Common position

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
COUNCIL OF THE EUROPEAN UNION

Brussels, 15 April 2003
(OR. en)

7845/03

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COWEB 48
TRANS 83

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Council Decision on the signing, on behalf of the Community, and provisional application of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Croatia concerning the system of ecopoints to be applied to Croatian transit traffic through Austria as from 1 January 2003
COUNCIL DECISION

of

on the signing, on behalf of the Community, and provisional application
of an Agreement in the form of an Exchange of Letters
between the European Community and the Republic of Croatia
concerning the system of ecopoints to be applied to Croatian transit traffic
through Austria as from 1 January 2003

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1),
in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission ¹,

¹ OJ C
Whereas:

(1) The Commission has negotiated an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Croatia concerning the system of ecopoints to be applied to Croatian transit traffic through Austria.

(2) Subject to its possible conclusion at a later date, the Agreement initialled on 15 November 2001 should be signed.

(3) Provision should be made for the provisional application of the Agreement from 1 January 2003,

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Croatia concerning the system of ecopoints to be applied to Croatian transit traffic through Austria as from 1 January 2003 is hereby approved on behalf of the Community, subject to the Council Decision concerning the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.
Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community, subject to its conclusion.

Article 3

Subject to reciprocity, the Agreement referred to in Article 1 shall be applied on a provisional basis from 1 January 2003, pending the completion of the procedures for its formal conclusion.

Article 4

This Decision shall be published in the Official Journal of the European Union.

Done at Brussels,

For the Council
The President
AGREEMENT
IN THE FORM OF AN EXCHANGE OF LETTERS
BETWEEN THE EUROPEAN COMMUNITY AND
THE REPUBLIC OF CROATIA
CONCERNING THE SYSTEM OF ECOPOINTS
TO BE APPLIED TO CROATIAN TRANSIT TRAFFIC
THROUGH AUSTRIA AS FROM 1 JANUARY 2003
A. Letter from the European Community

Sir,

I have the honour to inform you that, following negotiations between the delegation of the Republic of Croatia and the delegation of the European Community, in accordance with the provisions of Article 2(2)(b) of the Protocol 6 to the Interim Agreement between the European Community and the Republic of Croatia, the following has been agreed:

1. Ecopoints (Rights of Transit) for Croatian heavy goods vehicles transiting through Austria allocated for 2003: 171,904 ecopoints.

   Additional ecopoints allocated for Croatian users of the Rollende Landstrasse (RoLa) (up to a maximum of 40% of the total number of ecopoints for 2003): 68,762 ecopoints.

   Ecopoints for RoLa users shall be allocated to the Croatian authorities, on the basis of ecopoints for two road journeys for every two round trips made on RoLa.

   The Austrian companies for combined transport, will regularly provide each month information to the Ministry of Maritime Affairs, Transport and Communications of the Republic of Croatia concerning Croatian users of combined transport in transit through Austria.

   Transit journeys made in the circumstances listed in Annex A or under ECMT authorisations shall be exempt from the ecopoints system.
2. The driver of a Croatian heavy goods vehicle on the territory of Austria shall carry, and shall make available for inspection at the request of the supervisory authorities, either:

(a) a duly completed standard form or an Austrian certificate confirming payment of the ecopoints for the journey in question, modelled on Annex B, hereinafter referred to as "the ecocard"; or

(b) an electronic device, fitted to the motor vehicle which enables the automatic debiting of ecopoints, hereinafter referred to as "the ecotag"; or

(c) appropriate documentation to demonstrate that an ecopoint-free transit journey, as defined in Annex A or under ECMT authorisation is being made; or

(d) appropriate documentation to demonstrate that a non-transit journey is being made, and when the vehicle is fitted with an ecotag, the ecotag is set for this purpose.

The competent Austrian authorities shall issue the ecocard against payment of the cost of production and distribution of ecopoints and ecocards.

3. Ecotags shall be manufactured, programmed and installed in accordance with the general technical specifications laid down in Annex C. The Ministry of Maritime Affairs, Transport and Communications of the Republic of Croatia is authorised to approve, programme and install the ecotags.
The ecotag shall be programmed to contain information on the country of registration and the \( \text{NO}_x \) value of the motor vehicle, as stated in the conformity of production (COP) document, as defined in paragraph 4.

The ecotag shall be affixed to the windscreen of the motor vehicle. It shall be positioned in accordance with Annex D. It shall be non-transferable.

4. The driver of a Croatian heavy goods vehicle registered on or after 1 October 1990 shall also carry, and produce upon request, a COP document, modelled on Annex E, as evidence of the \( \text{NO}_x \) emissions of that vehicle. Heavy goods vehicles first registered before 1 October 1990 or in respect of which no document is produced shall be assumed to have a COP value of 15.8 g/kWh.

5. The Ministry of Maritime Affairs, Transport and Communications of the Republic of Croatia is authorised to issue the documents and ecotags referred to in points 2 to 4.

6. Unless a vehicle is using an ecotag, the requisite number of ecopoints shall be affixed to the ecocard and cancelled. The ecocard shall be cancelled by any one of the following methods:

(a) stamping the ecocard in an ecocard stamping machine;

(b) having the ecocard stamped by the Austrian border control authorities upon entering Austria;
(c) having the ecocard stamped and dated by the national authorities of the haulier before entering Austrian territory;

(d) having the ecocard stamped at an office where the initialisation of ecotags is performed.

Austrian frontier stations that are equipped with an ecocard stamping machine are listed in Annex F.

