



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL DECISION

concerning the signature of the Agreement 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

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concerning the conclusion of the Agreement 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 transit authorizations. The agreement was also to specify the conditions for transport operations carried out under such an agreement, especially as regards charges related to transport operations and road use. More generally the agreement was to provide for the harmonization of road transport legislation of partner states towards the legislation of the Community and for coordination on administrative questions related to road transit. In addition the agreement was to promote combined land transport operations in conformity with Community rules.
2. At the outset of the negotiations a multi-lateral agreement was sought, however, it proved impossible to interest all three partner states equally in following such a multi-lateral approach. This led to the decision to conclude separate agreements with each of these partner states. These agreements will terminate automatically upon accession of the relevant Partner State to the European Union.
3. Member States participated as observers at all the negotiation sessions with Bulgaria, Hungary and Romania. The Commission also held a number of technical meetings with representatives of these partner states. The negotiation sessions were preceded by discussions with the Member States in the Council. The Commission transmitted copies of the draft agreements, at all stages in their development, to the Council Special Committee established for the purpose of these negotiations, and also held separate meetings with Member States' experts on certain technical aspects of the agreements, like the actual layout of the authorizations to be exchanged under the agreements.
4. On the basis of the negotiating directives adopted by the Council and subsequent discussion in the Special Committee, a draft Agreement with Bulgaria was initialled by the Heads of delegations on 4 December 1998 and a draft Agreement with Hungary was initialled on 8 April 1999. The wording of both the draft agreements with Bulgaria and Hungary (hereafter "the Agreements") is almost identical. In fact variances in the wording of the Agreements do not reflect differences in substance, but rather editing preferences of the negotiating partners.

It is not yet clear when the negotiations with Romania will be finalised.

B. Content of Agreements

B.1. Authorizations

5. The Agreements facilitate transit through the contracting parties' territories, in particular through the mutual exchange of transit authorizations for road goods transport. These authorizations are additional to those already exchanged under bilateral agreements between individual Member States on the one side and Bulgaria or Hungary on the other side. The provisions of the existing bilateral agreements between Member States and the partner States are thus maintained. This entails that for example the types of transport operations or vehicle categories for which a particular haulier from an individual Member State needs a transit authorization for either Bulgaria or Hungary continues to be determined by the existing bilateral agreements concluded by the haulier's State of residence and the partner State in question.
6. The hauliers of Member States needing a transit authorization for a given return journey through either Bulgaria or Hungary can thus use an authorization exchanged under these Community agreements. Alternatively a Community haulier can use for example an authorization exchanged under a bilateral agreement of its state of residence and Bulgaria or Hungary. Likewise Bulgarian and Hungarian hauliers can use a single Community authorization to transit any number of individual Member States on an individual return journey to and from or through Community territory. Alternatively they can use, for example, the authorizations exchanged under the relevant bilateral agreements with individual Member States.
7. While the Community offers the possibility of transiting the territory of in principle all its 15 Member States, the partner State offers in exchange only the transit of its own territory, a single state. It is therefore reasonable for the Community to receive a substantially larger number of authorizations from the partner States in return. This needs to be qualified, however, in that no haulier of a partner State would ever transit, on an individual journey, all 15 Member States. In fact the geographical location of some Member States prevents or makes their transit highly unlikely. In addition, the Community limited from the outset of the negotiations the number of transit authorizations for each partner State to 7000 authorizations of which not more than 3000 were to be valid in any Member State. Therefore it was perceived as reasonable by the negotiating partners for the Community to receive at least twice as many authorizations.
8. As a result of the negotiations, the Community will receive annually 13000 authorizations from Bulgaria and 12500 from Hungary. Each single authorization is valid for one return transit journey. The distribution of these authorizations among Member States, who will be responsible for issuing them to their hauliers, is the subject of a separate Council Regulation.

9. In return Bulgaria as well as Hungary will receive from the Community annually 6000 “blank” authorizations valid for a return transit journey, as well as 3000 adhesive stamps for each Member State. On each “blank” authorization the haulier of the partner State would have to validate beforehand the choice of transit route (i.e. the individual Member States transited on a journey) by attaching the adhesive stamp(s) for the relevant Member State(s). The authorization will thus allow the haulier from the partner State to transit the Member State(s) whose stamp is affixed to the authorization on both outward and return parts of the journey. This allows for a maximum of flexibility for the partner States’ hauliers in adjusting the transit route according to individual needs. A haulier from a partner State using the Community transit authorization who wishes to load or unload in a Member State will still need a separate authorization for these operations, on the basis of the bilateral agreement concluded between the partner State and the Member State of loading/unloading concerned.
10. All the authorizations and adhesive stamps will be supplied by the services of the Commission to both Member and partner States, who will issue them to their hauliers at a charge so as only to cover reasonable administrative expenses. The use of the authorization as such will be free of charge. The authorization can only be used by vehicles complying at least with Euro I standards.

B.2. Infrastructure charges

11. The transport operations carried out in Eastern Europe, in general, have at times been subject to excessive, often discriminatory, fiscal and parafiscal charges. New charges or increases in charges have frequently been introduced at very short notice without sufficient information or warning for Community hauliers about the exact rules applying.
12. In order to avoid these aforementioned difficulties, these agreements set out a number of specific provisions regarding the type of charges that can be levied on transport operations carried out under these agreements. These provisions contain both the relevant principles and rules of Community acquis. This entails in principle that only non-discriminatory infrastructure-use related user charges or tolls may be levied, but that transport operations as such may not be subject to special taxes or charges.
13. In Eastern Europe, weight and axle-ton limits for heavy goods vehicles are often substantially lower than those applied in the Community. This is also reflected by the state of the Eastern European infrastructure which has been built to much lower standards. Therefore heavy goods vehicles corresponding to Community norms, for example a vehicle with a maximum authorised weight of 40 tonnes, with a 11.5t drive axle-load and a length of 18.75 m, will in general exceed Eastern European authorized limits of weights and dimensions and as consequence be required to pay additional charges reflecting the additional damage caused to the infrastructure.

