Charging of heavy goods vehicles for the use of infrastructure: differentiated charging

2008/0147(COD) - 14/02/2011 - Council position

The Council adopted its position at first reading by qualified majority on a proposal for a Directive on the charging of Heavy Goods Vehicles for the use of certain infrastructures, the "Eurovignette" Directive.

The Italian and Spanish delegations voted against and the Irish, Dutch and Portuguese delegations abstained.

Although the Council agrees with the Commission as regards the objective of the proposal, the **Council's approach involved some adaptations of the original proposal**. The Council's Position modifies, to a certain extent, the original Commission proposal by redrafting it and deleting some provisions of the text. This implies that all amendments introduced in the European Parliament's first-reading opinion related to these deleted provisions were not accepted by the Council.

With respect to the amendments proposed by the European Parliament, the Council observes that a certain number of amendments have – in spirit, partially or fully – already been included in its Position.

Geographical scope: the Commission proposed to extend the scope of the Directive outside of the trans-European network (TEN) to all roads. The Council considers that the Commission proposal needs to be modified in this respect, in order to **limit the extension of the scope to the non TEN motorways**.

Vehicle scope: in its original text, the Commission proposes to maintain the provision adopted in 2006 according to which a Member State may choose to **apply tolls and/or user charges only to vehicles of 12 tonnes and more**, until 31 December 2011. After that period, charges shall be applied to all heavy duty vehicles, unless a Member State considers that charging vehicles of less than 12 tonnes would affect the traffic flow, the environment, noise levels, congestion or health, or represents an administrative burden of more than 30% of the additional revenue which would have been generated by the extension to those vehicles.

The Council considers that this provision should give more discretion to Member States. In order to make the text clearer, the **reference to the transition period was deleted**. Moreover, the list of conditions available to Member States to justify the non charge of vehicles of less than 12 tonnes was made open, with the insertion of the expression "inter alia". Member States may decide to exempt vehicles between 3.5 and 12 tonnes for other reasons other than environment, congestion and administrative costs.

The European Parliament followed the Commission approach in principle but proposed the deletion of the two justifications offered to Member States not to charge vehicles of less than 12 tonnes and wants to postpone the decision on the justifications to a later stage of the legislative procedure. In this context, the Council could not take into consideration the EP amendments.

Choice of external costs: the Commission included in its proposal the costs of air pollution, noise and congestion. The Council agrees with the principle, but decided to only include in the external cost charge air pollution and noise.

The Council's position states that Member States should be allowed to **charge higher infrastructure charges during peak hours** – a peak period should not exceed 5 hours per day – in such a way that no infrastructure charge is more than 175% above the maximum level of the weighted average infrastructure charge.

To this, the Council has **deleted any references to congestion** in the context of an external cost charge and, doing so, took on board the European Parliament amendments. However, the amendment on a congestion charge was not taken into consideration by the Council. The amendment on toll variation was however accepted in spirit by the Council.

Derogations for less polluting EURO classes: the Commission proposal contained a detailed table with different values in euro cents per vehicle and per kilometre for each Euro class vehicle. The Council, building on a European Parliament amendment, introduces a **temporary derogation for the less polluting vehicle**, i.e., Euro V and Euro VI classes. This means that EURO V is exempted until 31 December 2013 and EURO VI is exempted until 31 December 2017. Less polluting vehicles than EURO VI, namely hybrid and electrical heavy goods vehicles, are exempted.

Delegated acts and adaptation to inflation: the Council decided to limit the delegation of powers to the Commission to Annexes 0, where the Commission can adapt it to the Union acquis, and to the formulas of Annex IIIa, where the Commission may adapt it to scientific and technical progress. Moreover, new Articles on the exercise of delegation, revocation of the delegation and objections to the delegated acts were added.

To cover the need to adapt the amounts in euros included in Annexes II and IIIb, the Council's Position added a new article on adaptation to inflation. This article introduces a review of these amounts every 2 years, starting on 1 January of the second year following the date of entry into force of the Directive.

The Council's Position also includes a new provision stating that the Council and the European Parliament will determine, through the ordinary legislative procedure, the maximum values in Annex IIIb for more stringent emission standards, one year after the adoption of the corresponding regulations.

Other policy issues: the Council: (i) confirms the use of the transport legal basis, i.e., Article 91(1) of the Treaty on the Functioning of the European Union; (ii) clarify the provision referring to the establishment of user charges in relation to the duration of the use made of the infrastructure; (iii) decides to make each Member State responsible for setting the amount of the external cost charge.

Further EP amendments **not included in the Council's Position** concern:

- the definition of "infrastructure charge" and the inclusion of projects jointly undertaken by more than one Member State;
- the deletion of the possibility for Member States to only apply annual rates for vehicles registered in that Member State;
- the possibility for users that did not have the necessary documentation in the vehicle to recover any additional cost paid as a consequence;
- the invitation to the European Commission to made available to the European Parliament its opinions on the compliance of Member States with the requirements concerning the calculation of the infrastructure charge;
- the consequent Commission decisions requiring member States to adapt the proposed external cost charge;
- the cooperation of Member States to ensure the development of interoperable electronic systems;
- the need to promote an efficient European interoperable toll system;
- the invitation to the Commission to monitor the gradual abolition of time-based charging systems.