

## **P5\_TA(2003)0328**

### **Transitional transit system applicable to heavy goods vehicles travelling through Austria for 2004 \*\*\*II**

**European Parliament legislative resolution the common position adopted by the Council with a view to the adoption of a regulation of the European Parliament and of the Council establishing a transitional transit system applicable to heavy goods vehicles travelling through Austria for 2004 (6235/1/2003 – C5-0226/2003 – 2001/0310(COD))**

**(Codecision procedure: second reading)**

*The European Parliament,*

- having regard to the Council common position (6235/1/2003 – C5-0226/2003)<sup>1</sup>,
  - having regard to its position at first reading<sup>2</sup> on the Commission proposal to Parliament and the Council (COM(2001) 807)<sup>3</sup>,
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 80 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Regional Policy, Transport and Tourism (A5-0213/2003),
1. Amends the common position as follows;
  2. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> Not yet published in the Official Journal.

<sup>2</sup> P5\_TA(2003)0048.

<sup>3</sup> OJ C 103 E, 30.4.2002, p. 230.

## P5\_TC2-COD(2001)0310

**Position of the European Parliament adopted at second reading on 3 July 2003 with a view to the adoption of European Parliament and Council Regulation (EC) No .../2003 establishing a transitional *points* system applicable to heavy goods vehicles travelling through Austria for 2004 *within the framework of a sustainable transport policy for the sensitive Alpine region***

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) thereof,

Having regard to the proposal from the Commission <sup>1</sup>,

Having regard to the Opinion of the European Economic and Social Committee <sup>2</sup>,

Having regard to the opinion of the Committee of the Regions <sup>3</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>4</sup>,

Whereas:

- (1) Article 11(2)(a) of Protocol 9 to the Act of Accession of the Republic of Austria to the European Union <sup>5</sup> stipulates that the ecopoint system will lapse on 31 December 2003.

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<sup>1</sup> OJ C 103 E, 30.4.2002, p. 230.

<sup>2</sup> OJ C 221, 17.9.2002, p. 84.

<sup>3</sup> OJ C

<sup>4</sup> *Position* of the European Parliament of 12 February 2003 (not yet published in the Official Journal), Council Common Position of 28 March 2003 (not yet published in the Official Journal) and *Position* of the European Parliament of 3 July 2003.

<sup>5</sup> OJ C 241, 29.8.1994, p. 361.

- (2) Paragraph 58 of the conclusions of the Laeken European Council of 14 and 15 December 2001 requested that the ecopoint system be extended as a temporary solution. This extension is in keeping with policy on environmental protection in vulnerable areas such as the Alpine region. Paragraph 35 of the conclusions of the Copenhagen European Council of 12 and 13 December 2002 requested the Council to adopt, before the end of 2002, a Regulation on the interim solution for the transit of heavy goods vehicles through Austria 2004-2006.
- (3) This measure is required pending adoption of the framework proposal on charging for the use of infrastructure, as set out in the White Paper on European transport policy for 2010 which the Commission has declared it intends to present in 2003.
- (4) *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 heavy goods vehicles.*
- (5) *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 should therefore be extended with a view to enlargement to include the applicant countries.*
- (6) *The United Nations declared 2002 the International Year of Mountains and has been promoting the protection and sustainable use of mountain areas in order to ensure the well-being of people living in both mountain and lowland areas.*
- (7) *The Convention on the protection of the Alps (Alpine Convention), signed and approved by the European Community<sup>1</sup>, lays down various rules to reduce heavy goods traffic in the Alpine area. In particular, it provides that the volume of and dangers posed by intra-Alpine and transalpine traffic are to be reduced to a level which is not harmful to humans, animals and plants and their habitats.*

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<sup>1</sup> Council Decision 96/191/EC of 26 February 1996 (OJ L 61, 12.3.1996, p. 31).

- (8) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup>.
- (9) ***It is essential to find non-discriminatory solutions to reconcile the obligations deriving from the Treaty (including Articles 6, 51(1) and 71), 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 Agreement.***
- (10) A transitional ***points*** system should therefore be established for the year 2004,

HAVE ADOPTED THIS REGULATION:

#### Article 1

For the purposes of this Regulation the following definitions shall apply:

- (a) "vehicle" means vehicle as defined in Article 2 of Council Regulation (EEC) No 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States <sup>2</sup>;
- (b) "international carriage" means international carriage as defined in Article 2 of Regulation (EEC) No 881/92;

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<sup>1</sup> OJ L 184, 17.7.1999, p. 23.