14. It is generally accepted that the on the whole poor technical state of Eastern European infrastructure does not yet allow for a full application of the Community acquis on maximum authorised weights and dimensions for road vehicles in international traffic. However, at present, considerable sums of money, including Community finance, are being devoted to rehabilitating the main roads in the partner states. Therefore the Commission set out to achieve a negotiation result that Community vehicles operating under these agreements will not have to pay special charges for being “over-weight” when the vehicles meet Community norms for Weights and Dimensions while using specific rehabilitated transit routes through the partner States. Thus charges would be based on the actual technical state of a specific road section which might already allow, for instance, for a 11.5t drive axle load even if the general axle load limit valid for the whole main road network would be still lower. This would lead to substantial savings for Community hauliers since, at present Eastern European states usually charge for vehicles being overweight in relation to the general weight limits set for a whole road network, even if specific sections of that road network have already been upgraded to support the higher Community norms.
15. Thus the agreements expressly foresee that on certain transit routes in Bulgaria and Hungary on the route between Greece and the ‘rest of the Community’ Community vehicles in conformity with Community norms shall not be subject to special ‘over-weight’ charges. On the rehabilitated section of these transit routes, indicated in Annex to the agreements, partner States thus exempt vehicles operating under these agreements from special charges for being overweight. As the road network is continuously improved, the agreements allow for the corresponding extension of the list of upgraded roads contained in the annex of the agreement. There are no direct financial consequences on the Community budget as a result of these agreements.

B.3. Legislative Harmonization

16. The agreements list a number of pertinent dispositions of the Community acquis regarding the technical standards of vehicles, that will be adopted by Bulgaria and Hungary, including among other legislation that on braking devices, sound levels and speed limitation devices. A high technical standard of vehicles operating under these agreements is also ensured by the fact that only vehicles complying at least with Euro I standards can use the authorizations.
17. In addition the agreements ensure among others that both contracting parties apply equivalent social provisions, as well as implement the relevant legislation concerning the carriage of dangerous goods.

B.4. Management of the Agreements

18. The Joint Committee instituted by each agreement shall assure the proper implementation of the agreement with a view to ensuring the smooth functioning of road transit.

B.5. Combined Transport

19. The agreements contain a number of provisions on the promotion of combined transport reflecting the desire of both parties to ensure that their international transport makes increasing use of environmentally friendly modes of transport.
20. The relevant provisions of the agreements reflect the Community principle and policies in relation to Combined Transport. The agreements detail a number of wide-ranging support measures that shall be taken by the Contracting Parties in order to improve the competitiveness of combined transport.
21. A large part of these measures is aimed at encouraging users and consignors to make more frequent use of Combined Transport. These measures include, among others, those designed to improve the speed and reliability of combined transport, to promote the use of unaccompanied combined transport and to consider how to alleviate quota and authorization systems for combined transport users.
22. The provisions on Combined Transport reflect as well the necessity of improving existing infrastructure and underline the need to create suitable infrastructure in order to ensure the interoperability of the networks.
23. The agreements also recognize that in order to foster the development and promotion of Combined Transport available information concerning new combined actions should be made on request accessible, including that on technology research projects.

C. Conclusion

24. The Commission considers that the draft agreements are acceptable to the Community. Accordingly, it proposes that the Council:
 - (i) approves the results of the negotiations;
 - (ii) decides to sign the agreements and
 - (iii) initiates the procedure for their conclusion.
25. It therefore submits herewith to the Council this proposal for a Council Decision on the conclusion of an Agreement establishing certain conditions for the carriage of goods by road and the promotion of Combined Transport between the Community and the Republic of Bulgaria and between the Community and the Republic of Hungary.

Proposal for a

COUNCIL DECISION
concerning the signature of the Agreement 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

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas it is necessary to authorize the signing of the Agreement 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 on behalf of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The signature, subject to conclusion, of the Agreement between the European Community and the Republic of Hungary in the field of transport is hereby approved on behalf of the Community.

Article 2

The President of the Council is authorized to designate the person(s) entitled to sign the Agreement on behalf of the Community.

Done at Brussels,

For the Council
The President

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

- (1) Whereas conclusion of the Agreement between the European Community and the Republic of Hungary in the field of transport provides an appropriate means for the further development of transport relations between the contracting parties;
- (2) Whereas conclusion of the Agreement contributes to the smooth functioning of the internal market because it will promote transit traffic through the Republic of Hungary for internal transport between Greece and the other Member States and thus enable intra-Community trade to be conducted at the least possible cost to the public at large and to reduce to a minimum the administrative and technical obstacles which affect it;
- (3) Whereas conclusion of the Agreement promotes combined transport, with a view to protecting the environment;
- (4) Whereas it is necessary to approve the Agreement on behalf of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Hungary in the field of transport is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 19 of the Agreement.

Article 3

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

It shall take effect on the day of its publication.

