

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.07.2002 COM(2002) 418 final 2002/0188 (CNS)

Proposal for a

COUNCIL DECISION

concerning the signature and provisional application of an Agreement in the form of an exchange of letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria

Proposal for a

COUNCIL DECISION

concerning the conclusion of an agreement in the form of an exchange of letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The Agreement between the European Community and the former Yugoslav Republic of Macedonia in the field of transport¹ establishes that a system of ecopoints, equivalent to that applicable to Community heavy goods vehicles in transit through Austria, shall apply to transit traffic of the former Yugoslav Republic of Macedonia through Austria, with effect from 1 January 1999.

In accordance with the provisions of Article 12.3(b), the method of calculation and the detailed rules and procedures for the management and control of the ecopoints are to be agreed by means of an exchange of letters between the Contracting Parties, and will be in line with the provisions of Articles 11 and 14(2) of Protocol 9 to the Act of Accession of Austria, Finland and Sweden to the European Union regulating the ecopoints system applying in the Community.

2. The negotiations during 1998 resulted in the attached text which was initialled only on 25 January 2001. As a consequence, it was also agreed that the ecopoints system will be implemented from 1 January 2002. During the negotiations, the Commission services informed and consulted Member States.

However, the total number of ecopoints allocated to the former Yugoslav Republic of Macedonia lorries for 1999, 2000 and 2001 is also agreed in order to ensure that the annual percentage reduction is made in line with those applied to Community lorries. On this basis, the functioning of the regime applied between the Republic of Austria and the former Yugoslav Republic of Macedonia during the period January 1999-December 2001 was examined by the Joint Transport Committee established by Article 22 of the Transport Agreement, and no discriminatory effects were identified.

3. The Agreement establishes the number of ecopoints allocated to trucks of the former Yugoslav Republic of Macedonia for the period 1999-2003 on the basis of the "no less favourable treatment for Community heavy goods vehicles" principle. It also provides for appropriate documents, rules of procedure and methods of control for managing the system.

The Agreement stipulates that the system of ecopoints shall be applied from 1 January 2002.

The Commission invites the Council to decide on the signature and provisional application of the Agreement and to initiate the conclusion procedure. Accordingly, it hereby submits to the Council two proposals as follows:

- 1. Proposal for a Council decision on the signature and provisional application of an Agreement in the form of an exchange of letters concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria.
- 2. Proposal for a Council decision on the conclusion of the Agreement.

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OJ L 348, 18.12.1997, p. 170.

Proposal for a

COUNCIL DECISION

concerning the signature and provisional application of an Agreement in the form of an exchange of letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) in conjunction with the first sentence of the first subparagraph of Article 300(2), thereof,

Having regard to the proposal from the Commission²,

Whereas:

- (1) The Commission has negotiated an Agreement in the form of an exchange of letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria
- (2) Subject to its possible conclusion at a later date, the Agreement initialled on 25 January 2001 should be signed.
- (3) Provision should be made for the provisional application of the Agreement from 1 January 2002.

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is authorised to designate the person(s) entitled to sign, on behalf of the European Community, the Agreement in the form of an exchange of letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria, subject to its conclusion at a later date.

The text of the Agreement is attached to this Decision.

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² OJ C ..., ..., p. ...

Article 2

The Agreement referred to in Article 1 shall be applied on a provisional basis from 1 January 2002.

Article 3

This Decision shall be published in the Official Journal of the European Communities.

Done at Brussels,

For the Council The President

2002/0188 (CNS)

Proposal for a

COUNCIL DECISION

concerning the conclusion of an agreement in the form of an exchange of letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) in conjunction with Article 300(2), first subparagraph, first sentence and Article 300(3), first subparagraph thereof,

Having regard to the proposal from the Commission³,

Having regard to the opinion of the European Parliament⁴,

Whereas:

- (1) The Agreement between the European Community and the former Yugoslav Republic of Macedonia in the field of transport⁵, and in particular Article 12, para. 3(b) thereof, establishes that a system of ecopoints equivalent to that laid down by Article 11 of Protocol 9 to the Act of Accession of Austria, Finland and Sweden to the European Union shall apply
- (2) The Commission has negotiated on behalf of the Community an Agreement in the form of an exchange of letters between the European Community and the former Yugoslav Republic of Macedonia establishing the method of calculation and the detailed rules and procedures for the management and control of the ecopoints
- (3) This Agreement has been signed on behalf of the Community on...., subject to its possible conclusion at a later date in accordance with Decision../.../EC of the Council of
- (4) This Agreement should be approved.

