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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures – Analysis of the final compromise text with a view to agreement

Attention is drawn to the following changes compared to the Annex to document ST 9960/21:

- on page 7, the last part of recital 5 should read as follows:

"In addition, the application of time based user charges in these duly justified cases should be subject to compliance with procedural requirements: an obligation to assess the need for such system and an obligation to notify the Commission of the application thereof to one or more road sections. Such notification should include reasons detailing the specific circumstances related to the targeted section or sections of the core trans-European network where time based user charges are applied.";

- on page 28, the last two sub-paragraphs of Article 7(3) should read as follows:

"Member States may decide not to apply paragraphs 7ca(3), ~~and~~ 7g-a(1) and 7ga(2) 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) and 7ga(2) would not be technically practicable to introduce such differentiation in the tolling system concerned;

(b) application of paragraphs 7ca(3), ~~and~~ 7g-a(1) and 7ga(2) 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) and 7ga(2) in accordance with the second subparagraph of this paragraph shall notify the Commission of its decision.";

- on page 45, Article 7g-a(4) should read as follows:

"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}~~ six months after the publication of the relevant report referred to in Article 10 of Regulation (EU) 2018/956."

- on page 51, the new sub-paragraph 3 of Article 8 should read as follows:

"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 date of entry into force of this directive, or if the reference CO2 emissions are published after the entry into force of this directive, three years following the publication of the reference CO2 emissions. ~~the publication of the reference CO2 emissions.~~"

- on page 56, paragraph (19) should read as including the following point (b): "Annexes **IIIc**, V, VI and VII are added as set out in the Annex to this Directive.";
- on page 56, the following part "**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.'" should be replaced by Article 2 as follows:

"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.' "