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REPORT

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
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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 infrastructure – Mandate for negotiations with the European Parliament

I. INTRODUCTION

1. The Commission submitted the above-mentioned proposal to the European Parliament and to the Council on 1 June 2017 as a part of the First Mobility Package.
2. This proposal modifies Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures, with the aim to address the problems relating to greenhouse gas emissions, financing of the road infrastructure and congestion.

II. WORK AT OTHER INSTITUTIONS

3. The European Parliament designated the Committee on Transport and Tourism (TRAN) as the responsible committee for this proposal and Ms Christine Revault d'Allonnes Bonnefoy (SD, FR) as the rapporteur for the 8th parliamentary term.

4. On 25 October 2018, the Parliament adopted its first reading position.
5. Mr Giuseppe Ferrandino (SD, IT) was subsequently designated as the rapporteur for the 9th parliamentary term.
6. The European Economic and Social Committee adopted its opinion on the proposal at the 529th plenary session, on 18 October 2017. The European Committee of the Regions adopted its opinion at the 127th plenary session, on 1 February 2018.

III. WORK WITHIN THE COUNCIL

7. The Working Party on Land Transport started its work on 1 June 2017 with a general presentation of the proposal. On 21 June 2017, the impact assessment was analysed.
8. The Council (TTE, Transport) held a first policy debate on the proposal on 5 December 2017 (doc. 14426/17).
9. Since then, the proposal has been discussed on several occasions at the level of the Working Party on Land Transport.
10. Under the Finnish Presidency, an attempt to reach a General Approach failed at the TTE Council (Transport) on 2 December 2019.
11. The Croatian Presidency continued work and a number of meetings¹ were dedicated to the discussion of this file.
12. With the aim to simplify the drafting of some complex provisions and accommodate delegations' concerns, the Croatian Presidency produced four revised compromise texts² that mainly addressed the following aspects:
 - allowing the continuation of toll variation based on EURO emission classes;
 - a new method to define the thresholds for CO₂ emission classes 2 and 3 which relies on the emission reduction trajectory defined in Regulation 2019/1242;

¹ Two meetings of the Working Party on Land Transport were held on 10 February and 8 June 2020 and one informal videoconference of the Transport attachés took place on 19 May 2020.

² Ref. 6404/20, 6004/20 REV1, 6404/20 REV 2 and 6404/20 REV 3 REV1.

- the vehicle reclassification timeframe to a lower class for vehicles in Class 2 and 3;
 - a revision clause ensuring the principle of "income neutrality" and
 - amendments related to the registration documents.
13. The last revised compromise text submitted to the delegations on 29 May 2020 was discussed at the Working Party on Land Transport held on 8 June 2020. Overall, delegations recognised that the text was significantly improved, although its complexity still raised some concerns. A limited number of delegations explicitly indicated their opposition to the text for either substantial or procedural reasons (or both); others either indicated scrutiny reservations or expressed flexibility.
14. The Presidency final compromise proposal is set out in the Annex to this report. Please note that this text reflects ST 6404/20 REV3 REV1, with slight modifications in the following provisions: recitals 5, 10, 13, 17 and Articles 7g-a (1a) (1b) (10) (11), 7j (b), 8, 9d and 2 (of the proposed directive).

In particular, attention is drawn to the fact that, in addition to or in line with the changes announced at the Working Party held on 8 June 2020, the following modifications have been introduced:

- Article 7g-a (1a) has been revised in relation to the reclassification of vehicles from Class 2 or 3 into a lower class, in order to provide the possibility for vehicles that are performing better than the conventional ones but not as good as the low-emission vehicles, to be rewarded in a fair way; and
- Article 7g-a (1b) and corresponding recital 13 have been amended, in order to allow for the treatment of hybrid vehicles at the same level as zero emission vehicles, when operating without emissions.

Compared to the Commission proposal, the changes in the annexed text (highlighted in **bold underlined** and ~~striketrough~~) made since the beginning of the work in the Council on this proposal are mainly related to the following:

- the removal of the phasing out of user charges (the so-called "vignettes") for all vehicles;
- the possibility to apply tolls on each type of vehicle (heavy-good vehicles, buses, vans, cars) independently from each other;
- the possibility to exempt buses from congestion charges because of their contribution to the development of public transport;
- replacing maximum congestion charges with reference values and the possibility to charge above those, provided that the Commission is notified of this choice;
- the extension of the charge variation based on CO₂ to user charge schemes.
Additionally, new detailed provisions on the variation based on CO₂, addressing the following: setting CO₂ emission classes with reference to the CO₂ existing standards, defining thresholds for the charge variation, providing for the necessary delegation of power to the Commission for extension of the CO₂ variation to different types of heavy-duty vehicles and regular adaptations to technological progress;
- the possibility to allow a preferential treatment of zero-emission vehicles (for heavy-duty vehicles until 2025 and vans would be considered heavy-duty vehicles due to the weight of their batteries);
- the possibility to continue applying the variation of charges based on EURO emission classes for the existing fleet, while maintaining the obligation to apply reduced charges based on CO₂ emissions for new vehicles;
- a regular review of maximum amounts of user charges for heavy-duty vehicles (Annex II), of the reduction levels of infrastructure charges as well as of the thresholds for CO₂ emission classes 2 and 3;

- the extension of the deadline to implement CO₂ variation in the case a of a common system for user charges between several Member States; and
- the possibility to impose charges for the external cost of CO₂ emissions on top of the infrastructure charges.