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³ OJ C ..., ..., p. ...

⁴ OJ C ..., ..., p. ...

⁵ OJ L 348, 18.12.1997, p. 170.

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria is hereby approved on behalf of the Community.

The text of the exchange of letters is annexed to this Decision.

Article 2

This Decision shall be published in the Official Journal of the European Communities.

Done at Brussels,

For the Council The President

AGREEMENT

in the form of an exchange of letters between the European Community and the former Yugoslav Republic of Macedonia concerning the system of ecopoints to be applied to transit traffic of the former Yugoslav Republic of Macedonia through Austria as from 1 January 1999

A. Letter from the European Community

Sir.

I have the honour to inform you that, following negotiations between the delegation of the former Yugoslav Republic of Macedonia and the delegation of the European Community, in accordance with the provisions of Article 12, paragraph 3(b) of the Agreement between the European Community and the former Yugoslav Republic of Macedonia in the field of Transport, the following has been agreed:

"1. Ecopoints (Rights of Transit) for heavy goods vehicles from the former Yugoslav Republic of Macedonia transiting through Austria are allocated in the following way:

for 1999 - 57.401 ecopoints
for 2000 - 55.079 ecopoints
for 2001 - 53.641 ecopoints
for 2002 - 49.549 ecopoints
for 2003 - 44.240 ecopoints

Additional ecopoints are allocated for users from the former Yugoslav Republic of Macedonia of the "Rollende Landstraße" up to a maximum of 50% of the total number of ecopoints for the year, as follows

for 1999 - 28.700 ecopoints
for 2000 - 27.540 ecopoints
for 2001 - 26.820 ecopoints
for 2002 - 24.775 ecopoints
for 2003 - 22.120 ecopoints

Ecopoints for Rollende Landstrasse users shall be allocated to the former Yugoslav Republic of Macedonian authorities, on the basis of ecopoints for two road journeys for every two round trips made on RoLa.

The Austrian company for combined transport, Ökombi, will regularly provide each month monthly information to the Ministry of Transport and Communications of the former Yugoslav Republic of Macedonia concerning former Yugoslav Republic of Macedonia users of combined train in transit through Austria.

The ecopoints system will be implemented from 1 January 2002.

Transit journeys made in the circumstances listed in Annex A or under ECMT authorisations shall be exempt from the ecopoints system.

- 2. The driver of a heavy goods vehicle from the former Yugoslav Republic of Macedonia on the territory of Austria shall carry, and shall make available for inspection at the request of the supervisory authorities, either:
 - (a) a duly completed standard form or an Austrian certificate confirming payment of the ecopoints for the journey in question, modelled on Annex B, hereinafter referred to as "the ecocard"; or
 - (b) an electronic device, fitted to the motor vehicle which enables the automatic debiting of ecopoints, hereinafter referred to as "the ecotag"; or
 - (c) appropriate documentation to demonstrate that an ecopoint-free transit journey, as defined in Annex A or under ECMT authorisation is being made; or
 - (d) appropriate documentation to demonstrate that a non-transit journey is being made, and when the vehicle is fitted with an ecotag, the ecotag is set for this purpose.

The competent Austrian authorities shall issue the ecocard against payment of the cost of production and distribution of ecopoints and ecocards.

3. Ecotags shall be manufactured, programmed and installed in accordance with the general technical specifications laid down in Annex C. The Ministry of Transport and Communications of the former Yugoslav Republic of Macedonia is authorised to approve, programme and install the ecotags.