Done at Brussels,

*For the Council
The President*

AGREEMENT

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

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

THE REPUBLIC OF HUNGARY, hereinafter referred to as ' Hungary',

hereinafter called 'the Contracting Parties',

CONSIDERING the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part of 16.12.1991, and in particular, Article 56.3, thereof, as well as the exchange of letters between the Community and Hungary on land transport infrastructure;

CONSIDERING that it is essential for the Community, in the context of the completion of the internal market and the implementation of the common transport policy, to ensure that Community goods in transit through Hungary, can flow as quickly and efficiently as possible without hindrance or discrimination;

CONSIDERING that Hungary has an interest in developing further with the Community existing mutual rights and obligations regarding access to the transport market and transit as a first step in achieving an inland transport agreement as foreseen in the Association Agreement;

CONSIDERING, furthermore, that it is necessary to ensure the co-ordinated development of transport flows between and through the territories of the Contracting Parties, particularly by introducing and developing a package of co-ordinated measures on road and combined transport on a competitive basis through the promotion of environmentally friendly vehicles and respecting the principle of sustainable mobility;

HAVE AGREED AS FOLLOWS:

TITLE I
AIM, SCOPE AND DEFINITIONS

Article 1
Aim

The aim of this Agreement is to promote co-operation between the Contracting Parties on the transport of goods, and, in particular, transit traffic by road, and to ensure for this purpose that transport between and through the territories of the Contracting Parties is developed in a co-ordinated manner.

Article 2
Scope

1. Co-operation shall cover transport of goods by road and combined transport.
2. In this connection, the scope of this Agreement shall cover in particular:
 - market access for transit traffic in the field of transport of goods by road;
 - legal and administrative supporting measures including commercial, taxation, social and technical measures;
 - co-operation in developing a transport system which meets, inter-alia, environmental needs;
 - a regular exchange of information on the development of the transport policies of the Contracting Parties;

Article 3
Definitions

For the purpose of this Agreement, the following definition shall apply:

- (a) *transit traffic*: a journey carried out by road through the territory of (a) Member State(s) of the Community or through the territory of Hungary, regardless of whether it is made by a laden or unladen road vehicle without performing any loading or unloading operations in these territories.
- (b) *combined transport*: means the transport of goods between or through the Contracting Parties where the lorry, trailer, semi-trailer, with or without tractor unit, swap body or container of 20 feet or more uses the road on the initial or final leg of the journey and on the other leg, rail or inland waterway or maritime services where this section exceeds 100 km as the crow flies, and make the initial or final road transport leg of the journey:

- between the point where the goods are loaded and the nearest suitable rail loading station for the initial leg, and between the nearest suitable rail unloading station and the point where the goods are unloaded for the final leg, or
 - within a radius not exceeding 150 km as the crow flies from the inland waterway port or seaport of loading or unloading.
- (c) *road vehicle*: shall mean a motor vehicle registered in a Contracting Party or a coupled combination of vehicles the motor vehicle of which at least is registered in a Contracting Party and which are used exclusively for the carriage of goods.
- (d) *user charges*: means non-discriminatory payment of a special amount conferring the right for a road vehicle to use a given infrastructure for a given period.
- (e) *tolls*: means payment of a specified amount for a road vehicle travelling the distance between two points on a infrastructure; the amount shall be based on the distance travelled and on the category of the vehicle.

TITLE II COMBINED TRANSPORT

Article 4 **General provisions**

The Contracting Parties shall adopt the mutually co-ordinated measures necessary for the development and promotion of combined transport as a means of ensuring that a large proportion of their international transport is performed under more environment-friendly conditions.

Article 5 **Supporting measures**

The Contracting Parties shall take all the steps necessary to improve the competitiveness of combined transport especially by:

- (a) taking measures to encourage users and consignors to use combined transport:
- improving the competitiveness of all types of combined transport vis-à-vis road through financial assistance to new combined transport projects by the Community or Hungary;
 - encouraging the use of unaccompanied combined transport and to promote, in particular, the use of swap bodies, containers and semi-trailers;

- freeing, in the appropriate framework, the initial and/or final road haulage legs, which form an integral part of the combined transport operation, from quota systems and systems of authorization;
 - considering to grant rebates from vehicle taxes for road vehicles when used in combined transport chains;
 - improving the speed and reliability of combined transport and in particular:
 - by encouraging the increase of the frequency of combined transport services in accordance with the needs of consignors and users,
 - by encouraging the reduction of the waiting time at terminals and increase their productivity,
 - by streamlining of border controls affecting combined transport, transferring those controls for all goods except goods subject to veterinary and phytosanitary control to combined transport terminals as soon as possible;
 - ensuring non-discriminatory access to terminals when they are financed or co-financed by Public funds;
 - giving, where feasible, priority allocation of the road transit authorizations, agreed in Article 6 paragraph 2 by the competent authorities of the Contracting Parties, to road hauliers according to their use of combined transport as measured by the statistical data available to each Contracting Party;
 - considering, where necessary for the compatibility with rail gauges, the weights, dimensions and technical characteristics of specialized combined transport equipment and considering co-ordinated action to order and to put into service such equipment as is required by the level of traffic;
- (b)
- making accessible, on request, information available concerning new combined transport actions including technology research projects (co)-financed by that Contracting party, by means of an executive summary, setting out the contents, results and the impact of the action or technology project.;

- (c) creating suitable infrastructure:
- introducing the UIC C1 gauge on new main lines and converting existing main lines to at least the B gauge (as agreed within AGTC, the European Agreement on important international combined transport links and related installations of 1 February 1991), if other means to reach interoperability of the networks are not attainable;
 - removing any bottlenecks on the road access routes to the Combined Transport terminals so as to enhance the use of combined transport;
- (d) considering the following actions:
- examining the possibilities to allow 44 tonne vehicles on 6 axles for initial and final road legs of combined transport;
 - making exceptions to weekend and holiday driving restrictions for initial and final road legs of combined transport;
 - allowing mutual access for combined transport operators on the railways in the context of a new agreement.

