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RAPPORT

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Objet:	Proposition de directive du Parlement européen et du Conseil modifiant la directive 2009/33/CE relative à la promotion de véhicules de transport routier propres et économes en énergie - Rapport sur l'état des travaux

I. INTRODUCTION

Le 9 novembre 2017, dans le cadre du train de mesures sur la mobilité intitulé "l'Europe en mouvement", la Commission a présenté au Parlement européen et au Conseil la proposition visée en objet qui constitue l'une de ses initiatives liées à la mobilité à faibles émissions.

Cette proposition a pour principal objectif d'accroître la pénétration des véhicules propres sur le marché, c'est-à-dire des véhicules à émissions faibles ou nulles, dans le cadre de marchés publics et de permettre ainsi de réduire les émissions globales des transports et d'augmenter la compétitivité et la croissance dans le secteur des transports. Lors de l'évaluation de la directive 2009/33/CE, il est apparu que celle-ci n'avait pas donné lieu à une pénétration suffisante des véhicules propres sur le marché dans les pays de l'Union et que son impact sur la réduction des gaz à effet de serre et des émissions de polluants atmosphériques avait été extrêmement limité.

La proposition vise à atteindre son principal objectif en:

- élargissant le champ d'application de la directive existante afin de couvrir tout l'éventail des marchés publics;
- introduisant une définition des termes "véhicule propre";
- fixant des objectifs minimaux en matière de marchés publics pour les véhicules propres à l'horizon 2025 et 2030.

II. TRAVAUX MENÉS PAR LES AUTRES INSTITUTIONS

Le Parlement européen a désigné la Commission de l'environnement, de la santé publique et de la sécurité alimentaire (ENVI) en tant que commission responsable pour cette proposition et M. Andrzej GRZYB (PPE, PL) en tant que rapporteur. Le rapport devrait être adopté à l'automne. La Commission de l'industrie, de la recherche et de l'énergie (ITRE) et la Commission des transports et du tourisme (TRAN) adopteront un avis sur la proposition.

Le Comité économique et social européen a adopté un avis lors de sa session plénière du 19 avril 2018. Le Comité européen des régions devrait adopter son avis en juillet 2018.

III. TRAVAUX AU SEIN DES INSTANCES PREPARATOIRES DU CONSEIL

Le groupe "Transports - Questions intermodales et réseaux" a entamé ses travaux sur la proposition le 27 novembre 2017 par une présentation générale et un échange de vues. Le 9 mars 2018, l'analyse d'impact a fait l'objet d'un examen approfondi. Le premier examen article par article de la proposition a eu lieu les 16 mars et 25 avril 2018 et les premières propositions de compromis de la présidence ont été présentées au groupe les 17 et 24 mai 2018. Ces dernières visaient avant tout à fournir des précisions sur plusieurs aspects de la proposition et les modifications apportées ont été généralement bien accueillies par les délégations.

Toutefois, l'analyse du dossier au niveau national est toujours en cours étant donné que, pour coordonner leur position, certains États membres doivent se livrer à un exercice complexe faisant intervenir plus d'un ministère. C'est pourquoi aucune conclusion définitive ne peut être tirée sur les positions des États membres à ce stade et il est présumé que toutes les délégations ont une réserve d'examen sur certains ou sur tous les articles de la proposition et sur le dernier texte de compromis en date de la présidence, qui figure en annexe au présent rapport.

Le présent rapport illustre les principales difficultés qui ont été recensées lors de l'examen de la proposition à ce stade. Il a pour objectif d'informer le Comité des représentants permanents et le Conseil sur l'état des travaux et d'attirer l'attention sur les questions qui nécessiteront d'autres discussions.

IV. CONSTATATIONS ISSUES DU PREMIER EXAMEN

Observations générales

D'une manière générale, les délégations ont salué l'objectif principal de la proposition, à savoir l'augmentation de la pénétration des véhicules propres sur le marché dans le cadre de marchés publics. Un large consensus s'est également manifesté en ce qui concerne les principes généraux de la proposition permettant d'atteindre cet objectif, tels que l'élargissement du champ d'application de la directive existante, l'introduction d'une définition des termes "véhicule propre" et la fixation d'objectifs minimaux en matière de marchés publics.