The ecotag shall be programmed to contain information on the country of registration and the NO_x value of the motor vehicle, as stated in the conformity of production (COP) document, as defined in paragraph 4.

The ecotag shall be affixed to the windscreen of the motor vehicle. It shall be positioned in accordance with Annex D. It shall be non-transferable.

- 4. The driver of a heavy goods vehicle from the former Yugoslav Republic of Macedonia registered on or after 1 October 1990 shall also carry, and produce upon request, a COP document, modelled on Annex E, as evidence of the NO_x emissions of that vehicle. Heavy goods vehicles first registered before 1 October 1990 or in respect of which no document is produced shall be assumed to have a COP value of 15,8 g/kWh.
- 5. The Ministry of Transport and Communications of the former Yugoslav Republic of Macedonia is authorised to issue the documents and ecotags referred to in points 2 to 4.

6. Unless the vehicle is using an ecotag, the requisite number of ecopoints shall be affixed to the ecocard and cancelled. The ecopoints shall be cancelled by signing in such a way that the signature extends over both the ecopoints and the form to which they have been affixed. A rubber stamp may be used instead of a signature.

An ecocard, bearing the requisite number of ecopoints shall be handed to the supervisory authorities of Austria, who will hand back a copy with the proof of payment.

If the vehicle is fitted with an ecotag, upon confirmation of its undertaking a transit journey requiring ecopoints, a number of ecopoints, equivalent to the NO_x emission information stored in the ecotag of the vehicle, shall be deducted from the total of ecopoints allocated to the former Yugoslav Republic of Macedonia. This shall be done by infrastructure provided and operated by the Austrian authorities.

For vehicles fitted with ecotags that are making bilateral journeys they must set the ecotag to demonstrate that a non-transit journey is being made prior to entering Austrian territory.

In the case where an ecocard is used and where a tractor unit is switched during a transit journey, the proof of payment on entry shall remain valid and be retained. Where the COP value of the new tractor unit exceeds that indicated on the form, additional ecopoints, affixed to a new card, shall be cancelled on leaving the country.

7. Continuous journeys which involve crossing the Austrian frontier once by train, whether by conventional rail transport or in a combined transport operation, and crossing the frontier by road before or after crossing by rail, shall be regarded not as transit of goods by road through Austria but as bilateral journeys.

Continuous transit journeys through Austria using the following rail terminals shall be deemed as bilateral journeys:

Fürnitz, Villach Süd, Sillian, Innsbruck/Hall, Brennersee, Graz.

- 8. Ecopoints shall be valid between 1 January of the year for which they are attributed and 31 January of the following year.
- 9. Infringements of this agreement by a driver of a heavy goods vehicle from the former Yugoslav Republic of Macedonia or an undertaking shall be prosecuted in accordance with the national legislation in force.

The Commission and the competent authorities of Austria and the former Yugoslav Republic of Macedonia shall, each within the limits of their jurisdiction, provide each other with administrative assistance in investigating and prosecuting these infringements, in particular by ensuring that ecocards and ecotags are correctly used and handled.

Controls may be carried out at a point other than the border, at the discretion of the European Community Member State, with due regard to the principle of non-discrimination.

- 10. The Austrian supervisory authorities may, having due regard to the principles of proportionality, take appropriate measures if a vehicle is fitted with an ecotag and at least one of the following situations occur:
 - (a) the vehicle or the operator of the vehicle has repeatedly committed infringements;
 - (b) there are insufficient ecopoints remaining in the allocation of the former Yugoslav Republic of Macedonia;
 - (c) the ecotag has been tampered with or has been changed by a party other than those authorised in Point 3.
 - (d) the former Yugoslav Republic of Macedonia has not allocated sufficient ecopoints for the vehicle to make a transit journey;
 - (e) the vehicle does not have appropriate documentation in accordance with paragraphs (c) or (d) of Point 2 to justify why the ecotag has been set to demonstrate that a non-transit journey is being made on Austrian territory;
 - (f) when the ecotag specified in Annex C is not loaded with sufficient ecopoints to make a transit journey.

