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Subject:	Amended proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 1999/62/EC, Council Directive 1999/37/EC and Directive (EU) 2019/520 as regards the CO2 emission class of heavy-duty vehicles with trailers and clarifying and simplifying certain provisions - Presidency compromise

In view of the meeting of the working party on land transport on 13 January 2026, delegations find attached a revised Presidency compromise.

Changes compared to the Commission proposal are highlighted in grey shaded, changes compared to the initial compromise document are highlighted in yellow shaded**.**

ANNEX

2023/0134 (COD)

2023/0134 (COD)

Amended proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directive 1999/62/EC~~, Council Directive 1999/37/EC and Directive (EU) 2019/520 as regards the CO2 emission class of heavy-duty vehicles with trailers and~~ to clarifying~~ing~~ and simplifying~~ing~~ certain provisions

(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 91(1) 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 Committee [1],

Having regard to the opinion of the Committee of the Regions [2],

Acting in accordance with the ordinary legislative procedure,

Whereas:

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1 OJ **C,** **C/2023/874**, **8.12.2023**, ~~p.~~ **ELI: http://data.europa.eu/eli/C/2023/874/oj**.

2 OJ C , , p. .

(1) ~~The adoption of~~ Directive (EU) 2022/362 of the European Parliament and of the Council[3]**, which was adopted in February 2022,** strengthened the 'polluter pays' and 'user pays' principles through the introduction of mandatory charging on the basis of CO_2 emissions, either by varying the infrastructure and user charges according to vehicles' CO_2 emissions or by applying an external-cost charge for CO_2 emissions. ~~Currently, road charges of vehicle combinations comprising a motor vehicle and a trailer are variated on the basis of the CO_2 emissions of the motor vehicle, irrespective of the characteristics of the linked trailer, notably of its effect on the CO_2 emissions of the vehicle combination.~~

~~(2) Although a trailer does not consume energy by itself, it requires energy from the towing motor vehicle to be moved. The optimisation of the energy efficiency of trailers leads to the reduction of the CO_2 emissions of conventional vehicles and to the increase in vehicles' autonomy. Such optimisation of trailers derives from the improvements of aerodynamic performance, rolling resistance and weight of trailers. The energy efficiency potential is around 7.5% for drawbar trailers and 15% for semi-trailers as compared to a reference trailer of the year 2020. Therefore, trailers could play an important role in the decarbonisation of the road freight transport sector. However, the market uptake of more efficient trailers is hampered by their higher prices and by the fact that until now buyers of trailers have not been able to compare different trailers in terms of their energy efficiency. This leads to a limited availability of energy efficient trailers on the market. Aerodynamic devices are already available on the market and will become more available in the future, but they are not commonly used in the current Union fleet.~~

~~(3) Commission Implementing Regulation (EU) 2022/1362[4] set out legally certified values for the effect of trailers on the CO_2 emissions of heavy goods vehicle combinations. To further reduce the operational cost of more efficient trailers, the rules to include the effect of trailers on the CO_2 emissions of heavy goods vehicle combinations in road charging schemes based on CO_2 differentiation should be laid down. Since motor vehicles can be linked to different trailers, the inclusion of trailers in road charging schemes based on CO_2 differentiation should be based on the trailer actually used.~~

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[3] Directive (EU) 2022/362 of the European Parliament and of the Council of 24 February 2022 amending Directives 1999/62/EC, 1999/37/EC and (EU) 2019/520, as regards the charging of vehicles for the use of certain infrastructures (OJ L 69, 4.3.2022, p. 1**, ELI: http://data.europa.eu/eli/dir/2022/362/oj**).

[4] ~~Commission Implementing Regulation (EU) 2022/1362 of 1 August 2022 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the performance of heavy-duty trailers with regard to their influence on the CO_2 emissions, fuel consumption, energy consumption and zero emission driving range of motor vehicles and amending Implementing Regulation (EU) 2020/683 (OJ L 205, 5.8.2022, p. 145**, ELI: http://data.europa.eu/eli/reg_impl/2022/1362/oj**).~~

(4) The extension of charging on the basis of CO_2 emissions to trailers should apply to trailers to which Implementing Regulation (EU) 2022/1362 applies. Performance of trailers may vary depending on their technical parameters. To evaluate the performance of trailers in terms of energy efficiency, the performance in terms of CO_2 reduction potential of a specific trailer is compared with the performance of a reference trailer, which is similar in terms of axle configuration, maximum permissible axle load and chassis configuration. The ratio between the value of the specific trailer and that of the reference trailer is defined in Implementing Regulation (EU) 2022/1362 as efficiency ratio. More efficient trailers have an efficiency ratio value lower than 1.

(5) The calculation of the efficiency ratio can be based on kilometre, tonne-kilometres or m3-kilometre. For all trailers except volume-oriented ones, the tonne-kilometre based efficiency ratio should be used. Volume-oriented trailers are those that are primarily designed for the transport of voluminous goods. The tonne-kilometre based efficiency ratio cannot be used for volume-oriented trailers because these trailers have higher rolling resistance and mass than their traditional counterparts. For volume-oriented trailers, the efficiency ratio – m3-kilometre based should be used instead.