<sup>2</sup> OJ L 95, 9.4.1992, p. 1. Regulation as last amended by Regulation (EC) No 484/2002 of the European Parliament and of the Council (OJ L 76, 19.3.2002, p. 1).

- (c) "transit traffic through *the Austrian Alps*" means traffic through *the Austrian Alps* from a point of departure to a point of arrival, both of which lie outside Austria;
- (d) "heavy goods vehicle" means *any* motor *vehicle* with a maximum authorised weight of more than 7.5 tonnes registered in a Member State and designed for the transport of freight and *any* trailer or semi-trailer *combination* with a maximum authorised weight of more than 7.5 tonnes drawn by a motor vehicle with a maximum authorised vehicle weight not exceeding 7.5 tonnes registered in a Member State;
- (e) "transit of goods by road through *the Austrian Alps*" means transit traffic of heavy goods vehicles through *the Austrian Alps*, whether such vehicles are loaded or empty;
- (f) "bilateral journeys" means international journeys on routes carried out by a given vehicle where the point of departure or point of arrival is located in Austria and the respective point of arrival or point of departure is located in another Member State and where unloaded journeys are carried out in conjunction with these journeys;
- (g) "*sensitive Alpine region*" means *the transfrontier area comprising the whole of the Alpine arc as defined in geographical terms in the Alpine Convention.*

## Article 2

This Regulation shall apply to the international carriage of goods by road on journeys carried out within the territory of the Community. The transitional *points* system implies no direct limitation in the number of transits through *the Austrian Alps*.

### Article 3

1. For journeys which involve transit of goods by road through *the Austrian Alps*, the regime established for journeys on own account and for journeys for hire or reward under the First Council Directive on the establishment of common rules for certain types of carriage of goods by road of 23 July 1962 <sup>1</sup> and Regulation (EEC) No 881/92 shall apply subject to the provisions of this Article.

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

- (a) The transit of Euro 4-standard heavy goods vehicles is not subject to the transitional ***points*** system;
- (b) The transit of Euro-0 heavy goods vehicles is prohibited, ***except in 2004***;
- (c) The total NO<sub>x</sub> emissions from heavy goods vehicles crossing Austria in transit shall be set according to the values given for the year concerned in Annex I;
- (d) ***The total NO<sub>x</sub> emissions attributable to heavy goods vehicles shall be determined on the basis of the former ecopoint system as laid down in Protocol 9 to the Act of Accession of the Republic of Austria to the European Union.*** Under that system any heavy goods ***vehicle shall*** require, ***in order to cross the Austrian Alps***, a number of points equivalent to its NO<sub>x</sub> 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 II.

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<sup>1</sup> OJ L 70, 6.8.1962, p. 2005. Directive as last amended by Regulation (EEC) No 881/92.

- (e) Austria shall issue and make available in good time the points required for the administration of the transitional *points* system, pursuant to Annex II, for heavy goods vehicles crossing *the Austrian Alps* in transit.
- (f) The total quota for NOx emissions allowed in 2004 is equivalent to the total quota allowed under the ecopoint system in 2003 and shall be managed and distributed by the Commission among Member States *according to* the same principles as those applicable to the ecopoint system in 2003, *in conformity with* the provisions of Regulation (EC) No 3298/94<sup>1</sup>;
- (g) The reallocation of points of the Community reserve shall be weighted according to the criteria mentioned in Article 8(2) of Regulation (EC) No 3298/94 and, more particularly, according to the effective use of the points allocated to Member *States*.

3. If the *legislation* on charging for the use of infrastructure *has not entered into force by the end of 2004, the use of environment-friendly heavy goods vehicles 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 system<sup>2</sup> for EURO 0, 1, and 2 heavy goods vehicles<sup>3</sup>,*

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<sup>1</sup> Commission Regulation (EC) No 3298/94 of 21 December 1994 laying down detailed measures concerning the system of rights of transit (ecopoints) for heavy goods vehicles transiting through Austria, (OJ L 341, 30.12.1994, p. 20). Regulation as last amended by Council Regulation (EC) No 2012/2000 (OJ L 241, 26.9.2000, p. 18).