The Austrian supervisory authorities may, having due regard to the principle of proportionality, take appropriate measures if a vehicle is not fitted with an ecotag and at least one of the following situations occurs:

- (a) an ecocard is not presented to the supervisory authorities in accordance with the provisions of this agreement;
- (b) an ecocard is presented which is incomplete or incorrect, or where the ecopoints are not correctly affixed;
- (c) the vehicle does not possess the appropriate documentation to justify that it does not need ecopoints.
- 11. The printed ecopoints which are intended for affixing to ecocards shall be made available each year before 1 November of the preceding year.
- 12. In the case of vehicles registered before 1 October 1990 which have had a change of engine since this date, the COP value of the new engine shall apply. In such a case the certificate issued by the appropriate authority shall mention the change of engine and give details of the new COP value for NO_x emissions.
- 13. A transit journey shall be exempt from the payment of ecopoints if the following three conditions are met:
 - (i) the sole purpose of the journey is to delivery a brand new vehicle, or vehicle combination, from the manufacturers to a destination in another State;
 - (ii) no goods are transported on the journey;

- (iii) the vehicle or vehicle combination has appropriate international registration papers and export licence plates.
- 14. A transit journey shall be exempt from the payment of ecopoints if it is the unladen leg of a journey exempt from ecopoints as listed in Annex A and the vehicle carries suitable documentation to demonstrate this. Such suitable documentation shall be either:
 - a bill of lading, or
 - a completed ecocard to which no ecopoints have been attached, or
 - a completed ecocard with ecopoints, which are subsequently reinstated.
- 15. Any problems arising from the management of this regime of ecopoints shall be submitted to the Community/the former Yugoslav Republic of Macedonia Transport Committee provided for in Article 22 of the Transport Agreement which shall assess the situation and recommend appropriate actions. Any measure to be taken shall be implemented immediately, shall be proportional and of non-discriminatory nature."

I should be obliged if you would confirm the agreement of your Government to the contents of this letter.

Please accept Sir, the assurance of my highest consideration.

On behalf of the Community

ANNEX A

JOURNEYS FOR WHICH NO ECOPOINTS ARE REQUIRED

- 1. The occasional transport of goods to and from airports when flights are diverted.
- 2. The carriage of baggage in trailers attached to passenger vehicles, and the carriage of baggage to and from airports by vehicles of all kinds.
- 3. The carriage of postal consignments.
- 4. The carriage of damaged vehicles or vehicles in need of repair.
- 5. The carriage of waste and sewage.
- 6. The carriage of animal carcasses for disposal.
- 7. The carriage of bees and fish spawn.
- 8. The transport of corpses.
- 9. The carriage of works of art for exhibition or commercial purposes.
- 10. The occasional carriage of goods for advertising or educational purposes.
- 11. The carriage of goods by removal firms possessing the appropriate personnel and equipment.
- 12. The carriage of equipment, accessories and animals to and from theatrical, musical, cinema, sporting or circus events, exhibitions or fairs, or to and from radio, cinema or television recordings.
- 13. The carriage of spare parts for ships and aircraft.
- 14. The empty journey of a goods vehicle sent to replace a vehicle that has broken down in transit and the continuation of the journey by the replacement vehicle using the authorisation issued for the first vehicle.
- 15. The carriage of emergency medical aid (particularly in the case of natural disasters).
- 16. The carriage of valuable goods (e.g. precious metals) in special vehicles escorted by the police or another security service.

ANNEX B



Raum zum Aufkleben der Ökopunkte-Marken Space for affixing Ecopoint stamps Spazio per l'apposizione degli Ecopunti	OI23456789 ABCDEFGHIJKLM NØPQRSTUVWXYZ
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Segno di riconoscimento nazionale	•