TITLE III ROAD TRANSPORT

Article 6 **General provisions**

1. With regard to mutual access to transport markets, the Contracting Parties agree, initially and without prejudice to paragraph 2 of this Article, to maintain the existing rights resulting from bilateral agreements or other bilateral arrangements concluded between each Member State of the Community and Hungary.

However, whilst awaiting the conclusion of an agreement between the Contracting Parties on access to the road transport market, as foreseen in Article 7, Hungary shall co-operate with the Member States of the Community to amend these bilateral agreements and/or arrangements as may possibly be necessary to adapt them to this Agreement.

2. In addition to the authorizations provided in the regimes described in paragraph 1, the Contracting Parties hereby agree to grant, for each calendar year, access to transit traffic by goods vehicles through the territories of the Member States of the Community and Hungary with effect from the date on which this Agreement enters into force, by means of authorizations as follows:

- (a) The Community will receive:
12500 authorizations valid in Hungary;
 - (b) Hungary will receive:
6000 authorizations valid in the Member States of the Community for which adhesive stamps have been attached;
 - (c) Hungary will receive:
3000 adhesive stamps for each Member State of the Community;
 - (d) The authorizations referred to under (a) and (b) shall correspond to the models in Annex 1a and Annex 1b respectively;
 - (e) The adhesive stamps referred to under (c) shall correspond to the model in Annex 1c;
 - (f) The authorizations referred to under (a) and (b) shall be supplied by the services of the Commission to the competent authorities of Hungary or, in the case of the Community, to the competent authorities of its Member States. The competent authorities shall fill out the authorization except for the headings “Registration number of the motor vehicle”, “Outward journey” and “Return journey” and they will deliver them to their transport operators at a charge so as only to cover reasonable administrative expenses;
 - (g) The adhesive stamps referred to under (c) shall be supplied by the services of the Commission to the competent authorities of Hungary. These adhesive stamps shall be attached to the authorization prior to its use so as to indicate for which Member State or Member States of the Community the authorization is valid;
 - (h) The Contracting Parties agree that no taxes or similar charges will be levied on the use of the authorizations referred to under (a) and (b);
 - (i) The authorizations and the adhesive stamps shall be valid for one calendar year until 31 January of the year thereafter and can be used for one outward and one return journey only.
3. The authorizations referred to in paragraph 2 can be used only by vehicles complying at least with EURO 1 standards or with provisions of the “green lorry certificate” as reproduced in Annex 4. The evidence for compliance with this provision shall be kept on board of the vehicle throughout the journey.
4. If the date at which the Agreement enters into force in accordance with Article 19 is not the 1st of January, the number of authorizations and adhesive stamps specified in paragraph 2 will be reduced pro-rata for the calendar year in which the Agreement enters into force.

5. The competent authorities of the Contracting Parties shall issue authorizations for the transport of goods pursuant to this Agreement only to carriers who are authorized according to the legislation of that Contracting Party to engage in international road transport operations. The authorization must be kept in the vehicle. In the case of a coupled combination of vehicles it must accompany the motor vehicle. It covers the coupled combination of vehicles even if the trailer or semi-trailer is not registered in the name of the authorization holder or if it is registered in another country.
6. The Contracting Parties shall refrain from taking any unilateral action that might lead to discrimination between Community and Hungarian hauliers or vehicles. Each Contracting Party shall take all steps necessary to facilitate road transport referred to in this Agreement to or through its own territory.

Article 7
Access to the market

The Contracting Parties, shall, as a matter of priority and taking account of the adoption by Hungary of the fiscal, social and technical rules of the Community, undertake to work together to seek, a common system for regulating future road transport market access between the Contracting Parties.

Article 8
Fiscal provisions

In the case of transport operations in accordance with this Agreement:

1. The Contracting Parties shall ensure that the principle of non-discrimination in terms of nationality or place of establishment is applied to road vehicle taxation, fiscal burdens, tolls and any other form of user charges made for the use of road transport infrastructure.
2. Road vehicles registered in one Contracting Party shall be exempted from all vehicle taxes and charges levied on the circulation or possession of vehicles as well as from all special taxes or charges levied on transport operations in the territory of the other Contracting Party.

Road vehicles shall not be exempted from payment of taxes and charges on motor fuel, without prejudice to Article 8.4., and of road tolls and user charges levied for the use of infrastructure.

3. The Contracting Parties shall ensure that tolls and any other form of user charges may not be imposed at the same time for the use of a single road section. However, Contracting Parties may also impose tolls on networks where user charges are levied, for the use of bridges, tunnels and mountain passes.

4. The following items shall be exempt from custom duty and from all taxes and charges at the time of importation into the territory of the other Contracting Party:
 - (a) fuel contained in the tanks of road vehicles at the time of importation into the territory of the other Contracting Party, where the permanently fixed tanks are those designed by the manufacturer for the type of road vehicle in question;
 - (b) fuel held in the permanently fixed tanks of trailers and semi-trailers used for the cooling systems of refrigerators, where the tanks are those designed by the manufacturer for the type of road vehicle in question;
 - (c) lubricants in quantities required for use during the journey;
 - (d) spare parts and tools required for the repair of a vehicle which has broken-down while performing an international road transport operation. The spare parts that are replaced should be re-exported or destroyed under the control of the competent customs authority of the other Contracting Party.