For statistical purposes page 1 of the completed ecocard shall either be collected by the Austrian authorities or subsequently returned by the competent authorities within three months of the completion of the journey to the Austrian authorities. The statistics thus collected shall assist the Commission in making any proposal for the distribution the reserve of ecopoints.

If the vehicle is fitted with an ecotag, upon confirmation of its undertaking a transit journey requiring ecopoints, a number of ecopoints, equivalent to the NOx emission information stored in the ecotag of the vehicle, shall be deducted from the total of ecopoints allocated to the Republic of Croatia. This shall be done by infrastructure provided and operated by the Austrian authorities.

For vehicles fitted with ecotags that are making bilateral journeys they must set the ecotag to demonstrate that a non-transit journey is being made prior to entering Austrian territory.
In the case where an ecocard is used and where a tractor unit is switched during a transit journey, the proof of payment on entry shall remain valid and be retained. Where the COP value of the new tractor unit exceeds that indicated on the form, additional ecopoints, affixed to a new card, shall be cancelled on leaving the country.

7. Continuous journeys which involve crossing the Austrian frontier once by train, whether by conventional rail transport or in a combined transport operation, and crossing the frontier by road before or after crossing by rail, shall be regarded not as transit of goods by road through Austria but as bilateral journeys.

Continuous transit journeys through Austria using the following rail terminals shall be deemed as bilateral journeys:

Fürnitz, Villach Süd, Sillian, Innsbruck/Hall, Brennersee, Graz.

8. Ecopoints shall be valid between 1 January of the year for which they are attributed and 31 January of the following year.

9. Infringements of this Agreement by a driver of a Croatian heavy goods vehicle or an undertaking shall be prosecuted in accordance with the national legislation in force.

The Commission and the competent authorities of Austria and Croatia shall, each within the limits of their jurisdiction, provide each other with administrative assistance in investigating and prosecuting these infringements, in particular by ensuring that ecocards and ecotags are correctly used and handled.
Controls may be carried out at a point other than the internal border, at the discretion of the European Community Member State, with due regard to the principle of non-discrimination.

10. The Austrian supervisory authorities may, having due regard to the principles of proportionality, take appropriate measures if a vehicle is fitted with an ecotag and at least one of the following situations occur:

(a) the vehicle or the operator of the vehicle has repeatedly committed infringements;

(b) there are insufficient ecopoints remaining in the allocation of Croatia;

(c) the ecotag has been tampered with or has been changed by a party other than those authorised in point 3;

(d) Croatia has not allocated sufficient ecopoints for the vehicle to make a transit journey;

(e) the vehicle does not have appropriate documentation in accordance with paragraphs (c) or (d) of point 2 to justify why the ecotag has been set to demonstrate that a non-transit journey is being made on Austrian territory;

(f) when the ecotag specified in Annex C is not loaded with sufficient ecopoints to make a transit journey.
The Austrian supervisory authorities may, having due regard to the principle of proportionality, take appropriate measures if a vehicle is not fitted with an ecotag and at least one of the following situations occurs:

(a) an ecocard is not presented to the supervisory authorities in accordance with the provisions of this Agreement;

(b) an ecocard is presented which is incomplete or incorrect, or where the ecopoints are not correctly affixed;

(c) the vehicle does not possess the appropriate documentation to justify that it does not need ecopoints;

(d) the ecocard has not been cancelled in accordance with the procedure laid down in point 6.

11. The printed ecopoints which are intended for affixing to ecocards shall be made available each year before 1 November of the preceding year.

12. In the case of vehicles registered before 1 October 1990 which have had a change of engine since this date, the COP value of the new engine shall apply. In such a case the certificate issued by the appropriate authority shall mention the change of engine and give details of the new COP value for NOx emissions.
13. A transit journey shall be exempt from the payment of ecopoints if the following three conditions are met:

(a) the sole purpose of the journey is to delivery a brand new vehicle, or vehicle combination, from the manufacturers to a destination in another State;

(b) no goods are transported on the journey;

(c) the vehicle or vehicle combination has appropriate international registration papers and export licence plates.

14. A transit journey shall be exempt from the payment of ecopoints if it is the unladen leg of a journey exempt from ecopoints as listed in Annex A and the vehicle carries suitable documentation to demonstrate this. Such suitable documentation shall be either:

(a) a bill of lading, or

(b) a completed ecocard to which no ecopoints have been attached, or

(c) a completed ecocard with ecopoints, which are subsequently reinstated.
15. Any problems arising from the management of this regime of ecopoints shall be submitted to the Community/the Republic of Croatia Interim Sub-Committee on Transport provided for in Article 41 of the Interim Agreement which shall assess the situation and recommend appropriate actions. Any measure to be taken shall be implemented immediately, shall be proportional and of non-discriminatory nature.

I should be obliged if you would confirm the agreement of your Government to the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of
the Council of the European Union
JOURNEYS FOR WHICH NO ECOPORTS ARE REQUIRED

1. The occasional transport of goods to and from airports when flights are diverted.

2. The carriage of baggage in trailers attached to passenger vehicles, and the carriage of baggage to and from airports by vehicles of all kinds.

3. The carriage of postal consignments.

4. The carriage of damaged vehicles or vehicles in need of repair.

5. The carriage of waste and sewage.

6. The carriage of animal carcasses for disposal.

7. The carriage of bees and fish spawn.

8. The transport of corpses.

9. The carriage of works of art for exhibition or commercial purposes.

10. The occasional carriage of goods for advertising or educational purposes.

11. The carriage of goods by removal firms possessing the appropriate personnel and equipment.
12. The carriage of equipment, accessories and animals to and from theatrical, musical, cinema, sporting or circus events, exhibitions or fairs, or to and from radio, cinema or television recordings.

