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Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures – Four column table

Following the European Parliament's vote on a first reading position in October 2018 and the negotiating mandate granted by the Committee of Permanent Representatives on 18 December 2020, delegations find attached a four column table¹ to facilitate the comparison of the Commission, European Parliament and Council texts.²

Please note that:

- the Commission text is indicated in regular;
- the European Parliament text is indicated in ***bold italics*** and ~~strikethrough~~;³ and
- the Council text is indicated in **bold underlined** and [...].

At the informal videoconference of the members of the Working Party on Land Transport which will be held on 18 January 2021, delegations will be invited to share their preliminary views on the annexed four-column document.

¹ The table may contain -at this stage- typos or minor inconsistencies that will be corrected in due course.

² For the sake of clarity and better reading, the Annexes to the proposal are not included in the table.

³ Where no text is indicated in the European Parliament column, it means that the Commission text is accepted.

**Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC
on the charging of heavy goods vehicles for the use of certain infrastructures**

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
1.	2017/114 (COD) Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures			
2.	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,			
3.	<p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national parliaments,</p> <p>Having regard to the opinion of the European Economic and Social Committee¹,</p> <p>Having regard to the opinion of the Committee of the Regions²,</p> <p>Acting in accordance with the ordinary legislative procedure,</p> <p>Whereas:</p> <p>-----</p> <p>¹ OJ C [...], [...], p. [...].</p> <p>² OJ C [...], [...], p. [...].</p>			
4.	(1) Progress towards the goal, which the Commission set out in its White Paper of 28 March 2011 ³ , namely to move towards the full application of the 'polluter pays' and 'user pays' principles, to generate revenue		(1) Progress towards the goal, which the Commission set out in its White Paper of 28 March 2011 ³ , namely to move towards the full application of the 'polluter pays' and 'user pays' principles, to generate revenue	

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
	and ensure financing for future transport investments has been slow and inconsistencies persist in the application of road infrastructure charging across the Union. ----- ³ White Paper of 28 March 2011 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system' (COM(2011) 144 final).		and ensure financing for future transport investments has been slow and inconsistencies persist in the application of road infrastructure charging across the Union. ----- ³ White Paper of 28 March 2011 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system' (COM(2011) 144 final).	
5.		Amendment 1 Recital 1a (new)		
6.		<i>(1a) In that White Paper, the Commission set a deadline for 2020 to "proceed to the full and mandatory internalisation of external costs (including noise, local pollution and congestion on top of the mandatory recovery of wear and tear costs) for road and rail transport".</i>		
7.		Amendment 2 Recital 1b (new)		

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
8.		<i>(1b) The movement of goods and passenger vehicles is a factor that contributes to the release of pollutants into the atmosphere. Such pollutants, which have a very serious impact on people's health and lead to the deterioration of ambient air quality in the Union, include PM2,5, NO₂, and O₃. In 2014, those three pollutants caused 399 000, 75 000, and 13 600 premature deaths in the Union owing to prolonged exposure, respectively, according to European Environment Agency estimates produced in 2017.</i>		
9.		Amendment 3 Recital 1c (new)		
10.		<i>(1c) According to the World Health Organization, noise from road traffic alone ranks second among the most harmful environmental stressors in Europe, exceeded only by air pollution. At least 9 000 premature deaths a year can be attributed to heart disease caused by traffic noise.</i>		

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11.		Amendment 4 Recital 1d (new)		
12.		<i>(1d) According to the European Environment Agency's 2017 report on air quality in Europe, road transport, in 2015, was the sector with the highest NOx emissions and the second largest emitter of black carbon pollution.</i>		

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13.	<p>(2) In its Communication on a European Strategy for Low-Emission Mobility⁴, the Commission announced that it would propose the revision of the Directive on the charging for lorries to enable charging also on the basis of carbon dioxide differentiation, and the extension of some of its principles to buses and coaches as well as passenger cars and vans.</p> <p>----- ⁴ COM(2016) 501 final.</p>		<p>(2) In its Communication on a European Strategy for Low-Emission Mobility⁴, the Commission announced that it would propose the revision of the Directive on the charging for lorries⁵ to enable charging also on the basis of carbon dioxide differentiation, and the extension of some of its principles to buses and coaches as well as passenger cars and vans.</p> <p>----- ⁴ COM(2016) 501 final. ⁵ <u>Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42).</u></p>	
14.		Amendment 5 Recital 3		
15.	<p>(3) All heavy duty vehicles have significant impact on road infrastructure and contribute to air pollution, while light duty vehicles are at the source of the majority of the negative</p>	<p>(3) All heavy duty vehicles have significant impact on road infrastructure and contribute to air pollution, <i>and</i> light duty vehicles are at the source of the majority of the negative</p>	<p>(3) [...] <u>Taking into account the vehicle fleet renewal time and the need for the road transport sector to contribute to the Union climate and energy</u></p>	

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	<p>environmental and social impacts from road transport related to emissions and congestion. In the interest of equal treatment and fair competition, it should be ensured that vehicles so far not covered by the framework set out in Directive 1999/62/EC of the European Parliament and of the Council⁵ in respect of tolls and user charges are included into this framework. The scope of that Directive should therefore be extended to heavy duty vehicles other than those intended for the carriage of goods and to light duty vehicles, including passenger cars.</p> <p>-----</p> <p>⁵ Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42).</p>	<p>environmental and social impacts from road transport related to emissions and congestion. In the interest of equal treatment and fair competition, it should be ensured that vehicles so far not covered by the framework set out in Directive 1999/62/EC of the European Parliament and of the Council⁴ in respect of tolls and user charges are included into this framework. The scope of that Directive should therefore be extended to heavy duty vehicles other than those intended for the carriage of goods and to light duty vehicles, including and passenger cars.</p> <p><i>Charges for passenger cars could be adjusted so as to avoid excessive penalisation of frequent users. In the interest of equal treatment, charges should also be applied in a non-discriminatory manner, on the basis of category of vehicle, and differently, depending on</i></p>	<p><u>targets for 2030 and beyond, CO₂ emission reduction targets for new heavy-duty vehicles have been set for 2025 and 2030 at 15% and respectively 30% lower than an established average of CO₂ emissions⁶.</u></p> <p><u>(⁶) Regulation (EU) 2019 /1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ emission performance standards for new heavy-duty vehicles.</u></p>	

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		<p><i>vehicle impact on infrastructures and on the environment and society, and on the socioeconomic circumstances of certain users with no other choice but to go by road to their place of employment.</i></p> <p>-----</p> <p>⁴ Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42).</p>		
16.		Amendment 6 Recital 3a (new)		
17.		<p><i>(3a) To establish an internal market in road transport with a level playing field, rules should be applied uniformly. One of the main aims of this Directive is to eliminate distortions of competition between users. Accordingly, vans carrying goods by road ought to be included in the scope of charges applied to heavy duty vehicles.</i></p>		

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18.		Amendment 7 Recital 3b (new)		
19.		<p><i>(3b) In order to guarantee that such a measure is proportionate, it is important to target only vans used to carry goods by road that are regulated by Regulations (EU) No 1071/2009^{1a} and 1072/2009^{1b} of the European Parliament and of the Council and by Regulation (EU) No 165/2014 of the European Parliament and of the Council^{1c}</i></p> <p>-----</p> <p>^{1a} <i>Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).</i></p> <p>^{1b} <i>Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common</i></p>		

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		<p><i>rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).</i></p> <p>^{1c} <i>Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).</i></p>		
20.		Amendment 8 Recital 4		
21.	(4) Time-based user charges do by nature not accurately reflect infrastructure costs actually induced and, for similar reasons, are not effective when it comes to incentivising cleaner and more efficient operations, or reducing congestion. They should therefore be gradually	(4) Time-based user charges do by nature not accurately reflect infrastructure costs actually induced and, for similar reasons, are not effective when it comes to incentivising cleaner and more efficient operations, or reducing congestion. They For heavy vehicles , time-based user	(4) [...] <u>Notwithstanding the importance of the road transport sector, all heavy duty vehicles have significant impact on road infrastructure and contribute to air pollution. In spite of their economic and social importance, light duty</u>	

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	replaced by distance-based charges, which are fairer, more efficient and more effective.	charges should therefore be gradually replaced by distance-based charges, which are fairer, more efficient and more effective.	<u>vehicles are at the source of the majority of the negative environmental and social impacts from road transport related to emissions and congestion. In the interest of equal treatment and fair competition, it should be ensured that vehicles so far not covered by the framework set out in Directive 1999/62/EC of the European Parliament and of the Council, in respect of tolls and user charges, are included into this framework. The scope of that Directive should therefore be extended to heavy duty vehicles other than those intended for the carriage of goods and to light duty vehicles, including passenger cars.</u>	
22.		Amendment 10 Recital 4a (new)		
23.		<i>(4a) In order to ensure that this gradual replacement of time-based charges with distance-based charges does not become a further obstacle to access to the main European</i>		

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		<i>markets for transport from peripheral countries and regions, a compensation system should be put in place as soon as possible in order to counterbalance the added costs and thereby ensure that it does not represent a significant loss of competitiveness.</i>		
24.		Amendment 11 Recital 4b (new)		
25.		<i>(4b) In order to prevent traffic from switching to toll-free roads, which may have a serious impact on road safety and the optimum use of the road network, Member States must be able to levy tolls on all roads which are in direct competition with the trans-European networks.</i>		
26.		Amendment 12 Recital 4c (new)		
27.		<i>(4c) Time-based user charges encourage drivers to travel more when their vignette is valid, thus making them misapply the ‘polluter pays’ principle and the ‘user pays’ principle.</i>		

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28.		Amendment 13 Recital 4d (new)		
29.		<i>(4d) To ensure that this Directive is properly applied, the contractual frameworks governing concession contracts for road charge collection should make it easier, with due regard for Directive 2014/23/EU of the European Parliament and of the Council, to bring those contracts into line with changes in the Union's regulatory framework.</i>		
30.		Amendment 14 Recital 4e (new)		
31.		<i>(4e) In this connection, consideration should be given to the possibility of offsetting the added costs arising from remoteness by means of facilities as regards access to more energy-efficient fleets and the priority provision of exclusive infrastructure or technologies such as e-highways. Those compensating facilities could form part of the future CEF post-2020.</i>		
32.		Amendment 15		

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		Recital 5		
33.	<p>(5) In order to secure user acceptance of future road charging schemes, Member States should be allowed to introduce adequate systems for the collection of charges as part of a wider package of mobility services. Such systems should ensure a fair distribution of infrastructure costs and reflect the 'polluter pays' principle. Any Member States introducing such a system should ensure that it complies with the provisions of Directive 2004/52/EC of the European Parliament and of the Council.⁶</p> <p>-----</p> <p>⁶ Directive 2004/52/EC of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community (Text with EEA relevance), OJ L 166, 30.4.2004, p. 124–143.</p>	<p>(5) In order to secure user acceptance of future road charging schemes, Member States should be allowed to introduce adequate systems for the collection of charges as part of a wider package of mobility services. Such systems should ensure a fair distribution of infrastructure costs and reflect the 'polluter pays' principle <i>and incorporate arrangements for ring-fencing the receipts from the user charges. In that connection, Member States should also be free to levy tolls on roads which do not form part of the main transport network.</i> Any Member States introducing such a system should ensure that it complies with the provisions of Directive 2004/52/EC of the European Parliament and of the Council.⁶</p> <p>-----</p> <p>⁶ Directive 2004/52/EC of the European Parliament and of the Council of 29 April 2004 on</p>	<p>(5) [...] <u>Time-based user charges do, by nature, not accurately reflect the costs actually induced by road use and, for similar reasons, are not effective when it comes to incentivising cleaner and more efficient operations, or reducing congestion. However, in order to secure user acceptance of future road charging schemes, Member States should be allowed to maintain existing time-based charging schemes as well as to introduce new ones and to provide for adequate systems for the collection of charges as part of a wider package of mobility services. Such systems should ensure a fair distribution of infrastructure costs and reflect the 'polluter pays' principle. Any Member States introducing such a system should ensure that it complies with the provisions of Directive 2019/520/EC of the</u></p>	

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		the interoperability of electronic road toll systems in the Community (Text with EEA relevance), OJ L 166, 30.4.2004, p. 124–143.	<u>European Parliament and of the Council</u> ⁷ . <u>(7) Directive 2004/52/EC of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community (Text with EEA relevance), OJ L 166, 30.4.2004, p. 124–143</u>	
34.			<u>When applying road user charges to all heavy goods vehicles the latest after eight years after entry into force of the directive, Member States should remain flexible as regards levying tolls or user charges to the newly included segment of heavy goods vehicles.</u>	
35.			<u>(5a) When strengthening the user and polluter pays principles, certain characteristics of the Member States or their tolling and user charge systems should be taken into consideration. For example, with a view to particularly sparsely</u>	

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			<u>populated areas or a particularly large network of tolled or charged roads, the option of providing for exemptions of road sections should be available</u>	
36.			<u>(5b) Some Member States have large toll networks that include many more motorways and roads than just the ones which are part of the TEN-T network. Applying tolls or user charges to all heavy goods vehicles would therefore result in significantly more extensive burdens, especially for small and medium-sized craft businesses (which typically do not commission transport services but rather construction work). Those burdens would in turn lead to higher prices for example in the area of construction. Price increases mean that future investments in particular, such as the energetic renovation of houses and apartments as well as the modernization of house technology, could be</u>	

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			<p><u>postponed or even be cancelled. Also, craft businesses sometimes cover longer distances which cannot easily be replaced through other modes of transport. In addition, companies from rural regions, which are dependent on the provision of their services and construction activities in metropolitan areas due to the reduced population density and demand there, find themselves in a disadvantageous competitive situation compared to companies operating in large cities or on the outskirts of metropolitan areas. Therefore, Member States should be given the option to provide for certain charging exemptions, such as that on vehicles used for carrying materials, equipment or machinery for the driver's use in the course of the driver's work or used for the delivery of goods produced on a craft basis.</u></p>	
37.			(5c) The possibility to use	

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			<u>roads subject to road charging, e.g. motorways, tunnels or bridges, instead of challenging local roads can be important for persons with disabilities. In order to allow persons with disabilities the use of roads subject to road charging without further administrative burden, Member States should be allowed to exempt vehicles of persons with disabilities from the obligation to pay a toll or user charge.</u>	
38.		Amendment 16 Recital 5 a (new)		
39.		<i>(5a) Member States should be encouraged to take into account socioeconomic factors when applying road infrastructure charging schemes for passenger cars.</i>		
40.		Amendment 17 Recital 5b (new)		
41.		<i>(5b) The levying of charges on all road users by electronic means involves the mass collection and storage of personal data, which can also be used to draw up</i>		

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		<i>comprehensive movement profiles. The Member States and the Commission should systematically take account of the principles of purpose limitation and data minimisation when implementing this Directive. Technical solutions for the collection of data in connection with the levying of road-use charges should therefore incorporate anonymised, encrypted or advance payment options</i>		
42.		Amendment 18 Recital 5c (new)		
43.		<i>(5c) Vehicle taxes might act as an obstacle to the introduction of tolls. To provide backing for the introduction of tolls, Member States should have greater leeway to lower vehicle taxes quickly, meaning a reduction, as soon as possible, of the minimum rates set out in Directive 1999/62/EC.</i>		
44.		Amendment 20 Recital 5d (new)		
45.		<i>(5d) It is of particular</i>		

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		<i>importance that the Member States establish a fair charging system which does not penalise users of private vehicles which, due to their place of residence in the countryside or in areas that are difficult of access or isolated, are forced to make more regular use of roads subject to charging. Under territorial development policy, Member States should levy reduced charges on users from such areas.</i>		
46.		Amendment 21 Recital 6		
47.	(6) As in respect of heavy duty vehicles, it is important to ensure that any time-based charges applied to light duty vehicles are proportionate, including in respect of periods of use shorter than one year. In that regard, account needs to be taken of the fact that light duty vehicles have a use pattern differing from the use pattern of heavy duty vehicles. The calculation of proportionate time-based charges could be	(6) As in respect of heavy duty vehicles, it is important to ensure that, <i>if Member States introduce</i> any time-based charges applied to light duty vehicles, <i>they</i> are proportionate, including in respect of periods of use shorter than one year. In that regard, account needs to be taken of the fact that light duty vehicles have a use pattern differing from the use pattern of heavy duty vehicles. The calculation of proportionate	(6) As in respect of heavy duty vehicles, it is important to ensure that any time-based charges applied to light duty vehicles are proportionate, including in respect of periods of use shorter than one year. In that regard, account needs to be taken of the fact that light duty vehicles have a use pattern differing from the use pattern of heavy duty vehicles. The calculation of proportionate time-based charges could be	

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	based on available data on trip patterns.	time-based charges could be based on available data on trip patterns, <i>provided that it ensures non-discrimination.</i>	based on available data on trip patterns.	
48.		Amendment 22 Recital 7		
49.	<p>(7) Pursuant to Directive 1999/62/EC, an external-cost charge may be imposed at a level close to the social marginal cost of the usage of the vehicle in question. That method has proven to be the fairest and most efficient way to take account of negative environmental and health impacts of air pollution and noise generated by heavy duty vehicles, and would ensure a fair contribution from heavy duty vehicles to meeting EU air quality standards⁷ and any applicable noise limits or targets. The application of such charges should therefore be facilitated.</p> <p>-----</p> <p>⁷ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner</p>	<p>(7) Pursuant to Directive 1999/62/EC, an external-cost charge may consistent with the polluter-pays principle should be imposed at a level close to the social marginal cost of the usage of the vehicle in question. That method has proven to be the fairest and most efficient way to take account of negative environmental and health impacts of air pollution and noise generated by heavy duty vehicles, and would ensure a fair contribution from heavy duty vehicles to meeting EU air quality standards⁷ and any applicable noise limits or targets. The application of such charges should therefore be facilitated.</p> <p>-----</p> <p>⁷ Directive 2008/50/EC of the European Parliament and of</p>	<p>(7) Pursuant to Directive 1999/62/EC, an external-cost charge may be imposed at a level close to the social marginal cost of the usage of the vehicle in question. That method has proven to be the fairest and most efficient way to take account of negative environmental and health impacts of air pollution and noise generated by heavy duty vehicles, and would ensure a fair contribution from heavy duty vehicles to meeting EU air quality standards⁷ and any applicable noise limits or targets. The application of such charges should therefore be facilitated.</p> <p><u>External-cost charging should be applied more systematically, as a targeted means to recover external cost in respect of situations in which it matters most. At the</u></p>	

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	air for Europe, OJ L 152, 11.06.2008, p. 1-44	the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, OJ L 152, 11.06.2008, p. 1-44	<u>same time, in order to limit administrative burden, Member States should have the possibility to limit the application of external-cost charges for heavy-duty vehicles to those parts of the network where the infrastructural charges are applied.</u> ----- ⁷ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, OJ L 152, 11.06.2008, p. 1-44	
50.		Amendment 23 Recital 8		
51.	(8) To this effect, the maximum weighted average external-cost charges should be replaced by readily applicable reference values updated in light of inflation, the scientific progress made in estimating the external costs of road transport and the evolution of the fleet composition.	(8) To this effect, the <i>possibility of applying an external-cost charge on networks not covered by an infrastructure charge should be introduced and the</i> maximum weighted average external-cost charges should be replaced by readily applicable reference <i>minimum</i> values updated in light of inflation, the scientific progress made in	(8) To this effect, the maximum weighted average external-cost charges should be replaced by readily applicable reference values updated in light of inflation, the scientific progress made in estimating the external costs of road transport and the evolution of the fleet composition.	

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		estimating the external costs of road transport and the evolution of the fleet composition.		
52.		Amendment 24 Recital 8a (new)		
53.		<i>(8a) To help realise the transport White Paper objective of moving towards full application of the ‘polluter pays’ principle, it should be ensured that, on networks covered by an infrastructure charge, an external-cost charge is applied for heavy duty vehicles and vans carrying goods by road.</i>		
54.		Amendment 25 Recital 8b (new)		
55.		<i>(8b) In order to ensure an appropriate re-use of revenues from external-cost charges, it would be appropriate for those revenues to be reinvested in the transport infrastructure sector in order to promote more sustainable modes of transport with a lower environmental impact.</i>		
56.		Amendment 27		

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		Recital 9		
57.	(9) The variation of infrastructure charges according to Euro emission class has contributed to the use of cleaner vehicles. However, with the renewal of vehicle fleets, the variation of charges on this basis on the inter-urban network is expected to become obsolete by the end of 2020 and should therefore be phased out by that time. From the same point in time, external-cost charging should be applied more systematically, as a targeted means to recover external cost in respect of situations in which it matters most.	(9) The variation of infrastructure charges according to Euro emission class has contributed to the use of cleaner vehicles. However, with the renewal of vehicle fleets, the variation of charges on this basis on the inter-urban network is expected to become obsolete less effective by the end of 2020 and should therefore be phased out by that time. From the same point in time, external-cost charging should be applied more systematically, as a targeted means to recover external cost in respect of situations in which it matters most.	(9) The variation of infrastructure charges according to Euro emission class has contributed to the use of cleaner vehicles. However, with the renewal of vehicle fleets, the variation of charges on this basis on the inter-urban network is expected to become obsolete [...] <u>in the medium-term.</u> [...] <u>Member States should therefore be allowed to discontinue toll variation on this basis.</u>	
58.	(10) The share of CO2 emissions from heavy duty vehicles is increasing. A variation of infrastructure charges according to such emissions is capable of contributing to improvements in this area and should therefore be introduced.		(10) [...] <u>At the same time, as the</u> share of CO ₂ emissions from heavy duty vehicles is increasing, <u>a</u> variation of infrastructure charges <u>and user charges</u> according to [...] <u>CO₂ emissions</u> [...], capable of contributing to improvements in this area [...], should [...] be introduced. <u>In the case of</u>	

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			<u>common systems of user charges, which may contribute to further harmonisation, the implementation of the variation is more complex, notably because of the conditions to be fulfilled by such common systems. Since participating Member States have to agree on the distribution of the revenues accruing from the user charge while its levels are limited by Article 7a, as well as amend international agreements, it is justified to allow additional time for the implementation of the variation based on CO₂ emissions in such a specific case. In all cases, the variation should be designed in a way that is consistent with Regulation (EU) 2019/1242.</u>	
59.	(11) Light duty vehicles generate two thirds of the negative environmental and health impacts of road transport. It is therefore important to incentivise the use of the cleanest and most fuel-efficient		(11) [...] <u>Until CO₂ emissions are addressed by more suitable instruments, such as harmonised fuel taxes including a carbon component or until road transport is</u>	

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	<p>vehicles through the differentiation of road charges based on conformity factors defined in Commission Regulation (EU) 2016/427⁸, Commission Regulation (EU) 2016/646⁹, and Commission Regulation (EU) 2017/xxx¹⁰.</p> <p>-----</p> <p>⁸ Commission Regulation (EU) 2016/427 of 10 March 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ L 82, 31.3.2016, p. 1–98)</p> <p>⁹ Commission Regulation (EU) 2016/646 of 20 April 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ L 109, 26.4.2016, p. 1–22).</p> <p>¹⁰</p>		<p><u>covered by an emission trading system, Member States should also be allowed to apply an external cost charge reflecting the cost of CO₂ emissions. Where justified by scientific evidence, Member States should have the possibility to apply higher external cost charges for CO₂ emissions than the reference values set out in this Directive.</u></p>	
60.		Amendment 28 Recital 12		
61.	(12) In order to promote the use of the cleanest and most efficient vehicles, Member States should	(12) In order to promote the use of the cleanest and most <i>more</i> efficient vehicles, Member	(12) In order to [...] <u>incentivise a cleaner vehicle fleet of heavy duty vehicles, the variation of</u>	

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	apply significantly reduced road tolls and user charges to those vehicles.	States should apply significantly reduced road tolls and user charges to those vehicles. <i>To facilitate and speed up the implementation of such schemes, those reductions ought to be applied regardless of the entry into force of Commission Regulation (EU) .../... implementing Regulation (EU) No 595/2009 as regards the certification of the CO² emissions and fuel consumption of heavy-duty vehicles. Zero-emission vehicles should not be subject to any external-cost charge related to air pollution.</i>	<u>the infrastructure and user charges based on their CO₂ emissions should be mandatory, except where an external cost charge for CO₂ is applied.</u>	
62.		Amendment 29 Recital 12a (new)		
63.		<i>(12a) Trans-Alpine transit represents a particular problem for the regions affected, in the form of noise and air pollution and wear and tear on infrastructure, which is exacerbated by cost competition with nearby corridors. The regions affected and the Member States must therefore be afforded a broad measure of</i>		

