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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Land Transport
N° prev. doc.:	14619/2/25 REV2
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Subject:	Amended proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 1999/62/EC, Council Directive 1999/37/EC and Directive (EU) 2019/520 as regards the CO2 emission class of heavy-duty vehicles with trailers and clarifying and simplifying certain provisions - Presidency discussion paper on applicability

Following the comments from delegations, the Presidency has reflected, together with the Commission, on the best practial approach to implementing the proposed amendments to Directive 1999/62/EC. This document complements the revised Presidency compromise contained in doc no. ST 14619/2/25 REV 2.

The subject of implementation relates to the general transposition deadline in Article 2 and to the specific deadlines contained in Article 7ga for, on the one hand, applying the variation based on the CO2 emission of vehicles to new vehicle subgroups after publication of their reference CO2 emission and applying adjustments in the reference CO2 emissions to the vehicle sub-groups (Article 7ga(1), respectively the first and second sub-paragraphs) and, on the other hand, to the reclassificaion of vehicles which were assigned to a class based on the change to the emission reduction trajetory after July 2026 and before the previous emission reduction trajectory will be restored in national law (Article 7ga(2) and Article 2(1)point 37).

Two elements which could pose implementation problems were identified:

a) Assuming that the amendment to the Directive will be adopted in summer 2026 and that reference CO2 emission for new vehicle subgroups may be published in autumn 2026, the deadlines of the obligation to apply the variation to new vehicle subgroups would fall before the two-year transposition deadline. The same reasoning applies if new adjustments to reference CO2 emission are adopted in autumn 2026. The text lacks clarity on whether Member States must comply with the obligations set in Article 7ga(1) before the transposition deadline.

b) If Member States will have generally two years time for aligning national laws with the new definition of 'emission reduction trajetory'[1], it might be inconceivable to perform the classification or reclassifications required in accordance with amended Article 7ga(1) and (2) at the time set in those provisions (specific deadlines after publication of reference values / [six months] after entry into force of the Directive). Moreover, if Member States will hava a general transposition deadline to apply the definition of the emission reduction trajectory and general deadline to comply with the reclassification obligation, an inconsistent (re)classification of vehicles across toll domains could be the consequence. However, the on-board units to pay tolls electronically can only handle one CO_2 class. As they cannot handle different classes across borders, the same vehicle cannot be recognised to simultaneously belong to different classes across borders. Legal clarity issues would arise when identifying the "correct" vehicle class if different rules apply across borders due to different times of transposition.

The Presidency would like to offer for consideration by delegations the following way forward:

The transposition deadline could be brought slightly forward so that the authorities are ready to apply the variation to new vehicle subgroups and/or adjusments in the reference CO2 emissions with the timeframe considered useful, i.a. either on 1 January or 1 July of a given year, and with at least 12 months of timeline. **A transposition date, and thus first possible application date for values to new vehicle sub-groups, of 1 January 2028 would be a practically useful solution.** In accordance with this concept, it could be clarified in Article 2 that Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1(3)(a) (amending Article 7ga(1)) by the date referred to in that provision (= date linked to the calendar).

The overall objective is that the rules for assigning vehicles to CO_2 emission classes are the same across Member States. To achieve this, and having in mind that the amended trajectory must be applicable before or at the same time the reclassification can take place, a way forward could be to

[1] Article 1(1)(e) of the compromise text, amending Article 2(1) point 37 of Directive 1999/62/EC.

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delete the specific application deadlin of [six months] in the text of Article 7ga(2) and instead to lay down in Article 2 that Member States shall apply Article 1(1)(e) (amending Article 2(1) point 37) **and Article 1(3)(b), first sub-paragraph** (amending Article 7ga(2)) **on the transposition date [1 January 2028].** This would delay an earlier application which might be possible in some Member States, but it would ensure that the national legal framework is in place at the same time across borders and that vehicles have an identical classification across toll domains.

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