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► B ► M9 DIRECTIVE 1999/62/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 17 June 1999
on the charging of vehicles for the use of road infrastructures ◀
(OJ L 187, 20.7.1999, p. 42)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006	L 157	8	9.6.2006
► <u>M2</u>	Council Directive 2006/103/EC of 20 November 2006	L 363	344	20.12.2006
► <u>M3</u>	Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011	L 269	1	14.10.2011
► <u>M4</u>	Council Directive 2013/22/EU of 13 May 2013	L 158	356	10.6.2013
► <u>M5</u>	Update of Annex II and of Tables 1 and 2 of Annex IIIb with respect to applicable euro values in accordance with Article 10a of Directive 1999/62/EC of the European Parliament and of the Council, as amended 2014/C 46/05	C 46	3	18.2.2014
► <u>M6</u>	Update of Annex II and of Tables 1 and 2 of Annex IIIb with respect to applicable euro values in accordance with Article 10a of Directive 1999/62/EC of the European Parliament and of the Council, as amended by Directive 2011/76/EU of the European Parliament and of the Council 2016/C 101/01	C 101	1	17.3.2016
► <u>M7</u>	Update of Annex II and of Tables 1 and 2 of Annex IIIb with respect to applicable euro values in accordance with Article 10a of Directive 1999/62/EC of the European Parliament and of the Council, as amended by Directive 2011/76/EU of the European Parliament and of the Council 2018/C 205/01	C 205	1	14.6.2018
► <u>M8</u>	Update of Annex II and of Tables 1 and 2 of Annex IIIb with respect to applicable euro values in accordance with Article 10a of Directive 1999/62/EC of the European Parliament and of the Council, as amended by Directive 2011/76/EU of the European Parliament and of the Council 2020/C 223/01	C 223	1	7.7.2020

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- **M9** Directive (EU) 2022/362 of the European Parliament and of the Council of 24 February 2022 L 69 1 4.3.2022

Amended by:

- **A1** Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded L 236 33 23.9.2003

Corrected by:

- **C1** Corrigendum, OJ C 194, 1.6.2016, p. 15 (2016/C 101/01)
► **C2** Corrigendum, OJ L 227, 1.9.2022, p. 133 (2022/362)

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▼ M9

**DIRECTIVE 1999/62/EC OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

of 17 June 1999

on the charging of vehicles for the use of road infrastructures

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CHAPTER I

General provisions

▼ M9

Article 1

1. This Directive applies to:
 - (a) vehicle taxes imposed on heavy goods vehicles;
 - (b) tolls and user charges imposed on vehicles.
2. This Directive shall not apply to vehicles used exclusively in the non-European territories of the Member States.
3. This Directive shall not apply to vehicles registered in the Canary Islands, Ceuta and Melilla, the Azores or Madeira carrying out transport operations exclusively in those territories or between those territories and, respectively, mainland Spain and mainland Portugal.

Article 2

1. For the purposes of this Directive:
 - (1) ‘trans-European road network’ means the road transport infrastructure referred to in Chapter II, Section 3, of Regulation (EU) No 1315/2013 of the European Parliament and of the Council ⁽¹⁾, as illustrated by maps in Annex I to that Regulation;
 - (2) ‘core trans-European transport network’ means the transport infrastructure identified in accordance with Chapter III of Regulation (EU) No 1315/2013;
 - (3) ‘construction costs’ means the costs related to construction, including, where appropriate, the financing costs, of any 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; or

⁽¹⁾ 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.).

▼ M9

- (c) infrastructure or infrastructure improvements completed before the time limits referred to in point (b), 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;
- (4) ‘financing costs’ means interest on borrowings and return on any equity funding contributed by shareholders;
- (5) ‘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;
- (6) ‘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; and
 - (c) it is specifically designated as a motorway;
- (7) ‘toll’ means a specified amount payable in respect of a vehicle based on the distance travelled on a given infrastructure and on the type of the vehicle, the payment of which confers the right for that vehicle to use the infrastructures, and consisting of one or more of the following charges:
 - (a) an infrastructure charge;
 - (b) a congestion charge; or
 - (c) an external-cost charge;
- (8) ‘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;
- (9) ‘external-cost charge’ means a charge levied for the purpose of recovering the costs related to one or more of the following:
 - (a) traffic-based air pollution;

▼ M9

- (b) traffic-based noise pollution; or
- (c) traffic-based CO₂ emissions;
- (10) ‘cost of traffic-based air pollution’ means the cost of the harm to human health and of the environmental damage caused by the release of particulate matter and of ozone precursors, such as NO_x and volatile organic compounds, in the course of the operation of a vehicle;
- (11) ‘cost of traffic-based noise pollution’ means the cost of the harm to human health and of the environmental damage caused by the noise emitted by the vehicles or created by their interaction with the road surface;
- (12) ‘cost of traffic-based CO₂ emissions’ means the cost of the damage caused by the release of CO₂ in the course of the operation of a vehicle;
- (13) ‘congestion’ means a situation where traffic volumes approach or exceed road capacity;
- (14) ‘congestion charge’ means a charge which is levied on vehicles for the purpose of recovering the congestion costs incurred in a Member State and of reducing congestion;
- (15) ‘weighted average infrastructure charge’ means the total revenue from an infrastructure charge over a given period divided by the number of heavy-duty vehicle kilometres travelled on the road sections subject to that charge during that period;
- (16) ‘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);
- (17) ‘vehicle’ means a motor vehicle, with four or more wheels, or an articulated vehicle combination intended or used for the carriage by road of passengers or goods;
- (18) ‘heavy-duty vehicle’ means a vehicle with a technically permissible maximum laden mass exceeding 3,5 tonnes;
- (19) ‘heavy goods vehicle’ means a heavy-duty vehicle intended for the carriage of goods;
- (20) ‘coach’ and ‘bus’ mean a heavy-duty vehicle intended for the carriage of more than eight passengers in addition to the driver;
- (21) ‘light-duty vehicle’ means a vehicle with a technically permissible maximum laden mass not exceeding 3,5 tonnes;

▼ **M9**

- (22) ‘passenger car’ means a light-duty vehicle intended for the carriage of not more than eight passengers in addition to the driver;
- (23) ‘vehicle of historical interest’ means a vehicle of historical interest as defined in Article 3, point 7, of Directive 2014/45/EU of the European Parliament and of the Council ⁽¹⁾;
- (24) ‘minibus’ means a light-duty vehicle intended for the carriage of more than eight passengers in addition to the driver;
- (25) ‘motor caravan’ means a vehicle with living accommodation space which contains seats and a table, sleeping accommodation, whether separate or converted from the seating, cooking facilities and storage facilities;
- (26) ‘light commercial vehicle’ means a light-duty vehicle intended for the carriage of goods;
- (27) ‘van’ means a light-duty vehicle within the meaning of Part C, point 4.2, of Annex I to Regulation (EU) 2018/858 of the European Parliament and of the Council ⁽²⁾;
- (28) ‘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 to Commission Regulation (EU) 2017/2400 ⁽³⁾;
- (29) ‘zero-emission vehicle’ means:
- (a) a zero-emission heavy-duty vehicle as defined in Article 3, point 11, of Regulation (EU) 2019/1242 of the European Parliament and of the Council ⁽⁴⁾; or
 - (b) any passenger car, minibus or light commercial vehicle without an internal combustion engine;
- (30) ‘low-emission heavy-duty vehicle’ means:
- (a) a low emission heavy-duty vehicle as defined in Article 3, point 12 of Regulation (EU) 2019/1242; or

⁽¹⁾ Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).

⁽²⁾ Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

⁽³⁾ Commission Regulation (EU) 2017/2400 of 12 December 2017 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the determination of the CO₂ emissions and fuel consumption of heavy-duty vehicles and amending Directive 2007/46/EC of the European Parliament and of the Council and Commission Regulation (EU) No 582/2011 (OJ L 349, 29.12.2017, p. 1).

⁽⁴⁾ 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) No 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC (OJ L 198, 25.7.2019, p. 202).

