



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.3.2004  
COM(2004) 184 final

Proposal for a

**COUNCIL REGULATION**

**adapting Regulation (EC) No 2327/2003 of the European Parliament and of the Council,  
in the field of transport, by reason of the accession of the Czech Republic, Estonia,  
Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

Regulation (EC) No 2327/2003 of the European Parliament and of the Council of 22 December 2003 establishes a transitional points system applicable to heavy goods vehicles travelling through Austria. This system will enter into force for the new Member States subject to and on the date of entry into force of the Treaty of Accession.

During the negotiations to adopt Regulation (EC) No 2327/2003 of the European Parliament and of the Council, a draft declaration of the European Parliament, the Council and the Commission was agreed and annexed to the minutes of the meeting of the Conciliation Committee of 25 November 2003. This declaration indicates that the number of points to be allocated to the future Member States will be calculated on the basis of an agreed number of transit journeys, multiplied by the factor NO<sub>x</sub> for the year 2003 (6.08). A pro rata will also be calculated for the period from the date of accession until December 2004. For the years 2005 and 2006, if the Regulation still applies, adjustments in the number of points allocated to the new Member States will be modelled on adjustments made to the points allocated to the current Member States.

The annexed proposal for a Council Regulation therefore provides for a technical amendment to be made to Regulation (EC) No 2327/2003 in order to fix the number of points to be distributed to the new Member States for the years 2004, 2005 and 2006.

Article 2(3) of the Treaty of Accession stipulates that the institutions of the European Union can, prior to accession, adopt amendments to those acts which require adaptation by reason of accession as provided for in Article 57 of the Act of Accession. These measures shall enter into force subject to and on the date of entry into force of the Treaty of Accession.

Article 57(2) of the Act of Accession provides that these adaptations will be adopted by the Council acting by qualified majority on a proposal from the Commission.

The Council is therefore asked to approve the attached Commission proposal.

Proposal for a

## COUNCIL REGULATION

**adapting Regulation (EC) No 2327/2003 of the European Parliament and of the Council, in the field of transport, by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia<sup>1</sup>, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia<sup>2</sup>, and in particular Article 57(1) thereof,

Having regard to the proposal from the Commission,<sup>3</sup>

Whereas:

- (1) For certain acts which remain valid beyond 1 May 2004 and require adaptation by reason of accession, the necessary adaptations were not provided for in the 2003 Act of Accession, or were provided for, but further adaptations are necessary. All these adaptations need to be adopted before accession in order to enter into force as from accession.
- (2) Pursuant to Article 57(2) of the Act of Accession, such adaptations are to be adopted by the Council in all cases where the Council adopted the original act alone or jointly with the European Parliament.
- (3) Regulation (EC) No 2327/2003 of the European Parliament and of the Council of 22 December 2003 establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy<sup>4</sup> should therefore be amended,

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<sup>1</sup> OJ L 236, 23.9.2003, p. 17.

<sup>2</sup> OJ L 236, 23.9.2003, p. 33.

<sup>3</sup> OJ C (...), (...), p. (...).

<sup>4</sup> OJ L 345, 31.12.2003, p. 30.

HAS ADOPTED THIS REGULATION:

*Article 1*

In Regulation (EC) No 2327/2003, the following Annex III shall be added:

“Annex III

<b>Number of points to be allocated to the new Member States</b>				
<b>Member State</b>	<b>Basic allocation for 12 months 2004</b>	<b>Pro rata 2004 *</b>	<b>2005 **</b>	<b>2006 ***</b>
Czech Rep.	486 874	324 599	462 531	439 404
Cyprus	3 040	2 027	2 888	2 744
Estonia	16 805	11 204	15 965	15 167
Lithuania	42 037	28 026	39 935	37 939
Latvia	21 669	14 447	20 586	19 556
Hungary	730 208	486 830	693 698	659 013
Malta	14 592	9 728	13 862	13 169
Poland	332 479	221 664	315 855	300 062
Slovakia	144 248	96 170	137 036	130 184
Slovenia	356 448	237 644	338 626	321 694
<b>TOTAL EUR 10</b>	<b>2 148 400</b>	<b>1 432 338</b>	<b>2 040 980</b>	<b>1 938 931</b>

\*Pro rata distributed for the period 1 May – 31 December 2004.

\*\*Basic allocation for 2004 – 5%

\*\*\*Allocation for 2005 – 5%

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*Article 2*

This Regulation shall enter into force subject to and on the date of entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

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

Done at Brussels,

*For the Council  
The President*