5. Without prejudice to Article 8.2. paragraph 2, if the weights, dimensions or axle load of a vehicle exceed the maximum limits in force in the territory of Hungary while the vehicle conforms to the provisions as laid down in Directive 96/53/EC on weights and dimensions, the vehicle shall not be subjected to any special charges provided it keeps to the main transit routes concerned in Hungary as specified in Annex 5.

Article 9

Social provisions

The Contracting Parties to this Agreement shall implement the European Agreement concerning the work of crews of vehicles engaged in international road transport (ERTA) of 1 July 1970, as in force at the entry into force of this Agreement or shall apply rules identical to Community Regulations (EEC) N° 3820/85 and N° 3821/85 as subsequently amended.

Article 10

Technical provisions

1. Hungary shall adopt measures equivalent to those given in Annex 2 by the time of the entry into force of this Agreement and to those given in Annex 3 within 2 years after the entry into force of this Agreement.
2. The Contracting Parties to this Agreement shall implement the European Agreement concerning the international carriage of dangerous goods by road (ADR) of 30 September 1957, as in force at the entry into force of this Agreement
3. Hungary shall endeavour to harmonize on the basis of Community rules its legislation on the carriage of perishable goods, live animals and dangerous goods.

4. The Contracting Parties shall pool their experience and exchange information on their legislation so as to improve the flow and safety of traffic during peak periods (weekends, public holidays, the tourist season).
5. The Contracting Parties shall co-operate in encouraging the introduction, development and co-ordination of interoperable road traffic information systems.
6. The Contracting Parties shall also endeavour to harmonize the technical assistance to be provided to drivers, the dissemination of essential information on traffic and emergency services including ambulance services and other matters of concern to drivers.

TITLE IV SIMPLIFICATION OF FORMALITIES

Article 11 **Simplification of formalities**

1. The Contracting Parties agree to simplify the formalities concerning the flow of goods transported in accordance with the present Agreement.
2. The Contracting Parties agree to begin negotiations with a view to concluding an agreement on the facilitation of controls and formalities relating to the carriage of goods.
3. The Contracting Parties agree, to the extent necessary, to take joint action on, and to encourage, the adoption of further simplification measures.

TITLE V FINAL PROVISIONS

Article 12 **Widening of the scope**

If one of the Contracting Parties concludes, on the basis of experience in the application of this Agreement, that other measures which do not fall within the scope of this Agreement are in the interest of a co-ordinated European transport policy and, in particular, may help to solve the problems of transit traffic, it shall make suggestions in this respect to the other Contracting Party.

Article 13
Joint Committee

The body responsible for co-operation shall be a Joint Committee to be known as the 'Community/Hungary Transport Committee'. The Committee:

- shall be made up of representatives appointed by the Community and Hungary,
- shall meet at the request of either Contracting Party, alternately in the territory of each Contracting Party”
- shall establish its own rules of procedure,
- shall act by mutual agreement,
- shall ensure the proper implementation of this Agreement and, in particular:
 - (a) shall examine ways of co-operating and promoting of combined transport, and will review at least every two years the progress made towards realising these aims;
 - (b) shall review the annexes of this Agreement at least every two years;
 - (c) shall resolve any disputes which may arise over the application and interpretation of this Agreement. In the case of disagreement, the decision shall be referred to a subsequent meeting of the Joint Committee to be held within 2 months from the date of referral in accordance with the conditions to be laid down in its rules of procedure;
 - (d) shall co-ordinate the monitoring, forecasting and other statistical work relating to international road and combined transport and, in particular, road transit traffic;
 - (e) shall, as necessary, adopt measures concerning the technical adaptation of the provisions of the present Agreement;
 - (f) should prepare any recommendations for possible increases in the number of authorizations/adhesive stamps.
 - (g) shall discuss, as necessary, all other topics relevant to the implementation of this Agreement.

Article 14
Infringements

1. In the event of an infringement of the provisions of this Agreement by a road vehicle, or by a driver of such a vehicle, the competent authority of the Contracting Party in whose territory the infringement occurred may notify the infringement to the competent authority of the other Contracting Party which may take steps as provided by its national laws.
2. The competent authority receiving any such notification shall as soon as possible inform the competent authority of the other Contracting Party of the action taken.
3. The provisions of this Article shall be without prejudice to lawful sanctions that may be applied by the courts or enforcement authorities, of either the Member State of the European Community or Hungary, in whose territory the infringement occurred.

Article 15
Duration of the Agreement

This Agreement is concluded for a period of five years. If neither of the Contracting Parties denounces it, with six months notice before the expiry of this period, the Agreement is automatically renewed for a period of three years.

Article 16
Denunciation of the Agreement

Each Party may denounce the Agreement with a six months notice to be notified to the other Party.

Article 17
Annexes

The Annexes shall form an integral part of this Agreement.

Article 18
Languages

This Agreement is drawn up in two copies in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Hungarian languages, each text being equally authentic.

Article 19
Entry into force

This Agreement shall be concluded in accordance with the Contracting Parties' own procedures. It shall enter into force on the first day of the second month after the Contracting Parties have notified one another of the completion of the procedures necessary for that purpose.