Au cours de l'examen de l'analyse d'impact, la principale difficulté qui est apparue avait trait au contenu de la définition des termes "véhicule propre"; un grand nombre de délégations ont insisté sur le fait qu'il convenait de suivre une approche harmonisée au niveau de l'UE à l'égard du déploiement de carburants alternatifs, en tenant compte des dispositions existantes. À cet égard, de nombreuses délégations ont demandé des éclaircissements quant à savoir si la proposition était compatible avec d'autres actes législatifs existants sur les carburants alternatifs, notamment le plan d'action en matière de carburants alternatifs¹ et la directive sur le déploiement d'une infrastructure pour carburants alternatifs (2014/94/UE)². Certaines délégations ont estimé que le caractère plus restrictif de la définition proposée pouvait compromettre les plans nationaux de passation des marchés déjà en cours de mise en œuvre dans certains États membres. À l'inverse, quelques délégations seraient favorables à une définition plus restrictive de la notion de "véhicule propre", qui mette l'accent sur l'absence totale d'émissions.

¹ Doc. 14333/1/17 REV 1 + ADD 1 à 3.

² Directive 2014/94/UE du Parlement européen et du Conseil du 22 octobre 2014 sur le déploiement d'une infrastructure pour carburants alternatifs (JO L 307 du 28.10.2014, p. 1).

Un grand nombre de délégations se sont déclarées préoccupées par l'augmentation attendue des investissements de départ dans les véhicules propres, ainsi que par le coût que devraient supporter les pouvoirs publics pour la construction de nouvelles infrastructures. Quelques délégations se sont également demandé si les fabricants e l'Union seraient prêts à fournir un nombre suffisant de véhicules propres à émissions faibles ou nulles, notamment dans le segment des utilitaires lourds, dans le cadre d'un marché mondial concurrentiel.

Enfin, les délégations ont soulevé des interrogations concernant la mise en œuvre pratique de la directive ainsi que les tâches se rapportant au suivi et à la présentation de rapports, qui pourraient donner lieu à des coûts additionnels et à des formalités administratives accrues.

Observations relatives à des questions spécifiques

- a) **Exemptions (article 2):** La proposition établit un lien entre l'exemption des exigences prévues pour l'achat de véhicules et l'article 2, paragraphe 3, de la directive 2007/46/CE. Certaines délégations estiment que l'exemption des véhicules à usage spécial et des véhicules destinés aux forces armées, aux hôpitaux et aux forces de police devrait être énoncée plus clairement dans cet article.
- b) **Champ d'application (article 3):** La révision élargit le champ d'application de la directive de manière à inclure le crédit-bail, la location ou la location-vente de véhicules. De manière générale, les délégations sont favorables à l'élargissement du champ d'application. Quelques délégations estiment toutefois que les véhicules loués ne devraient pas être inclus dans le champ d'application de la directive, car ce type de contrat concerne généralement des périodes courtes et dépasse rarement les seuils *de minimis*.

Pour ce qui est des types de contrats, des opérateurs concernés et des seuils applicables qui sont mentionnés dans cet article, le groupe a discuté des possibilités de clarifier cette disposition, y compris le fait que la directive ne devrait pas s'appliquer aux appels d'offres lancés avant que la transposition de la directive en droit national ne soit achevée.

- c) **Définitions (article 4 et tableaux 2 et 3 de l'annexe):** La proposition prévoit une définition des véhicules propres basée sur les normes d'émissions de CO₂ et de polluants atmosphériques pour les véhicules utilitaires légers, tandis que pour les véhicules utilitaires lourds elle utilise une définition basée sur les carburants de substitution.

Au cours des discussions, la majorité des délégations ont souligné que les définitions en vigueur dans la législation de l'UE ainsi que le principe de neutralité technologique devraient être pris en considération pour établir la définition d'un "véhicule propre". À cet égard, la plupart des délégations ont noté avec préoccupation que la définition envisagée pour un "véhicule utilitaire lourd propre" au sens de l'article 4, point 4, lettre c), et du tableau 3 correspondant dans l'annexe exclut un certain nombre de technologies et de carburants de substitution qui figurent dans la directive 2014/94/UE sur le déploiement d'une infrastructure pour carburants alternatifs. Les délégations ont donc demandé que cette définition soit alignée sur ce que prévoit la directive 2014/94/UE. Elles soulignent que les gaz naturels (en particulier le gaz naturel comprimé (GNC) et le gaz naturel liquéfié (GNL)) ainsi que le biométhane devraient continuer à figurer dans les exigences en matière de carburants de substitution pour les véhicules utilitaires lourds, tandis que les biocarburants avancés devraient également y être ajoutés, de manière à intégrer la neutralité technologique et à offrir aux États membres davantage de souplesse pour atteindre leurs objectifs minimaux en matière de marchés publics. Certaines délégations ne sont pas favorables à l'inclusion du GNC et du GNL dans le tableau 3 de l'annexe car elles estiment que ces carburants ne contribuent pas à la réalisation des objectifs concernant les véhicules à émissions faibles ou nulles. D'autres États membres estiment qu'une plus grande flexibilité devrait également être prévue concernant les véhicules hybrides.

