COUNCIL REGULATION (EC) No 863/2004
of 29 April 2004

adapting Regulation (EC) No 2327/2003 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,

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[1] OJ L 236, 23.9.2003, p. 17.
[2] OJ L 236, 23.9.2003, p. 33.

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 adopted the original act alone or jointly with the European Parliament.

(3) Regulation (EC) No 2327/2003 of the European Parliament and of the Council of 22 December 2003 establishing a transitional points system applicable to heavy goods vehicles travelling through Austria for 2004 within the framework of a sustainable transport policy [1] should therefore be amended,

HAS ADOPTED THIS REGULATION:

[1] OJ L 345, 31.12.2003, p. 30.

Article 1

In Regulation (EC) No 2327/2003, the following Annex shall be added:

"Annex III

Number of points to be allocated to the new Member States				
Member State	Basic allocation for 12 months 2004	Pro rata 2004 *	2005 **	2006 ***
Czech Rep.	486 874	324 599	462 531	439 404
Cyprus	3 040	2 027	2 888	2 744
Estonia	16 805	11 204	15 965	15 167
Lithuania	42 037	28 026	39 935	37 939
Latvia	21 669	14 447	20 586	19 556
Hungary	730 208	486 830	693 698	659 013
Malta	14 592	9 728	13 862	13 169
Poland	332 479	221 664	315 855	300 062
Slovakia	144 248	96 170	137 036	130 184
Slovenia	356 448	237 644	338 626	321 694
TOTAL EUR 10	2 148 400	1 432 338	2 040 980	1 938 931

* Pro rata distributed for the period 1 May – 31 December 2004.
** Basic allocation for 2004 – 5%
*** Allocation for 2005 – 5%

Article 2

This Regulation shall enter into force subject to and on the date of 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