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		<i>flexibility when it comes to the charging of external costs and the implementation of traffic-management measures, not least with a view to preventing unwanted displacement effects and the diversion of traffic between corridors.</i>		
64.		Amendment 30 Recital 13		
65.	(13) Road congestion, to which all motor vehicles contribute in different proportions, represents a cost of about 1% of GDP. A significant part of this cost can be attributed to interurban congestion. A specific congestion charge should therefore be allowed, on condition that it is applied to all vehicle categories. In order to be effective and proportionate, the charge should be calculated on the basis of the marginal congestion cost and differentiated according to location, time and vehicle category. In order to maximise the positive effect of congestion	(13) Road congestion, to which all motor vehicles contribute in different proportions, represents a cost of about 1% of GDP. A significant part of this cost can be attributed to interurban congestion. A specific congestion charge should therefore be allowed, on condition that it is applied to all vehicle categories. In order to be effective and , proportionate <i>and non-discriminatory</i> , the charge should be calculated on the basis of the marginal congestion cost and differentiated according to location, time and vehicle category. <i>Similarly, balancing and compensatory formulae</i>	(13) [...] <u>In order to reward the best performing heavy duty vehicles, Member States should be allowed to apply the highest level of reductions in charges to vehicles operated without tailpipe emissions. To further incentivise the rollout of zero-emission vehicles, Member States should be allowed to temporarily exempt them from road charges. For the same reasons and to ensure that the share of vehicles benefitting from toll reduction remains stable throughout the years, guaranteeing long-term planning certainty for Member</u>	

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	charges, corresponding revenues should be allocated to projects addressing the sources of the problem.	<i>need to be found that do not discriminate against workers living on the outskirts of cities, who would already have to bear the costs of both user charges and tolls.</i> In order to maximise the positive effect of congestion charges, corresponding revenues should be allocated to projects addressing the sources of the problem.	<u>States in terms of toll revenue, new vehicles should be allocated to CO2 emission classes based on their performance against the linear emission reduction trajectory between 2021 and 2030, as defined in Regulation 2019/1242.</u>	
66.		Amendment 31 Recital 13a (new)		
67.		<i>(13a) To help safeguard the Union's automobile heritage, Member States should place vehicles of historical interest in a special category for the purposes of adjusting the various charges payable under this Directive.</i>		
68.	(14) Congestion charges should reflect the actual costs imposed by each vehicle on other road users directly, and indirectly on society at large, in a proportionate manner. In order to avoid that they disproportionately hinder the		(14) [...] <u>Currently Regulation (EU) 2019/1242 does not define emission reduction trajectories for groups of heavy duty vehicles not covered by Article 2(1) points (a) to (d) of that Regulation. In light of Article</u>	

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	free movement of people and goods, they should be limited to specific amounts reflecting marginal congestion cost in near capacity condition, that is to say when traffic volumes approach road capacity.		<u>15 thereof, it is possible that this act will be amended in the future and that emission reduction trajectories will be defined for such groups of vehicles. Where the Union legislator would adopt such an amendment, the variation of infrastructure charges and user charges for heavy duty vehicles in accordance with class 2 and 3 should apply also to those groups of vehicles. Where the Union legislator does not adopt such an amendment, the variation for those groups of vehicles should only be made for classes 1, 4 and 5.</u>	
69.	(15) The revenue-neutral variation of infrastructure charges applied to heavy goods vehicles, a suboptimal instrument for the purpose of reducing congestion, should be phased out.		(15) [...] <u>The Commission should consider, where appropriate, proposing an amendment to this Directive introducing CO₂ emission class 2 and class 3 for all heavy-duty vehicles following the principles applied for heavy-duty vehicles currently regulated by Regulation (EU) 2019/1242 for</u>	

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			<u>their CO₂ emissions if the scope of this Regulation is extended to other heavy-duty vehicles</u>	
70.		Amendment 32 Recital 15a (new)		
71.		<i>(15a) In view of the high external costs of accidents, which amount to tens of billions of euros a year, Member States should be given the possibility, in connection with the provisions on the average social cost of fatal and serious accidents under Directive 2008/96/EC of the European Parliament and of the Council^{1a}, of better internalising costs not covered by insurance arrangements. A proportion of those costs would be met by the relevant social security scheme or by society as a whole, such as the administrative costs of public services drawn on, certain costs of medical services drawn on, and human capital losses and the cost of physical and psychological harm.</i>		

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		----- <i>1a Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).</i>		
72.		Amendment 33 Recital 16		
73.	(16) Mark-ups added to the infrastructure charge could also provide a useful contribution to addressing problems related to significant environmental damage or congestion caused by the use of certain roads, not only within mountainous areas. The current restriction of mark-ups to such areas should therefore be removed. In order to avoid double charging of users, mark-ups should be excluded on road sections on which a congestion charge is applied.	(16) Mark-ups added to the infrastructure charge could also provide a useful contribution to addressing problems related to significant environmental damage or congestion caused by the use of certain roads, not only within mountainous areas. The current restriction of mark-ups to such areas should therefore be removed. <i>Mark-ups should therefore be facilitated by removing the current restrictions limiting them to such areas, as should the allocation thereof to projects within the core network of the trans-European transport network.</i> In order to avoid double charging of users, mark-ups should be excluded <i>more</i>	(16) [...] <u>This Directive should incentivise the reduction of CO₂ emissions through technical improvements of combinations of heavy goods motor vehicles and their (semi-)trailers. Therefore, Article 7g-a provides for a reduction of road charges of heavy goods motor vehicles with low CO₂ emissions. For full regulatory consistency, once legally certified values for the effect of (semi-)trailers on the CO₂ emissions of heavy goods vehicle combinations are available, the Commission should, where appropriate, make a proposal amending this Directive in order to</u>	

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		<i>strictly limited</i> on road sections on which a congestion charge is applied. <i>The maximum level should also be adapted to differing circumstances.</i>	<u>include these certified values when determining the reduction of road charges provided for by Article 7g-a.</u>	
74.	(17) In case a Member State introduces a system of road charging, compensations granted may, according to the case, result in the discrimination of non-resident road users. The possibility to grant compensation at such occasion should therefore be limited to the cases of tolls and should no longer be available in the case of user charges.		[...]	
75.		Amendment 34 Recital 17a (new)		
76.		<i>(17a) As in respect to light duty vehicles, it is important to ensure that this Directive does not hamper the free movement of citizens . Member States should be allowed to introduce discounts and reductions when road users are disproportionately affected by charges due to geographical or social reasons.</i>		

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77.		Amendment 35 Recital 18		
78.	(18) In order to exploit potential synergies among existing road charging systems so as to reduce operating costs, the Commission should be fully involved in the cooperation among Member States intending to introduce common road charging schemes.	(18) In order to exploit potential synergies among existing road charging systems so as to reduce operating costs, the Commission should be fully involved in the cooperation among Member States intending to introduce common <i>and interoperable</i> road charging schemes.	(17) [...] <u>In order to continue to incentivise the renewal of the fleet and to avoid the distortion of the second-hand market of heavy duty vehicles, the classification of vehicles belonging to CO₂ emission class 2 and 3 should be reassessed every 6 years from their first registration. In order to minimise administrative burden, the validity of user charges valid before the date of reclassification should not be affected.</u>	
79.			(18) <u>As regards the entry into force of the reclassification in user charge systems, the choice of an appropriate model depends on specific considerations on administrative consequences and effects on revenue. Therefore, the decision how to implement the reclassification in user charge systems should</u>	

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			<u>be left up to the Member States (or group of Member States in the case of common systems).</u>	
80.			<u>In order to ensure coherent application of toll variation based on CO2 emissions, it is necessary to amend Directive 1999/37/EC in such a way as to indicate, where available on their Certificate of Conformity, the specific CO2 emissions of heavy duty vehicles on their registration certificate.</u>	
81.		Amendment 36 Recital 19		
82.	(19) Road charges can mobilise resources that contribute to the financing of the maintenance and development of high quality transport infrastructure. It is therefore appropriate to incentivise Member States to use revenues from road charges accordingly and, to this end, to require that they adequately report on the use of such revenues. That should in particular help identifying	(19) Road charges can mobilise resources that contribute to the financing <i>and cross-financing of alternative transport infrastructure projects and</i> the maintenance and development of high quality transport infrastructures <i>and services</i> . It is therefore appropriate <i>for</i> Member States to use revenues from road charges accordingly and that they <i>be required to</i> adequately report on the use of	(19) [...] <u>For the same reason, it is important to ensure that on-board equipment used as part of a toll service contain the data relating to the CO₂ emissions and the CO₂ emission class of heavy duty vehicles, and that such data are available for the exchange of information between Member States, as defined in Directive (EU) 2019/520. Therefore,</u>	

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	possible financing gaps, and raising the public acceptance of road charging.	such revenues. <i>Revenues from infrastructure charges and external cost charges should therefore be reinvested in the transport sector.</i> That should in particular help identifying possible financing gaps, and raising the public acceptance of road charging.	<u>Directive (EU) 2019/520 should be amended accordingly.</u>	
83.	(20) Since the objective of this Directive is in particular to ensure that national pricing schemes applied to vehicles other than heavy goods vehicles are applied within a coherent framework that secures equal treatment across the Union, cannot be sufficiently achieved at Member State level but can rather, by reason of the cross-border nature of road transport and of the problems this Directive is intended to address, 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 European Union. In accordance with the principle of		(20) [...] <u>Light duty vehicles generate two thirds of the negative environmental and health impacts of road transport. It is therefore important to incentivise the use of the cleanest and most fuel-efficient vehicles through the differentiation of road charges based on their specific CO₂ emission and their pollutant emissions determined in accordance with Commission Regulation (EU) 2017/1151⁸ and in relation to Regulation (EU) 2019/631 of the European Parliament and of the Council⁹. In order to promote the use of the cleanest and most efficient vehicles,</u>	

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	proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.		<p><u>Member States should be allowed to apply significantly reduced road tolls and user charges to those vehicles.</u></p> <p>_____</p> <p><u>(8) Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008.</u></p> <p><u>(9) Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂</u></p>	

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			<u>emission performance standards for new passenger cars and new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011</u>	
84.			<u>(20a) In order not to penalise the development and use of zero-emission light duty vehicles because of the additional weight related to the zero-emission technology, Member States should be allowed to apply reduced rates or exemptions to such vehicles.</u>	
85.		Amendment 37 Recital 21		
86.	(21) It is necessary to ensure that external-cost charges continue to reflect the cost of air pollution and noise generated by heavy duty vehicles as accurately as possible without rendering the charging scheme excessively complex, to incentivise the use of the most fuel-efficient vehicles, and to keep the incentives effective and the differentiation of road charges up-to-date. Therefore,	(21) It is necessary to ensure that external-cost charges continue to reflect the cost of air pollution and noise generated by heavy duty vehicles as accurately as possible without rendering the charging scheme excessively complex, to incentivise the use of the most fuel-efficient vehicles, and to keep the incentives effective and the differentiation of road charges up-to-date. Therefore,	<u>(20b)[...] Road congestion, to which all motor vehicles contribute in different proportions, represents a cost of about 1% of GDP. A significant part of this cost can be attributed to interurban congestion. A specific congestion charge should therefore be allowed, on condition that it is applied to heavy and light vehicle categories alike. In view of</u>	

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	the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission for the purpose of adapting the reference values for external cost charging to scientific progress, defining the modalities for the revenue-neutral variation of infrastructure charges according to the CO2 emissions from heavy duty vehicles, and adapting the modalities of the variation of infrastructure charges for light duty vehicles to technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 ¹¹ . In particular, to ensure equal participation in the preparation of delegated acts, the	the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission for the purpose of adapting the reference minimum values for external cost charging to scientific progress, defining the modalities for the revenue-neutral variation of infrastructure charges according to the CO2 emissions from heavy duty vehicles, and adapting the modalities of the variation of infrastructure charges for light duty vehicles to technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 ¹¹ . In particular, to ensure equal participation in the	<u>their potential contribution to reduce congestion, Member States may want to exclude collective means, that is minibuses, buses and coaches from such a congestion charge. In order to be effective and proportionate, the charge should be calculated on the basis of the marginal congestion cost and differentiated according to location, time and vehicle category.</u>	

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	European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ----- ¹¹ OJ L 123, 12.5.2016, p. 1.	preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ----- ¹¹ OJ L 123, 12.5.2016, p. 1.		
87.		Amendment 38 Recital 21a (new)		
88.		<i>(21a) No later than two years after the entry into force of the Directive, the Commission will put forward a generally applicable, transparent and clear framework for the internalisation of environmental, congestion and health costs that will form the basis for future calculations of infrastructure charges. In this connection, the Commission should be able to propose a model accompanied by an analysis of the impact on external-cost internalisation for</i>		

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		<i>all transport modes. As regards proportionality, account must be taken of all modes in connection with external-cost charging.</i>		
89.		Amendment 39 Recital 21b (new)		
90.		<i>(21b) In the interest of transparency, it would be appropriate for Member States to disclose to road users the results achieved by the reinvestment of infrastructure charges, external-cost charges and congestion charges. They should therefore announce the benefits obtained in terms of improved road safety, reduced environmental impact and reduced traffic congestion.</i>		
91.	(22) In order to ensure uniform conditions for the implementation of the relevant provisions of this Directive, implementing powers should be conferred on the Commission. The advisory procedure should be used for the adoption of implementing acts establishing a		<u>(21) [...]</u> <u>Congestion charges should reflect the actual costs imposed by each vehicle on other road users directly, and indirectly on society at large, in a proportionate manner. In order to avoid that they disproportionately hinder the</u>	

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	<p>harmonised set of indicators for the evaluation of the quality of road networks. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council¹².</p> <p>-----</p> <p>¹² Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>		<p><u>free movement of people and goods, they should be limited to specific amounts reflecting social marginal congestion costs in near capacity condition, that is to say when traffic volumes approach road capacity. For the same reason, a congestion charge should not be applied in combination with an infrastructure charge that is varied according to the time of day, type of day or season for the purpose of reducing congestion.</u></p>	
92.			<p><u>(22) Taking into account the fact that existing concession contracts may contain different arrangements than the ones set out in this Directive and to ensure their financial viability, it is nevertheless appropriate to require existing concession contracts to comply with the</u></p>	

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			<u>requirement of varying the infrastructure charge only once they are substantially amended.</u>	
93.			<u>(23) Mark-ups added to the infrastructure charge could also provide a useful contribution to addressing problems related to significant environmental damage or congestion caused by the use of certain roads, not only within mountainous areas. The current restriction of mark-ups to such areas should therefore be removed. In the case of two or more Member States levying higher mark-ups in the same corridor, it should be taken into account that these mark-ups might have negative effects on other Member States on the same corridor. Also, in order to avoid double charging of users, mark-ups should be excluded on road sections on which a congestion charge is applied. In this respect and in order to avoid adverse effects on the</u>	

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			<u>economic development of peripheral regions, the Commission shall adopt Implementing Acts in accordance with the examination procedure</u>	
94.			<u>(24) In case a Member State introduces a system of road charging, compensations granted may, according to the case, result in the discrimination of non-resident road users. The possibility to grant compensation at such occasion should therefore be limited to the cases of tolls and should no longer be available in the case of user charges.</u>	
95.			<u>(25) In order to exploit potential synergies among existing road charging systems so as to reduce operating costs, the Commission should be fully involved in the cooperation among Member States intending to introduce common road charging schemes.</u>	
96.			<u>(26) Since the objective of this Directive, namely to ensure</u>	

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			<u>that national charges of vehicles for the use of certain infrastructure are applied within a coherent framework that secures equal treatment across the Union, cannot be sufficiently achieved at Member State level but can rather, by reason of the cross-border nature of road transport and of the problems this Directive is intended to address, 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 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 that objective.</u>	
97.			<u>(27) It is necessary to ensure that external-cost charges continue to reflect the cost of air pollution, noise and climate change generated by heavy</u>	

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			<u>duty vehicles as accurately as possible without rendering the charging scheme excessively complex, to incentivise the use of the most fuel-efficient vehicles, and to keep the incentives effective and the differentiation of road charges up-to-date.</u>	
98.			<u>(28) Therefore, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission for the purpose of adapting the reference values for external cost charging to scientific progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016¹⁰. In particular, to</u>	

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			<p><u>ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</u></p> <p>_____</p> <p>⁽¹⁰⁾ OJ L 123, 12.5.2016, p. 1.</p>	
99.			<p><u>(29) The Commission should adopt implementing acts to specify the reference CO₂ emissions for the sub-groups of heavy duty vehicles not covered by Article 2(1) points (a) to (d) of Regulation (EU) 2019/1242. The Commission should reproduce the data relevant for such vehicle groups published in the report referred to in Article 10 of Regulation (EU) 2018/956. In light of the limited nature of the implementing powers conferred on the Commission,</u></p>	

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			<u>it is not necessary to provide for control by a committee composed of Member State representatives prior to their adoption.</u>	
100.	(23) Directive 1999/62/EC should therefore be amended accordingly,	.	(30) Directive 1999/62/EC should therefore be amended accordingly,	
101.	HAVE ADOPTED THIS REGULATION:			
102.	Article 1		Article 1	
103.	Directive 1999/62/EC is amended as follows:		Directive 1999/62/EC is amended as follows:	
104.	(1) the title is replaced by the following		(1) the title is replaced by the following	
105.		Amendment 40 Article 1 – paragraph 1 – point 1		
106.	"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";	Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the distance based charging of vehicles for the use of road infrastructures;	"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";	
107.	(2) Articles 1 and 2 are replaced by the following:		(2) Articles 1 and 2 are replaced by the following:	
108.	<i>"Article 1</i>		<i>"Article 1</i>	
109.	1. This Directive applies to:		1. This Directive applies to:	
110.	(a) vehicle taxes for heavy		(a) vehicle taxes for heavy	

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	goods vehicles,		goods vehicles,	
111.	(b) tolls and user charges imposed on vehicles.		(b) tolls and user charges imposed on vehicles.	
112.	2. This Directive shall not apply to vehicles carrying out transport operations exclusively in the non-European territories of the Member States.		2. This Directive shall not apply to vehicles [...] exclusively <u>used</u> in the non-European territories of the Member States.	
113.	3. This Directive shall not apply to vehicles registered in the Canary Islands, Ceuta and Melilla, the Azores or Madeira and carrying out transport operations exclusively in those territories or between those territories and, respectively, mainland Spain and mainland Portugal.		3. This Directive shall not apply to <u>heavy duty</u> vehicles registered in the Canary Islands, Ceuta and Melilla, the Azores or Madeira and carrying out transport operations exclusively in those territories or between those territories and, respectively, mainland Spain and mainland Portugal.	
114.			<u>4. Member States may choose not to apply paragraph 3 of Article 7ca, paragraphs 1 and 2 of Article 7g and Article 7g-a to tolls and user charges on road infrastructures covered by concession contracts, until the contract is renewed or the tolling or charging arrangement is substantially amended, and where</u>	

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115.			<u>(a) the contract was signed before [OJ: add the date of entry into force of the amending Directive]; or</u>	
116.			<u>(b) the tenders or responses to invitations to negotiate under the negotiated procedure were received pursuant to a public procurement process before [OJ: add the date of entry into force of the amending Directive].</u>	
117.			<u>5. Paragraph 4 applies also to long-term contracts, concluded between a public and non-public entity, signed before [OJ: add the date of entry into force of the amending Directive] for execution of works and/or management of services other than the execution of works not encompassing the transfer of the demand risk.</u>	
118.	<i>Article 2</i>		<i>Article 2</i>	
119.	For the purposes of this Directive:		For the purposes of this Directive:	
120.	(1) 'trans-European road		(1) 'trans-European road	

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	<p>network’ means the road transport infrastructure referred to in Section 3 in Chapter II of Regulation (EU) No 1315/2013 of the European Parliament and of the Council* as illustrated by maps in Annex I to that Regulation;</p> <p>-----</p> <p>* Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network (OJ L 348 20.12.2013, p. 1.)</p>		<p>network’ means the road transport infrastructure referred to in Section 3 in Chapter II of Regulation (EU) No 1315/2013 of the European Parliament and of the Council* as illustrated by maps in Annex I to that Regulation;</p> <p>-----</p> <p>* Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network (OJ L 348 20.12.2013, p. 1.)</p>	
121.	(2) ‘construction costs’ means the costs related to construction, including, where appropriate, the financing costs, of one of the following:		(2) ‘construction costs’ means the costs related to construction, including, where appropriate, the financing costs, of one of the following:	
122.		Amendment 41 Article 2 – paragraph 1 – point 2 – point a		
123.	(a) new infrastructure or new infrastructure improvements, including significant structural repairs;	(a) new infrastructure or new infrastructure improvements, including significant structural repairs <i>or alternative transport</i>	(a) new infrastructure or new infrastructure improvements, including significant structural repairs;	

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		<i>infrastructure for modal shift;</i>		
124.	(b) infrastructure or infrastructure improvements, including significant structural repairs, completed no more than 30 years before 10 June 2008, where tolling arrangements were already in place on 10 June 2008, or completed no more than 30 years before the establishment of any new tolling arrangements introduced after 10 June 2008;		(b) infrastructure or infrastructure improvements, including significant structural repairs, completed no more than 30 years before 10 June 2008, where tolling arrangements were already in place on 10 June 2008, or completed no more than 30 years before the establishment of any new tolling arrangements introduced after 10 June 2008;	
125.	(c) infrastructure or infrastructure improvements completed before 10 June 2008 where:		(c) infrastructure or infrastructure improvements completed <u>more than 30 years</u> before 10 June 2008 where:	
126.	(i) a Member State has established a tolling system which provides for the recovery of these costs by means of a contract with a tolling system operator, or other legal acts having equivalent effect, which entered into force before 10 June 2008, or		(i) a Member State has established a tolling system which provides for the recovery of these costs by means of a contract with a tolling system operator, or other legal acts having equivalent effect, which entered into force before 10 June 2008, or	
127.	(ii) a Member State can demonstrate that the case for building the infrastructure in question depended on its having		(ii) a Member State can demonstrate that the case for building the infrastructure in question depended on its having	

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	a design lifetime in excess of 30 years.		a design lifetime in excess of 30 years.	
128.	(3) ‘financing costs’ means interest on borrowings and return on any equity funding contributed by shareholders;		(3) ‘financing costs’ means interest on borrowings and return on any equity funding contributed by shareholders;	
129.	(4) ‘significant structural repairs’ means structural repairs excluding those repairs no longer of any current benefit to road users, in particular where the repair work has been replaced by further road resurfacing or other construction work;		(4) ‘significant structural repairs’ means structural repairs excluding those repairs no longer of any current benefit to road users, in particular where the repair work has been replaced by further road resurfacing or other construction work;	
130.	(5) ‘motorway’ means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which meets the following criteria:		(5) ‘motorway’ means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which meets the following criteria:	
131.	(a) it is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other either by a dividing strip not intended for traffic or, exceptionally, by other means;		(a) it is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other either by a dividing strip not intended for traffic or, exceptionally, by other means;	
132.	(b) it does not cross at grade		(b) it does not cross at grade	

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	with any road, railway or tramway track, bicycle path or footpath;		with any road, railway or tramway track, bicycle path or footpath;	
133.	(c) it is specifically designated as a motorway;		(c) it is specifically designated as a motorway;	
134.		Amendment 42 Article 2 – paragraph 1 – point 6		
135.	(6) ‘toll’ means a specified amount based on the distance travelled on a given infrastructure and on the type of the vehicle, the payment of which confers the right for a vehicle to use the infrastructures, comprising an infrastructure charge, and as the case may be a congestion charge or an external-cost charge or both;	(6) ‘toll’ means a specified amount based on the distance travelled on a given infrastructure and on the type of the vehicle, the payment of which confers the right for a vehicle to use the infrastructures, comprising <i>one or more of the following charges:</i> an infrastructure charge, and as the case may be a congestion charge or or an external-cost charge or both;	6) ‘toll’ means a specified amount based on the distance travelled on a given infrastructure and on the type of the vehicle, the payment of which confers the right for a vehicle to use the infrastructures, comprising <u>one or more of the following charges:</u> - an infrastructure charge; - [...] a congestion charge; - an external-cost charge; <u>[...]</u>	
136.	(7) ‘infrastructure charge’ means a charge levied for the purpose of recovering the construction, the maintenance, the operation and the development costs related to infrastructure incurred in a Member State;		(7) ‘infrastructure charge’ means a charge levied for the purpose of recovering the construction, the maintenance, the operation and the development costs related to infrastructure incurred in a Member State;	

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137.	(8) ‘external-cost charge’ means a charge levied for the purpose of recovering the costs incurred in a Member State related to traffic-based air pollution or traffic-based noise pollution or both;		(8) ‘external-cost charge’ means a charge levied for the purpose of recovering the costs [...] related to traffic-based air pollution, [...] traffic-based noise pollution <u>and/or traffic-based CO₂ emissions [...]</u> ;	
138.			<u>(8b)</u> ‘cost of traffic-based noise pollution’ means the cost of the damage caused by the noise emitted by the vehicles or created by their interaction with the road surface;	
139.			<u>(8c)</u> ‘ cost of traffic-based CO₂ emissions ’ means the cost of the damage caused by the release of carbon dioxide in the course of the operation of a vehicle;	
140.	(9) ‘congestion’ means a situation where traffic volumes approach or exceed road capacity;		(9) ‘congestion’ means a situation where traffic volumes approach or exceed road capacity;	
141.	(10) ‘congestion charge’ means a charge which is levied on vehicles for the purpose of recovering the congestion costs incurred in a Member State and reducing congestion;		(10) ‘congestion charge’ means a charge which is levied on vehicles for the purpose of recovering the congestion costs incurred in a Member State and reducing congestion;	
142.		Amendment 43		

