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Proposal for a

COUNCIL DIRECTIVE

**adapting certain directives in the field of transport policy, by reason of the accession of
Croatia**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The proposal for a Council Directive adapting certain directives in the field of transport policy is necessitated by the upcoming accession of the Republic of Croatia to the European Union.

The Treaty concerning the accession of the Republic of Croatia to the European Union¹ was signed by all Member States of the European Union and the Republic of Croatia at Brussels on 9 December 2011.

Article 3 (3) of the Treaty of Accession provides that it shall enter into force on 1 July 2013 provided that all the instruments of ratification have been deposited before that date.

Article 3(4) of the Treaty of Accession of the Republic of Croatia enables the institutions of the Union to adopt before accession measures referred to, inter alia, in Article 50 of the Act concerning the conditions of accession of the Republic of Croatia². These measures shall enter into force only subject to and on the date of the entry into force of the Treaty of Accession.

Article 50 of the Act of Accession provides that where acts of the institutions adopted prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in this Act or its Annexes, the Council or the Commission (if the original acts were adopted by the Commission) shall adopt the necessary acts.

Point 2 of the Final Act³ refers to the political agreement on a set of adaptations to be adopted by the institutions which was reached between the Member States and Croatia in the context of the approval of the Treaty of Accession; the High Contracting Parties of the Treaty of Accession invited the Council and the Commission to adopt these adaptations before accession in accordance with Article 50 of the Act of Accession, completed and updated where necessary to take account of the evolution of the law of the Union.

The present proposal covers all Council directives as well as European Parliament and Council directives which require technical adaptation by reason of the accession of Croatia in the field of transport policy – corresponding to negotiation chapter 14.

This proposal is part of a series of proposals for Council directives by the Commission to the Council which regroup the technical adaptations to Council directives as well as European Parliament and Council directives corresponding to negotiation chapters into separate proposals for different Council directives. This structure is designed to facilitate the transposition of the directives concerned by Member States into their respective legal orders. The package of proposals for legal

¹ OJ L 112, 24.4.2012, p. 10.

² OJ L 112, 24.4.2012, p. 21.

³ OJ L 112, 24.4.2012, p. 95.

acts which the Commission has transmitted to the Council is composed of this series of proposals for Council directives on the one hand, as well as of a proposal for a single Council regulation which covers the relevant European Parliament and Council regulations and decisions as well as the relevant Council regulations and decisions on the other hand. This is in line with the approach which was taken in the past in view of the accession of Bulgaria and Romania⁴.

It is foreseen that all the legal acts included in this package will be published in the *Official Journal of the European Union* at the same date.

The present proposal and the other proposals included in this package will take into account technical adaptations to the *acquis* which were published in the Official Journal of the European Union until 1 September 2012. The reasons for this are to provide sufficient time for the legislative processes involved on the one hand, and for the fulfilment of the ensuing transposition and notification obligations by Member States as regards directives on the other hand. Adaptations which may be necessary to the *acquis* published in the Official Journal of the European Union after 1 September 2012 will be foreseen in the relevant acts themselves or done at a later stage through the appropriate procedure. In addition, the Commission intends to informally provide a list of such legislation to Member States in early July 2013.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

As this proposal is of a purely technical nature and does not involve any political choices, consultations with interested parties or impact assessments would not have made sense.

3. LEGAL ELEMENTS OF THE PROPOSAL

The legal basis for this proposal is Article 50 of the Act concerning the conditions of accession of the Republic of Croatia.

The principles of subsidiarity and proportionality are fully respected. The action of the Union is necessary under the principle of subsidiarity (Article 5 (3) TEU) because it concerns technical adaptations to legal acts which were enacted by the Union. The proposal respects the principle of proportionality (Article 5 (4) TEU) because it does not go beyond what is necessary to reach the objective pursued.

4. BUDGETARY IMPLICATION

The proposal has no budgetary implications.

⁴ OJ L 363, 20.12.2006, p. 1.

