

COM-3/028

Brussels, 16 June 1999

OPINION

of the Committee of the Regions

of 3 June 1999

on the

Proposal for a European Parliament and Council Directive on the charging of heavy goods vehicles for the use of certain infrastructures

(COM(96) 331 final - 96/0182 COD)

The Committee of the Regions

HAVING REGARD TO the list of Commission proposals pending at 1 May 1999 for which the entry into force of the Treaty of Amsterdam entails a change of legal basis and/or procedure (SEC (1999) 581 final);

HAVING REGARD TO the Proposal for a European Parliament and Council Directive on the charging of heavy goods vehicles for the use of certain infrastructures (COM(1996) 331 final - 96/0182 (COD) - formerly 96/0182 (SYN))¹;

HAVING REGARD TO the decision taken by the Council, announced in its letter of 3 May 1999, to consult the Committee of the Regions on this matter under Article 265, first paragraph, and Article 71 of the Treaty establishing the European Community;

HAVING REGARD TO the decision of its Bureau of 7 May 1999 to appoint **Mr Weingartner** and **Mr Lebrun** as rapporteurs-general to draw up an opinion on this subject, in accordance with Rule 39 of the Rules of Procedure of the COR;

HAVING REGARD TO the previous opinion on the Proposal for a Council Directive on the charging of heavy goods vehicles for the use of certain infrastructures (COM(96) 331 final - 96/0182 (SYN)) (CdR 364/96 fin), adopted at its plenary session on 16 January 1997 (rapporteurs: **Mr Lebrun** and **Mr Weingartner**)²

adopted the following opinion unanimously at its 29th plenary session on 2 and 3 June 1999 (meeting of 3 June 1999).

1. The Committee of the Regions confirms its opinion on the Proposal for a Council Directive on the charging of heavy goods vehicles for the use of certain infrastructures, adopted at its plenary session on 16 January 1997.
2. The Committee of the Regions strongly regrets that the Council has not followed the procedure laid down in Article 265 of the Treaty whereby any time-limit set may not be less than one month from the date on which the COR president receives notification to that effect. The Council's letter is dated 3 May 1999. It was registered at the Committee of the Regions on 5 May, and the time limit set by the Council was 3 June 1999.
3. The Committee of the Regions strongly regrets that in its common position the Council has not taken up the essential aspects and general comments of the COR's previous opinion.
4. The Committee welcomes the fact that the European Parliament expressly mentioned in its opinion that the Committee should be consulted. It regrets, however, that the European Parliament approved the Council's common position under Article 251(2) of the Treaty despite the fact that the Committee had not had an opportunity to express its views.

The Committee would point out that this may be an infringement of an essential procedural requirement within the meaning of Article 230 of the Treaty, enabling any natural or legal person to bring annulment proceedings under the fourth paragraph of Article 230 of the Treaty.

Brussels, 3 June 1999.

The President

The Secretary-General

of the

of the

Committee of the Regions

Committee of the Regions

Manfred Dammeyer

Dietrich Pause

¹ OJ No. C 59, 29.2.1997, p. 9.

² OJ No. C 116, 14.4.1997, p. 58.

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