(6) The CO_2 emission class of a vehicle combination with a more efficient trailer should be higher than the CO_2 emission class of the motor vehicle alone, therefore granting access to a higher reduction of road charges. The effect of the CO_2 emission reduction potential of a trailer on the CO_2 emission class of a vehicle combination should be based on the comparison between the efficiency ratio of the specific trailer with the efficiency ratio thresholds referred to in this Directive. Different thresholds are foreseen for semi-trailers and for other trailers as their potential to reduce CO_2 emissions in a cost-efficient way is different.

(7) Where the Member State includes the effect of trailers on the CO_2 emissions of heavy goods vehicle combinations in road charging schemes on its territory and imposes specific charges on vehicle combinations deviating from the maximum weights and/or dimensions laid down in Council Directive 96/53/EC [5], that Member State should be allowed to apply the reduction of road charges to such vehicle combinations that employ at least one more efficient trailer.

[5] Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59, **ELI: http://data.europa.eu/eli/dir/1996/53/oj**).

(8) The Commission should be empowered to amend Annex VIII to Directive 1999/62/EC, by means of delegated acts, to define or adjust the efficiency ratio thresholds set out therein, and to define a methodology for the allocation to trailer classes of trailers that have undergone a retrofitting process, especially those to which an efficiency ratio was not assigned in accordance with Implementing Regulation (EU) 2022/1362. The definition of the efficiency ratio thresholds should be made as soon as data on the efficiency of trailers is collected for at least one year pursuant to Regulation (EU) 2018/956 of the European Parliament and of the Council [6]. The efficiency ratio thresholds should be based on the average efficiency of the trailer fleet when reference CO_2 emissions for such vehicles are published, and on the potential that trailers have to generate efficiency improvements. They should then be adjusted to reflect technical progress and an increasing penetration of new technologies, such as trailers with driven axles. The definition of a methodology for retrofitted trailers should consider the installation of equipment improving their energy, such as aerodynamic devices, that can be verified during the periodic roadworthiness test and that should be reported on the roadworthiness certificate, as referred to in Directive 2014/45/EU of the European Parliament and of the Council [7].

(9) In order to ensure that drivers correctly declare the performance of the trailer connected to the motor vehicle when making use of the reduction of charges based on CO_2 emissions, it is necessary that enforcement officers are provided, upon request, with evidence of the emission class of the vehicle combination, that is including evidence attesting the performance of the trailer. If such evidence is not provided, a Member State would be entitled to apply charges on the basis of the emission class of the motor vehicle only.

(10) In order to ensure the coherent application of road charges variation according to CO_2 emissions, it is necessary to amend Council Directive 1999/37/EC [8] to require, where available on their certificate of conformity or on the individual vehicle approval certificate, that the efficiency ratio of trailers be indicated on their registration certificate. It is important to ensure that data relating to the efficiency of trailers are available for the exchange of information between Member States, as set out in Directive (EU) 2019/520 of the European Parliament and of the Council [9].

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[6] Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO_2 emissions from and fuel consumption of new heavy-duty vehicles (OJ L 173, 9.7.2018, p. 1**, ELI: http://data.europa.eu/eli/reg/2018/956/oj**).

[7] Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers (OJ L 127, 29.4.2014, p. 51**, ELI: http://data.europa.eu/eli/dir/2014/45/oj**).

[8] Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57**, ELI: http://data.europa.eu/eli/dir/2014/45/oj**).

[9] Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (OJ L 91, 29.3.2019, p. 45**, ELI: http://data.europa.eu/eli/dir/2019/520/oj**).

~~(11) Additionally, it is appropriate to amend Directive 1999/62/EC for the purpose of reflecting the new structure of Regulation (EU) 2019/1242, as amended by [add reference once known]. The necessary changes aim at preserving the current meaning of the definitions of zero-emission vehicle, low-emission vehicle, reference CO_2 emissions and emission reduction trajectory, and should update the latter one so as to harmonise its applicability with the abovementioned Regulation after 2030. These changes should also preserve the obligation to variate infrastructure and user charges and the time from which this obligation applies. As regards vehicle sub-groups already covered by the Regulation, these changes should in particular clarify that this obligation applies from 13 May 2023, namely two years after the date of publication of Commission Implementing Decision (EU) 2021/781[10], which specifies reference CO_2 emissions for those vehicle sub-groups. To ensure the timely adoption of these changes in respect to the date of entry into force of the amendments to Regulation (EU) 2019/1242, a one-year deadline for transposition into national legislation should be established.~~

(11) It is appropriate to clarify and simplify certain provisions of Directive 1999/62/EC[11] to reflect the amendments ~~of~~ **introduced by** Regulation (EU) 2024/1610 of the European Parliament and of the Council [12] to Regulation (EU) 2019/1242 of the European Parliament and of the Council [13], as well as the amendments ~~of~~ **introduced by** Commission Regulation (EU) 2022/1379 [14] to Commission Regulation (EU) 2017/2400 [15]. The proposed changes concern the definitions of CO_2 emissions, zero-emission vehicle, low-emission heavy-duty vehicle,

