

Thursday 25 October 2018

P8_TA(2018)0423

Charging of heavy goods vehicles for the use of certain infrastructures *I**

European Parliament legislative resolution of 25 October 2018 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(2017)0275 — C8-0171/2017 — 2017/0114(COD))

(Ordinary legislative procedure: first reading)

(2020/C 345/49)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0275),
 - having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0171/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Austrian Federal Council, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 18 October 2017 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 1 February 2018 ⁽²⁾,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0202/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 81, 2.3.2018, p. 188.

⁽²⁾ OJ C 176, 23.5.2018, p. 66.

Thursday 25 October 2018

P8_TC1-COD(2017)0114

Position of the European Parliament adopted at first reading on 25 October 2018 with a view to the adoption of Directive (EU) .../... 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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) Progress towards the goal, which the Commission set out in its White Paper of 28 March 2011 ⁽⁴⁾, namely to move towards the full application of the ‘polluter pays’ and ‘user pays’ principles, to generate revenue and ensure financing for future transport investments has been slow and inconsistencies persist in the application of road infrastructure charging across the Union.
- (1a) *In that White Paper, the Commission set a deadline for 2020 to ‘proceed to the full and mandatory internalisation of external costs (including noise, local pollution and congestion on top of the mandatory recovery of wear and tear costs) for road and rail transport’.* [Am. 1]
- (1b) *The movement of goods and passenger vehicles is a factor that contributes to the release of pollutants into the atmosphere. Such pollutants, which have a very serious impact on people’s health and lead to the deterioration of ambient air quality in the Union, include PM_{2,5}, NO₂, and O₃. In 2014, those three pollutants caused 399 000, 75 000, and 13 600 premature deaths in the Union owing to prolonged exposure, respectively, according to European Environment Agency estimates produced in 2017.* [Am. 2]
- (1c) *According to the World Health Organization, noise from road traffic alone ranks second among the most harmful environmental stressors in Europe, exceeded only by air pollution. At least 9 000 premature deaths a year can be attributed to heart disease caused by traffic noise.* [Am. 3]
- (1d) *According to the European Environment Agency’s 2017 report on air quality in Europe, road transport, in 2015, was the sector with the highest NO_x emissions and the second largest emitter of black carbon pollution.* [Am. 4]
- (2) In its Communication on a European Strategy for Low-Emission Mobility ⁽⁵⁾, the Commission announced that it would propose the revision of the Directive on the charging for lorries to enable charging also on the basis of carbon dioxide differentiation, and the extension of some of its principles to buses and coaches as well as passenger cars and vans.

⁽¹⁾ OJ C 81, 2.3.2018, p. 188.

⁽²⁾ OJ C 176, 23.5.2018, p. 66.

⁽³⁾ Position of the European Parliament of 25 October 2018.

⁽⁴⁾ White Paper of 28 March 2011 ‘Roadmap to a Single European Transport Area — Towards a competitive and resource efficient transport system’ (COM(2011)0144).

⁽⁵⁾ COM(2016)0501.

Thursday 25 October 2018

- (3) All ~~heavy-duty~~ vehicles have significant impact on road infrastructure and contribute to air pollution, **and** light ~~duty~~ vehicles are at the source of the majority of the negative environmental and social impacts from road transport related to emissions and congestion. In the interest of equal treatment and fair competition, it should be ensured that vehicles so far not covered by the framework set out in Directive 1999/62/EC of the European Parliament and of the Council ⁽¹⁾ in respect of tolls and user charges are included into this framework. The scope of that Directive should therefore be extended to heavy duty vehicles other than those intended for the carriage of goods and to light duty vehicles, ~~including~~ **and** passenger cars. **Charges for passenger cars could be adjusted so as to avoid excessive penalisation of frequent users. In the interest of equal treatment, charges should also be applied in a non-discriminatory manner, on the basis of category of vehicle, and differently, depending on vehicle impact on infrastructures and on the environment and society, and on the socioeconomic circumstances of certain users with no other choice but to go by road to their place of employment.** [Am. 5]
- (3a) **To establish an internal market in road transport with a level playing field, rules should be applied uniformly. One of the main aims of this Directive is to eliminate distortions of competition between users. Accordingly, vans carrying goods by road ought to be included in the scope of charges applied to heavy duty vehicles.** [Am. 6]
- (3b) **In order to guarantee that such a measure is proportionate, it is important to target only vans used to carry goods by road that are regulated by Regulations (EC) No 1071/2009 ⁽²⁾ and (EC) No 1072/2009 ⁽³⁾ of the European Parliament and of the Council and by Regulation (EU) No 165/2014 of the European Parliament and of the Council ⁽⁴⁾.** [Am. 7]
- (4) Time-based user charges do by nature not accurately reflect infrastructure costs actually induced and, for similar reasons, are not effective when it comes to incentivising cleaner and more efficient operations, or reducing congestion. ~~They~~ **For heavy vehicles**, time-based user charges should therefore be gradually replaced by distance-based charges, which are fairer, more efficient and more effective. [Am. 8]
- (4a) **In order to ensure that this gradual replacement of time-based charges with distance-based charges does not become a further obstacle to access to the main European markets for transport from peripheral countries and regions, a compensation system should be put in place as soon as possible in order to counterbalance the added costs and thereby ensure that it does not represent a significant loss of competitiveness.** [Am. 10]
- (4b) **In order to prevent traffic from switching to toll-free roads, which may have a serious impact on road safety and the optimum use of the road network, Member States must be able to levy tolls on all roads which are in direct competition with the trans-European networks.** [Am. 11]
- (4c) **Time-based user charges encourage drivers to travel more when their vignette is valid, thus making them misapply the ‘polluter pays’ principle and the ‘user pays’ principle.** [Am. 12]

⁽¹⁾ Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42).

⁽²⁾ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

⁽³⁾ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

⁽⁴⁾ 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).

Thursday 25 October 2018

- (4d) *To ensure that this Directive is properly applied, the contractual frameworks governing concession contracts for road charge collection should make it easier, with due regard for Directive 2014/23/EU of the European Parliament and of the Council, to bring those contracts into line with changes in the Union's regulatory framework. [Am. 13]*
- (4e) *In this connection, consideration should be given to the possibility of offsetting the added costs arising from remoteness by means of facilities as regards access to more energy-efficient fleets and the priority provision of exclusive infrastructure or technologies such as e-highways. Those compensating facilities could form part of the future CEF post-2020. [Am. 14]*
- (5) In order to secure user acceptance of future road charging schemes, Member States should be allowed to introduce adequate systems for the collection of charges as part of a wider package of mobility services. Such systems should ensure a fair distribution of infrastructure costs and reflect the 'polluter pays' principle **and incorporate arrangements for ring-fencing the receipts from the user charges. In that connection, Member States should also be free to levy tolls on roads which do not form part of the main transport network.** Any Member States introducing such a system should ensure that it complies with the provisions of Directive 2004/52/EC of the European Parliament and of the Council ⁽¹⁾. [Am. 15]
- (5a) *Member States should be encouraged to take into account socioeconomic factors when applying road infrastructure charging schemes for passenger cars. [Am. 16]*
- (5b) *The levying of charges on all road users by electronic means involves the mass collection and storage of personal data, which can also be used to draw up comprehensive movement profiles. The Member States and the Commission should systematically take account of the principles of purpose limitation and data minimisation when implementing this Directive. Technical solutions for the collection of data in connection with the levying of road-use charges should therefore incorporate anonymised, encrypted or advance payment options. [Am. 17]*
- (5c) *Vehicle taxes might act as an obstacle to the introduction of tolls. To provide backing for the introduction of tolls, Member States should have greater leeway to lower vehicle taxes quickly, meaning a reduction, as soon as possible, of the minimum rates set out in Directive 1999/62/EC. [Am. 18]*
- (5d) *It is of particular importance that the Member States establish a fair charging system which does not penalise users of private vehicles which, due to their place of residence in the countryside or in areas that are difficult of access or isolated, are forced to make more regular use of roads subject to charging. Under territorial development policy, Member States should levy reduced charges on users from such areas. [Am. 20]*
- (6) As in respect of heavy duty vehicles, it is important to ensure that, **if Member States introduce** any time-based charges applied to light duty vehicles, **they** are proportionate, including in respect of periods of use shorter than one year. In that regard, account needs to be taken of the fact that light duty vehicles have a use pattern differing from the use pattern of heavy duty vehicles. The calculation of proportionate time-based charges could be based on available data on trip patterns, **provided that it ensures non-discrimination.** [Am. 21]

⁽¹⁾ 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 (Text with EEA relevance) (OJ L 166, 30.4.2004, p. 124).

