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From: To:	General Secretariat of the Council Working Party on Land Transport
N° Cion doc.:	13259/25 + ADD 1
Subject:	Amended proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 1999/62/EC, Council Directive 1999/37/EC and Directive (EU) 2019/520 as regards the CO2 emission class of heavy-duty vehicles with trailers and clarifying and simplifying certain provisions - Comments from Germany

Delegations will find, attached, comments from **Germany** on the above-mentioned proposal.

Comments from Germany on

Amended proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 1999/62/EC, Council Directive 1999/37/EC and Directive (EU) 2019/520 as regards the CO_2 emission class of heavy-duty vehicles with trailers and clarifying and simplifying certain provisions

(ST 13259/25 + ADD 1)

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Germany would like to thank the European Commission for preparing the amended proposal and presenting it at the WP meetings on 2 and 15 October 2025 and for organising and conducting the exchange of experts on 30 October 2025 and the Danish Presidency of the Council for the compromise proposal (ST 14619/25).

In principle, Germany supports the promotion of measures that contribute to emission reductions in road transport. When considering concrete measures, the effort and costs of planned measures must be proportionate. In our view, this is not the case for the proposed classification of heavy-duty vehicles with energy-efficient trailers in CO_2 emission classes. Germany therefore supports the proposed deletion of the yellow marked text for the trailers in the compromise proposal (ST 14619/25).

The amended proposal contains amendments which must enter into force before 1 July 2026. Germany therefore supports a swift adoption of the compromise proposal (without the trailer part).

Despite the need for rapid treatment, we believe that it is still necessary to create a means of proving the specific CO_2 emissions of vehicles for which it is not yet possible to determine them based on the requirements of the European approval rules (modified or retrofitted vehicles). Vehicles that are modified after their first registration and are identical to type-approved vehicles and/or that could be classified in a better CO_2 emission class should not be penalised. At the same time, we are aware that the integrity of the VECTO simulation for determining the specific CO_2 values must in principle be preserved.

Due to the above-mentioned urgency, we do not currently see any possibility for further exchange on this important issue and therefore propose to include the following new subparagraph in Article 1(3)(b) (Article 7ga(2) of Directive 1999/62/EC):

"**By [two years from the entry into force of this Directive], the Commission shall assess the possible determination of CO_2 emissions for retrofitted vehicles, considering the possible effects on the application and effectiveness of**

Regulation (EU) 2019/1242. Based on the results of the assessment, the Commission shall, where appropriate, submit a legislative proposal to amend the relevant provisions of this Directive."

For identically constructed vehicles, it is incomprehensible why they only must be classified into different CO_2 emission classes due to a different type of approval. Vehicles that generally contribute to the reduction of traffic-related CO_2 emissions should therefore also receive possible benefits in terms of reduced fees compared to more emitting vehicles, if the corresponding requirements of the respective CO_2 emission classes are met.

The amendment should be accompanied by a new recital 18a:

„(18a) Retrofitting, generally meaning the amendment of the technical characteristics of a vehicle after its first registration, including physical or software changes, could support the emission reduction of previously registered vehicles, e.g. through the installation of aerodynamic devices or by replacing the diesel engine with a hydrogen engine. Those retrofitted vehicles could currently not benefit from a better classification into the CO_2 emission classes when having lower CO_2 emissions as the previously registered vehicle due to the lack of a legal option under European law to determine the CO_2 emissions with the VECTO simulation tool and to issue a new customer information file for those vehicles. This could lead to an unequal treatment of retrofitted vehicles having the same or a better level of emissions like identically constructed type approved vehicles. According to Article 3b of Regulation (EU) 2019/1242, the Commission shall submit to the European Parliament and to the Council a report which considers the need to facilitate the uptake on the Union market of heavy-duty vehicles which are retrofitted to become zero-emission heavy-duty vehicles, including by way of harmonised rules. The Commission should also assess the possible determination of CO_2 emissions for retrofitted vehicles, considering the possible effects on the application and effectiveness of Regulation (EU) 2019/1242, and, where appropriate, submit a legislative proposal to amend the relevant provisions of this Directive."

It should be added in general terms that, from our point of view, 'CO_2 emissions' in the Directive always refers to the definition in Article 2(1)(28) and thus refers to the specific CO_2 emissions according to the customer information file.

With a view to a possible legislative loophole for modified or retrofitted vehicles, we propose the following changes in Article 1(3)(b) (Article 7ga(2) of Directive 1999/62/EC):

"Member States shall not apply reduced charges in accordance with CO_2 emission class**es 2, 3, 4 and** 5 to ~~zero-emission~~ vehicles that have been retrofitted **negatively affecting the emission performance of the vehicle**~~with a fuel-powered engine that generates electrical energy or that contributes to the propulsion of the vehicle~~. Member States shall instead apply the charges in accordance with CO_2 emission class 1."

The possible loophole is not limited to the case presented but could in principle also apply to all other modified vehicles that have not been classified in CO_2 emission class 1.

In this context, it is also proposed to adapt recital 17 as follows:

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

The other proposed amendments in the compromise proposal (ST 14619/25) are supported.