- d) **Délégation de pouvoirs (article 4 bis et article 8 bis):** La proposition prévoit l'adoption d'actes délégués pour actualiser les seuils d'émissions pour les véhicules utilitaires lourds (tableau 3 de l'annexe) une fois que les normes d'émissions de CO₂ pour ces véhicules auront été adoptées. Les délégations sont quasiment unanimes pour estimer que l'établissement de ces exigences devrait demeurer une prérogative des colégislateurs. Elles ne peuvent donc pas soutenir la délégation de pouvoirs à la Commission telle qu'elle est formulée dans les articles 4 bis et 8 bis.

- e) **Objectifs minimaux en matière de marchés publics (article 5):** La proposition fixe des objectifs minimaux pour chaque catégorie de véhicules et pour chaque État membre (tableaux 4 et 5 de l'annexe). La majorité des délégations ne remet pas en cause, dans son principe, l'établissement d'objectifs minimaux en matière de marchés publics. En revanche, nombre d'entre elles estiment que le niveau des objectifs proposés en matière de marchés publics est beaucoup trop ambitieux, en particulier en ce qui concerne la catégorie des véhicules lourds, et plus particulièrement les bus. Certaines délégations craignent que la qualité des services de transport public ne se trouve compromise, compte tenu des coûts d'investissement initiaux nécessaires pour atteindre les objectifs en matière de marchés publics.

En outre, les États membres dans lesquels les procédures budgétaires et en matière de marchés publics sont menées de manière fortement décentralisée, compte tenu de leur système fédéral, ont signalé qu'ils ne disposaient actuellement, au niveau national, d'aucun mécanisme de contrôle pour les marchés publics de véhicules. Par conséquent, pour atteindre les objectifs envisagés, ils devraient d'abord mettre en place un mécanisme de contrôle national pour satisfaire à l'obligation en matière de présentation de rapports à la Commission, ce qui exigerait une intervention significative de leur part.

- f) **Rapports et réexamen (article 10):** La proposition introduit des obligations en matière de contrôle et de présentation de rapports pour les États membres. Elle prévoit un rapport intermédiaire pour 2023 et, pour 2026, un rapport complet sur la mise en œuvre des objectifs d'ici 2025, puis tous les trois ans par la suite.

Durant l'examen de la proposition, un nombre important de délégations ont exprimé leurs préoccupations quant à la nécessité de présenter un rapport intermédiaire sur la mise en œuvre de la directive. Elles font valoir qu'un rapport intermédiaire est prématuré et représente une charge administrative considérable, hors de proportion par rapport à la valeur des conclusions à tirer d'un tel rapport. Pour répondre à cette préoccupation, la présidence a proposé que, en lieu et place d'un rapport intermédiaire en bonne et due forme, les États membres communiquent à la Commission des informations sur les progrès accomplis dans la mise en œuvre de la directive d'une manière moins bureaucratique et moins lourde.

Pour ce qui est des rapports réguliers, le groupe a examiné les possibilités de préciser différents aspects, tels que la fréquence, le format et le contenu des rapports, en vue de simplifier la procédure et de réduire la charge administrative qu'elle entraîne pour les États membres.

Toutefois, à ce stade, de nombreuses délégations ont formulé des interrogations concernant ces dispositions.

V. CONCLUSIONS

Durant l'examen de la proposition, la question de la définition du "véhicule propre" et celle du niveau et de la mise en œuvre des objectifs en matière de marchés publics ont été identifiées comme étant les questions clés. Afin de progresser sur ce dossier, il conviendra de les résoudre, durant la présidence actuelle et la prochaine présidence, de même qu'un certain nombre d'autres questions, comme expliqué ci-dessus.

Le Comité des représentants permanents et le Conseil sont invités à prendre note de l'état d'avancement des travaux concernant l'examen de la directive proposée.