Thursday 25 October 2018

- (7) Pursuant to Directive 1999/62/EC, an external-cost charge ~~may~~ **consistent with the polluter-pays principle should** be imposed at a level close to the social marginal cost of the usage of the vehicle in question. That method has proven to be the fairest and most efficient way to take account of negative environmental and health impacts of air pollution and noise generated by heavy duty vehicles, and would ensure a fair contribution from heavy duty vehicles to meeting EU air quality standards ⁽¹⁾ and any applicable noise limits or targets. The application of such charges should therefore be facilitated. [Am. 22]
- (8) To this effect, the **possibility of applying an external-cost charge on networks not covered by an infrastructure charge should be introduced and the** maximum weighted average external-cost charges should be replaced by readily applicable ~~reference~~**minimum** values updated in light of inflation, the scientific progress made in estimating the external costs of road transport and the evolution of the fleet composition. [Am. 23]
- (8a) **To help realise the transport White Paper objective of moving towards full application of the ‘polluter pays’ principle, it should be ensured that, on networks covered by an infrastructure charge, an external-cost charge is applied for heavy duty vehicles and vans carrying goods by road.** [Am. 24]
- (8b) **In order to ensure an appropriate re-use of revenues from external-cost charges, it would be appropriate for those revenues to be reinvested in the transport infrastructure sector in order to promote more sustainable modes of transport with a lower environmental impact.** [Am. 25]
- (9) The variation of infrastructure charges according to Euro emission class has contributed to the use of cleaner vehicles. However, with the renewal of vehicle fleets, the variation of charges on this basis on the inter-urban network is expected to become ~~obsolete~~ **less effective** by the end of 2020 and should therefore be phased out by that time. From the same point in time, external-cost charging should be applied more systematically, as a targeted means to recover external cost in respect of situations in which it matters most. [Am. 27]
- (10) The share of CO₂ emissions from heavy duty vehicles is increasing. A variation of infrastructure charges according to such emissions is capable of contributing to improvements in this area and should therefore be introduced.
- (11) Light duty vehicles generate two thirds of the negative environmental and health impacts of road transport. It is therefore important to incentivise the use of the cleanest and most fuel-efficient vehicles through the differentiation of road charges based on conformity factors defined in Commission Regulation (EU) 2016/427 ⁽²⁾, Commission Regulation (EU) 2016/646 ⁽³⁾, and Commission Regulation (EU) 2017/xxx ⁽⁴⁾.
- (12) In order to promote the use of the cleanest and ~~most~~ **more** efficient vehicles, Member States should apply significantly reduced road tolls and user charges to those vehicles. **To facilitate and speed up the implementation of such schemes, those reductions ought to be applied regardless of the entry into force of Commission Regulation (EU) .../... implementing Regulation (EC) No 595/2009 as regards the certification of the CO₂ emissions and fuel consumption of heavy-duty vehicles. Zero-emission vehicles should not be subject to any external-cost charge related to air pollution.** [Am. 28]
- (12a) **Trans-Alpine transit represents a particular problem for the regions affected, in the form of noise and air pollution and wear and tear on infrastructure, which is exacerbated by cost competition with nearby corridors. The regions affected and the Member States must therefore be afforded a broad measure of flexibility when it comes to the charging of external costs and the implementation of traffic-management measures, not least with a view to preventing unwanted displacement effects and the diversion of traffic between corridors.** [Am. 29]

⁽¹⁾ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.06.2008, p. 1).

⁽²⁾ Commission Regulation (EU) 2016/427 of 10 March 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ L 82, 31.3.2016, p. 1).

⁽³⁾ Commission Regulation (EU) 2016/646 of 20 April 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ L 109, 26.4.2016, p. 1).

⁽⁴⁾ ...

Thursday 25 October 2018

- (13) Road congestion, to which all motor vehicles contribute in different proportions, represents a cost of about 1 % of GDP. A significant part of this cost can be attributed to interurban congestion. A specific congestion charge should therefore be allowed, on condition that it is applied to all vehicle categories. In order to be effective ~~and~~, proportionate **and non-discriminatory**, the charge should be calculated on the basis of the marginal congestion cost and differentiated according to location, time and vehicle category. **Similarly, balancing and compensatory formulae need to be found that do not discriminate against workers living on the outskirts of cities, who would already have to bear the costs of both user charges and tolls.** In order to maximise the positive effect of congestion charges, corresponding revenues should be allocated to projects addressing the sources of the problem. [Am. 30]
- (13a) **To help safeguard the Union's automobile heritage, Member States should place vehicles of historical interest in a special category for the purposes of adjusting the various charges payable under this Directive.** [Am. 31]
- (14) Congestion charges should reflect the actual costs imposed by each vehicle on other road users directly, and indirectly on society at large, in a proportionate manner. In order to avoid that they disproportionately hinder the free movement of people and goods, they should be limited to specific amounts reflecting marginal congestion cost in near capacity condition, that is to say when traffic volumes approach road capacity.
- (15) The revenue-neutral variation of infrastructure charges applied to heavy goods vehicles, a suboptimal instrument for the purpose of reducing congestion, should be phased out.
- (15a) **In view of the high external costs of accidents, which amount to tens of billions of euros a year, Member States should be given the possibility, in connection with the provisions on the average social cost of fatal and serious accidents under Directive 2008/96/EC of the European Parliament and of the Council ⁽¹⁾, of better internalising costs not covered by insurance arrangements. A proportion of those costs would be met by the relevant social security scheme or by society as a whole, such as the administrative costs of public services drawn on, certain costs of medical services drawn on, and human capital losses and the cost of physical and psychological harm.** [Am. 32]
- (16) Mark-ups added to the infrastructure charge could also provide a useful contribution to addressing problems related to significant environmental damage or congestion caused by the use of certain roads, not only within mountainous areas. ~~The current restriction of mark-ups to such areas should therefore be removed.~~ **Mark-ups should therefore be facilitated by removing the current restrictions limiting them to such areas, as should the allocation thereof to projects within the core network of the trans-European transport network.** In order to avoid double charging of users, mark-ups should be ~~excluded~~ **more strictly limited** on road sections on which a congestion charge is applied. **The maximum level should also be adapted to differing circumstances.** [Am. 33]
- (17) In case a Member State introduces a system of road charging, compensations granted may, according to the case, result in the discrimination of non-resident road users. The possibility to grant compensation at such occasion should therefore be limited to the cases of tolls and should no longer be available in the case of user charges.
- (17a) **As in respect to light duty vehicles, it is important to ensure that this Directive does not hamper the free movement of citizens. Member States should be allowed to introduce discounts and reductions when road users are disproportionately affected by charges due to geographical or social reasons.** [Am. 34]

⁽¹⁾ Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).