IV. CONCLUSION

15. In the light of the above, the Permanent Representatives Committee is invited to endorse the mandate, based on the text annexed to this report, to start negotiations with the European Parliament.
 16. Please note that the Croatian Presidency is continuing certain legislative transparency practices introduced by the Finnish Presidency (doc. 11999/19). The Presidency therefore suggests that, if no objections are raised, the mandate endorsed by Coreper shall be made public, in accordance with the Council's Rules of Procedure.
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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
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Progress towards the goal, which the Commission set out in its White Paper of 28 March 2011³, namely to move towards the full application of the 'polluter pays' and 'user pays' principles, to generate revenue and ensure financing for future transport investments has been slow and inconsistencies persist in the application of road infrastructure charging across the Union.

¹ OJ C , , p. .

² OJ C , , p. .

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).

- (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.
- (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 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 Council⁶ 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.~~

Taking into account the vehicle fleet renewal time and the need for the road transport sector to contribute to the Union climate and energy 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 emissions⁷.

- (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 replaced by distance-based charges, which are fairer, more efficient and more effective.~~

⁴ COM(2016) 501 final.

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).

⁶ 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).

⁷ 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.

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 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.

- (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 Council⁸.~~

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 European Parliament and of the Council⁹.

⁸ 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

⁹ 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

- (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 based on available data on trip patterns.
- (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 standards¹⁰ and any applicable noise limits or targets. The application of such charges should therefore be facilitated. **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 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.**
- (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.
- (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.~~ **in the medium-term.** ~~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~~ **Member States should therefore be allowed to discontinue toll variation on this basis.**

¹⁰ 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

- (10) The At the same time, as the share of CO₂ emissions from heavy duty vehicles is increasing
 -, A a variation of infrastructure charges and user charges according to such CO₂ emissions
 is, capable of contributing to improvements in this area ~~and~~, should therefore be introduced.
In the case of 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.
- (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 vehicles through the differentiation of road charges based on conformity factors~~
~~defined in Commission Regulation (EU) 2016/427¹¹, Commission Regulation (EU)~~
~~2016/646¹², and Commission Regulation (EU) 2017/xxx¹³.~~

Until CO₂ emissions are addressed by more suitable instruments, such as harmonised
fuel taxes including a carbon component or until road transport is 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.

¹¹ 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)

¹² 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)

¹³

(12) ~~In order to promote the use of the cleanest and most efficient vehicles, Member States should apply significantly reduced road tolls and user charges to those vehicles.~~ **incentivise a cleaner vehicle fleet of heavy duty vehicles, the variation of the infrastructure and user charges based on their CO₂ emissions should be mandatory, except where an external cost charge for CO₂ is applied.**

(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 charges, corresponding revenues should be allocated to projects addressing the sources of the problem.~~

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 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.

(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 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.~~

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 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.

- (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.~~

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 their CO₂ emissions if the scope of this Regulation is extended to other heavy-duty vehicles.

- (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.~~

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 include these certified values when determining the reduction of road charges provided for by Article 7g-a.

~~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.~~

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 CO₂emission 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.

- (17) ~~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.~~

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.

- (18) ~~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 possible financing gaps, and raising the public acceptance of road charging.~~

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 CO₂emission 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, Directive (EU) 2019/520 should be amended accordingly.

- (19) ~~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 proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.~~

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) 2017/1151¹⁴ and in relation to Regulation (EU) 2019/631 of the European Parliament and of the Council¹⁵. In order to promote the use of the cleanest and most efficient vehicles, Member States should be allowed to apply significantly reduced road tolls and user charges to those vehicles.

¹⁴ **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**

¹⁵ **Regulation (EU) 2019/631 of the European 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**

- (20) ~~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, 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 2016²¹. In particular, to 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.~~

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 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.

- (21) ~~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 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 Council 22.~~

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 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.

- (22) Directive 1999/62/EC should therefore be amended accordingly,

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 requirement of varying the infrastructure charge only once they are substantially amended.

- (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 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 economic development of peripheral regions, the Commission shall adopt Implementing Acts in accordance with the examination procedure.**

- (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.
- (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.
- (26) Since the objective of this Directive, namely to ensure 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.
- (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 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.

- (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 2016¹⁶. In particular, to 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.
- (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, it is not necessary to provide for control by a committee composed of Member State representatives prior to their adoption.
- (30) Directive 1999/62/EC should therefore be amended accordingly,

¹⁶ OJ L 123, 12.5.2016, p. 1.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 1999/62/EC is amended as follows:

(1) the title is replaced by the following:

"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 road infrastructures";

(2) Articles 1 and 2 are replaced by the following:

"Article 1

1. This Directive applies to:

- (a) vehicle taxes for heavy goods vehicles,
- (b) tolls and user charges imposed on vehicles.