▼ **M9**

- (b) a heavy-duty vehicle not covered by Article 2(1), points (a) to(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;
- (31) ‘transport operator’ means any undertaking transporting goods or passengers by road;
- (32) ‘vehicle of the ‘Euro 0’, ‘Euro I’, ‘Euro II’, ‘Euro III’, ‘Euro IV’, ‘Euro V’, ‘EEV’, ‘Euro VI’ emission class’ means a heavy-duty vehicle that complies with the emission limits set out in Annex 0;
- (33) ‘type of heavy-duty vehicle’ means a category into which a heavy-duty vehicle falls according to the number of its axles, its dimensions or mass, or other vehicle classification factors reflecting road damage, such as the road damage classification system set out in Annex IV, provided that the classification system used is based on vehicle characteristics which appear in the vehicle documentation used in all Member States or which are visually apparent;
- (34) ‘vehicle sub-group’ means vehicle sub-group as defined in Article 3, point 8, of Regulation (EU) 2019/1242;
- (35) ‘vehicle group’ means a grouping of vehicles listed in Table 1 of Annex I to Regulation (EU) 2017/2400;
- (36) ‘reporting period of the year Y’ means reporting period of the year Y as defined in Article 3, point 3, of Regulation (EU) 2019/1242;
- (37) ‘emission reduction trajectory’, for the reporting period of a year (Y) and vehicle sub-group (sg), namely $ET_{Y,sg}$, means the product of the annual CO₂ emissions reduction factor ($R-ET_Y$) times the reference CO₂ emissions (rCO_{2sg}) of the sub-group (sg), namely $ET_{Y,sg} = R-ET_Y \times rCO_{2sg}$; for years $Y \leq 2030$, $R-ET_Y$ and rCO_{2sg} are both determined in accordance with point 5.1 of Annex I to Regulation (EU) 2019/1242; for years $Y > 2030$, $R-ET_Y$ is 0,70; rCO_{2sg} applies as adjusted by delegated acts adopted in accordance with Article 11(2) of Regulation (EU) 2019/1242 for the reporting periods commencing after the respective dates of application of those delegated acts;
- (38) ‘reference CO₂ emissions of a vehicle group’ means:
- (a) for vehicles covered by Regulation (EU) 2019/1242, the amount calculated in accordance with the formula in point 3 of Annex I to that Regulation;
- (b) for vehicles not covered by Regulation (EU) 2019/1242, the average value of all CO₂ emissions of vehicles in that vehicle group, reported in accordance with Regulation (EU) 2018/956 of the European Parliament and of the Council ⁽¹⁾ for the first reporting period, which will start after the date on which the

⁽¹⁾ Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles (OJ L 173, 9.7.2018, p. 1).

▼M9

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 (EU) 2017/2400, is prohibited in accordance with Article 24 of Regulation (EU) 2017/2400;

(39) ‘concession contract’ means a works concession or a service concession as defined in Article 5, point 1(a) or (b), of Directive 2014/23/EU of the European Parliament and of the Council ⁽¹⁾;

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

(41) ‘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 (HICP), and excluding energy and unprocessed food, as published by the Commission (Eurostat).

2. For the purposes of paragraph 1, 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, to introduce innovative technologies 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. Without prejudice to Article 7da(3), Member States may treat a motor caravan either as a coach or bus, or as a passenger car.

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CHAPTER II
Vehicle taxation

Article 3

1. The vehicle taxes referred to in Article are as follows:

— *Belgium:*

taxe de circulation sur les véhicules automobiles/ verkeersbelasting op de autovoertuigen,

⁽¹⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1.).

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- *Bulgaria*:
данък върху превозните средства,

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- *Czech Republic*:
silniční daň,

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- *Denmark*:
vaegtafgift of motorkeretrajer m.v.,
- *Germany*:
Kraftfahrzeugsteuer,

▼ A1

- *Estonia*:
raskeveokimaks,

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- *Greece*:
Τέλη κυκλοφορίας,
- *Spain*:
(a) impuesto sobre vehiculos de traccion mecanica;
(b) impuesto sobre actividades economicas (solely as regards the amount of the levies charged for motor vehicles),
- *France*:
(a) taxe spéciale sur certains véhicules routiers;
(b) taxe différentielle sur les véhicules a moteur,

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- *Croatia*:
godišnja naknada za uporabu javnih cesta koja se plaća pri registraciji motornih i priključnih vozila,

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- *Ireland*:
vehicle excise duty,
- *Italy*:
(a) tassa automobilistica;
(b) addizionale del 5 % sulfa tassa automobilistica,

▼ A1

- *Cyprus*:
Τέλη Κυκλοφορίας Οχημάτων,

▼ A1

— *Latvia:*

transportlīdzekļa ikgadējā nodeva,

— *Lithuania:*

(a) Transporto priemonių savininkų ar valdytojų naudotojo mokestis;

(b) Mokestis už Lietuvoje įregistruotas krovinines transporto priemones,

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— *Luxembourg:*

taxe sur les véhicules automoteurs,

▼ A1

— *Hungary:*

gépjárműadó,

— *Malta:*

licenzja tat-triq/road licence fee,

▼ B

— *Netherlands:*

motorrijtuigenbelasting,

— *Austria:*

Kraftfahrzeugsteuer,

▼ A1

— *Poland:*

podatek od środków transportowych,

▼ B

— *Portugal:*

(a) imposto de camionagem;

(b) imposto de circulação,

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— *Romania:*

Taxa asupra mijloacelor de transport,

▼ A1

— *Slovenia:*

letno povračilo za uporabo javnih cest za motorna in priklopna vozila,

— *Slovakia:*

cestná daň,

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— *Finland:*

varsinainen ajoneuvovero/egentlig fordonsskatt,

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— *Sweden*:

fordonsskatt,

— *United Kingdom*:

(a) vehicle excise duty;

(b) motor vehicles licence.

2. Member States which replace any tax listed in paragraph 1 with another tax of the same kind shall notify the Commission, which shall make the necessary amendments.

Article 4

Procedures for levying and collecting the taxes referred to in Article 3 shall be determined by each Member State.

Article 5

As regards vehicles registered in the Member States, the taxes referred to in Article 3 shall be charged solely by the Member State of registration.

Article 6

1. Whatever the structure of the taxes referred to in Article 3, Member States shall set the rates so as to ensure that the tax rate for each vehicle category or subcategory referred to in Annex I is not lower than the minimum laid down in that Annex.

Until two years after entry into force of the Directive, Greece, Italy, Portugal and Spain shall be authorised to apply rates that are lower than, but not less than, 65 % of the minima laid down in Annex I.

2. Member States may apply reduced rates or exemptions for:

(a) vehicles used for national or civil defence purposes, by fire and other emergency services and by the police, and vehicles used for road maintenance;

(b) vehicles which travel only occasionally on the public roads of the Member State of registration and are used by natural or legal persons whose main occupation is not the carriage of goods, provided that the transport operations carried out by these vehicles do not cause distortions of competition, and subject to the Commission's agreement.

3. (a) The Council, acting unanimously on a proposal from the Commission, may authorise a Member State to maintain further exemptions from or reductions in taxes on vehicles on the grounds of specific policies of a socio-economic nature or linked to that State's infrastructure. Such exemptions

▼B

or reductions may apply only to vehicles registered in that Member State which carry out transport operations exclusively inside a well-defined part of its territory.

- (b) Any Member State wishing to maintain such an exemption or reduction shall inform the Commission thereof and shall also forward to it all necessary information. The Commission shall inform the other Member States of the proposed exemption or reduction within one month.

The Council shall be deemed to have authorised maintenance of the proposed exemption or reduction if, within a period of two months from the date on which the other Member States were informed in accordance with the first subparagraph, neither the Commission nor any Member State has requested that the matter be examined by the Council.

4. Without prejudice to the second subparagraph of paragraph 1 and to paragraphs 2 and 3 of this Article or to Article 6 of Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States⁽¹⁾, Member States may not grant any exemption from, or any reduction in, the taxes referred to in Article 3 which would render the chargeable tax lower than the minimum referred to in paragraph 1 of this Article.

CHAPTER III**Tolls and user charges****▼M9***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 4 to 14 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 TFEU, 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 4 and 5 of this Article, in Article 7a and in Article 7j(1), (2) and (4).

3. 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. However, where Member States charge passenger cars, they shall also charge light commercial vehicles.

⁽¹⁾ OJ L 368, 17.12.1992, p. 38.

▼M9

4. 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 Article 7ca(3), Article 7ga(1) and Article 7gb(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 Article 7ca(3), Article 7ga(1) Article 7gb(2) would not be technically practicable to introduce such differentiation in the tolling system concerned;
- (b) application of Article 7ca(3), Article 7ga(1) and Article 7gb(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 Article 7ca(3), Article 7ga(1) and Article 7gb(2) in accordance with the second subparagraph of this paragraph shall notify the Commission of its decision.

5. Tolls and user charges shall not discriminate, directly or indirectly, on the grounds of:

- (a) the nationality of the road user;
- (b) the Member State or the third country of establishment of the transport operator;
- (c) the Member State or the third country of registration of the vehicle;
or
- (d) the origin or destination of the transport operation.

6. Member States may provide for reduced tolls or user charges on certain road sections, or completely exclude certain road sections from road charges, in particular where traffic intensity is low in sparsely populated areas.