13. The carriage of spare parts for ships and aircraft.

14. The empty journey of a goods vehicle sent to replace a vehicle that has broken down in transit and the continuation of the journey by the replacement vehicle using the authorisation issued for the first vehicle.

15. The carriage of emergency medical aid (particularly in the case of natural disasters).

16. The carriage of valuable goods (e.g. precious metals) in special vehicles escorted by the police or another security service.
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<th>Raum zum Aufkleben der Ökopunkte-Marken</th>
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<th>Spazio per l'apposizione degli Ecopunti</th>
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Erfolgt die Entwertung der Ökokarte nicht durch eine Kontrollstelle in der Republik Österreich (EU-Binnengrenze), so ist die Genehmigung im Feld 24 vor Antritt der Fahrt durch Eintragung von Grenzübergangsstelle und Eintrittsdatum von den zuständigen Organen des Mitgliedsstaates, in dem das Fahrzeug zugelassen ist, auszufüllen.

If, when entering the country via an internal EU frontier, the cancellation of the ecocard is not performed at a control point in the Republic of Austria, then box 24 shall be completed in advance by the relevant national authority in the country where the vehicle is registered and shall also indicate the frontier post used and date of entry.

Se la cancellazione dell’ecocarta non viene effettuata presso un punto di controllo nella Repubblica Austriaca (frontiera interna UE), l’autorizzazione nella casella 24 deve essere compilata prima del viaggio dalle autorità competenti dello Stato membro nel quale è immatricolato il veicolo.
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The Eacon card is available at the following address:

Österreichische Staatsdruckerei
Rennweg 16
Postfach 129
A-1037 Wien

The Eacon card is da ricevere solamente dal segnente indirizzo:

Österreichische Staatsdruckerei
Rennweg 16
Telefon (0222) 797 89 279
Postfach 129
Telefax (0222) 797 89 536
A-1037 Wien
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Austrian Border Customs Offices
(Fronteri posti)

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Internationale (Europäische) Kennzeichen / International (European) distinguishing signs / Targhi internazionali (Europeo)

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Österreichische Staatsdruckerkell
Rennweg 16
Telefon (0222) 797 89 279
Postfach 129
Telefax (0222) 797 89 536
A-1037 Wien

Die Ökocarte ist ausschließlich unter folgender Adresse zu beziehen:
The Ökocarte is available only at the following address:

L’Ecocarta è disponibile solo presso l’indirizzo seguente:

© Österreichische Staatsdruckerei

EL/CE/HR/Annex B/en 6
ANNEX C

GENERAL TECHNICAL SPECIFICATIONS OF THE ECOTAG
Short-range communication beacon – vehicle

(Pre)standards and technical reports relevant to DSRC

The following requirements provided by CEN/TC 278 with regard to short-range communication between the vehicles and the roadside infrastructure are to be met:

(a) prENV278/No 62 "DSRC physical layer using microwave at 5,8 GHz";

(b) prENV278/No 64 "DSRC data link layer";

(c) prENV278/No 65 "DSRC application layer".

Type test

The supplier of the ecotag must provide type-test certificates for the appliances from an accredited test institute conforming compliance with all the limit values specified in the current I-ETS 300674.

Operating conditions
The ecotag for the automatic ecopoint system must guarantee the required functionality under the following operating conditions:

- ambient conditions: temperature from -25 °C to +70 °C,
- weather conditions: all eventualities,
- traffic: several lanes, moving,
- speed range: from "stop-and-go" to 120 km/h.

The above operating conditions are minimum requirements pending the adoption of (pre)standards relevant to DSRC.

The ecotag may react only to microwave signals specific to its own applications.

**Ecotag Identification**

Each ecotag must have a unique identification number. In addition to the number of digits necessary to make it distinguishable, this number must also contain a check sum for integrity verification.
Installation

The ecotag should be designed for installation behind the windscreen of the lorry or traction unit. It shall be installed so as to be completely non-detachable from the vehicle.

Transit declaration

The ecotag must have an input facility for declaring a journey exempt from the payment of ecopoints.

The facility must be clearly visible on the ecotag for control purposes; alternatively, it must be possible to set the ecotag at a defined initial position. At all events, it must be ensured that only the status at the time of entry is taken into account for evaluation in the system.

External marking

Every ecotag must also be clearly identifiable on visual inspection. To this end, the abovementioned unique identification number must be indelibly applied to the surface of the appliance.

A non-detachable, indelible marking to the ecotag in the form of prepared stickers shall be affixed to the ecotag. This marking must show the number of ecopoints for the individual vehicle ("5", "6", ... "16").
These special stickers must be tamper-proof; they must have mechanical strength and be light- and temperature-resistant. They must have a high adhesive strength and any attempt to remove them must result in their destruction.

Integrity

The casing must be constructed in such way that any manipulation of the internal components is excluded and any interference can subsequently be detected.

Memory

The ecotag must have sufficient memory capacity for the following data:

- identification number,
- vehicle data:
  - COP value,
  - transaction data:
  - identification of the border post,
  - date/time,
  - status of journey declaration,
  - blocking (blacklisting) information,
- status data:
  - manipulation,
  - battery status,
  - status of latest communication.

