



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.07.1998
COM(1998) 444 final

COMMISSION WORKING PAPER

**Towards a framework for the solution of
the environmental problems caused
by traffic of heavy goods vehicles**

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Towards a framework for the solution of the environmental problems caused by traffic of heavy goods vehicles

EXECUTIVE SUMMARY

Upon the accession of Austria, Finland and Sweden the Union made the following Declaration:

"The Union informs Austria that the Council has requested the Commission to propose for adoption a framework for the solution of the environmental problems caused by traffic of heavy goods vehicles. This framework will include appropriate measures on charges for road use, rail infrastructure, combined transport facilities and technical standards for vehicles."

The present working paper has been prepared with a view to giving a clear picture of the existing policies and those being developed which can be considered as the basis for an integrated policy to deal with the environmental problems referred to in the Declaration. While such a policy should, of course, be valid for the Community as a whole, it is necessary to allow for a certain differentiation, in proportion to the severity of the environmental problems. Thus, for instance, the Auto/Oil Programme¹ takes into account the major differences in pollution levels between cities such as The Hague and Cologne on the one hand and Madrid and Athens on the other, while ensuring that measures in all these cities are in line with the general approach. The working paper sets out the steps taken so far and those envisaged in the near future on the road towards sustainable mobility.

In the past years the Commission has made several proposals in respect of the four categories of measures in the Declaration, including: differentiated road charging, more efficient railways, better transshipment points, improved conditions for combined transport and high technical standards such as those developed in the Auto/Oil Programme. However, many of these policies still have to be transposed into legislation and implemented. In addition, a coherent approach to the problems in the Alpine area forms the main objective of the draft transport agreement between the Community and Switzerland. Both the actions already undertaken and those which are envisaged, to consolidate and develop the pillars of the framework, are indicated in this working paper.

The analysis presented in this paper suggests that the avoidance of unnecessary transport (diverted traffic, empty lorries), increasing the market share of environmentally friendly modes like rail and combined transport, and minimizing the burdens caused by road vehicles through strict technical standards can all make important contributions to realising the objectives of the framework. The measures already put in place and under development should in principle go a long way to solving the environmental problems caused by traffic of heavy goods vehicles. However, rapid implementation is necessary.

¹ The Auto/Oil programme is a cooperative programme, set up jointly by the European Commission and the European automotive and oil industries to examine engine technology, fuel quality and air quality, with a view to formulating options for reducing polluting emissions from vehicles.

No single measure on its own is sufficient to achieve the objective of sustainable transport. A package of measures is, therefore, required and the Commission has, consequently, made several proposals on individual elements of the framework. Clearly, the implementation of these measures is critical to the success of the strategy. However, only limited progress with adopting key elements of the package – notably rail policy proposals and the revision of the Eurovignette regime (Directive 93/89/EC) – has so far been made. Upcoming proposals requiring priority and attention include: the White Paper on infrastructure charging and various proposals on railway policy (notably on access conditions to rail infrastructure, on the financial relationship between the state and railway companies and on technical harmonisation). Annex 1 provides an overview of these proposals and initiatives. The Commission will, therefore, monitor developments closely and report regularly in order to establish whether, over time, satisfactory progress towards the achievement of the objectives is realised.

COMMISSION WORKING PAPER

Towards a framework for the solution of the environmental problems caused by traffic of heavy goods vehicles

INTRODUCTION

1. In 1994 the Council requested the Commission to combine a number of specific actions into a *framework* without excluding other subjects which together could form a global Community approach to solving the environmental problems caused by traffic of heavy goods vehicles. Whilst the request was made in the context of the accession of Austria, Finland and Sweden, the framework should apply to the whole of the Community. As such, it can be seen as an important contribution to the objective of sustainable mobility which the Commission proposed should underpin the development of the common transport policy in its 1992 White Paper.² The request is included in Declaration No 34 concerning the Act of Accession of Austria, Finland and Sweden³:

"The Union informs Austria that the Council has requested the Commission to propose for adoption a framework for the solution of the environmental problems caused by traffic of heavy goods vehicles. This framework will include appropriate measures on **charges for road use, rail infrastructure, combined transport facilities and technical standards for vehicles.**"

Environmental problems caused by the operation of heavy goods vehicles

2. Air pollution, emission of global warming gases, noise and vibrations are inherent consequences of transport operations; soil and water pollution can arise, in particular, from dangerous goods spillage; destruction or separation of natural habitats are caused by building infrastructure. Traffic congestion can exacerbate many of these environmental problems.
3. CO₂ and to a lesser extent NO_x are greenhouse gases which contribute to global warming. NO_x, together with HC, cause urban air pollution and are important precursor pollutants in the formation of ground level ozone and therefore contribute to respiratory problems. Particulate matter is linked to respiratory disease and increases the risk of cancer; excessive concentrations of CO lead to dizziness and can cause cardiovascular difficulties. In addition, the scrapping of older, air-conditioned or refrigerated vehicles causes emissions of chlorofluorocarbons (CFC's) which deplete the ozone layer in the upper atmosphere.
4. The most important pollutants from trucks are NO_x, particulate matter and CO₂. The diesel engine is one of the most significant sources of particulate emissions and, by 2010, is expected to contribute half of total NO_x emissions. Levels of CO₂ from

² COM(92) 494 final of 2.12.1992

³ C 241 of 29.8.1994

transport are expected to increase significantly between 1990 and 2010 with road freight transport being an important factor in this increase.

5. Traffic noise is considered to be a major environmental problem by 35% of EU citizens and it is of particular concern in densely populated areas. The response at EU level has been progressively to tighten type approval standards for lorry and passenger car noise, to the extent that the maximum permitted noise emission of a new lorry has been progressively reduced from 88 dB(A) in 1990 to 80 dB(A) by 1996. Unfortunately this has resulted in only some 2 dB(A) improvement in practice. An important reason is the change in the relative significance of the noise generated by the engine and by the tyres. Tyre noise has become more and more dominant. However, action to reduce tyre noise is far more difficult to achieve quickly at the European level, since the major determining factor affecting tyre noise is the road surface. Indeed, there has been little improvement in noise levels caused by tyres.