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~~[10] Commission Implementing Decision (EU) 2021/781 of 10 May 2021 on the publication of a list indicating certain CO_2 emissions values per manufacturer as well as average specific CO_2 emissions of all new heavy-duty vehicles registered in the Union and reference CO_2 emissions pursuant to Regulation (EU) 2019/1242 of the European Parliament and of the Council for the reporting period of the year 2019 (OJ L 167, 12.5.2021, p. 47).~~

[11] **Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of vehicles for the use of road infrastructures (OJ L 187 20.7.1999, p. 42, ELI: http://data.europa.eu/eli/dir/1999/62/oj).**

[12] Regulation (EU) 2024/1610 of the European Parliament and of the Council of 14 May 2024 amending Regulation (EU) 2019/1242 as regards strengthening the CO_2 emission performance standards for new heavy-duty vehicles and integrating reporting obligations, amending Regulation (EU) 2018/858 and repealing Regulation (EU) 2018/956 (OJ L, 2024/1610, 6.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1610/oj).

[13] Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO_2 emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC, OJ L 198, 25.7.2019, p. 202, ELI: http://data.europa.eu/eli/reg/2019/1242/oj.

[14] Commission Regulation (EU) 2022/1379 of 5 July 2022 amending Regulation (EU) 2017/2400 as regards the determination of the CO_2 emissions and fuel consumption of medium and heavy lorries and heavy buses and to introduce electric vehicles and other new technologies (OJ L 212, 12.8.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/1379/oj).

[15] Commission Regulation (EU) 2017/2400 of 12 December 2017 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the determination of the CO_2 emissions and fuel consumption of heavy-duty vehicles and amending Directive 2007/46/EC of the European Parliament and of the Council and Commission Regulation (EU) No 582/2011 (OJ L 349, 29.12.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/2400/oj).

vehicle group, emission reduction trajectory and reference CO_2 emissions, as well as of Article 7ga and Article 8(3), while preserving their original meaning.

(12) This Directive should clarify the point in time from when the obligation to vary road charges based on CO_2 emissions for a vehicle sub-group applies. It **should** therefore **consistently** refers ~~to~~ to the publication of reference CO_2 emissions of a vehicle sub-group adopted in accordance with Article 11(1) of Regulation (EU) 2019/1242. This Directive should also give sufficient implementation time to national authorities and tolling service providers to classify the vehicles of those vehicle sub-groups into CO_2 emission classes. ~~A six-month implementation period is provided following the publication of the reference CO_2 emissions.~~ **Member States should have at least six months for implementing the variation of road charges for new vehicle sub-groups after the publication of their reference CO_2 emissions. For the purposes of predicatability and simplification, a variation should always apply from either 1 January or 1 July of the year following the year of publication of their reference CO_2 emissions.** As regards the vehicle sub-groups originally covered by that Regulation, the obligation to vary road charges has applied since 13 May 2023, which was two years after the date of publication of Commission Implementing Decision (EU) 2021/781 [16].

(13) This Directive should clarify the date from when the adjustments to the reference CO_2 emissions adopted pursuant to Article 11(2) of Regulation (EU) 2019/1242 apply. **Member States should have at least six months for implementing the adjusted reference CO_2 emissions. For the purposes of predicatability and simplification, adjustments should always apply from either 1 January or 1 July of the year following the year of publication of the adjusted reference CO_2 emissions.**~~A six-month period is appropriate to implement this change. This date should be the in all Member States in order to ensure same equal treatment of transport operators that own similar vehicles first registered on the same date but that are established in different Member States.~~ Moreover, Commission Implementing Decision (EU) …/... adjusting reference CO_2 emissions indicated in Commission Implementing Decision (EU) 2021/781 and specifying the methodology for defining representative vehicles [add reference once known] adjusted reference CO_2 emissions with application from reporting period 2025 for vehicle sub-groups 4-UD, 4-RD, 4-LH, 5-RD, 5-LH, 9-RD, 9-LH, 10-RD and 10-LH. The current version of the definition of emission reduction trajectory provides that the adjusted values apply from the reporting period commencing after the date of application of that act. They should therefore apply from 1 July 2026. To **ensure legal certainty** ~~avoid the six-month implementation period lapsing too soon after the adoption of this Directive and leaving an insufficient period for implementation~~, the date of application of 1 July 2026 is explicitly maintained.