Annex 1a
(First page of authorization, in Hungarian)

Ministry of Transport, Communication and Water
Management of the Republic of Hungary

EC N°

Road haulage transit authorization

Valid during one outward and one return journey for transit of Hungary

Carrier and address
Registration number of motor vehicle.....(1) Valid until 31.1. 2000	

Outward Journey:		
Loaded inPlace/Country.....on.....(1)	Entered Hungary	(3)
Unloaded in.Country.....(1)	Left Hungary	(3)
-----		return
Journey:		
Loaded inPlace/Country.....on.....(2)	Entered Hungary	(3)
Unloaded in.Country.....(2)	Left Hungary	(3)

Ministry of Transport of the Republic of Hungary signature Name of official	Issued at Date
	(4)

- (1) Valid only if completed by the carrier prior to outward journey.
- (2) Valid only if completed by the carrier prior to return journey.
- (3) To be stamped at the external frontier of Hungary.
- (4) Signature and stamp of the issuing authority in the Member State.

(Second page of the authorization)

General Provisions
(Text in Hungarian)

This authorization permits the carriage of goods by road in transit through Hungary.

It is personal to the holder and non-transferable.

It may be withdrawn by the competent authority of the State which issued it, or, where it is a forgery, by the state in which transit operations are carried out.

It may be used for only one vehicle at a time. Vehicle means a motor vehicle registered in the state of establishment or a coupled combination of vehicles of which at least the motor vehicle is registered in the State of establishment and which are used exclusively for the carriage of goods.

It must be carried in the vehicle. In the case of a coupled combination of vehicles, it shall accompany the motor vehicle.

The carrier must respect all national laws and regulations with regard to transport and traffic of Hungary.

The technical standards of construction and equipment which vehicles use to carry out transit operations must meet those laid down for vehicles put into circulation in international transport and, in addition, correspond at least to EURO 1 standards. Evidence of compliance with this provision shall be kept on board the vehicle throughout the journey.

This authorization must be returned to the competent issuing authority within fifteen days of its use.

General provisions (summary)
(Text in the official languages of the Community)

This authorization permits the carriage of goods by road in transit through Hungary.

Annex 1b
(First page of authorization, in German and Italian)

European Commission

Hungary N°

Road haulage transit authorization

Valid during one outward and one return journey for transit in those Member States of the European Community for which adhesive stamps have been attached and cancelled

(3)	(3)	(3)	(3)	(3)	(3)
-----	-----	-----	-----	-----	-----

Carrier and address
Registration number of motor vehicle.....(1)	Valid until 31.1.2000

Outward Journey:	
Loaded inPlace/Country.....on.....(1)	Entered EC (3)
Unloaded in.....Country.....(1)	

Return Journey:	
Loaded inPlace/Country.....on.....(2)	Left EC (3)
Unloaded in.....Country.....(2)	

European Commission	Issued at
Signature Name of official	Date (4)

- (1) Valid only if completed by the carrier prior to outward journey.
- (2) Valid only if completed by the carrier prior to return journey.
- (3) To be stamped at the external frontier of the EC.
- (4) Signature and stamp of the issuing authority.

(Second page of the authorization)

General Provisions
(Text in German and Italian)

This authorization permits the carriage of goods by road in transit through those Member States of the European Community for which adhesive stamps have been attached and cancelled.

It is personal to the holder and non-transferable.

It may be withdrawn by the competent authority of the State that issued it, or, where it is a forgery, by the state in which transit operations are carried out.

It may be used for only one vehicle at a time. Vehicle means a motor vehicle registered in the state of establishment or a coupled combination of vehicles of which at least the motor vehicle is registered in the State of establishment and which are used exclusively for the carriage of goods.

It must be carried in the vehicle. In the case of a coupled combination of vehicles, it shall accompany the motor vehicle.

The carrier must respect all national laws and regulations with regard to transport and traffic of the Member State of the European Community transited.

The technical standards of construction and equipment which vehicles use to carry out transit operations must meet those laid down for vehicles put into circulation in international transport and, in addition, correspond at least to EURO 1 standards. Evidence of compliance with this provision shall be kept on board of the vehicle throughout the journey.

This authorization must be returned to the competent issuing authority within fifteen days of its use.

General provisions (summary)
(Text in Hungarian and the official languages of the Community except German and Italian)

This authorization permits the carriage of goods by road in transit through those Member States of the European Community for which adhesive stamps have been attached and cancelled.

Annex 1c
("Adhesive stamp")

H Transit A	H Transit B	H Transit D	H Transit DK
H Transit E	H Transit F	H Transit FIN	H Transit GR
H Transit I	H Transit IRL	H Transit L	H Transit NL
H Transit P	H Transit S	H Transit UK	

Annex 2

Pertinent dispositions of the acquis communautaire

1. Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles (Official journal NO. L 036, 09/02/1988 P. 0033 - 0061), as last modified by Directive 96/1/EC of the European Parliament and of the Council of 22 January 1996 (Official journal NO. L 040, 17/02/1996 P. 0001 - 0009).
2. Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (Official journal NO. L 042 , 23/02/1970 P. 0016 - 0020), as last modified by Commission Directive 96/20/EC of 27 March 1996 (Official journal NO. L 092, 13/04/1996 P. 0023 - 0035).

Annex 3

1. Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (Official journal NO. L 057, 02/03/1992 P. 0027).
2. Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (Official journal NO. L 046, 17/02/1997 P. 0001 - 0019).
3. Council Directive 71/320/EEC of 26 July 1971 on the approximation of laws of the Member States relating to the braking devices of certain categories of motor vehicles and their trailers (Official journal NO. L 202, 06/09/1971 P. 0037, as last amended by Commission Directive 91/422/EEC of 15 July 1991 (Official journal NO. L 233, 22/08/1991 P. 0021 - 0030).