**Proposal for a Directive of the European parliament and of the Council
amending Directive 2009/33/EC
on the promotion of clean road transport vehicles in support of low-emission mobility**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192 thereof,
Having regard to the proposal from the European Commission,
After transmission of the draft legislative act to the national parliaments,
Having regard to the opinion of the European Economic and Social Committee³,
Having regard to the opinion of the Committee of the Regions⁴,
Acting in accordance with the ordinary legislative procedure,
Whereas:

- (1) The Union is committed to a sustainable, competitive, secure and decarbonised energy system⁵. The Energy Union and the Energy and Climate Policy Framework for 2020 to 2030⁶ establish ambitious commitments for the Union to further reduce greenhouse gas emissions by at least 40 % by 2030 as compared with 1990, to increase the proportion of renewable energy consumed by at least 27 %, to make energy savings of at least 27 %, and to improve the Union's energy security, competitiveness and sustainability.

³ OJ C , , p. .

⁴ OJ C , , p. .

⁵ European Council Conclusions of 24 October 2014.

⁶ Commission Communication on a policy framework for climate and energy from 2020 to 2030 (COM(2014)0013).

- (2) In its European Strategy for Low-Emission Mobility⁷ the Commission announced that in order to meet the Union's commitments at the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) held in Paris in 2015, the decarbonisation of the transport sector must be accelerated and that therefore greenhouse gas emissions and air pollutant emissions from transport should be firmly on the path towards zero-emission by mid-century. Moreover, emissions of air pollutants from transport that are harmful to health need to be significantly reduced without delay. This can be achieved by an array of policy initiatives, including the use of public procurement of clean vehicles.
- (3) In its Communication "Europe on the Move: an agenda for a socially fair transition towards clean, competitive and connected mobility for all"⁸ the Commission underlines that increased production and uptake of clean vehicles, alternative fuels infrastructures and new mobility services taking advantage of digitalisation and automation in the Union offer multiple benefits to Europe's citizens, Member States and industries. These include safer and seamless travel and reduction of exposure to harmful pollutant emissions. Further, the 2017 State of the Union address stated that the objective is for the EU to become a world leader in decarbonisation.
- (4) As was announced in the Commission's Communication "Europe on the Move: an agenda for a socially fair transition towards clean, competitive and connected mobility for all"⁹ this proposal forms part of a second package of proposals, which will contribute to the Union's drive towards low-emission mobility. This package, which is presented in the Commission's Communication "Delivering on low-emission mobility - A European Union that protects the planet, empowers its consumers, and defends its industry and workers" includes a combination of supply- and demand-oriented measures to put the EU on a path towards low-emission mobility and at the same time strengthen the competitiveness of the EU's mobility eco-system.
- (5) Innovation of new technologies helps to lower vehicle emissions, supporting the decarbonisation of the transport sector. An increased uptake of low- and zero-emission road vehicles is likely to reduce emissions of CO₂ and certain pollutant emissions (particulate matter, nitrogen oxides and non-methane hydrocarbons) and to promote competitiveness and growth of the European industry in the increasing global markets for low- and zero-emission vehicles.
- (6) Public authorities, through their procurement policy, can establish and support markets for innovative goods and services. Directives 2014/24/EU¹⁰ and 2014/25/EU¹¹ set out minimum harmonised public procurement rules harmonising the way public authorities and certain public utility operators purchase goods, works and services. In particular, they set overall thresholds for the volume of contracts to be subject to Union legislation, which also apply to the Clean Vehicles Directive.

⁷ COM(2016) 501 final.

⁸ COM(2017) 283 final.

⁹ COM (2017) 283 final.

¹⁰ OJ L 94, 28.3.2014, p. 65 - 242.

¹¹ OJ L 94, 28.3.2014, p. 243 – 374.