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		Article 2 – paragraph 1 – point 11		
143.	(11) ‘cost of traffic-based air pollution’ means the cost of the damage caused by the release of particulate matter and of ozone precursors, such as nitrogen oxide and volatile organic compounds, in the course of the operation of a vehicle;	(11) ‘cost of traffic-based air pollution’ means the cost of the <i>harm to human health and of the environment</i> by the release of particulate matter and of ozone precursors, such as nitrogen oxide and volatile organic compounds, in the course of the operation of a vehicle;	(11) [...]]	
144.		Amendment 44 Article 2 – paragraph 1 – point 12		
145.	(12) ‘cost of traffic-based noise pollution’ means the cost of the damage caused by the noise emitted by the vehicles or created by their interaction with the road surface;	(12) ‘cost of traffic-based noise pollution’ means the cost of the <i>harm to human health and of the environment</i> by the noise emitted by the vehicles or created by their interaction with the road surface;	(12) [...]]	
146.	(13) ‘weighted average infrastructure charge’ means the total revenue of an infrastructure charge over a given period divided by the number of heavy		(13) ‘weighted average infrastructure charge’ means the total revenue of an infrastructure charge over a given period divided by the number of heavy	

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	duty vehicle kilometres travelled on the road sections subject to the charge during that period;		duty vehicle kilometres travelled on the road sections subject to the charge during that period;	
147.	(14) ‘user charge’ means a specified amount payment of which confers the right for a vehicle to use for a given period the infrastructures referred to in Article 7(1) and (2);		(14) ‘user charge’ means a specified amount payment of which confers the right for a vehicle to use for a given period the infrastructures referred to in Article 7(1) and (2);	
148.	(15) ‘vehicle’ means a motor vehicle, with four wheels or more, or articulated vehicle combination intended or used for the carriage by road of passengers or goods;		(15) ‘vehicle’ means <u>[...]-a motor vehicle, with four wheels or more, or articulated vehicle combination intended or used for the carriage by road of passengers or goods;</u>	
149.	(16) ‘heavy duty vehicle’ means a heavy goods vehicle or a coach or bus;		(16) ‘heavy duty vehicle’ means a <u>[...] motor vehicle having a technically permissible maximum [...] laden mass exceeding 3,5 tonnes;</u>	
150.	(17) ‘heavy goods vehicle’ means a vehicle intended for the carriage of goods and having a maximum permissible mass exceeding 3.5 tonnes;		(17) ‘heavy goods vehicle’ means a vehicle intended for the carriage of goods and having a <u>technically permissible maximum laden mass [...]</u> exceeding 3,5 tonnes;	
151.	(18) ‘coach or bus’ means a vehicle intended for the carriage of more than 8 passengers, in		(18) ‘coach <u>[...]</u> and bus’ means a vehicle intended for the carriage of more than 8	

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	addition to the driver, and having a maximum permissible mass exceeding 3.5 tonnes;		passengers, in addition to the driver, and having a <u>technically permissible maximum laden mass [...]</u> exceeding 3,5 tonnes;	
152.		Amendment 46 Article 2 – paragraph 1 – point 18a (new)		
153.		<i>(18a) ‘light vehicle’ means a light duty vehicle or a passenger car;</i>		
154.		Amendment 47 Article 2 – paragraph 1 – point 19		
155.	(19) ‘light duty vehicle’ means a passenger car, a minibus or van;	(19) ‘light duty vehicle’ means a passenger car, a minibus <i>minibus, a van or a van intended for the carriage of goods;</i>	(19) ‘light duty vehicle’ means <u>[...] a vehicle having a technically permissible maximum laden mass [...] not exceeding 3,5 tonnes;</u>	
156.	(20) ‘passenger car’ means a vehicle with four wheels intended for the carriage of passengers but not more than eight passengers, in addition to the driver;		(20) ‘passenger car’ means a vehicle <u>[...] comprising not more than eight seating positions in addition to the driver’s seating position, or a motor caravan, and having a technically permissible maximum laden mass [...] not exceeding 3,5 tonnes, [...];</u>	
157.		Amendment 48		

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		Article 2 – paragraph 1 – point 20a (new)		
158.		<p><i>(20a) 'vehicle of historical interest' a vehicle that is of historical interest within the meaning of Article 3(7) of Directive 2014/45/EU of the European Parliament and of the Council*</i></p> <p>-----</p> <p><i>* 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 and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).</i></p>		
159.	(21) ‘minibus’ means a vehicle intended for the carriage of more than eight passengers, in addition to the driver, and having a maximum permissible mass not exceeding 3,5 tonnes;		(21) ‘minibus’ means a vehicle intended for the carriage of more than eight passengers, in addition to the driver, and having <u>technically permissible maximum laden mass [...]</u> not exceeding 3,5 tonnes;	
160.			<u>(21a) ‘motor caravan’ means a vehicle with a living accommodation space, which contains equipment as: seats</u>	

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			<u>and table, sleeping accommodation which may be converted from the seats, cooking facilities and storage facilities</u>	
161.		Amendment 49 Article 2 – paragraph 1 – point 22		
162.	(22) ‘van’ means a vehicle intended for the carriage of goods, and having a maximum permissible mass not exceeding 3,5 tonnes;	(22) ‘van’ means a vehicle intended for the carriage of goods, and other than a passenger car having a maximum permissible mass not exceeding 3,5 tonnes;	(22) <u>‘[...] light commercial vehicle’</u> means a vehicle intended for the carriage of goods, and having a technically permissible maximum laden mass [...] not exceeding 3,5 tonnes	
163.		Amendment 50 Article 2 – paragraph 1 – point 22a (new)		
164.		<i>(22a) ‘van intended for the carriage of goods’ means a vehicle, engaged in the occupation of road transport operator as set out in Regulation (EC) 1071/2009 of the European Parliament and of the Council*, and with a maximum permissible laden mass of between 2.4 and 3.5 tonnes and a height of more</i>		

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		<p><i>than 2 metres.</i></p> <p>-----</p> <p><i>* Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).</i></p>		
165.		Amendment 51 Article 2 – paragraph 1 – point 22b (new)		
166.		<i>(22b) ‘zero-emission operation’ means a vehicle that operates with no tailpipe exhaust emissions during the entirety of a covered road network, in a verifiable manner;</i>		
167.	(23) ‘zero-emission vehicle’ means a vehicle with no exhaust emissions;		(23) [...] <u>‘CO₂ emissions’ of a heavy-duty vehicle means its specific CO₂ emissions provided in point 2.3 of its Customer Information file as defined in</u>	

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			<u>Part II of Annex IV of Regulation (EU)2017/2400;</u>	
168.			<u>(23a) 'zero-emission vehicle' means a</u>	
169.			<u>i) passenger car, a minibus or a light commercial vehicle without an internal combustion engine; or</u>	
170.			<u>ii) heavy-duty vehicle as defined in point (16) to which the criteria of Article 3(11) of Regulation (EU) 2019/1242¹¹ apply;</u> <u>(11) Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ 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. 202–240</u>	
171.			<u>(23b) 'low-emission heavy-duty vehicle' means a heavy-duty vehicle as defined in Article</u>	

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			<u>3(12) of Regulation (EU) 2019/1242, or a heavy-duty vehicle not in the scope of Article 2(1) points (a)-(d) of that regulation with CO2 emissions lower than 50% of the reference CO2 emissions of its vehicle group, other than a zero-emission vehicle;</u>	
172.		Amendment 52 Article 2 – paragraph 1 – point 23a (new)		
173.		<i>(23a) ‘motorcycle’ means a two-wheeled vehicle, with or without side-car, and any tricycle and any quadricycle in categories L3e, L4e, L5e, L6e and L7e referred to in Regulation (EU) No 168/2013;</i>		
174.	(24) ‘transport operator’ means any undertaking transporting goods or passengers by road;		(24) ‘transport operator’ means any undertaking transporting goods or passengers by road;	
175.	(25) ‘vehicle of the ‘EURO 0’, ‘EURO I’, ‘EURO II’, ‘EURO III’, ‘EURO IV’, ‘EURO V’, ‘EURO VI’ category’ means a heavy duty vehicle that complies with the emission limits set out in Annex 0;		(25) vehicle of the ‘EURO 0’, ‘EURO I’, ‘EURO II’, ‘EURO III’, ‘EURO IV’, ‘EURO V’, ‘EEV’, ‘EURO VI’ emission class [...] ’ means a heavy duty vehicle that complies with the emission limits set out in Annex	

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			0;	
176.	(26) ‘type of vehicle’ means a category into which a heavy duty vehicle falls according to the number of its axles, its dimensions or weight, or other vehicle classification factors reflecting road damage, e.g. the road damage classification system set out in Annex IV, provided that the classification system used is based on vehicle characteristics which either appear in the vehicle documentation used in all Member States or are visually apparent;		(26) ‘type of heavy duty vehicle’ means a category into which a heavy duty vehicle falls according to the number of its axles, its dimensions or [...] mass , or other vehicle classification factors reflecting road damage, e.g. the road damage classification system set out in Annex IV, provided that the classification system used is based on vehicle characteristics which either appear in the vehicle documentation used in all Member States or are visually apparent;	
177.			<u>(26a) ‘vehicle sub-group’ means a grouping of vehicles as defined in Article 3(8) of Regulation (EU) 2019/1242;</u>	
178.			<u>(26aa) ‘vehicle group’ means a grouping of vehicles as defined in Table 1 of Annex I of Regulation (EU) 2017/2400;</u>	
179.			<u>(26b) ‘reporting period of the year Y’ means a period as defined in Article 3(3) of Regulation (EU) 2019/1242;</u>	
180.			<u>(26c) ‘emission reduction</u>	

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			<u>trajectory $ET_{Y,sg}$ ' for the reporting period of the year Y and vehicle sub-group sg means the product of the annual CO₂ emissions reduction factor $R-ET_Y$ times the reference CO₂ emissions r_{CO_2sg} of the sub-group sg, which for years $Y \leq 2030$ are both defined in point 5.1 of Annex I of Regulation (EU) 2019/1242:</u>	
181.			<u>$ET_{Y,sg} = R-ET_Y \times r_{CO_2sg}$</u>	
182.			<u>For years $Y > 2030$, $R-ET_Y$ shall be set at 0,70.</u>	
183.			<u>Adjustments of the reference CO₂ emissions r_{CO_2sg} of the sub-group sg shall take place according to the delegated acts adopted based on Article 11(2) of Regulation 2019/1242. They shall be applied for the reporting periods commencing after the date of application of the delegated act providing for the adjustment';</u>	
184.			<u>(26e) 'reference CO₂ emissions² of a vehicle group' shall be defined as follows:</u>	

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185.			<u>(i) for vehicles covered by Regulation 2019/1242, according to the definition provided for in point 3 of Annex I of that Regulation;</u>	
186.			<u>(ii) for vehicles not covered by Regulation 2019/1242, as meaning the average value of all CO₂ emissions of vehicles in that vehicle group, reported according to Regulation (EU) 2018/956 for the first reporting period. This period 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 2017/2400, shall be prohibited in accordance with Article 24 of Regulation 2017/2400;</u>	
187.		Amendment 53 Article 2 – paragraph 1 – point 27		
188.	(27) ‘concession contract’ means a ‘public works contract’ as defined in Article 1 of	(27) ‘concession contract’ means a ‘public works contract’ ‘concession’ as defined in Article	(27) ‘concession contract’ means a works <u>[...] concession or a service concession</u> as	

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	<p>Directive 2014/24/EU of the European Parliament and of the Council**;</p> <p>-----</p> <p>** Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65.)</p>	<p>5(I) of Directive 2014/24/EU of the European Parliament and of the Council****;</p> <p>-----</p> <p>**** Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65.) Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1</p>	<p>defined in Article 5(I) of Directive 2014/23/EU of the European Parliament and of the Council¹²;</p> <p>-----</p> <p>(12) Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on <u>[...] on the award of concession contracts</u> (OJ L 94, 28.3.2014, p. 1.)";</p>	
189.	(28) ‘concession toll’ means a toll levied by a concessionaire under a concession contract;		(28) ‘concession toll’ means a toll levied by a concessionaire under a concession contract;	
190.		Amendment 54 Article 2 – paragraph 1 – point 29		
191.	(29) ‘substantially amended tolling or charging arrangement’ means a tolling or charging arrangement, which has been amended in such a way that costs or revenues are affected by	(29) ‘substantially amended tolling or charging arrangement’ means a tolling or charging arrangement, which has been amended in such a way that costs or revenues are affected by	(29) ‘substantially amended tolling or charging arrangement’ means a tolling or charging arrangement, <u>where the amendment of rates is expected to increase revenues</u>	

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	at least 5% in comparison with the previous year, after correcting for inflation measured by changes in the EU-wide Harmonised Index of Consumer Prices, and excluding energy and unprocessed food, as published by the Commission (Eurostat).	at least 5% 15% in comparison with the previous year, after correcting for inflation measured by changes in the EU-wide Harmonised Index of Consumer Prices, and excluding energy and unprocessed food, as published by the Commission (Eurostat). <i>In concession contracts, modifications that fulfil the criteria of Article 43(1) and (2) of Directive 2014/23/EU shall not be considered to be substantial.</i>	<u>in excess of 10% in comparison to the previous accounting year, excluding the effect of increase in traffic and after correcting for inflation measured by changes in the EU-wide Harmonised Index of Consumer Prices, and excluding energy and unprocessed food, as published by the Commission (Eurostat) [...].</u>	
192.		Amendment 55 Article 2 – paragraph 1 – point 29a (new)		
193.		<i>(29a) ‘cross-financing’ means the financing of efficient, alternative transport infrastructure projects from revenues from tolls and infrastructure charges on existing transport infrastructure;</i>		
194.		Amendment 56 Article 2 – paragraph 1 – point 29b (new)		

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195.		<i>(29b) ‘Member States’ means all Member State authorities, i.e. central-government authorities, authorities within a federal state and other territorial authorities empowered to ensure compliance with Union law.</i>		
196.	For the purposes of point 2:		For the purposes of point 2:	
197.	(a) in any event, the proportion of the construction costs to be taken into account shall not exceed the proportion of the current design lifetime period of infrastructure components still to run on 10 June 2008 or on the date when the new tolling arrangements are introduced, where this is a later date;		(a) in any event, the proportion of the construction costs to be taken into account shall not exceed the proportion of the current design lifetime period of infrastructure components still to run on 10 June 2008 or on the date when the new tolling arrangements are introduced, where this is a later date;	
198.		Amendment 57 Article 2 – paragraph 2 – point b		
199.	(b) costs of infrastructure or infrastructure improvements may include any specific expenditure on infrastructure designed to reduce nuisance related to noise or to improve	(b) costs of infrastructure or infrastructure improvements may include any specific expenditure on infrastructure , <i>including that incurred as a result of new regulatory</i>	b) costs of infrastructure or infrastructure improvements may include any specific expenditure on infrastructure designed to reduce nuisance related to noise or to improve	

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	road safety and actual payments made by the infrastructure operator corresponding to objective environmental elements such as protection against soil contamination."	<i>requirements</i> designed to reduce nuisance related to noise, <i>to introduce innovative technologies</i> or to improve road safety and actual payments made by the infrastructure operator corresponding to objective environmental elements such as protection against soil contamination.	road safety and actual payments made by the infrastructure operator corresponding to objective environmental elements such as protection against soil contamination."	
200.		Amendment 58 Article 2 – paragraph 2 – point ba (new)		
201.		<i>(2a) In Article 6(2), the following point is added:</i>		
202.		<i>“(ba) vehicles of historical interest;”</i>		
203.	(3) Article 7 is replaced by the following:		(3) Article 7 is replaced by the following:	
204.	<i>Article 7</i>		<i>Article 7</i>	
205.	1. Without prejudice to Article 9 (1a), Member States may maintain or introduce tolls and user charges on the trans-European road network or on certain sections of that network, and on any other additional sections of their network of motorways which are not part of		1. Without prejudice to Article 9 (1a), Member States may maintain or introduce tolls and user charges on the trans-European road network or on certain sections of that network, and on any other additional sections of their network of motorways which are not part of	

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	the trans-European road network under the conditions laid down in paragraphs 3 to 9 of this Article and in Articles 7a to 7k.		the trans-European road network under the conditions laid down in paragraphs 3 to 8a [...] of this Article and in Articles 7a to 7k	
206.	2. Paragraph 1 shall be without prejudice to the right of Member States, in compliance with the Treaty on the Functioning of the European Union, to apply tolls and user charges on other roads, provided that the imposition of tolls and user charges on such other roads does not discriminate against international traffic and does not result in the distortion of competition between operators. Tolls and user charges applied on roads other than roads belonging to the trans-European road network and other than motorways, shall comply with the conditions laid down in paragraphs 3 and 4 of this Article, Article 7a and Article 7j(1), (2) and (4).		2. Paragraph 1 shall be without prejudice to the right of Member States, in compliance with the Treaty on the Functioning of the European Union, to apply tolls and user charges on other roads, provided that the imposition of tolls and user charges on such other roads does not discriminate against international traffic and does not result in the distortion of competition between operators. Tolls and user charges applied on roads other than roads belonging to the trans-European road network and other than motorways, shall comply with the conditions laid down in paragraphs 3 and 4 of this Article, Article 7a and Article 7j(1), (2) and (4).	
207.			<u>2a. Without prejudice to other provisions of this Directive, tolls and user charges for different categories</u>	

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			<u>of vehicles, such as heavy duty vehicles, heavy goods vehicles, coaches and buses, light duty vehicles, light commercial vehicles, minibuses and passenger cars may be introduced or maintained independently from each other.</u>	
208.	3. Member States shall not impose both tolls and user charges on any given category of vehicle for the use of a single road section. However, a Member State which imposes a user charge on its network may also impose tolls for the use of bridges, tunnels and mountain passes.		3. Member States shall not impose both tolls and user charges on any given category of vehicle for the use of a single road section. However, a Member State which imposes a user charge on its network may also impose tolls for the use of bridges, tunnels and mountain passes.	
209.			<u>Member States may decide not to apply paragraphs 7ca(3) and 7g-a(1) to such tolls for the use of bridges, tunnels and mountain passes where one or both of the following conditions is met:</u>	
210.			<u>(a) application of paragraphs 7ca(3) and 7g-a(1) would not be technically practicable to introduce such</u>	

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			<u>differentiation in the tolling system concerned;</u>	
211.			<u>(b) application of paragraphs 7ca(3) and 7g-a(1) would lead to diversion of the most polluting vehicles, with negative impacts on road safety and public health.</u>	
212.			<u>A Member State that decides not to apply paragraphs 7ca(3) and 7g-a(1) in accordance with the second subparagraph of this paragraph shall notify the Commission of its decision.</u>	
213.	4. Tolls and user charges shall not discriminate, directly or indirectly, on the grounds of the nationality of the road user, the Member State or the third country of establishment of the transport operator or of registration of the vehicle, or the origin or destination of the transport operation.		4. Tolls and user charges shall not discriminate, directly or indirectly, on the grounds of the nationality of the road user, the Member State or the third country of establishment of the transport operator or of registration of the vehicle, or the origin or destination of the transport operation.	
214.			<u>4a. Member States may provide for reduced toll rates or user charges and exclude road sections, in particular with low traffic intensity in sparsely populated areas.</u>	

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215.	<p>5. Member States may provide for reduced toll rates or user charges, or exemptions from the obligation to pay tolls or user charges for heavy duty vehicles exempted from the requirement to install and use recording equipment under Regulation (EU) No 165/2014 of the European Parliament and of the Council*, and in cases covered by the conditions set out in, Article 6(2)(a), (b) and (c) of this Directive.</p> <p>-----</p> <p>* Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p.</p>		<p>5. Member States may provide for reduced toll rates or user charges, or exemptions from the obligation to pay tolls or user charges for:</p>	

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	1.)			
216.			<p>(i) heavy duty vehicles exempted from the requirement to install and use recording equipment under Regulation (EU) No 165/2014 of the European Parliament and of the Council¹³; <u>[...]</u></p> <p>-----</p> <p>¹³ Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1.)</p>	
217.			<p>(ii) <u>heavy goods vehicles having a technically permissible maximum laden mass exceeding 3,5 tonnes and less than 7,5 tonnes used for</u></p>	

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			<u>carrying materials, equipment or machinery for the driver's use in the course of the driver's work, or for delivering goods which are produced on a craft basis, where the transport is not effected for hire or reward;</u>	
218.			(iii) <u>any vehicle [...]</u> covered by the conditions set out in Article 6(2)(a) <u>and</u> (b) [...] of this Directive <u>or any vehicle used or owned by persons with disabilities and</u>	
219.			(iv) <u>zero-emission vehicles with a technically permissible maximum laden mass up to 4,25t.</u>	
220.		Amendment 59 Article 7 – paragraph 6		
221.	6. Without prejudice to paragraph 9, from 1 January 2018, Member States shall not introduce user charges for heavy duty vehicles. User charges introduced before that date may be maintained until 31 December 2023.	6. Without prejudice to paragraph 9, from 1 January 2018 <i>[the date of entry into force of this Directive]</i> , Member States shall not introduce user charges for heavy duty vehicles <i>and vans intended for the carriage of goods</i> . User charges introduced before that date may be maintained until 31	[...]	