(14) This Directive should preserve the meaning of the definition of emission reduction trajectory of Directive 1999/62/EC as amended by Directive (EU) 2022/362. Regulation (EU) 2024/1610 amended Regulation (EU) 2019/1242 by introducing a CO_2 emissions reduction

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16 Commission Implementing Decision (EU) 2021/781 of 10 May 2021 on the publication of a list indicating certain CO_2 emissions values per manufacturer as well as average specific CO_2 emissions of all new heavy-duty vehicles registered in the Union and reference CO_2 emissions pursuant to Regulation (EU) 2019/1242 of the European Parliament and of the Council for the reporting period of the year 2019 (OJ L 167, 12.5.2021, p. 47, ELI: http://data.europa.eu/eli/dec_impl/2021/781/oj).

target for 2030 of 43%. This change affects the gradient of the emission reduction trajectory defined in Directive 1999/62/EC for years up to and including 2030. Certain CO_2 emission classes thresholds up to and including 2030 are therefore stricter than for 2031 and the following years. The resulting shape of the emission reduction trajectory was not an intended consequence of the adoption of Regulation (EU) 2024/1610. The original shape of the emission reduction trajectory should therefore be reinstated by setting a CO_2 emissions reduction target of 30% 2030 in Directive 1999/62/EC. Until this change applies, it is possible that certain vehicles may be allocated to a CO_2 emission class with an emission reduction trajectory based on a CO_2 emissions reduction target for 2030 of 43%. To ensure equal treatment with vehicles that are allocated to a CO_2 emission class after the adoption of this Directive, Member States should reclassify those vehicles by using an emission reduction trajectory based on a CO_2 emissions reduction target for 2030 of 30%, within two months following the entry into force of this Directive.

(15) This Directive should clarify how to allocate to CO_2 emission classes vehicles accompanied by a customer information file and first registered before the start of the emission reduction trajectory. For vehicle sub-groups with reference period 2021 or 2025, as set in Regulation (EU) 2019/1242, a discrepancy exists between the date when their emission reduction trajectories start and the deadline for manufacturers to provide new vehicles with a customer information file that has been issued in accordance with Article 9 of Commission Regulation (EU) 2017/2400. The start date of the emission reduction trajectory of a vehicle sub-group is the first day of the reference period for that vehicle sub-group, as set out in point 3.2 of Annex I to Regulation (EU) 2019/1242. The deadline for manufacturers to provide new vehicles of a vehicle sub-group with the customer information file is set out in Article 24 of Commission Regulation (EU) 2017/2400. For those vehicle sub-groups, the deadline for manufacturers precedes the start date of the emission reduction trajectory. Directive 1999/62/EC does not indicate how to classify in CO_2 emission classes vehicles that were first registered before the start of the emission reduction trajectory. Member States should classify **vehicles** in a CO_2 emissions class **where** ~~those vehicles for which~~ the owner can provide evidence of their CO_2 emissions in a customer information file. The thresholds of the CO_2 emissions classes before the start of the emission reduction trajectory are those of the first year of the emission reduction trajectory.

(16) This Directive should clarify how to allocate vocational vehicles to CO_2 emission classes. Regulation (EU) 2019/1242 distinguishes vocational vehicles, such as vehicles used for garbage collection or construction works, from other types of vehicles by defining vocational vehicle sub-groups. These vehicles are responsible for approximately 2% of the emissions of the heavy-duty sector and operate mostly in cities. Following the adoption of Regulation (EU) 2024/160, vocational vehicles are identified as such only after their first registration. The customer information file of a new vehicle therefore does not provide information on the vocational nature of the vehicle. Vocational vehicles cannot therefore be recognised as belonging to a vocational sub-group when they are classified in a CO_2 emission class. For objective and practical reasons, vocational vehicles should be treated as belonging to the corresponding non-vocational vehicle sub-group for the purposes of Directive 1999/62/EC.

(17) **Retrofitting, generally meaning the amendment of the technical characteristics of a vehicle after its first registration, including physical or software changes, could support the vehicle's emission reduction or affect its emission performance. The existing legal framework does not allow for determining CO_2 emissions of retrofitted vehicles. To allow the allocation of retrofitted vehicles to CO_2 emission classes taking into account**

the effect of the retrofitting process, the Commission should assess options for determining CO_2 emissions of retrofitted vehicles, considering the possible effects on the application and effectiveness of Regulation (EU) 2019/1242, and, where appropriate, submit a proposal to amend this Directive. In the absence of such general rules on determining CO_2 emissions of retrofitted vehicles, this Directive should clarify how to allocate retrofitted zero-emission vehicles to CO_2 emission classes. Regulation (EU) 2019/1242 sets targets for manufacturers to reduce the CO_2 emissions of new heavy-duty vehicles. Under that regulation, manufacturers particularly benefit from placing zero-emission vehicles on the market. Directive 1999/62/EC incentivises demand for those vehicles by granting reduced charges in accordance with CO_2 emission class 5. An existing drawback of zero-emission vehicles is that they have a lower operational range than conventional vehicles. To increase the vehicle's operational range, it is possible to retrofit zero-emission vehicles by replacing a battery pack with a fuel generator in order to increase the vehicle's operational range. Such retrofitted vehicles thus become hybrid vehicles. Under Directive 1999/62/EC, vehicles are classified into CO_2 emission classes according to the vehicle documentation that is produced by manufacturers before the vehicle's first registration. This means that, under the current legislative framework, such retrofitted vehicles would continue to benefit from reduced charges in accordance with CO_2 emission class 5 although they use a fuel generator. This treatment, however, distorts the road freight transport market to the disadvantage of operators using zero-emission vehicles that are not retrofitted, and it does not reflect the actual emission reductions over the vehicles' lifetime for the purposes of Regulation (EU) 2019/1242. To ensure that all vehicles are **allocated to** CO_2 emission classes based on the results of the VECTO simulation tool, zero-emission vehicles that are retrofitted with a fuel-powered engine should therefore be treated under Directive 1999/62/EC as belonging to CO_2 emission class 1.