There must be a reserve of memory of at least 30%.
The ecotag shall be located on the interior side of the windscreen within the marked area illustrated above, where the dimensions are as follows:

\[ x = 100 \text{ cm} \]
\[ y = 80 \text{ cm} \]
### COP DOCUMENT

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<tr>
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| 1) | Fortlaufende Dokumentnummer: 
| 2) | Nationalität: 
| 3) | Amtliches Kennzeichen: 
| 4) | Datum der Erstzulassung: 
| 4a) | Motor wurde getauscht am: 
| 5) | EWG-Betriebsfahrzeurnummer: 
| 6) | Fahrzeugidentifizierungsnummer: 
| 7) | NOx Emission: 
| 8) | COP Wert (Taugenhehigung + 10%): 
| 9) | Anzahl Ökopunkte: 
| 10) | Behördenstempel: 
| 11) | Herstellerbestätigung (nach Bedarf): 
| 12) | Official stamp: 
| 13) | Timbro ufficiale: 

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Der Lenker eines Lkw im Gütertransitverkehr durch Österreich hat dieses Dokument mitzuführen und den Kontrollorganen zur Kontrolle vorzuweisen. Wird das Dokument nicht vorgewiesen, sind für die Fahrt 16 Ökopunkte auf die Ökokarte aufzukleben und zu entwerfen.

The driver of an HGV in transit through Austria must carry this document with him/her and present it to control authorities for inspection. If the document is not presented for inspection then 16 Ecopoints are to be affixed to the Ecocard and cancelled.

Il conducente di un camion in transito attraverso l’Austria deve avere con sé questo documento e deve presentarlo alle Autorità competenti per il controllo. In caso di mancata presentazione del documento, 16 Ecopunti verranno applicati sull’Ecocard e annullati.
AUSTRIAN border stations equipped with an ecocard-stamping machine

Achenkirch
Arnoldstein
Braunau
Brennerpaß
Ehrwald
Hangendenstein
Hörbranz
Kiefersfelden
Musau
Nauders
Neuhaus
Pinswang
Reit im Winkl
Saalbrücke
Scharnitz
Schleching
Sillian
Springen
Suben
Steinpaß
Walserberg
Wegscheid
B. Letter from the Republic of Croatia

Sir,

I have the honour to refer to your letter of ……, in which you inform me of the following:

"I have the honour to inform you that, following negotiations between the delegation of the Republic of Croatia and the delegation of the European Community, in accordance with the provisions of Article 2, paragraph 2(b) of the Protocol 6 to the Interim Agreement between the European Community and the Republic of Croatia, the following has been agreed:

1. Ecopoints (Rights of Transit) for Croatian heavy goods vehicles transiting through Austria allocated for 2003: 171 904 ecopoints.

   Additional ecopoints allocated for Croatian users of the Rollende Landstrasse (RoLa) (up to a maximum of 40% of the total number of ecopoints for 2003): 68 762 ecopoints.

   Ecopoints for RoLa users shall be allocated to the Croatian authorities, on the basis of ecopoints for two road journeys for every two round trips made on RoLa.

   The Austrian companies for combined transport, will regularly provide each month information to the Ministry of Maritime Affairs, Transport and Communications of the Republic of Croatia concerning Croatian users of combined transport in transit through Austria.

   Transit journeys made in the circumstances listed in Annex A or under ECMT authorisations shall be exempt from the ecopoints system."
2. The driver of a Croatian heavy goods vehicle on the territory of Austria shall carry, and shall make available for inspection at the request of the supervisory authorities, either:

(a) a duly completed standard form or an Austrian certificate confirming payment of the ecopoints for the journey in question, modelled on Annex B, hereinafter referred to as "the ecocard"; or

(b) an electronic device, fitted to the motor vehicle which enables the automatic debiting of ecopoints, hereinafter referred to as "the ecotag"; or

(c) appropriate documentation to demonstrate that an ecopoint-free transit journey, as defined in Annex A or under ECMT authorisation is being made; or

(d) appropriate documentation to demonstrate that a non-transit journey is being made, and when the vehicle is fitted with an ecotag, the ecotag is set for this purpose.

The competent Austrian authorities shall issue the ecocard against payment of the cost of production and distribution of ecopoints and ecocards.

3. Ecotags shall be manufactured, programmed and installed in accordance with the general technical specifications laid down in Annex C. The Ministry of Maritime Affairs, Transport and Communications of the Republic of Croatia is authorised to approve, programme and install the ecotags.
The ecotag shall be programmed to contain information on the country of registration and the NO\textsubscript{x} value of the motor vehicle, as stated in the conformity of production (COP) document, as defined in paragraph 4.

The ecotag shall be affixed to the windscreen of the motor vehicle. It shall be positioned in accordance with Annex D. It shall be non-transferable.

4. The driver of a Croatian heavy goods vehicle registered on or after 1 October 1990 shall also carry, and produce upon request, a COP document, modelled on Annex E, as evidence of the NO\textsubscript{x} emissions of that vehicle. Heavy goods vehicles first registered before 1 October 1990 or in respect of which no document is produced shall be assumed to have a COP value of 15,8 g/kWh.

5. The Ministry of Maritime Affairs, Transport and Communications of the Republic of Croatia is authorised to issue the documents and ecotags referred to in points 2 to 4.

6. Unless a vehicle is using an ecotag, the requisite number of ecopoints shall be affixed to the ecocard and cancelled. The ecocard shall be cancelled by any one of the following methods:

(a) stamping the ecocard in an ecocard stamping machine;

(b) having the ecocard stamped by the Austrian border control authorities upon entering Austria;
(c) having the ecocard stamped and dated by the national authorities of the haulier before entering Austrian territory;

(d) having the ecocard stamped at an office where the initialisation of ecotags is performed.

