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*****I**

REPORT

on a proposal for a European Parliament and Council Regulation (EC) on the distribution of permits for heavy goods vehicles travelling in Switzerland (COM(1999)35 – C5-0054/1999 – 1999/0022(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Pedro Aparicio Sánchez

Symbols for procedures

- * : Consultation procedure
majority of the votes cast
- **I : Cooperation procedure (first reading)
majority of the votes cast
- **II : Cooperation procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- *** : Assent procedure
majority of Parliament's component Members, except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty
- ***I : Codecision procedure (first reading)
majority of the votes cast
- ***II : Codecision procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- ***III : Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Abbreviations for committees

- I. **AFET:** **Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy**
- II. BUDG: Committee on Budgets
- III. CONT: Committee on Budgetary Control
- IV. LIBE: Committee on Citizens' Freedoms and Rights, Justice and Home Affairs
- V. ECON: Committee on Economic and Monetary Affairs
- VI. JURI: Committee on Legal Affairs and the Internal Market
- VII. INDU: Committee on Industry, External Trade, Research and Energy
- VIII. EMPL: Committee on Employment and Social Affairs
- IX. ENVI: Committee on the Environment, Public Health and Consumer Policy
- X. AGRI: Committee on Agriculture and Rural Development
- XI. PECH: Committee on Fisheries
- XII. REGI: Committee on Regional Policy, Transport and Tourism
- XIII. CULT: Committee on Culture, Youth, Education, the Media and Sport
- XIV. DEVE: Committee on Development and Cooperation
- XV. AFCO: Committee on Constitutional Affairs
- XVI. FEMM: Committee on Women's Rights and Equal Opportunities
- XVII. PETI: Committee on Petitions

CONTENTS

	Page
Procedural page.....	4
LEGISLATIVE PROPOSAL	5
DRAFT LEGISLATIVE RESOLUTION	8
EXPLANATORY STATEMENT	9
OPINION OF THE COMMITTEE ON INDUSTRY, EXTERNAL TRADE, RESEARCH AND ENERGY	12

PROCEDURAL PAGE – CODECISION (1st READING)

By letter of 26 February 1999 the Commission forwarded to Parliament a proposal for a Council Regulation (EC) on the distribution of permits for heavy goods vehicles travelling in Switzerland (COM(1999)35 – C5-0054/1999 – 1999/0022(COD)).

This Commission proposal was included in the list of proposals pending on 1 May 1999 (C4-0219/99) for which the entry into force of the Amsterdam Treaty entails a change of legal basis and/or a change of legal procedure, in this case the procedure referred to in Article 251 of the EC Treaty (codecision procedure). By letter of 3 May 1999 the Commission confirmed its initial proposals and submitted them to Parliament.

At its meeting of 23 July 1999 the President of Parliament forwarded this proposal to the Committee on Regional Policy, Transport and Tourism as the committee responsible and to the Committee on Industry, External Trade, Research and Energy for its opinion.

The Committee on Regional Policy, Transport and Tourism appointed Mr Pedro Aparicio Sanchez rapporteur at its meeting of 31 August 1999.

It considered the draft report at its meeting of 22 April, 22 September, 13 October and 23/24 November 1999.

At the last meeting it adopted the draft legislative resolution by 24 votes to 2, with 25 abstentions.

The following took part in the vote: Hatzidakis (chairman), Mastorakis, van Dam and Markov (vice-chairmen), Aparicio Sánchez (rapporteur), Atkins, Attwooll, Bakopoulos, Berend, Blak (for Hume), Bradbourn (for Cesaro), Callanan, Cerdeira, Chichester (for Decourriere), Cocilovo (for Fitto), Collins, Costa, Esclopé, Fava, Ferber (for Peijs), Foster (for Marques), Grosch, Hedkvist Petersen, Jeggler (for Musotto), Karamanou (for Lüttge), Koch, McCarthy, Meijer, Miguélez Ramos, Nogueira Román, Ojeda Sanz, Piecyk, Pohjamo, Poli Bertone, Rack, Ripoll I Martínez, Sánchez García, Sanders-Ten Holte (for Sterckx), Scallon, Schierhuber (for Schmitt), Simpson, Sommer, Stenmarck (for Jarzembowski), Stockmann, Sudre, Turco, Vatanen, Viceconte, von Boetticher, Walter (for Izquierdo Collado) and Watts.

The opinion of the Committee on Industry, External Trade, Research and Energy is attached.

