

PRESS RELEASE

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433

Continuation of the
1668th Council meeting
- TRANSPORT -
Luxembourg, 19 June 1993

President :

Mr Helge MORTENSEN,
Minister for Transport
of the Kingdom of Denmark

The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium:

Mr Guy COEME

Deputy Prime Minister, Minister for Transport,
Public Undertakings and Public Building

Denmark:

Mr Helge MORTENSEN

Minister for Transport

Mr Peter ELMING

State Secretary for Transport

Germany:

Mr Matthias WISSMANN

Federal Minister for Transport

Greece:

Mr Theodoros ANAGNOSTOPOULOS

Minister for Transport

Spain:

Mr José BORELL

Minister for Public works, Transport and
Communications

France:

Mr Bernard BOSSON

Minister for Transport

Ireland:

Mr Noel TREACY

Minister of State for Transport

Italy:

Mr Rocco Antonio CANGELOSI

Deputy Permanent Representative

Luxembourg:

Mr Robert GOEBBELS

Minister for Transport

Netherlands:

Mrs Hanja MAIJ-WEGGEN

Minister for Transport and Public Works

Portugal:

Mr Jorge ANTAS

State Secretary for Transport

United Kingdom:

Mr John MacGREGOR

Secretary of State for Transport

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Commission:

Mr Abel MATUTES

Member

LAND TRANSPORT

ROAD TRANSPORT TAXATION

The Council agreed to the following conclusions:

I. GENERALITIES

The contribution from heavy goods vehicles to cover the costs they engender should mainly come from a combination of the following elements :

- excise duties on diesel oil,
- vehicle taxes,
- tolls and user charges.

II. EXCISE DUTIES

The Council notes that a common minimum rate has been laid down since 1 January 1993 for diesel excise duties.

III. VEHICLE TAXATION

At the latest, from 1 January 1995, Member States will apply a vehicle tax based on the following elements :

- the minimum rates of vehicle tax contained in Annex I to the Commission's revised draft Directive;
- for a transitional period until 31 December 1997 France, Greece, Italy, Portugal and Spain can apply rates up to 50 % below the minima;
- subject to the review mentioned in point IV.e), Member States may apply until 1 July 1998 special derogations for vehicles with a maximum of three axles which are engaged in national local transport only.

The Council takes note of the following declaration by the Commission:

"The Commission declares that it intends to evaluate on a regular basis the application of these derogations and report to the Council at least annually."

- during this transitional period the minimum rates contained in Annex I to the Commission's revised proposal for a Directive will not be increased;
- certain categories of vehicle may be exempted;
- Member States are not obliged to apply the tax structure contained in Annex I provided the level of their vehicle taxes are equivalent to or higher than the minima applicable in that Member State.

IV. TOLLS AND USER CHARGES

- a) Member States may maintain or introduce tolls and/or user charges subject to the following conditions without prejudice to any regulatory charges specifically designed to combat time and place-related traffic congestion :
- they may not both be imposed at the same time on a vehicle for the use of a single road section;
 - they may not discriminate, directly or indirectly, on the grounds of the nationality of the haulier or of origin or destination of traffic;
 - they do not lead to the introduction or maintenance of mandatory checks or controls at frontiers;
 - with the exceptions proposed in Article 4.2 of the Commission proposal, they may apply only to motorways or other multi-lane roads with characteristics similar to motorways and, subject to a Community procedure, also other motor traffic roads and other sections of the primary road network where there are in particular safety reasons for doing so ; in a Member State where no general network of motorways or dual carriageways with similar characteristics exists, tolls or charges may apply to the highest category of road in that State;
 - a Member State may provide that vehicles registered in that State shall pay a user charge for the use of the whole road network in its territory.
 - user charges are set by the Member State concerned at an amount that is not higher than 1250 ECU per year. Within this maximum Member States are free to fix user charges in relation to the national vehicle tax.

On 1 January 1997 and every second year thereafter this maximum will be reviewed.

- user charge rates shall be proportional to the duration of the use made of the infrastructure concerned;
 - tolls shall be related to the costs of constructing, operating and developing the road network concerned;
- b) Two or more Member States may co-operate in introducing a common system for user charges applicable to their territories. In that case the Commission will participate as an observer in the negotiations for setting up a regional user charge system and for the subsequent functioning and modification of that system.
- The user charge under a common system is set by the participating Member States at an amount that is not higher than the maximum mentioned under IV.a), 6th indent.
 - The common user charge (regional charges) gives access to the road network in the participating Member States. The purchase of a regional vignette shall give the right to use the road networks of all participating States.
 - Other Member States will have the possibility of joining the common system.
 - A system of repartition will be elaborated by the participating Member States in order to give each of those States a fair share in the revenues.
- c) Subject to prior Community procedure, special arrangements for border areas may be made by Member States concerned.
- d) The Council considers the present provisions regarding road user charges as transitional and invites the Commission to support research and development into systems allowing the introduction of road pricing with particular reference to common technical standards to promote interoperability.
- e) By 31 December 1997 the Commission shall present a report reviewing the operation of these provisions, taking account of developments in

technology and traffic congestion. This report shall, if appropriate, be accompanied by proposals for the establishment of a charging regime based on the principle of territoriality, in which national borders do not play a preponderant role.