7. In the case of road infrastructures covered by concession contracts, where the contract was signed before 24 March 2022 or the tenders or responses to invitations to negotiate under the negotiated procedure were received pursuant to a public procurement process before 24 March 2022, Member States may choose not to apply Article 7ca(3), Article 7g(1) and (2), Article 7ga and Article 7gb to tolls and user charges on those infrastructures until the concession contract is renewed or the tolling or charging arrangement is substantially amended.

8. Paragraph 7 applies also to long-term contracts, concluded between a public and non-public entity, signed before 24 March 2022 for the execution of works and/or the management of services other than the execution of works not including the transfer of the demand risk.

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9. Member States may provide for reduced tolls or user charges, or exemptions from the obligation to pay tolls or user charges for:

- (a) heavy-duty vehicles exempted from the requirement to install and use recording equipment under Regulation (EU) No 165/2014 of the European Parliament and of the Council ⁽¹⁾;
- (b) heavy goods vehicles with a technically permissible maximum laden mass exceeding 3,5 tonnes and less than 7,5 tonnes used for carrying materials, equipment or machinery for the driver's use in the course of the driver's work, or for delivering goods which are produced on a craft basis, where the transport is not effected for hire or reward;
- (c) any vehicle covered by the conditions set out in Article 6(2), points (a) and (b), or any vehicle used or owned by persons with disabilities; and
- (d) zero-emission vehicles with a technically permissible maximum laden mass up to 4,25 tonnes.

10. From 25 March 2030, Member States shall not apply user charges for heavy-duty vehicles on the core trans-European transport network.

11. By way of derogation from paragraph 10, Member States may apply user charges for heavy-duty vehicles on sections of the core trans-European transport network but only in duly justified cases where applying a toll would:

- (a) involve disproportionate administrative, investment and operating costs compared to the expected revenue or benefits, which such a toll would generate, for example due to the limited length of the road sections concerned or the relatively low population density or the relatively low traffic; or
- (b) lead to the diversion of traffic with negative impacts on road safety or on public health.

Before applying those user charges, Member States shall notify the Commission of their intention to do so. That notification shall include the reasons justifying, in light of the first subparagraph, the application of the user charge based on objective criteria and clear information on the vehicles and road sections covered by the user charge.

Member States may submit one single notification for more road sections covered by the exemptions, provided that the justification is included for each section.

⁽¹⁾ 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.).

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12. Where Member States apply a common system for user charges in accordance with Article 8, those Member States shall adapt or discontinue the common system by 25 March 2032.

13. Until 25 March 2027, as regards heavy goods vehicles, a Member State may choose to apply tolls or user charges only to heavy goods vehicles with a technically permissible maximum laden mass of not less than 12 tonnes where it considers that levying tolls or user charges 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 15 % of the additional revenue resulting from 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 with a technically permissible maximum laden mass of not less than 12 tonnes shall inform the Commission of their decision together with the reasons upon which it is based.

14. 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.

15. By 25 March 2027, the Commission shall assess the implementation and effectiveness of this Directive with regard to the charging of light-duty vehicles.

That assessment shall take into account the evolution of charging systems applied to light-duty vehicles in terms of the type of charging applied to various vehicle categories, the extent of the network covered, the proportionality of pricing and other relevant elements.

Based on that assessment, the Commission shall, where appropriate, submit a legislative proposal to amend the relevant provisions of this Directive.

Article 7a

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

2. If 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 not exceed 10 % of the annual rate, the weekly rate shall not exceed 5 % of the annual rate and the daily rate shall not exceed 2 % of the annual rate.

▼ M9

A Member State may decide that for vehicles registered in that Member State only annual rates shall apply.

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

3. If user charges are applied in respect of passenger cars, the use of the infrastructure shall be made available at least for the following periods: a day, a week or 10 days or both, a month or two months or both, and a year. The two-monthly rate shall not exceed 30 % of the annual rate, the monthly rate shall not exceed 19 % of the annual rate, the 10-day rate shall not exceed 12 % of the annual rate, the weekly rate shall not exceed 11 % of the annual rate and the daily rate shall not exceed 9 % of the annual rate.

Member States may limit the daily user charge for transit purposes only.

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 24 March 2022, Member States may maintain rates above the limits set out in the first subparagraph, provided that they were in force before that date, and may maintain corresponding higher rates for other periods of use, in compliance with the principle of equal treatment. ► **C2** However, they shall comply with the limits set out in the first subparagraph as well as with the third subparagraph as soon as substantially amended charging arrangements enter into force and, at the latest, by 25 March 2030. ◀

4. For minibuses and light commercial vehicles, Member States shall comply with either paragraph 2 or 3. Where Member States set different user charges for light commercial vehicles than for passenger cars, they shall set higher user charge rates for light commercial vehicles than for passenger cars.

5. By 25 March 2027, the Commission shall assess the technical and legal feasibility of differentiating the treatment of different light commercial vehicles based on whether or not the light commercial vehicle concerned is equipped with a tachograph. Based on that assessment, the Commission shall, where appropriate, submit a legislative proposal to amend this Directive accordingly.

Article 7aa

1. Member States that applied tolls on their core trans-European transport network or on part of it, before 24 March 2022, may establish a combined charging system for all heavy-duty vehicles or for some types of heavy-duty vehicles.

▼ M9

2. In that combined charging system, Member States may, notwithstanding Article 7(10), apply user charges for all heavy-duty vehicles or for some types of heavy-duty vehicles including for some weight categories of heavy-duty vehicles on the core trans-European transport network or parts of it, in accordance with Article 7(4).

3. The user charges referred to in paragraph 2 of this Article shall be varied in accordance with Article 7ga and according to the Euro emission class. In addition, Member States shall set user charges, including administrative costs, for the heavy-duty vehicles concerned, at a level that does not exceed the maximum rates laid down in Annex II.

4. Member States establishing the combined charging scheme shall carry out an impact assessment or analysis explaining and justifying its introduction which shall be notified to the Commission at least six months before its introduction.

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 to those charges. Member States may choose to recover only a percentage of those costs.

Article 7c

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

Where an external-cost charge is applied for heavy-duty vehicles, Member States shall vary it and 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 Annexes IIIb and IIIc. Member States may choose to recover only a percentage of those costs.

2. The amount of the external-cost charge shall be set by the Member State concerned. If a Member State designates an authority for that purpose, that authority shall be legally and financially independent from the organisation in charge of managing or collecting part or all of the charge.

3. Member States may apply exemptions which allow external-cost charges to be adjusted for vehicles of historical interest.

▼ M9*Article 7ca*

1. When levying an external-cost charge for air or noise pollution, Member States shall take into account the costs relating to the network or the part of the network on which that charge is levied and the vehicles that are subject to that charge.

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 after the date when the rules which introduced those standards started to apply.

3. From 25 March 2026, Member States shall apply an external-cost charge for traffic-based air pollution to heavy-duty vehicles on the tolled network referred to in Article 7(1).

By way of derogation from the first subparagraph, Member States may decide not to apply an external-cost charge on those road sections where this would lead to the diversion of the most polluting vehicles, resulting in negative impacts on road safety and public health.

4. Member States may assess the possibility of applying an external-cost charge for CO₂ emissions and for air pollution or discounts, related to those emissions, where concession tolls are not varied in accordance with Articles 7g and 7ga for heavy-duty vehicles, and in accordance with Article 7gb for light-duty vehicles.

The result of that optional assessment, including a justification of the reason why the external-cost charge or discount is not applied, shall be notified to the Commission.

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 in accordance with Article 7ga.

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4. By 25 March 2027, the Commission shall assess the implementation and effectiveness of external-cost charging for CO₂ emissions, as well as its coherence with Directive 2003/87/EC of the European Parliament and of the Council ⁽¹⁾ and Council Directive 2003/96/EC ⁽²⁾. Based on that assessment, the Commission shall, where appropriate, submit a legislative proposal to amend this Article. In the event that this Article has not been amended accordingly by 1 January 2027 but Directive 2003/87/EC or Directive 2003/96/EC has been amended in a manner resulting in an effective internalisation of at least part of the external costs of CO₂ emissions from road transport, the Commission shall adopt delegated acts in accordance with Article 9d of this Directive, amending Annex IIIc to this Directive to adjust the reference values of the external-cost charge for CO₂ emissions, taking into account the effective carbon price applied to road transport fuels in the Union.

Article 7d

No later than six months after the adoption of new and more stringent Euro emission standards, the Commission shall, where appropriate, submit a legislative proposal in order to determine the corresponding reference values in Annex IIIb and to adjust the maximum rates of user charges in Annex II.

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 affected by 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 specify the road sections and time periods referred to in paragraph 1 based on objective criteria related to the level to which the roads and their vicinities are affected by congestion, measured, inter alia, in terms of 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, however, exempt, partially or fully, minibuses, buses and coaches from congestion charge for the promotion of collective transport and socioeconomic development and territorial

⁽¹⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

⁽²⁾ Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, p. 51).

