



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.12.1999
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1999/0264 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

**concerning the distribution of authorizations among Member States received
through the Agreements between the European Community and the Republic of
Bulgaria and between the European Community and the Republic of Hungary
establishing certain conditions for the carriage of goods by road and the
promotion of Combined Transport**

(presented by the Commission)

EXPLANATORY MEMORANDUM

A. General Background

1. On 7 December 1995, the Council authorised the Commission to negotiate one or more agreements on road transit with Hungary, Romania and Bulgaria with a view to resolving the problem of road goods transport relations between Greece and the other Member States, in particular through the mutual exchange of road transport authorizations.

2. In the proposal for a Council Decision to conclude the Agreements with Bulgaria and Hungary, it is noted that the 13000 authorizations received annually from Bulgaria and the 12500 received annually from Hungary will be distributed among Member States by a separate Regulation of the European Parliament and of the Council. The purpose, therefore, of this proposal for a Regulation of the European Parliament and of the Council is to distribute these authorizations between Member States.

B. Choice of Statistical Basis

3. The objective of the negotiations on the Community side is to facilitate road goods transit between Greece and the other Member States through the corridor comprising Bulgaria, Romania and Hungary.

4. It is therefore appropriate that the statistical basis to be used in the distribution of authorizations between Member States reflects the number of transits through this corridor actually carried out by goods vehicles registered in different Member States.

5. Irrespective of the availability of relevant transit statistics, it may be noted that, for a vehicle starting its journey in Greece:

- Bulgarian transit statistics would include those journeys with destination in Romania, Hungary or “the other Member States” (as well as many other third countries), i.e. the vehicle would not necessarily pass through the complete corridor comprising Bulgaria, Romania and Hungary;

- Romanian transit statistics would include those journeys with destination in Hungary or “the other Member States” (as well as a number of other third countries), i.e. the vehicle would not necessarily pass through the complete corridor comprising Bulgaria, Romania and Hungary;

- Hungarian transit statistics, however, would include those journeys with destination in “the other Member States” (as well as a few other third countries), i.e. the vehicle would (excluding any that might have passed through the Former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia) have passed through the complete corridor comprising Bulgaria, Romania and Hungary.

6. In fact recent Hungarian transit statistics are available subdivided by:

- country where the journey started, and
- country of registration of the vehicle.

It is therefore possible from Hungarian transit statistics to select those journeys:

- starting in Greece, and
- carried out by vehicles registered in each Member State.

Given the availability of such data, it is proposed to use it in the calculations for the distribution of both Bulgarian and Hungarian transit authorizations between Member States.

C. Distribution of authorizations between Member States

7. The most recent Hungarian transit statistics available relate to the 1st three quarters of 1998. The number of transits of Hungary with origin “Greece” by vehicles registered in one of the Member States in the 1st three quarters of 1998 were:

Country of Registration	Number of transits
Belgium	2
Denmark	6
Germany	20
Greece	6646
Spain	0
France	1
Ireland	0
Italy	1
Luxembourg	0
Netherlands	29
Austria	11
Portugal	0
Finland	1
Sweden	4
United Kingdom	2
Total	6723

8. From the above table, it can be seen that, among vehicles registered in a Member State, almost 99% of the journeys that start in Greece and transit Hungary are performed by vehicles registered in Greece; further for 4 Member States, no such journeys were recorded at all.

9. It is not considered opportune that some 99% of the authorizations be given to Greece; it is therefore proposed that:

- each Member State be given 100 authorizations on a “flat-rate” basis (just under 1% of the total authorizations available), and

- the remaining authorizations be distributed among Member States pro rata to the number of transit journeys indicated in § 7 above.

10. The number of authorizations to be given annually to each Member State according to the rule proposed in § 9 is thus:

Member State	Flat-Rate	Additional authorizations for use in:	
		Bulgaria	Hungary
Belgium	100	3	3
Denmark	100	10	10
Germany	100	34	33
Greece	100	11368	10874
Spain	100	0	0
France	100	2	2
Ireland	100	0	0
Italy	100	2	2
Luxembourg	100	0	0
Netherlands	100	50	47
Austria	100	19	18
Portugal	100	0	0
Finland	100	2	2
Sweden	100	7	6
United Kingdom	100	3	3
Total	1500	11500	11000

11. The total number of authorizations to be given annually to each Member State is thus:

<u>Member State</u>	<u>Authorizations for use in:</u>	
	Bulgaria	Hungary
Belgium	103	103
Denmark	110	110
Germany	134	133
Greece	11468	10974
Spain	100	100
France	102	102
Ireland	100	100
Italy	102	102
Luxembourg	100	100
Netherlands	150	147
Austria	119	118
Portugal	100	100
Finland	102	102
Sweden	107	106
United Kingdom	103	103
Total	13000	12500

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Having regard to the proposal of the Commission¹,

Having regard to the opinion of the Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁴,

- (1) Whereas by Council Decision⁵ the European Community has concluded Agreements with the Republic of Bulgaria and the Republic of Hungary establishing certain conditions for the carriage of goods by road and the promotion of Combined Transport;
- (2) Whereas these Agreements foresee that the Community will receive road transit authorizations from Bulgaria and Hungary respectively;
- (3) Whereas it is necessary to establish rules governing the distribution and management of the authorizations which are made available to the Community;
- (4) Whereas for practical and management reasons, those authorizations should be made available to the Member States by the Commission;

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- (5) Whereas, to that end, an allocation method should be established; whereas, thereafter, the Member States should share out the amounts allocated to them among undertakings in accordance with objective criteria;
- (6) Whereas, in order to ensure the optimal use of authorizations, all unallocated authorizations should be returned to the Commission for redistribution;
- (7) Whereas the allocation of authorizations should be based on criteria that take full account of existing land transport flows between Greece and the other Member States;

HAVE ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the rules for the distribution between the Member States of authorizations available to the Community by virtue of Article 6.2 of the Agreements between the European Community and the Republic of Bulgaria and between the European Community and the Republic of Hungary establishing certain conditions for the carriage of goods by road and the promotion of Combined Transport (hereinafter referred to as “the Agreements”).

Article 2

1. The Commission shall allocate authorizations in accordance with paragraphs 2 to 4.
2. The authorizations shall be allocated between Member States in accordance with the Annex. In the light of experience, especially the evolution of traffic flows, the Commission will, where appropriate and at the earliest 3 years after the entry into force of this Regulation, make a proposal to the Council to decide on a modification of the allocation of the authorizations between Member States.
3. The authorizations for each year shall be allocated before 15 November of the preceding year.
4. The number of authorizations allocated for the first year of implementation of either of the Agreements shall be adjusted *pro rata* if the Agreement has entered into force after 1 January of that year.

Article 3

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

Article 4

Before 15 September of each year, the competent authorities of the Member States shall return to the Commission those authorizations which, on the basis of available data and estimates, are likely not to be used before the end of that year. The Commission shall allocate these returned authorizations taking account of the distribution key in the Annex and the request of Member States for additional authorizations.

Article 5

This Regulation shall enter into force on the day following of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

<u>Member State</u>	<u>Authorizations for use in:</u>	
	Bulgaria	Hungary
Belgium	103	103
Denmark	110	110
Germany	134	133
Greece	11468	10974
Spain	100	100
France	102	102
Ireland	100	100
Italy	102	102
Luxembourg	100	100
Netherlands	150	147
Austria	119	118
Portugal	100	100
Finland	102	102
Sweden	107	106
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