA study, owing to the huge increase in transit journeys since the ecopoint system was introduced, the total pollution reduction target has not been met, in spite of technical improvements to vehicles. The Commission itself notes in its White Paper 'European transport policy for 2010: time to decide' (COM(2001) 370) that 'the quality of life of those living in the Tyrol and Alto Adige is likely to deteriorate further as a result of the constant and growing heavy goods traffic'. The EEA study also assumes that enlargement will lead to a huge increase in transit traffic and more environmental pollution. The proposed regulation should therefore take the applicant countries into account in the course of enlargement so as to achieve the desired targets with regard to environmental protection.

However, technological improvements are not enough to bring about the necessary reduction

in pollution, for additional measures are also needed. When it met at Laeken on 14/15 December, the European Council asked the Commission to submit a proposal for extending the ecopoints system. The proposal under consideration establishes an ecopoint system applicable to heavy goods vehicles travelling through Austria for the year 2004 but does not place a ceiling on the number of transit journeys, which, in the original ecopoint system in Protocol No 9, is provided by the 108% clause. It is to be assumed that, if this ecopoint system is established without specifying such a ceiling, the number of transit journeys will increase enormously and the aim of the regulation, i.e. a sustainable and lasting reduction of pollution, will not be achieved. In order to take due account of the protection of vulnerable areas such as the Alpine region, and in view of the fact that the UN has designated 2002 the International Year of the Mountain, it should be ensured that the original ecopoint system is established for 2004, at least until pollution is reduced as agreed on a sustainable and lasting basis.

AMENDMENTS

The Committee on the Environment, Public Health and Consumer Policy calls on the Committee on Regional Policy, Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Commission proposal ¹	Amendments by Parliament
Amendment 1 Recital 1	
<p>(1) Article 11(2)(a) of Protocol No 9 to the Act of Accession of the Republic of Austria to the European Union stipulates that <i>the ecopoint system will lapse on 31 December 2003.</i></p>	<p>(1) Article 11(2)(a) of Protocol No 9 to the Act of Accession of the Republic of Austria to the European Union stipulates that <i>the total of NOx emissions from heavy goods vehicles crossing Austria in transit shall be reduced by 60% in the period between 1 January 1992 and 31 December 2003. This target has not yet been met, as confirmed by the European Environment Agency in its scientific study drawn up pursuant to Article 11(4) of Protocol No 9.</i></p>

¹ OJ. C x.

Justification

Protocol No 9 is part of the acquis communautaire and its objectives have not yet been met.

Amendment 2
Recital 1 a (new)

(1a) The Göteborg European Council of 15/16 June 2001 stressed in paragraph 29 of its conclusions that a sustainable transport policy should tackle rising volumes of traffic and levels of congestion, noise and pollution and encourage the use of environment-friendly modes of transport as well as the full internalisation of social and environmental costs. Furthermore, the Council noted that the Commission would propose a framework to ensure that by 2004 the price of using different modes of transport better reflects the costs to society.

Justification

Sustainability in the transport sector must be continuous. The establishment of the ecopoint system for 2004 therefore creates a transitional scheme, pending entry into force of the new road pricing directive, so as to ensure that the objectives of a sustainable reduction in pollution become a reality.

Amendment 3
Recital 1 b (new)

(1b) Much of the transit traffic in Austria passes through the especially vulnerable Alpine region and, owing to morphological and meteorological conditions, causes huge amounts of

pollution and noise, affecting both the environment and people, as confirmed in the study produced by the European Environment Agency (Road freight transport and the environment in mountainous areas, Technical Report No 68).

Justification

The Alps are an environmentally sensitive region requiring special protection.

Amendment 4
Recital 3 a (new)

(3a) The European Environment Agency notes that enlargement of the European Union is likely to result in a huge increase in transit traffic. The scope of this Regulation must therefore be extended in the course of enlargement to include the applicant countries.

