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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles (first reading) - Adoption of the legislative act - Statements

Statement by Germany

Germany supports this Directive's aim of using public procurement of clean road transport vehicles to contribute to achieving air-quality and climate goals in the transport sector.

In the medium-to-long term, the signals sent to the market by this Directive may stimulate the supply of clean vehicles. In some sub-sectors covered by the Directive, however, these vehicles are still significantly more expensive and not yet available in sufficient quantities. Whether a sufficient number will be available in the future and whether the public sector will be able to afford them cannot yet be foreseen under present conditions.

Implementing the Directive in some sub-sectors will involve considerable cost and bureaucracy for Member States, particularly those with a federal structure. As a result of the high quotas for clean buses that must be complied with in the short term, more funding will be needed for environmentally-friendly public transport, leading to higher ticket prices for individual passengers.

For the above reasons, Germany is not able to endorse the Directive in its current form.

Statement by the Slovak Republic

While the Slovak Republic generally supports the objectives of this Directive, it wishes to point out that the financial impacts of this Directive were not presented on required level and the targets foreseen for public transport sector may cause restrictions to the provision of public transport services.

Moreover, the construction of the necessary infrastructure will cause additional costs.

In addition, Slovakia believes the shortening of the transposition period that was agreed in the final text, will cause problems in the appropriate implementation of the Directive, both at the state level as well as on the regional level.

Besides, the Slovak Republic believes the implementation of this Directive will lead to an increase in administrative burden.

For these reasons, the Slovak Republic cannot support the Directive.

Statement by Estonia

Estonia fully supports the aims and objectives of the directive, which pave the way towards low-emission mobility. We support and intend moving towards low and zero-emission public transportation.

However, Estonia wishes to reiterate its concern regarding the 50% subtarget for zero-emission buses (Annex, Table 5 footnote). More precisely, Estonia considers that the subtarget might impede choosing the technology that best fits Member States local conditions. The capacity of procuring zero-emission buses as an obligation in different Member States is not thoroughly analyzed. The Commission impact assessment did not foresee nor analyze setting a subtarget for zero-emission buses. There was no Council impact assessment carried out either on this matter. Setting this target is a policy choice with substantial impact on Member States but as well on industry. As a result, this kind of a policy measure should not be adopted in a hurry without any further impact analysis.

In the Estonian case and considering the current infrastructure and technological development, including technology price, only electric buses can be viewed as zero-emission buses in the meaning of the Directive. In recent years, two of our biggest cities have concluded contracts for long-term public transportation tenders and our capital has also committed to renewing one third of their bus fleet in the coming years with new CNG buses using bio-methane as a fuel. The state has also been actively involved in supporting the setting up of refuelling infrastructure for bio-methane all over the country. We see bio-methane as an option to provide zero CO₂-emission fuel as well as a way to bring additional economic activity to rural areas by producing bio-methane from agricultural residues. Producing bio-methane from biodegradable waste contributes to achieving circular economy goals.

In Estonia, a few bigger municipalities make up a majority of public transportation procurement. This leaves us with a situation where before 2025, the majority of bus procurement contracts will be for longer distance county-level transportation, but electric buses are currently an option only for urban public transportation as their driving range is limited. Therefore, we risk not achieving the subtarget of zero-emission buses at least during the first period up to 2025. Using bio-methane, which is considered as a zero CO₂-emission fuel in the greenhouse gas inventory, could help to ensure a smoother transition to low-emission transportation in countries, where electric or hydrogen buses are not yet a viable option for regional public transportation.

Consequently, and yet again stressing the commitment and support for the aims and objectives of the Directive, Estonia regrets that the subtarget can be fulfilled only with electric or hydrogen buses. In this context, Estonia will abstain regarding the current legislative proposal.

Statement by Austria

Austria generally supports the objectives of this Directive and stresses the need to achieve the EU's climate goals through clear measures. Nevertheless, Austria is concerned that the financial impact of the Directive is not yet clear and the targets set for the public transport sector may have the unintended consequence of limiting the provision of public transport services. Moreover, the construction of the necessary infrastructure will cause additional costs. Therefore, Austria calls upon the European Commission to promote national support programmes to reach the objectives of this Directive, especially with regard to public transport, and to additionally provide support and funding programmes at EU level to support the transition to clean vehicles. Furthermore, the implementation of this Directive will lead to a far heavier administrative burden. For these reasons, Austria cannot endorse the Directive and therefore abstains from voting.

Statement by Poland

Poland strongly supports the general aim of the proposed amended Directive, to increase the market uptake of clean, i.e. low- and zero-emission vehicles in public procurement and hence contribute to the reduction of overall transport emissions and the competitiveness and growth in the transport sector.

From the beginning of the process, Poland has presented its supportive approach towards the European Commission's proposal and was committed to reaching the most appropriate compromise, which would be on one hand, ambitious enough to reach the outlined aim, on the other – feasible to implement.

We consider level of ambition initially proposed by the European Commission as evidence-based and already very ambitious. Raising the level of LDV targets without strong analytical background is in our opinion not appropriate, in particular as the lower level of ambition for LDV targets proposed by the Commission resulted from the assessment of the availability of clean LDV and the maturity of this market. Moreover, Poland is of the opinion that the implementation period should be 30 months.

Longer period would not affect negatively the aims of the amended Directive. On the contrary, it would bring an added value for the quality of implementing measures. The amended Directive does not contain ready-made solutions, implementation of which would guarantee achievement of the projected goals. Transposition of the Directive into national law will require thorough analysis as well as development, tests and deployment of new solutions in order to reach goals which were set.

Within each country, there are different specificities of individual regions and local communities, structures and administrative dependency, type of entities purchasing vehicles or providing services with their use. New solutions will most probably require far-reaching law changes which will go through the parliamentary process.

Therefore, Poland cannot support the Directive in its current form.

Statement by the Czech Republic

While the Czech Republic fully recognizes the need to move forward the decarbonisation of the transport sector, this new Directive raise our deep concerns not only in general as regards the level of ambition but more specifically as regards its possible negative impact on quality of public transport.

We expect the Commission to monitor continuously how this new Directive affect contracting authorities. The Directive may have impact especially on authorities responsible for awarding public service contracts within the meaning of Regulation (EC) No. 1370/2007, which have as their subject matter the provision of passenger transport services. The Commission shall be able to come with adequate corrective measures if the implementation of this Directive leads in some countries or regions to the reduction of the scope of public transport under public service obligations.

We also invite the Commission to explore all possible measures how to support in the future the implementation of this Directive in the area of public transport including measures related to state aid rules.