Annex 4

EXIGENCES DE BRUIT ET D'ÉMISSIONS POLLUANTES POUR LE CAMION "VERT"

N°

Certificat de conformité aux normes techniques spécifiées dans la
Résolution CEMT/CM(91)26/Final

Le soussigné :
Constructeur ou représentant agréé du constructeur dans le pays d'immatriculation ¹ :
du véhicule décrit ci-après, atteste par la présente que ledit véhicule est, à la date du, identique au véhicule qui a été ledéclaré conforme aux spécifications de la Résolution CEMT/CM(91)26/Final, et que les caractéristiques mentionnées sur ce certificat sont exactes.

Cachet du constructeur ou du représentant agréé du constructeur
dans le pays d'immatriculation

¹. Rayer les mentions inutiles.

Lieu

Date

Signature

Type de véhicule :
Numéro d'identification du véhicule :
Type de moteur :
Numéro du moteur :

Mesures selon¹ : ISO, CEE/ONU R.85, Directive 80/1269/CEE, telle qu'amendée par la Directive 89/491/CEE	
Puissance maximum du moteur [kW] :	à un régime moteur [tr/mn] :

Mesures selon¹ : CEE/ONU R.51/02, Directive 70/157/CEE, telle qu'amendée par la Directive 92/97/CEE		
Maximum admis [dB(A)] ²	Puissance moteur	Valeurs mesurées [dB(A)]
78	<= 150 kW	
80	> 150 kW	
Le :	A :	
Par :		
Vitesse d'approche [km/h] :	Sur le rapport :	
Bruit de l'air comprimé [dB(A)] :		
Niveau de bruit à proximité [dB(A)] :	à un régime moteur [tr/mn] :	

Mesures selon : Annexe 1 g KDV 1967³	
Bruit de frein moteur [dB(A)] :	
Bruit ambiant [dB(A)] :	au point de mesure 2 :
	au point de mesure 6 :

Mesures selon¹ : CEE/ONU R.49/02 formulaire A, Directive 88/77/CEE telle qu'amendée par la Directive 91/542/CEE, formulaire A		
Valeurs maximum [g/kWh] ²	Polluants	Valeurs mesurées [g/kWh]
4.9	CO	
1.23	HC	
9.0	Nox	
Puissance <= 85 kW : 0.68 Puissance > 85 kW : 0.4	Particules	

². Résolution CEMT/CM(91)26/Final.

³. KDV ("Kraftfahrzeugesetzdurchführungs-Verordnung") = Décret d'application de la loi relative aux véhicules à moteur (Autriche).

Annex 5

Transit routes in Hungary permitting Community vehicles conforming to Community rules on Weights and Dimensions to transit Hungary without paying any special charges

1. Community vehicles conforming to Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (Official journal NO. L 235, 17/09/1996 P. 0059-0075) shall be exempt from any special charges relating to them being in excess of the Hungarian rules on weights and dimensions providing the vehicles keep to the following transit routes within Hungary:

- transit route Hegyeshalom/Nagylak (Pan-European Corridor IV): namely the E60 from Austrian border to Hegyeshalom and Budapest, E60 Budapest southern bypass, E75 from Budapest to Kiskunfelegyhaza and Szeged, E68 from Szeged to Nagylak and Romanian border;

- transit route Rajka/Nagylak (Pan-European Corridor IV): namely the E65 from Slovakian border to Rajka and Hegyeshalom, E60 from Hegyeshalom to Budapest, E60 Budapest southern bypass, E75 from Budapest to Kiskunfelegyhaza and Szeged, E68 from Szeged to Nagylak and Romanian border;

- transit route Torniszentmiklos/Nagylak (Pan-European Corridors V and IV): namely the “new road” from Slovenian border to Torniszentmiklos and Becsehely, E71 from Becsehely to Siofok and Budapest, E60 Budapest southern bypass, E75 from Budapest to Kiskunfelegyhaza and Szeged, E68 from Szeged to Nagylak and Romanian border;

- transit route Hegyeshalom/Röszke (Pan-European Corridors IV and X): namely the E60 from Austrian border to Hegyeshalom and Budapest, E60 Budapest southern bypass, E75 from Budapest to Kiskunfelegyhaza, Szeged, Röszke and Federal Republic of Yugoslavian border;

- transit route Rajka/Röszke (Pan-European Corridors IV and X): namely the E65 from Slovakian border to Rajka and Hegyeshalom, E60 from Hegyeshalom to Budapest, E60 Budapest southern bypass, E75 from Budapest to Kiskunfelegyhaza, Szeged, Röszke and Federal Republic of Yugoslavian border;

2. The following sections of the transit routes mentioned in paragraph 1 shall be temporarily excluded from the application of paragraph 1 of this Annex until 31.12.2002 at the latest unless the Joint Committee determines that the sections concerned have been upgraded (or realigned) to the required standards permitting use by vehicles conforming to the Community rules on weights and dimensions:

- E75, Kiskunfelegyhaza to Szeged.

3. The following sections of the transit routes mentioned in paragraph 1 shall be temporarily excluded from the application of paragraph 1 of this Annex until 31.12.2003 at the latest. The Joint Committee, however, shall examine the actual situation of infrastructure and traffic flows in due time and submit a report by 31.12.2002 at the latest, that will contain recommendations concerning the expiry of the deadline of 31.12.2003. On basis of that report the Contracting Parties will review this date.

