



Βρυξέλλες, 16 Νοεμβρίου 2018
(OR. en)

14230/18

**Διοργανικός φάκελος:
2017/0291(COD)**

**TRANS 537
MI 829
ENV 755
CLIMA 213
CODEC 1984**

ΕΚΘΕΣΗ

Αποστολέας:	Γενική Γραμματεία του Συμβουλίου
Αποδέκτης:	Επιτροπή των Μόνιμων Αντιπροσώπων/Συμβούλιο
αριθ. προηγ. εγγρ.:	12410/18
Αριθ. εγγρ. Επιτρ.:	14183/17 + ADD 1
Θέμα:	Πρόταση οδηγίας του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου για την τροποποίηση της οδηγίας 2009/33/EK σχετικά με την προώθηση καθαρών και ενεργειακά αποδοτικών οχημάτων – Έκθεση προόδου

I. ΕΙΣΑΓΩΓΗ

Στις 9 Νοεμβρίου 2017 η Επιτροπή υπέβαλε την προαναφερόμενη πρόταση στο Ευρωπαϊκό Κοινοβούλιο και το Συμβούλιο στο πλαίσιο της δέσμης μέτρων για την κινητικότητα με τίτλο «Η Ευρώπη σε κίνηση», ως μία από τις πρωτοβουλίες της Επιτροπής για την κινητικότητα χαμηλών εκπομπών.

Κύριος στόχος της πρότασης είναι να αυξηθεί η διείσδυση των καθαρών οχημάτων στην αγορά, δηλαδή των οχημάτων χαμηλών και μηδενικών εκπομπών στο πλαίσιο των δημοσίων συμβάσεων, γεγονός που θα συμβάλει στη μείωση των συνολικών εκπομπών από τις μεταφορές καθώς και στην ανταγωνιστικότητα και την ανάπτυξη του τομέα των μεταφορών. Η αξιολόγηση της οδηγίας 2009/33/EK κατέδειξε ότι η οδηγία δεν ενεργοποίησε επαρκώς σε ολόκληρη την Ένωση τη διείσδυση των καθαρών οχημάτων στην αγορά, ο δε αντίκτυπος στη μείωση των εκπομπών αερίων του θερμοκηπίου και αέριων ρύπων υπήρξε πολύ περιορισμένος.

Σκοπός της πρότασης είναι να επιτευχθεί ο κύριος στόχος της με:

- επέκταση του πεδίου εφαρμογής της ισχύουσας οδηγίας ώστε να καλύπτονται όλες οι σχετικές πρακτικές περί δημοσίων συμβάσεων,
- εισαγωγή ορισμού της έννοιας «καθαρό όχημα»,
- καθορισμό ελάχιστων στόχων για τις δημόσιες συμβάσεις προμηθειών καθαρών οχημάτων για τις χρονικές περιόδους από τη λήξη της περιόδου μεταφοράς έως τα τέλη του 2025 και από το 2026 έως το 2030.

II. ΕΡΓΑΣΙΕΣ ΣΕ ΑΛΛΑ ΘΕΣΜΙΚΑ ΟΡΓΑΝΑ

Το Ευρωπαϊκό Κοινοβούλιο όρισε την Επιτροπή Περιβάλλοντος, Δημόσιας Υγείας και Ασφάλειας των Τροφίμων (ENVI) ως αρμόδια επιτροπή για την εξέταση της πρότασης καθώς και τον κ. Andrzej GRZYB (EPP, ΠΛ) ως εισηγητή. Η έκθεση εγκρίθηκε από την ολομέλεια του Ευρωπαϊκού Κοινοβουλίου στις 25 Οκτωβρίου 2018. Η Επιτροπή Βιομηχανίας, Έρευνας και Ενέργειας (ITRE) και η Επιτροπή Μεταφορών και Τουρισμού (TRAN) ενέκριναν γνωμοδότηση επί της πρότασης.

Η Ευρωπαϊκή Οικονομική και Κοινωνική Επιτροπή ενέκρινε τη γνώμη της κατά τη σύνοδο ολομέλειας που πραγματοποιήθηκε στις 19 Απριλίου 2018. Η Ευρωπαϊκή Επιτροπή των Περιφερειών ενέκρινε τη γνώμη της στις 5 Ιουλίου 2018.

