COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.12.2003
COM(2003) 833 final

2003/0319 (CNS)

Proposal for a

COUNCIL DECISION

on the signature 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 transitional points system applicable to heavy goods vehicles travelling through Austria

Proposal for a

COUNCIL DECISION

on the conclusion of an Agreement in the form of an exchange of letters between the European Community and the Republic of Croatia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The Interim Agreement between the European Community and the Republic of Croatia on trade and trade related matters[1] was concluded on 28 January 2002 and entered into force on 1 March 2002. Protocol 6 on road transit traffic attached to this Agreement establishes that a system of ecopoints shall apply to transit traffic of the Republic of Croatia through Austria with effect from 1 January 2003.

2. In accordance with the provisions of Article 2(2)(b) of this Protocol, a system of ecopoints similar to that provided for by Article 11 of Protocol 9 to the Act of Accession of Austria, Finland and Sweden to the European Union will apply until 31 December 2003.

3. During its meeting on 14 and 15 December 2001 in Laeken, the European Council asked for the system of ecopoints which applies in the Community to be extended. On 20 December 2001, the Commission adopted a proposal for a Regulation of the European Parliament and of the Council establishing a system of ecopoints to be applied to heavy goods vehicles in transit through Austria for the year 2004.[2] This proposal was the subject of an agreement between the European Parliament and the Council following the conciliation procedure on 25 November 2003. This agreement will lead to the adoption of a Regulation which will enter into force on 1 January 2004.

4. In accordance with the provisions of Article 11(5) of Protocol 6 to the Stabilisation and Association Agreement between the European Communities and its Member States and Croatia[3], if the European Community establishes rules aimed at reducing pollution caused by heavy goods vehicles registered in the European Union, equivalent rules must apply to heavy goods vehicles registered in Croatia, allowing them to travel in Community territory.

5. The Community should therefore now open negotiations with Croatia in order to reach a formal agreement.

6. Given the short timescale in which the Agreement must be applied (from 1.1.2004), the Commission calls on the Council to pronounce, at the same time, on the recommendation for negotiations and the proposals for Council decisions on the signature, provisional application and conclusion of the Agreement. It therefore submits the relevant recommendation and proposals for decisions to the Council.

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1 OJ L 330, 14.12.2001, p. 3.
2 COM(2001) 807 final, 20.12.2001.
3 ratification pending

Proposal for a

COUNCIL DECISION

on the signature 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 transitional points system applicable to heavy goods vehicles travelling through Austria

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,[4]

Whereas:

(1) The Commission negotiated an Agreement in the form of an exchange of letters between the European Community and the Republic of Croatia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria.

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

(3) Arrangements should be made for the provisional application of the Agreement from 1 January 2004,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is authorised to designate the person(s) entitled to sign, on behalf of the European Community, the Agreement in the form of an exchange of letters between the European Community and the Republic of Croatia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria, subject to its conclusion at a later date.

The text of the Agreement is attached to this Decision.

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4 OJ C […], […], p. […].

Article 2

The Agreement referred to in Article 1 shall be applied on a provisional basis from 1 January 2004.

Article 3

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

Done at Brussels, […]

For the Council
The President

2003/0319 (CNS)

Proposal for a

COUNCIL DECISION

on the conclusion of an Agreement in the form of an exchange of letters between the European Community and the Republic of Croatia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria

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) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,[5]

Having regard to the opinion of the European Parliament,[6]

Whereas:

(1) The Interim Agreement on trade and trade-related matters between the European Community and Croatia[7], and in particular Protocol 6 on road transit traffic, provides for a system of ecopoints equivalent to that applicable to Community heavy goods vehicles in transit through Austria.

(2) The Agreement reached on 25 November 2003 between the European Parliament and the Council establishes a new transitional points system applicable to heavy goods vehicles travelling through Austria from 1 January.

(3) The Commission negotiated on behalf of the European Community an Agreement in the form of an exchange of letters between the European Community and the Republic of Croatia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria.

(4) This Agreement was signed on behalf of the Community on … .

(5) This Agreement should be approved,

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5 OJ C […], […], p. […].
6 OJ C […], […], p. […].
7 OJ L 330, 14.12.2001, p. 3.