- (7) Directive 2009/33/EC complements the horizontal public procurement legislation of the Union and adds sustainability criteria, and thereby aims to stimulate the market for clean and energy efficient road transport vehicles. The Commission carried out an ex-post evaluation of the Clean Vehicles Directive in 2015 concluded that the Directive did not trigger market uptake of clean vehicles across the Union, particular due to shortcomings in its provisions on scope and vehicle purchase. The impact on reducing greenhouse gas and air pollutant emissions and the impact on promoting industry competitiveness was found to have been very limited.
- (8) The Impact Assessment carried out underlines the benefits of changing the overall governance approach to clean vehicle procurement at Union level. Setting minimum procurement targets can effectively reach the objective of impacting market uptake of clean vehicles in comparison to relying on the internalisation of external cost into overall procurement decisions, while noting the relevance to consider environmental aspects in all procurement decisions. The medium and long-term benefits for European citizens and enterprises fully justify this approach insofar as it does not prescribe a specific technology to use for contracting authorities, entities and operators.
- (9) Extending the scope of the Directive by including practices such as lease, rental and hire-purchase of vehicles, as well as contracts for public road transport services, special purpose road transport passenger services, non-scheduled passenger transport and hire of buses and coaches with drivers as well as specific postal and courier services and waste refusal services ensures that all relevant procurement practices are covered.
- (10) There is widespread support from key stakeholders for a definition of clean vehicles taking account of reduction requirements for greenhouse gases and air pollutant emissions from light- and heavy-duty vehicles. To ensure that there are adequate incentives to supporting market-uptake of low- and zero-emission vehicles in the Union, provisions for their public procurement under this amendment should be aligned with provisions of Union legislation on CO₂ emission performance of cars and vans for the post-2020 period¹². Action carried out under the amended Directive will contribute to compliance with the requirements of these standards. A more ambitious approach for public procurement can provide an important additional market stimulus.
- (11) Light-duty and heavy-duty vehicles are used for different purposes and have different levels of market maturity, and it would be beneficial that public procurement provisions acknowledge these differences. The Impact Assessment illustrated the added value of adopting an approach based on alternative fuels until technology-neutral requirements for CO₂ emissions from heavy-duty vehicles have been set at Union level, which the Commission intends to propose in the future. The Impact Assessment further recognised that markets for low- and zero-emission urban buses are characterised by increased market maturity, whereas markets for low- and zero-emission trucks are at an earlier stage of market development.

¹² COM(2017) 676 final.

- (12) Setting minimum targets for clean vehicle procurement by 2025 and by 2030 at Member State level should contribute to policy certainty for markets where investments in low- and zero-emission mobility are warranted. The minimum targets support market creation throughout the Union. They provide time for the adjustment of public procurement processes and give a clear market signal. The Impact Assessment notes that Member States increasingly set targets, depending on their economic capacity and how serious the problem is. Different targets should be set for different Member States in accordance with their economic capacity (Gross Domestic Product per capita) and exposure to pollution (urban population density). Minimum procurement targets should be complemented by the obligation of the contracting authorities, entities and operators to consider relevant energy and environmental aspects in all their procurement procedures. The Territorial Impact Assessment of this amended Directive illustrated that the impact will be evenly distributed among regions in the Union.
- (12a) Member States should have the flexibility to distribute efforts to meet the minimum targets within their territory, in accordance with their constitutional framework and in line with their transport policy objectives. In the allocation of efforts within a Member State, different factors could be taken into account, such as differences in economic capacity, air quality, population density, characteristics of the transport systems, policies to decarbonise transport and reduce air pollution, or any other relevant criteria.
- (13) The maximum impact can be achieved if public procurement of clean vehicles is targeted in areas that have a relatively high degree of air pollution. Public authorities in Member States are encouraged to particularly focus on those areas when concluding the implementation of their domestic minimum targets and to reflect related action in their reporting under this amended Directive.
- (13a) In order to further promote transport decarbonisation, improve air quality and maintain a level playing field between different operators Member States can, in compliance with Union law, decide to also impose similar requirements to private operators and services outside the scope of this Directive.
- (14) Life-cycle costing is an important tool for contracting authorities and entities to cover energy and environmental costs during the life-cycle of a vehicle, including the cost of greenhouse gas emission and other pollutant emissions on the basis of a relevant methodology to determine their monetary value. Given the scarce use of the methodology for the calculation of operational lifetime costs under Directive 2009/33/EU and the information provided by contracting authorities and entities on the use of own methodologies tailored to their specific circumstances and needs, there should be no methodology mandatory to use, but contracting authorities, contracting entities or operators should be able to choose any life-costing methodology in order to support their procurement processes.