Frläuterungen siehe Rückseite	Fo	r explanation see over			Spiegazion	i sul verso
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60	Drasenhofen	960 Hohenweil				963 Oberreute		537 Sub		
	Burghausen-Alte Brücke Deutschkreutz	350 Heiligenkr 939 Hohenems				536 Obernberg 665 Oberndorf		964 Spr 630 Ste	ingen innaß	
31	Burghausen	640 Hangende				549 Oberkappel		872 Spil	В	
	Brennerpaß	544 Haibach	Ontern	ocnst	teg	844 Niederndorf		534 Sim 745 Spir		
	Braunau Brenner-Straße	958 Hörbranz- 955 Hörbranz-	Oberh	ochst	eg	548 Neustift 333 Nickelsdorf		856 Silli	an	
55	Bonisdorf	956 Hörbranz				539 Neuhaus	artinsbruck	734 Sici	ebergsattel heldorf	
	Berg Bleiburg-Grablach	645 Großgmai 946 Höchst	n			862 Nauders 870 Nauders-Ma	artinshruck	554 Sch	warzenberg	
41	Bayrischzell	777 Graz-Osth	ahnho			460 Naßfeld		848 Sch 655 Sch	nleching nwarzbach	
35 65	Bad Radkersburg Balderschwang	235 Grametter 700 Graz-Hau		hof		941 Lustenau-W 938 Mäder		830 Sch	nattwald	
	Arnoldstein	233 Gmünd-N		elberg	1	940 Lustenau-S		838 Sch		
	Angerhäuser	230 Gmünd				445 Loibltunnel 942 Lustenau		346 Sch 538 Sch	nachendorf	
	Achieiten	947 Gaißau								
45	Achenkirch Achleiten	547 Felsenhüt	t			837 Leutasch		660 Saa		
40 45			t		(Frontier	837 Leutasch			ffici doganali albrücke	in frontier

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ANNEX C

GENERAL TECHNICAL SPECIFICATIONS OF THE ECOTAG

Short-range communication beacon – vehicle

(Pre)standards and technical reports relevant to DSRC

The following requirements provided by CEN/TC 278 with regard to short-range communication between the vehicles and the roadside infrastructure are to be met:

- (a) prENV278/No 62 "DSRC physical layer using microwave at 5,8 GHz";
- (b) prENV278/No 64 "DSRC data link layer";
- (c) prENV278/No 65 "DSRC application layer"

Type test

The supplier of the ecotag must provide type-test certificates for the appliances from an accredited test institute conforming compliance with all the limit values specified in the current I-ETS 300674.

Operating conditions

The ecotag for the automatic ecopoint system must guarantee the required functionality under the following operating conditions:

- ambient conditions: temperature from 25 $^{\circ}$ C to + 70 $^{\circ}$ C,
- weather conditions: all eventualities,
- traffic: several lanes, moving,
- speed range: from "stop-and-go" to 120 km/h.

The above operating conditions are minimum requirements pending the adoption of (pre)standards relevant to DSRC.

The ecotag may react only to microwave signals specific to its own applications.

Ecotag

Identification

Each ecotag must have a unique identification number. In addition to the number of digits necessary to make it distinguishable, this number must also contain a check sum for integrity verification.

Installation

The ecotag should be designed for installation behind the windscreen of the lorry or traction unit. It shall be installed so as to be completely non-detachable from the vehicle.

Transit declaration

The ecotag must have an input facility for declaring a journey exempt from the payment of ecopoints.

The facility must be clearly visible on the ecotag for control purposes; alternatively, it must be possible to set the ecotag at a defined initial position. At all events, it must be ensured that only the status at the time of entry is taken into account for evaluation in the system.

External marking

Every ecotag must also be clearly identifiable on visual inspection. To this end, the abovementioned unique identification number must be indelibly applied to the surface of the appliance.

A non-detachable, indelible marking to the ecotag in the form of prepared stickers shall be affixed to the ecotag. This marking must show the number of ecopoints for the individual vehicle ("5", "6", ... "16").

These special stickers must be tamper-proof; they must have mechanical strength and be light- and temperature-resistant. They must have a high adhesive strength and any attempt to remove them must result in their destruction.

Integrity

The casing must be constructed in such way that any manipulation of the internal components is excluded and any interference can subsequently be detected.