▼ M9

cohesion. Motor caravans, irrespective of their technically permissible maximum laden mass, shall not be treated as coaches and buses for the purpose of this paragraph.

4. The congestion charge shall be set in accordance with the minimum requirements referred to in Annex V. It shall reflect the costs imposed by a vehicle on other road users, and indirectly on society, and shall respect the reference values set out in Annex VI for any given road type. Where a Member State intends to apply congestion charges higher than the reference values set out in Annex VI, it shall notify the Commission in accordance with the requirements referred to in Annex V.

Revenues generated from congestion charges, or the equivalent in financial value of those revenues, shall be used to address the problem of congestion, or to develop sustainable transport and mobility in general.

Where such revenues are allocated to the general budget, a Member State shall be deemed to have applied the second subparagraph, if it implements financial support policies to address the problem of congestion or to develop sustainable transport and mobility which have a value equivalent to the revenues generated from congestion charges.

5. Member States shall put in place adequate mechanisms for monitoring the impact of congestion charges and for reviewing the level thereof. Each Member State shall review the level of charges regularly, at least every three years, to ensure that they do not exceed the costs of the congestion occurring in that Member State on the road sections subject to the congestion charge.

▼ M3*Article 7e***▼ M9**

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 contract.

▼ M3

3. Tolling arrangements which were already in place on 10 June 2008 or for which tenders or responses to invitations to negotiate under the negotiated procedure were received pursuant to a public procurement process before 10 June 2008 shall not be subject to the obligations set out in paragraphs 1 and 2 for as long as those arrangements remain in force and provided that they are not substantially amended.

▼ M9*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 trans-European transport network 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 of this Directive, except where the revenue generated is invested in cross-border sections of a core network corridor identified in accordance with Chapter IV of Regulation (EU) No 1315/2013, in which case the mark-up may not exceed 25 % of that weighted average infrastructure charge, or, where two or more Member States apply a mark-up in the same corridor, in which case, upon agreement of all Member States which are part of that corridor and which neighbour the Member States in the territory of which the section of the corridor to which a mark-up is to be applied falls, that mark-up may exceed 25 % but may not exceed 50 % of that weighted average infrastructure charge;
- (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 transport infrastructure or transport services 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.

2. In the case of a new cross-border project, a mark-up may only be added if all Member States involved in the project agree.

3. A mark-up may be applied to an infrastructure charge which has been varied in accordance with Article 7g, 7ga or 7gb.

4. 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 of this Article, or where it considers that the planned mark-up will have significant adverse effects on the economic development of peripheral regions, it

▼ M9

may adopt implementing acts, to reject or request amendment of the plans for charges submitted by the Member State concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9c(3).

5. A mark-up may not be applied on road sections on which a congestion charge is levied.

Article 7g

1. 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 six 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 road users who travel during off-peak periods and increased toll rates for 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 shall inform the Commission thereof and provide it with the information necessary to assess whether the conditions are fulfilled.

2. Until the variation of infrastructure charges and user charges referred to in Article 7ga 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 Euro emission standards. Once infrastructure charges and user charges are varied pursuant to Article 7ga, Member States may discontinue the variation according to the Euro emission class.

▼M9

By way of derogation from the first subparagraph, a Member State may decide not to apply the requirement of varying the infrastructure charge where any of the following applies:

- (a) it would seriously undermine the coherence of the tolling systems in its territory;
- (b) it would not be technically practicable to introduce such differentiation in the tolling system concerned;
- (c) it would lead to diversion of the most polluting vehicles with negative impacts on road safety and public health;
- (d) the toll includes an external-cost charge for air pollution.

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

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

Article 7ga

1. Member States shall vary infrastructure charges and user charges for heavy-duty vehicles in accordance with this Article.

Member States shall apply that variation 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 after the publication of the reference CO₂ emissions for those vehicle sub-groups in the implementing acts adopted in accordance with Article 11(1) of that Regulation.

For CO₂ emission classes 1, 4 and 5, referred to in paragraph 2 of this Article, that variation 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 7 of this Article, for the relevant group. Where point 5.1 of Annex I to Regulation (EU) 2019/1242 is amended by a Union legislative act in such a way as to cover the reference CO₂ emissions relevant for a group of heavy-duty vehicles, such reference CO₂ emissions shall no longer be determined pursuant to paragraph 7 of this Article but in accordance with point 5.1 of Annex I to that Regulation.

Where emission reduction trajectories for groups of heavy-duty vehicles not covered by Article 2(1), points (a) to (d), of Regulation (EU) 2019/1242, are determined by a Union legislative act amending point 5.1 of Annex I to that Regulation, the variations for CO₂ emission classes 2 and 3, as defined in paragraph 2 of this Article shall apply from the date of entry into force of the new emission reduction trajectories.

▼ **M9**

Without prejudice to the reduction of rates provided for in paragraph 3, 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 24 March 2022 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 2.

2. Without prejudice to paragraph 1, 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), (d) and (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) and (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 in the relevant emission class on the basis of the thresholds applicable at that time. Reclassification shall, with regard to a user charge, take effect at the latest on its first day of validity on or after the day of that reclassification.

3. Without prejudice to paragraph 1, reduced charges shall apply to vehicles in CO₂ emission classes 2, 3, and 4 and 5, as follows:

- (a) CO₂ emission class 2 – 5 % to 15 % reduction compared to the charge applicable for CO₂ emission class 1;
- (b) CO₂ emission class 3 – 15 % to 30 % reduction compared to the charge applicable for CO₂ emission class 1;
- (c) CO₂ emission class 4 – 30 % to 50 % reduction compared to the charge applicable for CO₂ emission class 1;
- (d) CO₂ emission class 5 – 50 % to 75 % reduction compared to the charge applicable for CO₂ emission class 1.

▼ M9

Where the infrastructure charge or the user charge is also varied according to the Euro emission class, the reductions referred to in the first subparagraph shall apply as compared to the charge applied to the strictest Euro emission standards.

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

5. By way of derogation from paragraph 1, a Member State may decide not to apply the requirement of varying the infrastructure charge in accordance with paragraph 2 where an external-cost charge for CO₂ emissions is levied and varied according to the reference values of the external-cost charge for CO₂ emissions in Annex IIIc.

6. On road sections where a vehicle is operated without CO₂ emissions in a verifiable manner, Member States may apply to that vehicle reduced charges in accordance with CO₂ emission class 5. Member States that make use of that option shall apply the charges applicable to CO₂ emission class 1 to that vehicle on other road sections.

7. 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.

Those 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 those implementing acts at the latest six months after the publication of the relevant report referred to in Article 10 of Regulation (EU) 2018/956.

8. By 25 March 2027, the Commission shall assess the implementation and effectiveness of the variation of charges based on CO₂ emissions referred to in this Article, as well as whether it is still necessary and its coherence with Directives 2003/87/EC and 2003/96/EC. Based on that assessment, the Commission shall, where appropriate, submit a legislative proposal to amend the relevant provisions of this Directive on the variation of charges on the basis of CO₂ emissions.

9. The Commission shall, every five years, after 24 March 2022, review the maximum rates for the user charges in Annex II and the reduction levels referred to in paragraph 3 and, where appropriate, submit a legislative proposal, based on the results of that review process, to amend those provisions.

10. Every 30 months after 24 March 2022, the Commission shall draw up a report assessing the appropriateness of the thresholds for CO₂ emission classes 2 and 3 referred to in Article 7ga(2), points (b) and (c), of this Directive in relation to the reference emissions published in accordance with Article 11(1) of Regulation (EU) 2019/1242 or to the CO₂ emissions reported in accordance with Regulation (EU) 2018/956, and where appropriate submit a legislative proposal to amend those thresholds based on the results of that assessment.

▼ **M9**

11. The application of the variation of charges based on CO₂ emissions referred to in this Article shall not be mandatory where another Union road transport fuel carbon-pricing measure applies.

Article 7gb

1. Member States may differentiate tolls and user charges for light-duty vehicles according to the environmental performance of the vehicle determined 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.

Without prejudice to paragraph 2 of this Article, 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) 2017/1151 ⁽¹⁾, shall be zero or shall be below the following levels:
 - (i) for the period 2021 to 2024, the EU fleet-wide targets₂₀₂₁ determined in accordance with Part A, point 6, and Part B, point 6, of Annex I to Regulation (EU) 2019/631 of the European Parliament and of the Council ⁽²⁾;
 - (ii) for the period 2025 to 2029, the EU fleet-wide targets determined in accordance with Part A, point 6.1.1, and Part B, point 6.1.1, of Annex I to Regulation (EU) 2019/631;
 - (iii) for the period 2030 onwards, the EU fleet-wide targets determined in accordance with Part A, point 6.1.2, and Part B, point 6.1.2, of Annex I to Regulation (EU) 2019/631;
- (b) their pollutant emissions, determined in accordance with 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 to this Directive without applying reductions for the other emissions performance categories referred to in that Annex.