2. This Directive shall not apply to vehicles ~~carrying out transport operations~~ exclusively used in the non-European territories of the Member States.

3. This Directive shall not apply to **heavy duty** 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.
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**
- (a) **the contract was signed before [OJ: add the date of entry into force of the amending Directive]; or**
- (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].**
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.**

Article 2

For the purposes of this Directive:

- (1) ‘trans-European road 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 Council¹⁷ as illustrated by maps in Annex I to that Regulation;
- (2) ‘construction costs’ means the costs related to construction, including, where appropriate, the financing costs, of one of the following:
 - (a) new infrastructure or new infrastructure improvements, including significant structural repairs;
 - (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;
 - (c) infrastructure or infrastructure improvements completed **more than 30 years** before 10 June 2008 where:
 - (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
 - (ii) a Member State can demonstrate that the case for building the infrastructure in question depended on its having a design lifetime in excess of 30 years

¹⁷ 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.)

- (3) ‘financing costs’ means interest on borrowings and return on any equity funding contributed by shareholders;
- (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;
- (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:
- (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;
 - (b) it does not cross at grade with any road, railway or tramway track, bicycle path or footpath;
 - (c) it is specifically designated as a motorway;
- (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 **one or more of the following charges**:
- an infrastructure charge;
 - a congestion charge;
 - an external-cost charge;
- (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;

- (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~~ **and/or traffic-based CO₂ emissions** ~~both~~ ;
- (8a)** ‘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;
- (8b)** ‘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;
- (8c)** **‘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;**
- (9) ‘congestion’ means a situation where traffic volumes approach or exceed road capacity;
- (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;~~
- ~~(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;~~
- ~~(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;~~
- (13) ‘weighted average infrastructure charge’ means the total revenue of an infrastructure charge over a given period divided by the number of heavy duty vehicle kilometres travelled on the road sections subject to the charge during that period;
- (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);

- (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~~ **a motor vehicle, with four wheels or more, or articulated vehicle combination intended or used for the carriage by road of passengers or goods;**
- (16) 'heavy duty vehicle' means ~~a heavy goods vehicle or a coach or bus~~ **motor vehicle having a technically permissible maximum** ~~permissible laden mass exceeding 3,5 tonnes;~~
- (17) 'heavy goods vehicle' means a vehicle intended for the carriage of goods and having a **technically permissible maximum laden mass** ~~maximum permissible mass exceeding 3,5 tonnes;~~
- (18) 'coach ~~or~~ **and** bus' means a vehicle intended for the carriage of more than 8 passengers, in addition to the driver, and having a **technically permissible maximum laden mass** ~~maximum permissible mass exceeding 3,5 tonnes;~~
- (19) 'light duty vehicle' means ~~a passenger car, a minibus or van~~ **a vehicle having a technically permissible maximum laden mass** ~~maximum permissible mass~~ **not exceeding 3,5 tonnes;**
- (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~~ **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** ~~maximum permissible mass not exceeding 3,5 tonnes, or a motor caravan;~~
- (21) 'minibus' means a vehicle intended for the carriage of more than eight passengers, in addition to the driver, and having **technically permissible maximum laden mass** ~~maximum permissible mass not exceeding 3,5 tonnes;~~
- (21a) 'motor caravan' means a vehicle with a living accommodation space, which contains equipment as: seats and table, sleeping accommodation which may be converted from the seats, cooking facilities and storage facilities,** ~~having a maximum permissible mass not exceeding 3,5 tonnes;~~

- (22) ~~'van~~ **light commercial vehicle** means a vehicle intended for the carriage of goods, and having a **technically permissible maximum laden mass** ~~maximum permissible mass~~ not exceeding 3,5 tonnes;
- ~~(23) 'zero-emission vehicle' means a vehicle with no exhaust emissions;~~
- (23) '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 Part II of Annex IV of Regulation (EU)2017/2400;**
- (23a) 'zero-emission vehicle' means a**
- i) passenger car, a minibus or a light commercial vehicle without an internal combustion engine; or**
- ii) heavy-duty vehicle as defined in Article 3(11) of Regulation (EU) 2019/1242¹⁸**
heavy-duty vehicle as defined in point (16) to which the criteria of Article 3(11) of Regulation (EU) 2019/1242¹⁹ apply;
- (23b) 'low-emission heavy-duty vehicle' means a heavy-duty vehicle as defined in Article 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;**
- (24) 'transport operator' means any undertaking transporting goods or passengers by road;

¹⁸ ~~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~~

- (25) ‘vehicle of the ‘EURO 0’, ‘EURO I’, ‘EURO II’, ‘EURO III’, ‘EURO IV’, ‘EURO V’, ‘**EEV**’, ‘EURO VI’ **emission class** category’ means a heavy duty vehicle that complies with the emission limits set out in Annex 0;
- (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 ~~weight~~ **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;
- (26a) ‘vehicle sub-group’ means a grouping of vehicles as defined in Article 3(8) of Regulation (EU) 2019/1242;**
- (26aa) ‘vehicle group’ means a grouping of vehicles as defined in Table 1 of Annex I of Regulation (EU) 2017/2400;**
- (26b) ‘reporting period of the year Y’ means a period as defined in Article 3(3) of Regulation (EU) 2019/1242;**
- (26c) ‘emission reduction 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:**

$$\underline{ET_{Y,sg} = R-ET_Y \times r\ CO_{2sg}}$$

For years $Y > 2030$, $R-ET_Y$ shall be set at 0,70.