<sup>2</sup> *The quotas will be based on the 2002 ecopoint quotas.*

<sup>3</sup> *Heavy goods vehicles complying with emission standards as defined in Council Directive 91/542/EEC of 1 October 1991 amending Directive 88/77/EEC on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles (OJ L 295, 25.10.1991, p. 1) and in Directive 1999/96/EC of the European Parliament and of the Council of 13 December 1999 on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Council Directive 88/77/EEC (OJ L 44, 16.2.2000, p. 1).*

- *unrestricted transit for EURO 3 heavy goods vehicles.*

*In 2005 and 2006:*

- *no transit for EURO 0 and 1 heavy goods vehicles,*
- *quota system for EURO 2 heavy goods vehicles,*
- *unrestricted transit for EURO 3 and 4 heavy goods vehicles.*

*After 2006, no quota system shall be applied.*

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

- *fix the number of points in accordance with paragraph 2(d);*
- *adopt detailed measures concerning the procedures relating to the transitional points system, the distribution of points 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 this Article and the Annexes, taking account of the accession of central and eastern European countries in 2004.*

#### Article 4

1. As long as the provisions of Article 3(2) and, *where* appropriate, of Article 3(3) apply, the Member States, under their mutual cooperation arrangements, shall take any necessary measures compatible with the Treaty against misuse of the transitional *points* system.



**2. 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 Lyon to Turin route (Fréjus), and others. That policy shall be based on the one hand on the objective obligations incumbent on the European Union and its Member States under the provisions of the Treaty, the Alpine Convention and other binding instruments, and on the other hand, in so far as legislation permits, on the principles set out by the Commission in its White Paper on European transport policy for 2010 with regard to 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(3).**

3. Hauliers with a Community authorisation issued by the competent authorities in Austria shall not be entitled to carry goods on international journeys where neither loading nor unloading takes place in Austria. All such journeys involving transit through *the Austrian Alps* shall, however, be subject to the provisions of Article 3.

4. To the extent necessary, any monitoring methods including electronic systems relating to the implementation of Article 3 shall be decided in accordance with the procedure laid down in Article 5.

**5. The countries affected by this Regulation shall be called upon to include in the existing system the necessary checks to ascertain whether NO<sub>x</sub> emissions from heavy goods vehicles actually correspond to the COP value or type-approval value.**

## Article 5

1. The Commission shall be assisted by a committee.
2. Where reference is made to this Article, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. The Committee shall adopt its Rules of Procedure.

## Article 6

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ,

For the European Parliament  
The President

For the Council  
The President

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## ANNEX I

### Points Quotum Bands

Year	Points for EU-15	
1991	23 556 220 (100 %)	
	Quotum bands	
	Maximum	Minimum
2004	9 422 488 (40%)	9 422 488 (40%)
2005	9 422 488 (40%)	9 186 926 (39%) - 8 951 364 (38%)
2006	9 422 488 (40%)	8 951 364 (38%) - 8 221 121 (34,9%)

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## ANNEX II

### CALCULATION AND ADMINISTRATION OF THE POINTS

1. The following documents must be submitted by the driver of a heavy goods vehicle each time it crosses the Austrian border (in any direction):
  - (a) a document showing the COP value for NO<sub>x</sub> emissions from the vehicle in question;
  - (b) a valid *points* card issued by the competent authority.

Concerning (a):

In the case of EURO 0, EURO 1, EURO 2, EURO 3-standards heavy goods vehicles registered after 1 October 1990, the document showing the COP value must be a certificate issued by the competent authority giving details of an official COP value for NO<sub>x</sub> emissions or the type-approval certificate showing the date of approval and value established for type-approval purposes. In the latter case the COP value will be the type-approval value plus 10%. Once such a value has been determined for a vehicle it cannot be changed during the vehicle's life.

In the case of heavy goods vehicles registered before 1 October 1990 and heavy goods vehicles for which no certificate is submitted, a COP value of 15.8 g/kWh will be set.

Concerning (b):

The *points* card/ecotag contains a certain number of points and is endorsed as follows on the basis of the COP value for the vehicles in question:

- (1) Each g/kWh of NO<sub>x</sub>, calculated according to paragraph 1(a), counts as one point.
  - (2) NO<sub>x</sub> emission values are rounded up to the next full point if the decimal is 0.5 or more, otherwise they are rounded down.
2. At three-month intervals the Commission, acting in compliance with the procedure laid down in Article 5, calculates the number of journeys and the average level of NO<sub>x</sub> emission from heavy goods vehicles and maintains statistical records broken down according to nationality.

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