Policy Background

6. The Council's request to the Commission at the time of Austria's accession to the Community should be seen in the light of the significant concern about the environmental consequences of heavy goods vehicles traffic in the Alpine region. The White Paper on "The future development of the common transport policy - a global approach to the construction of a Community framework for sustainable mobility"⁴ pointed to the considerable share of the road sector in the consumption of energy (80%) and the output of CO₂ (75%) by all modes of transport as well as its significant contribution to urban pollution and concluded that action had to be taken to reduce the environmental impact of transport. The Commission has subsequently published a number of Communications and Proposals, which outline measures to tackle this problem.⁵ With a view to longer term solutions, research will continue to be done under the Fifth Framework Programme for Research and Development.
7. In its Communication on Transport and CO₂, the Commission underlined that significant changes in transport are needed to allow the Community to meet its commitments under the United Nations Framework Convention on Climate Change following the Kyoto Conference. At the same time, existing and proposed Community policies as well as certain local measures have the potential to halve the expected growth in transport CO₂ emissions by 2010 if fully and rapidly implemented. As far as freight transport is concerned, these include in particular fair and efficient pricing, the completion of the internal market in rail transport and the better integration of various modes of transport. These policies therefore have benefits both for addressing the environmental problems of heavy goods transport along major transport corridors and in view of the Community's climate change objectives. More broadly, the objective should be to arrive at a less transport

⁴ COM(92) 494 final of 2.12.1992

⁵ "The development of short sea shipping on Europe". COM(95) 317 final of 5.7.1995

"Towards fair and efficient pricing in transport". COM(95) 691 final of 20.12.1995

"An action programme to promote the combined transport of goods". COM(96) 335 final of 24.7.1996

"A strategy for revitalising the Community's railways". COM(96) 421 final of 30.7.1996

"Intermodality and intermodal freight transport in the European Union". COM(96) 243 final of 29.5.1997

"Transport and CO₂ - Developing a Community Approach -". COM(98) 204 final of 31.3.1998

intensive path of economic development primarily through the full internalisation of the external cost of transport.

8. The Transport/Environment Council, in the Conclusions of its meeting of 17 June 1998, also recognised the need for an *integrated approach* if sustainable mobility is to be successfully promoted. The Council invited the Member States to develop strategies, including targets for reducing the road traffic growth and the environmental impacts of transport through a range of measures. These measures should, in particular, lead to a reduction in fuel consumption, emissions and noise and encourage a shift to less environmentally-damaging modes of transport and to a more efficient use of infrastructure and vehicles. In this context the Council also agreed, *inter alia*, to examine Commission proposals aimed at improving and developing rail transport in order to reduce the environmental impact due to road traffic; to raise relevant technical standards as necessary and to carry forward work towards integrating environmental costs into transport pricing. The Council recalled its request to the Commission to propose for adoption a framework for the solution of the environmental problems caused by traffic of heavy goods vehicles. These conclusions clearly point to the need to develop a package of complementary measures to reach sustainable mobility in the EU. Its implementation will have to be a shared responsibility for the Community, Member States, local and regional authorities as well as transport operators and users.
9. Action by the Community to reduce the environmental damage caused by heavy goods traffic in the Alpine region, commenced *before* the accession of Austria, Finland and Sweden by means of a transit agreement with Austria, concluded in 1990 and applied as from 1993. The objective of the agreement was to improve rail infrastructure and combined transport services, as well as to reduce the absolute level of nitrogen oxides emitted by lorries transiting Austria by 60% between 1991 and 2003. The instrument to achieve the goal of lower emissions from road goods transit is the "*ecopoint*" system, whereby lorries have to submit "*ecopoints*", when entering Austrian territory, in proportion to the quantity of nitrogen oxides emitted by their engines. The average emission level of 1991 and the total number of transit journeys in that year were the basis for assessing the number of *ecopoints* available to Community carriers. This number is distributed, on a pro-rata basis, to the Member States, which in their turn distribute the *ecopoints* to their hauliers as they see fit. The quantitative ceiling is reduced each subsequent year, with a view to limiting the number of available *ecopoints* to 40% of the 1991 level by 2003. This will have the effect of reducing emissions by 60% over 12 years. The system is proving a success, because in terms of average pollution levels per vehicle the results so far are ahead of target, with nitrogen oxides emission levels having fallen by one third in 1995 compared with the 1991 level. A report on the operation of the *ecopoint* system during the first four years has been published by the Commission⁶ and should be seen in conjunction with this working paper.
10. In the course of accession negotiations, the 1993 bilateral agreement was incorporated into the Act of Accession as Protocol No 9 on road, rail and combined transport in Austria. This protocol became applicable as from 1 January 1995, the day of Austria's accession to the Union. Articles 11, 12 and 14 of the Protocol refer

⁶ COM(98) 6 final of 16.1.1998

to the "ecopoint" system and are therefore reproduced in annex 2. In addition, Declaration No 34 of the Act envisaged a common framework including the actions referred to further in this working paper, which serves not merely as a Community approach to ensure sustainable mobility in the *Alpine arc* including Switzerland, Liechtenstein and Slovenia, but also as a policy for *the Community as a whole*.

11. Moreover, within a single region, for instance the Alpine region, protective measures should not be based on different approaches, since this will lead to diversion of traffic. The Austrian ecopoint scheme, the Swiss 28 tonne limit and night driving ban, as well as the French system of motorway tolls are very different from each other. There is a clear risk that reliance on such different devices will produce diversion of traffic of different kinds and to varying degrees and indeed increase rather than mitigate certain negative environmental impacts, for example, by increasing the length of trips. A common approach would bring shared benefits and would help to avoid extra volumes of transport and to eliminate environmental effects caused by diverted traffic. In conclusion, a package of complementary measures is required to reach sustainable mobility across the Community.
12. The framework requested by the Council was intended to allow for a possible replacement of the Austrian ecopoint regime before the year 2004. The ecopoint system in Austria is a *transitional* measure, in anticipation of the introduction of *wider* ranging measures. It is meant to prevent the situation from deteriorating while waiting for a Community framework which will ensure a sustainable transport system. The current ecopoint system is also a bureaucratic regulatory system, based on quotas, which contrasts with present market-led approaches to environmental problems, such as road pricing.
13. A framework for the solution of the environmental problems caused by heavy goods vehicles will have to be based on a coherent package of complementary measures, including, *inter alia*, technical standards, pricing instruments, infrastructure policies, operational improvements and logistics. These measures should be oriented towards clear transport and environment objectives. A strategic approach involving action plans and the monitoring of the implementation and effectiveness of measures are the best guarantee for an effective policy to address the environmental problems of road freight transport, as set out by the Commission in its Communication on Transport and CO₂.⁷

Purpose of the working paper

14. This working paper serves the purpose of describing past, present and possible future Community actions to reduce the environmental effects caused by the traffic of heavy goods vehicles falling within the framework referred to in Declaration No 34 and constituting building blocks for the development of a policy of sustainable mobility. It is intended to provide the basis of a first discussion at ministerial level during the Austrian informal Transport Council on 15 September 1998. In addition to the measures discussed as part of this working paper, further progress on other horizontal initiatives could enhance the effectiveness of the framework, for example the extension of the basic principles of the working time directive to all workers in

⁷ COM(98) 204 final of 31.3.1998

transport would not only ensure minimum health and safety protection but also create a more level-playing field across all modes of transport.

15. The *principles* which have guided and should further guide the Community in achieving the objective of the framework, a cleaner and less noisy environment as a component of sustainable mobility, are the following:

non-discrimination between nationality of vehicles and between types of transport operations;

- equal treatment of domestic, bilateral and transit traffic of heavy goods vehicles;
- application of market-based means, so as to secure fair competition and cost transparency;
- freedom of transport users to choose among all modes of transport whilst respecting environmental and safety requirements;
- aligning transport charges more closely with the real costs of transport in all modes;
- efficiency of the transport system with regard to all modes;
- optimising intermodality, including improving interconnection and interoperability between modes;
- finding Community-wide solutions, where uncoordinated national measures do not suffice;
- where relevant, including non-Member States within the Community regime with a view to avoiding unilateral measures which may lead to diversion of traffic.

