

**Opinion of the European Economic and Social Committee on the 'Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures'**

(COM(2003) 448 final – 2003/0175 (COD))

(2004/C 241/16)

On 12 September 2003 the Council decided to consult the European Economic and Social Committee, under Article 71 of the Treaty establishing the European Community, on the: 'Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures'.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's on the subject, adopted its opinion on 10 May 2004. The rapporteur was Mr Simons.

At its 409<sup>th</sup> plenary session of 2 and 3 June 2004 (meeting of 3 June) the European Economic and Social Committee adopted the following opinion by 109 votes to 82 with seven abstentions.

## 1. Introduction

1.1 On 23 July 2003 the European Commission adopted a proposal amending Directive 1999/62/EC, the 'Eurovignette Directive'.

1.2 The proposal is in response to the request of the European Councils of 12 and 13 December 2002 and 20 and 21 March 2003 that the Commission submit a proposal for a new Eurovignette Directive by mid-2003.

1.3 It is also in response to a call by the European Parliament which, when adopting the report on the conclusions of the White Paper of 12 February 2003, concluded that charges should be levied for infrastructure use.

1.4 The main aim of the Commission proposal is to ensure that the costs of using infrastructure are more efficiently allocated to users. The principle that the user should pay the costs for which he is responsible can be applied more effectively under the proposed system than through the Eurovignette Directive, as the new system offers greater flexibility to vary charges according to the type of vehicle and the time and place of use.

1.5 It is clearly not the intention that the overall burden of taxes and charges borne by the transport sector should rise, but rather to obtain a clearer picture so that the costs of various forms of use can be more effectively reflected in the price.

1.6 At this stage the Commission is restricting itself to charges for the use of road transport infrastructure by heavy goods vehicles. It reserves the right, however, to submit proposals at a later date in the form of sectoral directives for the use

of air, inland waterway and maritime transport infrastructure and indicates that the Member States and cities should adopt their own approaches to passenger vehicles.

1.7 With regard to the railways, the Commission assumes that charging for the use of infrastructure has already been dealt with in the rail package.

## 2. General comments

2.1 The Committee welcomes the Commission proposal amending the Eurovignette Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures, as it will allow more effective application of the principle that the user should pay the cost of his infrastructure use.

2.2 In the Committee's view, a secondary advantage of this proposal is that it attempts to put an end to the patchwork of charging systems increasingly being introduced or already in force in the Member States.

2.3 The Committee considers that the Commission is being too ambitious in attempting, with its proposal for amendment of Directive 1999/62/EC, to solve six different problems simultaneously. The problems in question are:

— foreign-registered vehicles not contributing enough to covering infrastructure costs in certain countries;

— the patchwork of different national systems of charges existing in the EU at present which are not based on Community principles;

- financing of transport infrastructure;
- charging for congestion costs;
- charging for the costs of road accidents;
- charging for environmental costs.

2.4 It would be the first time that such an undertaking has succeeded. It is made all the more unrealistic by the fact that the calculations for the last three objectives differ from each other and require an entirely different approach to that required for the first three.

2.5 In its Opinion on the White Paper (COM(1998) 466 final) <sup>(1)</sup> the Committee stated that the 'user pays' principle could only be implemented if there were a thorough analysis of the relative value of the different cost components and a level playing field for all transport modes. The ESC added that before introducing the 'user pays' principle, things needed be clear about income neutrality and the way it was put into practice. The Committee foresees many problems here, as the obvious way of compensating for this, the partial or total abolition of the tax on motor vehicles would in many countries not appear sufficient, and certainly not as long as there is a compulsory EU minimum level.

2.6 Another consideration is the fact that the current mosaic of national rules and systems, albeit with a different pattern, would remain in place.

2.7 The Commission proposal establishes a framework within which the Member States can set up a system for taxing heavy goods vehicles of over 3,5 tonnes. This is an extension of scope. In the current Eurovignette Directive the minimum threshold is 12 tonnes. As transport-related costs such as safety, congestion and noise-abatement measures are being brought within the ambit of the proposal, and as private passenger vehicles and light goods vehicles of less than 3,5 tonnes also contribute to these costs, the Committee believes that these vehicles too should be brought within the scope of the proposed directive. The Commission states this in so many words in its White Paper entitled European transport policy for 2010: time to decide, which appeared in 2001. The Commission has produced numerous amendments, some of them significantly extending the scope of the original measures, which would suggest that there is no impediment to light goods vehicles and passenger vehicles being added to the scope of the directive. However, the Commission's call for the Member States and cities to adopt their own approaches in this area, partly because of the overwhelmingly national character of such measures, is reason enough for the Committee to endorse the Commission's approach. The proposed amendment is not the right instrument for adding passenger vehicles and light goods vehicles of less than 3,5 tonnes.