Thursday 25 October 2018

- (18) In order to exploit potential synergies among existing road charging systems so as to reduce operating costs, the Commission should be fully involved in the cooperation among Member States intending to introduce common **and interoperable** road charging schemes. [Am. 35]
- (19) Road charges ~~can~~ mobilise resources that contribute to the financing **and cross-financing of alternative transport infrastructure projects and** the maintenance and development of high quality transport infrastructures **and services**. It is therefore appropriate **for** Member States to use revenues from road charges accordingly and that they **be required to** adequately report on the use of such revenues. **Revenues from infrastructure charges and external cost charges should therefore be reinvested in the transport sector.** That should in particular help identifying possible financing gaps, and raising the public acceptance of road charging. [Am. 36]
- (20) Since the objective of this Directive is in particular to ensure that national pricing schemes applied to vehicles other than heavy goods vehicles are applied within a coherent framework that secures equal treatment across the Union, cannot be sufficiently achieved at Member State level but can rather, by reason of the cross-border nature of road transport and of the problems this Directive is intended to address, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.
- (21) It is necessary to ensure that external-cost charges continue to reflect the cost of air pollution and noise generated by heavy duty vehicles as accurately as possible without rendering the charging scheme excessively complex, to incentivise the use of the most fuel-efficient vehicles, and to keep the incentives effective and the differentiation of road charges up-to-date. Therefore, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission for the purpose of adapting the ~~reference~~**minimum** values for external cost charging to scientific progress, defining the modalities for the revenue-neutral variation of infrastructure charges according to the CO₂ emissions from heavy duty vehicles, and adapting the modalities of the variation of infrastructure charges for light ~~duty~~ vehicles to technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁽¹⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. [Am. 37]
- (21a) **No later than two years after the entry into force of the Directive, the Commission will put forward a generally applicable, transparent and clear framework for the internalisation of environmental, congestion and health costs that will form the basis for future calculations of infrastructure charges. In this connection, the Commission should be able to propose a model accompanied by an analysis of the impact on external-cost internalisation for all transport modes. As regards proportionality, account must be taken of all modes in connection with external-cost charging.** [Am. 38]
- (21b) **In the interest of transparency, it would be appropriate for Member States to disclose to road users the results achieved by the reinvestment of infrastructure charges, external-cost charges and congestion charges. They should therefore announce the benefits obtained in terms of improved road safety, reduced environmental impact and reduced traffic congestion.** [Am. 39]
- (22) In order to ensure uniform conditions for the implementation of the relevant provisions of this Directive, implementing powers should be conferred on the Commission. The advisory procedure should be used for the adoption of implementing acts establishing a harmonised set of indicators for the evaluation of the quality of road networks. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council⁽²⁾.

⁽¹⁾ OJ L 123, 12.5.2016, p. 1.

⁽²⁾ 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 (OJ L 55, 28.2.2011, p. 13).

Thursday 25 October 2018

- (23) Directive 1999/62/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 1999/62/EC is amended as follows:

- (1) the title is replaced by the following:

‘Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the ***distance based*** charging of vehicles for the use of road infrastructures’; [Am. 40]

- (2) Articles 1 and 2 are replaced by the following:

‘Article 1

1. This Directive applies to:

- (a) vehicle taxes for heavy goods vehicles,
- (b) tolls and user charges imposed on vehicles.

2. This Directive shall not apply to vehicles carrying out transport operations 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 and carrying out transport operations exclusively in those territories or between those territories and, respectively, mainland Spain and mainland Portugal.

Article 2

For the purposes of this Directive:

- (1) “trans-European road network” means the road transport infrastructure referred to in Section 3 in Chapter II of Regulation (EU) No 1315/2013 of the European Parliament and of the Council (*) as illustrated by maps in Annex I to that Regulation;
- (2) “construction costs” means the costs related to construction, including, where appropriate, the financing costs, of one of the following:
 - (a) new infrastructure or new infrastructure improvements, including significant structural repairs ***or alternative transport infrastructure for modal shift***; [Am. 41]
 - (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;
 - (c) infrastructure or infrastructure improvements completed before 10 June 2008 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;

Thursday 25 October 2018

- (3) “financing costs” means interest on borrowings and return on any equity funding contributed by shareholders;
- (4) “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;
- (5) “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;
 - (c) it is specifically designated as a motorway;
- (6) “toll” means a specified amount based on the distance travelled on a given infrastructure and on the type of the vehicle, the payment of which confers the right for a vehicle to use the infrastructures, comprising **one or more of the following charges**: an infrastructure charge, ~~and as the case may be a congestion charge or an external-cost charge or both~~; [Am. 42]
- (7) “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;
- (8) “external-cost charge” means a charge levied for the purpose of recovering the costs incurred in a Member State related to traffic-based air pollution or traffic-based noise pollution or both;
- (9) “congestion” means a situation where traffic volumes approach or exceed road capacity;
- (10) “congestion charge” means a charge which is levied on vehicles for the purpose of recovering the congestion costs incurred in a Member State and reducing congestion;
- (11) “cost of traffic-based air pollution” means the cost of the **harm to human health and of the damage caused to the environment** by the release of particulate matter and of ozone precursors, such as nitrogen oxide and volatile organic compounds, in the course of the operation of a vehicle; [Am. 43]
- (12) “cost of traffic-based noise pollution” means the cost of the **harm to human health and of the damage caused to the environment** by the noise emitted by the vehicles or created by their interaction with the road surface; [Am. 44]
- (13) “weighted average infrastructure charge” means the total revenue of an infrastructure charge over a given period divided by the number of heavy duty vehicle kilometres travelled on the road sections subject to the charge during that period;
- (14) “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);
- (15) “vehicle” means a motor vehicle, with four wheels or more, or articulated vehicle combination intended or used for the carriage by road of passengers or goods;
- (16) “heavy duty vehicle” means a heavy goods vehicle or a coach or bus;
- (17) “heavy goods vehicle” means a vehicle intended for the carriage of goods and having a maximum permissible mass exceeding 3,5 tonnes;

Thursday 25 October 2018

- (18) “coach or bus” means a vehicle intended for the carriage of more than 8 passengers, in addition to the driver, and having a maximum permissible mass exceeding 3,5 tonnes;
- (18a) **“light vehicle” means a light duty vehicle or a passenger car; [Am. 46]**
- (19) “light duty vehicle” means a ~~passenger car, a minibus~~ **minibus, a van or a van intended for the carriage of goods; [Am. 47]**
- (20) “passenger car” means a vehicle with four wheels intended for the carriage of passengers but not more than eight passengers, in addition to the driver;
- (20a) **“vehicle of historical interest” a vehicle that is of historical interest within the meaning of Article 3(7) of Directive 2014/45/EU of the European Parliament and of the Council (**); [Am. 48]**
- (21) “minibus” means a vehicle intended for the carriage of more than eight passengers, in addition to the driver, and having a maximum permissible mass not exceeding 3,5 tonnes;
- (22) “van” means a vehicle ~~intended for the carriage of goods, and~~ **other than a passenger car** having a maximum permissible mass not exceeding 3,5 tonnes; **[Am. 49]**
- (22a) **“van intended for the carriage of goods” means a vehicle, engaged in the occupation of road transport operator as set out in Regulation (EC) No 1071/2009 of the European Parliament and of the Council (***), and with a maximum permissible laden mass of between 2,4 and 3,5 tonnes and a height of more than 2 metres; [Am. 50]**
- (22b) **“zero-emission operation” means a vehicle that operates with no tailpipe exhaust emissions during the entirety of a covered road network, in a verifiable manner; [Am. 51]**
- (23) “zero-emission vehicle” means a vehicle with no exhaust emissions;
- (23a) **“motorcycle” means a two-wheeled vehicle, with or without side-car, and any tricycle and any quadricycle in categories L3e, L4e, L5e, L6e and L7e referred to in Regulation (EU) No 168/2013; [Am. 52]**
- (24) “transport operator” means any undertaking transporting goods or passengers by road;
- (25) “vehicle of the “EURO 0”, “EURO I”, “EURO II”, “EURO III”, “EURO IV”, “EURO V”, “EURO VI” category” means a heavy duty vehicle that complies with the emission limits set out in Annex 0;
- (26) “type of vehicle” means a category into which a heavy duty vehicle falls according to the number of its axles, its dimensions or weight, or other vehicle classification factors reflecting road damage, e.g. the road damage classification system set out in Annex IV, provided that the classification system used is based on vehicle characteristics which either appear in the vehicle documentation used in all Member States or are visually apparent;
- (27) “concession contract” means a ~~“public works contract”~~ **“concession”** as defined in Article 5(1) of Directive ~~2014/24/EU~~ **2014/23/EU** of the European Parliament and of the Council (****); **[Am. 53]**
- (28) ‘concession toll’ means a toll levied by a concessionaire under a concession contract;
- (29) ‘substantially amended tolling or charging arrangement’ means a tolling or charging arrangement, which has been amended in such a way that costs or revenues are affected by at least ~~5%~~ **15 %** in comparison with the previous year, after correcting for inflation measured by changes in the EU-wide Harmonised Index of Consumer Prices, and excluding energy and unprocessed food, as published by the Commission (Eurostat). **In concession contracts, modifications that fulfil the criteria of Article 43(1) and (2) of Directive 2014/23/EU shall not be considered to be substantial; [Am. 54]**

