Basic information

2003/0175(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Road transport: charging of heavy goods vehicles and infrastructures fees Amending Directive 1999/62/EC, "Eurovignette" 1996/0182(COD) **Subject** 2.70.02 Indirect taxation, VAT, excise duties 3.20.05 Road transport: passengers and freight	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	WORTMANN-KOOL Corien (PPE-DE)	04/07/2005

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	COCILOVO Luigi (PPE-DE)	10/09/2003

Former committee for opinion	Former rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs	DOS SANTOS Manuel (PSE)	22/09/2003
ENVI Environment, Public Health, Consumer Policy	KRONBERGER Hans (NI)	09/09/2003

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2531	2003-10-09
Transport, Telecommunications and Energy	2654	2005-04-21
Transport, Telecommunications and Energy	2607	2004-10-07
Transport, Telecommunications and Energy	2589	2004-06-10
Transport, Telecommunications and Energy	2721	2006-03-27

European Commission

Commission DG	Commissioner

	Energy and Transport

Key events

Date	Event	Reference	Summary
23/07/2003	Legislative proposal published	COM(2003)0448	Summary
01/09/2003	Committee referral announced in Parliament, 1st reading		
09/10/2003	Debate in Council		
17/03/2004	Vote in committee, 1st reading		Summary
17/03/2004	Committee report tabled for plenary, 1st reading	A5-0220/2004	
20/04/2004	Decision by Parliament, 1st reading	T5-0305/2004	Summary
20/04/2004	Debate in Parliament		
10/06/2004	Debate in Council		Summary
07/10/2004	Debate in Council		
06/09/2005	Council position published	09856/1/2005	Summary
08/09/2005	Committee referral announced in Parliament, 2nd reading		
14/11/2005	Vote in committee, 2nd reading		Summary
30/11/2005	Committee recommendation tabled for plenary, 2nd reading	A6-0377/2005	
13/12/2005	Debate in Parliament		
15/12/2005	Decision by Parliament, 2nd reading	T6-0516/2005	Summary
15/12/2005	Results of vote in Parliament		
27/03/2006	Act approved by Council, 2nd reading		
17/05/2006	Final act signed		
17/05/2006	End of procedure in Parliament		
09/06/2006	Final act published in Official Journal		

Technical information

Procedure reference	2003/0175(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 1999/62/EC, "Eurovignette" 1996/0182(COD)
Legal basis	EC Treaty (after Amsterdam) EC 071-p1
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/29354

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Document attached to the procedure		B5-0360/2003	02/07/2003	
Committee report tabled for plenary, 1st reading/single reading		A5-0220/2004	17/03/2004	
Text adopted by Parliament, 1st reading/single reading		T5-0305/2004 OJ C 104 30.04.2004, p. 0037-0371 E	20/04/2004	Summary
Amendments tabled in committee		PE362.683	23/09/2005	
Committee recommendation tabled for plenary, 2nd reading		A6-0377/2005	30/11/2005	
Text adopted by Parliament, 2nd reading		T6-0516/2005	15/12/2005	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	09856/1/2005 OJ C 275 08.11.2005, p. 0001-0018 E	06/09/2005	Summary
Draft final act	03682/9/2005	17/05/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0448	23/07/2003	Summary
Commission communication on Council's position	COM(2005)0423	07/09/2005	Summary
Commission response to text adopted in plenary	SP(2006)0053	12/01/2006	
Commission opinion on Parliament's position at 2nd reading	COM(2006)0131	20/03/2006	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0290/2003 OJ C 109 30.04.2004, p. 0014-0024	11/02/2004	
EESC	Economic and Social Committee: opinion, report	CES0856/2004 OJ C 241 28.09.2004, p. 0058-0064	02/06/2004	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Directive 2006/0038 OJ L 157 09.06.2006, p. 0008-0023	Summary