<sup>(1)</sup> EESC Opinion on the Commission White Paper - Fair Payment for Infrastructure Use: A phased approach to a common transport infrastructure charging framework in the EU, OJ C 116, 28.4.1999.

2.8 If the Commission persists in its view that legislating for goods vehicles only, and not for private passenger vehicles, will be sufficient to ensure the proper operation of the internal market, it would be logical to retain the current 12 tonne minimum threshold for goods vehicles. In any case, as the Commission itself points out in the explanatory memorandum, the proportion of light goods vehicles in cross-border transport is so small that their effect on the operation of the internal market is negligible, as is that of passenger vehicles.

2.9 The Committee endorses the idea that every infrastructure user should pay the costs for which he is responsible, on the condition set out in point 2.3, that there be a thorough analysis of the relative value of the different cost components. It can also go along with the fact that road haulage is the first part of the road transport mode to be confronted with this kind of framework. It feels in principle, however, that the same system should apply to the other parts of road transport and other modes of transport.

2.10 The Commission proposal does not change the optional character of charges such as the Eurovignette or tolls. It is up to the Member States to opt for toll systems or a system of user charges. The Committee feels that this freedom of choice is not conducive to transparency. The Committee also considers interoperability of collection systems to be a *sine qua non*.

2.11 The proposal covers the trans-European road network and other parts of the trunk road network which closely follow the route of a motorway. On secondary roads which are not necessary vital to the proper operation of the internal market tolls or user charges may be levied but they are not subject to the directive. The Committee realises that, in line with the subsidiarity principle, the proposed amendment in Article 7 does not prevent the Member States from applying tolls/user charges in different ways. The Committee endorses this approach, in view of the fact that the trunk road network is still underdeveloped in the countries which will soon be joining the Union. They will of course have to comply with existing law and policy.

2.12 In its proposal the Commission establishes a direct link between the user charge to be introduced and investment in and maintenance of infrastructure. In this way it intends to prevent the Member States using the proceeds of the user charge to fill government coffers. Rules are also laid down in the proposal for the calculation of the charge. The Committee considers this approach sensible, as in this way users of specific infrastructure will know that the charges they are paying may be used for investment in infrastructure.

2.13 The Commission suggests that in exceptional cases a mark-up not exceeding 25 % may, after consulting the Commission in conformity with the appropriate procedure, be added to the tolls to allow for cross-financing the investment costs of other transport infrastructures of a high European interest in the same corridor or in particularly sensitive regions. The Committee feels that this option should be used as sparingly as possible and that no transport infrastructure should be excluded. In order to ensure that the project for which the increased tolls have been levied is actually carried out, this revenue should be paid, upon receipt, into a Community account and repaid, without interest, to the Member State only on completion of the project.

2.14 Finally, the Commission proposes that an independent infrastructure supervision authority should be set up in every Member State to monitor the correct handling of road transport costs and revenues from tolls and user charges in the Community. The Committee endorses the establishment of independently operating national authorities of this kind which, in view of their Community task, should be supervised by the Commission in accordance with the Treaty.

2.15 In the interests of clarity, it should be stated in the explanatory memorandum to the proposal amending Directive 1999/62/EC that, independently of the charge system or supervisory authority opted for, the Member States will in future remain responsible for maintaining a suitable road network. The repair and maintenance of infrastructure remains a key task of government.

### 3. Specific comments

3.1 A link is established in the Commission proposal between road use charges and the cost of constructing, operating, maintaining and developing the relevant road infrastructure network. The cost of constructing infrastructure will include only those costs arising directly from the construction of new infrastructure. By this the Commission means infrastructure which is less than 15 years old. In this way the Commission sets out to prevent existing infrastructure, which has already been paid for, being included in the scope of the directive. The Committee considers this criterion to be very fair and feels that this is the right approach.

3.2 Under investment costs the proposal includes the cost of noise abatement infrastructure, such as noise barriers along motorways. The Committee would point out, however, that the costs of noise nuisance, and thus of the construction of noise barriers, are to a great extent caused by categories of road user not covered by the directive. The cost of constructing

noise barriers should therefore be fairly distributed among the various categories of road user.

3.3 The Commission also proposes including in the charge an amount in respect of accident costs not covered by insurance. Although in theory this approach makes sense, the Committee considers that in practice it would be difficult, in view of the high degree of uncertainty inherent in the calculation of indirect effects, such as legal damages. As things stand at present, the insurance companies, for example, in practice rarely reimburse social security costs.

In order to develop a suitable approach to the costs arising from road accidents, the Committee feels that a study is needed into their causes. In this context, it would refer to its Opinion on the European Commission's Communication on halving the number of road accident victims by 2010. (1)

3.4 The Committee considers that the inclusion of an option for the Member States to use congestion as a parameter for the calculation of the infrastructure charge is, quite apart from the lack of a definition of 'congestion', the wrong approach, as congestion is mainly caused by passenger vehicle traffic.