Austrian frontier stations that are equipped with an ecocard stamping machine are listed in Annex F.

For statistical purposes page 1 of the completed ecocard shall either be collected by the Austrian authorities or subsequently returned by the competent authorities within three months of the completion of the journey to the Austrian authorities. The statistics thus collected shall assist the Commission in making any proposal for the distribution the reserve of ecopoints.

If the vehicle is fitted with an ecotag, upon confirmation of its undertaking a transit journey requiring ecopoints, a number of ecopoints, equivalent to the NO\textsubscript{x} emission information stored in the ecotag of the vehicle, shall be deducted from the total of ecopoints allocated to the Republic of Croatia. This shall be done by infrastructure provided and operated by the Austrian authorities.

For vehicles fitted with ecotags that are making bilateral journeys they must set the ecotag to demonstrate that a non-transit journey is being made prior to entering Austrian territory.
In the case where an ecocard is used and where a tractor unit is switched during a transit journey, the proof of payment on entry shall remain valid and be retained. Where the COP value of the new tractor unit exceeds that indicated on the form, additional ecopoints, affixed to a new card, shall be cancelled on leaving the country.

7. Continuous journeys which involve crossing the Austrian frontier once by train, whether by conventional rail transport or in a combined transport operation, and crossing the frontier by road before or after crossing by rail, shall be regarded not as transit of goods by road through Austria but as bilateral journeys.

Continuous transit journeys through Austria using the following rail terminals shall be deemed as bilateral journeys:
Fürnitz, Villach Süd, Sillian, Innsbruck/Hall, Brennersee, Graz.

8. Ecopoints shall be valid between 1 January of the year for which they are attributed and 31 January of the following year.

9. Infringements of this agreement by a driver of a Croatian heavy goods vehicle or an undertaking shall be prosecuted in accordance with the national legislation in force.

The Commission and the competent authorities of Austria and Croatia shall, each within the limits of their jurisdiction, provide each other with administrative assistance in investigating and prosecuting these infringements, in particular by ensuring that ecocards and ecotags are correctly used and handled.
Controls may be carried out at a point other than the internal border, at the discretion of the European Community Member State, with due regard to the principle of non-discrimination.

10. The Austrian supervisory authorities may, having due regard to the principles of proportionality, take appropriate measures if a vehicle is fitted with an ecotag and at least one of the following situations occur:

   (a) the vehicle or the operator of the vehicle has repeatedly committed infringements;

   (b) there are insufficient ecopoints remaining in the allocation of Croatia;

   (c) the ecotag has been tampered with or has been changed by a party other than those authorised in point 3;

   (d) Croatia has not allocated sufficient ecopoints for the vehicle to make a transit journey;

   (e) the vehicle does not have appropriate documentation in accordance with paragraphs (c) or (d) of point 2 to justify why the ecotag has been set to demonstrate that a non-transit journey is being made on Austrian territory;

   (f) when the ecotag specified in Annex C is not loaded with sufficient ecopoints to make a transit journey.
The Austrian supervisory authorities may, having due regard to the principle of proportionality, take appropriate measures if a vehicle is not fitted with an ecotag and at least one of the following situations occurs:

(a) an ecocard is not presented to the supervisory authorities in accordance with the provisions of this Agreement;

(b) an ecocard is presented which is incomplete or incorrect, or where the ecopoints are not correctly affixed;

(c) the vehicle does not possess the appropriate documentation to justify that it does not need ecopoints;

(d) the ecocard has not been cancelled in accordance with the procedure laid down in point 6.

11. The printed ecopoints which are intended for affixing to ecocards shall be made available each year before 1 November of the preceding year.

12. In the case of vehicles registered before 1 October 1990 which have had a change of engine since this date, the COP value of the new engine shall apply. In such a case the certificate issued by the appropriate authority shall mention the change of engine and give details of the new COP value for NOx emissions.
13. A transit journey shall be exempt from the payment of ecopoints if the following three conditions are met:

(a) the sole purpose of the journey is to deliver a brand new vehicle, or vehicle combination, from the manufacturers to a destination in another State;

(b) no goods are transported on the journey;

(c) the vehicle or vehicle combination has appropriate international registration papers and export licence plates.

14. A transit journey shall be exempt from the payment of ecopoints if it is the unladen leg of a journey exempt from ecopoints as listed in Annex A and the vehicle carries suitable documentation to demonstrate this. Such suitable documentation shall be either:

(a) a bill of lading, or

(b) a completed ecocard to which no ecopoints have been attached, or

(c) a completed ecocard with ecopoints, which are subsequently reinstated.
15. Any problems arising from the management of this regime of ecopoints shall be submitted to the Community/the Republic of Croatia Interim Sub-Committee on Transport provided for in Article 41 of the Interim Agreement which shall assess the situation and recommend appropriate actions. Any measure to be taken shall be implemented immediately, shall be proportional and of non-discriminatory nature.

I should be obliged if you would confirm the agreement of your Government to the contents of this letter.”

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of
the Government of the Republic of Croatia
LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Common position adopted by the Council on 28 March 2003 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
REGULATION (EC) NO .../2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of

establishing a transitional transit system applicable
to heavy goods vehicles travelling through Austria for 2004

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

Having regard to the Opinion of the European Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty.

2 OJ C 221, 17.9.2002, p. 84.
3 OJ C
Whereas:

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

(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) 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.