Road transport: charging of heavy goods vehicles and infrastructures fees

2003/0175(COD) - 20/04/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Luigi COCILOVO (EPP-ED, I) making several amendments to the proposal. Parliament stated that, in accordance with the principle of subsidiarity, Member States shall decide on the use of revenue from fees for the benefit of road infrastructure. Consequently, the revenue from fees should be used for the benefit of the transport sector and for improving the entire transport system, in the interests of the transport network as a whole. There is, however, no obligation for Member States to do so. In addition, Parliament inserted the following amendments: - a new recital states that the Directive should not undermine rights stemming from existing concession contracts; - the highest toll charges should not exceed the value of the lowest rates by more than 100%; - there is no obligation on Member States to designate an independent authority charged with monitoring road infrastructure; - a new recital states that, if the objective of fair charging is to be achieved, account must be taken of the system of road infrastructure concessions or equivalent solutions existing in the Member States (for roads, motorways, tunnels and bridges) since, on networks where concessions are in operation, HGVs already pay their external costs in line with the 'user pays' principle, where the concessions in question are public-private partnerships (PPPs) subject to the rules of free competition. - there is a more precise definition of "weighted average toll", with Parliament specifying that it should be calculated by reference to the specific road infrastructure concerned, on the basis of the cost per kilometre, and should be determined by the competent authority in each Member State; - Parliament introduced a definition of "external costs" caused by the road freight system, including "congestion costs, environmental costs, such as local and global air pollution, noise, landscape damages and social costs, such as health and indirect accidents costs, not covered by insurances"; -whereas the proposal provided for weighted average tolls to include costs for "objective environmental elements", Parliament added that this could include congestion costs "where these can be objectively quantified by a methodology duly adopted at European level for the purpose of such calculations"; - Not later than two years after entry into force of the Directive, the Commission must devise a generally applicable, transparent, and comprehensible model for the assessment of all external environment-, congestion-, and health- related costs to serve as the basis for future calculations of infrastructure charges; - Compensation in respect of road charges must be provided without discrimination to all hauliers from EU Member States, irrespective of the driver's country of origin. The compensation schemes shall also fully take into account the fiscal effects of existing or future local and regional charging schemes falling outside the geographical scope of the Directive. - The Commission must draw up uniform bases and principles for calculating external costs; - Parliament amended the Commission's proposed table of charges in order to differentiate clearly between more polluting vehicles (in the EURO 0 and EURO I categories) and the EURO II and lesspolluting vehicles which are already on the market and in use (EURO III and EURO IV and others); - when reporting to Parliament and Council on the implementation and effects of the directive, the Commission should take account not only of developments in technology and the trend in traffic density but also of the trend in road accidents and the impact of transport on the environment.

Road transport: charging of heavy goods vehicles and infrastructures fees

2003/0175(COD) - 17/05/2006 - Final act

PURPOSE: to amend the 1999 “Eurovignette” Directive and to introduce new provisions for the charging of heavy goods vehicles.

LEGISLATIVE ACT: Directive 2006/38/EC 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 infrastructure.

CONTENT: the Council adopted, by qualified majority, this Directive, which amends Directive 1999/62/EC on the charging of heavy good vehicles for the use of certain infrastructures. The Council approved all of the amendments passed by the European Parliament tabled during the second reading of the proposed Directive. Both the Portuguese and the Maltese delegations voted against the amended Directive. The Estonian, Finnish and Greek delegations abstained.

The 1999 Directive, on a framework for the levying of tolls and user charges on Europe’s motorways, has been amended in order to increase the efficiency with which Europe’s road network is operated and to do so in a harmonised manner compatible with the EU’s internal market. It is also intended to introduce balanced provisions for charging hauliers for the cost of using the infrastructure. In adopting this legislation the EU is trying to eliminate competitive distortions between transport undertakings, whilst at the same time promoting provisions which will ultimately benefit the environment. To achieve this objective, the Directive introduces new rules for tolls or user charges on the trans-European network.

The Directive's scope has been broadened so that it now applies to the whole of the trans-European network and not just motorways – as was previously the case. Although not obliged to do so, the Directive also allows Member States to levy tolls and user charges on all other roads as well – any such revenues raised, however, must be in conformity with this Directive. Tolls will be based on the principle of recovery of infrastructure costs although environmental considerations will also play a key role in determining the rate charged. Revenues from tolls or user charges will be used for the maintenance of the infrastructure and for the transport sector as a whole. Importantly, the amended Directive states that any tolls charged should not discriminate against international traffic and should not result in distortions of competition between operators. Fees should be non-discriminatory and their collection should not involve excessive formalities or create barriers at internal borders. The calculation of costs will be based on a core set of principles set out in Annex II of the Directive.

