

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2001/0310(COD) Procedure completed
Road transport: ecopoints for heavy vehicles transiting through Austria for 2004	
Subject 3.20.05 Road transport: passengers and freight 3.20.15.04 Road transport agreements and cooperation	
Geographical area Austria	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>DELE</b> EP Delegation to Conciliation Committee	ELDR <a href="#">COSTA Paolo</a>	30/09/2003
	Former committee responsible		
	<b>RETT</b> Regional Policy, Transport and Tourism	ELDR <a href="#">COSTA Paolo</a>	22/01/2002
	<b>RETT</b> Regional Policy, Transport and Tourism	ELDR <a href="#">CAVERI Luciano</a>	22/01/2002
	Former committee for opinion		
<b>ENVI</b> Environment, Public Health, Consumer Policy	NI <a href="#">KRONBERGER Hans</a>	22/01/2002	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Environment</a>	<a href="#">2556</a>	22/12/2003
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2525</a>	22/09/2003
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2499</a>	27/03/2003
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2479</a>	31/12/2002
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2452</a>	03/10/2002
<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2438</a>	17/06/2002	
European Commission	Commission DG	Commissioner	
	Energy and Transport		

Key events			

20/12/2001	Legislative proposal published	COM(2001)0807	Summary
16/01/2002	Committee referral announced in Parliament, 1st reading		
17/06/2002	Debate in Council	<a href="#">2438</a>	
03/10/2002	Debate in Council	<a href="#">2452</a>	
31/12/2002	Debate in Council	<a href="#">2479</a>	Summary
21/01/2003	Vote in committee, 1st reading		Summary
21/01/2003	Committee report tabled for plenary, 1st reading	<a href="#">A5-0019/2003</a>	
12/02/2003	Decision by Parliament, 1st reading	<a href="#">T5-0048/2003</a>	Summary
28/03/2003	Council position published	<a href="#">06235/1/2003</a>	Summary
15/05/2003	Committee referral announced in Parliament, 2nd reading		
12/06/2003	Vote in committee, 2nd reading		Summary
12/06/2003	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A5-0213/2003</a>	
02/07/2003	Debate in Parliament		
03/07/2003	Decision by Parliament, 2nd reading	<a href="#">T5-0328/2003</a>	Summary
22/09/2003	Parliament's amendments rejected by Council		
29/09/2003	Formal meeting of Conciliation Committee		
25/11/2003	Final decision by Conciliation Committee		Summary
25/11/2003	Report tabled for plenary, 3rd reading	<a href="#">A5-0475/2003</a>	
03/12/2003	Joint text approved by Conciliation Committee co-chairs	<a href="#">3689/2003</a>	
17/12/2003	Debate in Parliament		
18/12/2003	Decision by Parliament, 3rd reading	<a href="#">T5-0590/2003</a>	Summary
22/12/2003	Decision by Council, 3rd reading		
22/12/2003	Final act signed		
22/12/2003	End of procedure in Parliament		
31/12/2003	Final act published in Official Journal		

### Technical information

Procedure reference	2001/0310(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 071-p1

Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/19803

Documentation gateway					
Legislative proposal		<a href="#">COM(2001)0807</a> , <a href="#">OJ C 103 30.04.2002, p. 0230 E</a>	20/12/2001	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES0691/2002</a> <a href="#">OJ C 221 17.09.2002, p. 0084</a>	29/05/2002	ESC	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0019/2003</a>	21/01/2003	EP	
Council statement on its position		<a href="#">05345/2003</a>	04/02/2003	CSL	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0048/2003</a> OJ C 043 19.02.2004, p. 0069-0216 E	12/02/2003	EP	Summary
Council statement on its position		<a href="#">07329/2003</a>	17/03/2003	CSL	
Council position		<a href="#">06235/1/2003</a> <a href="#">OJ C 214 09.09.2003, p. 0001-0006</a>	28/03/2003	CSL	Summary
Commission communication on Council's position		<a href="#">SEC(2003)0549</a>	08/05/2003	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A5-0213/2003</a>	12/06/2003	EP	
Text adopted by Parliament, 2nd reading		<a href="#">T5-0328/2003</a> OJ C 074 24.03.2004, p. 0667-0799 E	03/07/2003	EP	Summary
Commission opinion on Parliament's position at 2nd reading		<a href="#">COM(2003)0531</a>	27/08/2003	EC	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		<a href="#">A5-0475/2003</a>	25/11/2003	EP	
Joint text approved by Conciliation Committee co-chairs		<a href="#">3689/2003</a>	03/12/2003	CSL/EP	
Text adopted by Parliament, 3rd reading		<a href="#">T5-0590/2003</a> OJ C 091 15.04.2004, p. 0523-0626 E	18/12/2003	EP	Summary
Implementing legislative act		<a href="#">32004X0114(01)</a> <a href="#">OJ L 008 14.01.2004, p. 0003-0003</a>	22/12/2003	EU	Summary