(5) A transitional transit 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 States¹;

(b) "international carriage" means international carriage as defined in Article 2 of Regulation (EEC) No 881/92;

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

(d) "heavy goods vehicle" means all motor vehicles with a maximum authorised weight of more than 7,5 tonnes registered in a Member State and designed for the transport of freight and all trailer or semi-trailer combinations 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 Austria" means transit traffic of heavy goods vehicles through Austria, 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.

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 transit system implies no direct limitation in the number of transits through Austria.

Article 3

1. For journeys which involve transit of goods by road through Austria, 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 and Regulation (EEC) No 881/92 shall apply subject to the provisions of this Article.

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

(a) The transit of Euro 4-standard heavy goods vehicles is not subject to the transitional transit system;

(b) The transit of Euro-0 heavy goods vehicles is prohibited, with the exception of the transit of Euro-0 heavy goods vehicles registered in Greece and Portugal and of the transit of certain highly specialised vehicles of high cost and with a long economic life-span;

(c) The total NOx 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 value of the total NOx emissions from heavy goods vehicles shall be set according to a transitional transit system. Under that system, any heavy goods vehicle crossing Austria in transit shall require a number of points equivalent to its NOx 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.

(e) Austria shall issue and make available in good time the points required for the administration of the transitional transit system, pursuant to Annex II, for heavy goods vehicles crossing Austria 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 by the same principles as those applicable to the ecopoint system in 2003, according to the provisions of Regulation (EC) No 3298/94.

(g) The reallocation of points of the Community reserve shall be weighted according to the criteria mentioned in Article 8(2) of Regulation (EC) 3298/94 and, more particularly, according to the effective use of the points allocated to Member States as well as to the specific needs for the hauliers transiting Austria through the route Lindau-Bregenz-St. Margarethen ("Hörbranz-Transit").

3. If the Eurovignette proposal on charging for the use of infrastructure is not adopted by 31 December 2004, all terms of paragraph 2 will be extended for one further year, and, if this proposal is not adopted by 31 December 2005, for a second year at the most. In such case, the Commission, with the help of an independent expert, shall undertake an analysis on the traffic of Euro 4 standard vehicles for the transit through Austria; the amounts of available points as mentioned in Annex I for the years 2005 and 2006 shall be adjusted on the basis of that analysis, within the respective quotum bands, in accordance with the procedure laid down in Article 5.

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* This paragraph comprises a "political exhortation" within the meaning of point 12 of the Joint Practical Guide and is to be avoided.
Article 4

1. As long as the provisions of Article 3(2) and, when 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 transit system.

2. 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 Austria shall, however, be subject to the provisions of Article 3.

3. 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.

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 Brussels,

For the European Parliament
The President

For the Council
The President
### Points Quotum Bands

<table>
<thead>
<tr>
<th>Year</th>
<th>Points for EU-15</th>
<th>Quotum bands</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Maximum</td>
</tr>
<tr>
<td>1991</td>
<td>23 556 220 (100%)</td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>9 422 488 (40%)</td>
<td>9 422 488 (40%)</td>
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<tr>
<td>2005</td>
<td>9 422 488 (40%)</td>
<td>9 186 926 (39%) -</td>
</tr>
<tr>
<td>2006</td>
<td>9 422 488 (40%)</td>
<td>8 951 364 (38%) -</td>
</tr>
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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 NOx 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 NOx 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 NOx, calculated according to paragraph 1a, counts as one point.

2) NOx 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 NOx emission from heavy goods vehicles and maintains statistical records broken down according to nationality.
COUNCIL OF
THE EUROPEAN UNION

Brussels, 28 March 2003

Interinstitutional File:
2001/0310 (COD)

STATEMENT OF THE COUNCIL'S REASONS

Subject: Common position adopted by the Council on 28 March 2003 with a view to the adoption of 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

STATEMENT OF THE COUNCIL'S REASONS
I. INTRODUCTION

Having regard to Article 71.1 of the EC Treaty, and in the framework of the codecision procedure in accordance with Article 251 of the EC Treaty, the Council adopted its common position on a draft Regulation establishing an ecopoint system applicable to heavy goods vehicles travelling through Austria for the year 2004 on ...

In taking its position, the Council took account of the opinion of the European Parliament in its first reading of 12 February 2003\(^1\) and of the opinion of the European Economic and Social Committee delivered on 29 May 2002\(^2\). The Committee of the Regions decided not to give an opinion.

The aim of the draft Regulation as proposed by the Commission is to extend the main elements of the present ecopoint system - which applies to heavy goods vehicles travelling through Austria and which expires on 31 December 2003 - to the year 2004; a possible extension to 2005 and 2006 is foreseen. The ecopoint system aims to reduce the negative environmental consequences resulting from the transit of heavy goods vehicles through Austria. Each lorry has to “pay” a certain number of ecopoints for a transit through Austria - corresponding to the category to which the vehicle belongs (EURO 0, 1, 2, 3): the most polluting lorries (EURO 0) pay the most ecopoints.

\(^1\) Not yet published in the OJ
\(^2\) OJ C221 of 17.9.02, p. 84
II. ANALYSIS OF THE COMMON POSITION

In relation to the Commission’s proposal, the Council agreed to the establishment of a “transitional transit system” for 2004. The Council also agreed that this system be extended to 2005 and 2006 in case the Eurovignette proposal on charging for the use of infrastructure has not been adopted by 31 December 2004 and 31 December 2005, respectively.

However, the Council introduced a number of changes in its common position on the draft Regulation. In order to promote the use of environmentally friendly lorries, the Council prohibited the transit of EURO 0 vehicles, with the exception of those registered in Greece or Portugal – taking account of the structure of the heavy goods vehicle fleet in these Member States - and of certain highly specialised vehicles of high cost and with a long economic life span.