16. The following Chapters describe how these principles could underpin the further development of the four pillars of the framework as formulated in Declaration No 34: charges for road use, railway infrastructure, combined transport facilities and technical standards for vehicles. The working paper concludes with a brief assessment of whether the further development of Community policies can meet the objective of the framework by providing a solution to the environmental problems caused by the traffic of heavy goods vehicles.

AREAS OF COMMUNITY ACTION

A. CHARGES FOR ROAD USE

17. Road user charges are presently, in general, not directly designed to relate to the total costs of driving to society. Road users pay the costs of the vehicle itself, the fuel and most of the travel-time spent on the road. They also pay, though sometimes only to a certain extent, for the construction and maintenance of the infrastructure through taxes, tolls and other charges. But there are other costs which are not part of the calculation made by the road user when taking the decision to drive. These are costs imposed on other transport users or society as a whole, resulting from congestion, accidents, noise and environmental damage, including the negative

effects for public health. These "external" costs represent a great burden on society as a whole. Estimates produced in the Green Paper "Towards Fair and Efficient Pricing in Transport" put annual congestion costs in the Union at 2% of G.D.P.; accidents another 1.5% and air pollution and noise at least 0.6%. Total costs amount to some 250 billion ECU per year and road users, both passengers and freight transporters, are responsible for 90% of them. It is imperative to reduce these costs.

18. Published in December 1995, the Green Paper argued for a more direct link between the price to be paid for transport use and the costs to society as a whole, including costs of congestion, accidents and negative environmental effects. What is required is the introduction of a framework concerning taxes and charges that gives users incentives to diminish these problems themselves. This approach requires that transport charges have to be *differentiated* in line with costs rather than levied at a *flat* rate for all users independent of costs caused. The proposed restructuring would mean that efforts by transport users to achieve "sustainable mobility" will be rewarded. This is both fair and efficient: transport operators will then always have incentives to deploy their equipment in the most cost-effective way in places where their activities are needed most.
19. At present there is little economic advantage to an operator when lorries are built and maintained in compliance with the most modern environmental standards and contribute relatively little to emissions of noxious gases and road damage. Operators are not economically rewarded for their decision to buy or operate state-of-the-art equipment. In other words: the *structure* of existing taxes and charges should be adapted to the difference in costs caused by different vehicles in different areas and at different moments.
20. Likewise, fair and efficient pricing is likely to improve the modal balance in situations where different modes of transport generate greatly varying costs for society as a whole. For example, in situations with significant peak hour congestion in road transport, it could lead to a shift to public transport.
21. Also by making users pay more directly for costs caused, this policy is expected to facilitate new investments in infrastructure based on public/private partnerships. Price signals can guide the development of transport investment because high charges would signal that capacity constraints are being reached or that environmental problems are getting worse, whilst generating revenues to deal with the problem.
22. The ultimate aim is to achieve *greater economic and environmental efficiency* of the transport system for all modes of transport. The improved price signals may induce the road haulier to change driving times, to use other routes, to increase loading ratios or to equip himself with the latest, improved vehicle technology. The transport operator may improve logistics and change modes. The producer/shipper may find that a change in the transport pattern will make him more competitive. Some may choose to *not* adjust their transport patterns and be charged somewhat more, but benefit from reduced congestion. The costs associated with transport borne by the European economy as a whole, will be reduced because less congestion means less loss of time and more predictable times of arrival, while less accidents and pollution mean lower costs of health care and therefore lower social charges.

23. Meanwhile, the principle of fair and efficient pricing and that of differentiation have been incorporated in the Commission proposal for a new "Eurovignette" Directive⁸ with a view to better relating truck charges to the costs arising from road haulage. The revision of the Eurovignette Directive constitutes the first challenge to the Community's institutions in taking concrete steps towards fair and efficient pricing in Community legislation for road transport.

Road pricing systems

24. The importance of differentiation of charges is increasingly recognised as fundamental for the overall efficiency of the transport system. As also confirmed by the High Level Group on transport telematics, *electronic charging systems*, otherwise referred to as *road pricing systems*, offer the best opportunity for wide application of differentiated charges and could gradually replace existing charging systems. The main advantages that electronic charging systems can provide are:
- a) the handling of a large number of vehicle characteristics (including their environmental performance); this makes it technically possible to apply highly differentiated charges on the basis of a wide range of transport or environmental criteria, and
 - b) the rapidity of the transaction, allowing the charging of traffic whilst travelling at speed, even on multi-lane roads.
25. Development of such systems is advancing very quickly, but for them not to become an obstacle to the free flow of traffic it is necessary that their interoperability be ensured. The Commission's concerted action CARD-ME deals with the issue of interoperability: determination of problem areas and suggestions for solving them. Furthermore, work within the European standardization institute CEN continues, with a view to adopting a standard for the short range communication link between vehicle and roadside equipment, essential for the interoperability of electronic charging systems. Finally, a number of other demonstration projects, co-financed by the Commission, on interoperability among different technical systems are currently underway.
26. Electronic road pricing through road side equipment will only be generally available in the medium-term. Charging per kilometer travelled is a potential intermediate solution and preferable because it is distance-related. Such schemes are less complicated in the sense that they demand no roadside equipment. Distance is measured on board and charges can be levied in proportion to driving distance and differentiated according to the vehicle type's estimated external effects. To analyse and evaluate the desirability of an introduction of such a system the Commission has launched a study on electronic kilometer charges for heavy goods vehicles in the European Union.

Best practice

27. There is a significant potential for reducing the impact of road haulage on society and the environment through the promotion of best practice. Best practice in this

⁸ COM(96) 331 final of 10.7.1997

case means *a way* of carrying out an activity which results in a reduction in one or more of its impacts. Industry pointed out that fair and efficient pricing could have an important role to play in unlocking the potential of best practice. At the request of industry, a small advisory group to investigate the potential for promoting these concepts was established and presented its report in March 1998⁹.

28. It is apparent from this group's work that the use of best practice can play a significant role in reducing the external impacts of transport and that it is therefore desirable to promote the employment of these types of measures by industry. The group collected and considered a number of examples of best practice throughout the Community and noted the very significant reductions in both externalities and costs which could be achieved.
29. The advisory group's final report contains eight specific recommendations for consideration. On charging, the group concluded that regulatory authorities should where possible ensure that fiscal policies encourage the adoption of best practice.

Developing a common charging framework

30. As work on charging continued, it became clear that a multimodal perspective is needed if policy is to develop in a coherent manner to minimize environmental impacts. Accordingly, a High Level Group was set up in Spring 1998 and in its report concluded that a common approach to transport charging, based on the user pays principle, is required in all modes of transport to curb congestion and other transport inefficiencies, to reduce environmental pressures and accidents, to curb distortions in the internal market resulting from the current haphazard mixture of national pricing schemes and to facilitate the setting up of a robust approach to the financing of transport infrastructure. The development of such a common approach to transport charging is indeed needed to support the competitiveness of businesses, through enhanced efficiency, and to contribute to greater environmental sustainability of the transport system. The Commission intends, therefore, to publish a White Paper on Infrastructure Charging which will seek to establish a fair and transparent charging system common to all commercial transport operations in the Community which should gradually replace current charging systems that differ strongly across Member States and modes of transport.

