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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

on the negotiations with Austria
in the transport sector

Negotiations with Austria in the transport sector

(Communication from the Commission to the Council)

1. On 23 May 1985 the Council adopted a Decision amending the Council Decision of 16 December 1981 on the opening of negotiations between the European Economic Community and the Republic of Austria in the transport sector. The new negotiating directives issued by the Council state in particular that "the Community is prepared to consider, in the context of its medium-term programme for transport infrastructure, contributions towards facilitating transit traffic passing through Austria, and to examine what type of cooperation the Community could propose to the Republic of Austria, provided that the Community achieves satisfactory results" on a number of points. They also specify that the solutions emerging "will be inserted in a general Cooperation Agreement relating to the transport sector between the Community and Austria" and that "during the negotiations no deterioration in the current situation can be tolerated".
2. On 6 June 1985 Mr. Clinton Davis went to Vienna for exploratory talks based on this Council decision with Mr. Lacina, Austrian Minister for Transport and Economic Affairs. The summary record of the conclusions of the talks will be sent to the Council after approval by both sides. At the start of the talks Mr. Lacina submitted a memorandum setting out the changes in Austria's position (see Annex I). The memorandum recalls that these changes are justified by, among other reasons, the nuisance and environmental pollution caused by long distance freight traffic.
3. Austria's position on the prospects of opening negotiations, as stated by Mr. Lacina, can be summed up as follows:

- Austria does not agree to negotiate on the basis of the negotiating directives adopted by the Council on 23 May 1985;
 - Austria will reiterate its original request should the Community seek to negotiate tax arrangements on transport and transport capacities;
 - Austria is prepared to discuss the general development of combined road/rail services and cooperation between the railways.
 - Austria does not accept the standstill clause as a precondition for these discussions. Austria might, however, be prepared to consider with the Community the possibility, in discussions of a fixed duration, of a standstill on Community transit traffic at existing levels.
4. In response to this position on the part of the Austrian authorities, bearing in mind that the Council was unable to adopt the Commission's proposal for a financial commitment to an infrastructure project in Austria to enable traffic to transit that country economically, the Community can adopt one of the following stances.
- a) It can do nothing. The Commission considers this option to be unacceptable because it would risk putting the Community in a position which would be contrary to the spirit of cooperation between the Community and Austria. This option could lead to further restrictive measures for Community transit through Austria to which in turn the Community would have to react.

- b) It can insist strictly on the letter of the 23 May negotiating directives, which is unrealistic given Austria's position.
 - c) It can interpret its 23 May negotiating directives as being an agreement to discussions aimed at the closest possible cooperation with Austria in combined transport and at cooperation between the railways. These would at the same time have to include the elements necessary to guarantee satisfactory transit conditions for Community traffic.
5. In view of the above, and having regard to the emphasis that Austria places on environmental considerations, the Commission considers that the most realistic option would be cooperation in combined transport and between the railways (see point 4 c).
6. The Commission proposes that the Council:
- give its agreement to the approach set out in point 4 c) above;
 - note the Commission's intention to propose a framework for talks on cooperation with Austria and instruct COREPER to take the necessary steps for its adoption by the Council before 31 July 1985;
 - invite the Commission to report to the Council on the progress of the discussions with Austria within this framework in time for the Council's meeting in November.

AIDE MEMOIRE

1. On 23 April 1985 the Austrian Cabinet adopted a new memorandum to be addressed to the EC Commission setting out the changed conditions and, as a result of these changes, the necessary consequences for Austria's future transport policy with regard to her EC partners and the EC Commission.
2. On the basis of this memorandum, the Austrian Minister of Public Economy and Transport made the following points on 3 May 1985 in his discussions with Mr. Clinton Davis of the EC Commission:
 - that the carriage of goods between North and South through Austria is largely traffic serving exclusively the interests of the EC;
 - that as a result of the restrictive transport policy pursued by Switzerland - through which the shortest transport routes run from the industrial centres of the northern EC area to the centres of Italy and vice versa - Austria has been forced to play the role of a pivotal bridge in European freight transit by road;
 - that the Austrians living alongside the transit routes are no longer prepared to put up with the nuisances and environmental pollution caused by long-distance freight traffic, and that therefore additional new transit roads between North and South cannot be contemplated;
 - that Austria is therefore compelled to implement the Federal Government's programme of July 1984 providing for rail transit corridors as quickly as possible (accepting the need for extensive and costly investments required by the programme);

- that Austria expects the necessary support from her neighbouring countries and the EC, since appropriate infrastructural action in the EC area - especially in Italy where there are the worst bottlenecks in the railway sector - are the prerequisite for the success of the Austrian programme; and
 - that Austria would find herself compelled to take unilateral action should such support from the EC and our neighbouring countries not materialise on a sufficient scale or quickly enough.
3. Austria is under the impression that the "new directives" adopted by the EC Council of Transport Ministers on 23 May 1985 do not in any way do justice to Austria's position.
4. Austria reiterates that she is prepared to enter into discussions at the earliest possible date with the EC on the timing of the required infrastructural measures to shift North-South transit of goods from road to rail in Austria and her partner countries, but she must reserve the right to take autonomous measures to regulate freight traffic if the required support from the neighbouring countries concerned and from the EC does not materialise on a sufficient scale or does not lead to concrete results early enough. At all events, the proposal to hold negotiations on this subject or to place these measures on the agenda of negotiations about any transport policy concerns of the EC going beyond this subject would have to be considered by Austria as reflecting a lack of readiness on the part of the EC to support Austria's efforts, and would lead to appropriate consequences for freight transit on Austrian transit roads.
5. Since bilateral and trilateral discussions with Italy and

the Federal Republic of Germany and especially the proposals of a trilateral working group accepted by the Transport Ministers of these countries in May 1985 constitute serious tokens of a desire for intergovernmental cooperation to ensure European North-South transport via Austrian territory through the increasing shift of freight transport from road to rail, Austria assumes that an analogous interest also exists on the part of the EC.

6. Irrespective of other discussions on transport between Austria and the EC, the need for which as well as their agenda, level and time are not yet defined, Austria expects an early offer from the EC to hold discussions with the exclusive aim to implement as early as possible and on a mutually adjusted time schedule the measures necessary for the development of rail transit routes between North and South through Austrian territory and the corresponding aids and incentives for all forms of Combined Transport.