⁽¹⁾ 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 (OJ L 175, 7.7.2017, p. 1).

⁽²⁾ 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 (OJ L 111, 25.4.2019, p. 13).

▼ M9

2. From 1 January 2026, where technically practicable, Member States shall vary the tolls and the annual rate of the user charges for vans and minibuses according to the environmental performance of the vehicle, in accordance with the rules set out in Annex VII. For that purpose, the provisions of the second subparagraph of paragraph 1 shall be indicative.

Where Member States choose to apply different emission performance criteria or levels of reduction to those set out in paragraph 1, or choose to include different or additional criteria, they shall notify the Commission of their choices and justify them, at least six months before the introduction of any variation.

However, Member States may choose to apply reductions to zero-emission vehicles only, without applying any variation to other vehicles and without notifying the Commission.

3. Subject to the conditions set out in paragraphs 1 and 2, Member States may take into account an improvement in the environmental performance of the vehicle which is linked to that vehicle's conversion to alternative fuels.

4. Member States may adopt exceptional measures for the purpose of charging vehicles of historical interest.

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

▼ M3*Article 7h***▼ M9**

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

▼ M3

(a) for tolling arrangements other than those involving concession tolls:

- the unit values and other parameters used in calculating the various infrastructure cost elements,
- clear information on the vehicles covered by the tolling arrangements, the geographic extent of the network, or part of the network, used for each cost calculation, and the percentage of costs that are intended to be recovered, and

▼ M9

- where applicable, clear information on the main characteristics of the electronic road toll system, including on interoperability;

▼ M3

(b) for tolling arrangements involving concession tolls:

- the concession contracts or significant changes to such contracts,
- the base case on which the grantor has founded the notice of concession, as referred to in Annex VII B to Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts ⁽¹⁾; this base case shall include the estimated costs as defined in Article 7b(1) envisaged under the concession, the forecast traffic, broken down by type of vehicle, the levels of toll envisaged and the geographic extent of the network covered by the concession contract.

▼ M9

1a. When sending information to the Commission in accordance with paragraph 1, a Member State may include information on more than one amendment to an infrastructure charge tolling arrangement. Where the Commission has already been informed of an amendment, the Member State shall be deemed to have already fulfilled the information requirements of paragraph 1 and that amendment may be implemented without informing the Commission further.

▼ M3

2. Within six months of receiving all the necessary information in accordance with paragraph 1, the Commission shall give an opinion as to whether the obligations of Article 7e are complied with. The opinions of the Commission shall be made available to the Committee referred to in Article 9c.

▼ M9

3. Before the implementation of a new or substantially amended external-cost charge or congestion charge tolling arrangement, Member States shall inform the Commission about the network concerned, the rates per vehicle category and emission class that are envisaged and, where applicable, shall notify the Commission in accordance with Annex IIIa, point 2, or Annex V, point 2.

▼ M3*Article 7i*

1. Member States shall not provide for discounts or reductions for any users in relation to the external-cost charge element of a toll.

2. Member States may provide for discounts or reductions to the infrastructure charge on condition that:

- (a) the resulting charging structure is proportionate, made public and available to users on equal terms and does not lead to additional costs being passed on to other users in the form of higher tolls;

⁽¹⁾ OJ L 134, 30.4.2004, p. 114.

▼ M9

- (b) such discounts or reductions reflect actual savings in administrative costs of the treatment of frequent users compared to occasional users;
- (c) reductions do not exceed 13 % of the infrastructure charge paid by equivalent vehicles not eligible for the discount or reduction.

2a. Member States may provide for discounts or reductions in the infrastructure charge for passenger cars for frequent users, in particular in areas in which settlement is dispersed and on the outskirts of cities. Reduction in revenues due to discount granted to frequent users shall not be imposed on less frequent users.

3. Subject to the conditions provided for in Article 7g(1), point (b), and in Article 7g(3) of this Directive, toll rates may, for major projects of the core trans-European transport network, the maps of which are 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 and proportionate. Its details shall be made public, and it shall be available to all users on equal terms. It shall not lead to additional costs being passed on to other users in the form of higher tolls.

▼ M3*Article 7j***▼ M9**

1. Tolls and user charges shall be applied and collected and their payment monitored in such a way as to cause as little hindrance as possible to the free flow of traffic and to avoid any mandatory controls or checks at the Union's internal borders. 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 the border 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.

▼ M3

2. The arrangements for collecting tolls and user charges shall not, financially or otherwise, place non-regular users of the road network at an unjustified disadvantage. In particular, where a Member State collects tolls or user charges exclusively by means of a system that requires the use of a vehicle on-board unit, it shall ensure that appropriate on-board units compliant with the requirements of 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 ⁽¹⁾ can be obtained by all users under reasonable administrative and economic arrangements.

⁽¹⁾ OJ L 166, 30.4.2004, p. 124.

▼M9

2a. 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 Article 7g(2), Article 7ga or Article 7gb, Member States may apply tolls or user charges 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.

Member States may take the measures necessary to ensure that the provision of evidence subsequent to the use of the infrastructure is accepted for 30 days or a longer period determined by the Member States after the use of the infrastructure and to ensure the reimbursement of any difference between the tolls or user charges applied and the toll or user charge corresponding to the emission class of the vehicle concerned that follows from evidence provided within the applicable time limit.

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.

4. Where economically feasible, Member States shall levy and collect infrastructure charges, external-cost charges and congestion charges by means of an electronic road toll system which complies with the provisions of Article 3(1) of Directive (EU) 2019/520 of the European Parliament and of the Council⁽¹⁾. The Commission shall promote cooperation between Member States that proves necessary to ensure the interoperability of electronic toll collection systems at European level.

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.

⁽¹⁾ Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (OJ L 91, 29.3.2019, p. 45).

▼B*Article 8*

1. Two or more Member States may cooperate in introducing a common system for user charges applicable to their territories as a whole. In that case, those Member States shall ensure that the Commission is closely involved therein and in the system's subsequent operation and possible amendment.

2. A common system shall be subject to the following conditions in addition to those in Article 7:

▼M9

(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

(c) other Member States may join the common system;

(d) a scale shall be worked out by the participating Member States whereby each of them shall receive a fair share of the revenues accruing from the user charge.

▼M9

3. In the case of a common system for user charges referred to in paragraph 1 of this Article, the final date of application of the variations referred to in the second and third subparagraphs of Article 7ga(1) is extended until 25 March 2025, or if the reference CO₂ emissions are published after 24 March 2022, three years following the publication of the reference CO₂ emissions.

▼M1*Article 8a*

Each Member State shall monitor the system of tolls and/or user charges to ensure that it functions in a transparent and non-discriminatory manner.

▼M3*Article 8b*

1. Two or more Member States may cooperate in introducing a common system for tolls applicable to their combined territories as a whole. In such a case, those Member States shall ensure that the Commission is informed about such cooperation and the system's subsequent operation and possible amendment.

2. The common toll system shall be subject to the conditions set out in Articles 7 to 7k. Other Member States may join the common system.

▼B

CHAPTER IV
Final provisions

Article 9

1. ►**M1** This Directive shall not prevent the non-discriminatory application by Member States of:

- (a) specific taxes or charges:
 - levied upon registration of the vehicle, or
 - imposed on vehicles or loads of abnormal weights or dimensions;
- (b) parking fees and specific urban traffic charges. ◀

▼M9

1a. This Directive shall not prevent Member States from applying:

- (a) regulatory charges specifically designed to reduce traffic congestion or combat environmental impacts, including poor air quality, on any roads located in an urban area, including trans-European network roads crossing urban areas;
- (b) charges specifically designed to finance the construction, operation, maintenance and development of installations, embedded in or deployed along or over roads, providing energy to low- and zero-emission vehicles in motion and levied on such vehicles.

Those charges shall be applied on a non-discriminatory basis.

▼M3

2. Member States shall determine the use of revenues generated by this Directive. To enable the transport network to be developed as a whole, revenues generated from infrastructure and external costs charges, or the equivalent in financial value of these revenues, should be used to benefit the transport sector, and optimise the entire transport system. In particular, revenues generated from external cost charges, or the equivalent in financial value of these revenues, should be used to make transport more sustainable, including one or more of the following:

- (a) facilitating efficient pricing;
- (b) reducing road transport pollution at source;
- (c) mitigating the effects of road transport pollution at source;
- (d) improving the CO₂ and energy performance of vehicles;
- (e) developing alternative infrastructure for transport users and/or expanding current capacity;
- (f) supporting the trans-European transport network;

▼ M3

- (g) optimising logistics;
- (h) improving road safety; and
- (i) providing secure parking places.

