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

2008/0147(COD) - 15/02/2011 - Commission communication on Council's position

The Commission recalls that the primary objectives for the Commission proposal are to allow Member States to internalise the most relevant external costs in the charging of heavy goods vehicles, and to extend the scope of the Directive outside of the trans-European network (TEN). It considers that these **objectives have largely been achieved in the Council's position** at first reading and can therefore endorse it.

The key provisions in the Council's position, and the Commission's opinion of these provisions, are as follows:

Geographical scope: the Commission considers that the Council's position falls short of the Commission's original proposal to extend scope to all roads but still represents significant progress.

Vehicle scope: the Council's position states that Member States may decide to exempt vehicles between 3.5 and 12 tonnes for other reasons other than environment, congestion and administrative costs. The Commission's preference would have been for those derogations to be justified by objective and clearly identified reasons.

Choice of external costs: the Commission's preference would have been to include congestion as an external cost like air and noise pollution. However, the wider differentiation of infrastructure charges represents an acceptable and practicable second best solution to reduce congestion.

Derogations for less polluting EURO classes: in principle the Commission supports exempting less polluting vehicles from these charges but only for a fixed and limited period.

Earmarking of revenues: the Council proposes that funds raised by internalising external costs should be earmarked for programmes that improve the sustainability of the transport system, but Member States retain ultimate discretion on how to spend these funds. The Commission would have preferred that 'should' be replaced with 'shall', or at the very minimum that there be a requirement that Member States report on how such funds raised are being spent and express a firmer political intention to do it in the transport sector, notably on the trans- European network.

Amending the annexes: the ability to amend most of the Annexes in the current Directive by means of delegated acts (ex-old comitology regulatory procedure) was removed from the proposal.
The Commission would prefer to retain the ability to amend these Annexes by means of delegated acts, in particular Annex III and the value for future Euro standards of the new Annex IIIb (of the Council's position).

It should be noted that the Council's position at first reading includes, in total or in part, 11 amendments adopted by the European Parliament at first reading. In particular, the Council's position focuses on the amendment concerning the variation in tolls allowed between peak and off-peak times from 100% above the minimum rate to 175% above the maximum permissible average rate.

The amendment which introduced a new Article which exempts vehicles complying with future EURO standards has been partly accepted by Council. The latter has however granted a longer exemption period for EURO VI vehicles and added an exemption period for EURO V vehicles.

The following European Parliament **substantive amendments** which were acceptable to the Commission were **not integrated** in the Council's position:

- deleting language which authorises Member States to apply only annual rates to vehicles registered in that Member State;
- authorising Member States to levy a congestion charge which reflects the cost of congestion and requires them to draft action plans to combat congestion;
- allowing, in cases where drivers are not able to produce documentation in order to verify Euro class, that any additional cost as a result of this will be reimbursed if a driver can, at a later date, provide such proof;
- requiring the Commission to inform the Parliament, and not only the Committee, as to whether a tolling arrangement is complying with the requirements of the Directive and requiring the Commission to transmit to the European Parliament the decisions which are made available to the Committee mentioned in the Article;
- requiring Member States to detail how they intend to earmark funds raised from the internalisation of external costs;
- using the Galileo system as an efficient means of collecting charges;
- introducing different language on the earmarking of external cost funds raised and on the use to which Member States put funds raised from infrastructure charges;
- requiring that at least 15% of funds raised from internalising of external costs be ring fenced for expenditure of TEN-T projects;
- requesting the Commission to monitor the gradual abolition of time-based charging systems;
- requiring the Commission to make a legislative proposal for further revising the Directive.