

## II

*(Preparatory Acts)*

## COMMISSION

**Proposal for a Council Regulation (EC) on the distribution of permits for heavy goods vehicles travelling in Switzerland**

(1999/C 114/04)

**(Text with EEA relevance)**

COM(1999) 35 final — 1999/0022(SYN)

*(Submitted by the Commission on 27 January 1999)*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and, in particular, Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Acting in accordance with the procedure laid down in Article 189c of the Treaty, in cooperation with the European Parliament,

- (1) Whereas by Council Decision the European Community has concluded an agreement with the Confederation of Switzerland on the transport of goods and passengers by rail and road;
- (2) Whereas that agreement provides for a system of permits to allow heavy goods vehicles to circulate on Swiss territory with weights in excess of that normally permitted in that country;
- (3) Whereas that agreement also provides for a system of permits for empty and light goods vehicles to circulate on Swiss territory at reduced charges;
- (4) Whereas it is necessary to establish rules governing the distribution and management of the permits which are made available to the Community;
- (5) Whereas for practical and management reasons, those permits should be made available to the Member States by the Commission;
- (6) Whereas, to that end, an allocation method should be established; whereas, thereafter, the Member States should share out the amounts allocated to them among undertakings in accordance with objective criteria;
- (7) Whereas, in order to ensure the optimal use of permits, all unallocated permits should be returned to the Commission for redistribution;

- (8) Whereas the allocation of permits should be based on criteria that take full account of existing transport flows across the Alpine region;

- (9) Whereas that allocation may have to be revised in the light of new statistical evidence; whereas in carrying out such revisions, the Commission shall be assisted by a committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down the rules for the distribution between the Member States of permits available to the Community by virtue of Articles 8 and 40(3)(b) of the agreement between the European Community and the Confederation of Switzerland on the transport of goods and passengers by rail and road (hereinafter referred to as 'the Agreement').

*Article 2*

For the purpose of this Regulation:

1. 'full-weight permit' shall mean a permit issued under Article 8 of the Agreement allowing goods to circulate on Swiss territory at weights up to a maximum of 40 tonnes;
2. 'empty permit' shall mean a permit issued under Article 40 of the Agreement allowing goods vehicles that are empty or are transporting light loads, as defined in Annex 11 to the Agreement, to circulate on Swiss territory at a special tariff, as laid down in Article 40 of the Agreement.

*Article 3*

1. The Commission shall allocate permits in accordance with paragraphs 2 to 5.
2. The full-weight permits shall be allocated in accordance with Annex I.

3. The empty permits shall be allocated in accordance with Annex II.

4. The permits for each year shall be allocated before 15 November of the preceding year.

5. The number of permits allocated for the first year of implementation of the Agreement shall be adjusted *pro rata* if the Agreement has entered into force after 1 January of that year.

#### Article 4

Member States shall distribute permits amongst the undertakings established in their territory according to objective and non-discriminatory criteria.

#### Article 5

Before 15 November each year, Member States shall transfer to the Commission those permits for that year which have not been allocated to undertakings.

The Commission shall allocate those permits in accordance with the procedure laid down in Article 7 to one or more Member States in order to ensure an optimal use of those permits.

#### Article 6

The Commission shall carry out a detailed survey before 1 January 2000 in order to provide accurate statistics on bilateral and transit traffic flows of heavy goods vehicles in the Alpine region, notably as regards the origin and destination of the vehicles and their Member State of registration.

On the basis of the survey, the Commission shall recalculate the allocations in accordance with the methodology laid down in Annex III.

Should the recalculation result in an allocation for any Member State which differs from that set out in Annexes I and II by

more than 5 %, but by at least 500 permits, any amendments necessary to adapt Annexes I and II shall be adopted in accordance with the procedure laid down in Article 7.

#### Article 7

The Commission shall be assisted by a Committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

#### Article 8

This Regulation shall enter into force on the same day as the Agreement.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

## ANNEX I

**Scale for allocating full-weight permits**

The quantity of full-weight permits as laid down in Article 8 of the Agreement shall be allocated by the Commission to the Member States as follows:

**Full-weight permits available in years**

Member State	2000	2001 and 2002	2003 and 2004
Belgium	16 609	19 930	26 571
Denmark	2 919	3 231	3 854
Germany	88 378	107 472	145 660
Greece	1 882	1 966	2 134
Spain	3 772	4 272	5 271
France	38 490	46 620	62 879
Ireland	1 963	2 065	2 269
Italy	50 349	61 085	82 557
Luxembourg	3 342	3 747	4 556
Netherlands	19 477	23 428	31 329
Austria	9 588	11 365	14 920
Portugal	1 710	1 756	1 848
Finland	3 035	3 372	4 047
Sweden	3 193	3 565	4 309
United Kingdom	5 293	6 127	7 795
Total	250 000	300 000	400 000

## ANNEX II

**Scale for allocating empty permits**

The quantity of empty permits as laid down in Article 40 of and Annex 11 to the Agreement shall be allocated by the Commission to the Member States as follows:

**Empty permits available annually**

Member State	2000-2004
Belgium	14 718
Denmark	2 750
Germany	62 788
Greece	6 160
Spain	1 584
France	10 714
Ireland	198
Italy	85 448
Luxembourg	2 200
Netherlands	22 968
Austria	1 760
Portugal	264
Finland	836
Sweden	550
United Kingdom	7 062
Total	220 000

## ANNEX III

**Methodology for determining the allocation of permits**

The allocation of the permits shall take place on the basis of the following methodology:

**Full-weight permits**

A basic allocation of 1 500 permits will be made to each Member State.

The remaining permits will be allocated in equal parts on the basis of criteria relating to transit traffic and on the basis of criteria relating to bilateral traffic.

*Bilateral traffic*

The allocation will take place on the basis of the shares of heavy vehicles registered in the Member States in bilateral road transport to and from Switzerland.

*Transit traffic*

The allocation will take place on the basis of the shares of heavy vehicles registered in the Member States in the total number of diverted kilometres in north-south trans-Alpine road traffic as a result of the current weight restrictions in Switzerland.

Diverted mileage will be calculated as the difference between the actual distance of trans-Alpine journeys and the shortest distance through Switzerland. The mileages through Switzerland will be adjusted to take into account border delays and road traffic conditions by means of an addition of 60 kilometres.

For those Member States where the above method leads to less than 200 permits, the allocation will be established at a level of 200 permits.

**Empty permits**

The empty permits will be allocated on the basis of the shares of vehicles registered in the Member States in the transit traffic through Switzerland of vehicles with a laden weight between 7,5 and 28 tonnes.

The figures in Annexes I and II are based on the above methodology, available statistics and a number of assumptions where no statistics were available. The available statistics and the assumptions will be replaced by the results of the survey when the Commission recalculates Annexes I and II.

**Survey**

The survey will generate the following data:

The origin and destination and the Member State of registration of the vehicle of a representative sample of trans-Alpine transit traffic by vehicles with a laden weight above 28 tonnes, via the Brenner and the Mt Blanc tunnel.

The origin and destination and the Member State of registration of the vehicle of a representative sample of bilateral traffic by vehicles with a laden weight between 7,5 and 28 tonnes with origin or destination in Switzerland.

The Member State of registration of the vehicle of a representative sample of transit traffic journeys by road through Switzerland of vehicles with a laden weight between 7,5 and 28 tonnes.

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