COMMISSION REGULATION (EC) No 3298/94

of 21 December 1994

laying down detailed measures concerning the system of Rights of Transit (Ecopoints) for heavy goods vehicles transitting through Austria, established by Article 11 of Protocol No 9 to the Act of Accession of Norway, Austria, Finland and Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Norway, Austria, Finland and Sweden, and in particular Article 11 (6) and Annex 4 of Protocol No 9 thereto,

Whereas the abovementioned Protocol provided for a special regime concerning the transit of heavy goods vehicles through Austrian territory based on a system of Rights of Transit (Ecopoints); whereas such a regime shall replace, from the date of Accession, the system of distribution of ecopoints established by Council Regulation (EEC) No 3637/92 of 27 November 1992 (1);

Whereas the Commission should adopt detailed implementing measures concerning the procedures relating to the ecopoint system and the distribution of ecopoints;

Whereas, according to the second subparagraph of Article 11 (6) of Protocol No 9, such measures should ensure that the actual situation for the present Member States resulting from the application of Council Regulation (EEC) No 3637/92 and of the Administrative Arrangement, signed on 23 December 1992 (2), setting the date of entry into force and the procedures for the introduction of the ecopoint system referred to in the Transit Agreement, is maintained;

Whereas the Commission should adopt detailed measures concerning outstanding technical questions relating to the ecopoint system as foreseen in Joint Declaration No 18;

Whereas Annex 4 of Protocol No 9 shall be adapted to take account of transit journeys by heavy goods vehicles registered in Finland and Sweden, based on indicative values for the respective countries calculated on the basis of the number of transit journeys in 1991 and a standard value of NOx emission of 15,8 grammes NOx/kw;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee set up by Article 16 of Protocol No 9,

I. Administrative provisions

Article 1

1. The driver of a heavy goods vehicle on a transit journey shall carry, and produce at the request of the supervisory authorities, a duly-completed standard form or an Austrian certificate confirming payment for the ecopoints for the journey in question, modelled on Annex A and known as the 'ecocard'.

The competent Austrian authorities shall issue the ecocard shown in Annex A against payment of the cost of producing and distributing the form and the ecopoints.

2. The driver of a heavy goods vehicle registered after 1 October 1990 shall also carry, and produce upon request, a standard COP document, modelled on Annex B, as evidence of the Nox emissions of that vehicle. Heavy goods vehicles first registered before 1 October 1990 or in respect of which no document is produced shall be assumed to have a COP value of 15,8 g/kw.

The Member States shall notify the Commission in writing of the national authorities authorized to issue the above documents.

3. Transit journeys made in the circumstances listed in Annex C or under ECMT authorizations shall be exempt from the ecopoints scheme.

Article 2

- 1. The requisite number of ecopoints shall be affixed to the form referred to in Article 1 (1) and cancelled. The ecopoints shall be cancelled by signing in such a way that the signature extends over both the ecopoints and the form to which they have been affixed. A rubber stamp may be used instead of a signature.
- 2. Until 31 December 1996, on a vehicle's entry into Austrian territory a duly-completed form bearing the requisite number of ecopoints shall be handed to the supervisory authorities, who will hand back a copy with the proof of payment.

^{(&#}x27;) OJ No L 373, 21. 12. 1992, p. 1. (2) OJ No L 373, 21. 12. 1992, p. 1.

In the case of an Austrian-registered heavy goods vehicle, the proof of payment and the COP document shall be presented together to the supervisory authorities of the Member State on entering or leaving Italy or Germany. A copy of the proof of payment shall be presented to the customs authorities on entry.

Special ecopoints shall be used for Austrian-registered heavy goods vehicles engaged in transit journeys to or from Italy or journeys which continue in Germany after transit through Austria. Their use shall be recorded on the proof of payment.

Such controls may be done at a point other than the border at the discretion of the Member State.

- 3. Where a traction unit is switched during a transit journey, the proof of payment issued on entry shall remain valid and be retained. Where the COP value of the new traction unit exceeds that indicated on the form, additional ecopoints, affixed to a new card, shall be affixed and cancelled on leaving the country.
- 4. For journeys requiring ecopoints, the form specified in Article 1 (1) shall replace all Austrian forms hitherto used for transport statistics.
- 5. The competent authorities of the Member States shall regularly notify the Commission of the number of points used. The originals, or copies, of forms bearing cancelled ecopoints shall, where necessary, be made availale to individual national authorities or to the Commission.