Memory

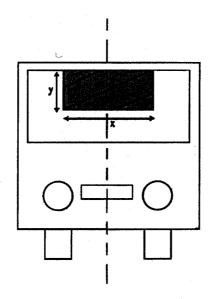
The ecotag must have sufficient memory capacity for the following data:

- identification number.
- vehicle data:
 - COP value,
- transaction data:
 - identification of the border post,
 - date/time,
 - status of journey declaration,
 - blocking (blacklisting) information,
- status data:
 - manipulation,
 - battery status,
 - status of latest communication.

There must be a reserve of memory of at least 30 %.

ANNEX D

INSTALLATION REQUIREMENTS FOR ECOTAG



The ecotag shall be located on the interior side of the windscreen within the marked area illustrated above) where the dimensions are as follows:

x = 100 cm

y = 80 cm.

ANNEX E

COP DOCUMENT	Fortlaufende Dokumentnummer: 1) Document serial number: Numero di serie del documento:
Nationalităt: 2) Nationality: Nazionalità:	Amtliches Kennzeichen: 3) Vehicle registration number: Targa del veicolo:
Datum der Erstzulassung: 4) Date of first registration: Data della prima immatricolazione:	Motor wurde getauscht am: 4a) Motor was changed at: Motore cambiato il:
EWG-Betriebserlaubnisnummer: (nach 88/77/EWG Type approval number: 91/542/EWG Numero CEE della licenza per l'esercizio: oder/or/o ECE R 49) oder/or/o Motorcodierungsnummer: Engine serial number: Numero di serie del motore:	
Fahrzeugidentifizierungsnummer: 6) Chassis number: Chassis numero:	
NO _X Emission: NO _X Emission: Emissione di NO _X :	COP-Wert (Tyengenehmigung + 10 %): 8) COP Value (Type approval + 10 %): Valore COP (Omologazione + 10 %):
Anzahl Ökopunkte: 9) Number of Ecopoints: Numero di Ecopunti:	
Behördenstempel: 10) Official stamp: Timbro ufficiale:	
Herstellerbestätigung (nach Bedarf): 11) Manufacturer confirmation (if necessary): Attestazione del produttore (a seconda del fabbisogno):	

Der Lenker eines Lkw im Gütertransitverkehr durch Österreich hat dieses Dokument mitzuführen und den Kontrollorganen zur Kontrolle vorzuweisen. Wird das Dokument nicht vorgewiesen, sind für die Fahrt 16 Ökopunkte auf die Ökokarte aufzukleben und zu entwerter

The driver of an HGV in transit through Austria must carry this document with him/her and present it to control authorities for inspection. If the document is not presented for inspection then 16 Ecopoints are to be affixed to the Ecocard and cancelled.

Il conducente di un camion in transito attraverso l'Austria deve avere con sé questo documento e deve presentarlo alle Autorità competenti per il controllo. In caso di mancata presentazione del documento, 16 Ecopunti verrano applicati sull'Ecocarta e annullati.

B. Letter from the former Yugoslav Republic of Macedonia

Sir,

I have the honour to refer to your letter of, in which you inform me of the following:

"I have the honour to inform you that, following negotiations between the delegation of the former Yugoslav Republic of Macedonia and the delegation of the European Community, in accordance with the provisions of Article 12, paragraph 3(b) of the Agreement between the European Community and the former Yugoslav Republic of Macedonia in the field of Transport, the following has been agreed:

"1. Ecopoints (Rights of Transit) for heavy goods vehicles from the former Yugoslav Republic of Macedonia transiting through Austria are allocated in the following way:

for 1999 - 57.401 ecopoints
for 2000 - 55.079 ecopoints
for 2001 - 53.641 ecopoints
for 2002 - 49.549 ecopoints
for 2003 - 44.240 ecopoints

Additional ecopoints are allocated for users from the former Yugoslav Republic of Macedonia of the "Rollende Landstraße" up to a maximum of 50% of the total number of ecopoints for the year, as follows:

for 1999 - 28.700 ecopoints
for 2000 - 27.540 ecopoints
for 2001 - 26.820 ecopoints
for 2002 - 24.775 ecopoints
for 2003 - 22.120 ecopoints

Ecopoints for Rollende Landstrasse users shall be allocated to the former Yugoslav Republic of Macedonian authorities, on the basis of ecopoints for two road journeys for every two round trips made on RoLa.