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		December 2023 2022 <i>and shall be replaced by infrastructure charges from 1 January 2023 on the road network covered by this Directive.</i>		
222.	7. From [the date of entry into force of this Directive], Member States shall not introduce user charges for light duty vehicles. User charges introduced before that date shall be phased out by 31 December 2027.		[...]	
223.	8. Until 31 December 2019, as regards heavy duty vehicles, a Member State may choose to apply tolls or user charges only to vehicles having a maximum permissible laden weight of not less than 12 tonnes if it considers that an extension to vehicles of less than 12 tonnes would:		8. Until [...] <u>[OJ: add date of entry into force plus eight years]</u> , as regards heavy <u>[...]</u> <u>goods</u> vehicles, a Member State may choose to apply tolls or user charges only to <u>heavy goods</u> vehicles having a <u>technically permissible</u> maximum <u>[...]</u> laden <u>[...]</u> <u>mass</u> of not less than 12 tonnes if it considers that <u>levying tolls or user charges to heavy goods</u> vehicles of less than 12 tonnes would:	
224.	(a) create significant adverse effects on the free flow of traffic, the environment, noise levels, congestion, health, or road safety	.	(a) create significant adverse effects on the free flow of traffic, the environment, noise levels, congestion, health, or road safety	

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	due to traffic diversion;		due to traffic diversion;	
225.	(b) involve administrative costs of more than 30 % of the additional revenue which would have been generated by that extension.		(b) involve administrative costs of more than [...] 15% of the additional revenue which would have been generated by that extension; or	
226.			<u>(c) concern a category of vehicles which does not cause more than 10% of the chargeable infrastructure costs.</u>	
227.	Member States choosing to apply tolls or user charges or both only to vehicles having a maximum permissible laden weight of not less than 12 tonnes shall inform the Commission of their decision and on the reasons thereof.		Member States choosing to apply tolls or user charges or both only to heavy goods vehicles having a technically permissible maximum [...] laden [...] mass of not less than 12 tonnes shall inform the Commission of their decision and on the reasons thereof.	
228.			<u>8a. Where tolls are applied to all heavy duty vehicles, Member States may choose to recover a different percentage of costs from coaches and buses and motor caravans, on the one hand, and from heavy goods vehicles, on the other hand.</u>	
229.		Amendment 61		

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		Article 7 – paragraph 9		
230.	9. As of 1 January 2020, tolls and user charges applied to heavy duty vehicles shall apply to all heavy duty vehicles.	9. As of 1 January 2020, tolls and user charges applied to heavy duty vehicles shall apply to all heavy duty vehicles <i>and vans intended for the carriage of goods</i>	[...]	
231.		Amendment 62 Article 7 – paragraph 10		
232.	10. Tolls and user charges for heavy duty vehicles on the one hand and for light duty vehicles on the other may be introduced or maintained independently from one another.	10. <i>Until 31 December 2022</i> , tolls and user charges for heavy duty vehicles <i>and vans intended for the carriage of goods</i> on the one hand and for light duty vehicles <i>other than vans intended for the carriage of goods</i> on the other may be introduced or maintained independently from one another.	[...]	
233.	(4) Article 7a is replaced by the following:		(4) Article 7a is replaced by the following:	
234.	"Article 7a		"Article 7a	
235.	1. User charges shall be proportionate to the duration of the use made of the infrastructure.		1. User charges shall be proportionate to the duration of the use made of the infrastructure.	
236.	2. Insofar as user charges are applied in respect of heavy duty vehicles, the use of the			

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	infrastructure shall be made available for at least the following periods: a day, a week, a month, and a year. The monthly rate shall be no more than 10 % of the annual rate, the weekly rate shall be no more than 5 % of the annual rate and the daily rate shall be no more than 2 % of the annual rate.			
237.	A Member State may apply only annual rates for vehicles registered in that Member State.			
238.	Member States shall set user charges, including administrative costs, for all heavy duty vehicle categories, at a level that does not exceed the maximum rates laid down in Annex II.			
239.		Amendment 63 Article 7a – paragraph 3 – subparagraph 1		
240.	3. Insofar as user charges are applied in respect of passenger cars, the use of the infrastructure shall be made available at least for the following periods: 10 days, a month or two months or both, and a year. The two-monthly rate shall be no more	Insofar as user charges are applied in respect of passenger cars, the use of the infrastructure shall be made available at least for the following periods: <i>a day, a week</i> , 10 days, a month or two months or both, and a year. The two-monthly rate shall be no	Insofar as user charges are applied in respect of passenger cars, the use of the infrastructure shall be made available at least for the following periods: 10 days, a month or two months or both, and a year. The two-monthly rate shall be no more	

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
	than 30 % of the annual rate, the monthly rate shall be no more than 18 % of the annual rate, and the 10-day rate shall be no more than 8 % of the annual rate.	more than 30 % of the annual rate, the monthly rate shall be no more than 18 % of the annual rate, and the 10-day, <i>week</i> and day rates shall be no more than 8 % of the annual rate.	than [...] 33% of the annual rate, and the monthly rate shall be no more than [...] 20% of the annual rate. [...] The 10-day rate shall be no more than [...] 13% of the annual rate.	
241.	Member States may also make the use of the infrastructure available for other periods of time. In such cases, Member States shall apply rates in accordance with the principle of equal treatment between users, taking into account all relevant factors, in particular the annual rate and the rates applied for the other periods referred to in the first subparagraph, existing use patterns and administrative costs.		Member States may also make the use of the infrastructure available for other periods of time. In such cases, Member States shall apply rates in accordance with the principle of equal treatment between users, taking into account all relevant factors, in particular the annual rate and the rates applied for the other periods referred to in the first subparagraph, existing use patterns and administrative costs.	
242.	In respect of user charge schemes adopted before 31 May 2017, Member States may maintain rates above the limits set out in the first subparagraph, in force before that date, and corresponding higher rates for other periods of use, in compliance with the principle of equal treatment. However, they		In respect of user charge schemes adopted before [...] [OJ: add the date of entry into force] , Member States may maintain rates above the limits set out in the first subparagraph, in force before that date, and corresponding higher rates for other periods of use, in compliance with the principle of	

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	shall comply with the limits set out in the first subparagraph as well as with the second subparagraph as soon as substantially amended tolling or charging arrangements enter into force and, at the latest, from 1 January 2024.		equal treatment. However, they shall comply with the limits set out in the first subparagraph as well as with the second subparagraph as soon as substantially amended tolling or charging arrangements enter into force and, at the latest, <u>[...] IOJ: add the date of entry into force plus eight years]</u> .	
243.		Amendment 64 Article 7a – paragraph 4		
244.	4. For minibuses and vans, Member States shall comply either with paragraph 2 or with paragraph 3. Member States shall however set higher user charges for minibuses and vans than for passenger cars as from 1 January 2024 at the latest.";	4. For minibuses, <i>vans</i> and vans <i>intended for the carriage of goods</i> , Member States shall comply either with paragraph 2 or with paragraph 3. Member States shall however set higher user charges for minibuses, <i>vans</i> and vans <i>intended for the carriage of goods</i> than for passenger cars as from 1 January 2024 at the latest	4. For minibuses and <u>[...] light commercial vehicles</u> , Member States shall comply either with paragraph 2 or with paragraph 3. Member States <u>[...] may</u> however set <u>[...] different</u> user charge <u>rates</u> for minibuses and <u>[...] light commercial vehicles</u> than for passenger cars <u>[...]</u> ."	
245.		Amendment 65 Article 7a – paragraph 4a (new)		
246.		<i>4a. The proportionality of user charges may take into consideration the specific characteristic of transport operations which start in a</i>		

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		<i>Member State on the periphery of the Union.</i>		
247.		Amendment 66 Article 7b – paragraph 2a (new)		
248.		<i>(4a) In Article 7b, the following paragraph is added:</i>		
249.		<i>“2a. The motorway sections on which an infrastructure charge is applied shall have the necessary infrastructure to ensure traffic safety for all users and may have safe parking areas in all weather conditions in compliance with Regulation (EU) .../.... of the European Parliament and of the Council amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs (2017/0122(COD)).”</i>		
250.			<u>(4a) Article 7b is replaced by the following:</u>	
251.			<i>"Article 7b</i>	

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252.			1. The infrastructure charge <u>for heavy duty vehicles</u> shall be based on the principle of the recovery of infrastructure costs. The weighted average infrastructure charge <u>for heavy duty vehicles</u> shall be related to the construction costs and the costs of operating, maintaining and developing the infrastructure network concerned. The weighted average infrastructure charge may also include a return on capital and/or a profit margin based on market conditions.	
253.			2. The costs taken into account shall relate to the network or the part of the network on which infrastructure charges <u>for heavy duty vehicles</u> are levied and to the vehicles that are subject thereto. <u>Member States may choose to recover only a percentage of those costs.</u>	
254.	(5) Article 7c is replaced by the following:		(5) Article 7c is replaced by the following:	
255.	<i>"Article 7c</i>		<i>"Article 7c</i>	

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256.		Amendment 67 Article 7c – paragraph 1		
257.	1. Member States may maintain or introduce an external-cost charge, related to the cost of traffic-based air or noise pollution or both.	1. Member States may maintain or introduce an external-cost charge, related to the cost of traffic-based air or noise pollution or both.	1. Member States may maintain or introduce an external-cost charge, related to the cost of traffic-based air <u>pollution</u> , [...]. noise pollution, <u>CO₂ emissions</u> or [...]. <u>any combination thereof</u> .	
258.		<i>The external-cost charges may be introduced or maintained on road network sections that are not subject to infrastructure charges.</i>		
259.	For heavy duty vehicles, the external-cost charge shall vary and be set in accordance with the minimum requirements and the methods referred to in Annex IIIa and shall respect the reference values set out in Annex IIIb.	For heavy duty vehicles, the <i>The external-cost charge for traffic-based air or noise pollution,</i> shall vary and be set in accordance with the minimum requirements and the methods referred to in Annex IIIa and shall respect the reference <i>comply with at least the minimum</i> values set out in Annex IIIb.	<u>Where an external-cost charge is applied</u> for heavy duty vehicles, [...] <u>Member States</u> shall vary <u>it</u> and [...] set <u>it</u> in accordance with the minimum requirements and the methods referred to in Annex IIIa and shall respect the reference values set out in Annex IIIb <u>and IIIc</u> . <u>Member States may choose to recover only a percentage of those costs.</u>	
260.	2. The costs taken into account shall relate to the network or the part of the network on which external-cost		[...]	

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	charges are levied and to the vehicles that are subject thereto. Member States may choose to recover only a percentage of those costs.			
261.	3. The external-cost charge related to traffic-based air pollution shall not apply to heavy.		[...]	
262.	The first subparagraph shall cease to apply four years from the date when the rules which introduced those standards started to apply.		[...]	
263.	4. The amount of the external-cost charge shall be set by the Member State concerned. If a Member State designates an authority for this purpose, the authority shall be legally and financially independent from the organisation in charge of managing or collecting part or all of the charge.		<u>2.</u> The amount of the external-cost charge shall be set by the Member State concerned. If a Member State designates an authority for this purpose, the authority shall be legally and financially independent from the organisation in charge of managing or collecting part or all of the charge	
264.		Amendment 68 Article 7c – paragraph 5		
265.	5. From 1 January 2021, Member States that levy tolls shall apply an external-cost charge to heavy duty vehicles on	5. From 1 January 2021, Member States that levy tolls shall apply an external-cost charge <i>for traffic-based air or</i>	[...]	

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	at least the part of the network referred to in Article 7(1) where environmental damage generated by heavy duty vehicles is higher than the average environmental damage generated by heavy duty vehicles defined in accordance with relevant reporting requirements referred to in Annex IIIa.";	<i>noise pollution</i> to heavy duty vehicles <i>and to vans intended for the carriage of goods on all parts</i> of the network referred to in Article 7(1) where environmental damage generated by heavy duty vehicles is higher than the average environmental damage generated by heavy duty vehicles defined in accordance with relevant reporting requirements referred to in Annex IIIa <i>that are subject to an infrastructure charge.</i>		
266.		Amendment 69 Article 7c – paragraph 5a (new)		
267.		<i>5a. From 1 January 2026 onwards, an external-cost charge imposed on any section of the road network referred to in Article 7(1) shall apply in a non-discriminatory manner to all vehicle categories.</i>		
268.		Amendment 70 Article 7c – paragraph 5b (new)		
269.		<i>5b. The Member States can apply derogations which allow external-cost charges to be</i>		

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		<i>adjusted for vehicles of historical interest</i>		
270.			<u>Article 7ca</u>	
271.			<u>1. Where an external cost charge for air or noise pollution is levied, the costs taken into account shall relate to the network or the part of the network on which external-cost charges are levied and to the vehicles that are subject thereto.</u>	
272.			<u>2. The external-cost charge related to traffic-based air pollution shall not apply to heavy duty vehicles which comply with the most stringent of EURO emission standards.</u>	
273.			<u>The first subparagraph shall cease to apply four years from the date when the rules which introduced those standards started to apply.</u>	
274.			<u>3. From [OJ: add the date of entry into force + four years], Member States shall apply an external-cost charge for traffic-based air or noise pollution, to heavy duty</u>	

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			<u>vehicles on at least a part of the tolled network referred to in Article 7(1) where environmental damage generated by heavy duty vehicles is the most significant.</u>	
275.			<u>Article 7cb</u>	
276.			<u>1. Member States may apply higher external cost charges for CO₂ emissions than the reference values set out in Annex IIIc, provided that this is done in a non-discriminatory manner, and limited to no more than twice the values set out in Annex IIIc. Where Member States apply this paragraph they shall justify their decision and notify it to the Commission, in accordance with Annex IIIa.</u>	
277.			<u>2. For buses and coaches, Member States may choose to apply the same or lower values than those applied to heavy goods vehicles.</u>	
278.			<u>3. An external cost charge for CO₂ emissions may be combined with an infrastructure charge that has</u>	

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			<u>been varied according to Article 7g-a.</u>	
279.			<u>(5a) Article 7d is replaced by the following:</u>	
280.			<u>"Article 7d</u>	
281.			<u>By six months after the adoption of future and more stringent EURO emission standards, the Commission shall, where appropriate, present a legislative proposal to determine the corresponding reference values in Annex IIIb and to adjust the maximum rates of user charges in Annex II."</u>	
282.	(6) The following Article 7da is inserted:		(6) The following Article 7da is inserted:	
283.	<i>"Article 7da</i>		<i>"Article 7da</i>	
284.	1. Member States may, in accordance with the requirements set out in Annex V, introduce a congestion charge on any section of their road network which is subject to congestion. The congestion charge may only be applied on those road sections which are regularly congested and only during the periods		1. Member States may, in accordance with the requirements set out in Annex V, introduce a congestion charge on any section of their road network which is subject to congestion. The congestion charge may only be applied on those road sections which are regularly congested and only during the periods	

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
	when they are typically congested.		when they are typically congested.	
285.	2. Member States shall define the road sections and time periods referred to in paragraph 1 on the basis of objective criteria related to the level of exposure of the roads and their vicinities to congestion, such as average delays or queue lengths.		2. Member States shall define the road sections and time periods referred to in paragraph 1 on the basis of objective criteria related to the level of exposure of the roads and their vicinities to congestion, such as average delays or queue lengths.	
286.		Amendment 72 Article 7da – paragraph 3		
287.	3. A congestion charge imposed on any section of the road network shall apply in a non-discriminatory manner to all vehicle categories, in accordance with the standard equivalence factors set out in Annex V.	3. A congestion charge imposed on any section of the road network shall apply in a non-discriminatory manner to all vehicle categories, in accordance with the standard equivalence factors set out in Annex V. <i>Member States may, however, decide to exempt buses and coaches for the promotion of collective transport and socio-economic development and territorial cohesion.</i>	3. A congestion charge imposed on any section of the road network shall apply in a non-discriminatory manner to all vehicle categories, in accordance with the standard equivalence factors set out in Annex V. <u>Member States may exempt, partially or fully, minibuses, coaches and buses from congestion charge.</u>	
288.	4. The congestion charge shall reflect the costs imposed by a vehicle on other road users, and indirectly on society, but shall not exceed the maximum		4. The congestion charge shall reflect the costs imposed by a vehicle on other road users, and indirectly on society, [...] <u>and shall [...] respect the</u>	

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	levels set out in Annex VI for any given road type.		<u>reference values</u> set out in Annex VI for any given road type <u>and shall be set in accordance with the minimum requirements referred to in Annex V. Where a Member State intends to apply congestion charges higher than the reference values set out in Annex VI, it shall notify the Commission according to the requirements referred to in Annex V.</u>	
289.	5. Member States shall put in place adequate mechanisms for monitoring the impact of congestion charges and for reviewing the level thereof. They shall review the level of charges regularly, at least every three years, to ensure that they are not higher than the cost of congestion occurring in that Member State and generated on those road sections, which are subject to the congestion charge.";		5. Member States shall put in place adequate mechanisms for monitoring the impact of congestion charges and for reviewing the level thereof. They shall review the level of charges regularly, at least every three years, to ensure that they are not higher than the cost of congestion occurring in that Member State and generated on those road sections, which are subject to the congestion charge.";	
290.			<u>(6a) Paragraphs 1 and 2 of Article 7e are replaced by the following:</u>	

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291.			<u>"1. Member States shall calculate the maximum level of infrastructure charge for heavy duty vehicles using a methodology based on the core calculation principles set out in Article 7b and Annex III.</u>	
292.			<u>2. For concession tolls, the maximum level of the infrastructure charge for heavy duty vehicles shall be equivalent to, or less than, the level that would have resulted from the use of a methodology based on the core calculation principles set out in Article 7b and Annex III. The assessment of such equivalence shall be made on the basis of a reasonably long reference period appropriate to the nature of the concession."</u>	
293.	(7) Articles 7f and 7g are replaced by the following:		(7) Articles 7f and 7g are replaced by the following:	
294.	<i>"Article 7f</i>		<i>"Article 7f</i>	
295.	1. After informing the Commission, a Member State may add a mark-up to the infrastructure charge levied on specific road sections which are		1. After informing the Commission, a Member State may add a mark-up to the infrastructure charge levied on specific road sections which are	

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	regularly congested, or the use of which by vehicles causes significant environmental damage, where the following conditions are met:		regularly congested, or the use of which by vehicles causes significant environmental damage, where the following conditions are met:	
296.		Amendment 75 Article 7f – paragraph 1 – point a		
297.	(a) the revenue generated from the mark-up is invested in financing the construction of transport infrastructure of the core network identified in accordance with Chapter III of Regulation (EU) No 1315/2013, which contribute directly to the alleviation of the congestion or environmental damage and which are located in the same corridor as the road section on which the mark-up is applied;	(a) the revenue generated from the mark-up is invested in financing the construction of transport infrastructure of the core network identified in accordance with Chapter III of Regulation (EU) No 1315/2013, which contribute directly to the alleviation of the congestion or environmental damage and transport services which are located in the same corridor as the road section on which the mark-up is applied;	a) the revenue generated from the mark-up is invested in financing <u>the development of transport services, or in the construction or maintenance</u> of transport infrastructure of the core network identified in accordance with Chapter III of Regulation (EU) No 1315/2013, which contribute directly to the alleviation of the congestion or environmental damage and which are located in the same corridor as the road section on which the mark-up is applied;	
298.		Amendment 76 Article 7f – paragraph 1 – point b		
299.	(b) the mark-up does not exceed 15 % of the weighted average infrastructure charge calculated in accordance with	(b) the mark-up does not exceed 15 % of the weighted average infrastructure charge calculated in accordance with	(b) the mark-up does not exceed 15% of the weighted average infrastructure charge calculated in accordance with	

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	Article 7b(1) and Article 7e, except where the revenue generated is invested in cross- border sections of core network corridors, in which case the mark-up may not exceed 25 %;	Article 7b(1) and Article 7e, except where the revenue generated is invested in cross- border sections of core network corridors, <i>in mountainous areas, where infrastructure costs as well as climate and environmental damage are higher</i> , in which case the mark- up may not exceed 25 % 50 % ;	Article 7b(1) and Article 7e, except where the revenue generated is invested in cross- border sections of core network corridors, in which case the mark-up may not exceed 25%. <u>Two or more Member States may apply a mark-up in the same corridor. In this case, upon agreement of all Member States which are part of that corridor and neighbouring the Member States in whose territory falls the section of the corridor to which a mark-up is applied, this mark-up may exceed 25 % but may not exceed 50%;</u>	
300.	(c) the application of the mark-up does not result in unfair treatment of commercial traffic compared to other road users;		(c) the application of the mark-up does not result in unfair treatment of commercial traffic compared to other road users;	
301.		Amendment 77 Article 7f – paragraph 1 – point d		
302.	(d) a description of the exact location of the mark-up and proof of a decision to finance the construction of core network corridors referred to in point (a)	(d) a description of the exact location of the mark-up and proof of a decision to finance the construction of core network corridors transport	(d) a description of the exact location of the mark-up and proof of a decision to finance the construction of core network corridors referred to in point (a)	

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	are submitted to the Commission in advance of the application of the mark-up;	<i>infrastructure or transport services</i> referred to in point (a) are submitted to the Commission in advance of the application of the mark-up;	are submitted to the Commission in advance of the application of the mark-up;	
303.	(e) the period for which the mark-up is to apply is defined and limited in advance and is consistent, in terms of the expected revenue to be raised, with the financial plans and cost-benefit analysis for the projects co-financed with the revenue from the mark-up.		(e) the period for which the mark-up is to apply is defined and limited in advance and is consistent, in terms of the expected revenue to be raised, with the financial plans and cost-benefit analysis for the projects co-financed with the revenue from the mark-up.	
304.		Amendments 78 and 164 Article 7f – paragraph 1a		
305.	1a. In case of new cross-border projects, mark-ups may only be added if all Member States involved in such project agree.	<i>Deleted</i>	1a. In case of new cross-border projects, mark-ups may only be added if all Member States involved in such project agree.	
306.	2. A mark-up may be applied to an infrastructure charge which has been varied in accordance with Article 7g or 7ga.		2. A mark-up may be applied to an infrastructure charge which has been varied in accordance with Article 7g, 7g-a or 7ga.	
307.		Amendment 79 Article 7f – paragraph 3		
308.	3. After receiving the required information from a Member State intending to apply	3. After receiving the required information from a Member State intending to apply	3. After receiving the required information from a Member State intending to apply	

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	a mark-up, the Commission shall make that information available to the members of the Committee referred to in Article 9c. Where the Commission considers that the planned mark-up does not meet the conditions set out in paragraph 1, or where it considers that the planned mark-up will have significant adverse effects on the economic development of peripheral regions, it may, by means of implementing acts, reject or request amendment of the plans for charges submitted by the Member State concerned. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9c(2).	a mark-up, the Commission shall make that information available to the members of the Committee referred to in Article 9c. Where the Commission considers that the planned mark-up does not meet the conditions set out in paragraph 1, or where it considers that the planned mark-up will have significant adverse effects on the economic development of peripheral regions, it may, by means of implementing acts, reject or request amendment of the plans for charges submitted by the Member State concerned. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9c (2). <i>Where applied to the tolling systems referred to in Article 7e(3), the mark-up shall not be regarded as a substantial amendment for the purposes of this Directive</i>	a mark-up, the Commission shall make that information available to the members of the Committee referred to in Article 9c. Where the Commission considers that the planned mark-up does not meet the conditions set out in paragraph 1, or where it considers that the planned mark-up will have significant adverse effects on the economic development of peripheral regions, it may, by means of implementing acts, reject or request amendment of the plans for charges submitted by the Member State concerned. Those implementing acts shall be adopted in accordance with the [...] examination procedure referred to in Article 9c([...] 3).	
309.		Amendment 80 Article 7f – paragraph 4		
310.	4. The amount of the mark-up shall be deducted from the	<i>deleted</i>	[...]	

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	amount of the external-cost charge calculated in accordance with Article 7c, except for vehicles of EURO emission classes 0, I and II from 15 October 2011, III and IV from 1 January 2015, V from 1 January 2019, and VI from January 2023 onwards. All revenues generated by the simultaneous application of the mark-up and the external cost charges shall be invested in financing the construction of core network corridors listed in Part I of Annex I to Regulation (EU) No 1316/2013.			
311.			5. A mark-up may not be applied on road sections where a congestion charge is applied.	
312.	<i>Article 7g</i>		<i>Article 7g</i>	
313.	1. Until 31 December 2021, the infrastructure charge may be varied for the purpose of reducing congestion, minimising infrastructure damage and optimising the use of the infrastructure concerned or promoting road safety, where the following conditions are met:		1. [...] <u>T</u> he infrastructure charge may be varied for the purpose of reducing congestion, minimising infrastructure damage and optimising the use of the infrastructure concerned or promoting road safety, where the following conditions are met:	

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314.	(a) the variation is transparent, made public and available to all users on equal terms;		(a) the variation is transparent, made public and available to all users on equal terms;	
315.	(b) the variation is applied according to the time of day, type of day or seas.		(b) the variation is applied according to the time of day, type of day or seas.	
316.	(c) no infrastructure charge is more than 175 % above the maximum level of the weighted average infrastructure charge as referred to in Article 7b;		(c) no infrastructure charge is more than 175 % above the maximum level of the weighted average infrastructure charge as referred to in Article 7b;	
317.		Amendment 81 Article 7g – paragraph 1 – point d		
318.	(d) the peak periods during which the higher infrastructure charges are levied for the purpose of reducing congestion do not exceed five hours per day;	(d) the peak periods during which the higher infrastructure charges are levied for the purpose of reducing congestion do not exceed five hours per day <i>or the number of hours during which the ratio of congestion exceeds 100 % of capacity;</i>	(d) the peak periods during which the higher infrastructure charges are levied for the purpose of reducing congestion do not exceed five hours per day;	
319.	(e) the variation is devised and applied in a transparent and revenue-neutral way on a road section affected by congestion by offering reduced toll rates for hauliers who travel during off-peak periods and increased toll rates for hauliers who travel		(e) the variation is devised and applied in a transparent and revenue-neutral way on a road section affected by congestion by offering reduced toll rates for [...] road users who travel during off-peak periods and increased toll rates for [...] road	

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	during peak hours on the same road section.		<u>users</u> who travel during peak hours on the same road section;	
320.			<u>(f) no congestion charge is levied on the road section concerned.</u>	
321.	A Member State wishing to introduce such variation or changing an existing one informs the Commission thereof and provides it with the information necessary to assess whether the conditions are fulfilled.		A Member State wishing to introduce such variation or changing an existing one informs the Commission thereof and provides it with the information necessary to assess whether the conditions are fulfilled.	
322.	2. Until 31 December 2020, in respect of heavy duty vehicles, Member States shall vary the infrastructure charge according to the EURO emission class of the vehicle in such a way that no infrastructure charge is more than 100 % above the same charge for equivalent vehicles meeting the strictest emission standards. Existing concession contracts may be exempted from this requirement until the contract is renewed.		2. Until [...] <u>the variation of infrastructure charges and user charges referred to in Article 7g-a is applied,</u> in respect of heavy duty vehicles, Member States shall vary the infrastructure charge according to the EURO emission class of the vehicle in such a way that no infrastructure charge is more than 100% above the same charge for equivalent vehicles meeting the strictest emission standards. <u>Once infrastructure charges and user charges are varied pursuant to Article 7g-a, Member States may</u>	

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			<u>discontinue the variation according to the EURO emission class. [...]</u>	
323.	A Member State may nevertheless derogate from the requirement of varying the infrastructure charge where any of the following applies:		A Member State may nevertheless derogate from the requirement of varying the infrastructure charge where any of the following applies:	
324.	(i) it would seriously undermine the coherence of the tolling systems in its territory;		(i) it would seriously undermine the coherence of the tolling systems in its territory;	
325.	(ii) it would not be technically practicable to introduce such differentiation in the tolling system concerned;		(ii) it would not be technically practicable to introduce such differentiation in the tolling system concerned;	
326.	(iii) it would lead to diversion of the most polluting vehicles with negative impacts on road safety and public health;		(iii) it would lead to diversion of the most polluting vehicles with negative impacts on road safety and public health;	
327.	(iv) the toll includes an external-cost charge.		(iv) the toll includes an external-cost charge <u>for air pollution.</u>	
328.	Any such derogations or exemptions shall be notified to the Commission.		Any such derogations or exemptions shall be notified to the Commission.	
329.		Amendment 82 Article 7g – paragraph 3		
330.	3. Where, in the event of a check, a driver or, if appropriate, the transport operator, is unable	3. Where, in the event of a check, a driver or, if appropriate, the transport operator <i>does not</i>	[...]	