B. RAILWAY POLICY: INFRASTRUCTURE AND SERVICES

Infrastructure

31. It is widely accepted that rail transport has significant potential to alleviate environmental problems caused by heavy goods vehicles traffic. Eight of the Trans European Transport Network projects to which the Essen European Council in December 1994 attached particular importance are rail projects; another three of them concern rail and road or multimodal corridors respectively. Eleven projects are thus designed to create improvements in the capacity and quality of rail services within the Community; two of these projects concern trans-Alpine rail projects. Once carried out, they will make a contribution to solving the above problems.

⁹ Report of the advisory group on best practice and charges in freight transport March 1998

32. The multimodal TEN policy, on which rail infrastructure is dependent, is aimed at creating an *integrated network*, with a view to ensuring sustainable mobility under the best possible social, safety and *environmental* conditions. The main objectives are to enhance the efficiency of this network irrespective of the mode of transport; to increase *interoperability* through seamless connections between national rail networks and easy transfer at the frontiers; and to improve *intermodal* connections and access to the network, so promoting competitive use of less environmentally damaging modes.
33. The Treaty empowers the Community to establish guidelines covering, *inter alia*, the priorities concerning the TEN and to identify projects of common interest which will contribute to establishing the network. These guidelines, proposed by the Commission in 1994, were adopted on 23 July 1996 by Decision No. 1692/96/EC of the European Parliament and the Council. The network should be developed between now and the year 2010. A first evaluation of the functioning of the guidelines is now being carried out in order that the Commission can make a report before 1 July 1999, indicating whether the guidelines should be adapted to take account of economic and technological developments, particularly in rail transport.
34. Those who implement the TEN must take account of environmental concerns at every step of the planning. When implementing projects of common interest identified in the Decision on the guidelines, Member States have to respect Community legislation concerning the environment; in particular, they must carry out environmental impact assessments (EIA). The Commission is also currently working on a methodology for a strategic assessment of the environmental impact of the network and its corridors.
35. Directly related to the network is the creation and establishment of information and management systems, tailored to the transport network and its components. Although the services deriving from these systems will be used by all modes of transport, it is clear that the resulting smooth flow of traffic will enhance the quality of railways; in particular, speed, reliability, and punctuality will be improved by better information and management systems. Improved tracking of cargo by using telematics will also make an important contribution.
36. The TEN-guidelines Decision specifies various transport *links* (railway lines, roads, inland waterways and corridors for combined transport). However, the guidelines do not yet include specific criteria for the identification and development of the main *interconnection points* (intermodal terminals, ports) of the TEN, except for airports. Such terminals should be subject to minimum quality standards as regards services to be rendered, for example fast transshipment. The Commission therefore submitted a proposal in 1997, amending the guidelines with a view to establishing an efficient, coherent European terminal network.¹⁰
37. The implementation of projects in the framework of the TEN may be accelerated by public-private partnerships (PPP). Private sector participation may provide management expertise as well as commercial know-how, to supplement public

¹⁰ Proposal for a European Parliament and Council Decision, amending Decision nr. 1692/96 (EC) as regards seaports, inland ports and intermodal terminals as well as Project nr. 8 in Annex 3. COM(97) 681 final

sector expertise in meeting statutory obligations and public service needs. In its report of 19 June 1997, the Kinnock High Level Group concluded, *inter alia*, that TEN-rail projects in particular could benefit from the development of PPPs. The potential benefits include improved intermodal freight corridors, improvements of nodal points and their complementary infrastructure and more extensive implementation of interoperability.

38. Up to 1997, the Community has already committed significant amounts to the two "Essen projects" which are of particular importance to Alpine crossing transport: the High Speed rail/combined transport project North – South (Berlin – Halle/Leipzig – Erfurt – Nürnberg – München – Verona) has benefited from about 150 million ECU of Community financial assistance; 95 million ECU has been granted to the High Speed rail/combined transport project France – Italy (Lyon – Torino – Milano – Verona – Venezia – Trieste). In this context, measures such as the upgrading of the existing Brenner line in Italy, the design studies for the third and fourth track between Kufstein and Innsbruck in Austria, technical studies and preparatory works for sections of the Lyon – Trieste axis as well as feasibility studies for the proposed Brenner and Mont Cenis base tunnels were supported. Financial assistance was also provided to other Alpine crossing rail infrastructure, for example the Pontebana axis and the Milano – Chiasso link (access to the NEAT¹¹).

Services

39. Rail should be capable of playing a significantly greater role in the transport of freight throughout the Union. However, its potential is hampered by a whole range of technical, organisational, commercial, political and financial problems. In July 1996, the Commission published a White Paper entitled "A strategy to revitalise the Community's railways" which contains a programme to tackle many of these problems and to develop a more efficient railway which will be able to compete more effectively with road transport. The main areas addressed in the White Paper which concern freight are market access and the associated framework conditions and interoperability. The White Paper contains a timetable for action and some of the tasks foreseen are underway.
40. The Railway White Paper identified the need to enhance and clarify the framework which governs access to railway infrastructure. It foresaw the need for the Commission to study the mechanisms in use for infrastructure charges and the allocation of capacity and to bring forward proposals in these areas. The studies are now virtually complete and the legislative proposals for these areas are likely to be tabled in summer 1998. At the same time there will also be a proposal on the further separation of infrastructure management and transport operations to avoid conflicts of interest. The various proposals will be tabled jointly as an "infrastructure package". In addition, the Commission also intends tabling a "financial package" clarifying the financial relationship between the state and the railways.
41. For rail freight to offer a real alternative to road for much of the business it must be able to compete effectively for lorry sized consignments. This implies that efforts are also required to ensure that such traffic should be carried as efficiently and reliably as possible. Traffic of lorry sized consignments currently accounts for

¹¹ Neue Eisenbahn-Alpentransversalen

approximately two thirds of all rail freight in Europe. For international movements, a network of train services exists, which is agreed between railway undertakings. It is clear that co-operation at an international level is required to provide this service. Current arrangements are at present under review, to ensure that there is an appropriate balance between their benefits and their possible anti-competitive effects, in a market which is being progressively liberalized.

42. With regard to access to the market for full train traffic, Directive 91/440 created certain rights for international groupings and combined transport. In 1995, the Commission proposed that these rights should be extended to include all freight services. This proposal has made no progress in the Council and in its Communication¹², published on 31 March 1998, on the effects of Directive 91/440 the Commission discussed how further progress could be made to enable the development of a market for the supply of freight railway services. In the Communication it suggests that a means of making progress might be a gradual and partial opening of the freight market by stages over the next ten years.

Freeways.