The Austrian company for combined transport, Ökombi, will regularly provide each month monthly information to the Ministry of Transport and Communications of the former Yugoslav Republic of Macedonia concerning former Yugoslav Republic of Macedonia users of combined train in transit through Austria.

The ecopoints system will be implemented from 1 January 2002.

Transit journeys made in the circumstances listed in Annex A or under ECMT authorisations shall be exempt from the ecopoints system.

- 2. The driver of a heavy goods vehicle from the former Yugoslav Republic of Macedonia on the territory of Austria shall carry, and shall make available for inspection at the request of the supervisory authorities, either:
 - (a) a duly completed standard form or an Austrian certificate confirming payment of the ecopoints for the journey in question, modelled on Annex B, hereinafter referred to as "the ecocard"; or
 - (b) an electronic device, fitted to the motor vehicle which enables the automatic debiting of ecopoints, hereinafter referred to as "the ecotag"; or
 - (c) appropriate documentation to demonstrate that an ecopoint-free transit journey, as defined in Annex A or under ECMT authorisation is being made; or
 - (d) appropriate documentation to demonstrate that a non-transit journey is being made, and when the vehicle is fitted with an ecotag, the ecotag is set for this purpose.

The competent Austrian authorities shall issue the ecocard against payment of the cost of production and distribution of ecopoints and ecocards.

3. Ecotags shall be manufactured, programmed and installed in accordance with the general technical specifications laid down in Annex C. The Ministry of Transport and Communications of the former Yugoslav Republic of Macedonia is authorised to approve, programme and install the ecotags.

The ecotag shall be programmed to contain information on the country of registration and the NO_x value of the motor vehicle, as stated in the conformity of production (COP) document, as defined in paragraph 4.

The ecotag shall be affixed to the windscreen of the motor vehicle. It shall be positioned in accordance with Annex D. It shall be non-transferable.

- 4. The driver of a heavy goods vehicle from the former Yugoslav Republic of Macedonia registered on or after 1 October 1990 shall also carry, and produce upon request, a COP document, modelled on Annex E, as evidence of the NO_x emissions of that vehicle. Heavy goods vehicles first registered before 1 October 1990 or in respect of which no document is produced shall be assumed to have a COP value of 15,8 g/kWh.
- 5. The Ministry of Transport and Communications of the former Yugoslav Republic of Macedonia is authorised to issue the documents and ecotags referred to in points 2 to 4.
- 6. Unless the vehicle is using an ecotag, the requisite number of ecopoints shall be affixed to the ecocard and cancelled. The ecopoints shall be cancelled by signing in such a way that the signature extends over both the ecopoints and

the form to which they have been affixed. A rubber stamp may be used instead of a signature.

An ecocard, bearing the requisite number of ecopoints shall be handed to the supervisory authorities of Austria, who will hand back a copy with the proof of payment.

If the vehicle is fitted with an ecotag, upon confirmation of its undertaking a transit journey requiring ecopoints, a number of ecopoints, equivalent to the NO_x emission information stored in the ecotag of the vehicle, shall be deducted from the total of ecopoints allocated to the former Yugoslav Republic of Macedonia. This shall be done by infrastructure provided and operated by the Austrian authorities.

For vehicles fitted with ecotags that are making bilateral journeys they must set the ecotag to demonstrate that a non-transit journey is being made prior to entering Austrian territory.

In the case where an ecocard is used and where a tractor unit is switched during a transit journey, the proof of payment on entry shall remain valid and be retained. Where the COP value of the new tractor unit exceeds that indicated on the form, additional ecopoints, affixed to a new card, shall be cancelled on leaving the country.