(18) This Directive should clarify how to allocate dual-fuel vehicles to CO_2 emission classes. Article 24(2), point (g), of Commission Regulation (EU) 2017/2400, obliges manufacturers to issue a customer information file for dual-fuel vehicles starting from 1 January 2024. However, certain dual-fuel vehicles were registered before that date without a customer information file. Vehicles that were first registered before that date cannot access more favourable toll rates and may suffer from a competitive disadvantage to similar vehicles that were registered at a later time. It is possible for manufacturers to determine the CO_2 emissions of a vehicle that has already been registered by performing a new simulation that takes into account the latest requirements of Regulation (EU) 2017/2400. Member States should accept the result of those simulations as a proof of the vehicle's CO_2 emissions. The Commission should prevent the use of illegitimate simulation results by overseeing manufacturers' use of this option. A manufacturer that decides to use this option should therefore notify it to the Commission. Member States should only accept this document if it is received directly from a manufacturer, if the document is in digital format, as this is less vulnerable to fraud, and if a positive Commission Decision has been addressed to that manufacturer.

(19) This Directive should delete certain provisions that became obsolete. Directive 1999/62/EC provides for the extension of its scope to include vehicle sub-groups that are covered by Regulation (EU) 2017/2400 but that are not yet covered by Regulation (EU) 2019/1242. The relevant provisions of Directive 1999/62/EC are Article 2(1), point 30(b); Article 2(1), point 38(b); Article 7ga(1), third subparagraph, and Article 7ga(7). Regulation (EU) 2024/1610 extended the scope of Regulation (EU) 2019/1242 to match the scope of Regulation (EU) 2017/2400. The relevant provisions of Directive 1999/62/EC have therefore become obsolete and should be deleted in order to simplify the text of that Directive.

(20) Directives 1999/62/EC~~, 1999/37/EC and (EU) 2019/520~~ should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

~~Amendments to Directive 1999/62/EC~~

Directive 1999/62/EC is amended as follows:

(1) Article 2(1) is amended as follows:

(a) point 28 is replaced by the following:

'(28) 'CO_2 emissions' of a heavy-duty vehicle means its specific CO_2 emissions (gCO_2/t-km) ~~provided in point 2.6.1 of its customer information file~~ if it is a heavy goods vehicle~~,~~ or its specific CO_2 emissions (gCO_2/p-km) **if it is a coach or a bus, as** provided in ~~point 2.6.4 of~~ its customer information file ~~if it is a coach or a bus~~, as defined in Part II of Annex IV to Commission Regulation (EU) 2017/2400 (*);'

* Commission Regulation (EU) 2017/2400 of 12 December 2017 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the determination of the CO_2 emissions and fuel consumption of heavy-duty vehicles and amending Directive 2007/46/EC of the European Parliament and of the Council and Commission Regulation (EU) No 582/2011 (OJ L 349, 29.12.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/2400/oj).;

(~~a~~b) in point 29, point (a) is replaced by the following:

'(a) a heavy-duty motor vehicle referred to in Article 3, point 11, subpoints (a) ~~and~~ or (b), of Regulation (EU) 2019/1242 of the European Parliament and of the Council (**); or'

** Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO_2 emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) No 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC (OJ L 198, 25.7.2019, p. 202, ELI: http://data.europa.eu/eli/reg/2019/1242/oj).;

(~~b~~c) ~~In point 30, point (b)~~point 30 is replaced by the following:

'(30) 'low-emission heavy-duty vehicle' means a low-emission heavy-duty vehicle as defined in Article 3, point 12 of Regulation (EU) 2019/1242;';

~~'(b) a heavy-duty vehicle from a vehicle group covered by an implementing act adopted pursuant to Article 7ga(7), with CO_2 emissions lower than 50% of the reference CO_2 emissions of its vehicle group, other than a zero-emission vehicle;';~~

(d) point 35 is replaced by the following:

'(35) 'vehicle group' means a vehicle group as defined in the first subparagraph of Article 4 of Regulation (EU) 2017/2400;';

(~~e~~e) point 37 is replaced by the following:

'(37) 'emission reduction trajectory' of a vehicle sub-group (sg) means an emission reduction trajectory for heavy goods vehicles ($ET_{sg,Y}$) or for buses and coaches ($ETp_{sg,Y}$), as determined in accordance with point 5.1.2.1 of Annex I to Regulation (EU) 2019/1242 and adjusted as follows:

(a) for years Y ≤ 2030, the CO_2 reduction target for 2030 ($rf_{sg,Y}$ or $rfp_{sg,Y}$, where Y=2030) is 30%; and

(b) for years Y > 2030, the target factor ($RET_{sg,Y}$ or $RETp_{sg,Y}$) is 0.7;';