Furthermore, the transit of EURO 4 standard vehicles (the cleanest vehicles) will not be subjected to the transitional transit system. However, in case of an extension of the system to 2005 and 2006, the Commission should undertake an analysis of the transit of EURO 4 standard vehicles and reduce the amount of available ecopoints within the respective quotum bands as set out Annex 1 of the Council common position. In the case of no transit of EURO 4 standard vehicles, the amount in the maximum quotum band would be respected; in the case of transit of EURO 4 standard vehicles, the amount of points to be distributed as from 2005 would be adjusted downwards, in accordance with the findings of the Commission's analysis, within the limits of the corresponding minimum quotum band.

The Council’s common position represents a balance between on the one hand, the concerns for the environmental protection in vulnerable areas such as the Alpine region, and on the other hand the concerns pertaining to the principle of the free circulation of goods in the Union.
III. EUROPEAN PARLIAMENT AMENDMENTS

Against the background of the elements mentioned in the analysis of the Council's common position, the Council has examined carefully the amendments of the European Parliament. The Council was not in a position to accept any of the amendments.
STATEMENT OF THE COUNCIL'S REASONS

Subject : 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

On the first page of doc. 6235/1/03 REV 1 ADD 1 (da, de, el, en, fi, fr, it, nl, pt, sv) the title in the subject is replaced by the following:

“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.”
REPORT

from: COREPER
on: 12 March 2003
to: COUNCIL

No. prev. doc. 7097/03 TRANS 59 CODEC 263 OC 86
No. Cion prop.: 5124/02 TRANS 3 CODEC 15

Subject: LAND TRANSPORT
- 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
  = adoption of common position

COMMON GUIDELINES
Consultation deadline: 26 March 2003

1. In response to the invitation from the Laeken European Council - which had requested the Commission to present, as an interim solution pending the establishment of a regime on the charging of the use of infrastructure, a proposal for the extension of the ecopoint system before the end of the year 2001 - the Commission presented on 21 December 2001 a proposal for a Regulation establishing an ecopoint system for 2004.
2. The Council instances discussed this proposed Regulation throughout 2002. In response to the invitation formulated by the Copenhagen European Council \(^1\), the TTE Council met on 31 December 2002 in order to examine the draft Regulation of the European Parliament and the Council aimed at establishing a transitional transit system applicable to heavy goods vehicles travelling through Austria for the year 2004.

At that occasion, the Presidency concluded that a qualified majority of delegations was in favour of the compromise proposal presented by the Presidency, and that when the Parliament had given its opinion in first reading, the Council would adopt a common position on this basis. The Austrian, Belgian, Italian and Dutch delegations indicated that they were unable to support this compromise.

3. The European Parliament gave its opinion on 12 February 2003 \(^2\), subsequently, the amendments proposed by the Parliament were examined by the Council instances. In view of the compromise reached at the Council's session of 31 December 2002, none of the amendments of the European Parliament could be incorporated in the Council's common position. Furthermore, at COREPER’s session of 12 March 2003, delegations confirmed their positions as expressed during Council’s session on 31 December 2002.

\(^1\) Point 35 of the Copenhagen Presidency conclusions reads: "According to the conclusions of the European Council in Laeken the European Council requests the Council to adopt, before the end of this year, a regulation on the interim solution for the transit of heavy goods vehicles through Austria 2004-2006. The European Commission shall present a proposal for a new Eurovignette directive not later than the first semester 2003."

\(^2\) Doc. 5987/03 CODEC 114 TRANS 23

\(^3\) The European Economic and Social Committee gave its opinion on 29 May 2002 (OJ C221 of 17.9.02, p.84). The Committee of the Regions decided not to give an opinion.
4. With reference to the above elements, the Council is now invited to consider the draft Regulation, so that it is in a position to:

- adopt its common position on the Regulation, as reflected in doc. 6235/03 TRANS 37 CODEC 146 OC 76;

- decide to forward its common position to the European Parliament, accompanied by the statement of reasons given in the addendum to doc. 6235/03 TRANS 37 CODEC 146 OC 76;

- enter into the minutes of the Council the statements as reflected in doc. 5345/03 TRANS 10 CODEC 39 ADD 1.

4 Note from the Council General Secretariat: the Italian delegation has announced in COREPER on 12.3.03 that it will amend the text of its declaration. This text will – when it becomes available - be reflected in a revised version of the abovementioned document.
COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

pursuant to the second subparagraph of Article 251(2) of the EC Treaty

on the common position adopted by the Council with a view to the adoption of the European Parliament and Council Regulation establishing an interim transit system applicable to heavy vehicles travelling through Austria for 2004
COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT

pursuant to the second subparagraph of Article 251(2) of the EC Treaty

on the common position adopted by the Council with a view to the adoption of the
European Parliament and Council Regulation establishing an interim transit system
applicable to heavy vehicles travelling through Austria for 2004

1. BACKGROUND

(1) On 21 December 2001, the Commission submitted to the Council a proposal for a
European Parliament and Council Regulation establishing an ecopoints system
applicable to heavy goods vehicles travelling through Austria for the year 2004.

(2) On 30 May 2002, the Economic and Social Committee issued an opinion in which it
considered that the Commission's proposal was questionable and that, according to
the majority of its members, it should be seen as a temporary solution for one year
only.2

(3) On 12 February 2003, the European Parliament delivered an opinion on first reading3
on the Commission's proposal and adopted fifteen amendments. The Commission
decided to accept five of these amendments, three subject to drafting amendments as
appropriate (amendments 1, 11 and 12), one in principle (amendment 5) and one in
part (amendment 15).