III. ΕΡΓΑΣΙΕΣ ΣΤΑ ΠΡΟΠΑΡΑΣΚΕΥΑΣΤΙΚΑ ΟΡΓΑΝΑ ΤΟΥ ΣΥΜΒΟΥΛΙΟΥ

Η πρόταση υποβλήθηκε στην Ομάδα «Μεταφορές - Θέματα διατροφικών μεταφορών και δίκτυα» τον Νοέμβριο του 2017 και εξετάστηκε από την εν λόγω Ομάδα από τον Μάρτιο έως τον Μάιο του 2018, με αποτέλεσμα την υποβολή έκθεσης προόδου στο Συμβούλιο στις 7 Ιουνίου 2018.¹

Η Προεδρία εξέτασε λεπτομερώς τον φάκελο σε τρεις συνεδριάσεις που πραγματοποιήθηκαν μεταξύ Ιουλίου και Νοεμβρίου 2018.

¹ έγγρ. 8916/18.

Με βάση τις παρατηρήσεις και τις προτάσεις που διατύπωσαν οι αντιπροσωπίες, η Προεδρία υπέβαλε δύο συμβιβαστικά κείμενα στα οποία προτείνονται λύσεις και διευκρινίσεις για τα περισσότερα άρθρα, με κυριότερες τις ακόλουθες:

- Άρθρα 2 έως 3: διεύρυνση των εξαιρέσεων και αποσαφήνιση του πεδίου εφαρμογής, ιδίως όσον αφορά τις υπηρεσίες που καλύπτονται από την οδηγία και απαριθμούνται στον πίνακα 1, στην αιτιολογική σκέψη 11 και στην αιτιολογική σκέψη 11α·
- Άρθρο 4: διεύρυνση του ορισμού της έννοιας «καθαρό όχημα» και εισαγωγή φιλόδοξων επιμέρους στόχων για λεωφορεία μηδενικών εκπομπών·
- Άρθρο 5: αποσαφήνιση των μεθόδων μέτρησης για τα διάφορα είδη συμβάσεων που καλύπτονται από την οδηγία. Οι αντίστοιχοι πίνακες 4 και 5 που περιέχουν τους στόχους για τα κράτη μέλη και τη μέθοδο υπολογισμού σχετικά με τα οχήματα μηδενικών εκπομπών απλουστεύθηκαν και όσον αφορά τα λεωφορεία, οι εθνικοί στόχοι μειώθηκαν·
- Άρθρο 9: διαγραφή της διάταξης σχετικά με τη διαδικασία επιτροπής.
- Άρθρο 10: απλούστευση και αποσαφήνιση των υποχρεώσεων υποβολής εκθέσεων για τα κράτη μέλη και εισαγωγή νέας υποχρέωσης της Επιτροπής για την παροχή υποστήριξης στα κράτη μέλη με τη συγκέντρωση και τη δημοσίευση σχετικών στοιχείων.

IV. ΕΚΚΡΕΜΗ ΖΗΤΗΜΑΤΑ

α) Εξαιρέσεις (άρθρο 2)

Η τελευταία συμβιβαστική πρόταση της Προεδρίας σχετικά με το άρθρο 2 υποστηρίχθηκε από τις περισσότερες αντιπροσωπίες. Ωστόσο, μία αντιπροσωπία, υποστηριζόμενη από μια άλλη αντιπροσωπία, εξέφρασε την επιθυμία να εξαιρεθούν οι ειδικές υπηρεσίες μεταφορών, π.χ. για τους ηλικιωμένους ή τα άτομα με αναπηρίες, από το πεδίο εφαρμογής της οδηγίας. Διάφορα άλλα κράτη μέλη τόνισαν ότι οι εξαιρέσεις θα πρέπει να περιορίζονται στο ελάχιστο.

β) Πεδίο εφαρμογής (άρθρο 3)

Ορισμένες αντιπροσωπίες εξέφρασαν την επιθυμία να επανεισαχθούν στο πεδίο εφαρμογής της οδηγίας οι υπηρεσίες αποκομιδής απορριμμάτων που περιλαμβάνονται στον πίνακα 1 του παραρτήματος, οι οποίες διαγράφηκαν από το πεδίο εφαρμογής της οδηγίας διότι δεν αφορούν τις υπηρεσίες μεταφοράς επιβατών και καθιστούν αναγκαία τη χρήση οχημάτων ειδικού σκοπού.