▼ M9

▼ M1*Article 9a*

Member States shall establish appropriate controls and determine the system of penalties applicable to infringements of the national provisions adopted under this Directive. They shall take all necessary measures to ensure that they are implemented. The penalties established shall be effective, proportionate and dissuasive.

▼ M3*Article 9b*

The Commission shall facilitate dialogue and the exchange of technical know-how between Member States in relation to the implementation of this Directive and in particular the Annexes.

Article 9c

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽¹⁾.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

▼ M9

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

Article 9d

The Commission is empowered to adopt delegated acts in accordance with Article 9e to amend this Directive in respect of Annex 0, the formulas in points 4.1 and 4.2 of Annex IIIa, and the amounts indicated in the Tables of Annexes IIIb and IIIc in order to adapt them to scientific and technical progress.

Under the circumstances referred to in Article 7cb(4), the Commission shall adopt delegated acts in accordance with Article 9e, to amend this Directive in respect of the reference values of the external-cost charge for CO₂ emissions set out in Annex IIIc, taking into account the effective carbon price applied to road transport fuels in the Union.

⁽¹⁾ OJ L 55, 28.2.2011, p. 13.

▼M9

Such amendments shall be limited to ensuring that the level of external-cost charges for CO₂ emissions does not go beyond what is necessary to internalise those external costs.

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 9d shall be conferred on the Commission for a period of five years from 24 March 2022. 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 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 of 13 April 2016 on Better Law-Making ⁽¹⁾.
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 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.

▼B*Article 10*

1. For the purpose of this Directive, the rates of exchange between the euro and the national currencies of the Member States which have not adopted the euro shall be those in force on the first working day of October and published in the *Official Journal of the* ►**M3** *European Union* ◀; they shall have effect from 1 January of the following calendar year.

⁽¹⁾ OJ L 123, 12.5.2016, p. 1.

▼ B

2. Member States which have not adopted the euro may maintain the amounts in force at the time of the annual adjustment made pursuant to paragraph 1 if the conversion of the amounts expressed in euro would result in a change of less than 5 % when expressed in national currencies.

▼ M9*Article 10a*

1. The amounts in euros laid down in Annex II and the amounts in cents laid down in the Tables of Annexes IIIb and IIIc shall be adapted every two years in order to take account of changes in the EU-wide Harmonised Index of Consumer Prices (HICP) excluding energy and unprocessed food, as published by the Commission (Eurostat). The first adaptation shall take place by 31 March 2025.

The amounts shall be updated automatically, by adapting the base amount in euros or cents 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 Annexes IIIb and 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 2025. Those adapted amounts shall enter into force on the first day of the month following publication.

Article 11

1. By 25 March 2025, and every five years thereafter, Member States shall make public in aggregate form a report on tolls and user charges levied on their territory.

2. The report made public pursuant to paragraph 1 shall include information on:

- (a) the evolution of charging for the use of road infrastructure, namely the networks and vehicle categories covered, including any exemption pursuant to Article 7, 7c or 7gb;
- (b) the variation of infrastructure charges or user charges according to the category of vehicle and the type of heavy-duty vehicle;
- (c) the variation of infrastructure charges or user charges according to the environmental performance of vehicles, pursuant to Article 7g, 7ga or 7gb;
- (d) where applicable, the variation of infrastructure charges according to the time of day, type of day, or season, pursuant to Article 7g(1);
- (e) the external-cost charge levied for each combination of class of vehicle, type of road and period of time;
- (f) the weighted average infrastructure charge and total revenue raised through the infrastructure charge;

▼ M9

- (g) the total revenue raised through external-cost charges;
- (h) the total revenue raised through congestion charges per category of vehicle;
- (i) the total revenue raised through mark-ups and on which road sections they were levied;
- (j) the total revenue raised through tolls or user charges, or, where applicable, both;
- (k) 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), or, where such revenues are allocated to the general budget, information on the level of expenditure allocated to road transport infrastructure and sustainable transport projects; and
- (l) the evolution of the share vehicles belonging to the various emission classes on tolled roads.

Member States making that information publicly available online may decide not to draw up the report.

▼ B*Article 12*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 July 2000. They shall forthwith inform the Commission thereof.

When Member States adopt such measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such a reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field covered by this Directive. The Commission shall inform the other Member States thereof.

Article 13

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 14

This Directive is addressed to the Member States.

▼ **M1**

ANNEX 0

EMISSION LIMITS

1. 'EURO 0' vehicle

Mass of carbon monoxide (CO) g/kWh	Mass of hydrocarbons (HC) g/kWh	Mass of nitrogen oxides (NOx) g/kWh
12,3	2,6	15,8

2. 'EURO I'/'EURO II' vehicles

	Mass of carbon monoxide (CO) g/kWh	Mass of hydrocarbons (HC) g/kWh	Mass of nitrogen oxides (NOx) g/kWh	Mass of particulates (PT) g/kWh
'EURO I' vehicle	4,9	1,23	9,0	0,4 ⁽¹⁾
'EURO II' vehicle	4,0	1,1	7,0	0,15

⁽¹⁾ A coefficient of 1,7 is applied to the particulate emission limit value in the case of engines with a power rating of 85 kW or less.

3. 'EURO III'/'EURO IV'/'EURO V'/'EEV' vehicles

The specific masses of carbon monoxide, total hydrocarbons, nitrogen oxides and particulates, determined by the ESC test and the exhaust gas opacity, determined by the ELR test, must not exceed the following values ⁽¹⁾:

	Mass of carbon monoxides (CO) g/kWh	Mass of hydrocarbons (HC) g/kWh	Mass of nitrogen oxides (NOx) g/kWh	Mass of particulates (PT) g/kWh	Exhaust gas m ⁻¹
'EURO III' vehicle	2,1	0,66	5,0	0,10 ⁽²⁾	0,8
'EURO IV' vehicle	1,5	0,46	3,5	0,02	0,5
'EURO V' vehicle	1,5	0,46	2,0	0,02	0,5
'EEV' vehicle	1,5	0,25	2,0	0,02	0,15

⁽¹⁾ A test cycle consists of a sequence of test points, each point being defined by a speed and a torque which the engine must respect in steady state (ESC test) or transient operating conditions (ETC and ELR tests).

⁽²⁾ 0,13 for engines whose unit cylinder capacity is less than 0,7 dm³ and the nominal speed is in excess of 3 000 min⁻¹.

▼ **M9**

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)	1 500	130			400	10	10	8,0 x 10 ¹¹
WHTC (CI)	4 000	160			460	10	10	6,0 x 10 ¹¹

▼ M9

	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)
WHTC (PI)	4 000		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.

▼ M1

4. Future emission classes of vehicles as defined in Directive 88/77/EEC and subsequent amendments may be considered.



ANNEX I

MINIMUM RATES OF TAX TO BE APPLIED TO VEHICLES

Moteur vehicles

Number of axles and maximum permissible gross laden weight (in tonnes)		Minimum rate of tax (in euro/year)	
Not less than	Less than	Driving axle(s) with air suspension or recognised equivalent ⁽¹⁾	Other driving axle(s) suspension systems
Two axles			
12	13	0	31
13	14	31	86
14	15	86	121
15	18	121	274
Three axles			
15	17	31	54
17	19	54	111
19	21	111	144
21	23	144	222
23	25	222	345
25	26	222	345
Four axles			
23	25	144	146
25	27	146	228
27	29	228	362
29	31	362	537
31	32	362	537

⁽¹⁾ Suspension recognised as equivalent in accordance with the definition in Annexe II to Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59).

VEHICLE COMBINATIONS (ARTICULATED VEHICLES AND ROAD TRAINS)

Number of axles and maximum permissible gross laden weight (in tonnes)		Minimum rate of tax (in euro/year)	
Not less than	Less than	Driving axle(s) with air suspension or recognised equivalent ⁽¹⁾	Other driving axle(s) suspension systems
2 + 1 axles			
12	14	0	0
14	16	0	0
16	18	0	14
18	20	14	32
20	22	32	75
22	23	75	97

▼B

Number of axles and maximum permissible gross laden weight (in tonnes)		Minimum rate of tax (in euro/year)	
Not less than	Less than	Driving axle(s) with air suspension or recognised equivalent ⁽¹⁾	Other driving axle(s) suspension systems
23	25	97	175
25	28	175	307
2 + 2 axles			
23	25	30	70
25	26	70	115
26	28	115	169
28	29	169	204
29	31	204	335
31	33	335	465
33	36	465	706
36	38	465	706
2 + 3 axles			
36	38	370	515
38	40	515	700
3 + 2 axles			
36	38	327	454
38	40	454	628
40	44	628	929
3 + 3 axles			
36	38	186	225
38	40	225	336
40	44	336	535

⁽¹⁾ Suspension recognised as equivalent in accordance with the definition in Annex II to Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59).