43. In the absence of progress on general access rights at Community level, the Railway White Paper proposed the creation on a voluntary basis of a number of Rail Freight Freeways. It indicated that the Commission would take rapid action to develop the Freeway concept and to promote their creation. Following intensive discussions between the Commission, Member States, railway companies and shippers, the Commission published a Communication clarifying the concept. Following intensive work by a number of Member States and railway infrastructure managers a number of Freeway projects came into operation at the start of 1998. Further efforts continue with the aim of expanding and improving these projects, so that they can offer a real prospect for making international rail freight services more attractive.
44. The development of the Freeway concept and its implementation has helped to focus attention on a number of areas where further work is required to enable rail to compete effectively. Some of the specific issues which have been identified in addition to those being addressed in the current legislative proposals include licensing requirements, safety certification, tracking systems, electronic data interchange, customs requirements, and the availability of appropriate rolling stock. Many of these areas are also identified by the study on interoperability of conventional rail which was foreseen in the Railway White Paper. The Commission intends to publish a Communication in autumn 1998 which will draw on this work and identify options for further improvements in this area.
45. The Commission considers that the Action Plan presented in the Railway White Paper contains the key elements for creating a modernised regulatory framework that should allow railways to compete much more efficiently with road transport.

C. COMBINED TRANSPORT FACILITIES

¹² Communication on the implementation and impact of Directive 91/440 on the development of the Community's railways and on access rights for rail freight. COM(98)202

46. The improvement of combined transport facilities forms an important part of the framework of measures to solve the environmental problems caused by heavy goods vehicles; the objective of combined transport is to stimulate the use of modes other than road haulage such as transport by rail, inland waterways and short sea shipping, through combination of rail and/or waterborne transport with short haul road transport. The costs of transshipment and the time spent at physical handling and formalities is the main disadvantage of combined transport, as compared to road transport, which can generally only be compensated when the cargo has to travel long distances.
47. It has been estimated that, at present, combined transport becomes competitive for journeys over 400/500 km. However, for dense transport flows, the break-even point can sometimes already be reached at distances of about 100 kilometers. There is therefore a significant potential both within and between Member States, including transit through non-Member States such as Switzerland. Combined transport should cross borders in the EEA as easily as possible and unnecessary restrictions and controls must be abolished.
48. Combined transport, if effectively managed, can be faster and cheaper than using the road over long distances with a significant reduction in environmental effects from emissions and congestion. Its significance for transit through sensitive areas like the Alps is clear. Combined transport already has a 25-30% share of freight transport through the Alps, compared with 4% for the Community as a whole, though this figure may be influenced by weight restrictions in Switzerland. This figure could still be improved if the transport chains were more efficiently organised, for example, through the use of information systems between the links.
49. From the mid-seventies the Community started to effectively support the development of combined transport. Regulations and financial incentives were laid down in legislation as from 1975, finally consolidated in Directive 92/106/EEC: road transport, necessary to take the goods to the terminal for transshipment onto rail, inland waterway and short sea shipping, was liberalized and exemption from or reimbursement of certain taxes was granted to road hauliers participating in the chain as first or last link, the taxed vehicle being transported by train. Meanwhile, the Commission has made a proposal to extend the tax facilities to other kinds of combined transport, involving other units and modes. This proposal seeks also to facilitate initial and final road transport legs, including a further widening of the exemption from night, weekend and holiday driving bans, as already proposed by the Commission¹³ and general acceptance of vehicles of at least 44 tonnes.
50. State aids for investment in combined transport are already allowed by Regulation 1107/70, but these possibilities expired at the end of 1997. The next step will be a review of the regulatory framework, with a view to targeting State aid better at the improvement of the competitiveness of combined transport. A proposal will be made later this year.
51. The objective of financial support is to stimulate the use of combined transport by reducing its price and improving its performance. This can be achieved by investment in equipment and transshipment facilities and by enhancing its

¹³ COM(98) 115 of 10.3.1998

operational and commercial quality. The use of advanced technology will be of considerable help. In the end the aim is to make combined transport fully competitive vis-à-vis road transport all the way from house to house.

52. The pilot actions in the field of combined transport (PACT) were launched in 1992 on the basis of a Commission Decision¹⁴ and scheduled to last five years with a budget of 20 million ECU. PACT can finance 50% of the costs of feasibility studies and 30% of the costs of project measures. Projects co-financed by the Commission must cover international routes of European interest. All measures may be funded, provided they do not relate to infrastructure or research. In 1996, the Commission proposed to extend the PACT programme for another 5 years until and including 2001¹⁵ with an increased budget (35 million ECU, i.e. 7 million per year). This proposal led to a common position in the Council and should be finally adopted this year.
53. In negotiations with third countries the Commission insists in all agreements with partners in Europe and even beyond, such as the CIS countries, that clauses in favour of combined transport are included. Further, in the accession negotiations with the CEEC's, all countries must accept the *acquis communautaire*. A specific tool to promote combined transport in negotiations with third countries, as has been the case with Slovenia, is the allocation of special permits to use the road for lorries which take part in combined transport ("Belohnungskontingent").
54. The combined transport industry has repeatedly stressed that it wants, above all, fair competition between the modes. To this end, it is important that driving and rest times in road transport are sufficiently monitored and the sanctions of the law imposed if regulations are violated. Strict enforcement of these rules would, in the opinion of the combined transport industry, considerably improve the competitiveness of combined transport. On 17 June 1997 the Council agreed on a common position on a new Directive relating to the digital tachograph. This instrument will enable more effective enforcement of driving and rest times. The introduction of speed limiter devices for trucks during the period 1993-1995 has already contributed to reducing unfair competition.
55. Recently the broader concept of *intermodal freight transport*, the movement of goods whereby at least two different modes of transport are used and integrated in a door-to-door transport chain, has become a new focus of policy development. The Commission, in a Communication adopted on 29 May 1997, defines "intermodality" as a *characteristic of a transport system*, that allows the above integration. The more integration and complementarity between modes, exploiting their individual and operational assets, the greater the effectiveness of the transport system as a whole. The Communication contains an action plan, suggesting a comprehensive set of initiatives to be taken at different levels including actions by operators, Member States and the Community. This may lead, for instance, to proposals for legislation on the harmonisation of standards for communications, procedures and documents.

D. TECHNICAL STANDARDS FOR VEHICLES

¹⁴ Commission Decision 93/45/EEC of 22.12.1992

¹⁵ COM(96) 335 of 24.7.1996

56. Pollution and noise from new commercial vehicles have been reduced significantly over the past decade. Indeed, the permitted level of exhaust emissions from new heavy commercial diesel vehicles in 1990, the so called Euro 0 standard ¹⁶, was two to three times higher than was permitted for new vehicles produced from 1996 when the Euro II standard was introduced ¹⁷. Particulate emissions were not controlled until 1993, when the Euro I level was introduced. This level was cut by over 50% with the Euro II standard. Engine noise has been cut with Euro II vehicles emitting around 1/3 of the noise level that their predecessors of the previous decade emitted. Of course, reductions in total emissions from transport have been much smaller due to the increase of the transport demand and the vehicle fleet.
57. Emissions will be reduced further. The Commission's proposed standard for the year 2000 (Euro III) cuts the permitted levels of CO, HC, particulates and NO_x for new vehicles by a further 30 %. The proposal is an outcome of the Auto/Oil I programme¹⁸ and has yet to be adopted by the Council and the European Parliament. Significant improvements in fuel quality are also included in this package. Moreover, the Commission has also proposed that excise duties on fuels could be modulated on the basis of their environmental characteristics.¹⁹
58. Consequently, if the proposal is adopted, over the decade, the permitted emissions from new commercial vehicles will have been cut by more than 60% for CO and HC, 64 % for NO_x and, since the first standard in 1993, particulates will have been cut by 71%. Simulation studies demonstrate that these technical improvements would significantly reduce total transport emissions by 2010. This development would allow the attainment of WHO air quality standards for most pollutants, in all but a limited number of cases. However, the air quality standards are under review and traffic growth may erode some of the benefits after 2010. Further action is, therefore, required.
59. The Commission is also to propose targets for "Enhanced Environmentally Friendly Vehicles and Engines (EEVs)" with permitted emission levels that are only currently attainable by the cleanest technology and fuels. The proposal should be ready this year. The objective is to draw up a Community framework that would allow the introduction of these vehicles into the market place through fiscal incentives. The application of these measures would be particularly appropriate in environmentally sensitive areas.

