

# Road transport: ecopoints for heavy vehicles transiting through Austria for 2004

2001/0310(COD) - 27/08/2003 - Commission opinion on Parliament's position at 2nd reading

The European Parliament adopted, at its second reading, 17 amendments to the Council's common position. The Commission can accept four amendments in full, two amendments in part, subject to possible changes in the wording and one amendment in principle, subject to redrafting. However it has to reject 10 amendments whilst maintaining a certain flexibility for five of them, which could be negotiable at a later stage of the procedure. Concerning the amendments accepted by the Commission, these aim to: - amend terminology; - provide for the scope of the Regulation to be extended to the candidate countries, which was considered to be premature at the time of the European Parliament's first reading, but which must now be considered because the Accession Treaties were signed on 16 April 2003 and the date of accession has been fixed for 1 May 2004. The conditions for extending the scope of the Regulation to these countries will, nevertheless, still have to be determined; - provide that the comitology procedure will be used to: - "fix the number of points to be allocated to the Member States; - adopt detailed measures concerning the procedures relating to the system, the distribution of points and technical issues concerning the application of the system; - increase proportionally for each new Member State and for each year the quotas ... taking account of the accession of central and eastern European countries." The first and last subparagraphs are not acceptable. Fixing the number of points to be allocated to (current and future) Member States is an integral part of the negotiations on the type of system to be set up for heavy goods vehicles transiting through Austria. It is therefore up to the Council and the Parliament to decide on how to allocate the points by country and by year, possibly based on a quantitative analysis by the Commission. The second subparagraph is acceptable without amendments to the text. - reiterate the Commission's obligations which derive from the Treaty or which are recommended in the White Paper on European transport policy. However, the reference to the committee should be deleted as a management committee does not take decisions. The Y cannot, on the other hand, endorse the amendment on the "Alpine Convention and other binding instruments" being cited in the same way as the EC Treaty. The Commission cannot accept the final paragraph of the text either, which refers to traffic flow regulation, as this does not fall under Community competence but under that of the Member States, which are required to keep the Commission informed; - make reference to the Alpine Convention in a "recital" is acceptable provided that the quote included in the amendment is complete. The text quoted relates to the need to reduce the volume and dangers of Alpine traffic and continues as follows: "by switching more traffic, in particular freight traffic, to the railways in particular by providing appropriate infrastructure and incentives complying with market principles, without discrimination on grounds of nationality". Concerning the amendments rejected by the Commission, these refer to: - the protection of the local population and noise pollution must be rejected for two reasons: firstly because, if lorries choose another route, it will be other populations which will be adversely affected. This measure therefore has a discriminatory effect. The second reason is that noise pollution has no relevance to the ecopoint system; - the UNO declaring 2002 as the International Year of Mountains. This reference is no longer relevant; - the obligations deriving from the Treaty on European Union and from the Alpine Convention. The Commission cannot endorse the Alpine Convention and other binding instruments being cited in the same way as the EU Treaty; - the abolishing of exemptions to bans on the transit of certain types of EURO-0 lorries. The Commission must stick to its position regarding these exemptions, which were obtained when the common position was negotiated. It therefore has to reject this amendment; - the introduction of systematic controls. According to Council Regulation 3912/92/EEC, roadside checks can only be performed at random. Moreover, Directive 2000/30/EC provides for polluting emissions to be measured and for roadworthiness tests to be appropriate to the reality of situations; - the setting of a quota for lorries based on the 2002 ecopoint quota (10 533 187 for the 15 Member States). The Commission's proposal and the Council's common position however set the number of ecopoints on the basis of the 2003 quota (9 107 451), because it is in this year that the objective of a 60% reduction in pollution, provided for by the

ecopoint system, should be achieved. The overall limit on total Nox emissions was in fact calculated for the year 1991 and was to be reduced on a linear basis by 60% by the end of 2003. The exclusion of EURO 3 lorries from the system as from 2004, as proposed by the European Parliament, is not acceptable because, according to Austrian statistical forecasts, EURO 3 lorries will represent 77% of total transit journeys in 2004 (in 2001 they represented 24.5%). Even if there are doubts about the reliability of the Austrian statistics, these forecasts represent a realistic trend. Finally, the system as proposed by the European Parliament in this amendment removes the ecopoint system's *raison d'être*, since, from 2005 onwards, only EURO 2 lorries will be subject to ecopoints, with the same number of ecopoints to be allocated to the Member States as in 2002 (namely 10 533 187). The Commission concludes by pointing out that the European Parliament's position differs significantly from the text of the Council's common position and that, consequently, it will be necessary to make major efforts to reach a final agreement. In the context of the tasks 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.