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';

~~(26d) ‘reference period’ of a vehicle group as defined in Table 1 of Annex I of Regulation (EU) 2017/2400 means the first reporting period starting after the date on which, according to Article 24 of Regulation 2017/2400, Member States shall prohibit the registration, sale or entry into service of vehicles in this group, which do not comply with the obligations referred to in Article 9 of Regulation 2017/2400;~~

(26e) ‘reference CO₂ emissions’ of a vehicle group’ shall be defined as follows:

- i) for vehicles covered by Regulation 2019/1242, according to the definition provided for in point 3 of Annex I of that Regulation;**
- 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;**

(27) ‘concession contract’ means a works contract **concession or a service concession** as defined in Article 4 **5(1)** of Directive 2014/24 **23**/EU of the European Parliament and of the Council²⁰;

(28) ‘concession toll’ means a toll levied by a concessionaire under a concession contract;

²⁰ Directive 2014/24 **23**/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC **on the award of concession contracts** (OJ L 94, 28.3.2014, p. 65 **1.**);

- (29) ‘substantially amended tolling or charging arrangement’ means a tolling or charging arrangement, **where the amendment of rates is expected to increase revenues 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).**

~~which has been amended in such a way that costs or revenues are affected by 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).~~

For the purposes of point 2:

- (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;
- (b) costs of infrastructure or infrastructure improvements may include any specific expenditure on infrastructure designed to reduce nuisance related to noise or to improve road safety and actual payments made by the infrastructure operator corresponding to objective environmental elements such as protection against soil contamination.

- (3) Article 7 is replaced by the following:

"Article 7

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 the trans-European road network under the conditions laid down in paragraphs 3 to **8a** 9 of this Article and in Articles 7a to 7k.
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).
- 2a. Without prejudice to other provisions of this Directive, tolls and user charges for different categories 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.**
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.

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:

- (a) application of paragraphs 7ca(3) and 7g-a(1) would not be technically practicable to introduce such differentiation in the tolling system concerned;**
- (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.**

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.

- 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.

4a. Member States may provide for reduced toll rates or user charges and exclude road sections with low traffic intensity in sparsely populated areas.

- 5. Member States may provide for reduced toll rates or user charges, or exemptions from the obligation to pay tolls or user charges for:

- (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 Council²¹; and

²¹ 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.)

(ii) any vehicle in cases covered by the conditions set out in Article 6(2)(a) and (b) and (c) of this Directive; **and**

(iii) zero-emission vehicles with a technically permissible maximum laden mass between 3,5 and 4,25t.

~~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.~~

~~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.~~

8. Until 31 December 2019 **[OJ: add date of entry into force plus eight years]**, as regards heavy ~~duty~~ **goods** vehicles, a Member State may choose to apply tolls or user charges only to **heavy goods** vehicles having a **technically permissible** maximum ~~permissible~~ laden ~~weight~~ **mass** of not less than 12 tonnes if it considers that an extension to **heavy goods** vehicles of less than 12 tonnes would:

- (a) create significant adverse effects on the free flow of traffic, the environment, noise levels, congestion, health, or road safety due to traffic diversion;
- (b) involve administrative costs of more than 30% **15%** of the additional revenue which would have been generated by that extension; **or**
- (c) concern a category of vehicles which does not cause more than 10% of the chargeable infrastructure costs.**

Member States choosing to apply tolls or user charges or both only to **heavy goods** vehicles having a **technically permissible** maximum ~~permissible~~ laden ~~weight~~ **mass** of not less than 12 tonnes shall inform the Commission of their decision and on the reasons thereof.

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.

~~9. As of 1 January 2020, tolls and user charges applied to heavy duty vehicles shall apply to all heavy duty vehicles.~~

~~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.";~~

(4) Article 7a is replaced by the following:

"Article 7a

1. User charges shall be proportionate to the duration of the use made of the infrastructure.

2. Insofar as user charges are applied in respect of heavy duty vehicles, the use of the 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. **A Member State may apply only annual rates for vehicles registered in that Member State.**

Member States shall set user charges, including administrative costs, for all heavy duty vehicles ~~categories~~, at a level that does not exceed the maximum rates laid down in Annex II.

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 than ~~30%~~ **33%** of the annual rate; **and** the monthly rate shall be no more than ~~18%~~ **20%** of the annual rate. ~~and~~ The 10-day rate shall be no more than ~~8%~~ **13%** of the annual rate.

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.

In respect of user charge schemes adopted before ~~31 May 2017~~ **[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 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, from ~~1 January 2024~~ **[OJ: add the date of entry into force plus eight years]**.