▼ **M9***ANNEX II***MAXIMUM AMOUNTS IN EURO OF USER CHARGES, INCLUDING ADMINISTRATIVE COSTS, REFERRED TO IN ARTICLE 7a(2)****Annual**

	maximum three axles	minimum four axles
Euro 0	1 899	3 185
Euro I	1 651	2 757
Euro II	1 428	2 394
Euro III	1 242	2 073
Euro IV	1 081	1 803
Euro V	940	1 567
Euro VI	855	1 425

Monthly weekly and daily

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

▼ M1

ANNEX III

CORE PRINCIPLES FOR THE ALLOCATION OF COSTS AND CALCULATION OF TOLLS▼ M3

This Annex stipulates the core principles for the calculation of weighted average infrastructure charge to reflect Article 7b(1). The obligation to relate infrastructure charges to costs shall be without prejudice to the freedom of Member States to choose, in accordance with Article 7b(2), not to recover the costs in full through infrastructure charges revenue, or to the freedom, in accordance with Article 7f, to vary the amounts of specific infrastructure charges away from the average.

▼ M1

The application of these principles shall be fully consistent with other existing obligations under ► M3 Union ◀ law, in particular the requirement for concession contracts to be awarded in accordance with Directive 2004/18/EC and other ► M3 Union ◀ instruments in the field of public procurement.

Where a Member State engages in negotiations with one or more third parties with a view to establishing a concession contract regarding the construction or operation of a part of its infrastructure, or in view of this purpose engages in a similar arrangement based on national legislation or an agreement entered into by the government of a Member State, compliance with these principles shall be judged on the basis of the outcome of these negotiations.

1. Definition of the network and of vehicles covered

- Where a single tolling regime is not to be applied to the whole TEN road network, a Member State shall specify precisely the part or parts of the network which are to be subject to a tolling regime as well as the system its uses to classify vehicles for the purposes of toll variation. Member States shall also specify whether they are extending the scope of their tolling regime to cover vehicles below the 12-tonne threshold.
- Where a Member State chooses to adopt different policies regarding cost recovery for different parts of its network (as permitted under ► M3 Article 7b(2) ◀), each clearly defined part of the network shall be subject to a separate calculation of costs. A Member State may choose to split its network up into a number of clearly defined parts so as to establish separate concession arrangements or similar for each part.

2. Infrastructure costs**2.1. Investment costs**

- Investment costs shall include the costs of construction (including financing costs) and the costs of developing the infrastructure plus, where appropriate, a return on the capital investment or profit margin. Costs of land acquisition, planning, design, supervision of construction contracts and project management, and of archaeological and ground investigations, as well as other relevant incidental costs, shall also be included.
- The recovery of construction costs shall be based on either the design lifetime of the infrastructure or such other amortisation period (not being less than 20 years) as may be considered appropriate for reasons of financing through a concession contract or otherwise. The length of the amortisation period may be a key variable in negotiations regarding the establishment of concession contracts, particularly if the Member State concerned wishes, as part of the contract, to set a ceiling regarding the weighted average toll applicable.

▼ M1

- Without prejudice to the calculation of investment costs, the recovery of costs may:
 - be apportioned evenly over the amortisation period or weighted to the early, middle or later years, provided that such weighting is carried out in a transparent manner,
 - provide for indexation of tolls over the amortisation period.
- All historic costs shall be based on the amounts paid. Costs which are still to be incurred will be based on reasonable cost forecasts.
- Government investment may be assumed to be financed borrowings. The rate of interest to be applied to historical costs shall be the rates that applied to government borrowings over that period.

▼ M9

- Costs shall be apportioned to heavy-duty vehicles on an objective and transparent basis taking account of the proportion of heavy-duty vehicle traffic to be carried on the network and the associated costs. The vehicle kilometres travelled by heavy-duty vehicles may for this purpose be adjusted by objectively justified "equivalence factors" such as those set out in point 4 ⁽¹⁾.

▼ M1

- Provision for estimated return on capital or profit margin shall be reasonable in the light of market conditions and may be varied for the purpose of providing performance incentives for a contracted third party with regard to quality of service requirements. Return on capital may be evaluated using economic indicators such as IRR (internal rate of return on investment) or WACC (weighted average cost of capital).

2.2. Annual maintenance costs and structural repair costs

- These costs shall include both the annual costs of maintaining the network and the periodic costs relating to repair, reinforcement and resurfacing, with a view to ensuring that the level of operational functionality of the network is maintained over time.

▼ M9

- 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.

▼ M1**3. Operating, management and tolling costs**

These costs shall include all costs incurred by the infrastructure operator which are not covered under Section 2 and which relate to the implementation, operation and management of the infrastructure and of the tolling system. They shall include in particular:

- the costs of constructing, establishing and maintaining toll booths and other payment systems,

⁽¹⁾ 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.

▼ M1

- the day to day costs of operating, administering and enforcing the toll collection system,
- administrative fees and charges relating to concession contracts,
- management, administrative and service costs relating to the operation of the infrastructure.

The costs may include a return on capital or profit margin reflecting the degree of risk transferred.

Such costs shall be apportioned on a fair and transparent basis between all vehicle classes that are subject to the tolling system.

▼ M9**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.

▼ M1

- The following table gives a set of indicative equivalence factors. Where a Member State uses equivalence factors with ratios differing from those in the table, they shall be based on objectively justifiable criteria and shall be made public.

Vehicle class ⁽¹⁾	Equivalence factors		
	Structural repair ⁽²⁾	Investments	Annual maintenance
Between 3,5 t and 7,5 t, Class 0	1	1	1
> 7,5 t, Class I	1,96	1	1
> 7,5 t, Class II	3,47	1	1
> 7,5 t, Class III	5,72	1	1

⁽¹⁾ See Annex IV for the determination of the vehicle class.

⁽²⁾ The vehicle classes correspond to axle weights of 5,5, 6,5, 7,5 and 8,5 tonnes respectively.

- Tolling regimes which are based on forecast traffic levels shall provide for a correction mechanism whereby tolls are adjusted periodically to correct any under or over-recovery of costs due to forecasting errors.

▼ M9*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 road network and of its motorways, the part or parts shall be chosen after an assessment establishing that the imposition of an external-cost charge on other parts of the road network thus composed might have adverse effects on the environment, public health or road safety.

From 25 March 2026, a Member State that intends not to levy an external-cost charge for air pollution on specific sections of its tolled road network, shall also choose those specific sections on the basis of such an assessment.

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 IIIc, it shall notify the Commission of the classification of vehicles according to which the external-cost charge shall vary. Where applicable, it shall notify the Commission of the location of roads subject to higher external-cost charges ('suburban roads (including motorways)'), and of roads subject to lower external-cost charges ('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 IIIc.

▼ **M9**

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. Every two years, it shall adjust, where appropriate, the charging structure and the specific amount of the charge set for a given class of vehicle, type of road and period of time to the changes in transport supply and demand.

4. External-cost elements

4.1. Cost of traffic-based air pollution

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

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

where:

— PCV_{ij} = air pollution cost of vehicle class i on road type j (euro/vehicle.kilometre)

— EF_{ik} = emission factor of pollutant k and vehicle class i (gram/vehicle.kilometre)

— PC_{jk} = monetary cost of pollutant k for type of road j (euro/gram)

The emission factors shall be the same as those used by the Member State to establish the national emissions inventories provided for in Directive (EU) 2016/2284 of the European Parliament and of the Council⁽¹⁾ (which requires use of the EMEP/EEA air pollutant emission inventory guidebook⁽²⁾). The monetary cost of pollutants shall be estimated by the Member State, or, where appropriate, the independent authority referred to in Article 7c(2) of this Directive, using scientifically proven methods.

⁽¹⁾ 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).

⁽²⁾ Methodology of the European Environmental Agency: EMEP/EEA air pollutant emission inventory guidebook 2019 – Technical guidance to prepare national emission inventories (<http://www.eea.europa.eu/publications/emep-eea-guidebook-2019>).

▼ **M9**

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:

$$\text{NCV}_j \text{ (daily)} = e \times \sum_k \text{NC}_{jk} \times \text{POP}_k / \text{WADT}$$

$$\text{NCV}_j \text{ (day)} = a \times \text{NCV}_j$$

$$\text{NCV}_j \text{ (night)} = b \times \text{NCV}_j$$

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 Council ⁽¹⁾, 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.