The report was tabled on 25 November 1999.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part session.

LEGISLATIVE PROPOSAL

Proposal for a European Parliament and Council Regulation (EC) on the distribution of permits for heavy goods vehicles travelling in Switzerland (COM(1999)0035 – C5-0054/1999 – 1999/0022(COD))

The proposal is approved with the following amendments:

Text proposed by the Commission(1)

Amendments by Parliament

(Amendment 1)
Recital 7

7. Whereas, in order to ensure the optimal use of permits, all unallocated permits should be returned to the Commission for redistribution;

7. Whereas, in order to ensure the optimal use of permits, all unallocated permits are to be returned to the Commission for redistribution;

Or. de

Justification

Clearer than the original text ('should').

(Amendment 2)
Recital 8

8. Whereas the allocation of permits should be based on criteria that take full account of existing transport flows across the Alpine region;

8. Whereas the allocation of permits should be based on criteria that take full account of existing freight transport flows and genuine transport needs across the Alpine region;

Or. de

Justification

Clearer text than the original ('transport flows').

(1) OJ C 114, 27.4.1999, p.4
RR3864841EN.doc

(Amendment 3)

Recital 9a

(9a) Whereas implementing measures have to be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹

Or. en

Justification

Clearer text than the original ('transport flows').

(Amendment 4)

Article 3(4)

4. The permits for each year shall be allocated before 15 November of the preceeding year.

4. The permits for each year shall be allocated before 15 August of the preceding year.

Or. de

Justification

Hauliers need to be allowed to make definite plans at an early stage for the following year, especially so that they may also incorporate rail in their long-haul operations. The allocation of permits for the following year should therefore take place as early as 15 August.

(Amendment 5)

Article 5, first paragraph

Before 15 November each year, Member States shall transfer to the Commission those permits for that year which have not been allocated to undertakings.

Before 15 September each year, Member States shall transfer to the Commission those permits for that year which have not been allocated to undertakings.

Or.De

Justification:

It seems more appropriate to set the deadline for Member States to return permits to the Commission as indicated, so as to maximise use of the permits within the space of the year in question.

¹ OJ L 184, 17,7,1999, p. 23
PE 231.564/fin.

(Amendment 6)

Article 7

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time-limit which the chairman lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The committee shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

The Commission shall be assisted by a management committee. Article 4 of Council Decision 1999/468/EC shall apply, Article 8 of that Decision notwithstanding.

The period mentioned in Article 4(3) of that Decision shall be three months.

The European Parliament shall be informed by the Commission of committee proceedings on a regular basis, pursuant to Article 7(4) of that Decision. The principles and conditions for public access to documents which apply to the Commission shall also apply to the committee.

Or. de

Justification

Pursuant to Council Decision 1999/468/EEC of 28 June 1999 and the recommendation issued in connection thereto by the Conference of Committee Chairmen of 26 October 1999 these committee procedures are henceforth to be laid down in standard form.

DRAFT LEGISLATIVE RESOLUTION

Legislative resolution of the European Parliament on the proposal for a European Parliament and Council Regulation (EC) on the distribution of permits for heavy goods vehicles travelling in Switzerland (COM(1999)35 – C5-0054/1999 – 1999/0022(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(1999)35)¹,
 - having regard to Article 251(2) and Article 71 of the EC Treaty (C5-0054/1999),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism and the opinion of the Committee on Industry, External Trade, Research and Energy(A5-0075/1999),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 114, 27.4.1999, p. 4
PE 231.564/fin.

EXPLANATORY STATEMENT

1. INTRODUCTION

Under Article 8 of the Agreement reached on 1 December 1998 and signed on 21 June 1999 between the European Community and Switzerland on the transport of goods and passengers by rail and road, transit traffic of 40-tonne lorries through Switzerland will be liberalised from 1 January 2005. Until then lorries of the following maximum permissible weights will be permitted under a quota system: in 2000, over 28 tonnes, between 2001 and 2004 over 34 tonnes.

This also means that from 2001 permits will no longer be required for lorries with a maximum permissible weight of under 34 tonnes, and from 1 January 2005, for lorries of up to 40 tonnes.

This system will supersede the current ban on transiting Switzerland applied to lorries weighing over 28 tonnes, and will run alongside fiscal incentives for lorries to travel by rail along certain Swiss routes.