4. For minibuses and ~~vans~~ **light commercial vehicles**, Member States shall comply either with paragraph 2 or with paragraph 3. Member States ~~shall~~ **may** however set ~~higher~~ **different** user charge **rates** for minibuses and ~~vans~~ **light commercial vehicles** than for passenger cars ~~as from 1 January 2024 at the latest.~~"

(4a) Article 7b is replaced by the following:

"Article 7b

1. The infrastructure charge **for heavy duty vehicles** shall be based on the principle of the recovery of infrastructure costs. The weighted average infrastructure charge **for heavy duty vehicles** 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.
2. The costs taken into account shall relate to the network or the part of the network on which infrastructure charges **for heavy duty vehicles** are levied and to the vehicles that are subject thereto. Member States may choose to recover only a percentage of those costs."

- (5) Article 7c is replaced by the following:

"Article 7c

1. Member States may maintain or introduce an external-cost charge, related to the cost of traffic-based air **pollution**, or noise pollution, **CO₂ emissions** or both **any combination thereof**.

Where an external-cost charge is applied For heavy duty vehicles, the external-cost charge **Member States** shall vary **it** and be set **it** 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 **and IIIc**. **Member States may choose to recover only a percentage of those costs.**

- ~~2. 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. Member States may choose to recover only a percentage of those costs.~~

- ~~3. 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.~~

~~— The first subparagraph shall cease to apply four years from the date when the rules which introduced those standards started to apply.~~

- 42.** 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.

- ~~5. From 1 January 2021, Member States that levy tolls shall apply an external-cost charge to heavy duty vehicles on 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."~~

Article 7ca

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.
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.
The first subparagraph shall cease to apply four years from the date when the rules which introduced those standards started to apply.
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 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.

Article 7cb

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.
2. For buses and coaches, Member States may choose to apply the same or lower values than those applied to heavy goods vehicles.
3. An external cost charge for CO₂ emissions may be combined with an infrastructure charge that has been varied according to Article 7g-a.

(5a) Article 7d is replaced by the following:

"Article 7d

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."

(6) The following Article 7da is inserted:

"Article 7da

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 when they are typically congested.
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.
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. **Member States may exempt, partially or fully, minibuses, coaches and buses from congestion charge.**
4. The congestion charge shall reflect the costs imposed by a vehicle on other road users, and indirectly on society, ~~but~~ **and** ~~shall not exceed the maximum levels~~ **respect the reference values** set out in Annex VI for any given road type **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.**

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.";

(6a) Paragraphs 1 and 2 of Article 7e are replaced by the following:

"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.

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."

- (7) Articles 7f and 7g are replaced by the following:

"Article 7f

1. After informing the Commission, a Member State may add a mark-up to the infrastructure charge levied on specific road sections which are regularly congested, or the use of which by vehicles causes significant environmental damage, where the following conditions are met:
- (a) the revenue generated from the mark-up is invested in financing **the development of transport services, or in the construction or maintenance** 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;

- (b) the mark-up does not exceed 15% of the weighted average infrastructure charge calculated in accordance with 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%. **Where two or more Member State apply a mark-up in the same corridor, the mark-up may not exceed 50%;**
- (c) the application of the mark-up does not result in unfair treatment of commercial traffic compared to other road users;
- (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) are submitted to the Commission in advance of the application of 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.

- 1a. In case of new cross-border projects, mark-ups may only be added if all Member States involved in such project agree.
2. A mark-up may be applied to an infrastructure charge which has been varied in accordance with Article 7g, **7g-a** or 7ga.
3. After receiving the required information from a Member State intending to apply 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~~ **examination** procedure referred to in Article 9c(2 **3**).
- ~~4. The amount of the mark-up shall be deducted from the 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.~~
5. A mark-up may not be applied on road sections where a congestion charge is applied.

Article 7g

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:
 - (a) the variation is transparent, made public and available to all users on equal terms;
 - (b) the variation is applied according to the time of day, type of day or season;

- (c) no infrastructure charge is more than 175% above the maximum level of the weighted average infrastructure charge as referred to in Article 7b;
- (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;
- (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~~ **road users** who travel during off-peak periods and increased toll rates for ~~hauliers~~ **road users** who travel during peak hours on the same road section;
- (f) no congestion charge is levied on the road section concerned.**

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.

2. Until ~~31 December 2020~~ **the variation of infrastructure charges and user charges referred to in Article 7g-a is applied**, 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. **Once infrastructure charges and user charges are varied pursuant to Article 7g-a, Member States may discontinue the variation according to the EURO emission class.** ~~Existing concession contracts may be exempted from this requirement until the contract is renewed.~~

A Member State may nevertheless derogate from the requirement of varying the infrastructure charge where any of the following applies:

- (i) it would seriously undermine the coherence of the tolling systems in its territory;

- (ii) it would not be technically practicable to introduce such differentiation in the tolling system concerned;
- (iii) it would lead to diversion of the most polluting vehicles with negative impacts on road safety and public health;
- (iv) the toll includes an external-cost charge **for air pollution**.

Any such derogations or exemptions shall be notified to the Commission.

