Corrigendum to Council Regulation (EC) No 862/2004 of 29 April 2004 adapting Regulation (EC) No 2888/2000 of the European Parliament and of the Council, in the field of transport, by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

(Official Journal of the European Union L 161 of 30 April 2004)

Regulation (EC) No 862/2004 should read as follows:

COUNCIL REGULATION (EC) No 862/2004

of 29 April 2004

adapting Regulation (EC) No 2888/2000 of the European Parliament and of the Council, in the field of transport, by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union [1] (hereinafter referred to as the 'Treaty of Accession') and in particular Article 2(3) thereof,

Having regard to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded [2] (hereinafter referred to as the Act of Accession) and in particular Article 57(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) For certain acts which remain valid beyond 1 May 2004 and require adaptation by reason of accession, the necessary adaptations were not provided for in the Act of Accession, or were provided for, but further adaptations are necessary. All these adaptations need to be adopted before accession in order to enter into force as from accession.

(2) Pursuant to Article 57(2) of the Act of Accession, such adaptations are to be adopted by the Council in all cases where the Council alone or jointly with the European Parliament adopted the original act.

(3) Regulation (EC) No 2888/2000 of the European Parliament and of the Council of 18 December 2000 on the distribution of permits for heavy goods vehicles travelling in Switzerland [3] should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annexes to Regulation (EC) No 2888/2000 are replaced by the text set out in the Annex.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 29 April 2004.

For the Council
The President
M. McDOWELL

[1] OJ L 236, 23.9.2003, p. 17.
[2] OJ L 236, 23.9.2003, p. 33.
[3] OJ L 336, 30.12.2000, p. 9.

ANNEX

"ANNEX I

Scale for allocating "full-weight" permits

The Commission shall allocate "full-weight" permits to the Member States according to the following scale:

Member State	%
Belgium	6,9
Denmark	1,4
Germany	25
Greece	0,9
Spain	2
France	15
Ireland	0,85
Italy	24
Luxembourg	1,45
Netherlands	8,9
Austria	8
Portugal	0,7
Finland	0,8
Sweden	0,75
United Kingdom	3,35
Total	100

The total number of permits to be allocated will amount to 300 000 for 2001 and 2002 and to 400 000 for 2003 and 2004.

For the period 1 January 2004 to 31 December 2004, the Commission shall allocate 10 000 additional "full-weight" permits to the Member States according to the following scale:

Member State	Number of permits
Czech Republic	3 164
Estonia	440
Cyprus	66
Latvia	132
Lithuania	308
Hungary	1 934
Malta	352
Poland	2 109
Slovenia	1 055
Slovakia	440
Total	10 000

ANNEX II

Scale for allocating "empty" permits

The Commission shall allocate "empty" permits to the Member States according to the following scale:

Member State	2001 to 2004
Belgium	14 067
Denmark	1 310
Germany	50 612
Greece	5 285
Spain	1 500
France	16 126
Ireland	220
Italy	93 012
Luxembourg	3 130
Netherlands	21 517
Austria	2 183
Portugal	192
Finland	867
Sweden	381
United Kingdom	9 598
Total	220 000

For the period 1 January 2004 to 31 December 2004, the Commission shall allocate 5 500 additional "empty" permits to the Member States according to the following scale:

Member State	Number of permits
Czech Republic	1 741
Estonia	242
Cyprus	36
Latvia	73
Lithuania	169
Hungary	1 064
Malta	193
Poland	1 160
Slovenia	580
Slovakia	242
Total:	5 500

ANNEX III

Methodology for determining the allocation of permits

Allocation of the permits determined in Annexes I and II will take place on the basis of the following methodology:

1. **Member States of EU-15**

"Full-weight" permits

Initially, each Member State will receive 1 500 permits.

Thereafter, the remaining permits will be allocated in equal parts on the basis of criteria relating to bilateral traffic operations and transit traffic operations.

This result will be adjusted slightly to take account of the specific geographical situation of certain Member States.

Bilateral traffic

The allocation will take place on the basis of the shares of each Member State in bilateral transport to and from Switzerland.

Transit traffic

The allocation will take place on the basis of the shares of heavy vehicles registered in the Member State concerned in the total number of diverted kilometres in north-south and south-north trans-Alpine road traffic as a result of the current weight restrictions in Switzerland.

Diverted mileage will be calculated as the difference between the actual distance of trans-Alpine journeys and the shortest distance through Switzerland. The mileages through Switzerland will be adjusted by the addition of 60 kilometres to take into account border delays and road traffic conditions.

For those Member States where the abovementioned method of calculation leads to an amount of less than 200, the allocation will be established at a level of 200 permits.

"Empty" permits

"Empty" permits will be allocated on the basis of the shares of vehicles registered in the Member States in the transit traffic through Switzerland of vehicles with a laden weight between 7,5 and 28 tonnes.

2. **New Member States**

"Full-weight" permits

Member States which have concluded bilateral agreements with Switzerland (Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland and Slovenia) will receive at least the same number of permits as they would have received under the bilateral agreements for the period 1 May 2004 to 31 December 2004 if these agreements had remained in force throughout 2004.

Cyprus, Malta and Slovakia are allocated permits on the basis of their shares of transport to and from as well as in transit through Switzerland in 2002.

The rest of the permits available for the ten new Member States will be allocated on a pro-rata basis.

"Empty" permits

Given that the Community will receive 5 500 "empty" permits, which amount to 55 % of the number of "full-weight" permits, the "empty" permits will be allocated at this ratio."