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

2008/0147(COD) - 27/09/2011 - Final act

PURPOSE: to encourage differentiated charging based on external costs as a means towards sustainable transport.

LEGISLATIVE ACT: Directive 2011/76/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 (Eurovignette Directive).

CONTENT: the Council adopted, on the basis of a text agreed with the European Parliament in second reading, a directive revising the so-called Eurovignette directive of 1999 on road use charges for heavy goods vehicles. Italy and Spain voted against, and Ireland, the Netherlands and Portugal abstained.

The new European framework law, which is a revision of the "Eurovignette" directive of 1999, aims at **reducing pollution from road freight transport and making traffic flow smoother** by levying tolls that factor in the cost of air and noise pollution due to traffic (so-called external costs) and help avoid road congestion.

External cost charge: Member States may apply an "external cost charge" on lorries, complementing the already existing infrastructure charge designed to recover the costs of construction, operation, maintenance and development of road infrastructure. They may also modulate the infrastructure charge to take account of road congestion, with a **maximum variation rate of 175% during peak periods limited to five hours per day**.

Tolls and user charges: the level of tolls will vary depending on the emissions of the vehicle, the distance travelled, and the location and the time of road use. Such differentiated charging is intended to encourage the move to transport patterns which are more respectful of the environment.

Whereas under the current directive application of tolls has basically been limited to the trans-European road network, it may now be extended to **cover all motorways**.

Vehicles complying with the most stringent emission standards will be **exempted from the air pollution charge** for four years after those standards have become applicable; that means that vehicles of the EURO VI emission class will be exempted until 31 December 2017. In addition, EURO V vehicles will be exempted until the date of application of the EURO VI standards, that is, until 31 December 2013. Less polluting vehicles than EURO VI, namely hybrid and electrical heavy goods vehicles, are exempted.

Moreover, Member States may **exempt vehicles under 12 tonnes** from the tolls if they consider this necessary, for example if application of tolls would create significant adverse effects or excessive administrative costs. However, they must inform the Commission about the reasons for such a decision.

Mark-up added to the infrastructure charge: while a mark-up may be added to the infrastructure charge in mountainous regions under certain conditions, the amount of this mark-up will be deducted from the external cost charge. This deduction, though, will not apply to the most polluting vehicles, that is, the EURO emission classes 0, I, II and from 2015 onwards also III.

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

(a) facilitating efficient pricing; (b) reducing road transport pollution at source; (c) mitigating the effects of road transport pollution at source; (d) improving the CO 2 and energy performance of vehicles; (e) developing alternative infrastructure for transport users and/or expanding current capacity; (f) supporting the trans-European transport network; (g) optimising logistics; (h) improving road safety; and (i) providing secure parking places.

The amount of the mark-up shall be deducted from the amount of the external-cost charge, except for vehicles of EURO emission classes 0, I and II from 15 October 2011, and III from 2015 onwards. All these revenues generated by the simultaneous application of the mark-up and the external cost charges shall be invested in financing the construction of **priority projects of European interest** identified in Annex III to Decision No 661/2010/EU.

Reports: by 16 October 2015, the Commission shall present a report to the European Parliament and the Council on the implementation and effects of this Directive, in particular as regards the effectiveness of the provisions on the recovery of the costs related to traffic-based pollution, and on the inclusion of vehicles of more than 3.5 and less than 12 tonnes. The report shall also evaluate the use of electronic systems to levy and collect infrastructure and external-cost charges and their degree of interoperability. The report shall be accompanied, if appropriate, by a proposal to the European Parliament and the Council for further revision of this Directive.

By 16 October 2012, the Commission shall present a report that summarises the other measures, such as regulatory policies, taken to internalise or reduce the external costs related to environment, noise and health from all transport modes, including the legal basis and maximum values used.

ENTRY INTO FORCE: 15/10/2011.

TRANSPOSITION: 16/10/2013.

DELEGATED ACTS: the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in respect of certain adaptations of the Annexes. The delegation of power may be revoked by the European Parliament or by the Council. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification. If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.