- (15) Reporting on public procurement under this amended Directive should provide a clear market overview to enable effective monitoring of the implementation. To minimise administrative burden on single public bodies and establish an effective market overview, simple reporting should be facilitated. The timeframe should be aligned with existing reporting obligations under Directive 2014/24/EU and Directive 2014/25/EU. The Commission will provide solutions for the registration and monitoring under the Tender Electronic Daily Database, and will ensure full reporting for low- and zero-emission and other alternative-fuel vehicles within the context of the Common Procurement Vocabulary of the Union. Specific codes in the Common Procurement Vocabulary will help the registration and monitoring under the Tender Electronic Daily Database.
- (16) Further support to market uptake of clean vehicles can be achieved by providing targeted public support measures at national and Union level. This includes better exchange of knowledge and alignment of procurement to enable actions at a scale great enough for cost reductions and market impact. The possibility of public support in favour of promoting development of infrastructures necessary for the distribution of alternative fuels is recognised in the Guidelines on State aid for environmental protection and energy 2014-2020¹³. However, the rules of the Treaty, and in particular Articles 107 and 108 thereof, will continue to apply to such public support.
- (17) In order to achieve the objectives of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to update provisions in respect of CO₂ emission standards of heavy duty vehicles for a period of five years starting from *[Please insert the date of entry into force]*. This period should be tacitly extended for periods of the same duration, unless the European Parliament or the Council oppose such an extension. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (18) Since the objectives of this Directive, namely to provide a demand-side stimulus for clean vehicles in support of a low-emission mobility transition, cannot be sufficiently achieved by the Member States alone, but can rather, by reason of a common and long-term policy framework and for reasons of scale be better achieved at Union level the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve those objectives.
- (19) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹⁴, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a Directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.

¹³ OJ C 200, 28.6.2014, p. 1.

¹⁴ OJ C 369, 17.12.2011, p. 14.

(20) Directive 2009/33/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter and objectives

This Directive requires contracting authorities, contracting entities as well as certain operators to take into account lifetime energy and environmental impacts, including energy consumption and emissions of CO₂ and of certain pollutants, when procuring road transport vehicles with the objectives of promoting and stimulating the market for clean and energy-efficient vehicles and improving the contribution of the transport sector to the environment, climate and energy policies of the Community.

Article 2

Exemptions

Member States may exempt from the requirements laid down in this Directive contracts for the procurement of vehicles referred to in Article 2(3) of Directive 2007/46/EC¹⁵.

Article 3

Scope

This Directive shall apply to procurement through:

1. contracts for the purchase, lease, rent or hire-purchase of road transport vehicles [...] **whose tender notice is published** after [insert date, 24 months following the date of entry into force of this directive] by:
 - (a) contracting authorities or contracting entities in so far as they are under an obligation to apply the procurement procedures set out in Directives 2014/24/EU and 2014/25/EU;

¹⁵ Reference to be updated to reflect changes following revision of Directive 2007/46/EC.

- (b) operators for the discharge of public service obligations under a public service contract within the meaning of Regulation (EC) No 1370/2007 of the European Parliament and of the Council¹⁶ in excess of a threshold which shall be defined by Member States not exceeding the applicable threshold value set out in Article 4 of Directive 2014/24/EU and Article 15 of Directive 2014/25/EU;
2. public service contracts [...] **whose tender notice is published** after [insert date, 24 months following the date of entry into force of this directive] covering services as set out in Table 1 of the Annex in excess of a threshold which shall be defined by Member States not exceeding the applicable threshold value as set out in Article 4 of Directive 2014/24/EU and Article 15 of Directive 2014/25/EU.

Article 4
Definitions

For the purpose of this Directive:

1. 'contracting authorities' means contracting authorities as defined in Article 2(1)(1) of Directive 2014/24/EU and in Article 3 of Directive 2014/25/EU;
2. 'contracting entities' means contracting entities as referred to in Article [...] of Directive 2014/25/EU;
3. 'road transport vehicle' means a vehicle of category M or N, as defined in Annex II, Part A, point 1 of Directive 2007/46/EC¹⁷, **excluding special purpose vehicles as defined in points 5.2. to 5.5. and 5.7¹⁸**.

[4. 'clean vehicle' means

(a) a vehicle of category M1 or M2 with a maximum tail-pipe emission expressed in CO₂/km and real driving pollutant emissions below a percentage of the applicable emission limits as referred to in Table 2 in the Annex , or;

¹⁶ Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport by road and rail (OJ L 315, 3.12.2007, p. 1).

¹⁷ OJ L 263, 9.10.2007, p.1.

¹⁸ Reference to be updated to reflect changes following revision of Directive 2007/46/EC.

