COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.12.2003
COM(2003) 835 final

2003/0320 (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 Slovenia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria from 1 January 2004 to 30 April 2004

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 Slovenia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria from 1 January 2004 to 30 April 2004

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The Additional Protocol to the Agreement between the European Community and the Republic of Slovenia in the field of transport[1] establishes that a system of ecopoints, equivalent to that applicable to Community heavy goods vehicles in transit through Austria, will apply to Slovenian road freight traffic in transit through Austria, with effect from 1 January 1997 until 31 December 2003.

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. From 1 May 2004, the new Member States, including Slovenia, will be part of the new transitional points system 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 Slovenia, the new transitional points system should be applied to Slovenia for the period from 1 January 2004 to 30 April 2004.

5. The Community should therefore now open negotiations with Slovenia 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 351, 23.12.1997, p. 62.
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 Agreement in the form of an exchange of letters between the European Community and the Republic of Slovenia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria from 1 January 2004 to 30 April 2004

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 Slovenia 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 Slovenia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria from 1 January 2004 to 30 April 2004, 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

2003/0320 (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 Slovenia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria from 1 January 2004 to 30 April 2004

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 Republic of Slovenia in the field of transport[7], and in particular the Additional Protocol thereto which provides that a system of ecopoints shall apply to Slovenian traffic, 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 to be applied from 1 January 2004 to Community heavy goods vehicles in transit through Austria.

(3) The Commission has 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 Slovenia concerning the points to be allocated to Slovenia for the period from 1 January 2004 to 30 April 2004.

(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 351, 23.12.1997, p. 62.

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters between the European Community and the Republic of Slovenia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria from 1 January 2004 to 30 April 2004 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 Slovenia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria from 1 January 2004 to 30 April 2004

A. Letter from the European Community

Sir,

I have the honour to inform you that, following negotiations between the delegation of the Republic of Slovenia and the delegation of the European Community, the following has been agreed:

1. The transitional points system is applicable to the heavy goods vehicles registered in Slovenia, 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 Slovenia and transiting Austria, from 1 January 2004 until 30 April 2004, is 118.816 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 Slovenia concerning the system of ecopoints to be applied to Slovenian transit traffic through Austria as from 1 January 1997.[8]

   The joint committee established by the Agreement between the European Community and the Republic of Slovenia in the field of transport 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 on 30 April 2004.

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

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[8] OJ L 182, 10.11.1998, p. 21

B. Letter from the Republic of Slovenia

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 Republic of Slovenia and the delegation of the European Community, the following has been agreed:

1. The transitional points system is applicable to the heavy goods vehicles registered in Slovenia, 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 Slovenia and transiting Austria, from 1 January 2004 until 30 April 2004, is 118.816 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 Slovenia concerning the system of ecopoints to be applied to Slovenian transit traffic through Austria as from 1 January 1997.[9]

   The joint committee established by the Agreement between the European Community and the Republic of Slovenia in the field of transport 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 on 30 April 2004.

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 Slovenia

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[9] OJ L 182, 10.11.1998, p. 21