Proposal for a

COUNCIL DIRECTIVE

adapting certain directives in the field of transport policy, by reason of the accession of Croatia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Treaty of Accession of the Republic of Croatia, and in particular Article 3(4) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular Article 50 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Pursuant to Article 50 of the Act of Accession, where acts of the institutions adopted prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in the Act of Accession or its Annexes, the Council, acting by qualified majority on a proposal from the Commission, shall, to this end, adopt the necessary acts, if the original act was not adopted by the Commission.
- (2) The Final Act of the Conference which drew up the Treaty of Accession indicated that the High Contracting Parties had reached political agreement on a set of adaptations to acts adopted by the institutions required by reason of accession and invited the Council and the Commission to adopt these adaptations before accession, completed and updated where necessary to take account of the evolution of the law of the Union.
- (3) Directives 91/440/EEC¹, 91/672/EEC², 92/106/EEC³, 1999/37/EC⁴, 1999/62/EC⁵, 2003/59/EC⁶, 2006/87/EC⁷, and 2006/126/EC⁸ should therefore be amended accordingly,

¹ OJ L 237, 24.8.1991, p. 25.

² OJ L 373, 31.12.1991, p. 29.

³ OJ L 368, 17.12.1992, p. 38.

⁴ OJ L 138, 1.6.1999, p. 57.

⁵ OJ L 187, 20.7.1999, p. 42.

⁶ OJ L 226, 10.9.2003, p. 4.

⁷ OJ L 389, 30.12.2006, p. 1.

⁸ OJ L 403, 30.12.2006, p. 18.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directives 91/440/EEC, 91/672/EEC, 92/106/EEC, 1999/37/EC, 1999/62/EC, 2003/59/EC, 2006/87/EC, and 2006/126/EC shall be amended as set out in the Annex.

Article 2

1. Member States shall adopt and publish, by the date of accession of the Republic of Croatia to the European Union at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from the date of accession of the Republic of Croatia to the European Union.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force subject to, and as from the date of the entry into force of the Treaty of Accession of the Republic of Croatia.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

ANNEX

TRANSPORT POLICY

A. ROAD TRANSPORT

1. 31992 L 0106: Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38):

In Article 6(3), the following is inserted after the entry for France:

– 'Croatia:

godišnja naknada za uporabu javnih cesta koja se plaća pri registraciji motornih i priključnih vozila;'

2. 31999 L 0037: Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57):

(a) In Annex I, point II.4, in the second indent, the following is inserted after the entry for France:

'HR: Croatia'.

(b) In Annex I, point III.1.A (b), the following is inserted after the entry for France:

'HR Croatia'.

(c) In Annex II, point II.4, in the second indent, the following is inserted after the entry for France:

'HR: Croatia'.

(d) In Annex II, point III.1.A (b), the following is inserted after the entry for France:

'HR Croatia'.

3. 31999 L 0062: Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42):

In Article 3(1), the following is inserted after the entry for France:

'- Croatia:

godišnja naknada za uporabu javnih cesta koja se plaća pri registraciji motornih i priključnih vozila,'.

4. 32003 L 0059: Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4):

(a) In Annex II, point 2 (c), the following is inserted between the entries for France and Ireland:

'HR: Croatia'.

(b) In Annex II, point 2 (e), the following is inserted after the entry in French:

'kvalifikacijska kartica vozača'

(c) In Annex II, point 2, below the words 'side 2 contains', the second subparagraph of point (b) is replaced by the following:

'If a Member State wishes to word these entries in a national language other than one of the following languages: Bulgarian, Spanish, Czech, Danish, German, Estonian, Greek, English, French, Croatian, Italian, Latvian, Lithuanian, Hungarian, Maltese, Dutch, Polish, Portuguese, Romanian, Slovak, Slovenian, Finnish and Swedish, it shall draw up a bilingual version of the card using one of the abovementioned languages, without prejudice to the other provisions of this Annex.'