- f) The Council invites the Committee of Permanent Representatives to transpose, if necessary on the basis of further proposals by the Commission, these conclusions into legal texts, and, where appropriate, to complete consideration of any outstanding technical questions by 1 January 1994.
- g) The Council takes note of the common declaration of the Belgian, Danish, German, Luxembourg and Netherlands delegations, concerning a common system of user charges as set out in the annex.
- h) The Council takes note of the following Commission statements :
 - i) "The Commission states that, in its talks with non-member States of the Community and in particular with those in Central and Eastern Europe under the Europe Agreements, it will endeavour to see that such States do not apply any measures with the aim or effect, directly or indirectly, of discriminating in fiscal terms between Community hauliers and between Community hauliers and hauliers of third countries."
 - ii) "The Commission states that, in accordance with the powers conferred on it, it will ensure that Member States properly fulfil their obligations under the Treaty. In particular, it will examine the various laws, regulations and/or administrative provisions in force in the Member States as regards their compatibility with the Community minimum rate set for vehicle taxes. The Commission will present regularly a report on this matter, in particular as regards progress made."

Annex to the Conclusions concerning road transport taxation

"The Council takes note of the common declaration of the Belgian, Danish, German, Luxembourg and Netherlands delegations, concerning a common system of user charges.

The abovementioned delegations state that they have agreed on the following common user charge system for their territories:

- A. Any of the above Member States may from 1 January 1995 introduce a user charge on its territory according to the principles set out below. The user charge will be paid by the purchase of a vignette. This vignette shall be valid for using the roads in all the participating countries. Member States may exclude new constructed bridges and tunnels, and specific new motorways from the user charge and apply to them any toll system which is in conformity with the criteria set out in IV (a) of the conclusions of the Council.
- B. 1. The user charge will be linked to the individual vehicle and will be applied, including administrative costs, as follows :

750 ECU per year
for vehicles and combinations with no more than three axles

1 250 ECU per year
for vehicles and combinations with four or more axles

The daily rate for both categories mentioned above shall be 6 ECU.

The monthly and weekly rates shall be established on the basis of consultation with the Commission.

2. The yearly user charge shall, at request, be partly reimbursed in the case where the vehicle is no longer registered, in accordance with the legislation of the State concerned. In that case reimbursement will be made in parts of 1/12 of the annual user charge multiplied by the number of the remaining full months and a fee of maximum 25 ECU for administrative costs may be levied.
 3. The charges may be increased only if all five countries agree to do so and within the limits fixed at Community level.
- C. Each country may waive the levy of the user charge on its territory or decide to stop levying it. In such cases the country concerned undertakes not to levy a national user charge.
- D. The abovementioned Member States agree that, awaiting the Community action mentioned in IV e) of the Council conclusions, this declaration does not prevent any of these Member States from introducing after 1 January 1998 an overall distance-related electronic system (road pricing) in accordance with the criteria set out in IV a) of the Council conclusions or the relevant Community rules.
- E. Revenue from user charges is allocated as follows:
1. If a single country levies a user charge on its territory, all the revenue accrues to that country.
 2. If two or more Member States introduce the common user charge on their territory, the revenues levied on their territory accrue to these countries. Between the introducing countries a correction of the revenues collected from their national hauliers will be applied (see point a)). The revenues from other countries (these are: the abovementioned Member States which do not introduce the common user charge, the other EC Member States and third countries) will be divided according to the method as mentioned under point b).

- a) The correction of the revenues from national hauliers in Member States which participate in a common user charge-system will be based on the level of the user charge, the average number of driven kilometres per lorry and the number of mutual driven kilometres of national hauliers on each others territory in 1992. Member States will facilitate each other with the necessary statistical information. Two or more Member States can agree to abstain from a correction of the revenues from the common user charge. The Appendix shows the way in which the correction shall be implemented.
- b) The repartition of revenues collected from hauliers from other countries shall be done in accordance with the percentages set out below.

These percentages are based on the total length of the respective motorway networks of the participating Member States with a correction for the intensity of use by the abovementioned hauliers in each participating Member State. However, corrections can be made, by a unanimous decision of the participating Member States, to these percentages and shall be based on statistics reflecting the use by those hauliers of the infrastructure of each participating Member State applying the common user charges. Member States will facilitate each other with the necessary statistical information.

The abovementioned percentages are:

B	13 %
DK	4 %
D	73 %
L	1 %
NL	9 %.