~~'(37) 'emission reduction trajectory', for vehicle sub-group (sg) and the reporting period of a year (Y), namely ETsg,Y, means the product of the annual CO_2 emissions reduction factor (RETsg,Y) times the reference CO_2 emissions (rCO2sg) of the sub-group (sg), namely ETsg,Y = RETsg,Y x rCO2sg; RETsg,Y is determined in accordance with point 5.1 of Annex I to Regulation (EU) 2019/1242;';~~

(~~d~~f) point 38 is replaced by the following:

'(38) 'reference CO_2 emissions' means reference CO_2 emissions as defined in Article 3, point 1, of Regulation (EU) 2019/1242;';

~~'(38) 'reference CO_2 emissions' means:~~

~~(a) for vehicles sub-groups covered by Regulation (EU) 2019/1242, the amount calculated in accordance with the formula in point 3 of Annex I to that Regulation;~~

~~(b) for a vehicle group covered by an implementing act adopted pursuant to Article 7ga(7), the reference CO_2 emissions specified therein, corresponding to the average value of all CO_2 emissions of vehicles in that vehicle group, reported in accordance with Regulation (EU) 2018/956 of the European Parliament and of the Council (6) for the first reporting period, which will start after the date on which the registration, sale or entry into service of vehicles in that vehicle group, that do not comply with the obligations referred to in Article 9 of Regulation (EU) 2017/2400, is prohibited in accordance with Article 24 of Regulation (EU) 2017/2400;';~~

~~(eg) the following points are added:~~

~~'(42) 'trailer' means a trailer as defined in Article 3, point 17 of Regulation (EU) 2018/858 and falling within the scope of Commission Implementing Regulation (EU) 2022/1362 (***);~~

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~~(43) 'semi-trailer' means a trailer which fulfils the definition of a semi-trailer in Article 3, point 33 of Regulation (EU) 2018/858 and falling within the scope of Commission Implementing Regulation (EU) 2022/1362.'~~

~~*** Commission Implementing Regulation (EU) 2022/1362 of 1 August 2022 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the performance of heavy-duty trailers with regard to their influence on the CO_2 emissions, fuel consumption, energy consumption and zero emission driving range of motor vehicles and amending Implementing Regulation (EU) 2020/683 (OJ L 205, 5.8.2022, p. 145, ELI: http://data.europa.eu/eli/reg_impl/2022/1362/oj)';~~

(2) in Article 2(2), the introductory part is replaced by the following:

'(2) For the purposes of paragraph 1, point 3:'

(~~2~~**3**) Article 7ga is amended as follow:

(a) in paragraph 1, the second, third, and fourth subparagraphs are replaced by the following:

'Member States shall apply that variation to the vehicle sub-groups covered by Regulation (EU) 2019/1242 ~~at the latest six months after the publication of~~ ~~on the basis of~~ **following the publication of the reference CO_2 emissions** of those vehicle sub-groups~~, adopted~~published in accordance with Article 11(1) of that Regulation. **The variation shall apply either from 1 January of the year following the year of publication, if it occurred before 1 July, or from 1 July of the year following the year of publication, if it occurred on or after 1 July.**. However, for vehicle sub-groups 4-UD, 4-RD, 4-LH, 5-RD, 5-LH, 9-RD, 9-LH, 10-RD, 10-LH, Member States shall apply that variation at the latest on 13 May 2023.

Member States shall apply ~~Where~~ the reference CO_2 emissions **as**~~are~~ adjusted pursuant to Article 11(2) of Regulation (EU) 2019/1242 **either from 1 January of the year following the year of publication, if it occurred before 1 July, or from 1 July of the year following the year of publication, if it occurred on or after 1 July. starting from the first day of the sixth month following their publication.** However, for vehicle sub-groups 4-UD, 4-RD, 4-LH, 5-RD, 5-LH, 9-RD, 9-LH, 10-RD and 10-LH, Member States shall apply the reference CO2 emissions as adjusted pursuant to Commission Implementing Regulation (EU) …/... [add reference once known] ~~starting~~ from 1 July 2026~~, those reference CO_2 emissions shall apply as of the start of the following reporting period.~~

~~By derogation from the second subparagraph, for CO_2 emission classes 1, 4 and 5, referred to in paragraph 2 of this Article, that variation shall apply to vehicle groups covered by implementing acts adopted pursuant to paragraph 7 at the latest two years following the adoption of those implementing acts. The variation shall be based on the reference CO_2 emissions specified therein and it shall apply until reference CO_2 emissions for the vehicle sub-groups concerned are published in accordance with Article 11(1) of Regulation (EU) 2019/1242. As of the publication of reference CO_2 emissions in accordance with Article 11(1) of Regulation (EU) 2019/1242, Member States shall apply those reference CO_2 emissions instead of the ones specified pursuant~~

~~to paragraph 7 and the variation for the vehicles sub-groups concerned shall be applied for all emission classes.~~';

(b) in paragraph 2, the following subparagraphs are added:

'Member States shall reclassify the vehicles that have been classified in CO_2 emission class **12** ~~2~~ or **23** ~~3~~ with an emission reduction trajectory based on a CO_2 emissions reduction target for 2030 of 43% by instead using an emission reduction trajectory based on a CO_2 emissions reduction target for 2030 of 30% at the latest by [date of entry into force of this Directive + ~~two~~ **six** months].

