

In the context of the discussions on the extension of the ecopoint system for the Austrian Alps, the European Parliament used the description of the Alpine arc as "defined in geographical terms in the Alpine Convention", being considered as a "precise and official geographical description" of the Alps¹⁵⁶. Additionally, the European Parliament stated that the "transfrontier area comprising the whole of the Alpine arc" shall be recognised as a sensitive area¹⁵⁷.

4.3.5. The Member States as pioneers?

Finally, when talking about possible influences of the Transport Protocol on future Community infrastructure pricing policy, the indirect influences by Member States legislation should not be forgotten¹⁵⁸. In the field of infrastructure pricing, there are still a lot of possibilities for the Member States to develop their own policy with other centres of gravity than the Community policy. Therefore, Member States could play the role of pioneers in order to influence future Community legislation in this field. As EPINEY puts it: "In the EU, there is always a need for pioneers in order to be able to succeed with analogous measures on the level of the Union." (own translation)¹⁵⁹

Regarding the Eurovignette Directive 99/62/EC, discussed above, the field of application is limited to heavy-duty vehicles with a minimum weight of 12 tonnes. This means that coaches for the transport of persons, personal cars and delivery vans lighter than 12 tonnes do not fall under the Directive. Though, the Member States are free to legislate in this field, bound only by the requirements of primary Community law, especially the principle of non-discrimination¹⁶⁰.

¹⁵⁶ See *supra*, note 20, p.9.

¹⁵⁷ See *supra*, note 20, amendment 1, p.5, and amendment 10, p.9.

¹⁵⁸ See as well A. CARTA, " The common transport policy: the role of EC regions", in R. TONIATTI (ed.), *An ever more complex union*, Nomos Verlagsgesellschaft, Baden-Baden (publication foreseen in 2003).

¹⁵⁹ See *supra*, note 115, p.111.

¹⁶⁰ For a detailed analysis of these requirements, see *supra*, note 115.