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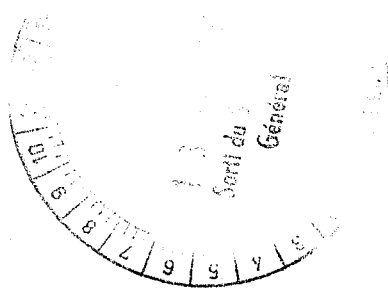
COMMISSION OF THE EUROPEAN COMMUNITIES

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SECOND REPORT FROM THE COMMISSION TO THE COUNCIL

Negotiations with Austria in the
Inland Transport Sector



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Inland Transport Sector

1. Developments since December 1983

- 1.1 On the basis of the Commission report on the first round of negotiations¹, the Council, at its meeting in December 1983², gave the following interpretation to the 1981 Directives for Negotiations³: a comparative balance sheet of traffic and road transport charges between the Community and Austria should be drawn up in the next stage of negotiations covering all economic and financial aspects. The Council did, however, reserve the right to take decisions on a possible Community contribution to an infrastructure project in Austria.
- 1.2 The 1984 round of negotiations has centred on the preparation of this balance sheet. In accordance with the Council's wishes it is based on an existing study by a Swiss institute and a supplementary Austrian study.
- 1.3 On 1 January Austria abolished the most blatant discrimination on the Brenner motorway against Community operators (annual toll charges⁴). At the same time it raised the amount of the road tax and tolls by an appreciable amount. The Council had noted these intentions in December 1983.

¹ Report by the Commission to the Council (COM (83) 256 final)

² Conclusions of the Council of 20 December 1983 (Council document PV/CONS 88 TRANS 92)

³ Council Decision of 15 December 1981 (Council document TRANS 186 A-58 AELE)

⁴ Document NEG. AUT/TRANS/84/1 of 13 February 1984.

- 1.4 In July the Austrian Government announced its intention of introducing a ten-year programme to transfer transit road haulage traffic to the railways, using combined road/rail techniques. Austria intends to fix the rail tariffs for the "Rollende Landstrasse" (a form of piggy back transport) at a level which will ensure that transport users use rail services without being subjected to pressure as far as possible; this will mean a saving in road taxes and tolls and fuel.
- 1.5 On 7 September the Austrian Mission to the European Communities sent the Commission a non-paper⁵ recalling its negotiating position and asking the Member States of the European Community to work together to improve North-South and North-West/South-East transport links. Austria also called on the Community to change course in the unproductive discussions which had been held so far on transit traffic wishing to see just recompense for the very significant services which Austria had so far provided in the transit sector.

2. Outcome of the discussions in Vienna

The Member of the Commission responsible for transport went to Vienna on 4 and 5 October, at the Austrian Government's invitation, to discuss the situation as regards transport links between the Community and Austria and the current negotiations with Mr Sekanina, Minister for Public Works, and Mr Lacina, Minister of Transport.

⁵ Annex to document NEG/AUT/TRANS/84/6 of 17 October 1984.

The visit has shown that Austria

- (a) has not dropped its initial request for a financial contribution from the Community for the IKPA motorway in principle and this request is not affected by the Austrian programme for the carriage of transit road haulage by rail;
- (b) recognizes that the details of its initial request need to be reviewed and adapted in the light of changed circumstances;
(In this connection the Member of the Commission pointed to the difficult financial situation of the Community)
- (c) provided a suitable response could be found to its financial request, was prepared to work closely with the Commission in all transport sectors, particularly that of combined transport, cooperation between railways, facilitation of frontier crossings and joint efforts to establish a European approach to the problem of paying for the use of infrastructure ;
- (d) does not rule out the possibility of taking restrictive unilateral measures on road transit traffic if the Community does not help to find a solution to the problems to which it gives rise.

3. Basis for the continuation of negotiations

The following factors should be taken into account in an analysis of the present state of negotiations with Austria:

3.1 Because of its geographical position and Switzerland's extremely restrictive policy on road transit traffic, Austria plays a key role for North-South and North-West/South-East traffic within Europe. Statistics show that road haulage transit traffic through Austria has grown at an astonishing rate highlighting the prime importance of Austria to the Community:

1971	4.1 million tonnes	
1983	<u>18.5 million tonnes</u>	(of which 97.3% were carried between two
	= + 450%	Member States of the Community or
		between one Member State and a non-
		Community country)

By way of comparison it should be noted that rail transit traffic increased from 8.1 million tonnes in 1971
to 9.4 million tonnes in 1983

(an increase of 16%).