(b) a vehicle of category N1 with a maximum tail-pipe emission expressed in CO₂/km and real driving pollutant emissions below a percentage of the applicable emission limits as referred to in Table 2 in the Annex, or;

(c) a vehicle of category M3, N2 or N3 as defined in Table 3 in the Annex.]

[[...]]

Article 5

Minimum procurement targets

1. Member States shall ensure that public procurement of vehicles and services through contracts referred to in Article 3 of this Directive complies with the minimum procurement targets for light-duty vehicles referred to in table 4 of the Annex and for heavy-duty vehicles referred to in Table 5 in the Annex. Those targets are expressed as minimum percentages of clean vehicles in the total number of road transport vehicles covered by the contracts referred to in Article 3, signed **during the respective periods referred to in the Annex** [...].

- 1a. Vehicles that meet the definition of clean vehicle under Article 4(4) as a result of retrofitting may be counted as clean vehicles for the purpose of compliance with the minimum procurement targets.
- 1b. In the case of contracts referred to in Article 3(1), the number of road transport vehicles purchased, leased, rented or hire-purchased under each contract should be taken into account for the purpose of assessing compliance with the minimum targets.**
- 1c. In the case of contracts referred to in Article 3(2), the number of road transport vehicles used for the provision of services covered by each contract should be taken into account for the purpose of assessing compliance with the minimum targets.**
2. Member States may apply or authorise their contracting authorities to apply higher national targets or more stringent requirements than those referred to in the Annex of this Directive.

Article 6

[deleted]

Article 7

[deleted]

Article 8

Best practice exchange

The Commission shall facilitate and structure the exchange of knowledge and best practices between Member States on practices for promoting the purchase of clean and energy-efficient road transport vehicles by contracting authorities, contracting entities and operators referred to in Article 3.

[[...]]

Article 9
Committee procedure

1. The Commission shall be assisted by a Committee.

That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.
3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.

Article 10
Reporting and review

1. The Commission shall submit a report on the application of this Directive and on the actions taken by individual Member States for the effective implementation of this Directive to the European Parliament and to the Council every three years starting on 1 January 2027, following the reporting from Member States.
2. [Deleted]
3. [Deleted]

4. Member States shall submit to the Commission a report on the implementation of this Directive by 1 January 2026, and every three years thereafter. That report shall contain information on the steps undertaken to implement this Directive, including on the number and the categories of vehicles procured by authorities and entities on Member States' intentions regarding the above reporting activities, as well as any other **relevant** [...] information. Information should follow the categories contained in Regulation No 2195/2002 on the Common Procurement Vocabulary (CPV)¹⁹ as noted in the Annex.

4a. Member States shall inform the Commission by [insert date 36 months following the entry into force of the Directive] on the steps undertaken to implement this Directive, on the dialogue carried out between the different levels of governance, on Member States' intentions regarding the above activities, as well as on any other relevant information.

5. The Commission shall be empowered to adopt, by means of implementing acts, guidance on the contents of Member States' reports referred to in paragraph 4. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 9(2).

Article 11

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 4 December 2010. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive, or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States

¹⁹ OJ L 340, 16.12.2002, p. 1,

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 12

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 13

Addressees

This Directive is addressed to the Member States.

For the European Parliament
The President

For the Council
The President

Final provisions:

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by XXXX [*Please insert the date 24 months following the date of entry into force*] at the latest. They shall immediately communicate to the Commission the text of those provisions.

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 on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

Information for the implementation of minimum procurement targets for clean road transport vehicles in support of low-emission mobility in Member States

Table 1: Common Procurement Vocabulary codes referred to in Article 3

<i>CPV Code</i>	<i>Description</i>
60112000-6	Public road transport services
60130000-8	Special-purpose road passenger-transport services
60140000-1	Non-scheduled passenger transport
60172000-3	Hire of buses and coaches with driver
90511000-2	Refuse collection services
60160000-7	Mail transport by road
60161000-4	Parcel transport services

Table 2: Emission-thresholds for light-duty vehicles

Vehicle categories	Until 31 December 2025		From 1 January 2026 [...]	
	<i>CO₂ g/km</i>	<i>RDE air pollutant emissions* as percentage of emission limits**</i>	<i>CO₂ g/km</i>	<i>RDE air pollutant emissions* as percentage of emission limits</i>
M1 vehicles	25	80%	0	n.a.
M2 vehicles	25	80%	0	n.a.
N1 vehicles	40	80%	0	n.a.