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	to produce the vehicle documents necessary to ascertain the emission class of the vehicle for the purposes of paragraph 2, Member States may apply tolls up to the highest level chargeable.	<i>make payments using an electronic tolling system or does not hold a valid subscription or its</i> , is unable to produce the vehicle documents <i>does not carry on-board equipment approved by the toll operator</i> necessary to ascertain the emission class of the vehicle for the purposes of paragraph 2, Member States may apply tolls up to the highest level chargeable.		
331.		Amendment 83 Article 7g – paragraph 4 – subparagraph 1		
332.	4. Within one year after official CO ₂ emission data are published by the Commission pursuant to Regulation (EU) .../...****, the Commission shall adopt a delegated act, in accordance with Article 9e, to define the reference values of CO ₂ emissions, together with an appropriate categorisation of the heavy duty vehicles concerned. ----- **** Commission Regulation	4. Within one year after official CO ₂ emission data are published by the Commission pursuant to Regulation (EU) .../...****, the Commission shall adopt a delegated act, in accordance with Article 9e, to define the reference values of CO ₂ emissions, together with an appropriate categorisation of the heavy duty vehicles concerned, <i>taking account of emission reducing technologies.</i>	[...]	

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	(EU) .../... of XXX implementing Regulation (EU) No 595/2009 as regards the certification of the CO2 emissions and fuel consumption of heavy-duty vehicles and amending Directive 2007/46/EC of the European Parliament and of the Council (OJ L ..., ..., p...).";	----- ***** Commission Regulation (EU) .../... of XXX implementing Regulation (EU) No 595/2009 as regards the certification of the CO2 emissions and fuel consumption of heavy-duty vehicles and amending Directive 2007/46/EC of the European Parliament and of the Council (OJ L ..., ..., p...).";		
333.		Amendment 84 Article 7g – paragraph 4 – subparagraph 2		
334.	Within one year from the entry into force of the delegated act, Member States shall vary the infrastructure charge taking into account the reference CO2 emission values and the relevant vehicle categorisation. Charges shall be varied in such a way that no infrastructure charge is more than 100% above the same charge for equivalent vehicles having the lowest, but not zero, CO2 emissions. Zero-emission vehicles shall benefit from infrastructure charges reduced	Within one year from the entry into force of the delegated act, Member States shall vary the infrastructure charge taking into account the reference CO2 emission values and the relevant vehicle categorisation. Charges shall be varied in such a way that no infrastructure charge is more than 100% above the same charge for equivalent vehicles having the lowest, but not zero, CO2 emissions. Zero-emission vehicles shall benefit from infrastructure charges reduced	[...]	

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	by 75% compared to the highest rate.	by 75% compared to the highest rate.		
335.		Amendment 85 Article 7g – paragraph 4a (new)		
336.		<i>4a. From ... [date of entry into force of this Directive], zero-emission vehicles shall benefit from infrastructure charges reduced by 50 % compared to the lowest rate. . Zero-emission operation shall benefit from the same reduction, provided that such operation can be proved.</i>		
337.		Amendment 86 Article 7g – paragraph 4b (new)		
338.		<i>4b. The Commission shall produce an evaluation report assessing the market share of zero-emission vehicles and zero emission operation by ... [five years after the entry into force of this Directive]. The Commission is empowered to adopt delegated acts, in accordance with Article 9e, if appropriate, to recalculate the discount applicable to zero-emission vehicles compared to the lowest rate infrastructure charge.</i>		

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339.	5. The variations referred to in paragraphs 1, 2 and 4 shall not be designed to generate additional toll revenue. Any unintended increase in revenue shall be counterbalanced by changes to the structure of the variation which shall be implemented within two years from the end of the accounting year in which the additional revenue is generated.		[...]	
340.			<u>4. The variations referred to in this Article shall not be designed to generate additional revenues.</u>	
341.			<u>(7a) the following Article 7g-a is inserted:</u>	
342.			<u>"Article 7g-a</u>	
343.			<u>1. Member States shall apply a variation of infrastructure charges and user charges for heavy duty vehicles in accordance with this Article.</u>	
344.			<u>The variation shall be applied to a the sub-groups of heavy duty vehicles covered by Article 2(1) points (a) to (d) of Regulation (EU) 2019/1242, at</u>	

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			<u>the latest two years following the publication of the reference CO₂ emissions for those vehicle sub-groups in the implementing acts adopted in accordance with Article 11(1) of Regulation (EU) 2019/1242.</u>	
345.			<u>The variation for emission class 1, 4 and 5, as defined in paragraph 1a shall apply to the groups of heavy duty vehicles not covered by Article 2(1) points (a) to (d) of Regulation (EU) 2019/1242, at the latest two years following the publication of the reference CO₂ emissions in implementing acts adopted pursuant to paragraph 9 4 of this Article, for the relevant group. In case of amendment of point 5.1 of Annex I of Regulation (EU) 2019/1242 in such a way as to cover the reference CO₂ emissions relevant for a group of heavy duty vehicles, such reference CO₂ emissions should no longer be determined pursuant to paragraph 9 4 but in</u>	

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			<u>accordance with point 5.1 of Annex I of that Regulation.</u>	
346.			<u>Where the legislator has defined emission reduction trajectories for groups of heavy duty vehicles not covered by Article 2(1) points (a) to (d) of Regulation (EU) 2019/1242, by amending point 5.1 of Annex I of that Regulation, the variations for emission classes 2 and 3, as defined in paragraph 1a shall apply from the date of entry into force of the emission reduction trajectories.</u>	
347.			<u>Without prejudice to the reduction of rates provided for in paragraph 1b, Member States may provide for reduced rates of infrastructure or user charges, or exemptions to pay infrastructure or user charges for zero emission vehicles of any vehicle group from [OJ: add the date of entry into force of this Directive] until 31 December 2025. From 1 January 2026, such reductions shall be limited to</u>	

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			<u>75% compared to the charge applicable to CO₂ emission class 1, as defined in paragraph 1a.</u>	
348.			<u>1a. Without prejudice to paragraph 1 of this Article, Member States shall establish for each type of heavy duty vehicle the following CO₂ emission classes:</u>	
349.			<u>(a) CO₂ emission class 1 - vehicles that do not belong to any of the CO₂ emission classes referred to under points (b) to (e);</u>	
350.			<u>(b) CO₂ emission class 2 - vehicles of the vehicle sub-group <i>sg</i> registered for the first time in the reporting period of the year <i>Y</i> with CO₂ emissions more than 5% below the emission reduction trajectory for the reporting period of the year <i>Y</i> and the vehicle sub-group <i>sg</i> but not belonging to any of the CO₂ emission classes referred to under points (c) to (e);</u>	
351.			<u>(c) CO₂ emission class 3 - vehicles of the vehicle</u>	

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			<u>sub-group sg registered for the first time in the reporting period of the year Y with CO₂ emissions more than 8% below the emission reduction trajectory for the reporting period of the year Y and the vehicle sub-group sg not belonging to any of the CO₂ emission classes referred to under points (d) to (e);</u>	
352.			<u>(d) CO₂ emission class 4 - low-emission heavy duty vehicles;</u>	
353.			<u>(e) CO₂ emission class 5 - zero-emission vehicles.</u>	
354.			<u>Member States shall ensure that the classification of a vehicle belonging to CO₂ emission class 2 or 3 is reassessed every six years after the date of its first registration and that, where relevant, the vehicle is reclassified to the relevant emission class on the basis of the thresholds applicable at that time. Reclassification shall, with regard to a user charge, take effect at the latest on its first</u>	

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			<u>day of validity occurring on or following the day of reclassification according to the first sentence</u>	
355.			<u>1b. Reduced charges shall apply to vehicles in CO₂ emission classes 2, 3, and 4 and 5, as follows:</u>	
356.			<u>CO₂ emission class 2 - 5% to 15% reduction compared to the charge applicable for CO₂ emission class 1;</u>	
357.			<u>CO₂ emission class 3 - 15% to 30% reduction compared to the charge applicable for CO₂ emission class 1;</u>	
358.			<u>CO₂ emission class 4 - 30% to 50% reduction compared to the charge applicable for CO₂ emission class 1;</u>	
359.			<u>CO₂ emission class 5 - 50% to 75% reduction compared to the charge applicable for CO₂ emission class 1.</u>	
360.			<u>Where the infrastructure charge is varied in accordance</u>	

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			<u>with Article 7g, the reductions shall apply compared to the charge applied to the strictest emission standard in accordance with that Article.</u>	
361.			<u>2. The variations referred to in this Article shall not be designed to generate additional revenues.</u>	
362.			<u>3. A Member State may derogate from the requirement of varying the infrastructure charge according to paragraph 1a of Article 7g-a where an external cost charge for CO₂ is levied and varied according to the reference values of the external cost charge for CO₂ emissions, as provided in Annex IIIc.</u>	
363.			<u>3a. On road sections where a vehicle is operated without CO₂ emissions in a verifiable manner, Member States may apply reduced charges to that vehicle according to CO₂ emission class 5.</u>	
364.			<u>4. The Commission shall adopt implementing acts to specify the reference CO₂</u>	

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			<u>emissions for the vehicle groups not covered by Article 2(1) points (a) to (d) of Regulation (EU) 2019/1242. These implementing acts shall reproduce the data relevant for each vehicle groups published in the report referred to in Article 10 of Regulation (EU) 2018/956. The Commission shall adopt these implementing acts at the latest [x] after the publication of the relevant report referred to in Article 10 of Regulation (EU) 2018/956.</u>	
365.			<u>5. The Commission shall, every five years, after the entry into force of this Directive, review the maximum rates for the user charges in Annex II and the reduction levels of the infrastructure charge in paragraph 1b, and, where appropriate, make a proposal, based on the results of this review process, to amend these provisions.</u>	
366.				

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367.			<u>6. Every two and a half years after the entry into force of this Directive, the Commission shall draw up a report assessing the appropriateness of the thresholds for emission class 2 and 3 referred to in Art 7g-a 1a (b) and (c), in relation to the reference emissions published in accordance with Article 11(1) of Regulation 2019/1242 or to the CO₂ emissions reported in accordance with Regulation 2018/956, and where appropriate make a proposal to amend those thresholds based on the results of this assessment.</u>	
368.	(8) the following Article 7ga is inserted:		(8) the following Article 7ga is inserted:	
369.	<i>"Article 7ga</i>		<i>"Article 7ga</i>	
370.		Amendment 87 Article 7ga – paragraph 1		
371.	1. For light duty vehicles, until 31 December 2021, Member States may vary tolls and user charges according to the environmental performance	1. For light duty vehicles, until 31 December 2021, Member States may vary tolls and user charges according to the environmental performance	1. For light duty vehicles, [...], Member States may [...] differentiate tolls and user charges according to the environmental performance of	

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	of the vehicle.	of the vehicle.	the vehicle, <u>as defined by the specific CO₂ emissions combined, or weighted combined, recorded in entry 49 of the certificate of conformity of the vehicle, and by the Euro emission performance.</u>	
372.			<u>The lower rates of tolls and user charges shall apply for passenger cars, minibuses and light commercial vehicles that meet both of the following conditions:</u>	
373.			<p><u>(a) their specific CO₂ emissions, determined in accordance with Commission Regulation (EU) 2017/1151¹⁴, shall be zero or below the following levels:</u></p> <p>----- ¹⁴ <u>Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light</u></p>	

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			<u>passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008</u>	
374.			<u>(i) for the period 2021 to 2024, the average, weighted on the number of newly registered passenger cars or light commercial vehicles in that year, of the specific emissions targets determined for each individual manufacturer in accordance with point 4 of the respective Part A and B of Annex I to Regulation (EU) 2019/631 of the European Parliament and of the Council¹⁵;</u> <u>-----</u> ¹⁵ <u>Regulation (EU) 2019/631 of the European</u>	

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			<u>Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011</u>	
375.			<u>(ii) for the period 2025 to 2029, the EU fleet wide targets determined in accordance with points 6.1.1. of the respective Parts A and B of Annex I to that Regulation;</u>	
376.			<u>(iii) For the period 2030 onwards, the EU fleet wide targets determined in accordance with points 6.1.2 of Parts A and B of Annex I to that Regulation.</u>	
377.			<u>(b) their pollutant emissions, determined in accordance with Commission Regulation (EU) 2017/1151, shall be as specified in the table of Annex VII to this Directive. Member States may apply the reduction for zero-emission vehicles referred to in Annex VII without applying reductions for the</u>	

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			<u>other emissions performance categories referred to in that Annex.</u>	
378.	2. From 1 January 2022 Member States shall vary tolls and, in the case of user charges, at least annual charges, according to the CO2 and pollutant emissions of vehicles in accordance with the rules set out in Annex VII.		[...]	
379.		Amendment 88 Article 7ga – paragraph 2a (new)		
380.		<i>2a. Member States may take into account the improvement of the environmental performance of the vehicle which is linked to that vehicle's conversion to alternative fuels. A standing subscription or any other mechanism approved by the toll system's operator should allow users to benefit from a variation in toll charges that rewards the improved environmental performance of the vehicle, after conversion</i>		
381.		Amendment 89 Article 7ga – paragraph 3		
382.	3. Where, in the event of a	3. Where, in the event of a	[...]	

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	<p>check, a driver or, if appropriate, the transport operator, is unable to produce the vehicle documents necessary to ascertain the emission levels of the vehicle (Certificate of Conformity) pursuant to Commission Regulation (EU) .../... ***** , Member States may apply tolls or annual user charges up to the highest level chargeable.</p> <p>----- ***** Commission Regulation (EU) 2017/xxx of xxx supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and</p>	<p>check, a driver or, if appropriate, the transport operator, <i>is not involved in a subscription or any other mechanism approved by the operator or</i> , is unable to produce the vehicle documents necessary to ascertain the emission levels of the vehicle (Certificate of Conformity) pursuant to Commission Regulation (EU) .../... ***** , Member States may apply tolls or annual user charges up to the highest level chargeable.</p> <p><i>Subsequent provision of the relevant documents proving the emission levels of the vehicle shall result in the reimbursement of any difference between the tolls or charges applied and the appropriate toll or charge for the vehicle concerned.</i></p> <p>----- ***** Commission Regulation (EU) 2017/xxx of xxx supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles</p>		

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
	repealing Regulation (EC) No 692/2008 (OJ L xxx) and Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1.);	with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Regulation (EC) No 692/2008 (OJ L xxx) and Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1.);		
383.		Amendment 90 Article 7ga – paragraph 3a (new)		
384.		<i>3a. Member States may adopt exceptional measures for the purposes of charging vehicles of historical interest</i>		
385.		Amendment 91		

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
		Article 7ga – paragraph 4		
386.	4. The Commission is empowered to adopt delegated acts in accordance with Article 9e amending Annex VII in order to adapt the modalities specified in the Annex to technical progress.	4. The Commission is empowered to adopt delegated acts in accordance with Article 9e amending Annex VII in order to adapt the modalities specified in the Annex to technical progress <i>and to take into account the role of components in bringing about improvements both in road safety and in the decarbonisation of transport.</i>	[...]	
387.			<u>2. The variations referred to in this Article shall not be designed to generate additional revenues.</u>	
388.	(9) Article 7h is amended as follows:		(9) Article 7h is amended as follows:	
389.	(a) in paragraph 1, the introductory wording is replaced by the following:		(a) in paragraph 1, the introductory wording is replaced by the following:	
390.	"At least six months before the implementation of a new or substantially amended infrastructure charge tolling arrangement, Member States shall send to the Commission:";		"At least six months before the implementation of a new or substantially amended infrastructure charge tolling arrangement, Member States shall send to the Commission:";	
391.		Amendment 92 Article 7h – paragraph 1 – point a – indent 3 (new)		

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392.		<i>(a a) in Article 7h, paragraph (1), point (a), the following indent is added:</i>		
393.		<i>"- clear information on the interoperability of the on-board equipment that is carried on board of vehicles to pay user charges and tolls; it shall state the reasons why other on-board equipment in use in other Member States cannot be applied by users for this tolling arrangement".</i>		
394.		Amendment 93 Article 7h – paragraph 1a (new)		
395.		<i>(ab) the following paragraph is inserted</i>	<u>(aa) paragraph 1a is inserted as follows:</u>	
396.		<i>“1a. The contractual framework governing relations between grantors and concessionaires shall seek to enable concession contracts to be brought into line with changes to the Union or national regulatory framework relating to the obligations laid down in Articles 7c, 7da, 7g and 7ga of this Directive.”</i>	<u>“1a. When sending information to the Commission in accordance with paragraph 1, Member State may foresee or include more than one amendment of infrastructure charge tolling arrangement. Implementation of such foreseen amendment, of which the Commission has already been informed, shall not be subject to the provisions of paragraph 1.”</u>	

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397.	(b) paragraph 3 is replaced by the following:		(b) paragraph 3 is replaced by the following:	
398.	"3. Before the implementation of a new or substantially amended external-cost charge tolling arrangement, Member States shall inform the Commission about the network concerned, the foreseen rates per vehicle category and emission class.";		"3. Before the implementation of a new or substantially amended external-cost charge tolling arrangement, Member States shall inform the Commission about the network concerned, the foreseen rates per vehicle category and emission class <u>and, where applicable, notify the Commission in accordance with point (2) of Annex IIIa, or point (2) of Annex V.</u> ";	
399.	(c) paragraph 4 is deleted;		(c) paragraph 4 is deleted;	
400.	(10) Article 7i is amended as follows:		(10) Article 7i is amended as follows:	
401.		Amendment 94 Article 7i – paragraph 2 – introductory part		
402.		<i>(-a) in paragraph 2, the introductory part is replaced by the following</i>		
403.		<i>2. For heavy duty vehicles and vans intended for the carriage of goods, Member States may provide for discounts or reductions to the</i>		

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		<i>infrastructure charge on condition that:</i> ⁵		
404.	(a) in paragraph 2, point (b) and (c) are replaced by the following:		(a) in paragraph 2, point (b) and (c) are replaced by the following:	
405.	"(b) such discounts or reductions reflect actual savings in administrative costs of the treatment of frequent users compared to occasional users;		"(b) such discounts or reductions reflect actual savings in administrative costs of the treatment of frequent users compared to occasional users;	
406.		Amendment 95 Article 7i – paragraph 2 – point c		
407.	(c) such discounts or reductions do not exceed 13 % of the infrastructure charge paid by equivalent vehicles not eligible for the discount or reduction.";	(c) such discounts or reductions do not exceed 13 % 20 % of the infrastructure charge paid by equivalent vehicles not eligible for the discount or reduction <i>and those used for local or habitual transport, or both.</i> ;	reductions do not exceed 13 % of the infrastructure charge paid by equivalent vehicles not eligible for the discount or reduction.";	
408.		Amendment 96 Article 7i – paragraph 2a (new)		
409.		<i>(aa) the following paragraph is inserted:</i>	<u>(aa) paragraph 2a is inserted as follows:</u>	
410.		<i>2a. For light vehicles, in particular for frequent users on</i>	<u>"2a. Member States may provide for discounts or</u>	

⁵ Please note that the part in italic was not subject to any modification by the Commission proposal and reflects the current text of the directive.

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		<i>the areas of dispersed settlements and the outskirts of cities, Member States may provide for discounts or reductions to the infrastructure charge provided that:</i>	<u>reductions to the infrastructure charge for passenger cars in the case of frequent users, in particular in the areas of dispersed settlements and in the outskirts of cities. Reduction in revenues due to discount granted to frequent users shall not be imposed on other less frequent users.”</u>	
411.		<i>(a) the resulting charging structure is proportionate, made public and available to users on equal terms and does not lead to additional costs being passed on to other users in the form of higher tolls;</i>		
412.		<i>(b) such discounts and reductions contribute</i>		
413.		<i>(i) to social cohesion; and/or</i>		
414.		<i>(ii) to ensuring the mobility of peripheral regions or remote areas or both;</i>		
415.		Amendment 97 Article 7i – paragraph 2b (new)		
416.		<i>(ab) the following paragraph is inserted:</i>		
417.		<i>2b. Member States or</i>		

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		<i>competent authorities may introduce a kilometre-based flat-rate exemption on a specific road section, taking into account the mobility patterns and economic interest of peripheral regions, provided that the resulting charging structure is proportionate, is made public and is made available to users on equal terms and does not lead to additional costs being passed on to other users in the form of higher tolls;</i>		
418.	(b) paragraph 3 is amended as follows:		(b) paragraph 3 is amended as follows:	
419.		Amendment 98 Article 7i – paragraph 3		
420.	"3. Subject to the conditions provided for in Article 7g(1)(b) and (5), toll rates may for specific projects of high European interest identified in Annex I to Regulation (EU) No 1315/2013, be subject to other forms of variation in order to secure the commercial viability of such projects where they are	3. Subject to the conditions provided for in Article 7g(1)(b) and (5), toll rates may for specific projects of high European interest identified in Annex I to Regulation (EU) No 1315/2013, be subject to other forms of variation in order to secure the commercial viability of such projects where they are	"3. Subject to the conditions provided for in Article 7g(1)(b) and (5), toll rates may for specific projects of high European interest identified in Annex I to Regulation (EU) No 1315/2013, be subject to other forms of variation in order to secure the commercial viability of such projects where they are	

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	exposed to direct competition with other modes of transport. The resulting charging structure shall be linear, proportionate, made public, and available to all users on equal terms and shall not lead to additional costs being passed on to other users in the form of higher tolls.";	exposed to direct competition with other modes of transport. The resulting charging structure shall be linear, proportionate, made public, and available to all users on equal terms and shall not lead to additional costs being passed on to other users in the form of higher tolls." ;	exposed to direct competition with other modes of transport. The resulting charging structure shall be linear, proportionate, made public, and available to all users on equal terms and shall not lead to additional costs being passed on to other users in the form of higher tolls.";	
421.		Amendment 99 Article 7i – paragraph 3a (new)		
422.		<i>(ba) the following paragraph is inserted:</i>		
423.		<i>“3a. In mountain areas and peripheral regions, Member States or competent authorities may vary toll rates for heavy vehicles according to distance travelled by the tolled vehicles to minimise social-economic impacts, provided that:</i>		
424.		<i>(a) the variation according to driving distance considers the different characteristics of short-distance and long-distance transport, especially the available options for modal shift to other transport modes.</i>		

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425.		<i>(b) the variation is applied in a non-discriminatory way.</i>		
426.		<i>(c) the technical equipment allows the detection of entry and exit points of the vehicle across national borders."</i>		
427.	(11) Article 7j is amended as follows:		(11) Article 7j is amended as follows:	
428.	(a) in paragraph 1, the second sentence is replaced by the following:		(a) in paragraph 1, the second sentence is replaced by the following:	
429.		Amendment 100 Article 7j – paragraph 1 – second sentence		
430.	"To that end, Member States shall cooperate in establishing methods for enabling road users to pay tolls and user charges 24 hours a day, at least at major sales outlets, using common means of payment, inside and outside the Member States in which they are applied.";	To that end, Member States shall cooperate in establishing methods for enabling road users to pay tolls and user charges 24 hours a day, at least at major sales outlets, <i>either at the border or at any other sales outlet, with the option of receipt,</i> using common means of payment <i>including electronic means</i> inside and outside the Member States in which they are applied	"To that end, Member States shall cooperate in establishing methods for enabling road users to pay tolls and user charges 24 hours a day, at least <u>electronically or</u> at major sales outlets, using common means of payment, inside and outside the Member States in which they are applied. <u>Member States are not obliged to provide physical points of payment.</u> ";	
431.			(b) <u>paragraph 2a is inserted:</u>	
432.			<u>Where a driver or, if appropriate, the transport</u>	

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			<u>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 paragraph 2 of Article 7g, Article 7g-a, or Article 7ga, Member States may apply tolls up to the highest level chargeable.</u>	
433.			<u>Member States shall take the measures necessary to ensure that the road user can declare the emission class of the vehicle at least through electronic means before using the infrastructure. Member States may offer electronic and non-electronic means to enable the user to provide evidence in order to benefit from toll reductions or, where appropriate, in the event of a check. Member States may require that evidence supplied through electronic means is provided before the infrastructure is used.</u>	
434.	(b) paragraph 3 is replaced by the following:		(c) paragraph 3 is replaced by the following	

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435.		Amendment 101 Article 7j – paragraph 3		
436.	"3. Where a Member State levies a toll on a vehicle, the total amount of the toll, the amount of the infrastructure charge, the amount of the external-cost charge, and the amount of the congestion charge, where applied, shall be indicated in a receipt provided to the road user, where possible by electronic means.";	3. Where a Member State levies a toll on a vehicle, the total amount of the toll, the amount of the infrastructure charge, the amount of the external-cost charge, and the amount of the congestion charge, where applied, shall be indicated in a receipt, <i>upon request</i> , provided to the road user, where possible by electronic means.	"3. Where a Member State levies a toll on a vehicle, the total amount of the toll, the amount of the infrastructure charge, the amount of the external-cost charge, and the amount of the congestion charge, where applied, shall be indicated in a receipt provided to the road user, where possible by electronic means. <u>The road user may agree not to be provided with the receipt.</u> ";	
437.	(c) in paragraph 4, the first sentence is replaced by the following:		(<u>d</u>) in paragraph 4, the first sentence is replaced by the following:	
438.	"Where economically feasible, Member States shall levy and collect external-cost charges and congestion charges by means of an electronic system which complies with the requirements of Article 2(1) of Directive 2004/52/EC.";		"Where economically feasible, Member States shall levy and collect external-cost charges and congestion charges by means of an electronic <u>road toll</u> system which complies with the [...] <u>provisions</u> of Article [...] <u>3(1)</u> of Directive [...] (<u>EU</u>) <u>2019/520</u> .";	
439.	(12) Article 7k is replaced by the following:		(12) Article 7k is replaced by the following:	