Article 3

1. Until 31 December 1996 Austrian proof of payment for ecopoints for Italy or Germany shall be recognized as replacing the authorizations previously used in Austria, Germany and Italy. In Italy such proof of payment shall replace a bilateral half-ticket for a single journey and in Germany a bilateral authorization for a return journey.

For Austrian-registered heavy goods vehicles leaving Italy, a duly-completed copy of the form referred to in Article 1 (1), bearing the requisite number of ecopoints for Italy, shall replace the authorization provided for.

- 2. Continuous journeys which involve crossing the Austrian frontier once by train, whether by conventional rail transport or in a combined transport operation, and crossing the frontier by road before or after crossing by rail, shall be regarded not as transit of goods by road through Austria within the meaning of Article 1 (e) of Protocol No 9, but as bilateral journeys within the meaning of Article 1 (g) thereof.
- 3. Conitnuous transit journeys through Austria using the following rail terminals shall be deemed as bilateral journeys:

Fürnitz/Villach Süd, Sillian, Innsbruck/Hall, Brennersee, Graz.

Article 4

The ecopoints shall be overprinted with the year for which they are valid. They may be used between 1 January of the year for which they are valid and 31 January of the following year.

Article 5

- 1. Infringements of Protocol No 9 or of this Regulation by a driver of a heavy goods vehicle or an undertaking shall be prosecuted in accordance with the national legislation in force. In the case of repeated infringements, Article 8 (3) of Council Regulation (EEC) No 881/92 (1) shall apply.
- 2. The Commission and the competent authorities of the Member States shall, each within the limits of their jurisdiction, provide each other with administrative assistance in investigating and prosecuting infringements of Protocol No 9 or this Regulation, notably in ensuring that the documents specified in Article 1 are correctly used and handled.
- 3. Where the ecocards referred to in Article 1 are not presented to the supervisory authorities in accordance with the provisions of this Regulation, where such a form is incomplete or obviously incorrect, or where the ecopoints are not correctly affixed, the supervisory authorities may, with due regard to the principle of proportionality, refuse permission for the journey to be continued.

II. Distribution of ecopoints

Article 6

- 1. A number of ecopoints equal to 96,66 % of the total available shall be distributed between the Member States according to the distribution scale shown in Annex D.
- 2. These ecopoints shall be made available to the Member States, each year in two portions, the first before 1 October of the preceding year and the second before 1 March of the relevant year.

In the circumstances provided for in Article 11 (2) (c) of Protocol No 9, the second instalment shall be reduced by the number of ecopoints calculated using the method laid down in Annex 5 (3) to the Protocol.

Article 7

1. The competent authorities of the Member States will distibute their available ecopoints to interested operators, established on their territory.

⁽¹⁾ OJ No L 95, 9. 4. 1992, p. 1.

2. Each year the competent authorities of the Member States shall return to the Commission, by 15 October at the latest, any ecopoints which, on the basis of available data and the estimates for traffic for the final months of the year, are likely not be used before the end of the year.

Article 8

- 1. The ecopoints which are not distributed among Member States, in accordance with Article 6, as well as those which have been returned to the Commission, in accordance with Article 7, shall constitute a Community reserve.
- 2. The ecopoints of the Community reserve are to be allocated by the Commission to the Member States, according to the procedure set out in Article 16 of Protocol No 9, at least one month before the end of the year, taking into account the manner in which each Member State managed the ecopoints allocated to it and the objective needs of the hauliers of each Member State, which may, in particular, be determined using the following criteria:
- the special position of Greece and Italy as detailed in Annex E,
- a disadvantageous starting position,
- problems with the technical upgrading of the vehicle fleet concerning NOx emissions,
- geographical circumstances,
- unforeseen occurrences.

III. Adaptation of ecopoint figures

Article 9

Annex 4 of Protocol No 9 to the Act of Accession of Norway, Austria, Finland and Sweden shall be adapted as follows:

Year	Percentage of ecopoints	Ecopoints for EU-15
1991 base	100 %	23 556 220
1995	71,7 %	16 889 810
1996	65,0 %	15 311 543
1997	59,1 %	13 921 726
1998	54,8 %	12 908 809
1999	51,9 %	12 225 678
2000	49,8 %	11 730 998
2001	48,5 %	11 424 767
2002	44,8 %	10 533 187
2003	40,0 %	9 422 488

IV. Technical questions concerning the ecopoint system

Article 10

By way of clarification from Article 11 (2) (b) and Annex 5 (1) of Protocol No 9, in the case of vehicles registered before 1 October 1990 which have had a change of engine since this date, the COP value of the new engine shall apply. In such a case the certificate issued by the appropriate authority shall mention the change of engine and give details of the new COP value for NOx emissions.