(4) On 28 March 2003, the Council formally adopted the common position which is the
subject of this communication.

2. AIM OF THE COMMISSION PROPOSAL

The purpose of this proposal is to extend the ecopoints system as an interim solution pending
the adoption of the framework proposal on infrastructure charging. If the framework proposal
on infrastructure charging is not adopted, the ecopoints system would be maintained for an
additional year and, where appropriate, extended for two years at the most (1 + 1 + 1). The
significant aspects of the Commission proposal establishing an ecopoints system applicable to
heavy vehicles travelling through Austria for 2004 are as follows:

- It eliminates the 108% clause. This clause restricted the number of transit journeys to an
  annual limit not exceeding 108% of the number of transit journeys in 1991;

- It provides that the Regulation should apply to the entire territory of Austria;

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2 OJ C 221, 17.9.2002, p. 84
3 PE-TC1-COD(2001)0310; OJ C …..
It advocates maintaining the number of ecopoints at a fixed level, namely that of 2003, for the 15 Member States. There is therefore no reduction in the present number of ecopoints that can be used by Community carriers.

3. COMMENTS ON THE COMMON POSITION

3.1. Fundamental point

It should be noted that there is a significant difference of opinion between the co-legislators on the type of system proposed following the expiry of the current ecopoints system on 31 December 2003. The common viewpoints concern the duration of the system (at most three years) and the elimination of the 108% clause.

The Council has adopted, by a qualified majority, a common position which provides for the following measures:

- the exclusion of the least polluting lorries (EURO 4 class) from the future system, in exchange for a gradual reduction in the number of ecopoints (40% in 2004, from 40% maximum to 39% or even 38% minimum in 2005 and from 40% maximum to 38% or even 34.9% minimum in 2006), subject to an effective increase in traffic involving EURO 4 lorries;

- the complete prohibition, as from 2004, of transit through Austria by the most polluting lorries (EURO 0 class), but with a derogation for Greece and Portugal until 2006;

- the weighting of the reallocation of the ecopoints of the Community reserve according to additional criteria compared with those set out in Article 8 of Regulation (EC) No 3298/94\(^4\) which are as follows: effective utilisation of the ecopoints allocated to the Member States as well as the specific needs of carriers transiting through Austria using the Hörbranz corridor\(^5\).

The Commission notes that the common position differs significantly from its initial proposal. However, it should be stressed that the text of the common position:

- will make it possible for the Community legislative process to advance, which is important since, without a new legislative act, the system of ecopoints in force will expire on 31 December 2003.

- is limited in time (three years at most) in accordance with the recommendations of the Heads of State and Government in the conclusions of the Copenhagen European Council.

- takes environmental considerations into account, since EURO 0 vehicles are virtually completely banned and very considerable incentives for the use of EURO 4 vehicles are provided for.


\(^5\) The Hörbranz corridor is a 17 kilometre half-road/half-tunnel section linking Lindau (Germany) with St Margrethen (Switzerland).
3.2. Amendments adopted by the European Parliament on first reading

Of the 15 amendments proposed by the European Parliament, the Commission decided to accept five, three of which subject to editing amendments as appropriate (amendments 1, 11 and 12), and one as to the principle (amendment 5) and one in part (amendment 15). These amendments are essentially terminological amendments or amendments which entail interesting considerations relating to sensitive areas. It should, however, be noted that, since the Council common position was adopted shortly after the European Parliament’s first reading, the Commission was unable to present an amended proposal in due form, but it did defend these amendments orally before the Council.

In addition, the European Parliament opinion on first reading differs considerably from the Commission proposal and the Council position, since the European Parliament proposes a system of points applicable to heavy vehicles travelling through Austria comprising the following main elements:

- The scope of application of the Regulation is limited to the Austrian Alps, and in particular the Brenner, Tauern and Pyhrn corridors;

- The provisions of the quota system vary according to vehicle categories and are based on the 2002 ecopoints quotas:
  
  - in 2004, setting of quotas for EURO 0, 1 and 2 lorries, free passage for EURO 3 lorries;
  
  - in 2005 and 2006, passage prohibited for EURO 0 and 1 lorries; setting of quotas for EURO 2 lorries; free passage for EURO 3 and EURO 4 lorries.

- The scope of application of the Regulation is extended to include the EU accession candidate countries.

The only points in common between these amendments and those proposed by the other institutions are those concerning the maximum duration of the system (2006) and the elimination of the 108% clause.

The Council rejected all the amendments proposed by the European Parliament.

3.3. Other points to be taken into consideration

The text of the Council common position in its present form entails a drafting problem since the articles are not substantiated by appropriate recitals. It will therefore be necessary to pay attention to this aspect in the final version of the regulation to be adopted.
4. **CONCLUSION**

The Commission wishes to stress, as it has already done before the Council, that the text of the common position differs significantly from the European Parliament's position. Consequently, it will be necessary to make major efforts to arrive at a final agreement. In the context of the functions incumbent upon it in the co-decision procedure under the Treaty, the Commission will continue to work towards an overall agreement which complies with the fundamental principle of the free movement of goods in the single market in conformity with the objective of promoting sustainable development in the European Union. The Commission appeals to the responsibility of the Member States and the institutions to achieve a satisfactory agreement for the majority of the parties concerned at the end of the procedure.