In addition, the following provisions have been made:

- lorry quotas until 2005:
 - i) in 2000, 250 000 40-tonne lorries of all types will be allowed to transit Switzerland, at a flat rate of CHF 180 for all categories;
 - ii) in 2001 and 2002 that figure will be 300 000, the charges being CHF 178 for lorries with lower pollution levels (Euro II), CHF 211 for those with higher pollution levels (Euro I), and CHF 251 for the oldest lorries;
 - iii) In 2003 and 2004, 400 000 permits will be issued to lorries with the charges amounting to CHF 210, CHF 240 and CHF 300, depending on the pollution level involved;
- charges on heavy goods vehicles as of 2005: Switzerland has undertaken to reduce the charge per heavy goods vehicle from EUR 200 to EUR 180, pending completion of the work on the Lötschberg rail tunnel, which will provide the necessary infrastructure for combined road and rail transport;
- Switzerland will be able to invoke a safeguard clause limiting transit in instances of peak pollution levels only twice in any five-year period;
- customs controls at borders in the morning hours will be speeded up;
- derogations will be applied to lorries which are empty or carrying perishable foodstuffs such as fruit and vegetables or cheese. The number of such 'empty permits' has been fixed at 220 000 per year for the period 2000 to 2004. The infrastructure charge for a lorry transiting Switzerland with such a permit will be CHF 40 in the year 2000, increasing by CHF 10 per year to CHF 80 in 2004.

2. PROPOSAL FOR A COUNCIL REGULATION (EC) ON THE DISTRIBUTION OF PERMITS FOR HEAVY GOODS VEHICLES TRAVELLING IN SWITZERLAND

In the light of the Agreement between Switzerland and the European Community, this proposal determines the method whereby the permits to be shared out amongst the Member States over the period 2000 to 2004 are calculated and allocated. Switzerland has undertaken to align itself with the Community's 40-tonne standard when the Agreement expires in 2005. The proposal involves two categories of permit: permits designed to allow the circulation of heavy goods vehicles with a weight exceeding the current 28-tonne limit, and permits designed to let through an additional number of vehicles which are empty or carrying light loads. The draft regulation points out that there is currently a shortage of information with regard to a number of parameters, such as the nationality of the hauliers, the amount of traffic diverted as a result of the 28-tonne weight limit, and the Member State in which the vehicles are registered. It highlights the need for additional data, and the possibility that changes may be made to the permits allocated to a Member State through a committee procedure, should the new figures reveal variations of 5% or 500 permits for any Member State.

In addition, the Commission proposes that permits for heavy goods vehicles weighing more than 28 tonnes be shared out according to the level of bilateral traffic and transit traffic accounted for by each Member State. Nonetheless, to guard against disputes over distribution, it intends to allocate a minimum of 1 500 permits per year to each Member State. A second distribution involving the remainder of the permits could then take place, based on the needs of bilateral traffic and transit traffic alike. The distribution criteria are linked to the additional costs for hauliers stemming from the 28-tonne weight limit in the form of additional vehicles for bilateral traffic and the extra mileage incurred by transit traffic encouraged to avoid Switzerland and pass through Austria or France.

Similar criteria are applied in justifying the allocation of permits for empty or lightly loaded vehicles. The vehicles considered eligible under these criteria will pay a reduced transit charge. The main factor considered in making this calculation is the distribution of transit journeys through Switzerland by nationality of haulier. This mainly affects Italian and German hauliers, since, according to the estimates, German- and Italian-registered vehicles account for 42.63% and 28% of diverted traffic respectively.

3. REMARKS

- 3.1. First of all, the rapporteur is surprised that the proposal in question was forwarded to Parliament before it has been consulted on the Agreement between the European Union and Switzerland. For Parliament to give an opinion on this proposal could be interpreted as tacit assent to the Agreement.
- 3.2. The Commission has also acknowledged its lack of reliable and up-to-date data on traffic flows between the Union and Switzerland, although negotiations between them have been going on for years (a traffic count is now in progress).

The rapporteur largely endorses the proposal. He supports the method of calculation, to be based on the current traffic survey and provide objective data for the issue of permits and agrees with the proposed basic allocation of 1500 permits per Member State.

The amendments concern the changed legal basis and procedures after the Amsterdam Treaty and the date for the transfer and reallocation of unused permits for a given year: the rapporteur proposes that the date be 15 October rather than November to allow hauliers time to plan their operations better, and to avert the risk of permits lapsing for lack of time.