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 ⁽²⁾.

⁽¹⁾ 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).

⁽²⁾ 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 (OJ L 158, 27.5.2014, p. 131).

▼ M9

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 emissions

Where a Member State intends to apply an external-cost charge for CO₂ emissions 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:

- (a) the choice of emission target level;
- (b) estimation of options for mitigation;
- (c) estimation of baseline scenario;
- (d) risk and loss aversion;
- (e) equity weighting.

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

▼ **M9***ANNEX IIIb***REFERENCE VALUES OF THE EXTERNAL-COST CHARGE**

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

*Table 1***Reference values of the external-cost charge for heavy goods vehicles**

Vehicle class	cent/vehicle-kilometre	Suburban ⁽¹⁾	Interurban ⁽²⁾
Heavy goods vehicle having a technically permissible maximum laden mass of less than 12 tonnes or having two axles	Euro 0	18,6	9,9
	Euro I	12,6	6,4
	Euro II	12,5	6,3
	Euro III	9,6	4,8
	Euro IV	7,3	3,4
	Euro V	4,4	1,8
	Euro VI	2,3	0,5
	Less polluting than Euro VI, including zero-emission vehicles	2,0	0,3
Heavy goods vehicle having a technically permissible maximum laden mass between 12 and 18 tonnes or having three axles	Euro 0	24,6	13,7
	Euro I	15,8	8,4
	Euro II	15,8	8,4
	Euro III	12,5	6,6
	Euro IV	9,2	4,5
	Euro V	5,6	2,7
	Euro VI	2,8	0,7
	Less polluting than Euro VI, including zero-emission vehicles	2,3	0,3
Heavy goods vehicle having a technically permissible maximum laden mass between 18 and 32 tonnes or having four axles	Euro 0	27,8	15,8
	Euro I	20,4	11,3
	Euro II	20,4	11,2
	Euro III	16,3	8,9
	Euro IV	11,8	6,0
	Euro V	6,6	3,4
	Euro VI	3,1	0,8
	Less polluting than Euro VI, including zero-emission vehicles	2,5	0,3

▼ **M9**

Vehicle class	cent/vehicle-kilometre	Suburban ⁽¹⁾	Interurban ⁽²⁾
Heavy goods vehicle having a technically permissible maximum laden mass above 32 tonnes or having 5 or more axles	Euro 0	33,5	19,4
	Euro I	25,0	14,1
	Euro II	24,9	13,9
	Euro III	20,1	11,1
	Euro IV	14,2	7,5
	Euro V	7,6	3,8
	Euro VI	3,4	0,8
	Less polluting than Euro VI, including zero-emission vehicles	2,8	0,3

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

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

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

▼ **M9**

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

Vehicle class		cent/vehicle-kilometre	Interurban roads (including motorways)
Heavy goods vehicle having a technically permissible maximum laden mass of less than 12 tonnes or having two axles	CO ₂ emission class 1	Euro 0	4,5
		Euro I Euro II Euro III Euro IV Euro V Euro VI	4,0
	CO ₂ emission class 2		3,8
	CO ₂ emission class 3		3,6
	Low-emission vehicle		2,0
	Zero-emission vehicle		0
Heavy goods vehicle having a technically permissible maximum laden mass between 12 and 18 tonnes or having three axles	CO ₂ emission class 1	Euro 0	6,0
		Euro I Euro II Euro III	5,2
		Euro IV Euro V Euro VI	5,0
	CO ₂ emission class 2		4,8
	CO ₂ emission class 3		4,5
	Low-emission vehicle		2,5
	Zero-emission vehicle		0
Heavy goods vehicle having technically permissible maximum laden mass between 18 and 32 tonnes or having four axles	CO ₂ emission class 1	Euro 0	7,9
		Euro I	6,9
		Euro II	
		Euro III	
		Euro IV	6,7
		Euro V	
		Euro VI	

▼ **M9**

Vehicle class		cent/vehicle-kilometre	Interurban roads (including motorways)
	CO ₂ emission class 2		6,4
	CO ₂ emission class 3		6,0
	Low-emission vehicle		3,4
	Zero-emission vehicle		0
Heavy goods vehicle having a technically permissible maximum laden mass above 32 tonnes or having 5 or more axles	CO ₂ emission class 1	Euro 0	9,1
		Euro I	8,1
		Euro II	
		Euro III	
		Euro IV	8,0
		Euro V	
	Euro VI		
	CO ₂ emission class 2		7,6
	CO ₂ emission class 3		7,2
	Low-emission vehicle		4,0
Zero-emission vehicle		0	



ANNEX IV

INDICATIVE VEHICLE CLASS DETERMINATION

The vehicle classes are defined by the table below.

Vehicles are classed in subcategories 0, I, II and III according to the damage they cause to the road surface, in ascending order (Class III is thus the category causing most damage to road infrastructure). The damage increases exponentially with the increase in axle weight.

All motor vehicles and vehicle combinations of a maximum permissible laden weight below 7,5 tonnes belong to damage class 0.

Motor vehicles

Driving axles with air suspension or recognised equivalent ⁽¹⁾		Other driving axle suspension systems		Damage class	
Number of axles and maximum permissible gross laden weight (in tonnes)		Number of axles and maximum permissible gross laden weight (in tonnes)			
Not less than	Less than	Not less than	Less than		
<i>Two axles</i>					
7,5	12	7,5	12	I	
12	13	12	13		
13	14	13	14		
14	15	14	15		
15	18	15	18		
<i>Three axles</i>					
15	17	15	17	II	
17	19	17	19		
19	21	19	21		
21	23	21	23		
23	25				
25	26				
		23	25		
		25	26		
<i>Four axles</i>					
23	25	23	25		I
25	27	25	27		
27	29			II	
		27	29		
		29	31		
		31	32		
29	31				
31	32				

⁽¹⁾ Suspension recognised as equivalent according to the definition in Annex II to Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59). Directive as last amended by Directive 2002/7/EC of the European Parliament and of the Council (OJ L 67, 9.3.2002, p. 47).

▼ **M9****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 technically permissible maximum laden mass (in tonnes)		Number of axles and technically permissible maximum laden mass (in tonnes)		
Not less than	Less than	Not less than	Less than	
2 + 1 axles				
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	
2 + 2 axles				
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			
2 + 3 axles				
36	38	36	38	
38	40			
		38	40	III
2 + 4 axles				
36	38	36	38	
38	40			
		38	40	III
3 + 1 axles				
30	32	30	32	
32	35			
		32	35	III
3 + 2 axles				
36	38	36	38	
38	40			
		38	40	III
		40	44	
40	44			

▼ **M9**

Driving axles with air suspension or recognised as equivalent		Other driving axle suspension systems		Damage class
Number of axles and technically permissible maximum laden mass (in tonnes)		Number of axles and technically permissible maximum laden mass (in tonnes)		
Not less than	Less than	Not less than	Less than	
3 + 3 axles				
36	38	36	38	I
38	40			
		38	40	II
40	44	40	44	
7 axles				
40	50	40	50	II
50	60	50	60	III
60		60		
At least 8 axles				
40	50	40	50	I
50	60	50	60	II
60		60		III

▼ **M9***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

▼ M9**2. Amount of the charge**

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

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

- (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 set out in the Table of Annex VI, it shall notify the Commission of the following:

- (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.

▼ M9*ANNEX VI***REFERENCE VALUES OF CONGESTION CHARGE**

This Annex sets out the reference values of congestion charge.

The reference values provided for in the Table below shall be applied to light-duty vehicles. Congestion charge for other vehicle categories shall be established by multiplying the charge applied to light-duty vehicles by the equivalence factors provided in the Table of Annex V.

*Table***Reference values of congestion charge for light-duty vehicles**

cent/vehicle-kilometre	Metropolitan	Non-metropolitan
Motorways	25,9	23,7
Main roads	61,0	41,5

▼ **M9***ANNEX VII***EMISSION PERFORMANCE**

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

Table

Emission performance criteria for pollutants for light-duty vehicles

Toll and user charge	5-15 % below highest rate	15-25 % below highest rate	25-35 % below highest rate	Up to 75 % below highest rate
Emission performance	Euro-6d-temp-x ^(#)	Euro-6d-x ^(#)	Declared maximum RDE values for pollutant emissions ^(##) < 80 % of the applicable emission limits	Zero-emission vehicles

^(#) 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 the Appendix to Annex VIII to Commission Implementing Regulation (EU) 2020/683 ⁽¹⁾.

⁽¹⁾ Commission Implementing Regulation (EU) 2020/683 of 15 April 2020 implementing Regulation (EU) 2018/858 of the European Parliament and of the Council with regards to the administrative requirements for the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 163, 26.5.2020, p. 1).