Article 11

Where a traction unit registered in a Member State other than Austria is replaced by an Austrian-registered traction unit during a transit journey across Austria to Italy, a permit for bilateral traffic between Austria and Italy shall, until 31 December 1996, be required in addition to the proof of payment for the journey by the first traction unit.

Article 12

A transit journey shall be exempt from paying ecopoints if the following three conditions are met:

- (i) the sole purpose of the journey is to deliver a brandnew vehicle, or vehicle combination, from the manufacturers to a destination in another State;
- (ii) no goods are transported on the journey;
- (iii) the vehicle or vehicle combination has appropriate international registration papers and export licence plates.

Article 13

A transit journey shall be exempt from paying ecopoints if it is the empty leg of a journey exempt from ecopoints as listed in Annex C and the vehicle carries suitable documentation to demonstrate this. Such suitable documentation shall be either:

- a bill of lading, or
- a completed ecocard to which no ecopoints have been attached, or
- a completed ecocard with ecopoints, which are subsequently reinstated.

Article 14

1. This Article shall apply to the transit traffic of heavy goods vehicles with a maximum authorized weight of over 3,5 tonnes registered in Austria across German territory either via Bad Reichenhall ('Kleines Deutsches Eck') or via the Inntal-motorway A8/A93 between the crossings Bad Reichenhall/Autobahn and Kiefersfelden ('Großes Deutsches Eck').

- 2. On the 'Kleines Deutsches Eck', Germany may limit the number of single journeys of Austrian heavy goods vehicles to 4700 per week until 30 June 1995 and to 2 350 single journeys per week until 31 December 1996.
- 3. On the 'Großes Deutsches Eck', Germany may, until 31 December 1996, limit the number of single journeys of transiting Austrian vehicles, other than those made on the basis of bilateral traffic authorizations or journeys on own account, to 2 350 per week. As from 1 January 1997 the non-discriminatory treatment of Austrian hauliers shall be ensured.
- 4. On the 'Kleines Deutsches Eck' the Commission shall, before 1 October 1996 and after consultation, notably with Austria and Germany, review the necessity

and efficiency of this regime with a view to establishing a non-discriminatory system based on environmental criteria and electronic controls to be applied as from 1 January 1997 to heavy goods vehicles as defined in Article 1 (d) of Protocol No 9 to the Act of Accession for Austria and which shall not exceed the restrictions applying to the transit of heavy goods vehicles across Austrian territory.

V. Final provisions

Article 15

This Regulation shall enter into force on 1 January 1995, subject to the entry into force of the Act of Accession of Norway, Austria, Finland and Sweden.

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

Done at Brussels, 21 December 1994.

For the Commission

Marcelino OREJA

Member of the Commission



BM für öffentl. Wirtschaft und Verkehr Straßengüterverkehr Ökokarte 1031 Wien, Radetzkystraße 2

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Internationale (Europäische) Kennzeichen / International (European) distinguishing signs / Targa internazionale (Europeo)

543 Passau-Saming

540 Passau-Voglau

345 Rattersdorf-Liebing

871 Pfunds

833 Pinswang

770 Radipaß

465 Plöckenpaß

849 Reit im Winkl

834 Reutte/Plansee

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932 Feldkirch-Tisis

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- Federal Ministry for public economy and transport
- Date of entry (Day, Month, Year) (3)
- Details of HGV/articulated vehicle tractor unit
- (5) Nationality
- Vehicle registration number (6)
- Month and year of first registration (7)
- (8) COP value (to one decimal place)
- **Number of Ecopoints** 9
- 10 Details about trailer/semi-trailer
- 11 Transport for hire or reward
- Transport on own account 12
- Details of transport (for laden vehicles only)
- 1 Weight of load in tonnes (to one decimal place)
- 15 laden

- (6) unladen
- Country of loading 1
- Place of loading (post code) (18)
- Country of unloading
- Place of unloading (post code) 20
- **Border Customs Office** (ZT)
- of entry 23 of exit 22
- Mark indicating that check has been carried out by the appropriate authority
- Date/Stamp/Signature
- Signature and name of person filling in this form
- Name, firm and complete address of the haulier 27
- Ecopoints without special imprint 29 with imprint