Τα πούλμαν με οδηγό διαγράφηκαν από το πεδίο εφαρμογής της οδηγίας κατόπιν αιτήματος ορισμένων αντιπροσωπιών, και αυτό γιατί η χρήση πούλμαν με οδηγό για επιβατικές μεταφορές μεγάλων αποστάσεων συνεπάγεται τεχνικά προβλήματα όσον αφορά τα οχήματα μηδενικών εκπομπών, καθώς και ως προς τις αναγκαίες υποδομές επαναφόρτισης, ιδίως για σκοπούς διασυννοριακής χρήσης. Μία αντιπροσωπία, υποστηριζόμενη από αρκετές άλλες αντιπροσωπίες, εξέφρασε την επιθυμία να επανεισαχθεί στο πεδίο εφαρμογής της οδηγίας η προμήθεια πούλμαν με οδηγό λόγω της ομοιοτητάς τους με τα φορτηγά.

γ) Ορισμοί (άρθρο 4)

Πολλές αντιπροσωπίες υποστήριξαν την τελευταία συμβιβαστική πρόταση της Προεδρίας και εξέφρασαν αντιρρήσεις για την παραπομπή στην οδηγία RED 2 την οποία πρότεινε μια αντιπροσωπία.

Ορισμένες αντιπροσωπίες τάχθηκαν υπέρ μιας τεχνολογικά ουδέτερης προσέγγισης με έμφαση στα αποτελέσματα όσον αφορά τον ορισμό της έννοιας «καθαρό όχημα».

Ορισμένες αντιπροσωπίες δεν επιθυμούν να συμπεριληφθούν τα ορυκτά αέρια, όπως το συμπιεσμένο φυσικό αέριο (CNG) και το υγροποιημένο φυσικό αέριο (LNG), στον κατάλογο των εναλλακτικών καυσίμων, ενώ άλλες τόνισαν ότι είναι αναγκαίο να συμπεριληφθούν και αυτά, καθώς καθιστούν δυνατή την ομαλή μετάβαση σε οχήματα χαμηλών και μηδενικών εκπομπών.

δ) Ελάχιστοι στόχοι για τις δημόσιες συμβάσεις (άρθρο 5 και πίνακες 4 και 5 του παραρτήματος):

Η συμβιβαστική πρόταση της Προεδρίας σχετικά με το άρθρο 5 υποστηρίχθηκε σε γενικές γραμμές από τις αντιπροσωπίες. Ωστόσο, οι ελάχιστοι στόχοι για τις δημόσιες συμβάσεις που περιλαμβάνονται στους πίνακες 4 και 5 εξακολουθούν να χρήζουν περαιτέρω συζήτησης.

Υπάρχει μεγάλη ποικιλία όσον αφορά το επίπεδο φιλοδοξίας, όπως εκφράζεται από την ποσόστωση ανά κράτος μέλος.

ε) Περίοδος μεταφοράς

Ορισμένες αντιπροσωπίες τάχθηκαν υπέρ της επέκτασης της προθεσμίας μεταφοράς σε 30 έως 36 μήνες, ενώ άλλες υποστήριξαν μια συντομότερη περίοδο διάρκειας 24 μηνών και συνέδεσαν την προθεσμία μεταφοράς με τη συνολική πρόοδο που σημειώθηκε στον φάκελο.

V. ΣΥΜΠΕΡΑΣΜΑΤΑ

Κατά την εξέταση της πρότασης, εκφράστηκε γενική υποστήριξη για το τελικό συμβιβαστικό κείμενο της Προεδρίας που περιλαμβάνεται στο παράρτημα. Ωστόσο, ο ορισμός της έννοιας «καθαρό όχημα» και το επίπεδο και η εφαρμογή των στόχων για τις δημόσιες συμβάσεις εξακολουθούν να είναι τα βασικά εκκρεμή ζητήματα που θα πρέπει να συζητηθούν περαιτέρω μαζί με ορισμένα άλλα ζητήματα, όπως εξηγείται παραπάνω, στο πλαίσιο της επόμενης Προεδρίας προκειμένου να επιτευχθεί συμφωνία σχετικά με τον φάκελο αυτό.