24 November 1999

OPINION

(Rule 162)

for the Committee on Regional Policy, Transport and Tourism

on the proposal for a Council regulation on the distribution of permits for heavy goods vehicles travelling in Switzerland (COM(1999) 35 – C5-0054/1999 - 99/0022(COD)) (report by Mr Aparicio Sánchez)

Committee on Industry, External Trade, Research and Energy

Draftsman: Renato Brunetta

PROCEDURE

At its meeting of 4 October 1999 the Committee on Industry, External Trade, Research and Energy appointed Mr Renato Brunetta draftsman.

It considered the draft opinion at its meetings of 13 October and 23 November 1999.

At the last meeting it adopted the following conclusions unanimously except for one vote.

The following took part in the vote: Carlos Westendorp y Cabeza, chairman; Nuala Ahern and Peter Michael Mombaur, vice-chairmen; Renato Brunetta, draftsman and vice-chairman; Konstantinos Alyssandrakis, Alexandros Baltas, Bastiaan Belder (for Yves Butel), Massimo Carraro, Gérard Caudron, Giles Bryan Chichester, Nicholas Clegg, Dorette Corbey (for Claude J.-M. J. Desama), Willy De Clercq, Harlem Désir, Jonathan Evans (for Anders Wijkman), Concepció Ferrer I Casals, Francesco Fiori (for Godelieve Quisthoudt-Rowohl), Christos Folias, Jacqueline Foster (for Marjo Matikainen-Kallström), Norbert Glante, Michel Hansenne, Malcolm Harbour, Roger Karoutchi, Alain Lamassoure, Bernd Lange (for Rolf Linkohr), Werner Langen, Peter Liese (for Konrad K. Schwaiger), Caroline Lucas, Nelly Maes, Eryl Margaret McNally, Luisa Morgantini, Simon Francis Murphy, Giuseppe Nistico' (for Umberto Scapagnini), Reino Paasilinna, Marit Paulsen (for Colette Flesch), Elly Plooij-Van Gorsel, Samuli Pohjamo (for Astrid Thors), John Purvis, Alexander Radwan (for Angelika Niebler), Imelda Mary Read, Mechtild Rothe, Paul Rübig, Esko Olavi Seppänen, Anna Terron i Cusi (for François Zimeray), Antonios Trakatellis (for Christian Foldberg Rovsig), Turmes (for Ilka Schröder), Jaime Valdivielso de Cué, W.G. Van Velzen and Alejo Vidal-Quadras Roca (for Guido Bodrato).

GENERAL COMMENTS

The European Community and Switzerland have concluded an agreement on regulating the transport of goods and passengers by both rail and road. This proposal for a regulation provides, in particular, for European Union hauliers to be granted permits, for a transitional period, allowing vehicles in excess of 28 tonnes to circulate on Swiss territory.

A method for calculating how to allocate the permits will thus be introduced, based on the principal transport flows involving Switzerland (bilateral traffic and transit traffic), with a minimum number of 1500 permits for each country. It will be for the Member States to distribute the permits among the firms registered on their territory.

The permits will thus allow Community hauliers to use vehicles falling within EC weight limits until 2005, when Switzerland will fully align itself with the Community standard of 40 tonnes.

There will be two categories of permit: the first is intended to allow the operation of heavy goods vehicles which exceed the current limit of 28 tonnes, while the second category will allow access for an additional number of vehicles travelling empty or with a reduced load.

The distribution criteria will depend on the additional costs incurred by hauliers as a result of the 28-tonne limit: an increase in the number of vehicles used for bilateral traffic, and additional mileage (through Austria or France) in order to avoid Swiss territory, in respect of transit traffic.

Similar criteria will apply for the allocation of permits for empty or lightly loaded vehicles. Eligible vehicles will pay a reduced transit charge. The main factor taken into account in the calculation is the distribution of transit journeys through Switzerland based on the nationality of hauliers (mainly Italian and German: it should be noted that 42.63% of deviated mileage is accounted for by German-registered vehicles and 28% by Italian-registered vehicles).

A special technical committee will be responsible for making any adjustments to the share-out of the permits in the light of statistics on traffic flows in the Alps.

The rapporteur considers that, in order to ensure the fairest possible distribution, the first step must be to update the figures relating to both bilateral traffic and transit traffic.

In this connection, the Commission has already stated that it intends to carry out a more accurate survey in 2000 and to submit to the committee established by the regulation a proposal to amend the distribution if that count produces allocations which differ substantially from those proposed, in other words a variance for any Member State equal to 5% or 500 permits by comparison with the allocations laid down in Annexes I and II to the proposal for a Council regulation presented by the Commission.