Thursday 25 October 2018

(29a) **'cross-financing' means the financing of efficient, alternative transport infrastructure projects from revenues from tolls and infrastructure charges on existing transport infrastructure; [Am. 55]**

(29b) **'Member States' means all Member State authorities, i.e. central-government authorities, authorities within a federal state and other territorial authorities empowered to ensure compliance with Union law. [Am. 56]**

For the purposes of 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~~, **including that incurred as a result of new regulatory requirements** 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. **[Am. 57]**

(*) 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).

(**) **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).**

(***) **Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).**

(****) ~~Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).~~ **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).**

(2a) **In Article 6(2), the following point is added:**

'(ba) vehicles of historical interest'; [Am. 58]

(3) Article 7 is replaced by the following:

'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 3 to 9 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 Treaty on the Functioning of the European Union, 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 3 and 4 of this Article, Article 7a and Article 7j(1), (2) and (4).

3. 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.

4. Tolls and user charges shall not discriminate, directly or indirectly, on the grounds of the nationality of the road user, the Member State or the third country of establishment of the transport operator or of registration of the vehicle, or the origin or destination of the transport operation.

Thursday 25 October 2018

5. Member States may provide for reduced toll rates or user charges, or exemptions from the obligation to pay tolls or user charges for 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 (*), and in cases covered by the conditions set out in, Article 6(2)(a), (b) and (c) of this Directive.

6. Without prejudice to paragraph 9, from ~~1 January 2018~~ **[the date of entry into force of this Directive]**, Member States shall not introduce user charges for heavy duty vehicles **and vans intended for the carriage of goods**. User charges introduced before that date may be maintained until 31 December ~~2023~~ **2022 and shall be replaced by infrastructure charges from 1 January 2023 on the road network covered by this Directive.** [Am. 59]

7. From [the date of entry into force of this Directive], Member States shall not introduce user charges for light duty vehicles. User charges introduced before that date shall be phased out by 31 December 2027.

8. Until 31 December 2019, as regards heavy duty vehicles, a Member State may choose to apply tolls or user charges only to vehicles having a maximum permissible laden weight of not less than 12 tonnes if it considers that an extension to 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 30 % of the additional revenue which would have been generated by that extension.

Member States choosing to apply tolls or user charges or both only to vehicles having a maximum permissible laden weight of not less than 12 tonnes shall inform the Commission of their decision and on the reasons thereof.

9. As of 1 January 2020, tolls and user charges applied to heavy duty vehicles shall apply to all heavy duty vehicles **and vans intended for the carriage of goods**. [Am. 61]

10. **Until 31 December 2022**, tolls and user charges for heavy duty vehicles **and vans intended for the carriage of goods** on the one hand and for light duty vehicles **other than vans intended for the carriage of goods** on the other may be introduced or maintained independently from one another. [Am. 62]

(*) 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).;

- (4) Article 7a is replaced by the following:

‘Article 7a

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

2. Insofar as 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 be no more than 10 % of the annual rate, the weekly rate shall be no more than 5 % of the annual rate and the daily rate shall be no more than 2 % of the annual rate.

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

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

Thursday 25 October 2018

3. Insofar as 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**, 10 days, a month or two months or both, and a year. The two-monthly rate shall be no more than 30 % of the annual rate, the monthly rate shall be no more than 18 % of the annual rate, and the 10-day, **week** and day rates shall be no more than 8 % of the annual rate. [Am. 63]

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 31 May 2017, Member States may maintain rates above the limits set out in the first subparagraph, in force before that date, and corresponding higher rates for other periods of use, in compliance with the principle of equal treatment. However, they shall comply with the limits set out in the first subparagraph as well as with the second subparagraph as soon as substantially amended tolling or charging arrangements enter into force and, at the latest, from 1 January 2024.

4. For minibuses, **vans** and vans **intended for the carriage of goods**, Member States shall comply either with paragraph 2 or with paragraph 3. Member States shall however set higher user charges for minibuses, **vans** and vans **intended for the carriage of goods** than for passenger cars as from 1 January 2024 at the latest. [Am. 64]

4a. The proportionality of user charges may take into consideration the specific characteristic of transport operations which start in a Member State on the periphery of the Union.; [Am. 65]

(4a) In Article 7b, the following paragraph is added:

'2a. The motorway sections on which an infrastructure charge is applied shall have the necessary infrastructure to ensure traffic safety for all users and may have safe parking areas in all weather conditions in compliance with Regulation (EU) .../... of the European Parliament and of the Council amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs (2017/0122(COD)).'; [Am. 66]

(5) Article 7c is replaced by the following:

'Article 7c

1. Member States may maintain or introduce an external-cost charge, related to the cost of traffic-based air or noise pollution or both.

The external-cost charges may be introduced or maintained on road network sections that are not subject to infrastructure charges.

~~For heavy duty vehicles, the~~ **The external-cost charge for traffic-based air or noise pollution**, shall vary and be set in accordance with the minimum requirements and the methods referred to in Annex IIIa and shall ~~respect the reference~~ **comply with at least the minimum** values set out in Annex IIIb. [Am. 67]

2. The costs taken into account shall relate to the network or the part of the network on which external-cost charges are levied and to the vehicles that are subject thereto. Member States may choose to recover only a percentage of those costs.

3. 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.

Thursday 25 October 2018

The first subparagraph shall cease to apply four years from the date when the rules which introduced those standards started to apply.

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

5. From 1 January 2021, Member States that levy tolls shall apply an external-cost charge **for traffic-based air or noise pollution** to heavy duty vehicles **and to vans intended for the carriage of goods** on **all parts** of the network referred to in Article 7(1) ~~where environmental damage generated by heavy duty vehicles is higher than the average environmental damage generated by heavy duty vehicles defined in accordance with relevant reporting requirements referred to in Annex IIIa~~ **that are subject to an infrastructure charge.** [Am. 68]

5a. From 1 January 2026 onwards, an external-cost charge imposed on any section of the road network referred to in Article 7(1) shall apply in a non-discriminatory manner to all vehicle categories. [Am. 69]

5b. The Member States can apply derogations which allow external-cost charges to be adjusted for vehicles of historical interest.; [Am. 70]

(6) The following Article 7da is inserted:

‘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 subject to 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 define the road sections and time periods referred to in paragraph 1 on the basis of objective criteria related to the level of exposure of the roads and their vicinities to congestion, such as 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, decide to exempt buses and coaches for the promotion of collective transport and socio-economic development and territorial cohesion.** [Am. 72]

4. The congestion charge shall reflect the costs imposed by a vehicle on other road users, and indirectly on society, but shall not exceed the maximum levels set out in Annex VI for any given road type.