Η Επιτροπή των Μόνιμων Αντιπροσώπων και το Συμβούλιο καλούνται να σημειώσουν την πρόοδο που επιτεύχθηκε ως προς την εξέταση της πρότασης οδηγίας.

**Proposal for a 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
(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 Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union is committed to a sustainable, competitive, secure and decarbonised energy system⁴. The Energy Union and the Energy and Climate Policy Framework for 2020 to 2030⁵ 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.

² OJ C , , p. .

³ OJ C , , p. .

⁴ European Council Conclusions of 24 October 2014.

⁵ 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 Mobility⁶ 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"⁷ 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"⁸ 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.

⁶ COM(2016) 501 final.

⁷ COM(2017) 283 final.

⁸ COM (2017) 283 final.

- (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/EU⁹ and 2014/25/EU¹⁰ set out minimum public procurement rules coordinating the way public authorities and certain public utility operators purchase goods, works and services. In particular, they set overall monetary thresholds for determining which contracts are to be subject to Union legislation, which also apply to the Clean Vehicles Directive.
- (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 which 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.

⁹ OJ L 94, 28.3.2014, p. 65 - 242.

¹⁰ OJ L 94, 28.3.2014, p. 243 – 374.

- (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 leaves sufficient flexibility to contracting authorities **and contracting** entities [...] in the choice of the technologies to be used.
- (9) Extending the scope of the Directive by including practices such as lease, rental and hire-purchase of vehicles, as well as contracts for certain services ensures that all relevant procurement practices are covered. The services to be covered, such as public road transport services, special purpose road transport passenger services, non-scheduled passenger transport as well as specific postal and courier services, should be those where the vehicles used for the provision of the services fall within the vehicle categories covered by this Directive, and they represent a major element in the contract. They should be identified through the respective CPV codes listed in the Annex.
- (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 period¹¹. 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 COM(2017) 676 final.

- (10a) Clean heavy-duty vehicles should be defined through the use of alternative fuels in alignment with existing Union legislation, namely Directive 2014/94/EU¹². In such cases where liquid biofuels, synthetic or paraffinic fuels are to be used for the procured vehicles, contracting authorities and contracting entities have to ensure through obligatory contract clauses or through similarly effective means within the public procurement procedure that only such fuels are to be used for these vehicles. These fuels may contain fuel additives, as is the case for example with ED95, but should not be blended with fossil fuels.
- (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. Due to the limited level of maturity of low- and zero-emission coaches, the relatively limited role of public procurement in this market segment, and their specific operational requirements, coaches should not be included in the scope of this Directive. In line with the approach followed in Regulation (EC) No 661/2009 and UNECE Regulation 107, M3 vehicles with areas for standing passengers to allow for frequent passenger movement are considered buses, while M3 vehicles with very limited or no area for standing passengers are considered coaches.

¹² OJ L 307, 28.10.2014, p. 1.

- (11a) In order to avoid imposing disproportionate burdens on public authorities and operators, Member States should be able to exempt from the requirements of this Directive the public procurement of certain vehicles with specific characteristics linked to their operational requirements. These include armoured vehicles, ambulances, hearses, wheelchair accessible M1 vehicles, mobile cranes, vehicles designed and constructed for use principally on construction sites or in quarries, port or airport facilities as well as vehicles specifically designed and constructed or adapted for use by the armed forces, civil protection, fire services and forces responsible for maintaining public order. Such adaptations may relate to the installation of specialized communications equipment or emergency lights. The requirements of this Directive should not apply to vehicles that are designed and constructed specifically to perform work and are not suitable for carrying passengers or for transporting goods. These include vehicles for road maintenance (like snow plows) or vocational vehicles.
- (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. Further, mandating that half of the minimum target for the buses procured in the aforementioned time periods is to be fulfilled through the procurement of zero-emission buses strengthens the commitment to the decarbonisation of the transport sector. It should be noted that trolley buses are considered to be zero-emission buses, provided they only run on electricity, or they only use a zero-emission powertrain when they are not connected the grid. 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). 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) [deleted]
- (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.