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440.	"Article 7k		"Article 7k	
441.		Amendment 102 Article 7k – paragraph 1		
442.	Without prejudice to Articles 107 and 108 of the Treaty on the Functioning of the European Union, this Directive does not affect the freedom of Member States which introduce a system of tolls to provide for appropriate compensation.";	Without prejudice to Articles 107 and 108 of the Treaty on the Functioning of the European Union, this Directive does not affect the freedom of Member States which introduce a system of tolls to provide for appropriate compensation, <i>provided that they do not distort or have a negative impact on local or habitual hauliers, or both;</i>	Without prejudice to Articles 107 and 108 of the Treaty on the Functioning of the European Union, this Directive does not affect the freedom of Member States which introduce a system of tolls to provide for appropriate compensation.";	
443.	(13) in Article 8, paragraph 2 is amended as follows:		(13) [...] Article 8 <u>is amended as follows;</u>	
444.			<u>(a) points (a) and (b) of paragraph 2 [...] are replaced by the following:</u>	
445.	(a) in point (a) the reference to "Article 7(7)" is replaced by a reference to "Article 7a";		[...]	
446.	(b) in point (b), the words "and (2)" are inserted after "Article 7(1)";		[...]	
447.			<u>"(a) payment of the common user charge shall give access to</u>	

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			<u>the network as defined by the participating Member States in accordance with Article 7(1) and (2);</u>	
448.			<u>(b) the common user-charge rates shall be set by the participating Member States at levels that are not higher than the maximum rates referred to in Article 7a;"</u>	
449.			<u>(b) the following new subparagraph 3 is added:</u>	
450.			<u>In the case of a common system for user charges referred to in paragraph 1, the final date of application of the variations referred to in the second and third paragraph of Article 7g-a(1) is extended to three years following the publication of the reference CO₂ emissions.</u>	
451.		Amendment 103 Article 8a (new)		
452.		<i>(13a) The following Article is inserted:</i>		
453.		<i>Article 8a</i>		
454.		<i>Monitoring and reporting</i>		
455.		<i>1. Each Member State shall designate an independent</i>		

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		<i>supervisory authority for infrastructure charging responsible for ensuring compliance with this Directive.</i>		
456.		<i>2. The supervisory authority shall carry out economic and financial checks on concession contracts in order, in particular, to ensure compliance with Article 7b.</i>		
457.		<i>3. Member States shall inform the Commission that the supervisory authority has been designated.</i>		
458.	(14) Article 9 is amended as follows:		(14) Article 9 is amended as follows:	
459.			(a) <u>the following new paragraph 1b is added:</u>	
460.			<u>This Directive shall not prevent the non-discriminatory application by Member States of charges specifically designed to finance the costs related to the construction, operation, maintenance and development of installations for energy or fuel to low- and zero-emission vehicles.</u>	
461.		Amendment 104		

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		Article 9 – paragraph 2 – introductory part		
462.		<i>(-a) in Article 9(2), the introductory part is replaced by the following:</i>		
463.		<i>“2. Member States shall determine the use of revenues generated by this Directive. To enable the transport network to be developed as a whole, revenues generated from infrastructure and external costs charges, or the equivalent in financial value of these revenues, should shall be used benefit the transport sector to carry out road network maintenance and upkeep, and to optimise the entire transport system. In particular, revenues generated from external cost charges, or the equivalent in financial value of these revenues, should shall be used to make transport more sustainable, including one or more of the following:”⁶</i>		
464.	(a) in paragraph 2, the second		(b) in paragraph 2, the second	

⁶ Please note that the part in italic was not subject to any modification by the Commission proposal and reflects the current text of the directive.

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
	sub-paragraph is deleted;		sub-paragraph is deleted;	
465.		Amendment 105 Article 9 – paragraph 2 – point b		
466.		<i>(-aa) in paragraph 2, point b is replaced by the following:</i>		
467.		<i>“(b) reducing road transport air pollution and noise pollution;”⁷</i>		
468.		Amendment 106 Article 9 – paragraph 2 – point ba (new)		
469.		<i>(-ab) in paragraph 2, the following point is inserted:</i>		
470.		<i>“(ba) financing collective and sustainable modes of transport;”</i>		
471.		Amendment 107 Article 9 – paragraph 2 – point e		
472.		<i>(-ac) in paragraph 2, point e is replaced by the following:</i>		
473.		<i>“(e) developing alternative-fuel infrastructures in accordance with Directive 2014/94/EU and alternative service for transport users</i>		

⁷ Please note that the part in italic was not subject to any modification by the Commission proposal and reflects the current text of the directive.

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		<i>and/or expanding current capacity;</i> ⁸		
474.		Amendment 108 Article 9 – paragraph 2 – point f		
475.		<i>(-ad) in paragraph 2, point f is replaced by the following</i>		
476.		<i>“(f) supporting the trans-European transport network and eliminating bottlenecks;”</i> ⁹		
477.		Amendment 109 Article 9 – paragraph 2 – point h		
478.		<i>(-ae) in paragraph 2, point h is replaced by the following:</i>		
479.		<i>“(h) improving road safety and safe road infrastructure; and”</i> ¹⁰		
480.		Amendment 110 Article 9 – paragraph 2 – point i		
481.		<i>(-af) in paragraph 2, point i is replaced by the following:</i>		
482.		<i>“(i) providing safe and secure parking areas;”</i> ¹¹		

⁸ Please note that the part in italic was not subject to any modification by the Commission proposal and reflects the current text of the directive.

⁹ Please note that the part in italic was not subject to any modification by the Commission proposal and reflects the current text of the directive.

¹⁰ Please note that the part in italic was not subject to any modification by the Commission proposal and reflects the current text of the directive.

¹¹ Please note that the part in italic was not subject to any modification by the Commission proposal and reflects the current text of the directive.

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
483.	(b) the following paragraph 3 is added:		[...]	
484.		Amendment 111 Article 9 – paragraph 3 – introductory part		
485.	"3. Revenues generated from congestion charges, or the equivalent in financial value of these revenues, shall be used to address the problem of congestion, in particular by:	3. Revenues generated from congestion charges, or the equivalent in financial value of these revenues, shall be used to address the problem of congestion, in particular for example by:	[...]	
486.	(a) supporting collective transport infrastructure and services;		[...]	
487.		Amendment 112 Article 9 – paragraph 3 – point b		
488.	(b) eliminating bottlenecks on the trans-European transport network;	(b) eliminating bottlenecks and <i>missing links on their networks, wherever the charge is applied, and</i> on the trans-European transport network;	[...]	
489.		Amendment 113 Article 9 – paragraph 3 – point c		
490.	(c) developing alternative infrastructure for transport users.";	(c) developing alternative infrastructure <i>and multimodal hubs</i> for transport users	[...]	
491.		Amendment 114 Article 9 – paragraph 3a (new)		

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492.		<i>(ba) The following paragraph is inserted:</i>		
493.		<i>“3a. Revenues from infrastructure charges and external-cost charges shall be used on the territory containing the road section on which the charges are applied.”</i>		
494.			<u>(14a) In Article 9c, the following paragraph 3 is added:</u>	
495.			<u>"3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply."</u>	
496.	(15) Articles 9d and 9e are replaced by the following:		(15) Articles 9d and 9e are replaced by the following:	
497.	<i>"Article 9d</i>		<i>"Article 9d</i>	
498.	The Commission is empowered to adopt delegated acts in accordance with Article 9e to amend Annex 0, the amounts in Tables 1 and 2 in Annex IIIb, and the formulas in sections 4.1 and 4.2 of Annex IIIa in order to adapt them to scientific and technical progress.		The Commission is empowered to adopt delegated acts in accordance with Article 9e to amend Annex 0, <u>the formulas in sections 4.1 and 4.2 of Annex IIIa</u> [...] the amounts in Tables 1 [...] in Annex IIIb <u>and in the tables in Annex IIIc</u> [...] in order to adapt them to scientific and technical progress	
499.	<i>Article 9e</i>		<i>Article 9e</i>	

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500.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
501.		Amendment 115 Article 9e – paragraph 2		
502.	2. The power to adopt delegated acts referred to in Article 7g(4), Article 7ga(4) and Article 9d shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Directive].	2. The power to adopt delegated acts referred to in Article 7g(4), Article 7ga(4) and Article 9d shall be conferred on the Commission for an indeterminate a period of time 5 years from ... [date of entry into force of this Directive]. <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	2. The power to adopt delegated acts referred to in [...] Article 9d shall be conferred on the Commission for [...] a period of five years from [<i>OJ: add the date of entry into force of this Directive</i>]. <u>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</u>	
503.	3. The delegation of power		3. The delegation of power	

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	referred to in Article 7g(4), Article 7ga(4) and Article 9d may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		referred to in [...] Article 9d may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
504.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.		4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	
505.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
506.	6. A delegated act adopted		6. A delegated act adopted	

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
	pursuant to Article 7g(4), Article 7ga(4) and Article 9d shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.";		pursuant to Article 7g(4), Article 7ga(4) and Article 9d shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.";	
507.	(16) Articles 9f and 9g are deleted;		(16) Articles 9f and 9g are deleted;	
508.	(17) Article 10a is replaced by the following:		(17) Article 10a is replaced by the following:	
509.			<u>"Article 10a</u>	
510.	"1. The amounts in euro as laid down in Annex II and the amounts in cent as laid down in Tables 1 and 2 in Annex IIIb shall be adapted every two years in order to take account of changes in the EU-wide Harmonised Index of Consumer		1. The amounts in euro as laid down in Annex II and the amounts in cent as laid down in Tables 1 [...] in Annex <u>IIIb</u> <u>and in Annex IIIc</u> shall be adapted every two years in order to take account of changes in the EU-wide Harmonised Index of	

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
	Prices excluding energy and unprocessed food, as published by the Commission (Eurostat). The first adaptation shall take place by 31 March [the year following the two years after the entry into force of this Directive].		Consumer Prices excluding energy and unprocessed food, as published by the Commission (Eurostat). The first adaptation shall take place by 31 March <u>[OJ: add the year following the two years after the entry into force of this Directive].</u>	
511.	The amounts shall be adapted automatically, by increasing the base amount in euro or cent by the percentage change in that index. The resulting amounts shall be rounded up to the nearest euro with regard to Annex II, rounded up to the nearest tenth of a cent with regard to Annex IIIb.		The amounts shall be adapted automatically, by [...] <u>adapting</u> the base amount in euro or cent by the percentage change in that index. The resulting amounts shall be rounded up to the nearest euro with regard to Annex II, rounded up to the nearest tenth of a cent with regard to Annex IIIb <u>and Annex IIIc.</u>	
512.	2. The Commission shall publish in the Official Journal of the European Union the adapted amounts referred to in paragraph 1 by 31 March of the year following the end of two calendar years referred to in paragraph 1. Those adapted amounts shall enter into force on the first day of the month following publication.";		2. The Commission shall publish in the Official Journal of the European Union the adapted amounts referred to in paragraph 1 by 31 March of the year following the end of two calendar years referred to in paragraph 1. Those adapted amounts shall enter into force on the first day of the month following publication.";	

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
513.	(18) Article 11 is replaced by the following:		(18) Article 11 is replaced by the following:	
514.	<i>"Article 11</i>		<i>"Article 11</i>	
515.	1. Each year, Member States shall make public in aggregate form a report on tolls and user charges levied on their territory, including information on the use of revenues and the quality of roads where tolls or user charges are applied, as specified in paragraphs 2 and 3.		1. Every five years [...], Member States shall make public in aggregate form a report on tolls and user charges levied on their territory [...].	
516.		Amendment 116 Article 11 – paragraph 1 (new)		
517.		<i>-1. Member States or competent authorities shall provide information in the most transparent and clear way on the use of the generated revenues from road users.</i>		
518.	2. The report made public pursuant to paragraph 1 shall include information on:		2. The report made public pursuant to paragraph 1 shall include information on:	
519.	(a) the external-cost charge levied for each combination of class of vehicle, type of road and period of time;		(a) the external-cost charge levied for each combination of class of vehicle, type of road and period of time;	
520.	(b) the variation of infrastructure charges according		(b) the variation of infrastructure charges or user	

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
	to the type of vehicles;		<u>charges</u> according to <u>the category of vehicle and</u> the type of <u>heavy duty</u> vehicle-;	
521.	(c) the weighted average infrastructure cost charge and total revenue raised through the infrastructure charge, specifying any possible deviation compared to actual infrastructure costs stemming from the variation of the infrastructure charge;		(c) the weighted average infrastructure [...] charge and total revenue raised through the infrastructure charge [...];	
522.	(d) the total revenue raised through external-cost charges;		(d) the total revenue raised through external-cost charges;	
523.	(e) the total revenue raised through congestion charges;		(e) the total revenue raised through congestion charges;	
524.		Amendment 117 Article 11 – paragraph 2 – point ea (new)		
525.		<i>(ea) the total revenues raised through mark-ups and on which road sections they have been levied</i>		
526.	(f) the total revenues raised through tolls and/or user charges;		(f) the total revenues raised through tolls and/or user charges;	
527.	(g) information on the use of revenues generated by applying this Directive, and how this use has allowed the Member State to meet the goals referred to in		(g) information on the use of revenues generated by applying this Directive, and how this use has allowed the Member State to meet the goals referred to in	

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
	Article 9 (2) and (3);		Article 9(2) [...];	
528.	(h) an evaluation, based on objective criteria, of the state of maintenance of the road infrastructure on the territory of the Member State, and its evolution since the last report;		[...]	
529.	(i) an evaluation of the level of congestion on the tolled network in peak hours, based on real life traffic observations performed of a representative number of congested road stretches of the concerned network, and its evolution since the last report.		[...]	
530.	3. For the evaluation of the quality of the parts of the road network on which tolls or user charges are applied, Member States shall use key performance indicators. As a minimum, the indicators shall relate to:		[...]	
531.	(a) the quality of road surface;		[...]	
532.	(b) road safety;		[...]	
533.	(c) the level of congestion.		[...]	
534.		Amendment 118 Article 11 – paragraph 3a (new)		
535.		3a. Member States shall make publicly available the results of		

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
		<i>reinvesting infrastructure charges and charges for external costs as well as the benefits in terms of increased road safety, a reduced environmental impact and reduced traffic congestion.</i>		
536.	4. Within three years after [the entry into force of the revised Directive], the Commission shall adopt an implementing act in accordance with the advisory procedure referred to in Article 9c(2), to define a harmonised set of indicators.		[...]	
537.	5. Within six years after [the entry into force of the revised Directive], the Commission shall publish a report based on the application by Member States of the indicators referred to paragraph 4.";		[...]	
538.		Amendment 119 Article 11 – paragraph 5a (new		
539.		<i>5a. Within five years after the entry into force of this Directive, the Commission shall submit a report on changes in the market share of zero-</i>		

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
		<i>emission vehicles and shall revise accordingly, if necessary, the reduction applied to those vehicles.</i>		
540.	(18) The Annexes are amended as follows:		([...] 19) The Annexes are amended as follows:	
541.	(a) Annexes 0, IIIa, IIIb and IV are amended as set out in the Annex to this Directive.		(a) Annexes 0, II , IIIa, IIIb and IV are amended as set out in the Annex to this Directive.	
542.	(b) Annexes V, VI and VII are added as set out in the Annex to this Directive.		(b) Annexes IIIc , V, VI and VII are added as set out in the Annex to this Directive.	
543.			<i>Article 2</i>	
544.			<u>Directive 1999/37/EC is amended as follows:</u>	
545.			<u>Under point 6 of Chapter II of Annex I, point (V.7) is replaced by the following:</u>	
546.			<u>‘(V.7) CO₂ (in g/km) or Specific CO₂ emissions where indicated in position 49.5 of the EC Certificate of Conformity of heavy duty vehicles defined in point 2 of Annex IX of Directive (EC) 2007/46 (in g/tkm)’;</u>	
547.			<u>Under point 6 of Chapter II of Annex I, the following is added:</u>	

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
548.			<u>‘(V.10) CO₂ emission class of heavy duty vehicles determined at the moment of first registration, in accordance with Article 7g-a(1a) of Directive 1999/62/EC.’</u>	
549.			<i>Article 3</i>	
550.			<u>Directive (EU) 2019/520 is amended as follows:</u>	
551.			<u>Under Part I “Data relating to vehicles” of the section “Data elements provided as a result of the automated search conducted pursuant to Article 23(1)” of Annex I, the following rows are added:</u>	
552.			<u>(1) CO₂ emission class– O - only for heavy-duty vehicles</u>	
553.			<u>(2) Date of reclassification – O - only for heavy-duty vehicles</u>	
554.			<u>(3) CO₂ in g/tkm – O - only for heavy-duty vehicles</u>	
555.	<i>Article 2</i>		<i>Article [...]<u>4</u></i>	
556.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by at the latest. They		1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by <u>IOJ: add the date</u>	

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
	shall forthwith communicate to the Commission the text of those provisions.		<u><i>of entry into force plus 2 years</i></u> at the latest. They shall forthwith communicate to the Commission the text of those provisions.	
557.	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.		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.	
558.	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.		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.	
559.	<i>Article 3</i>		<i>Article [...]<u>5</u></i>	
560.	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .		This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	
561.	Article 4		<i>Article [...]<u>6</u></i>	
562.	This Directive is addressed to the Member States.		This Directive is addressed to the Member States.	

	Commission proposal, COM(2017) 275 final	European Parliament, P8_TA(2018)0423	Text endorsed in COREPER, doc. ST 13827/20	Presidency compromise proposal / remarks
563.	<p>Done at Brussels,</p> <div> <div>For the European Parliament The President</div> <div>For the Council The President</div> </div>			

COMMISSION PROPOSAL

COMMISSION PROPOSAL

ANNEX

to the

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures
(Text with EEA relevance)**

- (1) Annexes 0, III, IIIa, IIIb and IV are amended as follows:
- (a) in Annex 0, Section 3 is amended as follows:
- (i) the heading is replaced by the following:
- '3. 'EURO III'/'EURO IV'/'EURO V' vehicles';
- (ii) in the table, the line concerning 'EEV' vehicle' is deleted;
- (iii) the following is added:

'Euro VI Emission Limits

	Limit values							
	CO (mg/kWh)	THC (mg/kWh)	NMHC (mg/kWh)	CH ₄ (mg/kWh)	NO _x ⁽¹⁾ (mg/kWh)	NH ₃ (ppm)	PM mass (mg/kWh)	PM number (#/kWh)
WHSC (CI)	1500	130			400	10	10	8,0 x 10 ¹¹
WHTC (CI)	4000	160			460	10	10	6,0 x 10 ¹¹
WHTC (PI)	4000		160	500	460	10	10	6,0 x 10 ¹¹

Note:

PI = Positive Ignition.

CI = Compression Ignition.

(1) The admissible level of NO₂ component in the NO_x limit value may be defined at a later stage.';

(b) Annex III is amended as follows:

(i) Section 2 is amended as follows:

— in point 2.1., the sixth indent is replaced by the following:

'— Costs shall be apportioned to heavy duty vehicles on an objective and transparent basis taking account of the proportion of heavy duty vehicle traffic to be carried on the network and the associated costs. The vehicle kilometres travelled by heavy duty vehicles may for this purpose be adjusted by objectively justified 'equivalence factors' such as those set out in point 4 (*).

* The application of equivalence factors by Member States may take account of road construction developed on a phased basis or using a long life cycle approach.';

— in point 2.2., the second indent is replaced by the following:

'— Such costs shall be apportioned between heavy duty vehicles and other traffic on the basis of actual and forecast shares of vehicle kilometres and may be adjusted by objectively justified equivalence factors such as those set out in point 4.';

(ii) in Section 4, the heading and the first indent are replaced by the following:

'4. SHARE OF HEAVY DUTY VEHICLE TRAFFIC, EQUIVALENCE FACTORS AND CORRECTION MECHANISM

— The calculation of tolls shall be based on actual or forecast shares of heavy duty vehicle kilometres adjusted, if desired, by equivalence factors, to make due allowance for the increased costs of constructing and repairing infrastructure for use by heavy duty vehicles.';

(c) Annex IIIa is replaced by the following:

'ANNEX IIIa

MINIMUM REQUIREMENTS FOR LEVYING AN EXTERNAL-COST CHARGE

This Annex sets out the minimum requirements for levying an external-cost charge and, where applicable, for calculating the maximum external-cost charge.

1. *The parts of the road network concerned*

The Member State shall specify precisely the part or parts of their road network which are to be subject to an external-cost charge.

Where a Member State intends to levy an external-cost charge on only a part or parts of the road network composed of its share in the trans-European network and of its motorways, the part or parts shall be chosen after an assessment establishing that:

- vehicles' use of the roads where the external-cost charge is applied generates environmental damage higher than that generated on average assessed in accordance with air quality reporting, national emissions inventories, traffic volumes and, for noise, in accordance with Directive 2002/49/EC, or
- the imposition of an external-cost charge on other parts of the road network thus composed might have adverse effects on the environment or road safety, or levying and collecting an external-cost charge on them would entail disproportionate cost.

2. *The vehicles, roads and time period covered*

Where a Member State intends to apply higher external-cost charges than the reference values specified in Annex IIIb, it shall notify the Commission of the classification of vehicles according to which the external-cost charge shall vary. It shall also notify the Commission of the location of roads subject to higher external-cost charges (called hereafter 'suburban roads (including motorways)'), and of roads subject to lower external-cost charges (called hereafter 'interurban roads (including motorways)').

Where applicable, it shall also notify the Commission of the exact time periods corresponding to the night period during which a higher external noise-cost charge may be imposed to reflect greater noise nuisances.

The classification of roads as suburban roads (including motorways) and interurban roads (including motorways), and the definition of time periods shall be based on objective criteria related to the level of exposure of the roads and their vicinities to pollution such as population density, the annual mean air pollution (in particular for PM₁₀ and NO₂) and the number of days (for PM₁₀) and hours (NO₂) on which limit values established under Directive 2008/50/EC are exceeded. The criteria used shall be included in the notification.

3. *Amount of the charge*

This section shall apply where a Member State intends to apply higher external cost charges than the reference values specified in Annex IIIb.

For each vehicle class, type of road and time period, the Member State or, where appropriate, an independent authority shall determine a single specific amount. The resulting charging structure shall be transparent, made public and available to all users on equal terms. The publication should occur in a timely manner before implementation. All parameters, data and other information necessary to understand how the various external-cost elements are calculated shall be made public.

When setting the charges, the Member State or, where appropriate, an independent authority shall be guided by the principle of efficient pricing that is a price close to the social marginal cost of the usage of the vehicle charged.

The charge shall be set after having considered the risk of traffic diversion together with any adverse effects on road safety, the environment and congestion, and any solutions to mitigate these risks.

The Member State or, where appropriate, an independent authority, shall monitor the effectiveness of the charging scheme in reducing environmental damage arising from road transport. It shall every two years adjust, where appropriate, the charging structure and the specific amount of the

charge set for a given class of vehicle, type of road and period of time to the changes in transport supply and demand.

4. External-cost elements

4.1. Cost of traffic-based air pollution

Where a Member State intends to apply higher external-cost charges than the reference values specified in Annex IIIb, that Member State or, where appropriate, an independent authority shall calculate the chargeable cost of traffic-based air pollution by applying the following formula:

$$PCV_{ij} = \sum_k EF_{ik} \times PC_{jk}$$

where:

- PCV_{ij} = air pollution cost of vehicle class i on road type j (euro/vehicle.kilometre)
- EF_{ik} = emission factor of pollutant k and vehicle class i (gram/vehicle.kilometre)
- PC_{jk} = monetary cost of pollutant k for type of road j (euro/gram)

The emission factors shall be the same as those used by the Member State to establish the national emissions inventories provided for in Directive (EU) 2016/2284 of the European Parliament and of the Council of on the reduction of national emissions of certain atmospheric pollutants * (which requires use of the EMEP/EEA air pollutant Emission Inventory Guidebook**). The monetary cost of pollutants shall be estimated by the Member State or, where appropriate, the independent authority referred to in Article 7c(4), using scientifically proven methods.

The Member State or, where appropriate, an independent authority may apply scientifically proven alternative methods to calculate the value of air pollution costs using data from air pollutant measurement and the local value of the monetary cost of air pollutants.