- F. The detailed rules governing the common user charge scheme will be decided before 1 January 1994.
- G. The abovementioned Member States declare their firm intention to sign an agreement on the introduction of a user charge as described in A - F before 1 January 1994. If one or more of these Member States would not be in the situation to accept this user charge on 1 January 1995, the other Member States or only one Member State may introduce the user charge on their or on its respective territory, as described in A - F.
- H. The abovementioned Member States declare that, because of the

specific geographical situation of Greece and of the special situation of Greek transport enterprises caused by the political situation in the Balkans, they are prepared to apply an appropriate reduction for Greek lorries during a transitional period of three years after the introduction of the abovementioned user charge.

- I. The abovementioned Member States declare that, because of the specific geographical and economic situation of Ireland and Portugal they are prepared to apply an appropriate reduction for Irish and Portuguese lorries during a transitional period of two years after the introduction of the abovementioned user charge.

APPENDIX (concerning point IV g), E, 2 a))

Way of correction:

$$C^* (D - E) = F, \text{ in which } C = A/B$$

A = 1250 ECU;

B = 130.000 km base;

C = level common user charge per driven km;

D = number of driven km in member State A by lorries from Member State B;

E = number of driven km in Member State B by lorries from Member State A;

F = amount to be corrected."

INTERNAL ROAD HAULAGE SERVICES WITHIN A MEMBER STATE **(GOODS CABOTAGE)**

The Council agreed on the arrangements for liberalizing cabotage operations for road transport.

This agreement on road haulage, which was the last sector on the liberalization of cabotage operations for which the Transport Council had to determine the arrangements, completes the internal market in the transport sector.

It is pointed out that since the Council's adoption, in 1989, of Regulation no. 4059/89, cabotage has been possible for Community transporters in a limited form (quotas).(1)

The arrangements comprise the following elements:

- "1. gradual progress will be made towards the achievement of freedom to provide services in this area.
2. during a phasing-in period until 30 June 1998 each Member State will have to allow non-resident carriers to carry out domestic haulage on a temporary basis without making them subject to national quantitative restrictions on access to the market insofar as such haulage operations are carried out in the framework of a Community cabotage authorization and quota system.

As from 1.1.1994, the quota covers 30 000 cabotage authorizations valid for a period of two months to be allocated among the Member States. It will be increased annually by 30% starting on 1 January 1995.

3. The definitive cabotage arrangements will come into force on 1 July 1998.

(1) Although this Regulation was later annulled by the Court of Justice for procedural reasons, its aims have been maintained in force by the Member States.

They will involve the generalized admission of duly qualified carriers established in one Member State, on a temporary basis without quantitative restrictions, to domestic road haulage services in another Member State.

4. The Council invites the Committee of Permanent Representatives to transpose these conclusions into legal texts as soon as possible and in any case at a moment which makes it possible for the Council to adopt this text before 1.1.1994 and at the same time as the legal text on taxation of road transport."
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Bruxelles, le 18 Juin 1993

NOTE BIO (93) 162 AUX BUREAUX NATIONAUX
CC. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

433

PREPARATION DU CONSEIL EXTRAORDINAIRE TRANSPORTS, LE 19 JUIN 1993
(PAULA FIGUEIREDO-LAISSY)

Cette session spéciale encore sous Présidence danoise sera exclusivement consacrée aux dossiers de la FISCALITE routiere pour les poids lourds et a celui du CABOTAGE pour les transports de marchandises par route.

FISCALITE:

Les taxes routières comportent trois éléments:

- droits d'accises sur carburant diesel (un taux minimum communautaire de 245 Ecu pour 1000 litres est déjà entré en vigueur depuis le 1.1.93);
- taxes sur les véhicules (un taux minimum basé sur le poids total en charge et le nombre d'essieux a été proposé par la Commission et paraît acceptable pour les Etats-membres);
- péages et droits d'usage (la possibilité est donnée aux Etats-membres qui le souhaitent d'introduire des droits d'usage - vignette. Pour cinq pays (Benelux + D + DK) ces droits d'usage pourraient prendre la forme d'une vignette commune (régionale).
 - . Vignette - plusieurs possibilités existent concernant le taux annuel maximal (plafond) qui se situerait à 1250 Ecu par an et un accord pourrait intervenir sur les modalités d'application de la vignette régionale.
 - . Dérogations - les pays périphériques souhaitent qu'une dérogation leur soit accordée de façon à tenir compte des difficultés qu'ils rencontrent du fait de leur éloignement.
 - . Définition du RESEAU ROUTIER où les droits d'usage seraient appliqués - les ministres devront décider sur ce point (autoroutes seulement ou aussi routes secondaires).