¹⁶ Directive 88/77/EEC

¹⁷ Directive 91/542/EEC

¹⁸ The *Auto/Oil programme* is a cooperative programme, set up jointly by the European Commission and the European automotive and oil industries to examine engine technology, fuel quality and air quality, with a view to formulating options for reducing polluting emissions from vehicles. Its results have led to a common position of the Council for standards which would be applicable to cars and fuel quality as from the year 2000 onwards. A proposal on heavy goods vehicles came out at the end of 1997, also targeted to come into effect in the year 2000. The aim is to "solve" pollution in European cities by 2010, given that it takes approximately ten years to provide the car fleet with cleaner technology. This *Auto/Oil I programme* was launched to reduce NO_x emissions; if the package of measures is not put into effect, total NO_x will have increased by 50% (compared to a situation where the package is implemented) by 2010.

¹⁹ COM(97) 30 final of 12.3.1997

60. The Commission is currently looking to setting standards that will apply from the year 2005 (as a result of the current Auto/Oil II programme²⁰). Without any doubt, there will be a further, radical cut in the permitted level of particulate emissions.

Roadworthiness testing

61. It is clear that older vehicles are the cause of much higher atmospheric pollution than more recently built vehicles. The Commission is envisaging stricter rules for the periodical testing of vehicles. The first common rules for roadworthiness tests for motor vehicles were laid down by Directive 77/143/EEC concerning the approximation of Member States legislation on roadworthiness tests. This Directive has been amended six times, with a final consolidated text adopted as Directive 96/96/EC. One of these amendments, Directive 92/55/EEC, introduced periodic emission testing which required Member States to commence testing commercial vehicles diesel smoke opacity from 1996. On the basis of the first years experience and further research, the Commission has the intention to improve the quality of this test by further specifications. A proposal is currently being drafted and should be adopted this year.
62. The aim of roadworthiness testing is to be able to identify vehicles that are unroadworthy, and in the case of engine emissions, vehicles that are considered to be gross polluters. Given the high mileage performed by heavy commercial vehicles it is generally felt that an annual inspection is insufficient to ensure that they are maintained to an adequate standard while travelling on the Community's roads. There is a growing concern on the part of some Member States about the state of vehicles, including those from third countries, on their roads. The Commission is of the opinion that next to the statutory text, the best way of identifying vehicles that are high polluters is by observing their performance on the road, i.e. whether or not the vehicle emits diesel smoke. Therefore, the Commission has forwarded a proposal that supplements the annual roadworthiness test by requiring Member States to inspect heavy goods vehicles at the roadside²¹. This proposal is now under discussion by the Council.
63. The *Vienna Convention* of 1968 establishes minimum standards of vehicle roadworthiness. If vehicles meet the standards of the country where they are registered, they are free to drive on the territories of all contracting parties to the Convention. At present the only criterion for roadside inspections is whether the basic standards of safety contained in the Convention are met. A recent amendment of the Vienna Convention includes obligatory environmental standards for commercial vehicles, which will be exactly the same as those of Directive 96/96/EC.

Driving restrictions

64. Whilst not strictly setting technical standards for vehicles, the recent proposal by the Commission for a Directive on a system of harmonized rules for restrictions on

²⁰ The *Auto/Oil II programme* was followed on from *Auto/Oil I* last year and aims at establishing standards for the year 2005. This includes the contribution that non technical measures, including fiscal incentives, make to meeting the ambient air quality standards.

²¹ COM(98) 117 of 20.5.1998

heavy goods vehicles involved in international transport on designated roads²² could provide some environmental benefits in addition to the economic advantages that would derive from improved traffic flows.

ALPINE PROBLEMS

65. In the Introduction reference was made to the particular situation in the Alpine area, which comprises regions of Austria, France, Germany, Italy, Liechtenstein, Slovenia and Switzerland. The ecologically sensitive Alpine area forms a geographical barrier within the Community which has to absorb the economically vital transit traffic between North and South Europe through a limited number of Alpine crossings. Although solutions proposed should be based on principle for the Community as a whole, it may be necessary for measures to be applied earlier or more intensively for the Alpine area, whilst taking care at the same time that diversion of traffic should be avoided. This, clearly, requires a coordinated approach.
66. In the 1992 Transit Agreement between the Community and Switzerland, the 28 tonne limit which applies to all road goods operations in Switzerland was maintained. There is a view in some quarters that low weight limits for lorries are a positive environmental measure. However, seen more broadly, the effects of this policy are not at all environmentally benign. An estimated one million lorries a year or more each travel an extra 200-300 km per round trip on average to find other Alpine routes which avoid Switzerland. The extra quantities of pollution in the European Union as a result can be conservatively estimated at 300 tonnes of hydrocarbons, 600 tonnes of carbon monoxide, 2.000 tonnes of nitrogen oxides and 200.000 tonnes of carbon dioxide per annum. This clearly shows that a coordinated approach to trans-Alpine transport policy is vital. Moreover, it should not be overlooked that low weight limits lead to more vehicle movements, so that the environmental effects would not be positive even if carriers considered the direct route less costly than the deviation.
67. The draft land transport agreement negotiated between the Commission and Switzerland is currently on the table of the Council. The agreement, inter alia, aims at lifting the 28 tonne limit in Switzerland. The lifting of this limit would ensure that all the Alpine corridors for transit traffic can be used for road freight transport under more equal conditions. The choice for a particular corridor would be based on the principle of the shortest route, thus leading to the avoidance of detour traffic; this will make transport more efficient. At present with a total weight limit of 28 tonne the average net load on the Gotthard is around 7.5 tonne. Introduction of the 40 tonne limit will allow for a significant increase in the average net load. More efficient transport will be less harmful for the environment in the whole Alpine region.
68. In parallel to the abolition of the 28 ton limit Switzerland would be allowed to phase in an agreed road charging system based on Community principles, progressively implemented. An EC-Swiss land transport agreement would thus present an opportunity for both sides to coordinate transport policy in the Alps and come to an acceptable charging regime in that area.