4.2. Cost of traffic-based noise pollution

Where a Member State intends to apply higher external-cost charges than the reference values specified in Annex IIIb, the Member State or, where appropriate, an independent authority shall calculate the chargeable cost of traffic-based noise pollution by applying the following formulae:

$$NCV_j \text{ (daily)} = e \times \sum_k NC_{jk} \times POP_k / WADT$$

$$NCV_j \text{ (day)} = a \times NCV_j$$

$$NCV_j \text{ (night)} = b \times NCV_j$$

where:

—	NCV_j =	noise cost of one heavy goods vehicle on road type j
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		(euro/vehicle.kilometre)
—	$NC_{jk} =$	noise cost per person exposed on road type j to noise level k (euro/person)
—	$POP_k =$	population exposed to daily noise level k per kilometre (person/kilometre)
—	$WADT =$	weighted average daily traffic (passenger car equivalent)
—	a and b	are weighting factors determined by the Member State in such a way that the resulting weighted average noise charge per vehicle kilometre corresponds to NCV_j (daily).

The traffic-based noise pollution relates to the impact of noise on health of citizens around the road.

The population exposed to noise level k shall be taken from the strategic noise maps drafted under Article 7 of Directive 2002/49/EC of the European Parliament and the Council ***.

The cost per person exposed to noise level k shall be estimated by the Member State or, where appropriate, an independent authority, using scientifically proven methods.

The weighted average daily traffic shall assume an equivalence factor 'e' between heavy goods vehicles and passenger cars derived on the basis of the noise emission levels of the average car and of the average heavy goods vehicle and considering the Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC.

The Member State or, where appropriate, an independent authority, may establish differentiated noise charges to reward the use of quieter vehicles provided it does not result in discrimination against foreign vehicles.

* Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p. 1).

** Methodology of the European Environmental Agency:
<http://www.eea.europa.eu/publications/emep-eea-guidebook-2016>

*** Directive 2002/49/EC of the European Parliament and the Council of 25 June 2002 relating to the assessment and management of environmental noise (OJ L 189, 18.7.2002, p. 12).";

(d) Annex IIIb is replaced by the following:

'ANNEX IIIb

REFERENCE VALUES OF THE EXTERNAL-COST CHARGE

This Annex sets out reference values of the external-cost charge, including the cost of air pollution and noise.

Table 1: reference values of the external-cost charge for heavy goods vehicles

Vehicle class	cent/vehicle-kilometre	Suburban⁽¹⁾	Interurban⁽²⁾
Heavy goods vehicle having a maximum permissible gross laden weight of less than 14 tonnes or having two axles	EURO 0	13,3	8,3
	EURO I	9,1	5,4
	EURO II	8,8	5,4
	EURO III	7,7	4,3
	EURO IV	5,9	3,1
	EURO V	5,7	1,9
	EURO VI	3,2	0,6
	Less polluting than EURO VI	2,5	0,3
Heavy goods vehicle having a maximum permissible gross laden weight between 14 and 28 tonnes or having three axles	EURO 0	23,3	15,1
	EURO I	16,4	10,1
	EURO II	15,7	10,0
	EURO III	13,5	8,2
	EURO IV	9,5	5,7
	EURO V	8,9	3,7
	EURO VI	3,6	0,8
	Less polluting than EURO VI	2,5	0,3
Heavy goods vehicle having a maximum permissible gross laden weight between 28 and 40 tonnes	EURO 0	30,4	19,7
	EURO I	22,6	13,9
	EURO II	21,3	13,9
	EURO III	17,8	11,2

or having four axles	EURO IV	12,2	7,7
	EURO V	9,2	4,0
	EURO VI	3,5	0,8
	Less polluting than EURO VI	2,5	0,3
Heavy goods vehicle having a maximum permissible gross laden weight above 40 tonnes or having 5 or more axles	EURO 0	43,0	28,6
	EURO I	31,5	19,8
	EURO II	29,2	19,4
	EURO III	24,0	15,6
	EURO IV	16,2	10,6
	EURO V	9,8	4,7
	EURO VI	3,6	1,0
	Less polluting than EURO VI	2,5	0,3

(1) 'Suburban' means areas with a population density between 150 and 900 inhabitants/km² (median population density of 300 inhabitants/km²).

(2) 'Interurban' means areas with a population density below 150 inhabitants/km².

Table 2: reference values of the external-cost charge for coaches

Vehicle class	cent/vehicle-kilometre	Suburban⁽¹⁾	Interurban⁽²⁾
Coach having maximum permissible gross laden weight of 18 tonnes or having two axles	EURO 0	20,3	13,1
	EURO I	16,0	10,4
	EURO II	15,6	9,9
	EURO III	13,9	8,5
	EURO IV	10,0	5,7
	EURO V	9,0	5,0
	EURO VI	2,8	0,8
	Less polluting than EURO VI	1,4	0,2

Coach having maximum permissible gross laden weight above 18 tonnes or having three or more axles	EURO 0	24,9	16,2
	EURO I	19,2	12,3
	EURO II	18,5	12,0
	EURO III	15,7	9,8
	EURO IV	10,6	6,6
	EURO V	10,2	5,2
	EURO VI	2,8	0,8
	Less polluting than EURO VI	1,4	0,2

(1) 'Suburban' means areas with a population density between 150 and 900 inhabitants/km² (median population density of 300 inhabitants/km²).

(2) 'Interurban' means areas with a population density below 150 inhabitants/km².

The values of Tables 1 and 2 may be multiplied by a factor of up to 2 in mountain areas and around agglomerations to the extent that it is justified by lower dispersion, the gradient of roads, altitude or temperature inversions.;

(e) in Annex IV, the table with the heading 'Vehicle combinations (articulated vehicles and road trains)' is replaced by the following:

'VEHICLE COMBINATIONS (ARTICULATED VEHICLES AND ROAD TRAINS)

Driving axles with air suspension or recognised as equivalent		Other driving axle suspension systems		Damage class
Number of axles and maximum permissible gross laden weight (in tonnes)		Number of axles and maximum permissible gross laden weight (in tonnes)		
Not less than	Less than	Not less than	Less than	
<i>2 + 1 axles</i>				
7,5	12	7,5	12	I
12	14	12	14	
14	16	14	16	

16	18	16	18	
18	20	18	20	
20	22	20	22	
22	23	22	23	
23	25	23	25	
25	28	25	28	
<i>2 + 2 axles</i>				
23	25	23	25	
25	26	25	26	
26	28	26	28	
28	29	28	29	
29	31	29	31	II
31	33	31	33	
33	36	33	36	III
36	38			
<i>2 + 3 axles</i>				II
36	38	36	38	
38	40			
		38	40	III
<i>3 + 2 axles</i>				II
36	38	36	38	
38	40			
		38	40	III
		40	44	
40	44			
<i>3 + 3 axles</i>				

36	38	36	38	I
38	40			
		38	40	II
40	44	40	44	
<i>7 axles</i>				
40	50	40	50	II
50	60	50	60	III
60		60		
<i>8 or 9 axles</i>				
40	50	40	50	I
50	60	50	60	II
60		60		III';

(2) the following Annexes V, VI and VII are added:

'ANNEX V

MINIMUM REQUIREMENTS FOR LEVYING A CONGESTION CHARGE

This Annex sets out the minimum requirements for levying a congestion charge.

1. The parts of the network subject to congestion charging, vehicles and time periods covered

Member States shall specify precisely:

(a) the part or parts of their network composed of their share in the trans-European road network and their motorways referred to in Article 7(1), which are to be subject to a congestion charge, in accordance with Article 7da(1) and (3).

(b) the classification of sections of the network which are subject to the congestion charge as "metropolitan" and "non-metropolitan". Member States shall use the criteria set out in Table 1 for the purposes of determining the classification of each road segment.

Table1: Criteria for classifying roads on the network referred to in points (a) as 'metropolitan' and 'non-metropolitan'

Road category	Classification criterion
'metropolitan'	Sections of the network running inside agglomerations with a population of 250,000 inhabitants or more
'non-metropolitan'	Sections of the network which are not

	qualified as 'metropolitan'
--	-----------------------------

(c) the periods during which the charge applies, for each individual segment. Where different charge levels apply throughout the charging period, Member States shall clearly specify the beginning and the end of each period during which a specific charge is applied.

Member States shall use the equivalence factors provided in Table 2 for the purpose of establishing the proportion between charge levels for different vehicle categories:

Table 2: Equivalence factors for establishing the proportion between congestion charge levels for different vehicle categories

Vehicle category	Equivalence factor
Light duty vehicles	1
Rigid heavy goods vehicles	1.9
Buses and coaches	2.5
Articulated heavy goods vehicles	2.9

2. Amount of the charge

For each vehicle category, road segment and time period, the Member State or, where appropriate, an independent authority shall determine a single specific amount, set in accordance with the provisions of Section 1 of this Annex, taking into account the corresponding maximum value set out in the table in Annex VI. The resulting charging structure shall be transparent, made public and available to all users on equal terms.

The Member State shall publish all of the following in a timely manner before implementing a congestion charge:

- (a) all parameters, data and other information necessary to understand how the classification of roads and vehicles and determination of periods of application of the charge are established;
- (b) the complete description of congestion charges applying to each vehicle category on each road segment and for each time period.

Member States shall make available to the Commission all information to be published pursuant to points (a) and (b).

The charge shall be set only after having considered the risk of traffic diversion together with any adverse effects on road safety, the environment and congestion, and any solutions to mitigate these risks.

The Member State or, where appropriate, an independent authority, shall monitor the effectiveness of the charging scheme in reducing congestion. It shall adjust every year, where appropriate, the charging structure, charging period(s) and the specific amount of the charge set for each given category of vehicle, type of road and period to the changes in transport supply and demand.

ANNEX VI

MAXIMUM LEVEL OF CONGESTION CHARGE

This Annex sets out the maximum level of congestion charge.

The maximum levels provided for in the table below shall be applied to light duty vehicles. Charges for other vehicle categories shall be established by multiplying the charge applied to light duty vehicles by the equivalence factors provided in the table in Annex V.

Table: Maximum level of congestion charge for light duty vehicles

cent/vehicle-kilometre	Metropolitan	Non-metropolitan
Motorways	67	34
Main roads	198	66

VARIATION OF TOLLS AND USER CHARGES FOR LIGHT DUTY VEHICLES

This Annex specifies the emission categories according to which tolls and user charges shall be differentiated.

Pollutant emissions shall be measured in accordance with Commission Regulation (EU) .../...*.

The lower rates shall apply for any passenger car and light commercial vehicle with specific CO₂ emissions, as measured in accordance with Regulation (EC) No 715/2007 of the European Parliament and of the Council**, that are below the levels corresponding to the applicable EU fleet wide targets set out in Regulation (EC) No 443/2009 of the European Parliament and of the Council*** and Regulation (EU) No 510/2011 of the European Parliament and of the Council****.

Table: emission categories of light duty vehicles

Conformity factor	1.5-2.1	1-1.5	below 1	Zero-emission vehicles
Charge per km	10% below highest rate	20% below highest rate	30% below highest rate	75% below highest rate

* COMMISSION REGULATION (EU) .../... of XXX amending Commission Regulation (EU) 2017/xxx and Directive 2007/46/EC of the European Parliament and of the Council as regards real-driving emissions from light passenger and commercial vehicles (Euro 6) [RDE 3] (OJ L ...,2017, p. ...).

** Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 171, 29.6.2007, p. 1).

*** Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles (OJ L 140, 5.6.2009, p. 1).

**** Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles (OJ L 140, 5.6.2009, p. 1).'

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AMENDMENT 120 - ANNEX III

(b) Annex III is amended as follows:

(i) Section 2 is amended as follows:

– in point 2.1., the sixth indent is replaced by the following:

- Costs shall be apportioned to ~~heavy-duty vehicles~~ **each vehicle type** on an objective and transparent basis taking account of the proportion of ~~heavy-duty vehicle~~ traffic **for each vehicle type** to be carried on the network and the associated costs. The vehicle kilometres travelled by heavy duty vehicles may for this purpose be adjusted by objectively justified ‘equivalence factors’ such as those set out in point 4 (*).

* The application of equivalence factors by Member States may take account of road construction developed on a phased basis or using a long life cycle approach.';

AMENDMENT 121 - ANNEX III

- in point 2.2., the second indent is replaced by the following:
 - '– Such costs shall be apportioned between heavy duty vehicles and ~~other traffic~~ ***light vehicles*** on the basis of actual and forecast shares of vehicle kilometres and may be adjusted by objectively justified equivalence factors such as those set out in point 4.';

AMENDMENT 122 - ANNEX IIIa

(c) Annex IIIa is replaced by the following:

'ANNEX IIIa

MINIMUM REQUIREMENTS FOR LEVYING AN EXTERNAL-COST CHARGE

This Annex sets out the minimum requirements for levying an external-cost charge and, where applicable, for calculating the maximum external-cost charge.

1. The parts of the road network concerned

The Member State shall specify precisely the part or parts of their road network which are to be subject to an external-cost charge.

~~Where a Member State intends to levy an external-cost charge on only a part or parts of the road network composed of its share in the trans-European network and of its motorways, the part or parts shall be chosen after an assessment establishing that:~~

- ~~— vehicles' use of the roads where the external-cost charge is applied generates environmental damage higher than that generated on average assessed in accordance with air quality reporting, national emissions inventories, traffic volumes and, for noise, in accordance with Directive 2002/49/EC, or~~
- ~~— the imposition of an external-cost charge on other parts of the road network thus composed might have adverse effects on the environment or road safety, or levying and collecting an external-cost charge on them would entail disproportionate cost.~~

AMENDMENT 123 - ANNEX IIIa

2. The vehicles, roads and time period covered

~~Where a Member State intends to apply higher external cost charges than the reference values specified in Annex IIIb, it shall notify the Commission of the classification of vehicles according to which the external cost charge shall vary. It shall also notify the Commission of the location of roads subject to higher external cost charges (called hereafter ‘suburban roads (including motorways)’), and of roads subject to lower external cost charges (called hereafter ‘interurban roads (including motorways)’).~~

~~Where applicable, it shall also notify the Commission of the exact time periods corresponding to the night period during which a higher external noise cost charge may be imposed to reflect greater noise nuisances.~~

The classification of roads as suburban roads (including motorways) and interurban roads (including motorways), and the definition of time periods shall be based on objective criteria related to the level of exposure of the roads and their vicinities to pollution such as population density, the annual mean air pollution (in particular for PM₁₀ and NO₂) and the number of days (for PM₁₀) and hours (NO₂) on which limit values established under Directive 2008/50/EC are exceeded. The criteria used shall be included in the notification.

AMENDMENT 126 - ANNEX IIIb

(d) Annex IIIb is replaced by the following:

'ANNEX IIIb

~~REFERENCE~~**MINIMUM** VALUES OF THE EXTERNAL-COST CHARGE

This Annex sets out ~~reference~~**minimum** values of the external-cost charge, including the cost of air pollution and noise.

AMENDMENT 127 - ANNEX IIIb

Table 1: ~~reference~~**minimum** values of the external-cost charge for heavy goods vehicles

Vehicle class	cent/vehicle-kilometre	Suburban ⁽¹⁾	Interurban ⁽²⁾
Heavy goods vehicle having a maximum permissible gross laden weight of less than 14 tonnes or having two axles	EURO 0	13,3	8,3
	EURO I	9,1	5,4
	EURO II	8,8	5,4
	EURO III	7,7	4,3
	EURO IV	5,9	3,1
	EURO V	5,7	1,9
	EURO VI	3,2	0,6
	Less polluting than EURO VI	2,5	0,3
Heavy goods vehicle having a maximum permissible gross laden weight between 14 and 28 tonnes or having three axles	EURO 0	23,3	15,1
	EURO I	16,4	10,1
	EURO II	15,7	10,0
	EURO III	13,5	8,2
	EURO IV	9,5	5,7
	EURO V	8,9	3,7
	EURO VI	3,6	0,8
	Less polluting than EURO VI	2,5	0,3

Heavy goods vehicle having a maximum permissible gross laden weight between 28 and 40 tonnes or having four axles	EURO 0	30,4	19,7
	EURO I	22,6	13,9
	EURO II	21,3	13,9
	EURO III	17,8	11,2
	EURO IV	12,2	7,7
	EURO V	9,2	4,0
	EURO VI	3,5	0,8
	Less polluting than EURO VI	2,5	0,3
Heavy goods vehicle having a maximum permissible gross laden weight above 40 tonnes or having 5 or more axles	EURO 0	43,0	28,6
	EURO I	31,5	19,8
	EURO II	29,2	19,4
	EURO III	24,0	15,6
	EURO IV	16,2	10,6
	EURO V	9,8	4,7
	EURO VI	3,6	1,0
	Less polluting than EURO VI	2,5	0,3

- (1) 'Suburban' means areas with a population density between 150 and 900 inhabitants/km² (median population density of 300 inhabitants/km²).
- (2) 'Interurban' means areas with a population density below 150 inhabitants/km².

AMENDMENT 128 - ANNEX IIIb

Table 2: ~~reference~~ **minimum** values of the external-cost charge for coaches

Vehicle class	cent/vehicle-kilometre	Suburban ⁽¹⁾	Interurban ⁽²⁾
Coach having maximum permissible gross laden weight of 18 tonnes or having two axles	EURO 0	20,3	13,1
	EURO I	16,0	10,4
	EURO II	15,6	9,9
	EURO III	13,9	8,5
	EURO IV	10,0	5,7
	EURO V	9,0	5,0
	EURO VI	2,8	0,8
	Less polluting than EURO VI	1,4	0,2
Coach having maximum permissible gross laden weight above 18 tonnes or having three or more axles	EURO 0	24,9	16,2
	EURO I	19,2	12,3
	EURO II	18,5	12,0
	EURO III	15,7	9,8
	EURO IV	10,6	6,6
	EURO V	10,2	5,2
	EURO VI	2,8	0,8
	Less polluting than EURO VI	1,4	0,2

- (1) 'Suburban' means areas with a population density between 150 and 900 inhabitants/km² (median population density of 300 inhabitants/km²).
- (2) 'Interurban' means areas with a population density below 150 inhabitants/km².

AMENDMENT 129 - ANNEX IIIb

The values of Tables 1 and 2 may be multiplied by a *reference* factor of up to ~~2~~**4** in mountain areas and around agglomerations to the extent that it is justified by lower dispersion, the gradient of roads, altitude or temperature inversions. ***If there is scientific evidence for a higher mountain or agglomeration factor, this reference value can be increased based on a detailed justification'***;

AMENDMENT 124 - ANNEX IIIb

Table 3: Minimum values of the external-cost charge for passenger cars (€/vkm)

<i>Vehicle</i>	<i>Engine</i>	<i>EURO-Class</i>	<i>Suburban</i>	<i>Interurban</i>
<i>Car diesel</i>	<i><1.4l</i>	<i>Euro 2</i>	<i>1.9</i>	<i>0.9</i>
		<i>Euro 3</i>	<i>1.6</i>	<i>0.9</i>
		<i>Euro 4</i>	<i>1.3</i>	<i>0.7</i>
		<i>Euro 5</i>	<i>0.9</i>	<i>0.5</i>
		<i>Euro 6</i>	<i>0.6</i>	<i>0.3</i>
	<i>1.4-2.0l</i>	<i>Euro 0</i>	<i>3.6</i>	<i>1.0</i>
		<i>Euro 1</i>	<i>1.9</i>	<i>0.9</i>
		<i>Euro 2</i>	<i>1.8</i>	<i>0.8</i>
		<i>Euro 3</i>	<i>1.7</i>	<i>0.9</i>
		<i>Euro 4</i>	<i>1.4</i>	<i>0.7</i>
		<i>Euro 5</i>	<i>0.9</i>	<i>0.5</i>
	<i>>2.0l</i>	<i>Euro 6</i>	<i>0.6</i>	<i>0.3</i>
		<i>Euro 0</i>	<i>3.9</i>	<i>1.3</i>
		<i>Euro 1</i>	<i>1.9</i>	<i>0.9</i>
		<i>Euro 2</i>	<i>1.8</i>	<i>0.9</i>
		<i>Euro 3</i>	<i>1.7</i>	<i>0.9</i>
		<i>Euro 4</i>	<i>1.4</i>	<i>0.7</i>
		<i>Euro 5</i>	<i>0.9</i>	<i>0.5</i>
		<i>Euro 6</i>	<i>0.6</i>	<i>0.3</i>
<i>Car petrol</i>	<i><1.4l</i>	<i>Euro 0</i>	<i>3.7</i>	<i>2.4</i>
		<i>Euro 1</i>	<i>1.0</i>	<i>0.4</i>
		<i>Euro 2</i>	<i>0.7</i>	<i>0.3</i>
		<i>Euro 3</i>	<i>0.5</i>	<i>0.2</i>
		<i>Euro 4</i>	<i>0.5</i>	<i>0.2</i>
		<i>Euro 5</i>	<i>0.5</i>	<i>0.2</i>
	<i>1.4-2.0l</i>	<i>Euro 6</i>	<i>0.5</i>	<i>0.2</i>
		<i>Euro 0</i>	<i>3.9</i>	<i>3.0</i>
		<i>Euro 1</i>	<i>1.1</i>	<i>0.4</i>
		<i>Euro 2</i>	<i>0.7</i>	<i>0.3</i>
		<i>Euro 3</i>	<i>0.5</i>	<i>0.2</i>
		<i>Euro 4</i>	<i>0.5</i>	<i>0.2</i>

<i>>2.0l</i>	<i>Euro 5</i>	<i>0.4</i>	<i>0.2</i>
	<i>Euro 6</i>	<i>0.4</i>	<i>0.2</i>
	<i>Euro 0</i>	<i>4.0</i>	<i>3.0</i>
	<i>Euro 1</i>	<i>1.0</i>	<i>0.4</i>
	<i>Euro 2</i>	<i>0.5</i>	<i>0.3</i>
	<i>Euro 3</i>	<i>0.5</i>	<i>0.2</i>
	<i>Euro 4</i>	<i>0.5</i>	<i>0.2</i>
	<i>Euro 5</i>	<i>0.4</i>	<i>0.2</i>
	<i>Euro 6</i>	<i>0.4</i>	<i>0.2</i>

AMENDMENT 125 - ANNEX IIIb

Table 4: Minimum values of the external-cost charge for light duty vehicles (€ct/vkm)

<i>Vehicle</i>	<i>EURO-Class</i>	<i>Suburban</i>	<i>Interurban</i>
<i>LCV petrol</i>	<i>Euro 1</i>	<i>2.4</i>	<i>0.7</i>
	<i>Euro 2</i>	<i>1.9</i>	<i>0.4</i>
	<i>Euro 3</i>	<i>1.8</i>	<i>0.4</i>
	<i>Euro 4</i>	<i>1.7</i>	<i>0.3</i>
	<i>Euro 5</i>	<i>1.6</i>	<i>0.3</i>
	<i>Euro 6</i>	<i>1.6</i>	<i>0.3</i>
<i>LCV diesel</i>	<i>Euro 1</i>	<i>4.0</i>	<i>1.7</i>
	<i>Euro 2</i>	<i>4.1</i>	<i>1.7</i>
	<i>Euro 3</i>	<i>3.5</i>	<i>1.3</i>
	<i>Euro 4</i>	<i>3.0</i>	<i>1.1</i>
	<i>Euro 5</i>	<i>2.2</i>	<i>0.8</i>
	<i>Euro 6</i>	<i>1.9</i>	<i>0.5</i>

AMENDMENT 130 - ANNEX IV

(ea) in Annex IV, the following paragraph is added:

“For all motor vehicles that are alternatively fuelled, the maximum authorised weight is increased by the additional weight required for the alternative fuel technology used, the maximum increase being one tonne.”;

AMENDMENT 131 - ANNEX V

- (2) the following Annexes V, VI and VII are added:

'ANNEX V

MINIMUM REQUIREMENTS FOR LEVYING A CONGESTION CHARGE

This Annex sets out the minimum requirements for levying a congestion charge.

1. The parts of the network subject to congestion charging, vehicles and time periods covered

Member States shall specify precisely:

- (a) the part or parts of their network composed of their share in the trans-European road network and their motorways referred to in Article 7(1), which are to be subject to a congestion charge, in accordance with Article 7da(1) and (3).
- (b) the classification of sections of the network which are subject to the congestion charge as "metropolitan" and "non-metropolitan". Member States shall use the criteria set out in Table 1 for the purposes of determining the classification of each road segment.

Table 1: Criteria for classifying roads on the network referred to in points (a) as 'metropolitan' and 'non-metropolitan'

Road category	Classification criterion
'metropolitan'	Sections of the network running inside agglomerations with a population of 250,000 inhabitants or more
'non-metropolitan'	Sections of the network which are not qualified as 'metropolitan'

- (c) the periods during which the charge applies, for each individual segment.
- Where different charge levels apply throughout the charging period, Member States shall clearly specify the beginning and the end of each period during which a specific charge is applied.

