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*****III REPORT**

on the joint text approved by the Conciliation Committee for a European Parliament and Council regulation establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy
(PE-CONS 3689/2003 – C5-0562/2003 – 2001/0310(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Paolo Costa

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)

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PROCEDURAL PAGE

At its sitting of 12 February 2003 Parliament adopted its position at first reading 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 – 2001/0310(COD)).

At the sitting of 15 May 2003 the President of Parliament announced that the common position had been received and referred to the Committee on Regional Policy, Transport and Tourism (6235/1/2003 – C5-0226/2003).

At the sitting of 3 July 2003 Parliament adopted amendments to the common position.

By letter of 22 September 2003 the Council stated that it was unable to approve all Parliament's amendments.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 30 September 2003.

By letter of 17 November 2003 the President of Parliament informed the Council that it was necessary to extend the period for the work in committee, as laid down in Article 251(7) of the EC Treaty.

At its meetings of 11 and 25 November 2003 the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament.

At the last meeting, it reached agreement on a joint text.

At its meeting of 25 November 2003 the Parliament delegation approved the results of the conciliation by 9 votes to 5 and no abstention.

The following took part in the vote: Renzo Imbeni (Vice-President and chairman of the delegation), Paolo Costa (chairman of the Committee on Regional Policy, Transport and Tourism and rapporteur), Giovanni Claudio Fava, Markus Ferber, Konstantinos Hatzidakis, Juan de Dios Izquierdo Collado (for Brian Simpson), Georg Jarzembowski (for Charlotte Cederschiöld), Helmuth Markov, Emmanouil Mastorakis, Peter Pex (for Giorgos Dimitrakopoulos), Reinhard Rack, Giorgio Lisi, (for Françoise Grossetête), Hannes Swoboda and Johannes Voggenhuber.

On 26 November 2003 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure¹, and forwarded it to Parliament and the Council in all the official languages.

The report was tabled on 9 December 2003.

¹ OJ C 148, 28.5.1999, p. 1.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the joint text by the Conciliation Committee for a European Parliament and Council regulation on establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy

(PE-CONS 3689/2003 – C5-0562/2003 – 2001/0310(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee and the relevant Parliament, Council and Commission statement (PE-CONS 3689/2003 – C5-0562/2003),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2001) 807)²,
 - having regard to its position at second reading³ on the Council common position⁴,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2003) 531 - C5-0415/2003)⁵,
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 83 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A5-0475/2003),
1. Approves the joint text and draws attention to the Parliament, Council and Commission statement thereon;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published, together with the Parliament, Council and Commission statement thereon, in the Official Journal of the European Union;
 4. Instructs its President to forward this legislative resolution to the Council and Commission.

¹ Texts Adopted, 12.2.2003, P5_TA(2003)0048.

² OJ C 103 E, 30.4.2002, p. 230.

³ Texts Adopted, 3.7.2003 P5_TA(2003)0328.

⁴ OJ C 214 E, 9.9.2003, p. 1.

⁵ Not yet published in OJ.

EXPLANATORY STATEMENT

Background

1. On 21 December 2001, the Commission submitted a proposal for a regulation establishing an ecopoint system applicable to heavy goods vehicles travelling through Austria. The aim of this proposal is to extend the main elements of the present ecopoint system (which expires on 31 December 2003) for the year 2004. If the so-called Eurovignette proposal on infrastructure charging is not adopted by the end of 2004, the regulation will be extended for a maximum of two further years. In any case, it will expire at the latest on 31 December 2006. The system aims to reduce the negative environmental consequences resulting from the transit of lorries through Austria. It works by allocating a total number of points per year to each country which wishes its lorries to travel through Austria. Each time a lorry transits through Austria it uses up a certain number of points, based on its emissions of nitrogen oxide (NOx). The more pollution a lorry generates, the more points it uses.
2. On 12 February 2003, Parliament adopted its position at first reading containing 16 amendments to the Commission proposal. The Council adopted its common position on 28 March 2003. At the second reading, on 3 July 2003, Parliament adopted 17 amendments to the Council common position. The Council was unable to accept these amendments, which meant that the conciliation committee was convened.

Conciliation

3. Parliament's delegation to the conciliation committee held its constituent meeting on 3 September 2003 and its members instructed the chairman, Mr Imbeni, the chairman of the committee responsible and rapporteur, Mr Costa, and Mr Hatzidakis to enter into informal negotiations with the Council.
4. The first meeting of the conciliation committee was held in the evening of 11 November 2003 under the joint chairmanship of Mr Imbeni, vice chairman, and Mr Uggé, Italian Secretary of State for Transport. The discussion in this meeting concentrated on the extent of the future quota system and the categories of vehicles which could be excluded from the system. No agreement could be reached and the Commission was invited to prepare a range of statistical data with a view to obtaining a clearer picture of the various scenarios proposed.
5. At the second meeting of the conciliation committee in the evening of 25 November 2003, at 23.30 hours, after more than four hours of negotiation, a compromise was reached covering all the unresolved issues.
6. The following components of the agreements deserve particular mention:
 - Territorial coverage
The Parliament's second reading had called for the system to be restricted to the Austrian Alps and, in particular, to the three main Alpine passes (Brenner, Tauern,

and Phyrn). The Council and the Commission insisted that the transitional regime continue to apply to the entire Austrian territory. In the conciliation committee, the Parliament agreed to the application of the new rules to the whole Austrian territory.

- Ban on the most polluting lorries
The transit of the most polluting lorries (those using more than 8 points) will be banned from 1 January 2004. An exemption to this rule has been agreed for lorries registered in Greece and for highly specialised vehicles.
 - Quota system
A quota system for older and more polluting vehicles (those using 6,7 or 8 points) will be introduced. Under this system, one ecopoint is equivalent to one unit of NOx. Each heavy goods vehicle must "pay" the value of ecopoints equivalent to its emission level each time the vehicles transits through Austria. The lower the vehicle's NOx emissions, the less it pays. The annual quota was set at 6.593,479 points for 2004 with reductions of 5% successively in 2005 and 2006.
 - Free passage for environment-friendly lorries
In order to encourage the use of environment-friendly lorries, the Parliament's second reading called for unrestricted transit for environment-friendly lorries. Under the agreement reached the transit for lorries which would have used 5 points or less will be unrestricted. These lorries are not covered by the quota system.
 - Enlargement
Parliament's second reading called for an extension of the points system to the acceding countries (from May 2004). The Council accepted the proposed extension and the conciliation committee reached an agreement on the total number of points for each of the new countries. An Interinstitutional Declaration, annexed to the present piece of legislation, specifies the number of transit points to be attributed to each of the acceding countries.
7. Following the meeting of the conciliation committee, between 23.30 and 24.00 hours, a joint press conference took place at which the Co-chairs of the meeting, the Rapporteur and the Commissioner responded to questions from Austrian journalists.

Conclusions

8. The European Parliament delegation is satisfied with the agreement reached, as it achieves a good balance between liberalisation of transit traffic and environmental considerations. The delegation wishes to thank the Italian Council Presidency and the Commission for the constructive cooperation. It recommends to Parliament that it adopt the attached joint text.