~~3. Where, in the event of a check, a driver or, if appropriate, the transport operator, is unable 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.~~

~~4. Within one year after official CO₂ 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 CO₂ emissions, together with an appropriate categorisation of the heavy duty vehicles concerned.~~

~~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 by 75% compared to the highest rate.~~

~~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.~~

4. The variations referred to in this Article shall not be designed to generate additional revenues.

(7a) the following Article 7g-a is inserted:

"Article 7g-a

1. Member States shall apply a variation of infrastructure charges and user charges for heavy duty vehicles in accordance with this Article.

The variation shall be applied to the sub-groups of heavy duty vehicles 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 for those vehicle sub-groups in the implementing acts adopted in accordance with Article 11(1) of Regulation (EU) 2019/1242.

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 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 but in accordance with point 5.1 of Annex I of that Regulation.

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.

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 75% compared to the charge applicable to CO₂ emission class 1, as defined in paragraph 1a.

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:

- (a) CO₂ emission class 1 - vehicles that do not belong to any of the CO₂ emission classes referred to under points (b) to (e);**
- (b) CO₂ emission class 2 - vehicles of the vehicle sub-group *sg* registered for the first time in the reporting period of the year *Y* with CO₂ emissions more than 5% below the emission reduction trajectory for the reporting period of the year *Y* and the vehicle sub-group *sg* but not belonging to any of the CO₂ emission classes referred to under points (c) to (e);**
- (c) CO₂ emission class 3 - vehicles of the vehicle 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);**
- (d) CO₂ emission class 4 - low-emission heavy duty vehicles;**
- (e) CO₂ emission class 5 - zero-emission vehicles.**

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 on its first day of validity occurring on or following the day of reclassification according to the first sentence.

1b. Reduced charges shall apply to vehicles in CO₂ emission classes 2, 3, and 4 and 5, as follows:

- **CO₂ emission class 2 - 5% to 15% reduction compared to the charge applicable for CO₂ emission class 1;**
- **CO₂ emission class 3 - 15% to 30% reduction compared to the charge applicable for CO₂ emission class 1;**
- **CO₂ emission class 4 - 30% to 50% reduction compared to the charge applicable for CO₂ emission class 1;**
- **CO₂ emission class 5 - 50% to 75% reduction compared to the charge applicable for CO₂ emission class 1.**

On road sections where a low-emission 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.

Where the infrastructure charge is varied in accordance with Article 7g, the reductions shall apply compared to the charge applied to the strictest emission standard in accordance with that Article.

2. The variations referred to in this Article shall not be designed to generate additional revenues.
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.
4. The Commission shall adopt implementing acts to specify the reference CO₂ 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.
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.
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.

- (8) the following Article 7ga is inserted:

"Article 7ga

1. For light duty vehicles, ~~until 31 December 2021~~, Member States may vary differentiate tolls and user charges according to the environmental performance of the vehicle, **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.**

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:

- (a) their specific CO₂ emissions, determined in accordance with Commission Regulation (EU) 2017/1151²², shall be zero or below the following levels:**
- (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 Council²³;**

²² **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**

²³ **Regulation (EU) 2019/631 of the European 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**

(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;

(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.

(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 other emissions performance categories referred to in that Annex.

~~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.~~

~~3. Where, in the event of a 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.~~

~~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.~~

2. The variations referred to in this Article shall not be designed to generate additional revenues.

(9) Article 7h is amended as follows:

(a) in paragraph 1, the introductory wording is replaced by the following:

"At least six months before the implementation of a new or substantially amended infrastructure charge tolling arrangement, Member States shall send to the Commission:";

(aa) paragraph 1a is inserted as follows:

"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."

(b) paragraph 3 is replaced by the following:

"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 **and, where applicable, notify the Commission in accordance with point (2) of Annex IIIa, or point (2) of Annex V.**";

(c) paragraph 4 is deleted;

(10) Article 7i is amended as follows:

(a) in paragraph 2, point (b) and (c) are replaced by the following:

"(b) such discounts or reductions reflect actual savings in administrative costs of the treatment of frequent users compared to occasional users;

(c) such discounts or reductions do not exceed 13% of the infrastructure charge paid by equivalent vehicles not eligible for the discount or reduction.";

(aa) paragraph 2a is inserted as follows:

"2a. Member States may provide for discounts or 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."

(b) paragraph 3 is amended as follows:

"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 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.";

(11) Article 7j is amended as follows:

(a) in paragraph 1, the second sentence is replaced by the following:

"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 **electronically or** at major sales outlets, using common means of payment, inside and outside the Member States in which they are applied. **Member States are not obliged to provide physical points of payment.**";

(b) **paragraph 2a is inserted:**

Where a driver or, if appropriate, the transport operator or the European Electronic Toll Service (EETS) provider, is unable to provide evidence of the emission class of the vehicle for the purposes of paragraph 2 of Article 7g, Article 7g-a, or Article 7ga, Member States may apply tolls up to the highest level chargeable.

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.