¹³ OJ C 200, 28.6.2014, p. 1.

(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.

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

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2009/33/EC is amended as follows:

(1) the title is replaced by the following:

"Directive 2009/33/EU on the promotion of clean road transport vehicles in support of low-emission mobility".

(1a) Article 1 is replaced by the following:

"Article 1

Subject matter and objectives

This Directive requires contracting authorities and contracting entities to take into account lifetime energy and environmental impacts, including energy consumption and emissions of CO₂ and of certain pollutants, when procuring certain 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 **Union** [...]."

¹⁴ OJ C 369, 17.12.2011, p. 14.

(1b) Article 2 is replaced by the following:

*"Article 2
Exemptions*

Member States may exempt from the requirements laid down in this Directive [...] vehicles referred to in Article 2(2)(d), 2(3)(a), 2(3)b and in points 5.2. to 5.5. and 5.7. of Part A of Annex I of Regulation (EU) 2018/858¹⁵."

(2) Article 3 is replaced by the following:

*"Article 3
Scope*

1. This Directive shall apply to procurement through:

- (a) contracts for the purchase, lease, rent or hire-purchase of road transport vehicles signed by 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;
- (b) public service contracts within the meaning of Regulation (EC) No 1370/2007 [...] ¹⁶ having as their subject matter the provision of passenger road transport services in excess of a threshold which shall be defined by Member States not exceeding the applicable threshold value set in Article 5 [...] paragraph of that Regulation;
- (c) service contracts as set out in Table 1 of the Annex in so far as the contracting authorities or contracting entities are under an obligation to apply the procurement procedures set out in Directives 2014/24/EU and 2014/25/EU.

¹⁵ OJ L 151, 14.06.2018, p.1.

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).

The Directive shall only apply to such contracts for which the call for competition has been sent or, in cases where a call for competition is not foreseen, where the contracting authority or contracting entity has commenced the procurement procedure after [insert date, 24 months following the date of entry into force of this directive].

2. This Directive shall not apply to:

- (a) vehicles referred to in Articles 2(2)(a), (b), (c) and 2(3)(c) of Regulation (EU) 2018/858;
- (b) vehicles of category M3 other than Class I and Class A vehicles as defined in Article 3.2 and 3.3 of Regulation (EC) No 661/2009."

(3) Article 4 is replaced by the following:

"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 4 of Directive 2014/25/EU;
- 3. 'road transport vehicle' means a vehicle of category M or N, as defined in Article 4(1)(a) and (b) of Regulation (EU) No 2018/858.
- 4. 'clean vehicle' means:
 - (a) a vehicle of category M1, [...] M2 **or N1** with a maximum tail-pipe emission expressed in CO₂g/km and real driving pollutant emissions below a percentage of the applicable emission limits as referred to in Table 2 in the Annex , or;

[...]

([...]**b**) a vehicle of category M3, N2 or N3 using alternative fuels as defined in Art. 2 (1) of Directive 2014/94/EU¹⁷. In the case of vehicles using liquid biofuels, synthetic and paraffinic fuels, these shall not be blended with conventional fossil fuels;

5. 'zero-emission[...] heavy duty vehicle' means a clean vehicle as defined in Article 4(4)([...]**b**) without an internal combustion engine, or with an internal combustion engine that emits less than 1 g CO₂/kWh as measured in accordance with Regulation (EC) No 595/2009¹⁸ and its implementing measures, or that emits less than 1 g CO₂/km measured in accordance with to Regulation (EC) No 715/2007¹⁹ and its implementing measures.

(4) The following Article 4a is inserted:

"Article 4a
[Deleted]"

(5) Article 5 is replaced by the following:

"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.

¹⁷ OJ L 307, 28.10.2014, p. 1.

¹⁸ OJ L 188, 18.7.2009, p. 1.

¹⁹ OJ L 171, 29.6.2007, p. 1.

- 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)(a), 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(1)(b) and (c), the number of road transport vehicles **to be** 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 or contracting entities to apply higher national targets or more stringent requirements than those referred to in the Annex of this Directive."
- (6) Articles 6 and 7 are deleted.
- (6a) Article 8 is replaced by the following:

"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 and contracting entities."

- (7) A new Article 8a is inserted.