Additional information	
European Commission	<a href="#">EUR-Lex</a>

Final act
<a href="#">Regulation 2003/2327</a> <a href="#">OJ L 345 31.12.2003, p. 0030-0033</a> Summary

**PURPOSE** : to establish an ecopoint system for HGVs travelling through Austria during 2004. **CONTENT** : This legislation is required whilst waiting for the adoption of the framework proposal on charging for the use of infrastructure (COM2001370). From 1 January 2004 to 31 December 2004, the total NOx emissions from lorries crossing Austria in transit will be set according to figures annexed to the draft regulation. The value of the total NOx emissions from lorries will be set according to an ecopoint system. Under that system, any lorry crossing Austria in transit will need a number of ecopoints equivalent to its NOx emissions. The method of calculation and administration of such points is described in Annex 2. Austria must issue the ecopoints cards for lorries crossing Austria in transit. Hauliers with a Community authorisation issued by the competent authorities in Austria shall not be entitled to carry goods on international journeys where neither loading nor unloading takes place in Austria.?

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

The Presidency concluded, after a discussion on the draft Regulation, that a qualified majority of delegations was in favour of a compromise proposal suggested by the Presidency, and that when the Parliament has given its opinion in first reading, the Council would adopt a common position on this basis. The Belgian, Italian, Dutch and Austrian delegations indicated that they were unable to support the Presidency's suggested compromise. The Presidency compromise is aimed at resolving the problems raised by Alpine transit, taking account both of sensitive environmental concerns and of the basic principle of free circulation in the internal market. It comes in response to the request made by the European Council at Copenhagen to adopt before the end of 2002 a Regulation providing an interim solution for the 2004-2006 period. The Presidency compromise comprises the draft Regulation establishing the transitional system to minimise environmental damage resulting from Alpine transit, pending the establishment of a Community framework for the charging for the use of infrastructure, as well as draft declarations by the Council and the Commission, which note in particular that: - Austria, Italy and Germany have agreed on an action plan on the promotion of combined transport for the transit of goods through Austria in the short term; - Austria confirms that it will speed up plans for a Brenner railway tunnel (Brenner Basis tunnel) with the aim of completing it by 2012; - the Council and the Commission will make every effort to enable the adoption of a Directive establishing a Community framework on the pricing of infrastructure, on the basis of the current "Eurovignette" Directive (Directive 99/62/EC). The Commission confirms its intention to present a proposal to this effect no later than the first semester of 2003.?

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

The committee adopted the report by Luciano CAVERI (ELDR, I) amending the proposal under the codecision procedure (1st reading). The main amendments were as follows: - if the Commission's proposal on charging for the use of infrastructure has not entered into force by the end of 2004, measures to encourage the use of environmentally-friendly lorries in key areas of the Austrian Alps (notably the Brenner, the Tauern and the Pyhrn) must be phased in as follows (with the quotas to be based on the 2002 ecopoint quotas): in 2004: a quota system for older lorries (the EURO 0, 1 and 2 categories) and unrestricted transit for cleaner lorries (EURO 3); in 2005 and 2006: no transit for EURO 0 and 1 lorries; a quota system for EURO 2 lorries; and unrestricted transit for EURO 3 and the next generation of even cleaner EURO 4 lorries. After 2006 no quota system will be applied; - the title of the proposal should be changed to reflect the transitional nature of the system to be applied in 2004; - the committee added a new article specifying that the Commission's decisions must be consistent with a sustainable transport policy for the Alpine region as a whole, especially for sensitive areas such as the Brenner, the Mont Blanc, the Tauern, the Pyhrn and the Lyon to Turin route (Fréjus). However, given the need to find non-discriminatory solutions to reconcile various obligations deriving from the Treaties, e.g. the free movement of goods and services as well as protection of the environment, this policy must regulate traffic flows only in Alpine passes and other ecologically sensitive areas lying along trans-European corridors; - the proposal should accordingly be reworded to make it clear that the system will apply only to transit traffic through the Austrian Alps and not to Austria as a whole; - the countries affected by the Regulation must be required to include in their existing checking systems ways of determining whether actual nitrogen oxide (NOx) emissions from heavy lorries correspond to the value authorised for Conformity of Production (COP) purposes or derived from type-approval; - finally, the committee stressed that the scope of the regulation must be extended in the course of enlargement to include the applicant countries, with the quotas being increased proportionally by each new Member State and by year.?

