COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.12.2003
COM(2003) 836 final

2003/0322 (CNS)

Proposal for a

COUNCIL DECISION

on the signature and provisional application of an administrative arrangement in the form of an exchange of letters between the European Community and the Swiss Confederation concerning the transitional points system applicable to heavy goods vehicles travelling through Austria

Proposal for a

COUNCIL DECISION

on the conclusion of an administrative arrangement in the form of an exchange of letters between the European Community and the Swiss Confederation concerning the transitional points system applicable to heavy goods vehicles travelling through Austria

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road[1] stipulates in Article 11 that a system of ecopoints equivalent to that provided for by Protocol 9 to the Act of Accession of Austria to the European Union will apply to Swiss operators in transit through Austria within the limits of validity of this Protocol.

2. Protocol 9 to the Act of Accession of Austria, Finland and Sweden to the European Union[2] on road, rail and combined transport in Austria establishes a special scheme for heavy goods vehicles in transit through Austria. Article 11(2)(a) stipulates that the system of ecopoints will expire on 31 December 2003.

3. During its meeting on 14 and 15 December 2001 in Laeken, the European Council asked for the system of ecopoints 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[3]. 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. Currently, Switzerland is participating in the system of ecopoints on the basis of a bilateral agreement between Austria and Switzerland. This scheme will end on 31 December 2003. In accordance with Article 11 of the Agreement on land transport (see point 1 above), Switzerland must be part of the new transitional system of ecopoints established by this Regulation for the transit of heavy goods vehicles through Austria. For reasons of equality of treatment and continuity of international commitments undertaken by the Community and Switzerland, the new transitional system of ecopoints should be applied to Switzerland from 1 January 2004.

5. The Community should therefore now open negotiations with Switzerland on an administrative arrangement which will ensure that Switzerland participates in the new transitional points system.

6. Given the short timescale in which the administrative arrangement must be applied (from 1 January 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 administrative arrangement. It therefore submits the relevant recommendation and proposals for decisions to the Council.

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1 OJ L 114, 30.4.2002, p. 91.
2 OJ C 241, 29.8.1994.
3 COM(2001) 807 final, 20.12.2001.

Proposal for a

COUNCIL DECISION

on the signature and provisional application of an administrative arrangement in the form of an exchange of letters between the European Community and the Swiss Confederation 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 administrative arrangement in the form of an exchange of letters between the European Community and the Swiss Confederation concerning the transitional points system applicable to heavy goods vehicles travelling through Austria.

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

(3) Arrangements should be made for the provisional application of the administrative arrangement 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 administrative arrangement in the form of an exchange of letters between the European Community and the Swiss Confederation 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 administrative arrangement 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

2003/0322 (CNS)

Proposal for a

COUNCIL DECISION

on the conclusion of an administrative arrangement in the form of an exchange of letters between the European Community and the Swiss Confederation 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 Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road[7] stipulates in Article 11 that a system of ecopoints equivalent to that provided for by Protocol 9 to the Act of Accession of Austria to the European Union shall apply to Swiss operators in transit through Austria.

(2) The Agreement reached on 25 November 2003 establishes a new transitional points system to be applied from 1 January 2004 to Community heavy goods vehicles in transit through Austria.

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

(4) This administrative arrangement has been signed on behalf of the Community on…., subject to its possible conclusion at a later date in accordance with Decision../…/EC of the Council of …..

(5) This administrative arrangement should be approved,

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5 OJ C …, …, p. …

6 OJ C …, …, p. …

7 OJ L 114, 30.4.2002, p. 91.

HAS DECIDED AS FOLLOWS:

Article 1

The administrative arrangement in the form of an exchange of letters between the European Community and the Swiss Confederation 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 administrative arrangement 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

Annex

ADMINISTRATIVE ARRANGEMENT

in the form of an exchange of letters between the European Community and the Swiss Confederation 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 negotiations between the delegation of the Swiss Confederation and the delegation of the European Community held in the context of Article 11 of the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road[8], the following has been agreed :

1. The transitional points system is applicable to the heavy goods vehicles registered in Switzerland, with a maximum authorised weight of over 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 Switzerland and transiting Austria is:

   for 2004, 140.992 points;
   for 2005, 133.572 points;
   for 2006, 126.151 points.

   One fifth of these points shall be distributed in the form of paper points.

3. The application modalities and procedures for the management and control of the points are identical to the ones laid down in the Convention between the Head of the Federal Department for the environment, transport, energy and communication of the Swiss Confederation and the Federal Ministry for science and transport of the Republic of Austria concerning the application of a system of ecopoints for vehicles in transit through Austria, concluded on 9 September 1999.

   The Community/Switzerland Inland Transport Committee 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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[8] OJ L 114, 30.4.2002, p. 91

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 Swiss Confederation

Sir,

I 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 Swiss Confederation and the delegation of the European Community held in the context of Article 11 of the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road[9], the following has been agreed :

1. The transitional points system is applicable to the heavy goods vehicles registered in Switzerland, with a maximum authorised weight of over 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 Switzerland and transiting Austria is:

   for 2004, 140.992 points;
   for 2005, 133.572 points;
   for 2006, 126.151 points.

   One fifth of these points shall be distributed in the form of paper points.

3. The application modalities and procedures for the management and control of the points are identical to the ones laid down in the Convention between the Head of the Federal Department for the environment, transport, energy and communication of the Swiss Confederation and the Federal Ministry for science and transport of the

[9] OJ L 114, 30.4.2002, p. 91

Republic of Austria concerning the application of a system of ecopoints for vehicles in transit through Austria, concluded on 9 September 1999.

The Community/Switzerland Inland Transport Committee 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."

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 Swiss Confederation