* Real driving emissions of ultrafine particles in #/km (PN) nitrogen oxides in mg/km (NO_x) measured according to the applicable version of Annex IIIA, Regulation 2017/1151.

** The applicable emission limit found in Annex I of Regulation (EC) 715/2007, or its successors.

Table 3: Requirements for heavy-duty vehicles

Vehicle categories	Alternative fuels
M3, N2, N3 vehicles	Electricity*, hydrogen, natural gas including biomethane, in gaseous form (compressed natural gas (CNG)) and liquefied form (liquefied natural gas (LNG))

*For use in a vehicle as defined in Art. 2 (2) of Directive 2014/94/EU, provided that electricity is used for a relevant part of the operational use of the vehicle.

*Table 4: Minimum target for the share of light-duty vehicles in accordance with table 2 in the total number of light-duty vehicles covered by contracts referred to in Article 3 at Member State level**

Member State	<u>From (insert date 24 months following the date of entry into force of this Directive) to 31 December 2025</u>	<u>From 1 January 2026 to 31 December 2030</u>
Luxembourg	35%	35%
Sweden	35%	35%
Denmark	34%	34%
Finland	35%	35%
Germany	35%	35%
France	34%	34%
United Kingdom	35%	35%
Netherlands	35%	35%
Austria	35%	35%
Belgium	35%	35%
Italy	35%	35%
Ireland	35%	35%
Spain	33%	33%
Cyprus	29%	29%
Malta	35%	35%
Portugal	27%	27%
Greece	23%	23%
Slovenia	20%	20%
Czech Republic	27%	27%
Estonia	21%	21%
Slovakia	20%	20%
Lithuania	19%	19%
Poland	20%	20%
Croatia	17%	17%
Hungary	21%	21%
Latvia	20%	20%
Romania	17%	17%
Bulgaria	16%	16%

*Vehicles with zero-emissions at tailpipe shall be counted as 1 vehicle contributing to the mandate. All other vehicles that meet the requirements of Table 2 in this annex shall be counted as 0.5 vehicle contributing.

*Table 5: Minimum target for the share of heavy-duty vehicles in accordance with table 3 in the total number of heavy-duty vehicles covered by contracts referred to in Article 3 at Member State level**

Member State	Trucks		Buses	
	<u>From (insert date 24 months following the date of entry into force of this Directive) to 31 December 2025</u>	<u>From 1 January 2026 to 31 December 2030</u>	<u>From (insert date 24 months following the date of entry into force of this Directive) to 31 December 2025</u>	<u>From 1 January 2026 to 31 December 2030</u>
Luxembourg	10%	15%	50%	75%
Sweden	10%	15%	50%	75%
Denmark	10%	15%	50%	75%
Finland	9%	15%	46%	69%
Germany	10%	15%	50%	75%
France	10%	15%	48%	71%
United Kingdom	10%	15%	50%	75%
Netherlands	10%	15%	50%	75%
Austria	10%	15%	50%	75%
Belgium	10%	15%	50%	75%
Italy	10%	15%	50%	75%
Ireland	10%	15%	50%	75%
Spain	10%	14%	50%	75%
Cyprus	10%	13%	50%	75%
Malta	10%	15%	50%	75%
Portugal	8%	12%	40%	61%
Greece	8%	10%	38%	57%
Slovenia	7%	9%	33%	50%
Czech Republic	9%	11%	46%	70%
Estonia	7%	9%	36%	53%
Slovakia	8%	9%	39%	58%
Lithuania	8%	9%	47%	70%
Poland	7%	9%	37%	56%
Croatia	6%	7%	32%	48%
Hungary	8%	9%	42%	63%
Latvia	8%	9%	40%	60%
Romania	6%	7%	29%	43%
Bulgaria	7%	8%	39%	58%

* Vehicles with zero-emissions at tailpipe or vehicles using natural gas provided they are fully operated on bio-methane, which should be demonstrated by a contract to procure bio-methane or other means of accessing bio-methane, shall be counted as 1 vehicle contributing to the mandate. All other vehicles that meet the requirements of Table 3 in this annex shall be counted as 0.5 vehicle contributing. This counting is abandoned in case of those Member States

where the minimum procurement mandate [...] **is** 50% **or more** of the overall volume of public procurement [...]; in this case all vehicles that meet the requirements in Table 3 of this Annex shall be counted as one vehicle contributing.