(c) paragraph 3 is replaced by the following:

"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. **The road user may agree not to be provided with the receipt.**";

(ed) in paragraph 4, the first sentence is replaced by the following:

"Where economically feasible, Member States shall levy and collect external-cost charges and congestion charges by means of an electronic **road toll** system which complies with the ~~requirements~~ **provisions** of Article 2(1) **3(1)** of Directive 2004/52/EC **(EU) 2019/520**.";

(12) Article 7k is replaced by the following:

"Article 7k

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.";

(13) ~~in~~ Article 8 **is amended as follows**;

(a) points (a) and (b) of paragraph 2 is amended as follows are replaced by the following;

~~(a) in point (a) the reference to "Article 7(7)" is replaced by a reference to "Article 7a";~~

~~(b) in point (b), the words "and (2)" are inserted after "Article 7(1)";~~

"(a) payment of the common user charge shall give access to the network as defined by the participating Member States in accordance with Article 7(1) and (2);

(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;"

(b) the following new subparagraph 3 is added:

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.

(14) Article 9 is amended as follows:

(a) **the following new paragraph 1b is added:**

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.

(b) in paragraph 2, the second sub-paragraph is deleted;

~~(b) the following paragraph 3 is added:~~

~~"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:~~

~~(a) supporting collective transport infrastructure and services;~~

~~(b) eliminating bottlenecks on the trans-European transport network;~~

~~(c) developing alternative infrastructure for transport users.";~~

(14a) In Article 9c, the following paragraph 3 is added:

"3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply."

(15) Articles 9d and 9e are replaced by the following:

"Article 9d

The Commission is empowered to adopt delegated acts in accordance with Article 9e to amend Annex 0, **the formulas in sections 4.1 and 4.2 of Annex IIIa** and the amounts in Tables 1 and 2 in Annex IIIb **and in the tables in Annex IIIc**, ~~and the formulas in sections 4.1 and 4.2 of Annex IIIa~~ in order to adapt them to scientific and technical progress

Article 9e

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
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~~ **a period of five years** from *[OJ: add the date of entry into force of this Directive]*. **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.**
3. The delegation of power 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.
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.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted 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.";
- (16) Articles 9f and 9g are deleted;
- (17) Article 10a is replaced by the following:

"Article 10a

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 and in Annex IIIc** shall be adapted every two years in order to take account of changes in the EU-wide Harmonised Index of Consumer Prices excluding energy and unprocessed food, as published by the Commission (Eurostat). The first adaptation shall take place by 31 March **[OJ: add the year following the two years after the entry into force of this Directive]**.

The amounts shall be adapted automatically, by ~~increasing~~ **adapting** 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 **and Annex IIIc**.

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.";

(18) Article 11 is replaced by the following:

"Article 11

1. ~~Every five years~~ **Every five years** ~~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.~~
2. The report made public pursuant to paragraph 1 shall include information on:
 - (a) the external-cost charge levied for each combination of class of vehicle, type of road and period of time;
 - (b) the variation of infrastructure charges **or user charges** according to **the category of vehicle and** the type of **heavy duty** vehicles;
 - (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;~~
 - (d) the total revenue raised through external-cost charges;
 - (e) the total revenue raised through congestion charges;
 - (f) the total revenues raised through tolls and/or user charges;
 - (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 Article 9(2) ~~and (3);~~
 - (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;~~

~~(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.~~

~~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:~~

~~(a) the quality of road surface;~~

~~(b) road safety;~~

~~(c) the level of congestion.~~

~~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.~~

~~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.";~~

~~(1819)~~ The Annexes are amended as follows:

(a) Annexes 0, **II**, IIIa, IIIb and IV are amended 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.

Article 2

Directive 1999/37/EC is amended as follows:

Under point 6 of Chapter II of Annex I, point (V.7) is replaced by the following:

‘(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)’;

Under point 6 of Chapter II of Annex I, the following is added:

‘(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.’

Article 3

Directive (EU) 2019/520 is amended as follows:

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:

(1) CO₂ class – O - only for heavy-duty vehicles

(2) Date of reclassification – O - only for heavy-duty vehicles

(3) CO₂ in g/tkm – O - only for heavy-duty vehicles

Article ~~24~~

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by **[OJ: add the date of entry into force plus 2 years]** at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article ~~35~~

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

Article ~~46~~

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

(1) Annexes 0, **II**, 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 II is amended as follows:²⁶

ANNEX II

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

Annual

-	<u>maximum three axles</u>	<u>minimum four axles</u>
<u>EURO 0</u>	<u>1 428 189</u>	<u>2 394 3 185</u>
<u>EURO I</u>	<u>1651 1 242</u>	<u>2 073 2 757</u>
<u>EURO II</u>	<u>1 428 081</u>	<u>1 803 2 394</u>
<u>EURO III</u>	<u>1242 940</u>	<u>1 567 2 073</u>
<u>EURO IV</u>	<u>1081 855</u>	<u>1 425 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 ~~and~~ weekly and daily

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

Daily

The daily charge is equal for all vehicle categories and amounts to EUR 12.

