

Proposal for a Council Decision concerning the signature and provisional application of an Agreement in the form of an exchange of letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria

(2003/C 20 E/11)

COM(2002) 418 final — 2002/0188(CNS)

(Submitted by the Commission on 23 July 2002)

EXPLANATORY MEMORANDUM

1. The Agreement between the European Community and the former Yugoslav Republic of Macedonia 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, shall apply to transit traffic of the former Yugoslav Republic of Macedonia through Austria, with effect from 1 January 1999.

In accordance with the provisions of Article 12.3(b), the method of calculation and the detailed rules and procedures for the management and control of the ecopoints are to be agreed by means of an exchange of letters between the Contracting Parties, and will be in line with the provisions of Articles 11 and 14(2) of Protocol 9 to the Act of Accession of Austria, Finland and Sweden to the European Union regulating the ecopoints system applying in the Community.

2. The negotiations during 1998 resulted in the attached text which was initialled only on 25 January 2001. As a consequence, it was also agreed that the ecopoints system will be implemented from 1 January 2002. During the negotiations, the Commission services informed and consulted Member States.

However, the total number of ecopoints allocated to the former Yugoslav Republic of Macedonia lorries for 1999, 2000 and 2001 is also agreed in order to ensure that the annual percentage reduction is made in line with those applied to Community lorries. On this basis, the functioning of the regime applied between the Republic of Austria and the former Yugoslav Republic of Macedonia during the period January 1999-December 2001 was examined by the Joint Transport Committee established by Article 22 of the Transport Agreement, and no discriminatory effects were identified.

3. The Agreement establishes the number of ecopoints allocated to trucks of the former Yugoslav Republic of Macedonia for the period 1999-2003 on the basis of the 'no less favourable treatment for Community heavy goods vehicles' principle. It also provides for appropriate documents, rules of procedure and methods of control for managing the system.

The Agreement stipulates that the system of ecopoints shall be applied from 1 January 2002.

The Commission invites the Council to decide on the signature and provisional application of the Agreement and to initiate the conclusion procedure. Accordingly, it hereby submits to the Council two proposals as follows:

1. Proposal for a Council decision on the signature and provisional application of an Agreement in the form of an exchange of letters concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria.
2. Proposal for a Council decision on the conclusion of the Agreement.

⁽¹⁾ OJ L 348, 18.12.1997, p. 170.

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,

Whereas:

- (1) The Commission has negotiated an Agreement in the form of an exchange of letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria.
- (2) Subject to its possible conclusion at a later date, the Agreement initialled on 25 January 2001 should be signed.
- (3) Provision should be made for the provisional application of the Agreement from 1 January 2002.

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 former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria, subject to its conclusion at a later date.

The text of the Agreement is attached to this Decision.

Article 2

The Agreement referred to in Article 1 shall be applied on a provisional basis from 1 January 2002.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.