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

The European Parliament adopted a resolution drafted by Luciano CAVERI (ELDR, Italy) amending the Commission's proposal by 430 votes for, 79 against and 19 abstaining. (Please refer to the document dated 21/01/03.) A new recital states that it is essential to find non-discriminatory solutions to reconcile the obligations deriving from the Treaty - such as free movement of services and goods and the protection of the environment and from other international conventions and treaties such as the Alpine Convention - and the Kyoto Agreement.?

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

The Council's common position as adopted by qualified majority - the Austrian, Belgian, Italian and Dutch delegations indicated that they were unable to support this compromise. The Council was not in a position to accept any of the European Parliament's amendments. In relation to the Commission's proposal, the Council agreed to the establishment of a "transitional transit system" for 2004. The Council also agreed that this system be extended to 2005 and 2006 in case the Eurovignette proposal on charging for the use of infrastructure has not been adopted by 31 December 2004 and 31 December 2005, respectively. However, the Council introduced a number of changes in its common position on the draft Regulation. In order to promote the use of environmentally friendly lorries, the Council prohibited the transit of EURO 0 vehicles, with the exception of those registered in Greece or Portugal - taking account of the structure of the heavy goods vehicle fleet in these Member States - and of certain highly specialised vehicles of high cost and with a long economic life span. Furthermore, the transit of EURO 4 standard vehicles (the cleanest vehicles) will not be subjected to the transitional transit system. However, in case of an extension of the system to 2005 and 2006, the Commission should undertake an analysis of the transit of EURO 4 standard vehicles and reduce the amount of available ecopoints within the respective quatum bands as set out Annex 1 of the Council common position. In the case of no transit of EURO 4

standard vehicles, the amount in the maximum quatum band would be respected; in the case of transit of EURO 4 standard vehicles, the amount of points to be distributed as from 2005 would be adjusted downwards, in accordance with the findings of the Commission's analysis, within the limits of the corresponding minimum quatum band.?

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

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The Commission wishes to stress, as it has already done before the Council, that the text of the common position differs significantly from the European Parliament's position. Consequently, it will be necessary to make major efforts to arrive at a final agreement. In the context of the functions 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. The Commission appeals to the responsibility of the Member States and the institutions to achieve a satisfactory agreement for the majority of the parties concerned at the end of the procedure. It should be noted that there is a significant difference of opinion between the co-legislators on the type of system proposed following the expiry of the current ecopoints system on 31 December 2003. The common viewpoints concern the duration of the system (at most three years) and the elimination of the 108% clause. The Commission notes that the common position differs significantly from its initial proposal. However, it should be stressed that the text of the common position: - will make it possible for the Community legislative process to advance, which is important since, without a new legislative act, the system of ecopoints in force will expire on 31 December 2003; - is limited in time (three years at most) in accordance with the recommendations of the Heads of State and Government in the conclusions of the Copenhagen European Council; - takes environmental considerations into account, since EURO 0 vehicles are virtually completely banned and very considerable incentives for the use of EURO 4 vehicles are provided for.?

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

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The committee adopted the report by Luciano CAVERI (ELDR, I) amending the Council's common position under the 2nd reading of the codecision procedure. MEPs concluded that the common position did not differ in any way from the text of the Council's political agreement of 31 December 2002, to which they had already made known their opposition. They therefore voted to reinstate all the amendments adopted by Parliament at 1st reading, such as: the phasing-in of measures to encourage the use of environmentally-friendly lorries in key areas of the Alps if the Commission's proposal on charging for the use of infrastructure has not entered into force by the end of 2004; ensuring that the system applies only to transit traffic through the Austrian Alps and not to Austria as a whole; requiring the countries affected by the Regulation to include in their existing checking systems ways of determining whether actual nitrogen oxide (NOx) emissions correspond to the Conformity of Production (COP) value or type-approval value; and extending the scope of the regulation to include the applicant countries, with the quotas being increased proportionally by each new Member State and by year. The committee also adopted an amendment deleting the proposed exceptions for Euro-O lorries from Greece and Portugal, arguing that lorries from all countries should be treated in the same way. ?