Member States shall consider as eligible for classification in a CO_2 emission class all vehicles for which the road user can provide evidence of the CO_2 emissions in a customer information file issued in accordance with Article 9 of Regulation (EU) 2017/2400. If the date of the first registration of a vehicle is before the start of the emission reduction trajectory of the vehicle sub-group to which the vehicle belongs, the values of the first year of the emission reduction trajectory for that sub-group shall apply.

Member States shall treat vocational vehicles, as defined Article 3, point 9, of Regulation (EU) 2019/1242, as vehicles belonging to the corresponding non-vocational vehicle sub-group.

Member States shall not apply reduced charges in accordance with CO_2 emission class 5 to zero-emission vehicles that have been retrofitted with a fuel-powered engine that generates electrical energy or that contributes to the propulsion of the vehicle. Member States shall instead apply the charges in accordance with CO_2 emission class 1.

By [two years from the entry into force of this Directive], the Commission shall assess the options determining CO_2 emissions for retrofitted vehicles, considering the possible effects on the application and effectiveness of Regulation (EU) 2019/1242. Based on that assessment, the Commission shall, where appropriate, submit a proposal to amend this Directive.

Vehicle manufacturers may use the simulation tool **referred to** ~~provided for~~ in Article 5 of Regulation (EU) 2017/2400 to determine the CO_2 emissions of a dual-fuel vehicle, as defined in Article 3, point 21, of Regulation (EU) 2017/2400, after its production date, where the production date of that vehicle is before 1 January 2024. A manufacturer that intends to use this possibility shall notify the Commission of its intention to do so and the Commission shall decide whether that manufacturer may use the simulation tool for the purpose set out in this **sub**paragraph. For the classification of a vehicle in a CO_2 emission class, Member States shall accept the simulation produced by manufacturers as evidence of a vehicle's CO_2 emissions, provided that a manufacturer sends them the results of the simulation directly and in digital form together with the Commission Decision addressed to that manufacturer.';

(~~b~~c) paragraph 7 is deleted. ~~In paragraph 7, the first sub-paragraph is replaced by the following:~~

~~'The Commission shall adopt implementing acts to specify the reference CO_2 emissions for the vehicle groups other than sub-groups 4-UD, 4-RD, 4-LH, 5-RD, 5-LH, 9-RD, 9-LH, 10-RD, 10-LH.'.~~

~~(3) the following Article is inserted:~~

~~'*Article 7gc*~~

~~1. Until 30 June 2030, Member States may take into account the effect of trailers on the CO_2 emissions of its combination with a motor vehicle when applying Article 7ga. From 1 July 2030 they shall take into account that effect.~~

~~Where a Member State applies the first subparagraph, the CO_2 emission class of the vehicle combination referred in Article 7ga (2) shall be affected by the trailer class of the towed trailer in accordance with Annex VIII.~~

~~2. Where a Member State applies the first paragraph and, in accordance with Article 9(1), point (a), imposes specific charges on vehicle combinations deviating from the maximum weights and/or dimensions laid down in Annex I to Council Directive 96/53/EC *, in accordance with Article 4(4) of that Directive, it may apply a reduction of road charges to such vehicle combinations that employ at least one trailer to which a trailer class is assigned in accordance with Annex VIII to this Directive.~~

~~The amount of the reduction of the road charge may correspond to the reduction granted to vehicle combinations not deviating from the maximum weights and/or dimensions.~~

~~3. The Commission is empowered to adopt a delegated act in accordance with Article 9d in order to amend Annex VIII to determine the efficiency ratio thresholds laid down therein, or to adjust them to reflect technical progress. Their first determination shall be based on the average efficiency of the trailer fleet when reference CO_2 emissions for these vehicles are published, and on the potential that trailers have to generate efficiency improvements, taking into consideration the different potential between semi-trailers and other trailers.~~

~~For trailer classes 1 and 2 as identified in the table in Annex VIII, the Commission shall adopt a delegated act determining the efficiency ratio thresholds at the latest one year after the publication of reference CO_2 emissions for trailers according to Article 11(1) of Regulation (EU) 2019/1242.~~

~~Trailer~~ For trailer~~class 3, as identified in the table in Annex VIII, applies to zero-emission trailers as defined in Article 3, point 11, subpoint (c), of Regulation (EU) 2019/1242 and complying with the efficiency ratio threshold for trailer class 3.~~ applicable to trailers equipped with a device that actively supports their propulsion and has no internal combustion engine or has an internal combustion engine emitting less than 5gCO2/kWh, t~~The Commission shall adopt a delegated act determining the efficiency ratio thresholds after legally certified values for those trailers are available.~~

~~The Commission is empowered to adopt a delegated act in accordance with Article 9d in order to amend Annex VIII to lay down a methodology for determining the allocation to a trailer class of trailers which are retrofitted with equipment improving their energy~~

~~efficiency, especially those that were registered, sold or to enter into service before the date of application of Implementing Regulation (EU) 2022/1362.~~

~~4. For the purpose of recording the equipment referred to in paragraph 3, fourth subparagraph, Member States shall make use of item 10 (other information) of Annex II to Directive 2014/45/EU**.~~

