Road transport: charging of heavy goods vehicles and infrastructures fees

2003/0175(COD) - 07/09/2005 - Commission communication on Council's position

The Council’s Common Position makes a number of changes to the Commission’s initial proposal. These changes are deemed acceptable by the Commission given that they are, by and large, compatible with the Directive’s main objectives. The actual Common Position is described by the Commission as a hard won compromise and the changes made are to be welcomed. Those changes include:

- Modifying the definition of construction costs. The period of costs must not exceed the lifetime of the infrastructure concerned.

- Modification of the toll differentiation to improve transparency and to guard against any discrimination.

- The conditions for levying mark ups on tolls being tightened to limit the scope of most mark ups to a maximum of 15% rather than 25%. A maximum mark up of 25% is applicable only to roads in the same corridor as trans-frontier sections of priority projects and of European interest in mountainous areas.

- New tolling regimes are to be subject to the Commission’s control according to the core principles listed in Annex III. This will be done either directly for non-concession tolling regimes, with tolls calculated according to the core principles and with Member States input. Alternatively, for tolls under concession regimes, the control will be undertaken indirectly. Member States must provide all information necessary to verify that the toll level does not exceed that calculated on the basis of the core principles.

Concerning the inclusion of external costs and the coverage of tolls, the Commission made a declaration in which it:

- Agrees to concentrate on the progressive internalisation of external costs when it undertakes the mid term review of the White Paper on transport due at the end of 2005. The Commission will give added consideration to Parliament’s views following its second reading of the proposal.

- Acknowledges the right of the Member States to exclude certain parts of the network and that it must be exercised in a non discriminatory manner and in conformity with the Treaty. The Commission agrees to take account of the need to improve the accessibility of isolated regions as well as the level of congestion and pollution.

To repeat, of the 42 amendments adopted by Parliament in April 2004, nine were acceptable to the Commission and included in the Common Position; 23 were acceptable to the Commission but not adopted by the Council; six were not acceptable to the Commission but incorporated into the Common Position and four were neither acceptable to the Commission nor to the Council.

The amendments accepted by the Commission and incorporated in full or in part in the common position are:

- The principle of only considering the portion of costs not amortised is incorporated into the definition of construction costs.

- A definition of weighted average tolls has been included.
- A definition of a concession has been included.
- The removal of references to accident costs.
- Rejection of the proposed independent infrastructure authority.
- The inclusion of insurance taxes will be added to the list of taxes and charges unaffected by the Directive.

Amendments accepted by the Commission but not incorporated into the Common Position are:

- Changing the order of general reasoning for the Directive and the order of the Directive's policy priorities.
- References to external costs, including the recital and definition.
- Allowing compensation through the reduction of other transport taxes below minimum EU levels.
- References to the main road network from Article 1.
- Exempting vehicles of humanitarian and relief organisations from tolls.
- The principle that Member States consult regional and local authorities.
- The basis for determining tolls has been limited to infrastructure costs. External costs have been excluded by the Council.
- Clarification of the toll differentiation. That proposed by Parliament was deemed insufficient.
- An amendment to permit toll mark ups in urban zones.
- A proposal obliging Member States to impose the heaviest toll on vehicles unable to verify their euro emissions category.
- Any articles relating to a compensation regime (reducing vehicle taxes etc.)
- Proposals that the Commission prepare Reports on the Directive's impact on road accidents and the environment.

Amendments rejected by the Commission yet incorporated in the Common Position include:

- Permitting concession regimes to be included in the scope of the Directive. However, the Council has introduced a separate enforcement structure for concession regimes, so that the special nature of concessions is addressed and the Commission's right of enforcement maintained.
- In accordance with Parliamentary proposals, the allocation of revenues is made voluntarily.

Amendments rejected by the Commission and not incorporated in the Common Position include:

- Constraining the Commission to undertake a work programme – although the Commission does plan to consider future external costs in the White Paper on Transport. In addition, the Council has rejected any references to developing a methodology for external costs.

- Compensation plans for national tolling regimes given that they are the responsibility of the Member States and thus need not be incorporated into the Directive's framework.

To conclude, the Commission welcomes the Common Position adopted by the Council.