- 3.2 Not only commercial goods traffic but also passenger traffic (whether it be tourists or workers), particularly private cars, have to cross Austrian territory. In 1983, on the Brenner, Tauern and IKPA motorways, some six million private cars crossed Austria in transit and 98% of these journeys were to or from a Member State of the Community.
- 3.3 Road transit traffic creates a number of problems for Austria:
- (a) It is concentrated on three main links (Brenner, Tauern and the Innkreis-Pyhrn route) which Austria has had to build or will have to build on a scale which is to a large extent determined by the volume of transit traffic. The balance sheet shows that 92% of commercial vehicles and 71% of private cars using the Brenner are in transit. Because of the investment in transit routes, which the Austrian authorities put at over 50 000 million Schillings (about 3 180 million ECU), Austria claims that it has had to defer a number of purely national infrastructure investment projects.
 - (b) Transit traffic causes wear and tear of the infrastructure. According to the Commission's calculations it does not account for all the costs incurred. This also applies to Austrian transit traffic through the Community.
 - (c) The volume of heavy goods traffic and the number of private cars which varies considerably according to the season also contributes to road congestion. This congestion is detrimental to transport operations which are to the direct

benefit of the Austrian economy and an increase in traffic density affects the number of accidents.

- (d) This traffic also has a detrimental effect on the environment (air pollution and noise). Tourist areas and local inhabitants bear the full brunt of these ill effects. At this stage it is impossible to quantify these external costs and they have therefore not been included in the balance sheet; they should nevertheless be taken into account.

3.4 As regards the comparative balance sheet of traffic and road charges it should be noted that:

- (a) there is some disagreement on a number of the basic assumptions underlying this balance sheet. Austria is against the inclusion of bilateral traffic in the balance sheet since this is to the mutual interest of both sides whereas transit traffic through Austria is of no value to the Austrian economy. The Community has pointed out that wear and tear on roads is not determined by the type of traffic (transit or otherwise) but by the type of vehicle or the operation it effects.
- (b) Some figures are unavailable.
- (c) The external costs (pollution, noise, etc.) of transit traffic cannot be quantified.

The balance sheet is consequently of relative value and can be only one factor to be taken into account in a political evaluation of the problems caused by transit traffic through Austria and of Austria's request.

3.5 It is in the interest of the Community and its Member States to ensure that Austria does not attempt to solve these problems by taking unilateral interventionist measures on transit traffic.

3.6 It is over seven years since Austria presented its request for a financial contribution by the Community to an infrastructure project in Austria. The time has come to respond to this request. Austria has made the continuation of negotiations conditional on a suitable answer to its request.

3.7 As negotiations have shown so far, there are many ways in which the Community can cooperate with Austria in areas of transport policy other than simply on its financial aspects and this cooperation may also help to establish transit arrangements to the satisfaction of both sides⁶. One possible way is to provide, under the Cooperation Agreement, for collaboration on infrastructure including Community financial support for infrastructure projects required for combined transport in the Community to the North and South of Austria. However, as it made clear to the Member of the Commission responsible for transport on his visit to Vienna, Austria will not accept this measure as a satisfactory response to its request for a financial contribution.

3.8 In view of the Community's present financial situation and the state of negotiations, it is impossible for the Council in the immediate future to set a definite financial contribution for any infrastructure project in Austria. There is however, a second alternative which is to include in the balance sheet of traffic and road charges compensation to Austria for transit traffic which passes through its territory. This would mean that the Community would recognize - at the end of negotiations and under a Cooperation Agreement - the principle of a financial contribution by the Community to an infrastructure project in Austria for transit traffic. The choice of project, the amount and other conditions of this financial contribution would be the subject of a specific agreement to be negotiated later and which would be in line with the Community's transport infrastructure investment programme.

⁶In fact it concerns all the subjects included in the negotiating Directives. In addition the Community is negotiating a multilateral agreement with a number of countries including Austria on some aspects of combined transport.

4. Conclusion

4.1 The Community has two alternatives:

- (a) either it rejects Austria's request and accept responsibility for the consequences. The breaking off of current negotiations could in fact lead to the introduction of new unilateral measures by Austria.

- (b) or it gives political recognition to the principle of a financial contribution by the Community and modifies the Directives for Negotiations accordingly along the lines described above. This solution, in which the possibility of expenditure in Community countries which will facilitate transit through Austria should of course also be an important part, will ensure continuation of the negotiations. The risk of unilateral measures would be reduced by establishing a system of cooperation in the transport sector and by a clause by which Austria would undertake not to adopt unilateral "restrictive" measures on transport.

4.2 It is recalled that the Commission has already declared in 1980, 1981 and 1983 in favour of a financial contribution by the Community to an infrastructure project in Austria⁷.

⁷ Communication from the Commission to the Council dated 11 April 1980, (COM(80) 86 final)

Communication from the Commission to the Council dated 11 May 1981, (COM(81) 139 final, and

Report from the Commission to the Council dated 20 May 1983, (COM(83) 256 final)