- Ministero federale dell'economia pubblica e del traffico (2)

839 Vorderriß

550 Wegscheid

961 Weienried

847 Wildbichl 560 Wullowitz

450 Wurzenpaß

558 Weigetschlag

650 Walserberg-Autobahn

- Data d'ingresso (Giorno, Mese, Anno)
- Dati sull'autocarro o sulla motrice di autoarticolato 4
- **(5**) Nazionalità
- **(6)** Targa del veicolo
- (7) Mese e anno di prima immatricolazione
- Valore COP (con une cifra decimale)
- Numero de Ecopunti (9)
- Dettagli di rimorchio/rimorchio di trattore 10
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- (13) Dati relativi al trasporto (solo per veicoli carichi)
- (14) Peso lordo in tonnelate (con una cifra decimale)
- (15) carico vuoto
- Paese di carico (17)
- Località di carico (codice postale)
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- (21) Ufficio doganale in frontiera
- d'ingresso 23 d'uscita
- Segno indicante che il controllo è stato fatto dalle autorità competenti
- Data/Timbro/Firma
- **26**) Firma e nome del compilatore
- Cognome, nome della ditta e indirizzo completo del imprenditore di trasporti
 - Ecopunti senza testo a stampa speciale 29 con testo a stampa

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932 Feldkirch-Tisis

936 Feldkirch-Meiningen

- 2 Federal Ministry for public economy and transport
- 3 Date of entry (Day, Month, Year)
- Details of HGV/articulated vehicle tractor unit 4
- (5) **Nationality**
- Vehicle registration number
- 1 Month and year of first registration
- COP value (to one decimal place) (8)
- 9 **Number of Ecopoints**
- 10 Details about trailer/semi-trailer
- Transport for hire or reward 1
- Transport on own account 12
- 13 Details of transport (for laden vehicles only)
- Weight of load in tonnes (to one decimal place) 1 16 unladen
- 15 laden
- 17) Country of loading
- Country of unloading (19)

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- Place of loading (post code) Place of unloading (post code) 20
- **21 Border Customs Office**
- **(22**) of entry 23) of exit
- 24 Mark indicating that check has been carried out by the appropriate authority
- Date/Stamp/Signature
- Signature and name of person filling in this form 26
- Name, firm and complete address of the haulier 27)
- Ecopoints without special imprint 29 with imprint

- Ecocarta
- Ministero federale dell'economia pubblica e del traffico

961 Weienried

847 Wildbichl

560 Wullowitz

450 Wurzenpaß

558 Weigetschlag

- (3) Data d'ingresso (Giorno, Mese, Anno)
- Dati sull'autocarro o sulla motrice di autoarticolato 4
- (5) Nazionalità
- Targa del veicolo **(6)**
- **①** Mese e anno di prima immatricolazione
- Valore COP (con une cifra decimale) (8)
- 9 Numero de Ecopunti
- Dettagli di rimorchio/rimorchio di trattore 10
- 11) Trasporto merci in conto terzi
- 12 Trasporto in conto proprio
- Dati relativi al trasporto (solo per veicoli carichi) 13)
- 14) Peso lordo in tonnelate (con una cifra decimale)
- 15 carico vuoto
- 17) Paese di carico
- 18 Località di carico (codice postale)
- 19 Paese di scarico
- 20 Località di scarico (codice postale)
- Ufficio doganale in frontiera **21**
- 22 d'ingresso 23 d'uscita
- Segno indicante che il controllo è stato fatto (24) dalle autorità competenti
- Data/Timbro/Firma
- Firma e nome del compilatore
- Cognome, nome della ditta e indirizzo completo del imprenditore di trasporti 27
- Ecopunti senza testo a stampa speciale 28 29 con testo a stampa

Die Ökokarte ist ausschließlich unter folgender Adresse zu beziehen:

The Ecocard is available only at the following address:

L'Ecocarta è daricevere solamente bal seguente indirizzo:

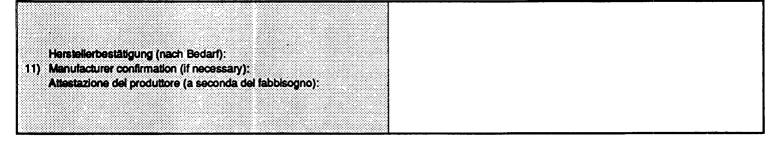
Österreichische Staatsdruckerei

Rennweg 12 a Postfach 129

Telefon (0222) 797 89 226 Telefax (0222) 797 89 419

A-1037 Wien

COP DOCUME	ENT	Fortlaufende Dokumentnummer: 1) Document serial number: Numero di serie del documento:
Nationalität: 2) Nationality: Nazionalità:		Amtliches Kennzelchen: 3) Vehicle registration number: Targa del veicolo:
Datum der Erstzulassung: 4) Date of first registration: Data della prima immatricolazione:		Motor wurde getauscht am: 4a) Motor was changed at: Motore cambiato II:
EWG-Betriebserlaubnisnummer: Type approval number: CEE-numero della licenza per l'esercizio: 5) oder/or/o Motorcodierungsnummer: Engine serial number; Numero di serie del motore:	(nach 88/77/EWG 91/542/EWG oder/or/o ECE R 49)	
Fahrzeugldentifizierungsnummer: 6) Chassis number: Chassis numero:		
NOx Emission: 7) NOx Emission: Emissione di NOx:		COP Wert (Typengenehmigung + 10%): 8) COP Value (Type approval + 10%): Valore COP (Omologazione + 10 %):
Anzahl Ökopunkte: 9) Number of Ecopoints; Numero di Ecopunti:		
Behördenstempel; 10) Official stamp: Timbro ufficiale:		



Der Lenker eines Lkw im Gütertransitverkehr durch Österreich hat dieses Dokument mitzuführen und den Kontrollorganen zur Kontrolle vorzuweisen. Wird das Dokument nicht vorgewiesen, sind für die Fahrt 16 Ökopunkte auf die Ökokarte aufzukleben und zu entwerten.

The driver of a H.G.V. in transit through Austria must carry this document with him/her and present it to control authorities for inspection. If the document is not presented for inspection then 16 Ecopoints are to be affixed to the Ecocard and cancelled.

Il conducente di un camion in transito attraverso l'Austria deve avere con sè questo documento e deve presentarlo alle Autorità competenti per il controllo. In caso di mancata presentazione del documento, 16 Ecopunti verrano applicati sull'Ecocarta e annullati.

ANNEX C

JOURNEYS FOR WHICH NO ECOPOINTS ARE REQUIRED

- 1. The occasional transport of goods to and from airports when flights are diverted.
- 2. The carriage of baggage in trailers attached to passenger vehicles, and the carriage of baggage to and from airports by vehicles of all kinds.
- 3. The carriage of postal consignments.
- 4. The carriage of damaged vehicles or vehicles in need of repair.
- 5. The carriage of waste and sewage.
- 6. The carriage of animal carcases for disposal.
- 7. The carriage of bees and fish spawn.
- 8. The transport of corpses.
- 9. The carriage of works of art for exhibition or commercial purposes.
- 10. The occasional carriage of goods for advertising or educational purposes.
- 11. The carriage of goods by removal firms possessing the appropriate personnel and equipment.
- 12. The carriage of equipment, accessories and animals to and from theatrical, musical, cinema, sporting or circus events, exhibitions or fairs, or to and from radio, cinema or television recordings.
- 13. The carriage of spare parts for ships and aircraft:
- 14. The empty journey of a goods vehicle sent to replace a vehicle that has broken down in transit and the continuation of the journey by the replacement vehicle using the authorization issued for the first vehicle.
- 15. The carriage of emergency medical aid (particularly in the case of natural disasters).
- 16. The carriage of valuable goods (e.g. precious metals) in special vehicles escorted by the police or another security service.

ANNEX D

DISTRIBUTION SCALE OF ECOPOINTS

Member State		Units	
Austria		214 800	
Belgium		32 500	
Denmark		40 500	
Germany		482 500	
Greece		60 500	
Spain	1	1 200	
Finland		4 600	
France		5 000	
Ireland	1	1 000	
Italy		510 000	
Luxembourg		5 000	
Netherlands	-	123 500	
Portugal	1	400	
Sweden	1	7 500	
United Kingdom		8 500	
	Total	1 497 500	

ANNEX E

SPECIAL POSITION REFERRED TO IN ARTICLE 8 (2)

Of the normal reserve of 3,34 % of the total number of ecopoints, a portion approximately equivalent to 5 430 of the units in Annex D shall in principle be allocated, on a priority basis and in accordance with the distribution scale in Annex D, to Greece and Italy. Furthermore, all necessary efforts shall be made to ensure that the share of ecopoints allocated to Greece takes sufficient account of Greek needs