Member States shall use the equivalence factors provided in Table 2 for the purpose of establishing the proportion between charge levels for different vehicle categories:

Table 2: Equivalence factors for establishing the proportion between congestion charge levels for different vehicle categories

Vehicle category	Equivalence factor
Light duty vehicles	1
Rigid heavy goods vehicles	1.9
Buses and coaches	2.5 1.5
Articulated heavy goods vehicles	2.9

COUNCIL GENERAL APPROACH

COUNCIL GENERAL APPROACH

(1) Annexes 0, **II**, III, IIIa, IIIb and IV are amended as follows:

(a) in Annex 0, Section 3 is amended as follows:

[...]

(iii) the following is added:

'Euro VI Emission Limits

	Limit values							
	CO (mg/kWh)	THC (mg/kWh)	NMHC (mg/kWh)	CH ₄ (mg/kWh)	NO _x ⁽¹⁾ (mg/kWh)	NH ₃ (ppm)	PM mass (mg/kWh)	PM number (#/kWh)
WHSC (CI)	1500	130			400	10	10	8,0 x 10 ¹¹
WHTC (CI)	4000	160			460	10	10	6,0 x 10 ¹¹
WHTC (PI)	4000		160	500	460	10	10	6,0 x 10 ¹¹

Note:

PI = Positive Ignition.

CI = Compression Ignition.

(1) The admissible level of NO₂ component in the NO_x limit value may be defined at a later stage.'

(b) Annex II is amended as follows:¹²

ANNEX II

MAXIMUM AMOUNTS IN EURO OF USER CHARGES, INCLUDING ADMINISTRATIVE COSTS, REFERRED TO IN ARTICLE 7a(2) [...]

Annual

-	<u>maximum three axles</u>	<u>minimum four axles</u>
<u>EURO 0</u>	[...] <u>1899</u>	[...] <u>185</u>
<u>EURO I</u>	<u>1651</u> [...]	[...] <u>2 757</u>
<u>EURO II</u>	<u>1 428</u> [...]	[...] <u>2 394</u>
<u>EURO III</u>	<u>1242</u> [...]	[...] <u>2 073</u>
<u>EURO IV</u>	<u>1081</u> [...]	[...] <u>1 803</u>
<u>EURO V</u>	<u>940</u>	<u>1 567</u>
<u>EURO VI</u>	<u>855</u>	<u>1 425</u>

Monthly [...] weekly and daily

Maximum monthly [...] weekly and daily rates are in proportion to the duration of the use made of the infrastructure.

[...]

¹² Please note that this Annex was not included in the Commission proposal. Changes in **bold underlined** or [...] are made to the current text of the directive.

(c) Annex III is amended as follows:

(i) Section 2 is amended as follows:

- in point 2.1., the sixth indent is replaced by the following:

'- Costs shall be apportioned to heavy duty vehicles on an objective and transparent basis taking account of the proportion of heavy duty vehicle traffic to be carried on the network and the associated costs. The vehicle kilometres travelled by heavy duty vehicles may for this purpose be adjusted by objectively justified 'equivalence factors' such as those set out in point 4¹³.';

- in point 2.2., the second indent is replaced by the following:

'- Such costs shall be apportioned between heavy duty vehicles and other traffic on the basis of actual and forecast shares of vehicle kilometres and may be adjusted by objectively justified equivalence factors such as those set out in point 4.';

(ii) in Section 4, the heading and the first indent are replaced by the following:

'4. SHARE OF HEAVY DUTY VEHICLE TRAFFIC, EQUIVALENCE FACTORS AND CORRECTION MECHANISM

– The calculation of tolls shall be based on actual or forecast shares of heavy duty vehicle kilometres adjusted, if desired, by equivalence factors, to make due allowance for the increased costs of constructing and repairing infrastructure for use by heavy duty vehicles.';

¹³ The application of equivalence factors by Member States may take account of road construction developed on a phased basis or using a long life cycle approach

([...]**d**) Annex IIIa is replaced by the following:

'ANNEX IIIa

MINIMUM REQUIREMENTS FOR LEVYING AN EXTERNAL-COST CHARGE

This Annex sets out the minimum requirements for levying an external-cost charge and, where applicable, for calculating the maximum external-cost charge.

1. The parts of the road network concerned

The Member State shall specify precisely the part or parts of their road network which are to be subject to an external-cost charge.

Where a Member State intends to levy an external-cost charge on only a part or parts of the road network composed of its share in the trans-European network and of its motorways, the part or parts shall be chosen after an assessment establishing that:

- vehicles' use of the roads where the external-cost charge is applied generates environmental damage higher than that generated on average assessed in accordance with air quality reporting, national emissions inventories, traffic volumes and, for noise, in accordance with Directive 2002/49/EC, **or other equivalent data source**, or
- the imposition of an external-cost charge on other parts of the road network thus composed might have adverse effects on the environment or road safety, or levying and collecting an external-cost charge on them would entail disproportionate cost.

2. The vehicles, roads and time period covered

Where a Member State intends to apply higher external-cost charges than the reference values specified in Annex IIIb **or Annex IIIc**, it shall notify the Commission of the classification of vehicles according to which the external-cost charge shall vary. **Where applicable**, it shall [...] notify the Commission of the location of roads subject to higher external-cost charges (called hereafter ‘suburban roads (including motorways)’), and of roads subject to lower external-cost charges (called hereafter ‘interurban roads (including motorways)’).

Where applicable, it shall also notify the Commission of the exact time periods corresponding to the night period during which a higher external noise-cost charge may be imposed to reflect greater noise nuisances.

The classification of roads as suburban roads (including motorways) and interurban roads (including motorways), and the definition of time periods shall be based on objective criteria related to the level of exposure of the roads and their vicinities to pollution such as population density, the annual mean air pollution (in particular for PM₁₀ and NO₂) and the number of days (for PM₁₀) and hours (NO₂) on which limit values established under Directive 2008/50/EC are exceeded. The criteria used shall be included in the notification.

3. Amount of the charge

This section shall apply where a Member State intends to apply higher external cost charges than the reference values specified in Annex IIIb **or Annex IIIc**.

For each vehicle class, type of road and time period, **as applicable**, the Member State or, where appropriate, an independent authority shall determine a single specific amount. The resulting charging structure shall be transparent, made public and available to all users on equal terms. The publication should occur in a timely manner before implementation. All parameters, data and other information necessary to understand how the various external-cost elements are calculated shall be made public.

When setting the charges, the Member State or, where appropriate, an independent authority shall be guided by the principle of efficient pricing that is a price close to the social marginal cost of the usage of the vehicle charged.

The charge shall be set after having considered the risk of traffic diversion together with any adverse effects on road safety, the environment and congestion, and any solutions to mitigate these risks.

The Member State or, where appropriate, an independent authority, shall monitor the effectiveness of the charging scheme in reducing environmental damage arising from road transport. It shall every two years adjust, where appropriate, the charging structure and the specific amount of the charge set for a given class of vehicle, type of road and period of time to the changes in transport supply and demand.

4. External-cost elements

4.1. Cost of traffic-based air pollution

Where a Member State intends to apply higher external-cost charges than the reference values specified in Annex IIb, that Member State or, where appropriate, an independent authority shall calculate the chargeable cost of traffic-based air pollution by applying the following formula:

$$PCV_{ij} = \sum_k EF_{ik} \times PC_{jk}$$

where:

- PCV_{ij} = air pollution cost of vehicle class i on road type j
(euro/vehicle.kilometre)
- EF_{ik} = emission factor of pollutant k and vehicle class i
(gram/vehicle.kilometre)
- PC_{jk} = monetary cost of pollutant k for type of road j (euro/gram)

The emission factors shall be the same as those used by the Member State to establish the national emissions inventories provided for in Directive (EU) 2016/2284 of the European Parliament and of the Council of on the reduction of national emissions of certain atmospheric pollutants¹⁴ (which requires use of the EMEP/EEA air pollutant Emission Inventory Guidebook¹⁵). The monetary cost of pollutants shall be estimated by the Member State or, where appropriate, the independent authority referred to in Article 7c([...]2), using scientifically proven methods.

The Member State or, where appropriate, an independent authority may apply scientifically proven alternative methods to calculate the value of air pollution costs using data from air pollutant measurement and the local value of the monetary cost of air pollutants.

4.2. *Cost of traffic-based noise pollution*

Where a Member State intends to apply higher external-cost charges than the reference values specified in Annex IIIb, the Member State or, where appropriate, an independent authority shall calculate the chargeable cost of traffic-based noise pollution by applying the following formulae:

$$NCV_j \text{ (daily)} = e \times \sum_k NC_{jk} \times POP_k / WADT$$

$$NCV_j \text{ (day)} = a \times NCV_j$$

$$NCV_j \text{ (night)} = b \times NCV_j$$

¹⁴ Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p. 1)

¹⁵ Methodology of the European Environmental Agency:
<http://www.eea.europa.eu/publications/emep-eea-guidebook-2016>

where:

—	$NCV_j =$		noise cost of one heavy goods vehicle on road type j (euro/vehicle.kilometre)
—	$NC_{jk} =$		noise cost per person exposed on road type j to noise level k (euro/person)
—	$POP_k =$		population exposed to daily noise level k per kilometre (person/kilometre)
—	$WADT =$		weighted average daily traffic (passenger car equivalent)
—	a and b		are weighting factors determined by the Member State in such a way that the resulting weighted average noise charge per vehicle kilometre corresponds to NCV_j (daily).

The traffic-based noise pollution relates to the impact of noise on health of citizens around the road.

The population exposed to noise level k shall be taken from the strategic noise maps drafted under Article 7 of Directive 2002/49/EC of the European Parliament and the Council¹⁶, **or other equivalent data source.**

The cost per person exposed to noise level k shall be estimated by the Member State or, where appropriate, an independent authority, using scientifically proven methods.

¹⁶ Directive 2002/49/EC of the European Parliament and the Council of 25 June 2002 relating to the assessment and management of environmental noise (OJ L 189, 18.7.2002, p. 12).

The weighted average daily traffic shall assume an equivalence factor ‘e’ between heavy goods vehicles and passenger cars derived on the basis of the noise emission levels of the average car and of the average heavy goods vehicle and considering the Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC.

The Member State or, where appropriate, an independent authority, may establish differentiated noise charges to reward the use of quieter vehicles provided it does not result in discrimination against foreign vehicles.

4.3. Cost of traffic-based CO₂ emission

Where a Member State intends to apply an external cost charge for CO₂ emission higher than the reference values set out in Annex IIIc, that Member State or, where appropriate, an independent authority shall calculate the chargeable cost based on scientific evidence using the avoidance cost approach, taking into account and explaining, in particular, the following aspects:

- **the choice of emission target level;**
- **estimation of options for mitigation;**
- **estimation of baseline scenario;**
- **risk and loss aversion;**
- **equity weighting.**

At least six months before the implementation of such an external cost charge for CO₂ emission, the Member State shall notify the Commission."

(~~de~~) Annex IIIb is replaced by the following:

'ANNEX IIIb

REFERENCE VALUES OF THE EXTERNAL-COST CHARGE

This Annex sets out reference values of the external-cost charge, including the cost of air pollution and noise.

Table 1: reference values of the external-cost charge for heavy goods vehicles

<i>Vehicle class</i>	<i>cent/vehicle-kilometre</i>	Suburban⁽¹⁾	Interurban⁽²⁾
<i>Heavy goods vehicle having a <u>technically permissible maximum laden mass</u> [...] of less than [...] <u>12</u> tonnes or having two axles</i>	<i>EURO 0</i>	[...] <u>18,6</u>	[...] <u>9,9</u>
	<i>EURO I</i>	[...] <u>12,6</u>	[...] <u>6,4</u>
	<i>EURO II</i>	[...] <u>12,5</u>	[...] <u>6,3</u>
	<i>EURO III</i>	[...] <u>9,6</u>	[...] <u>4,8</u>
	<i>EURO IV</i>	[...] <u>7,3</u>	[...] <u>3,4</u>
	<i>EURO V</i>	[...] <u>4,4</u>	[...] <u>1,8</u>
	<i>EURO VI</i>	[...] <u>2,3</u>	[...] <u>0,5</u>
	<i>Less polluting than EURO VI, <u>including zero-emission vehicles</u></i>	[...] <u>2,0</u>	0,3
<i>Heavy goods vehicle having a <u>technically permissible maximum laden mass</u> [...] between [...] <u>12</u> and [...] <u>18</u> tonnes or having three axles</i>	<i>EURO 0</i>	[...] <u>24,6</u>	[...] <u>13,7</u>
	<i>EURO I</i>	[...] <u>15,8</u>	[...] <u>8,4</u>
	<i>EURO II</i>	[...] <u>15,8</u>	[...] <u>8,4</u>
	<i>EURO III</i>	[...] <u>12,5</u>	[...] <u>6,6</u>
	<i>EURO IV</i>	[...] <u>9,2</u>	[...] <u>4,5</u>
	<i>EURO V</i>	[...] <u>5,6</u>	[...] <u>2,7</u>
	<i>EURO VI</i>	[...] <u>2,8</u>	[...] <u>0,7</u>

	<i>Less polluting than EURO VI, including zero-emission vehicles</i>	[...] <u>2,3</u>	0,3
<i>Heavy goods vehicle having a technically permissible maximum laden mass [...]between [...] <u>18</u> and [...] <u>32</u> tonnes or having four axles</i>	<i>EURO 0</i>	[...] <u>27,8</u>	[...] <u>15,8</u>
	<i>EURO I</i>	[...] <u>20,4</u>	[...] <u>11,3</u>
	<i>EURO II</i>	[...] <u>20,4</u>	[...] <u>11,2</u>
	<i>EURO III</i>	[...] <u>16,3</u>	[...] <u>8,9</u>
	<i>EURO IV</i>	[...] <u>11,8</u>	[...] <u>6,0</u>
	<i>EURO V</i>	[...] <u>6,6</u>	[...] <u>3,4</u>
	<i>EURO VI</i>	[...] <u>3,1</u>	0,8
	<i>Less polluting than EURO VI, including zero-emission vehicles</i>	2,5	0,3
<i>Heavy goods vehicle having a technically permissible maximum laden mass [...] above [...] <u>32</u> tonnes or having 5 or more axles</i>	<i>EURO 0</i>	[...] <u>33,5</u>	[...] <u>19,4</u>
	<i>EURO I</i>	[...] <u>25,0</u>	[...] <u>14,1</u>
	<i>EURO II</i>	[...] <u>24,9</u>	[...] <u>13,9</u>
	<i>EURO III</i>	[...] <u>20,1</u>	[...] <u>11,1</u>
	<i>EURO IV</i>	[...] <u>14,2</u>	[...] <u>7,5</u>
	<i>EURO V</i>	[...] <u>7,6</u>	[...] <u>3,8</u>
	<i>EURO VI</i>	[...] <u>3,4</u>	[...] <u>0,8</u>
	<i>Less polluting than EURO VI, including zero-emission vehicles</i>	[...] <u>2,8</u>	0,3

- (1) 'Suburban' means areas with a population density between 150 and 900 inhabitants/km² (median population density of 300 inhabitants/km²).
- (2) 'Interurban' means areas with a population density below 150 inhabitants/km².

[...]

The values of Table[...] 1 [...] may be multiplied by a factor of up to 2 in mountain areas and around agglomerations to the extent that it is justified by lower dispersion, the gradient of roads, altitude or temperature inversions.';

(ea) New Annex IIIc is inserted as follows:

'ANNEX IIIc

REFERENCE VALUES OF THE EXTERNAL-COST CHARGE FOR CO₂ EMISSIONS

This Annex sets out reference values of the external-cost charge taking into account the cost of CO₂ emissions.

Table 1: reference values of the external-cost charge for CO₂ emissions for heavy goods vehicles

<u>Vehicle class</u>		<u>cent/vehicle-kilometre</u>	<u>Interurban roads (including motorways)</u>
<u>Heavy goods vehicle having a technically permissible maximum laden mass of less than 12 tonnes or having two axles</u>	<u>CO₂ Class 1</u>	<u>EURO 0</u>	<u>4,5</u>
		<u>EURO I</u>	<u>4,0</u>
		<u>EURO II</u>	
		<u>EURO III</u>	
		<u>EURO IV</u>	
		<u>EURO V</u>	
		<u>EURO VI</u>	
	<u>CO₂ Class 2</u>		<u>3,8</u>
	<u>CO₂ Class 3</u>		<u>3,6</u>
	<u>Low-emission vehicle</u>		<u>2,0</u>
	<u>Zero-emission vehicle</u>		<u>0</u>
<u>Heavy goods vehicle having a technically permissible maximum laden mass between 12 and 18 tonnes or having three axles</u>	<u>CO₂ Class 1</u>	<u>EURO 0</u>	<u>6,0</u>
		<u>EURO I</u>	<u>5,2</u>
		<u>EURO II</u>	
		<u>EURO III</u>	
		<u>EURO IV</u>	<u>5,0</u>

	<u>EURO V</u> <u>EURO VI</u>	
	<u>CO₂ Class 2</u>	<u>4,8</u>
	<u>CO₂ Class 3</u>	<u>4,5</u>
	<u>Low-emission vehicle</u>	<u>2,5</u>
	<u>Zero-emission vehicle</u>	<u>0</u>

<u>Vehicle class</u>		<u>cent/vehicle-kilometre</u>	<u>Interurban roads (including motorways)</u>
<u>Heavy goods vehicle having technically permissible maximum laden mass between 18 and 32 tonnes or having four axles</u>	<u>CO₂ Class 1</u>	<u>EURO 0</u>	<u>7,9</u>
		<u>EURO I</u>	
		<u>EURO II</u>	<u>6,9</u>
		<u>EURO III</u>	
		<u>EURO IV</u>	<u>6,7</u>
		<u>EURO V</u>	
		<u>EURO VI</u>	
	<u>CO₂ Class 2</u>		<u>[6,4]</u>
	<u>CO₂ Class 3</u>		<u>[6,0]</u>
	<u>Low-emission vehicle</u>		<u>3,4</u>
<u>Heavy goods vehicle having a technically permissible maximum laden mass above 32 tonnes or having 5 or more axles</u>	<u>CO₂ Class 1</u>	<u>Zero-emission vehicle</u>	<u>0</u>
		<u>EURO 0</u>	<u>9,1</u>
		<u>EURO I</u>	<u>8,1</u>
		<u>EURO II</u>	
		<u>EURO III</u>	
		<u>EURO IV</u>	<u>8,0</u>
		<u>EURO V</u>	

	<u>EURO VI</u>	
	<u>CO₂ Class 2</u>	<u>7,6</u>
	<u>CO₂ Class 3</u>	<u>7,2</u>
	<u>Low-emission vehicle</u>	<u>4,0</u>
	<u>Zero-emission vehicle</u>	<u>0</u>

(ef) in Annex IV, the table with the heading 'Vehicle combinations (articulated vehicles and road trains)' is replaced by the following:

'VEHICLE COMBINATIONS (ARTICULATED VEHICLES AND ROAD TRAINS)

Driving axles with air suspension or recognised as equivalent	Other driving axle suspension systems	Damage class
Number of axles and <u>technically permissible maximum laden mass</u> [...] (in tonnes)	Number of axles and <u>technically permissible maximum laden mass</u> [...] (in tonnes)	

Not less than	Less than	Not less than	Less than	
<i>2 + 1 axles</i>				
7,5	12	7,5	12	I
12	14	12	14	
14	16	14	16	
16	18	16	18	
18	20	18	20	
20	22	20	22	
22	23	22	23	
23	25	23	25	
25	28	25	28	
<i>2 + 2 axles</i>				
23	25	23	25	
25	26	25	26	
26	28	26	28	
28	29	28	29	
29	31	29	31	II
31	33	31	33	
33	36	33	36	III
36	38			
<i>2 + 3 axles</i>				II
36	38	36	38	
38	40			
		38	40	III
<u>2 + 4 axles</u>				<u>II</u>

<u>36</u>	<u>38</u>	<u>36</u>	<u>38</u>	
<u>38</u>	<u>40</u>			
		<u>38</u>	<u>40</u>	<u>III</u>
<u>3 + 1 axles</u>				<u>II</u>
<u>30</u>	<u>30 32</u>	<u>30</u>	<u>32</u>	
<u>32</u>	<u>35</u>			
		<u>32</u>	<u>35</u>	<u>III</u>
<i>3 + 2 axles</i>				II
36	38	36	38	
38	40			
		38	40	III
		40	44	
40	44			
<i>3 + 3 axles</i>				
36	38	36	38	I
38	40			
		38	40	II
40	44	40	44	
<i>7 axles</i>				
40	50	40	50	II
50	60	50	60	III
60		60		
<u>At least 8 [...] axles</u>				
40	50	40	50	I
50	60	50	60	II
60		60		III';

- (2) the following Annexes V, VI and VII are added:

'ANNEX V

MINIMUM REQUIREMENTS FOR LEVYING A CONGESTION CHARGE

This Annex sets out the minimum requirements for levying a congestion charge.

1. The parts of the network subject to congestion charging, vehicles and time periods covered

Member States shall specify precisely:

- (a) the part or parts of their network composed of their share in the trans-European road network and their motorways referred to in Article 7(1), which are to be subject to a congestion charge, in accordance with Article 7da(1) and (3).
- (b) the classification of sections of the network which are subject to the congestion charge as "metropolitan" and "non-metropolitan". Member States shall use the criteria set out in Table 1 for the purposes of determining the classification of each road segment. Table 1: Criteria for classifying roads on the network referred to in points (a) as 'metropolitan' and 'non-metropolitan'

Road category	Classification criterion
'metropolitan'	Sections of the network running inside agglomerations with a population of 250,000 inhabitants or more
'non-metropolitan'	Sections of the network which are not qualified as 'metropolitan'

- (c) the periods during which the charge applies, for each individual segment. Where different charge levels apply throughout the charging period, Member States shall clearly specify the beginning and the end of each period during which a specific charge is applied.

Member States shall use the equivalence factors provided in Table 2 for the purpose of establishing the proportion between charge levels for different vehicle categories:

Table 2: Equivalence factors for establishing the proportion between congestion charge levels for different vehicle categories

Vehicle category	Equivalence factor
Light duty vehicles	1
Rigid heavy goods vehicles	1.9
Coaches and buses	2.5
Articulated heavy goods vehicles	2.9

2. Amount of the charge

For each vehicle category, road segment and time period, the Member State or, where appropriate, an independent authority shall determine a single specific amount, set in accordance with the provisions of Section 1 of this Annex, taking into account the corresponding [...] **reference** value set out in the table in Annex VI. The resulting charging structure shall be transparent, made public and available to all users on equal terms.

The Member State shall publish all of the following in a timely manner before implementing a congestion charge:

- (a) all parameters, data and other information necessary to understand how the classification of roads and vehicles and determination of periods of application of the charge are established;
- (b) the complete description of congestion charges applying to each vehicle category on each road segment and for each time period.

Member States shall make available to the Commission all information to be published pursuant to points (a) and (b).

The charge shall be set only after having considered the risk of traffic diversion together with any adverse effects on road safety, the environment and congestion, and any solutions to mitigate these risks.

Where a Member State intends to apply higher congestion charges than the reference values specified in Annex VI, it shall notify the Commission of:

- (i) the location of roads subject to congestions charges;**
- (ii) the classification of roads as ‘metropolitan’ and ‘non-metropolitan’, as specified under point (b) of section 1;**
- (iii) the periods during which the charge applies, as specified under point (c) of section 1;**
- (iv) any partial or full exemption applied to minibuses, buses and coaches.**

3. Monitoring

The Member State or, where appropriate, an independent authority, shall monitor the effectiveness of the charging scheme in reducing congestion. It shall adjust every **three** years, where appropriate, the charging structure, charging period(s) and the specific amount of the charge set for each given category of vehicle, type of road and period to the changes in transport supply and demand.

[...] REFERENCE VALUES OF CONGESTION CHARGE

This Annex sets out the [...] reference values of congestion charge.

The [...] reference values provided for in the table below shall be applied to light duty vehicles. Charges for other vehicle categories shall be established by multiplying the charge applied to light duty vehicles by the equivalence factors provided in the table in Annex V.

Table: [...] Reference values of congestion charge for light duty vehicles

cent/vehicle-kilometre	Metropolitan	Non-metropolitan
Motorways	[...] <u>25,9</u>	[...] <u>23,7</u>
Main roads	[...] <u>61,0</u>	[...] <u>41,5</u>

ANNEX VII

[...]

EMISSION PERFORMANCE

This Annex specifies the emission [...] performance for pollutants according to which tolls and user charges shall be differentiated in accordance with Article 7ga(1)(b).

Table: emission performance criteria for pollutants for light duty vehicles

<u>Toll and user charge</u>	<u>5-150% below highest rate</u>	<u>15-250% below highest rate</u>	<u>25-350% below highest rate</u>	<u>Up to 75% below highest rate</u>
<u>Emission performance</u>	<u>Euro-6d-temp-x[#]</u>	<u>Euro-6d-x[#]</u>	<u>Declared maximum RDE values for pollutant emissions^{##}</u> <u>< 80% of the applicable emission limits</u>	<u>Zero-emission vehicles</u>

where x may be empty or be one of the following (EVAP, EVAP-ISC, ISC or ISC-FCM)

for both NO_x and PN as reported in point 48.2 of the Certificate of Conformity, in Annex IX to Directive 2007/46/EC