7. Continuous journeys which involve crossing the Austrian frontier once by train, whether by conventional rail transport or in a combined transport operation, and crossing the frontier by road before or after crossing by rail, shall be regarded not as transit of goods by road through Austria but as bilateral journeys.

Continuous transit journeys through Austria using the following rail terminals shall be deemed as bilateral journeys:

Fürnitz, Villach Süd, Sillian, Innsbruck/Hall, Brennersee, Graz.

- 8. Ecopoints shall be valid between 1 January of the year for which they are attributed and 31 January of the following year.
- 9. Infringements of this agreement by a driver of a heavy goods vehicle from the former Yugoslav Republic of Macedonia or an undertaking shall be prosecuted in accordance with the national legislation in force.

The Commission and the competent authorities of Austria and the former Yugoslav Republic of Macedonia shall, each within the limits of their jurisdiction, provide each other with administrative assistance in investigating and prosecuting these infringements, in particular by ensuring that ecocards and ecotags are correctly used and handled.

Controls may be carried out at a point other than the border, at the discretion of the European Community Member State, with due regard to the principle of non-discrimination.

- 10. The Austrian supervisory authorities may, having due regard to the principles of proportionality, take appropriate measures if a vehicle is fitted with an ecotag and at least one of the following situations occur:
 - (a) the vehicle or the operator of the vehicle has repeatedly committed infringements;
 - (b) there are insufficient ecopoints remaining in the allocation of the former Yugoslav Republic of Macedonia;
 - (c) the ecotag has been tampered with or has been changed by a party other than those authorised in Point 3;
 - (d) the former Yugoslav Republic of Macedonia has not allocated sufficient ecopoints for the vehicle to make a transit journey;
 - (e) the vehicle does not have appropriate documentation in accordance with paragraphs (c) or (d) of Point 2 to justify why the ecotag has been set to demonstrate that a non-transit journey is being made on Austrian territory;
 - (f) when the ecotag specified in Annex C is not loaded with sufficient ecopoints to make a transit journey.

The Austrian supervisory authorities may, having due regard to the principle of proportionality, take appropriate measures if a vehicle is not fitted with an ecotag and at least one of the following situations occurs:

- (a) an ecocard is not presented to the supervisory authorities in accordance with the provisions of this agreement;
- (b) an ecocard is presented which is incomplete or incorrect, or where the ecopoints are not correctly affixed;
- (c) the vehicle does not possess the appropriate documentation to justify that it does not need ecopoints.
- 11. The printed ecopoints which are intended for affixing to ecocards shall be made available each year before 1 November of the preceding year.
- 12. In the case of vehicles registered before 1 October 1990 which have had a change of engine since this date, the COP value of the new engine shall apply. In such a case the certificate issued by the appropriate authority shall mention the change of engine and give details of the new COP value for NO_x emissions.
- 13. A transit journey shall be exempt from the payment of ecopoints if the following three conditions are met:
 - (i) the sole purpose of the journey is to delivery a brand new vehicle, or vehicle combination, from the manufacturers to a destination in another State;

- (ii) no goods are transported on the journey;
- (iii) the vehicle or vehicle combination has appropriate international registration papers and export licence plates.
- 14. A transit journey shall be exempt from the payment of ecopoints if it is the unladen leg of a journey exempt from ecopoints as listed in Annex A and the vehicle carries suitable documentation to demonstrate this. Such suitable documentation shall be either:
 - a bill of lading, or
 - a completed ecocard to which no ecopoints have been attached, or
 - a completed ecocard with ecopoints, which are subsequently reinstated.
- 15. Any problems arising from the management of this regime of ecopoints shall be submitted to the Community/the former Yugoslav Republic of Macedonia Transport Committee provided for in Article 22 of the Transport Agreement which shall assess the situation and recommend appropriate actions. Any measure to be taken shall be implemented immediately, shall be proportional and of non-discriminatory nature."

I should be obliged if you would confirm the agreement of your Government to the contents of this letter."

I have the honour to confirm that my Government is in agreement with the contents of this letter.

Please accept Sir, the assurance of my highest consideration.

On behalf of the former Yugoslav Republic of Macedonia.