5. Member States shall put in place adequate mechanisms for monitoring the impact of congestion charges and for reviewing the level thereof. They shall review the level of charges regularly, at least every three years, to ensure that they are not higher than the cost of congestion occurring in that Member State and generated on those road sections, which are subject to the congestion charge.’;

(7) Articles 7f and 7 g are replaced by the following:

‘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:

Thursday 25 October 2018

- (a) the revenue generated from the mark-up is invested in financing the construction of transport infrastructure ~~of the core network identified in accordance with Chapter III of Regulation (EU) No 1315/2013, which contribute directly to the alleviation of the congestion or environmental damage and~~ **or transport services** which are located in the same corridor as the road section on which the mark-up is applied; [Am. 75]
- (b) the mark-up does not exceed 15 % of the weighted average infrastructure charge calculated in accordance with Article 7b(1) and Article 7e, except ~~where the revenue generated is invested in cross-border sections of core network corridors;~~ **in mountainous areas, where infrastructure costs as well as climate and environmental damage are higher**, in which case the mark-up may not exceed ~~25 %~~ **50 %**; [Am. 76]
- (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 ~~the construction of core network corridors~~ **transport infrastructure or transport services** referred to in point (a) are submitted to the Commission in advance of the application of the mark-up; [Am. 77]
- (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.

~~1a. In case of new cross-border projects, mark-ups may only be added if all Member States involved in such project agree. [Am. 78 and 164]~~

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

3. 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, or where it considers that the planned mark-up will have significant adverse effects on the economic development of peripheral regions, it may, by means of implementing acts, 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 advisory procedure referred to in Article 9c(2). **Where applied to the tolling systems referred to in Article 7e(3), the mark-up shall not be regarded as a substantial amendment for the purposes of this Directive.** [Am. 79]

~~4. The amount of the mark-up shall be deducted from the amount of the external cost charge calculated in accordance with Article 7c, except for vehicles of EURO emission classes 0, I and II from 15 October 2011, III and IV from 1 January 2015, V from 1 January 2019, and VI from January 2023 onwards. All revenues generated by the simultaneous application of the mark-up and the external cost charges shall be invested in financing the construction of core network corridors listed in Part I of Annex I to Regulation (EU) No 1316/2013. [Am. 80]~~

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

Article 7 g

1. Until 31 December 2021, 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;

Thursday 25 October 2018

- (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 five hours per day **or the number of hours during which the ratio of congestion exceeds 100 % of capacity. [Am. 81]**
- (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 hauliers who travel during off-peak periods and increased toll rates for hauliers who travel during peak hours on the same road section.

A Member State wishing to introduce such variation or changing an existing one informs the Commission thereof and provides it with the information necessary to assess whether the conditions are fulfilled.

2. Until 31 December 2020, 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 emission standards. Existing concession contracts may be exempted from this requirement until the contract is renewed.

A Member State may nevertheless derogate from the requirement of varying the infrastructure charge where any of the following applies:

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

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

3. Where, in the event of a check, a driver or, if appropriate, the transport operator **does not make payments using an electronic tolling system or does not hold a valid subscription or its vehicle does not carry on-board equipment approved by the toll operator** necessary to ascertain the emission class of the vehicle for the purposes of paragraph 2, Member States may apply tolls up to the highest level chargeable. **[Am. 82]**

4. Within one year after official CO₂ emission data are published by the Commission pursuant to Regulation (EU) .../... (*), the Commission shall adopt a delegated act, in accordance with Article 9e, to define the reference values of CO₂ emissions, together with an appropriate categorisation of the heavy duty vehicles concerned, **taking account of emission reducing technologies. [Am. 83]**

Within one year from the entry into force of the delegated act, Member States shall vary the infrastructure charge taking into account the reference CO₂ emission values and the relevant vehicle categorisation. ~~Charges shall be varied in such a way that no infrastructure charge is more than 100 % above the same charge for equivalent vehicles having the lowest, but not zero, CO₂ emissions. Zero-emission vehicles shall benefit from infrastructure charges reduced by 75 % compared to the highest rate. [Am. 84]~~

Thursday 25 October 2018

4a. From ... [date of entry into force of this Directive], zero-emission vehicles shall benefit from infrastructure charges reduced by 50 % compared to the lowest rate. Zero-emission operation shall benefit from the same reduction, provided that such operation can be proved. [Am. 85]

4b. The Commission shall produce an evaluation report assessing the market share of zero-emission vehicles and zero emission operation by ... [five years after the entry into force of this Directive]. The Commission is empowered to adopt delegated acts, in accordance with Article 9e, if appropriate, to recalculate the discount applicable to zero-emission vehicles compared to the lowest rate infrastructure charge. [Am. 86]

5. The variations referred to in paragraphs 1, 2 and 4 shall not be designed to generate additional toll revenue. Any unintended increase in revenue shall be counterbalanced by changes to the structure of the variation which shall be implemented within two years from the end of the accounting year in which the additional revenue is generated.

(*) Commission Regulation (EU) .../... of XXX implementing Regulation (EC) No 595/2009 as regards the certification 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 (OJ L ..., ..., p. ..):

(8) the following Article 7ga is inserted:

‘Article 7ga

1. For light ~~duty~~ vehicles, until 31 December 2021, Member States may vary tolls and user charges according to the environmental performance of the vehicle. [Am. 87]

2. From 1 January 2022 Member States shall vary tolls and, in the case of user charges, at least annual charges, according to the CO₂ and pollutant emissions of vehicles in accordance with the rules set out in Annex VII.

2a. Member States may take into account the improvement of the environmental performance of the vehicle which is linked to that vehicle’s conversion to alternative fuels. A standing subscription or any other mechanism approved by the toll system’s operator should allow users to benefit from a variation in toll charges that rewards the improved environmental performance of the vehicle, after conversion. [Am. 88]

3. Where, in the event of a check, a driver or, if appropriate, the transport operator, **is not involved in a subscription or any other mechanism approved by the operator or**, is unable to produce the vehicle documents necessary to ascertain the emission levels of the vehicle (Certificate of Conformity) pursuant to Commission Regulation (EU) .../... (*), Member States may apply tolls or annual user charges up to the highest level chargeable. **Subsequent provision of the relevant documents proving the emission levels of the vehicle shall result in the reimbursement of any difference between the tolls or charges applied and the appropriate toll or charge for the vehicle concerned. [Am. 89]**

3a. Member States may adopt exceptional measures for the purposes of charging vehicles of historical interest. [Am. 90]

4. The Commission is empowered to adopt delegated acts in accordance with Article 9e amending Annex VII in order to adapt the modalities specified in the Annex to technical progress **and to take into account the role of components in bringing about improvements both in road safety and in the decarbonisation of transport. [Am. 91]**

(*) Commission Regulation (EU) 2017/xxx of xxx supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 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 Regulation (EC) No 692/2008 (OJ L xxx) and Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).;

Thursday 25 October 2018

(9) Article 7h is amended as follows:

(a) in paragraph 1, the introductory wording is replaced by the following:

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

(aa) in Article 7h, paragraph (1), point (a), the following indent is added:

‘— clear information on the interoperability of the on-board equipment that is carried o(aa)n board of vehicles to pay user charges and tolls; it shall state the reasons why other on-board equipment in use in other Member States cannot be applied by users for this tolling arrangement.’; [Am. 92]

(ab) the following paragraph is inserted:

‘1a. The contractual framework governing relations between grantors and concessionaires shall seek to enable concession contracts to be brought into line with changes to the Union or national regulatory framework relating to the obligations laid down in Articles 7c, 7da, 7 g and 7ga of this Directive.’; [Am. 93]

(b) paragraph 3 is replaced by the following:

‘3. Before the implementation of a new or substantially amended external-cost charge tolling arrangement, Member States shall inform the Commission about the network concerned, the foreseen rates per vehicle category and emission class.’;

(c) paragraph 4 is deleted;

(10) Article 7i is amended as follows:

(-a) in paragraph 2, the introductory part is replaced by the following:

‘2. For heavy duty vehicles and vans intended for the carriage of goods , Member States may provide for discounts or reductions to the infrastructure charge on condition that:’; [Am. 94]

(a) in paragraph 2, point (b) and (c) are replaced by the following:

‘(b) such discounts or reductions reflect actual savings in administrative costs of the treatment of frequent users compared to occasional users;

(c) such discounts or reductions do not exceed ~~13%~~ **20 %** of the infrastructure charge paid by equivalent vehicles not eligible for the discount or reduction **and those used for local or habitual transport, or both.**; [Am. 95]

(aa) the following paragraph is inserted:

‘2a. For light vehicles, in particular for frequent users on the areas of dispersed settlements and the outskirts of cities, Member States may provide for discounts or reductions to the infrastructure charge provided 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;

Thursday 25 October 2018

(b) *such discounts and reductions contribute:*

(i) *to social cohesion; and/or*

(ii) *to ensuring the mobility of peripheral regions or remote areas or both;* [Am. 96]

(ab) *the following paragraph is inserted:*

‘2b. Member States or competent authorities may introduce a kilometre-based flat-rate exemption on a specific road section, taking into account the mobility patterns and economic interest of peripheral regions, provided that the resulting charging structure is proportionate, is made public and is made 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;’ [Am. 97]

(b) paragraph 3 is amended as follows:

‘3. Subject to the conditions provided for in Article 7 g(1)(b) and (5), toll rates may for specific projects of high European interest 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, proportionate, made public, and available to all users on equal terms and shall not lead to additional costs being passed on to other users in the form of higher tolls;’ [Am. 98]

(ba) *the following paragraph is inserted:*

‘3a. In mountain areas and peripheral regions, Member States or competent authorities may vary toll rates for heavy vehicles according to distance travelled by the tolled vehicles to minimise social-economic impacts, provided that:

(a) the variation according to driving distance considers the different characteristics of short-distance and long-distance transport, especially the available options for modal shift to other transport modes;

(b) the variation is applied in a non-discriminatory way;

(c) the technical equipment allows the detection of entry and exit points of the vehicle across national borders.’ [Am. 99]

(11) Article 7j is amended as follows:

(a) in paragraph 1, the second sentence is replaced by the following:

‘To that end, Member States shall cooperate in establishing methods for enabling road users to pay tolls and user charges 24 hours a day, either at the border or at any other sales outlet, with the option of receipt, using common means of payment including electronic means inside and outside the Member States in which they are applied.’ [Am. 100]

(b) paragraph 3 is replaced by the following:

‘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, upon request, provided to the road user, where possible by electronic means.’ [Am. 101]

(c) in paragraph 4, the first sentence is replaced by the following:

‘Where economically feasible, Member States shall levy and collect external-cost charges and congestion charges by means of an electronic system which complies with the requirements of Article 2(1) of Directive 2004/52/EC.’

Thursday 25 October 2018

- (12) Article 7k is replaced by the following:

‘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, **provided that they do not distort or have a negative impact on local or habitual hauliers, or both.**; [Am. 102]

- (13) in Article 8, paragraph 2 is amended as follows:

(a) in point (a) the reference to ‘Article 7(7)’ is replaced by a reference to ‘Article 7a’;

(b) in point (b), the words ‘and (2)’ are inserted after ‘Article 7(1)’;

- (13a) *The following Article is inserted:*

‘Article 8a

Monitoring and reporting

1. Each Member State shall designate an independent supervisory authority for infrastructure charging responsible for ensuring compliance with this Directive.

2. The supervisory authority shall carry out economic and financial checks on concession contracts in order, in particular, to ensure compliance with Article 7b.

3. Member States shall inform the Commission that the supervisory authority has been designated.’; [Am. 103]

- (14) Article 9 is amended as follows:

(-a) in Article 9(2), the introductory part is replaced by the following:

~~‘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.~~ **‘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, shall be used to benefit the transport sector to carry out road network maintenance and upkeep, and to optimise the entire transport system. In particular, revenues generated from external cost charges, or the equivalent in financial value of these revenues, shall be used to make transport more sustainable, including one or more of the following.’;** [Am. 104]

(-aa) in paragraph 2, point (b) is replaced by the following:

‘(b) reducing road transport **air pollution and noise pollution**;’; [Am. 105]

(-ab) in paragraph 2, the following point is inserted:

‘(ba) financing **collective and sustainable modes of transport**;’; [Am. 106]

(-ac) in paragraph 2, point (e) is replaced by the following:

‘(e) developing **alternative-fuel** infrastructures **in accordance with Directive 2014/94/EU and alternative service** for transport users and/or expanding current capacity;’; [Am. 107]

(-ad) in paragraph 2, point (f) is replaced by the following:

‘(f) supporting the trans-European transport network **and eliminating bottlenecks**;’; [Am. 108]

(-ae) in paragraph 2, point (h) is replaced by the following:

‘(h) improving road safety **and safe road infrastructure**; and’; [Am. 109]

Thursday 25 October 2018

(-af) in paragraph 2, point (i) is replaced by the following:

‘(i) providing **safe and** secure parking **areas**;’ [Am. 110]

(a) in paragraph 2, the second sub-paragraph is deleted;

(b) the following paragraph 3 is added:

‘3. Revenues generated from congestion charges, or the equivalent in financial value of these revenues, shall be used to address the problem of congestion, **for example** by: [Am. 111]

(a) supporting collective transport infrastructure and services;

(b) eliminating bottlenecks and **missing links on their networks, wherever the charge is applied, and** on the trans-European transport network; [Am. 112]

(c) developing alternative infrastructure **and multimodal hubs** for transport users.’; [Am. 113]

(ba) The following paragraph is inserted:

‘3a. Revenues from infrastructure charges and external-cost charges shall be used on the territory containing the road section on which the charges are applied.’; [Am. 114]

(15) Articles 9d and 9e are replaced by the following:

‘Article 9d

The Commission is empowered to adopt delegated acts in accordance with Article 9e to amend Annex 0, the amounts in Tables 1 and 2 in Annex IIIb, and the formulas in sections 4.1 and 4.2 of Annex IIIa in order to adapt them to scientific and technical progress.

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 7 g(4), Article 7ga(4) and Article 9d shall be conferred on the Commission for ~~an indeterminate~~ a period of **time 5 years** from ... [date of entry into force of this Directive]. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-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.** [Am. 115]

3. The delegation of power referred to in Article 7 g(4), Article 7ga(4) and 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 on Better Law-Making of 13 April 2016.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Thursday 25 October 2018

6. A delegated act adopted pursuant to Article 7 g(4), Article 7ga(4) and 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.;

(16) Articles 9f and 9 g are deleted;

(17) Article 10a is replaced by the following:

‘1. The amounts in euro as laid down in Annex II and the amounts in cent as laid down in Tables 1 and 2 in Annex IIIb shall be adapted every two years in order to take account of changes in the EU-wide Harmonised Index of Consumer Prices excluding energy and unprocessed food, as published by the Commission (Eurostat). The first adaptation shall take place by 31 March [the year following the two years after the entry into force of this Directive].

The amounts shall be adapted automatically, by increasing the base amount in euro or cent 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 Annex IIIb.