"Article 8a

[Deleted]"

(8) Article 9 is replaced by the following:

"Article 9
Committee procedure
[Deleted]"

(9) Article 10 is replaced by the following:

"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 18 April 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 in accordance with article 3(1), on Member States' intentions regarding future implementation activities, as well as any other information which the Member State considers relevant. Information should follow the categories contained in Regulation No 2195/2002 on the Common Procurement Vocabulary (CPV)²⁰ as noted in the Annex.

²⁰ OJ L 340, 16.12.2002, p. 1,

- 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, including on Member States' intentions regarding future implementation activities, including the timing and possible effort-sharing between different levels of governance, as well as on any other information which the Member State considers relevant.
5. The Commission may issue guidance on the contents of Member States' reports referred to in paragraph 4.
- 5a. In order to support the Member States in their reporting obligations according to paragraphs 4 and 4a, the Commission shall collate and publish the number and the categories of vehicles procured by contracting authorities and contracting entities according to this Directive by extracting the relevant data from contract award notices published on the TED Database in accordance with Directives 2014/24/EU and 2014/25/EU."
- (10) The Annex is replaced by the text in the Annex to this Directive.

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 *For the Council*

The President *The President*

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
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	[...] <u>50</u>	80%	0	n.a.
M2 vehicles	[...] <u>50</u>	80%	0	n.a.
N1 vehicles	[...] <u>50</u>	80%	0	n.a.

* [...] **Declared maximum Real driving emission (RDE) values of particles (PN) in #/km and nitrogen oxides (NOx) in mg/km as reported in point 48.2 of the Certificate of Conformity, as described in Annex IX of Directive 2007/46/EC for both complete and urban RDE trips.**

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

Table 3:

[deleted]

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	From (insert date 24 months following the date of entry into force of this Directive) to 31 December 2025	From 1 January 2026 to 31 December 2030
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%

Table 5: Minimum target for the share of heavy-duty vehicles [...] in the total number of heavy-duty vehicles covered by contracts referred to in Article 3 at Member State level[...]

Member State	Trucks (vehicle category N2 and N3)		Buses (vehicle category M3)*	
	From (insert date 24 months following the date of entry into force of this Directive) to 31 December 2025	From 1 January 2026 to 31 December 2030	From (insert date 24 months following the date of entry into force of this Directive) to 31 December 2025	From 1 January 2026 to 31 December 2030
Luxembourg	10%	15%	45 [...] %	65 [...] %
Sweden	10%	15%	45 [...] %	65 [...] %
Denmark	10%	15%	45 [...] %	65 [...] %
Finland	9%	15%	41 [...] %	59 [...] %
Germany	10%	15%	45 [...] %	65 [...] %
France	10%	15%	43 [...] %	61 [...] %
United Kingdom	10%	15%	45 [...] %	65 [...] %
Netherlands	10%	15%	45 [...] %	65 [...] %
Austria	10%	15%	45 [...] %	65 [...] %
Belgium	10%	15%	45 [...] %	65 [...] %
Italy	10%	15%	45 [...] %	65 [...] %
Ireland	10%	15%	45 [...] %	65 [...] %
Spain	10%	14%	45 [...] %	65 [...] %
Cyprus	10%	13%	45 [...] %	65 [...] %
Malta	10%	15%	45 [...] %	65 [...] %
Portugal	8%	12%	35 [...] %	51 [...] %
Greece	8%	10%	33 [...] %	47 [...] %
Slovenia	7%	9%	28 [...] %	40 [...] %
Czech Republic	9%	11%	41 [...] %	60 [...] %
Estonia	7%	9%	31 [...] %	43 [...] %
Slovakia	8%	9%	34 [...] %	48 [...] %
Lithuania	8%	9%	42 [...] %	60 [...] %
Poland	7%	9%	32 [...] %	46 [...] %
Croatia	6%	7%	27 [...] %	38 [...] %
Hungary	8%	9%	37 [...] %	53 [...] %
Latvia	8%	9%	35 [...] %	50 [...] %
Romania	6%	7%	24 [...] %	33 [...] %
Bulgaria	7%	8%	34 [...] %	48 [...] %

* Half of the minimum target for the share has to be fulfilled by procuring zero-emission buses as defined in Article 4 (5).