In order to secure full, reliable data, your draftsman proposes that the statistical institutes of the countries concerned and Eurostat should be involved in compiling the database, so as to establish the most realistic framework possible by combining harmonised data from a range of reliable sources.

With regard to the Commission's proposed method for distributing permits, the draftsman believes that the starting-point must be the vehicle count and vehicles' estimated mileage in respect of both bilateral and transit traffic; he considers that the latter parameter must be given greater weight and refers to the willingness of the Swiss authorities partially to absorb the diversions that hauliers are forced to make using the road infrastructure of neighbouring countries.

He also considers it to be important to combine those parameters with indicators linked to the following variables:

1. geographical, to assess the extent to which Swiss morphology, the size of Switzerland and Swiss infrastructure affect the relevant transport system for each of the countries concerned, and
2. economic, to define the characteristics of a model to assess the impact of the transport in question on the wealth production of each country concerned.

To ensure that the number of permits is always based on assessments and calculations using up-to-date figures, the draftsman considers that the technical committee should undertake to set the number of permits available for each country to expire more frequently than annually (twice-yearly, quarterly) for the relevant period.

While respecting the principle of the allocation of permits for the operation of heavy goods vehicles on Swiss territory, the draftsman also hopes that the competent authorities will proceed to upgrade their infrastructure so as to provide effective alternatives for operators from the countries concerned.

He hopes that this will ensure effective competition in the land transport sector, thus allowing all operators to benefit from the same conditions.

CONCLUSIONS

The Committee on Industry, External Trade, Research and Energy:

1. Approves the process undertaken by the European Union and Switzerland to provide a solution to the problem of heavy goods vehicle traffic on Swiss territory which respects the principle of reciprocity, taking into account the different macroeconomic scales of the two systems;
2. Considers that the method proposed by the Commission for allocating permits, although it will only be used for a transitional period, should be combined with economic and geographical assessments, while nonetheless keeping as its basis the figures on traffic flows, particularly those on transit traffic;
3. Wishes, to that end, that a monitoring system involving Eurostat and the statistical institutes of the countries concerned will be set up to provide up-to-date figures on traffic between the European Union and Switzerland;
4. Wishes the Commission to assess carefully the effect that the system for distributing permits has on environmental sustainability and on the road infrastructure of the countries bordering Switzerland, with particular reference to the French and Austrian Alpine crossings;
5. Accepts the need to adopt a workable temporary solution, pending the proposal by the special technical committee of a new method for distributing permits covering such periods of less than a year as it deems appropriate;
6. Hopes, while respecting the principle of issuing permits, that the Swiss authorities will implement a programme for improving alternative transport infrastructures, to enable all European Union operators to compete on the same terms;
7. Wishes Parliament to be consulted again when the special technical committee proposes a new distribution of permits;
8. Approves the Commission proposal under consideration, pending the committee's work to make the system for distributing permits more balanced and efficient.
9. The Committee on Industry, External Trade, Research and Energy calls on the Committee on Regional Policy, Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

(Amendment 1 by Mr Carraro)
Recital 1a (new)

Whereas every possible solution will be

sought in association with Switzerland to bring forward the allocation of the permits should it prove impossible for the Agreement to enter into force on 1 January 2000 for reasons unconnected with the European Union and attributable to Switzerland;

Justification:

The purpose of this amendment is to do whatever is possible to ensure that there is no delay in the issue of the permits by Switzerland, should obstacles arise to the implementation of the above Agreement.

Or. it

(Amendment 2 by Mr Carraro)

Article 5, first paragraph

Before 15 November each year, Member States shall transfer to the Commission those permits for that year which have not been allocated to undertakings.

Before 15 September each year, Member States shall transfer to the Commission those permits for that year which have not been allocated to undertakings.

Justification:

It seems more appropriate to set the deadline for Member States to return permits to the Commission as indicated, so as to maximise use of the permits within the space of the year in question.

Or. it

(Amendment 3 by Mr Carraro)

Article 7, second paragraph a (new)

The Committee shall meet at least once every four months to ascertain the actual use of the permits allocated, and to proceed to distribute unused permits where appropriate.

Justification:

It seems necessary for the Committee to meet at four-monthly intervals so that the actual use of the permits issued can be known in 'real time', and so as to avoid a serious shortfall of permits at the end of the year as a result of heavy use earlier in the year.

Or. it