22. COM(98) 115 of 11.3.1998

69. There is a clear need for a coordination of charging policies in the Alps. The environmental problem of detour traffic would not be solved by the lifting of the 28 tonne limit in Switzerland, if this limit was simply replaced by prohibitive charging as or even more effective in keeping the lorries off Swiss territory. "Beggars-thy-neighbour" policies in the Alpine region need to be replaced by a coordinated approach. The imposition of comparable charges in Switzerland, Austria and France, together with harmonized *technical* conditions, would ensure that no supplementary traffic, caused by detours, will burden the Alpine area.
70. The existing Transit Agreement with Switzerland, however, has also a second pillar on combined transport and rail. Switzerland committed itself to more than double the combined transport capacity on the Gotthard and Lötschberg axes from 300.000 to over 700.000 consignments per year by 1995; this commitment has not yet been fulfilled fully. The rate of utilization, almost 80%, is acceptable. In the draft land transport agreement, the Swiss commit themselves to increase the competitiveness of combined transport. Secondly, Switzerland undertook to build and finance the construction of two new rail tunnels, the first parts being ready by 2005, one under the Gotthard massif on the Basle-Chiasso axis, the other under the Lötschberg on the axis Basle-Berne-Simplon-Domodossola, together the main part of NEAT. The project – NEAT, including its access routes – will cost approximately 17 bn ECU; a new financing scheme has recently been adopted in Switzerland. Exploratory bores testing the geological risks are being drilled.
71. The proposed package of measures comprising significant improvements in rail infrastructure provision, quality of combined transport services, the lifting of the 28 tonnes weight limit and the introduction of a balanced road charging system would significantly improve traffic conditions in the Alps, reduce environmental pressures in a sensitive region and finally bring down transport costs in North-South traffic. These benefits are generated by a shift towards rail traffic and an improvement in the efficiency of road haulage (both through increased loading ratios resulting from the lifting of the 28 tonnes weight limit and through a reduction of traffic diversion).²³

CONCLUSION

72. The above discussion shows that policies are in place or being developed which jointly could form a framework for addressing the environmental problems caused by traffic of heavy goods vehicles, aiming at:

first, reducing the transport intensity of economic development by avoiding or at least minimizing *unnecessary* transport, such as deviated trips of empty trucks or lorries with a low pay-load. Optimized logistics can substantially contribute to reaching that goal;

second, rendering environmentally friendly modes, such as rail transport, inland waterways and short sea shipping more commercially attractive.

There are three main ways to achieve this:

²³ Reference is made to a study on the development of trans-Alpine traffic (goods and passengers) "Horizon 2010" of May 1997 by Prognos AG/Regional Consulting (HERRY)/ISIS.

- a) by making them more attractive; this includes improvements in infrastructure, but also in efficiency, organisation, logistics, door-to-door services and reliability;
- b) by providing a level playing field, for example, by better enforcing the rules on driving times and rest hours, maximum driving speed; and
- c) by improving combined transport and intermodal transport more generally so that its scope can be enlarged, for example, by improving its attractiveness over shorter distances;

third, reducing the burdens caused by road vehicles. This could be done mainly by improving technical standards and improved traffic management.

These different policies have to be combined in order to fully exploit their potential and improve the environmental situation in a lasting way. Moreover, the timing of the introduction of the various building-blocks will have to dovetail to ensure a balanced progress towards sustainable mobility. For example, the development of more efficient charging systems in transport would have to dovetail with the implementation of policies to strengthen the competitiveness of rail transport.

- 73. In view of the fact that technical measures to reduce the burdens caused by road transport, developed under the Auto/Oil programme, are expected to be sufficient to reach air quality standards in most urban areas in the Community by 2010, and that the other elements of the framework will significantly contribute to further reductions in environmental nuisances, the building blocks over time in place or under development should make an important contribution to reaching the objectives of the framework.
- 74. The analysis presented in this paper demonstrates that no single measure on its own is sufficient to achieve the objective of sustainable transport. A package of measures is, therefore, required and the Commission has, consequently, made several proposals on individual elements of the framework. Clearly, the implementation of these measures is critical to the success of the strategy. However, only limited progress with adopting key elements of the package – notably rail policy proposals and the revision of the Eurovignette regime (Directive 93/89/EC) – has so far been made. Upcoming proposals requiring priority and attention include: the White Paper on infrastructure charging, railway infrastructure package and various proposals on railway policy (notably on access conditions to rail infrastructure, on the financial relationship between the state and railway companies and on technical harmonisation). Annex 1 provides an overview of these proposals and initiatives. The Commission will, therefore, monitor developments closely and report regularly in order to establish whether, over time, satisfactory progress towards the achievement of the objectives is realised.

Proposed and possible future measures that constitute possible building-blocks of the framework for the solution of the environmental problems caused by traffic of heavy goods vehicles

PROPOSALS AND INITIATIVES WHICH THE COUNCIL HAS NOT YET ADOPTED		
	Date on which proposals was made	Invisaged date of applications of provisions by Member States
EFFICIENT CHARGES FOR ROAD USE		
• Proposal for a Council Directive on the charging of HGVs for the use of certain infrastructures COM(96) 331	10.07.1996	01.01.1998
IMPROVED VEHICLE STANDARDS		
• Communication on a future strategy for the control of atmospheric emissions from road transport taking into account the results from the Auto/Oil Programme COM(96) 248	18.06.1996	-
• Proposal for a European Parliament and Council Directive 96/163, relating to the quality of petrol and diesel fuels, and amending Council Directive 93/12/EEC COM(96) 248	18.06.1996	01.01.2000
– Proposal for a European Parliament and Council Directive 96/164, relating to measures to be taken against air pollution by emissions from motor vehicles and amending Council Directives 70/156/EEC and 70/220/EEC (Passenger Cars) COM(96) 248	18.06.1996	01.01.2000
– Proposal for a European Parliament and Council Directive 96/164, relating to measures to be taken against air pollution by emissions from motor vehicles and amending Council Directives 70/156/EEC and 70/220/EEC (Light Goods Vehicles) COM(97) 61	20.02.1997	01.01.2000
• Proposal for a European Parliament and Council Directive on amending Council Directive 88/77/EEC on the approximation of the laws of Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from diesel engines for use in vehicles COM(97) 627	03.12.1997	01.10.2000
◦ Proposal for a Council Directive on the roadside inspection of the roadworthiness of commercial vehicles circulating in the Community COM(98) 117	11.03.1998	01.07.1999
◦ Proposal for a Council Directive on a transparent system of harmonized rules for driving restrictions on heavy goods vehicles involved in international transport on designated roads COM(98) 115	11.03.1998	01.07.1999