- E68, Szeged to Nagylak and Romanian border;

4. The following sections of the transit routes mentioned in paragraph 1 shall be temporarily excluded from the application of paragraph 1 of this Annex until the Joint Committee determines that the sections concerned have been upgraded (or realigned) to the required standards permitting use by vehicles conforming to the Community rules on weights and dimensions:

- E71, Becsehely to Siofok;

- E75, Szeged to Röszke and Federal Republic of Yugoslavian border;

- "new road", Slovenian border to Torniszentmiklos and Becsehely.

5. The special charges payable for the sections mentioned in paragraphs 2, 3 and 4 shall be proportional to the length of the non-upgraded parts of the transit routes mentioned in paragraph 1. All necessary steps shall be taken by the competent Hungarian bodies to ensure that any related additional administrative arrangements are effected in a simple and efficient manner.

FINANCIAL STATEMENT

1. TITLE OF OPERATION

Decision of the Council on the conclusion of an Agreement 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.

2. BUDGET HEADING(S) INVOLVED

A-7010

A-7031

B2-704

3. LEGAL BASIS

Article 71 in conjunction with Article 300

4. DESCRIPTION OF OPERATION

4.1 General objective

Resolving the problem of goods transport relations between Greece and the other Member States, in particular through the mutual exchange of road transit authorizations.

4.2 Period covered and arrangements for renewal

Agreements concluded for five years, with tacit renewal for three year periods

5. CLASSIFICATION OF EXPENDITURE OR REVENUE

5.1 Compulsory/Non-compulsory expenditure

Non-compulsory expenditure

5.2 Differentiated/Non-differentiated appropriations

A-7010: Non-differentiated appropriations

A-7031: Non-differentiated appropriations

B2-704: Differentiated appropriations

5.3 Type of revenue involved

Not applicable

6. TYPE OF EXPENDITURE OR REVENUE

Administrative expenditure (Part A of Budget)

Operational expenditure

7. FINANCIAL IMPACT

7.1 Method of calculating total cost of operation (relation between individual and total costs)

See point 10. Annual administrative expenditure, depending on the number of meetings involved (part A of the budget).

Operational expenditure: Offer of the contractor selected following the call for tender N° 99/197/CC launched for the printing of the adhesive stamps, in line with the obligation undertaken by the Commission in Article 6.2 (g) of the Agreements with Bulgaria and Hungary respectively (50% of costs counted here).

7.2 Itemised breakdown of cost

Commitment appropriations EUR million (at current prices)

Breakdown	Year n	n+1	n+2	n+3	n+4	n+5 and subs. years	Total
B2-704 Printing of Stamps		0.025					
Total		0.025					

7.3 Operational expenditure for studies, experts etc. included in Part B of the budget

Commitment appropriations EUR million (at current prices)

	Year n	n+1	n+2	n+3	n+4	n+5 and subs. years	Total
– Studies							
– Meetings of experts ¹⁰							
– Information and publications							
Total							

7.4 Schedule of commitment and payment appropriations

Commitment appropriations EUR million (at current prices)

	Year n	n+1	n+2	n+3	n+4	n+5 and subs. years	Total
Commitment appropriations		0.025					
Payment appropriations							
Year n		0.025					
n+1							
n+2							
n+3							
n+4							
n+5 and subsequent years							
Total		0.025					

8. FRAUD PREVENTION MEASURES

Not applicable

¹⁰ Expenses meeting the criteria of the Commission Communication of 22/04/1992 (SEC(1992) 769).

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

9.1 Specific and quantified objectives; target population

Not applicable

9.2 Grounds for the operation

Not applicable

9.3 Monitoring and evaluation of the operation

Not applicable

10. ADMINISTRATIVE EXPENDITURE (SECTION III, PART A OF THE BUDGET)

Actual mobilization of the necessary administrative resources will depend on the Commission's annual decision on the allocation of resources, taking into account the number of staff and additional amounts authorized by the budgetary authority.

10.1 Effect on the number of posts

Type of post		Staff to be assigned to managing the operation		Source		Duration
		Permanent posts	Temporary posts	Existing resources in the DG or department concerned	Additional resources	
Officials or temporary staff	A B C	0.025 0.025		0.025 0.025		unspecified
Other resources						
Total		0.05		0.05		

10.2 Overall financial impact of non-additional human resources

(EUR)

	Amounts	Method of calculation
Officials	5.400	0,05 x 108.000 (unit cost), Titles A1, A2, A4, A5 and A7
Temporary staff		
Other resources (indicate budget heading)		
Total	5.400	

The amounts reflect the total cost of the posts for the entire duration of the operation if it is of specified duration, and for 12 months if it is of unspecified duration.

10.3 Other administrative expenditure as a result of the operation

(EUR)

Budget heading (no and title)	Amounts	Method of calculation
A-7010 Missions	2000	For the years in which the meetings are held in Hungary 1 annual meeting of the joint committee, x 2 officials x mission unit cost (3 days)
A -7031 Compulsory committee meetings		In Hungary 1x2x1.000 € (unit cost)
	9.750	For the years in which the meetings are held in Brussels 15 national experts x 650 € (reimb. travel expenses).
Total	EUR 11.750	

The amounts reflect the total cost of the posts for the entire duration of the operation if it is of specified duration, and for 12 months if it is of unspecified duration. The expenditure relating to A7 in point 10 will be covered by appropriations from the overall amount for DG Trans.