~~_____~~

~~* Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59)~~

~~** Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers (OJ L 127, 29.4.2014, p. 51)';~~

~~(4) In Article 7j (2a), the first subparagraph is replaced by the following:~~

~~'Where a driver or, where applicable, the transport operator or the European Electronic Toll Service (EETS) provider, is unable to provide evidence of the emission class of the vehicle for the purposes of Article 7g(2), Article 7ga and Article 7gb, Member States may apply tolls or user charges up to the highest level chargeable. Where a driver or, where applicable, the transport operator or the European Electronic Toll Service (EETS) provider, is unable to provide evidence of the emission class of the vehicle combination for the purposes of Article 7gc, Member States may apply tolls or user charges on the basis of the emission class of the motor vehicle.';~~

(~~5~~**3**) in Article 8, paragraph 3 is replaced by the following:

'3. In the case of a common system for user charges referred to in paragraph 1 of this Article, the final date of application of the variations referred to in Article 7ga(1) for vehicle sub-groups 4-UD, 4-RD, 4-LH, 5-RD, 5-LH, 9-RD, 9-LH, 10-RD and 10-LH is 25 March 2025.'~~;~~

~~(5~~6) ~~In Article 9d, the first subparagraph is replaced by the following:~~

~~'The Commission is empowered to adopt delegated acts in accordance with Article 9e to amend this Directive in respect of Annex 0, the formulas in points 4.1 and 4.2 of Annex IIIa, the amounts indicated in the tables of Annexes IIIb and IIIc in order to adapt them to scientific and technical progress, and the efficiency ratio thresholds indicated in table in Annex VIII in order to determine them or to adjust them to reflect technical progress.';~~

~~(6~~7) ~~In Article 11, point c is replaced by the following:~~

~~'(c) the variation of infrastructure charges or user charges according to the environmental performance of vehicles, pursuant to Article 7g, 7ga, 7gb or 7gc;';~~

~~(7~~8) ~~the text in the Annex to this Directive is added as Annex VIII.~~

Article 2

Amendment to Directive (EU) 2019/520

In Annex I to Directive (EU) 2019/520, Part I is replaced by the following:

'Part I. Data relating to vehicles

Item	M/O[1]	Remarks
Registration number	M	-
Chassis number/Vehicle identification number (VIN)	M	-
Member State of registration	M	-
Make	M	(D.1[2]) e.g. Ford, Opel, Renault
Commercial type of the vehicle	M	(D.3) e.g. Focus, Astra, Megane
EU Category Code	M	(J) e.g. mopeds, motorbikes, cars
Euro emissions class	M	e.g. Euro 4, Euro 6
CO_2 emission class	O	applicable to heavy-duty vehicles
Date of reclassification	O	applicable to heavy-duty vehicles
CO_2 in g/tkm	O	applicable to heavy-duty vehicles
Volume orientation: yes/no	O	applicable to trailers
Efficiency ratio – tonne-kilometre based (–)...	O	applicable to trailers
Efficiency ratio – m³-kilometre based (–)...	O	applicable to trailers
Technically permissible maximum laden mass of the vehicle	M	-
(1) M = mandatory when available in national register, O = optional. (2) Harmonised Union code, see Directive 1999/37/EC.		

'

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~~*Article 3*~~

~~Amendment to Directive 1999/37/EC~~

~~In Annex I to Directive 1999/37/EC, in point (V) exhaust emissions, the following points are added:~~

~~• '(V.11) Efficiency ratio:~~

~~For non-volume-oriented trailers, efficiency ratio – tonne-kilometre where indicated at position 49.11.2 of the certificate of conformity defined in the Appendix to Annex VIII to Commission Implementing Regulation (EU) 2020/683* or at position 49.11.2 of the individual vehicle approval certificate defined in Appendix 1 to Annex III to that Regulation.~~

~~For volume-oriented trailers, efficiency ratio – m^3-kilometre based where indicated at position 49.11.3 of the certificate of conformity defined in the Appendix to Annex VIII to Commission Implementing Regulation (EU) 2020/683 or at position 49.11.3 of the individual vehicle approval certificate defined in Appendix 1 to Annex III to that Regulation.~~

~~• The volume orientation is indicated at position 49.10 of the certificate of conformity of heavy-duty trailers defined in the Appendix to Annex VIII to Commission Implementing Regulation (EU) 2020/683 or at position 49.10 of the individual vehicle approval certificate defined in Appendix 1 to Annex III to that Regulation,~~

~~•~~

~~• (V.12) Trailer class determined in accordance with Article 7gc of Directive 1999/62/EC of the European Parliament and of the Council;~~

~~•~~

~~• * Commission Implementing Regulation (EU) 2020/683 of 15 April 2020 implementing Regulation (EU) 2018/858 of the European Parliament and of the Council with regards to the administrative requirements for the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 163, 26.5.2020, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2020/683/oj)'.~~

*Article **2**~~4~~*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [~~one~~ **two** years from the entry into force of this Directive] at the latest. They shall forthwith 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~~5~~

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~~6~~

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

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