Justification

The increase in transit traffic predicted as a result of enlargement of the European Union is likely to increase pollution. The scope of the Regulation must therefore be extended to cover the applicant countries joining the European Union.

Amendment 5
Recital 3 b (new)

(3b) The United Nations has declared 2002 the International Year of the Mountain and is promoting the protection and sustainable use of mountainous areas in order to ensure the well-being of people living in mountain and lowland areas.

Justification

The International Year of the Mountain should provide an opportunity for establishing an ecopoint system that ensures the best possible protection for the Alps.

Amendment 6
Recital 3 c (new)

(3c) The European Parliament's Environment Committee, in its vote of 11 July 2001, unanimously rejected the Commission's proposal to delete the quantitative limit on transit journeys (the 108% clause) from Protocol No 9.

Justification

Self-explanatory.

Amendment 7
Recital 3 d (new)

(3d) The European Parliament, in its resolution of 5 September 2001, called on the Commission to put forward a coherent transport strategy for the whole Alpine region from 2004 onwards which will in particular give due consideration to the environmental requirements of the Alpine region.

Justification

Self-explanatory.

Amendment 8
Recital 3 g (new)

(3g) The Convention on the protection of the Alps (Alpine Convention) signed by the European Union (OJ L 61, 12.3.1996) lays down that the volume of and dangers posed by intra-Alpine and trans-Alpine traffic are to be reduced to a level which is not harmful to humans, animals and plants and their habitats.

Justification

The ecopoint system for 2004 should take account of the Alpine Convention.

Amendment 9
Article 3, paragraph 2, point b a (new)

(ba) If, at the end of the year, the number of transit journeys exceeds the reference figure established for 1991 by more than 8%, the Commission, acting in accordance with the procedure laid down in Article 5, shall adopt appropriate measures in accordance with paragraph 2a (new) of Annex 2.

Justification

Reinstatement of Article 11(2)(c) of Protocol No 9. In order to achieve a lasting and sustainable reduction of pollution, and hence the objectives of Protocol No 9, technological improvements to lorries must be accompanied by a quantitative limit on transit journeys, such as has been a feature of the current ecopoint system, in Protocol No 9.

Amendment 10
Article 3, paragraph 3

3. If the framework proposal on charging for the use of infrastructure is not adopted by then, the terms of paragraph 2 will be extended for one further year and thereafter, if necessary, for a second year at most.

3. If the framework proposal on charging for the use of infrastructure is not adopted by then, ***and a lasting and sustainable reduction of NOx emissions from lorries on transit journeys is not guaranteed in accordance with the objective of the transit system***, the terms of paragraph 2 will be extended for one further year and thereafter, if necessary, for a second year at most. ***If the objective is not met on a lasting and environmentally sound basis by 31 December 2006 at the latest, the Council shall adopt Community measures ensuring equivalent protection of the environment, and in particular a reduction in pollution by 60%.***

Justification

A lasting and sustainable reduction in pollution must be ensured in accordance with Protocol No 9.

Amendment 11
Annex 1, third row, third column

Ecopoints for EU-15
9 422 488

Ecopoints for EU-15
9 321 531

Justification

To ensure a sustainable and lasting reduction of pollution, the number of ecopoints calculated in accordance with the relevant Council Regulation (cf. OJ L 241 of 26.9.2000, p. 18) for 2003, i.e. 9 321 531, should be used as the basis for 2004.

Amendment 12
Annex 2, paragraph 2 a (new)

2a. If Article 3(2)(ba) (new) applies, the number of ecopoints for the following year shall be established as follows:

The quarterly average NOx emission values for lorries in the current year, calculated in accordance with paragraph 2 above, will be extrapolated to produce the average NOx emission value anticipated for the following year. The forecast value, multiplied by 0.0658 and by the number of ecopoints for 1991 set out in Annex 4 to Protocol No 9, will be the number of ecopoints for the year in question.

Justification

Reinstatement of paragraph 3 of Annex 5 to Protocol No 9.