2. The Commission shall publish in the *Official Journal of the European Union* the adapted amounts referred to in paragraph 1 by 31 March of the year following the end of two calendar years referred to in paragraph 1. Those adapted amounts shall enter into force on the first day of the month following publication.;

(18) Article 11 is replaced by the following:

‘Article 11

-1. Member States or competent authorities shall provide information in the most transparent and clear way on the use of the generated revenues from road users. [Am. 116]

1. Each year, Member States shall make public in aggregate form a report on tolls and user charges levied on their territory, including information on the use of revenues and the quality of roads where tolls or user charges are applied, as specified in paragraphs 2 and 3.

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

- (a) the external-cost charge levied for each combination of class of vehicle, type of road and period of time;
- (b) the variation of infrastructure charges according to the type of vehicles;
- (c) the weighted average infrastructure cost charge and total revenue raised through the infrastructure charge, specifying any possible deviation compared to actual infrastructure costs stemming from the variation of the infrastructure charge;
- (d) the total revenue raised through external-cost charges;
- (e) the total revenue raised through congestion charges;
- (ea) the total revenues raised through mark-ups and on which road sections they have been levied; [Am. 117]**
- (f) the total revenues raised through tolls and/or user charges;
- (g) information on 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) and (3);

Thursday 25 October 2018

- (h) an evaluation, based on objective criteria, of the state of maintenance of the road infrastructure on the territory of the Member State, and its evolution since the last report;
- (i) an evaluation of the level of congestion on the tolled network in peak hours, based on real life traffic observations performed of a representative number of congested road stretches of the concerned network, and its evolution since the last report.

3. For the evaluation of the quality of the parts of the road network on which tolls or user charges are applied, Member States shall use key performance indicators. As a minimum, the indicators shall relate to:

- (a) the quality of road surface;
- (b) road safety;
- (c) the level of congestion.

3a. Member States shall make publicly available the results of reinvesting infrastructure charges and charges for external costs as well as the benefits in terms of increased road safety, a reduced environmental impact and reduced traffic congestion. [Am. 118]

4. Within three years after [the entry into force of the revised Directive], the Commission shall adopt an implementing act in accordance with the advisory procedure referred to in Article 9c(2), to define a harmonised set of indicators.

5. Within six years after [the entry into force of the revised Directive], the Commission shall publish a report based on the application by Member States of the indicators referred to paragraph 4.

5a. Within five years after the entry into force of this Directive, the Commission shall submit a report on changes in the market share of zero-emission vehicles and shall revise accordingly, if necessary, the reduction applied to those vehicles.; [Am. 119]

(19) The Annexes are amended as follows:

- (a) Annexes 0, IIIa, IIIb and IV are amended as set out in the Annex to this Directive;
- (b) Annexes V, VI and VII are added as set out in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Thursday 25 October 2018

Article 4

This Directive is addressed to the Member States.

Done at ...,

For the European Parliament

The President

For the Council

The President

Thursday 25 October 2018

ANNEX

(1) Annexes 0, III, IIIa, IIIb and IV are amended as follows:

(a) in Annex 0, Section 3 is amended as follows:

(i) the heading is replaced by the following:

‘3. “EURO III”/“EURO IV”/“EURO V” vehicles’;

(ii) in the table, the line concerning “EEV” vehicle’ is deleted;

(iii) the following is added:

‘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
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.’;

(b) Annex III is amended as follows:

(i) Section 2 is amended as follows:

— in point 2.1., the sixth indent is replaced by the following:

‘— Costs shall be apportioned to ~~heavy-duty vehicles~~ **each vehicle type** on an objective and transparent basis taking account of the proportion of ~~heavy-duty vehicle~~ traffic **for each vehicle type** 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 (*). **[Am. 120]**

(*) 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.’;

Thursday 25 October 2018

— in point 2.2., the second indent is replaced by the following:

‘— Such costs shall be apportioned between heavy duty vehicles and ~~other traffic~~ **light vehicles** 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.’; [Am. 121]

(ii) in Section 4, the heading and the first indent are replaced by the following:

‘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.’;

(c) Annex IIIa is replaced by the following:

‘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 network and of its motorways, the part or parts shall be chosen after an assessment establishing that:~~

- ~~— vehicles’ use of the roads where the external-cost charge is applied generates environmental damage higher than that generated on average assessed in accordance with air quality reporting, national emissions inventories, traffic volumes and, for noise, in accordance with Directive 2002/49/EC, or~~
- ~~— the imposition of an external-cost charge on other parts of the road network thus composed might have adverse effects on the environment or road safety, or levying and collecting an external-cost charge on them would entail disproportionate cost. [Am. 122]~~

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 IIb, it shall notify the Commission of the classification of vehicles according to which the external-cost charge shall vary. It shall also notify the Commission of the location of roads subject to higher external-cost charges (called hereafter “suburban roads (including motorways)”), and of roads subject to lower external-cost charges (called hereafter “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.~~

Thursday 25 October 2018

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 PM_{10} and NO_2) and the number of days (for PM_{10}) and hours (NO_2) on which limit values established under Directive 2008/50/EC are exceeded. The criteria used shall be included in the notification. **[Am. 123]**

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.

For each vehicle class, type of road and time period, 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. It shall every two years 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 of on the reduction of national emissions of certain atmospheric pollutants (*) (which requires use of the EMEP/EEA air pollutant Emission Inventory Guidebook) (**). The monetary cost of pollutants shall be estimated by the Member State or, where appropriate, the independent authority referred to in Article 7c(4), using scientifically proven methods.

Thursday 25 October 2018

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:

$$NCV_j \text{ (daily)} = e \times \sum_k NC_{jk} \times POP_k / WADT$$

$$NCV_j \text{ (day)} = a \times NCV_j$$

$$NCV_j \text{ (night)} = b \times NCV_j$$

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 (**).

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 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.

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.

(*) 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).

(**) Methodology of the European Environmental Agency: <http://www.eea.europa.eu/publications/emep-eea-guidebook-2016>

(***) 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).;

Thursday 25 October 2018

(d) Annex IIIb is replaced by the following:

‘ANNEX IIIb

REFERENCE MINIMUM VALUES OF THE EXTERNAL-COST CHARGE

This Annex sets out ~~reference~~ **minimum** values of the external-cost charge, including the cost of air pollution and noise. [Am. 126]

Table 1: ~~reference~~ **minimum** values of the external-cost charge for heavy goods vehicles [Am. 127]

Vehicle class	cent/vehicle-kilometre	Suburban ⁽¹⁾	Interurban ⁽²⁾
Heavy goods vehicle having a maximum permissible gross laden weight of less than 14 tonnes or having two axles	EURO 0	13,3	8,3
	EURO I	9,1	5,4
	EURO II	8,8	5,4
	EURO III	7,7	4,3
	EURO IV	5,9	3,1
	EURO V	5,7	1,9
	EURO VI	3,2	0,6
	Less polluting than EURO VI	2,5	0,3
Heavy goods vehicle having a maximum permissible gross laden weight between 14 and 28 tonnes or having three axles	EURO 0	23,3	15,1
	EURO I	16,4	10,1
	EURO II	15,7	10,0
	EURO III	13,5	8,2
	EURO IV	9,5	5,7
	EURO V	8,9	3,7
	EURO VI	3,6	0,8
	Less polluting than EURO VI	2,5	0,3
Heavy goods vehicle having a maximum permissible gross laden weight between 28 and 40 tonnes or having four axles	EURO 0	30,4	19,7
	EURO I	22,6	13,9
	EURO II	21,3	13,9
	EURO III	17,8	11,2
	EURO IV	12,2	7,7
	EURO V	9,2	4,0
	EURO VI	3,5	0,8
	Less polluting than EURO VI	2,5	0,3

Thursday 25 October 2018

Vehicle class	cent/vehicle-kilometre	Suburban ⁽¹⁾	Interurban ⁽²⁾
Heavy goods vehicle having a maximum permissible gross laden weight above 40 tonnes or having 5 or more axles	EURO 0	43,0	28,6
	EURO I	31,5	19,8
	EURO II	29,2	19,4
	EURO III	24,0	15,6
	EURO IV	16,2	10,6
	EURO V	9,8	4,7
	EURO VI	3,6	1,0
	Less polluting than EURO VI	2,5	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.