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters between the European Community and the Republic of Croatia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

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 transitional points system applicable to heavy goods vehicles travelling through Austria

A. Letter from the European Community

Sir,

I have the honour to inform you that, following the outcome of the conciliation procedure between the Council and the European Parliament on the Regulation (EC) No xxxx/2003 of the European Parliament and of the Council establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy[8], negotiations between the delegation of the Republic of Croatia and the delegation of the European Community were held in the context of Protocol 6 to the Interim Agreement on trade and trade-related matters between the European Community and the Republic of Croatia[9], and taking into account the provisions of Article 11, paragraph 5 of Protocol 6 to the Stabilisation and Association Agreement[10] between the European Communities and their Member States and the Republic of Croatia, and the following has been agreed:

1. The transitional points system is applicable to the heavy goods vehicles registered in Croatia, with a maximum authorised weight of more than 7.5 tons, using 6, 7 or 8 points, when these vehicles transit Austria, regardless of whether they are laden or not.

   Heavy goods vehicles using more than 8 points are not allowed to transit Austria.

   Heavy goods vehicles that require 5 points or less are exempt from this system.

2. The number of points allocated to the heavy goods vehicles registered in Croatia and transiting Austria is:

   for 2004, 172.378 points;

   for 2005, 163.305 points;

   for 2006, 154.233 points.

3. The application modalities and procedures for the management and control of the points are identical to the ones laid down in 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[11].

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8 OJ L 330, 14.12.2001, p.3

9 whose ratification is pending

10 OJ L 150 of 18.06.2003, p. 33

11 OJ L 330 of 14,12,2001, p.3

The Interim Committee - and thereafter the Stabilisation and Association Council - shall adopt, if necessary, further measures concerning the procedures relating to the transitional points system, the distribution of points and the technical issues concerning the application of the present exchange of letters.

4. This agreement shall enter into force on the day following the notification of both parties that the internal procedure leading to the conclusion of this agreement is finished.

It shall be applied on a provisional basis from 1 January 2004.

The agreement shall expire when the Regulation (EC) No xxxx/2003 of the European Parliament and of the Council establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy, expires.

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 considerations.

On behalf of the European Community

B. Letter from the Republic of Croatia

Sir,

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

"I have the honour to inform you that, following the outcome of the conciliation procedure between the Council and the European Parliament on the Regulation (EC) No xxxx/2003 of the European Parliament and of the Council establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy[12], negotiations between the delegation of the Republic of Croatia and the delegation of the European Community were held in the context of Protocol 6 to the Interim Agreement on trade and trade-related matters between the European Community and the Republic of Croatia[13], and taking into account the provisions of Article 11, paragraph 5 of Protocol 6 to the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Croatia, and the following has been agreed:

1. The transitional points system is applicable to the heavy goods vehicles registered in Croatia, with a maximum authorised weight of more than 7.5 tons, using 6, 7 or 8 points, when these vehicles transit Austria, regardless of whether they are laden or not.

   Heavy goods vehicles using more than 8 points are not allowed to transit Austria.

   Heavy goods vehicles that require 5 points or less are exempt from this system.

2. The number of points allocated to the heavy goods vehicles registered in Croatia and transiting Austria is:

   for 2004, 172.378 points;

   for 2005, 163.305 points;

   for 2006, 154.233 points.

3. The application modalities and procedures for the management and control of the points are identical to the ones laid down in 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.

   The Interim Committee - and thereafter the Stabilisation and Association Council - shall adopt, if necessary, further measures concerning the procedures relating to the transitional points system, the distribution of points and the technical issues concerning the application of the present exchange of letters.

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[12] whose ratification is pending

[13] OJ L 150 of 18.06.2003, p.33

4. This agreement shall enter into force on the day following the notification of both parties that the internal procedure leading to the conclusion of this agreement is finished.

It shall be applied on a provisional basis from 1 January 2004.

The agreement shall expire when the Regulation (EC) No xxxx/2003 of the European Parliament and of the Council establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy, expires.

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 this letter.

Please accept Sir, the assurance of my highest considerations.

On behalf of the Republic of Croatia