²⁶ Please note that this Annex was not included in the Commission proposal. Changes in **bold underlined** or ~~strikethrough~~ 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 4²⁷.';

- 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.';

²⁷ 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

(ed) 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 ~~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 **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 pollutants²⁸ (which requires use of the EMEP/EEA air pollutant Emission Inventory Guidebook²⁹). The monetary cost of pollutants shall be estimated by the Member State or, where appropriate, the independent authority referred to in Article 7c(42), 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:

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

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

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

²⁸ 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)

²⁹ 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 Council³⁰, **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.

³⁰ 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> maximum permissible gross laden weight of less than 14 <u>12</u> tonnes or having two axles</i>	<i>EURO 0</i>	13,3 <u>18,6</u>	8,3 <u>9,9</u>
	<i>EURO I</i>	9,1 <u>12,6</u>	5,4 <u>6,4</u>
	<i>EURO II</i>	8,8 <u>12,5</u>	5,4 <u>6,3</u>
	<i>EURO III</i>	7,7 <u>9,6</u>	4,3 <u>4,8</u>
	<i>EURO IV</i>	5,9 <u>7,3</u>	3,1 <u>3,4</u>
	<i>EURO V</i>	5,7 <u>4,4</u>	1,9 <u>1,8</u>
	<i>EURO VI</i>	3,2 <u>2,3</u>	0,6 <u>0,5</u>
	<i>Less polluting than EURO VI, <u>including zero-emission vehicles</u></i>	2,5 <u>2,0</u>	0,3
<i>Heavy goods vehicle having a <u>technically permissible maximum laden mass</u> maximum permissible gross laden weight between 14 <u>12</u></i>	<i>EURO 0</i>	23,3 <u>24,6</u>	15,1 <u>13,7</u>
	<i>EURO I</i>	16,4 <u>15,8</u>	10,1 <u>8,4</u>
	<i>EURO II</i>	15,7 <u>15,8</u>	10,0 <u>8,4</u>
	<i>EURO III</i>	13,5 <u>12,5</u>	8,2 <u>6,6</u>

and 28 18 tonnes or having three axles	EURO IV	9,5 9,2	5,7 4,5
	EURO V	8,9 5,6	3,7 2,7
	EURO VI	3,6 2,8	0,8 0,7
	Less polluting than EURO VI, <u>including zero-emission vehicles</u>	2,5 2,3	0,3
Heavy goods vehicle having a technically permissible maximum laden mass maximum permissible gross laden weight between 28 18 and 40 32 tonnes or having four axles	EURO 0	30,4 27,8	19,7 15,8
	EURO I	22,6 20,4	13,9 11,3
	EURO II	21,3 20,4	13,9 11,2
	EURO III	17,8 16,3	11,2 8,9
	EURO IV	12,2 11,8	7,7 6,0
	EURO V	9,2 6,6	4,0 3,4
	EURO VI	3,5 3,1	0,8
	Less polluting than EURO VI, <u>including zero-emission vehicles</u>	2,5	0,3
Heavy goods vehicle having a <u>technically permissible maximum laden mass maximum permissible gross laden weight</u> above 40 32 tonnes	EURO 0	43,0 33,5	28,6 19,4
	EURO I	31,5 25,0	19,8 14,1
	EURO II	29,2 24,9	19,4 13,9
	EURO III	24,0 20,1	15,6 11,1
	EURO IV	16,2 14,2	10,6 7,5

or having 5 or more axles	EURO V	9,8 <u>7,6</u>	4,7 <u>3,8</u>
	EURO VI	3,6 <u>3,4</u>	1,0 <u>0,8</u>
	Less polluting than EURO VI, <u>including zero-emission vehicles</u>	2,5 <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.

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.';

(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</u> <u>(including</u> <u>motorways)</u>
<u>Heavy goods vehicle</u> <u>having a technically</u> <u>permissible maximum</u> <u>laden mass of</u> <u>less than 12 tonnes</u> <u>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</u> <u>having a technically</u>		<u>EURO 0</u>	<u>6,0</u>
		<u>EURO I</u>	<u>5,2</u>

<u>permissible maximum laden mass between 12 and 18 tonnes or having three axles</u>	<u>CO₂ Class 1</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</u> <u>having a technically</u> <u>permissible maximum</u> <u>laden mass above 32</u> <u>tonnes</u> <u>or having 5 or more</u> <u>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> maximum permissible gross laden weight (in tonnes)	Number of axles and <u>technically permissible maximum laden mass</u> 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
<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</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</u> 8 or 9 axles				
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 ~~maximum~~ **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.

ANNEX VI

~~MAXIMUM LEVEL~~ **REFERENCE VALUES** OF CONGESTION CHARGE

This Annex sets out the ~~maximum level~~ **reference values** of congestion charge.

The ~~maximum levels~~ **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: ~~Maximum level~~ **Reference values** of congestion charge for light duty vehicles

cent/vehicle-kilometre	Metropolitan	Non-metropolitan
Motorways	67 <u>25,9</u>	34 <u>23,7</u>
Main roads	198 <u>61,0</u>	66 <u>41,5</u>

ANNEX VII

VARIATION OF TOLLS AND USER CHARGES FOR LIGHT DUTY VEHICLES

EMISSION PERFORMANCE

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).¹

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