CABOTAGE:

Actuellement le cabotage routier est déjà effectué sur une base intérimaire dans le cadre d'un contingent décidé lors du Conseil du 21.12.92. La discussion portera sur l'augmentation de ce contingent, sur l'introduction d'une période transitoire supplémentaire avant la pleine libéralisation et sur l'établissement d'une date finale pour l'ouverture totale du cabotage (certains Etats-membres peuvent accepter une date proche, d'autres préféreraient 1997 et d'autres encore 1999).



Amitiés,
B. DETHOMAS

Bruxelles, le 21 juin 1993.

**NOTE BIO (93) 162 (suite 1 et fin) AUX BUREAUX NATIONAUX
cc. aux Membres du Service du Porte-Parole**

CONSEIL TRANSPORTS _ LUXEMBOURG, 19 juin 1993
(Paula FIGUEIREDO-LAISSY)

Ce conseil extraordinaire s'est terminé à 23h30 par un succès car les deux dossiers à l'ordre du jour - fiscalité et cabotage - ont pu être adoptés, traduisant la volonté politique des ministres de clôturer un dossier en discussion depuis près de 25 ans. La réalisation du marché intérieur fait ainsi un pas de plus dans le sens de la libéralisation et de l'harmonisation du secteur des transports.

La Présidence danoise a été félicitée par la Commission et par l'ensemble des délégations pour avoir réussi à débloquer l'équation libéralisation/harmonisation.

A. FISCALITE ROUTIERE

Le but étant celui de faire participer les transporteurs de marchandises par route aux frais d'infrastructures qu'ils engendrent, la proposition de la Commission comportait trois éléments principaux :

1. Droits d'accises sur le carburant diesel (en vigueur depuis le 1.1.93)
2. Taxes sur les véhicules :
 - les ministres ont convenu qu'au plus tard le 1.1.95 les Etats membres appliqueront un taux minimum communautaire basé sur le poids total en charge autorisé des véhicules, leur configuration et le nombre total d'essieux;
 - une période transitoire pour l'application de cette taxe a été accordée à la FR, GR, IT, P et ES jusqu'au 31 décembre 1997. Entretemps, ces pays peuvent appliquer un taux représentant 50% des taxes minimales sur les véhicules.
3. Péages et droits d'usage :

Les Etats membres peuvent maintenir ou introduire des péages et/ou des droits d'usage (vignette) à partir du moment où un certain nombre de conditions sont remplies, notamment : non discrimination sur base de la nationalité ou de l'origine ou de la destination du transporteur; proportionnalité du coût à la durée de l'utilisation du réseau routier, etc.

L'accord comporte les principaux points suivants :

- un montant annuel maximum fixé à 1250 Ecus et applicable à partir du 1.1.95 pour les camions de 12 Tonnes;

- le réseau routier auquel cette vignette est applicable se définit comme des autoroutes ou autres routes à plusieurs voies avec des caractéristiques similaires à des autoroutes. La vignette s'appliquera également à d'autres routes du réseau principal où des raisons de sécurité l'exigeraient (ceci sera défini par une procédure communautaire);
- des arrangements seront faits pour le trafic frontalier entre les pays concernés;
- plusieurs Etats membres peuvent coopérer pour introduire un système commun applicable à leur territoire. C'est le cas de DK, D, B, NL et L qui se sont mis d'accord pour créer une vignette régionale d'un montant maximum absolu de 1250 Ecu/an et un maximum de 6 Ecu/jour (le taux hebdomadaire et mensuel n'a pas encore été fixé). Cette vignette régionale sera payée une seule fois et donnera accès à l'ensemble du réseau des 5 pays. Le système de répartition des recettes sera défini par les Etats membres en question. D'autres pays pourront se joindre, s'ils le souhaitent, à ce système commun.
- Le Conseil considère que ce système de droits d'usage est transitoire et a incité la Commission à soutenir la recherche et le développement concernant des systèmes permettant l'instauration d'une tarification routière en vue de promouvoir l'interopérabilité.
- La Commission devra présenter en 1997 un rapport faisant le point du fonctionnement des présentes dispositions tenant compte de l'évolution des technologies et de l'encombrement des routes. Elle présentera éventuellement des propositions en vue de l'instauration d'un régime de perception des droits fondés sur le principe de la territorialité et dans le cadre duquel les frontières nationales ne jouent pas un rôle prépondérant.

B. CABOTAGE (admission des transporteurs non résidents à des transports nationaux dans un Etat membre)

Il a été décidé que le cabotage sera libre à partir du 1er juillet 1998. Jusque là, un système de contingent restera en vigueur. Ainsi, à partir du 1er janvier 1994, on appliquera un contingent de 30.000 autorisations de cabotage (contre 18.500 pour 1992 et 1993). Ce montant sera augmenté de 30% par an à partir du 1er janvier 1995 et jusqu'à la libéralisation totale (1998).

Amitiés,
B. Julien