5. 32006 L 0126: Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18):

(a) In Annex I, point 3, below the words 'Page 1 shall contain', point (c) is replaced by the following:

'(c) the distinguishing sign of the Member State issuing the licence, printed in negative in a blue rectangle and encircled by twelve yellow stars; the distinguishing signs shall be as follows:

B:	Belgium
BG:	Bulgaria
CZ:	The Czech Republic
DK:	Denmark
D:	Germany
EST:	Estonia
GR:	Greece
E:	Spain

F:	France
HR:	Croatia
IRL:	Ireland
I:	Italy
CY:	Cyprus
LV:	Latvia
LT:	Lithuania
L:	Luxembourg
H:	Hungary
M:	Malta
NL:	The Netherlands
A:	Austria
PL:	Poland
P:	Portugal
RO:	Romania
SLO:	Slovenia
SK:	Slovakia
FIN:	Finland
S:	Sweden
UK:	The United Kingdom

- (b) In Annex I, point 3, below the words 'Page 1 shall contain', point (e) is replaced by the following:

'(e) the words "European Union model" in the language(s) of the Member State issuing the licence and the words "Driving Licence" in the other languages of the Union, printed in pink to form the background of the licence:

Свидетелство за управление на МПС

Permiso de Conducción

Řidičský průkaz

Kørekort
Führerschein
Juhiluba
Άδεια Οδήγησης
Driving Licence
Permis de conduire
Vozačka dozvola
Ceadúas Tiomána
Patente di guida
Vadītāja apliecība
Vairuotojo pažymėjimas
Vezetői engedély
Licenzja tas-Sewqan
Rijbewijs
Prawo Jazdy
Carta de Condução
Permis de conducere
Vodičský preukaz
Vozniško dovoljenje
Ajokortti
Körkort;'

- (c) In Annex I, point 3, below the words "Page 2 shall contain", the second paragraph of point (b) is replaced by the following:

'If a Member State wishes to make the entries in a national language other than one of the following languages: Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish or Swedish, it will draw up a bilingual version of the licence using one of the aforementioned languages, without prejudice to the other provisions of this Annex.'

B. TRANSPORT BY RAIL

31991 L 0440: Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ L 237, 24.8.1991, p. 25):

In Annex I, the following is inserted in the list of ports after the entry for France:

'HRVATSKA

Ploče

Pula

Rijeka

Split

Šibenik

Zadar'

C. TRANSPORT BY INLAND WATERWAY

1. 31991 L 0672: Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway (OJ L 373, 31.12.1991, p. 29):

In Annex I, under the heading 'GROUP B', the following is added:

'Republic of Croatia:

- Svjedodžba o stručnoj osposobljenosti/Befähigungszeugnis

Zapovjednik - vrsta A/Schiffsführer – Klasse A

(Certificate of professional qualification – Boatmaster type A)

- Svjedodžba o stručnoj osposobljenosti/Befähigungszeugnis

Zapovjednik - vrsta B/Schiffsführer – Klasse B

(Certificate of professional qualification – Boatmaster type B)

(in accordance with the Ordinance on the professional titles and qualifications of boatmen, Official Gazette No. 73/09)

2. 32006 L 0087: Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC (OJ L 389, 30.12.2006, p. 1):

(i) Annex I is amended as follows:

- (a) In Chapter 2, Zone 3, the following is inserted after the entry for France:

'Republic of Croatia

Danube: from rkm 1295+500 to rkm 1433

River Drava: from rkm 0 to rkm 198+600

River Sava: from rkm 211 to rkm 594

River Kupa: from rkm 0 to rkm 5+900

River Una: from rkm 0 to rkm 15'

- (b) In Chapter 3, Zone 4, the following is inserted after the entry for France:

'Republic of Croatia

All other waterways not listed in Zone 3'.

- (ii) Annex IX is amended as follows:

- (a) In Part I, Chapter 4, Article 4.05, point 1, the following entry is inserted in the list:

'25 = Croatia'.

- (b) In Part III, Chapter 1, Article 1.06, point 2, the following entry is inserted in the list:

'25 = Croatia'.

- (c) in Part IV, Chapter 1, Article 1.06 , point 2, the following entry is inserted in the list:

'25 = Croatia'.