3.5 The Committee agrees with the basic premise underlying the Commission's proposal that the introduction of the amended directive must not increase the total financial burden on the road transport sector. It considers, however, that the reduction or abolition of the tax on motor vehicles will be insufficient to guarantee fiscal neutrality. A reduction in excise duty on diesel fuel should logically also be considered.

3.6 The Committee also concurs with the option offered the Member States of differentiating user tariffs in line with the environment-friendliness of the vehicle (EURO classification) and with the damage to roads caused by the vehicle.

3.7 Finally, the Committee wholeheartedly endorses the Commission's intention of establishing a harmonised charging method for infrastructure use, thus putting an end to the existing patchwork of toll and charge systems.

### 4. Summary and conclusions

4.1 The Committee values the Commission's initiative for practical implementation of the principle that the user pays the cost of infrastructure use.

4.2 It considers, however, that the Commission is being much too ambitious in attempting, with its proposal for amendment of Directive 1999/62/EC, to solve too many different problems simultaneously.

(1) EESC Opinion, OJ C 80, 30.3.2004, p. 77.

4.3 In its Opinion on the White Paper (COM(1998) 466 final) the Committee stated that the 'user pays' principle could only be implemented if there were a thorough analysis of the relative value of the different cost components and a level playing field for all transport modes.

4.4 One of the Commission's guiding principles is that charging for infrastructure use should not lead to new and/or higher taxes. It therefore proposes to give the Member States the opportunity to offer compensation in the form of the total or partial abolition of the annual tax on motor vehicles. The Committee points out that many countries are already at or below the current EU minimum level and that this does not therefore offer sufficient compensation. Fiscal neutrality could only be guaranteed by reducing, where necessary, excise duty on diesel fuel.

4.5 The Committee also notes that the current mosaic of national rules and systems would remain in place, which means that the Commission's objective, achieving a harmonised method of charging for infrastructure use, would unfortunately not be achieved.

4.6 The Committee considers that the Commission is being inconsistent in its argument when it proposes that, on the one hand, the minimum threshold should be reduced to include goods vehicles of 3,5 tonnes, whilst on the other hand including in its proposal factors such as congestion costs, the cost of road accidents and environmental costs but not the private passenger vehicles which are responsible for the latter.

4.7 In its proposal the Commission makes a direct link between the charge to be introduced and investment in infrastructure. Revenues are intended to be channelled back to the sector from which they come and are not to be used to swell state coffers. The Committee endorses the Commission's approach.

4.8 The Commission argues that road transport charges should be related to the cost of constructing, operating, maintaining and developing the relevant road infrastructure network. The cost of constructing infrastructure will include only those costs arising directly from the construction of new infrastructure links. New infrastructure is taken to mean infrastructure less than 15 years old. The Committee endorses this fair approach as a way of ensuring that charges are not used to cover the costs of existing infrastructure which has already been paid for.

4.9 The Commission suggests that a mark-up not exceeding 25 % may, in strict conditions, be added to the tolls to finance the investment costs of other transport infrastructures of a high European interest in the same corridor or in particularly sensitive regions. The Committee feels that this option should be used as sparingly as possible and that no transport infrastructure should be excluded. And if this is done, the proceeds should be paid into a Community account pending completion of the project.

4.10 The Committee also endorses the scope of the proposal, e.g. the inclusion in the proposal of TENs and part of the trunk road network close to these, as well as the consideration given, albeit outside the scope of the directive, to secondary roads which are not necessary vital to the proper operation of the internal market, and the proposal to set up an independent supervisory authority in each Member State to ensure fair distribution of costs and revenues from tolls and user charges.

4.11 Finally, the Committee is critical of the inclusion of costs arising from congestion and road accidents and environmental costs, as they are to a great extent caused by private cars, a category of vehicle excluded from the scope of the directive, as there is no clear analysis of the causes of road accidents and no definition of sensitive areas.

Brussels, 3 June 2004.

*The President*  
*of the European Economic and Social Committee*  
Roger BRIESCH

## APPENDIX

**to the Opinion of the European Economic and Social Committee**

The following amendments, which received at least one quarter of the votes cast, were rejected in the course of the discussion (Rule 39(2) of the Rules of Procedure).

**Points 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8**

To be deleted and replaced by:

'2.3. The Committee considers that the Commission lacks ambition. A fair and efficient pricing system should cover infrastructure, environmental and social costs, such as damage on roads and the environment, accidents, health and congestion. All those costs should be evaluated on a scientific base. Therefore, the Directive should establish a common methodology as well as a timetable for Member States in order to include all external costs into the calculation of road-user charges. Member States which have already done this exercise, should be allowed to charge costs immediately. Moreover, internalising the external costs of transport will improve market efficiency, bolster the competitiveness of the European economy and reduce environmental pollution and network congestion.'