Table 2: ~~reference~~ **minimum** values of the external-cost charge for coaches [Am. 128]

Vehicle class	cent/vehicle-kilometre	Suburban ⁽¹⁾	Interurban ⁽²⁾
Coach having maximum permissible gross laden weight of 18 tonnes or having two axles	EURO 0	20,3	13,1
	EURO I	16,0	10,4
	EURO II	15,6	9,9
	EURO III	13,9	8,5
	EURO IV	10,0	5,7
	EURO V	9,0	5,0
	EURO VI	2,8	0,8
	Less polluting than EURO VI	1,4	0,2
Coach having maximum permissible gross laden weight above 18 tonnes or having three or more axles	EURO 0	24,9	16,2
	EURO I	19,2	12,3
	EURO II	18,5	12,0
	EURO III	15,7	9,8
	EURO IV	10,6	6,6
	EURO V	10,2	5,2
	EURO VI	2,8	0,8
	Less polluting than EURO VI	1,4	0,2

⁽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.

Thursday 25 October 2018

The values of Tables 1 and 2 may be multiplied by a *reference* factor of up to **2.4** 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*; [Am. 129]

Table 3: Minimum values of the external-cost charge for passenger cars (€ct/vkm)

Vehicle	Engine	EURO-Class	Suburban	Interurban
Car diesel	<1,4l	Euro 2	1,9	0,9
		Euro 3	1,6	0,9
		Euro 4	1,3	0,7
		Euro 5	0,9	0,5
		Euro 6	0,6	0,3
	1,4-2,0l	Euro 0	3,6	1,0
		Euro 1	1,9	0,9
		Euro 2	1,8	0,8
		Euro 3	1,7	0,9
		Euro 4	1,4	0,7
		Euro 5	0,9	0,5
		Euro 6	0,6	0,3
	>2,0l	Euro 0	3,9	1,3
		Euro 1	1,9	0,9
		Euro 2	1,8	0,9
		Euro 3	1,7	0,9
		Euro 4	1,4	0,7
		Euro 5	0,9	0,5
		Euro 6	0,6	0,3
Car petrol	<1,4l	Euro 0	3,7	2,4
		Euro 1	1,0	0,4
		Euro 2	0,7	0,3
		Euro 3	0,5	0,2
		Euro 4	0,5	0,2
		Euro 5	0,5	0,2
		Euro 6	0,5	0,2
	1,4-2,0l	Euro 0	3,9	3,0
		Euro 1	1,1	0,4
		Euro 2	0,7	0,3
		Euro 3	0,5	0,2
		Euro 4	0,5	0,2

Thursday 25 October 2018

Vehicle	Engine	EURO-Class	Suburban	Interurban
	>2,0l	Euro 5	0,4	0,2
		Euro 6	0,4	0,2
		Euro 0	4,0	3,0
		Euro 1	1,0	0,4
		Euro 2	0,5	0,3
		Euro 3	0,5	0,2
		Euro 4	0,5	0,2
		Euro 5	0,4	0,2
		Euro 6	0,4	0,2

[Am. 124]

Table 4: Minimum values of the external-cost charge for light duty vehicles (€/vkm)

Vehicle	EURO-Class	Suburban	Interurban
<i>LCV petrol</i>	Euro 1	2,4	0,7
	Euro 2	1,9	0,4
	Euro 3	1,8	0,4
	Euro 4	1,7	0,3
	Euro 5	1,6	0,3
	Euro 6	1,6	0,3
<i>LCV diesel</i>	Euro 1	4,0	1,7
	Euro 2	4,1	1,7
	Euro 3	3,5	1,3
	Euro 4	3,0	1,1
	Euro 5	2,2	0,8
	Euro 6	1,9	0,5

[Am. 125]

- (e) in Annex IV, the table with the heading 'Vehicle combinations (articulated vehicles and road trains)' is replaced by the following:

Thursday 25 October 2018

‘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 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>2 + 1 axles</i>				
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	
<i>2 + 2 axles</i>				
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			
<i>2 + 3 axles</i>				II
36	38	36	38	
38	40			
		38	40	III
<i>3 + 2 axles</i>				II
36	38	36	38	
38	40			
		38	40	III
		40	44	

Thursday 25 October 2018

Driving axles with air suspension or recognised as equivalent		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	
40	44			
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		
8 or 9 axles				
40	50	40	50	I
50	60	50	60	II
60		60		III;

(ea) in Annex IV, the following paragraph is added:

‘For all motor vehicles that are alternatively fuelled, the maximum authorised weight is increased by the additional weight required for the alternative fuel technology used, the maximum increase being one tonne.’;
[Am. 130]

(2) the following Annexes V, VI and VII are added:

‘ANNEX V

MINIMUM REQUIREMENTS FOR LEVYING A CONGESTION CHARGE

This Annex sets out the minimum requirements for levying a congestion charge.

Thursday 25 October 2018

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
Buses and coaches	2,5 1,5
Articulated heavy goods vehicles	2,9

[Am. 131]

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 maximum value set out in the table in Annex VI. The resulting charging structure shall be transparent, made public and available to all users on equal terms.

Thursday 25 October 2018

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

- (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.

The Member State or, where appropriate, an independent authority, shall monitor the effectiveness of the charging scheme in reducing congestion. It shall adjust every year, 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.

ANNEX VI

MAXIMUM LEVEL OF CONGESTION CHARGE

This Annex sets out the maximum level of congestion charge.

The maximum levels provided for in the table below shall be applied to light duty vehicles. Charges for other vehicle categories shall be established by multiplying the charge applied to light duty vehicles by the equivalence factors provided in the table in Annex V.

Table: Maximum level of congestion charge for light duty vehicles

cent/vehicle-kilometre	Metropolitan	Non-metropolitan
Motorways	67	34
Main roads	198	66

ANNEX VII

VARIATION OF TOLLS AND USER CHARGES FOR LIGHT DUTY VEHICLES

This Annex specifies the emission categories according to which tolls and user charges shall be differentiated.

Pollutant emissions shall be measured in accordance with Commission Regulation (EU) .../... (*).

The lower rates shall apply for any passenger car and light commercial vehicle with specific CO₂ emissions, as measured in accordance with Regulation (EC) No 715/2007 of the European Parliament and of the Council (**), that are below the levels corresponding to the applicable EU fleet wide targets set out in Regulation (EC) No 443/2009 of the European Parliament and of the Council (***) and Regulation (EU) No 510/2011 of the European Parliament and of the Council (****).

Thursday 25 October 2018

Table: emission categories of light duty vehicles

Conformity factor	1,5-2,1			1-1,5			below 1			Zero-emission vehicles		
Charge per km	10 % rate	below rate	highest rate	20 % rate	below rate	highest rate	30 % rate	below rate	highest rate	75 % rate	below rate	highest rate

- (*) Commission Regulation (EU) .../... of XXX amending Commission Regulation (EU) 2017/xxx and Directive 2007/46/EC of the European Parliament and of the Council as regards real-driving emissions from light passenger and commercial vehicles (Euro 6) [RDE 3] (OJ L ..., ... 2017, p. ...).
- (**) Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 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 (OJ L 171, 29.6.2007, p. 1).
- (***) Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles (OJ L 140, 5.6.2009, p. 1).
- (****) Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles (OJ L 145, 31.5.2011, p. 1).