Opinion of the Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and of the Council amending the Regulation (EC) No. 685/2001 of the European Parliament and of the Council of 4 April 2001 in order to foresee for the distribution of authorisations among Member States received through the Agreement between the European Community and Romania establishing certain conditions for the carriage of goods by road and the promotion of Combined Transport'

(2002/C 36/05)

On 12 July 2001 the Council decided to consult the Economic and Social Committee, under Article 71 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 25 September 2001. The rapporteur was Mr Kielman.

At its 385th plenary session (meeting of 17 October 2001) the Economic and Social Committee adopted the following opinion with 128 votes in favour and 1 abstention.

1. Introduction

1.1. On 7 December 1995, the Council authorised the Commission to negotiate one or more agreements on road transit with Hungary, Romania and Bulgaria with a view to resolving the problem of road goods transport relations between Greece and the other Member States. One way of solving this problem is through the mutual exchange of road transport authorisations.

1.2. On 19 March 2001 the decisions on the conclusion of the Agreements with Hungary and Bulgaria were adopted by the Council.

1.3. On 4 April 2001 Regulation (EC) No. 685/2001 of the European Parliament and of the Council was adopted. It sets out the distribution of authorisations among Member States received through the Agreements establishing certain conditions for the carriage of goods by road and the promotion of combined transport between the European Community and the Republic of Bulgaria and between the European Community and the Republic of Hungary.

1.4. The proposal for a Council Decision concerning the conclusion of the Agreement with Romania stipulates that the Community will receive 14 000 authorisations annually from Romania, to be distributed among Member States by a regulation.

1.5. The purpose of this proposal is therefore to distribute these authorisations among the Member States by amending Regulation (EC) No. 685/2001 [1].

2. General comments

2.1. The Commission has used the Hungarian transit statistics as the basis for calculating the distribution of transit authorisations.

2.2. Given that the Union's objective in the negotiations is to facilitate transit traffic between Greece and the other Member States along a corridor through Bulgaria, Romania and Hungary, the Hungarian transit statistics are the most relevant. At all events these statistics must clearly show that journeys with destinations 'in the other Member States' have passed through the complete corridor comprising Bulgaria, Romania and Hungary.

2.3. The available Hungarian transit statistics are subdivided by:

— the country of departure

— the country of registration of the vehicle.

On the basis of these data it is possible to select those journeys which:

— start in Greece

— are carried out by vehicles registered in a Member State.

2.3.1. Given that the Hungarian transit statistics for the first three quarters of 1998 are available and usable for this purpose, the Commission proposes to use them as a basis for the distribution among the Member States.

2.3.2. The Committee takes the view that, given the shortage of reliable statistics on road transit traffic, the decision to use the available Hungarian statistics for the first three quarters of 1998 provides the most relevant data.

2.3.3. The abovementioned statistics were also used by the Commission as a basis for the distribution of authorisations received under the Agreements with Bulgaria and Hungary.

[1] OJ L 108, 18.4.2001, p. 1.

2.3.4. The Committee agrees with the Commission that it is appropriate that the same statistical basis is used for the distribution of those authorisations received from Romania, as these statistics already reflect the number of transits carried out by goods vehicles registered in the different Member States through this complete corridor, i.e. including Romania.

3. **Specific comments**

3.1. On the basis of the Hungarian transit statistics, the Commission notes that the total number of transits through Hungary with their origin in Greece by vehicles registered in one of the Member States in the first three quarters of 1998 was 6 723. Of these journeys 6 646 — i.e. almost 99 % — were made by vehicles registered in Greece.

3.1.1. For four Member States — Spain, Ireland, Luxembourg and Portugal — no such journeys were recorded.

3.2. On the basis of these data, the Commission states that it 'is not considered opportune that some 99 % of the authorisations be given to Greece'.

3.2.1. The Committee takes the view that where objective criteria are used to reflect the real situation, it is not for the Commission to disadvantage a Member State on the basis of a completely arbitrary and subjective opinion. It would therefore urge the Commission to treat Greece in the same way as any other Member State.

3.3. In addition, the Commission proposes to give a fixed allocation of 100 authorisations to each Member State, this being just under 1 % of the total authorisations available, and to distribute the remaining authorisations among Member States in proportion to the actual number of transit journeys through Hungary made in the first three quarters of 1998.

3.3.1. The Committee takes the view that, given that four Member States had no such transit journeys at all in the first three quarters of 1998 and another six Member States had fewer than five, the flat-rate 100 authorisations for each Member State proposed by the Commission is far too high. It suggests that the number be reduced to 50. This number could be adjusted in the future in the light of experience. The remaining 750 authorisations could be distributed in proportion to the number of transit journeys in the first three quarters of 1998.

3.4. In the Committee's view such a distribution would be fairer and more realistic. This means that the number of flat-rate authorisations would be 750 instead of the 1 500 proposed by the Commission, and in addition that Greece would receive 13 098 authorisations for use in Romania (instead of 12 357). This method of calculation also does more justice to the consideration which the Commission itself includes in the preamble to Regulation (EC) 685/2001 of 4 April 2001, namely that 'the allocation of authorisations should be based on criteria that take full account of existing land transport flows between Greece and the other Member States'.

3.5. If the Commission agrees with the ESC's idea for a fairer distribution key, this would entail a corresponding modification of the annex to the draft regulation.

4. **Summary and conclusions**

4.1. The Committee considers that the Commission's choice of the Hungarian transit statistics, as laid down in Regulation (EC) 685/2001 of 4 April 2001, has provided the best possible statistical basis for the distribution of the authorisations.

4.2. On the proposed distribution, the Committee points out that when the statistics used show that one Member State would be entitled to a high percentage of the authorisations, that number of authorisations should actually be allocated to that state.

4.3. Moreover, bearing in mind the small number of available authorisations, the Committee thinks it undesirable to give each Member State a flat-rate allocation of 100 authorisations. It is clear from the available data that many Member States have little or no road transit traffic between Greece and other Member States. The Committee regards a flat-rate allocation of 50 authorisations per Member State as adequate.

Brussels, 17 October 2001.

The President

of the Economic and Social Committee

Göke FRERICHS