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

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The European Parliament adopted a resolution amending the Council's common position. (Please see the summary of 12/06/03). The original rapporteur was Luciano CAVERI (ELDR, I), but the report was presented by Rijk VAN DAM (EDD, NL). Parliament stated that if the legislation on charging for the use of infrastructure has not entered into force by the end of 2004, the use of environmentally-friendly lorries should be encouraged for transit traffic in the Austrian Alps, in particular in the Brenner, the Tauern and the Pyrh, in accordance with the following agreements: In 2004: - quota system for EURO 0, 1 and 2 lorries; - unrestricted transit for EURO 3 lorries; - the quotas will be based on the 2002 ecopoints; In 2005 and 2006: - no transit for EURO 0 and 1 lorries; - quota system for EURO 2 lorries; - unrestricted transit for EURO 3 and 4 lorries; After 2006, no quota system will be applied. ?

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

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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. TheY 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.?

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

The Conciliation Committee reached agreement on the ecopoints system (the transit system for lorries travelling through Austria). Key points of the deal are: - the introduction of a transitional system to apply to the whole territory of Austria; - a ban on the most polluting lorries using more than 8 points (with an exemption for lorries from Greece and for specialised vehicles); - free transit for environment-friendly lorries using 5 points or less; - a quota system for lorries using 6, 7 or 8 points, the annual quota to be set at 6 593 479 points for 2004 with reductions of 5 % successively in 2005 and 2006; - an Interinstitutional Declaration specifying the number of transit points to be attributed to each of the acceding countries; - expiry of the regulation at the latest on 31 December 2006 and in any case when the "Eurovignette" system comes into force. The agreement was vehemently contested by the Austrian MEPs in the EP delegation, as well as by the Austrian government representatives in the Council. ?

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

The European Parliament approved the joint text agreed by the Conciliation Committee the relevant Interinstitutional Declaration on the text. (Please see the document of 25/11/03).?

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

Act : Addendum to Regulation 2327/2003/EC of the European Parliament and of the Council of establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy. - Statement by the European Parliament, the Council and the Commission. CONTENT : the European Parliament, the Council and the Commission declare that they agree on the number of transit points to be attributed to each of the acceding countries for use during the period of application of the Regulation. This agreement will be finalised in accordance with the appropriate legal procedure. The calculation of the transit points will be based on the total number of transit journeys through Austria made in 2002, as listed below, multiplied by the NOx factor of 2003. For the period from 1 May 2004 to 31 December 2004, when the Regulation will apply in the acceding countries concerned, the number of transit points will be reduced correspondingly by 33,33 %. For 2005 and 2006, if the Regulation is extended, the evolution of these transit points will be aligned with the evolution of the transit points agreed for the current Member States.?

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

PURPOSE : to establish an ecopoint system for HGVs travelling through Austria during 2004. LEGISLATIVE ACT Regulation 2327/2003/EC 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. CONTENT : This Regulation will extend the ecopoints system as an interim solution pending the adoption of the framework proposal on infrastructure charging. If the framework proposal on infrastructure charging is not adopted, the ecopoints system would be maintained for an additional year and, where appropriate, extended for two years at the most. The Council adopted the Regulation by qualified majority, the Austrian delegation voting against. The Regulation establishes a transitional transit system applicable to heavy good vehicles travelling through Austria for 2004. The Austrian delegation made clear that the new legislation does not achieve the intended environmental benefits and that the movement of goods should be made by rail rather than by road in this respect. This delegation issued a statement. The Council and the Commission also entered a statement. The Regulation applies to the entire territory of Austria. It advocates maintaining the number of ecopoints at a fixed level, namely that of 2003, for the 15 Member States. There is therefore no reduction in the present number of ecopoints that can be used by Community carriers. A complementary act carries a declaration that the European Parliament, the Council and the Commission agree on the number of transit points to be attributed to each of the

accessing countries for use during the period of application of the Regulation. This agreement will be finalised in accordance with the appropriate legal procedure. The calculation of the transit points will be based on the total number of transit journeys through Austria made in 2002 multiplied by the NOx factor of 2003. For the period from 1 May 2004 to 31 December 2004, when the Regulation will apply in the accessing countries concerned, the number of transit points will be reduced correspondingly by 33,33 %. For 2005 and 2006, if the Regulation is extended, the evolution of these transit points will be aligned with the evolution of the transit points agreed for the current Member States.

ENTRY INTO FORCE : 31/12/03.?