**Reason**

We want to include all costs into the user charges, on the one hand, the investment and maintenance costs, on the other hand, the external costs, environmental and social ones. Some Member States have already done an exercise to elaborate these costs. Moreover, the European Commission-funded study UNITE reviews the available existence of appropriate values for external costs and concludes that although there is still no unanimity on 'correct' values, the underlying cost concepts and methodology have been broadly accepted. Why do we want to include all those costs? Because we think that it is important to apply the user and polluter-pays principle in EU legislation.

**Result of the vote:**

For: 77  
Against: 86  
Abstentions: 9

**Point 2.12**

Delete the two last sentences and replace as follows:

'The Committee considers that this approach has to be broadened to the whole transport infrastructure. Revenues should not be earmarked to the road transport. They may be used to finance sustainable transport modes as well as a better enforcement of social legislation for road-transport workers.'

**Reason**

Earmarking all revenues for the road-transport sector would clearly prevent the best use of public money and will not contribute to a more sustainable transport system as required in the European Commission's 2001 White Paper on common transport policy.

**Result of the vote:**

For: 86  
Against: 89  
Abstentions: 9

**Point 2.13**

Delete the two last phrases and replace as follows:

'The Committee feels that this option of mark-up not exceeding 25 % may be largely insufficient in certain sensitive regions. Therefore it proposes to increase the mark-up so that it can cover the costs of infrastructure in sensitive regions.'

**Reason**

Self-explanatory.

**Result of the vote:**

For: 86

Against: 99

Abstentions: 6

**Point 3.1**

Amend as follows:

'3.1 A link is established in the Commission proposal between road use charges and the cost of constructing, operating, maintaining and developing the relevant road infrastructure network. The cost of constructing infrastructure will include only those costs arising directly from the construction of new infrastructure. By this the Commission means infrastructure which is less than 15 years old. ~~In this way the Commission sets out to prevent existing infrastructure, which has already been paid for, being included in the scope of the directive. The Committee considers this criterion to be very fair and feels that this is the right approach.~~ On the other hand road-building projects are financed over long periods. Such a short write-off period would exclude a major part of the costs of past projects and thus falsify the cost analysis. The Committee therefore considers that the Member States should be allowed to take account of building costs, independently of the age of their network and of the arrangements used to finance the network.'

**Reason**

Not all investment costs of infrastructure, built more than 15 years ago, have been recuperated.

**Result of the vote:**

For: 84

Against: 100

Abstentions: 1

**Points 3.2, 3.3, 3.4 and 3.5**

Delete.

**Reason**

If we agree with internalising the external costs, then we cannot accept those paragraphs.

**Result of the vote:**

For: 89

Against: 93

Abstentions: 3

**Point 4.2**

Delete and replace as follows:

'4.2 The Committee considers that the Commission omitted to introduce a common methodology based on a scientific approach as well as a timetable, to calculate the external costs linked to the use of the road infrastructure.'

**Reason**

According to our opinion the Commission isn't ambitious enough.

**Result of the vote:**

For: 89

Against: 93

Abstentions: 3



**Point 4.6**

Delete and replace as follows:

'4.6 The Committee is of the opinion that commercial vehicles, used for the carriage of goods, and in particular the courier and express deliveries, also those of less than 3.5 tonnes should contribute to the user charges'.

**Reason**

Why speaking about private passenger vehicles and omitting commercial vehicles of less than 3.5 tonnes, as the courier and express deliveries, which, by the way, are responsible for a significant number of accidents?

**Result of the vote:**

For: 89

Against: 93

Abstentions: 3

**Point 4.7**

After the first phrase, delete and replace as follows:

'Revenues shouldn't just be earmarked for the road transport sector. They should be used to finance sustainable transport modes as well as a better enforcement of social legislation regarding the road transport workers.'

**Reason**

In conformity with our amended point 2.12.

**Result of the vote:**

For: 89

Against: 93

Abstentions: 3

**Point 4.8**

Delete and replace by the following:

'4.8 The Committee therefore considers that the Member States should be allowed to take into account the construction costs, independently of the age of their network and of the arrangements used to finance the network, as in practice projects are financed over long periods.'

**Reason**

In conformity with our amended point 3.1.

**Result of the vote:**

For: 89

Against: 93

Abstentions: 3

**Points 4.9, 4.10 and 4.11**

Delete.

**Reason**

In conformity with the previously proposed deletion of points 3.2 to 3.4.

**Result of the vote:**

For: 89

Against: 93

Abstentions: 3

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