<ul style="list-style-type: none"> • Proposal for a Council Directive on laying down maximum authorised weights and dimensions for road vehicles over 3,5 tonnes circulating within the Community COM(93) 679 	15.12.1993	01.01.1995
RAILWAY POLICY		
<ul style="list-style-type: none"> • Proposal for a Council Directive amending Directive 91/440/EEC on the development of the Community's railways COM(95) 337 	19.07.1995	18 months after publication
COMBINED TRANSPORT AND INTERMODALITY		
<ul style="list-style-type: none"> • Revision of Council Directive 92/106/EEC concerning Combined Transport COM(98) 414 	15.07.1998	01.07.2000
<ul style="list-style-type: none"> • Communication on intermodal freight transport in the EU COM(97) 243 	29.05.1997	
<ul style="list-style-type: none"> • Proposal for amending the TEN guidelines as regards seaports, inland ports and intermodal terminals COM(97) 681 final 	10.12.1997	
INTERNATIONAL TRANSPORT AGREEMENTS		
<ul style="list-style-type: none"> • Multilateral Agreement on inland waterways with the CEECs COM(96) 634 	13.12.1996 ²⁴	Mid 1999
<ul style="list-style-type: none"> • Land Transport Agreement with CH 	17.03.1998 ²⁵	1999 – 2000
<ul style="list-style-type: none"> • Road Transit Agreement with H, B and RO 	Ongoing negotiations	1999 – 2000

²⁴ Date when the proposal for a decision on the conclusion of the Agreement was forwarded to the Council

²⁵ Outcome of negotiations discussed by Transport Question Group of Council

POSSIBLE FUTURE INITIATIVES

EFFICIENT CHARGES FOR ROAD USE

- White Paper on Infrastructure Charges

RAILWAY POLICY

- Railway Infrastructure package
- Railway Financial package
- Railway Technical package

IMPROVED VEHICLE STANDARDS

- Auto/Oil follow-up proposals
- EEVs
- Roadworthiness test (improved smoke test for diesel engines)

COMBINED TRANSPORT AND INTERMODALITY

- Follow-up action plan set out in the Communication on Freight Intermodality
- Communication on benchmarkings
- Communication on logistics

Protocol No. 9

On road, rail and combined transport in Austria

ROAD TRANSPORT

Article 10

This Part shall apply to the carriage of goods by road on journeys carried out within the territory of the Community.

Article 11

- (1) For journeys which involve transit of goods by road through Austria, the regime established for journeys on own account and for journeys for hire or reward under the First Council Directive of 23 July 1962 and Council Regulation (EEC) No 881/92 shall apply subject to the provisions of this Article.
- (2) Until 1 January 1998, the following provisions shall apply:
 - a. The total of NO_x emissions from heavy goods vehicles crossing Austria in transit shall be reduced by 60% in the period between 1 January 1992 and 31 December 2003, according to the table in Annex 4
 - b. The reductions in total NO_x emissions from heavy goods vehicles shall be administered according to an ecopoints system. Under that system any heavy goods vehicle crossing Austria in transit shall require a number of ecopoints equivalent to its NO_x emissions (authorized under the Conformity of Production (COP) value or type-approval value). The method of calculation and administration of such points is described in Annex 5.
 - c. If the number of transit journeys in any year exceeds the reference figure established for 1991 by more than 8%, the Commission, acting in accordance with the procedure laid down in Article 16, shall adopt appropriate measures in accordance with paragraph 3 of Annex 5.
 - d. Austria shall issue and make available in good time the ecopoints cards required for the administration of the ecopoints system, pursuant to Annex 5, for heavy goods vehicles crossing Austria in transit.
 - e. The ecopoints shall be distributed by the Commission among Member States in accordance with provisions to be established in accordance with paragraph 6.
- (3) Before 1 January 1998, the Council, on the basis of a report by the Commission, shall review the operation of provisions concerning transit of goods by road through Austria. The review shall take place in conformity with basic principles of Community law, such as the proper functioning of the internal market, in particular the free movement of goods and freedom to provide services, protection of the environment in the interest of the Community as a whole, and traffic safety.

Unless the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, decides otherwise, the transitional period shall be extended to 1 January 2001, during which the provisions of paragraph 2 shall apply.

- (4) Before 1 January 2001, the Commission, in cooperation with the European Environment Agency, shall make a scientific study of the degree to which the objective concerning reduction of pollution set out in paragraph 2 (a) has been achieved. If the Commission concludes that this objective has been achieved on a sustainable basis, the provisions of paragraph 2 shall cease to apply on 1 January 2001. If the Commission concludes that this objective has not been achieved on a sustainable basis the Council, acting in accordance with Article 75 of the EC Treaty, may adopt measures, within a Community framework, which ensure equivalent protection of the environment, in particular a 60% reduction of pollution. If the Council does not adopt such measures, the transitional period shall be automatically extended for a final period of three years, during which the provisions of paragraph 2 shall apply.
- (5) At the end of the transitional period, the "acquis communautaire" in its entirety shall be applied.
- (6) The Commission, acting in accordance with the procedure laid down in Article 16, shall adopt detailed measures concerning the procedures relating to the ecopoints system, the distribution of ecopoints and technical questions concerning the application of this Article, which shall enter into force on the date of accession of Austria.

The measures referred to in the first subparagraph shall ensure that the factual 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, setting the date of entry into force and the procedures for the introduction of the ecopoints system referred to in the Transit Agreement, is maintained. All necessary efforts shall be made to ensure that the share of ecopoints allocated to Greece takes sufficient account of Greek needs in this context.

Article 12

- (1) For international carriage of goods on journeys between Member States, the regime established under Council Regulation (EEC) No 881/92 shall apply subject to the provisions set out in this Article. These provisions shall be applicable until 31 December 1996.
- (2) For bilateral journeys, existing quotas shall be progressively liberalized and full freedom to provide transport services shall be effective as from 1 January 1997. A first stage of liberalization shall take effect on the date of accession of Austria, a second stage on 1 January 1996.

If necessary, the Council, acting by a qualified majority on a proposal from the Commission, may take appropriate measures to that effect.

- (3) The Council, acting in accordance with Article 75 of the Treaty, shall adopt appropriate and simple measures to prevent circumvention of the provisions of Article 11 by 1 January 1997 at the latest.
- (4) As long as the provisions of Article 11 (2) apply, the Member States, in the framework of their mutual cooperation, shall, if necessary, take measures compatible with the EC Treaty against misuse of the ecopoints system.
- (5) Hauliers with a Community authorization issued by the competent authorities in Austria shall not be entitled to carry out an international carriage of goods on journeys where neither loading nor unloading takes place in Austria. All such journeys involving transit through Austria shall, however, be subject to the provisions of Article 11 and also, with the exception of journeys between Germany and Italy, to existing quotas, which shall be subject to the provisions of paragraph 2 above.

Article 14

- (1) There shall be no controls at the borders between Austria and other Member States. However, in derogation from Regulations (EEC) No 4060/89 and (EEC) No 3912/92 and notwithstanding Article 153 of the Act of Accession, non-discriminatory physical controls requiring vehicles to halt in order solely to verify ecopoints issued under the provisions of Article 11, and transport authorizations referred to in Article 12, may be retained until 31 December 1996. Such controls shall not unduly slow down the normal flow of traffic.
- (2) To the extent necessary, any control methods including electronic systems applicable after 31 December 1996 and relating to the implementation of Article 11 shall be decided in accordance with the procedure laid down in Article 16.

ISSN 0254-1475

COM(98) 444 final

DOCUMENTS

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02 05 07 14

Catalogue number : CB-CO-98-474-EN-C

ISBN 92-78-38408-9

Office for Official Publications of the European Communities

L-2985 Luxembourg

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