As from 2012, the Directive (subject to certain derogations) will apply to vehicles over 3.5 tonnes, rather than only to vehicles over 12 tonnes – the limit set by previous requirements. In other provisions, the Directive allows for a greater variation of tolls depending on the level of congestion. A fairer system of charging for use of the road infrastructure is based on the "user pays" principle. Thus, toll variations, reflecting the pollution caused by vehicles, will be mandatory as from 2010. Member States, will be able to differentiate tolls depending on a vehicles emission category (EURO classification) and the level of damage caused to roads, the place, the time and the amount of congestions.

As far as the "polluter pays" principle is concerned the Directive states that any future decisions for all modes of transport will take account of both internal as well as external costs. In addition, any future decision on this matter will take full account of the tax burden already borne by road haulage companies, including vehicle taxes and fuel excise duties.

Provisions have been put in place to allow the Member States to increase tolls with a "mark-up" on roads in particularly sensitive mountainous regions such as the Alps or the Pyrenees. Any revenue thus collected must be re-invested into alternative transport infrastructure.

In accordance with implementation procedures the European Commission will begin work on developing a generally applicable, transparent and comprehensible model for the assessment of external costs for all modes of transport, which will serve as the basis for future calculation of infrastructure charges.

ENTRY INTO FORCE: 10 June 2006.

TRANSPOSITION: 10 June 2008.

Road transport: charging of heavy goods vehicles and infrastructures fees

2003/0175(COD) - 23/07/2003 - Legislative proposal

PURPOSE : to present a proposal for a Directive amending Directive 1999/62/EC (the "Eurovignette" Directive) on the charging of heavy goods vehicles for the use of certain infrastructures. CONTENT : this proposal aims to improve the framework for national road use fee in the interests of the proper functioning of the single market. The Commission announced its intention of proposing a directive on charging for the use of road infrastructure in the White Paper "European transport policy for 2010: time to decide". The European Parliament confirmed the need for infrastructure charging when it adopted the report on the conclusions of the White Paper on 12 February 2003. The Copenhagen European Council of December 2002 and the Brussels European Council of March 2003 also welcomed the Commission's intention of presenting a new "Eurovignette" Directive. For the purposes of setting tolls, Directive 1999/62/EC takes account of infrastructure construction, operating, maintenance and development costs. To avoid charging for construction costs more than once, the costs that may be taken into account for this purpose must be limited to those for new infrastructure, i.e. infrastructure to be built in future or which has just been completed. However, a special provision should be introduced, so as not to cause prejudice, with regard to taking into account construction costs, to the rights relating to concession contracts in existence at the time of entry into force of the directive. The Commission's proposal provides a framework that will enable Member States, with due regard for the subsidiarity principle, to give economic incentives to transport in the form of a price structure that better reflects the costs to society. It is not so much the level of charges on transport as the structure of the charges and the manner in which they are applied to the various categories of user that need to change. Infrastructure fees offer the possibility of greater differentiation by vehicle type, time and place, and hence of more accurately reflecting costs in different situations without increasing the overall burden of taxes and fees in the road sector. Whereas the existing Community rules apply only to heavy goods vehicles of at least 12 tonnes, the system proposed by the Commission would apply to all lorries exceeding 3.5 tonnes used for goods transport. Such vehicles are widely used for intra-Community goods transport, and must therefore be covered by the toll systems set up for commercial transport. The proposed framework covers the trans-European road network and any other road to which traffic may be diverted from the trans-European road network and which is in direct competition with certain parts of that network. Such traffic diversion has serious consequences in terms of traffic regulation and congestion, not to mention accidents; it was therefore appropriate to include them in the scope of the Community directive. In accordance with the principle of subsidiarity, the Member States remain free to apply tolls on roads not covered by the proposal for a directive, provided they comply with the rules and principles laid down in the Treaty. The objectives of the framework proposed by the Commission are as follows: - passing on costs more accurately. The existing legislation links charges only approximately to damage to infrastructure, congestion or accident risks. The proposed directive therefore gives Member States the possibility of varying tolls according to a number of factors: distance travelled; the damage caused to roads according to the type of vehicle; the environmental impact in terms of the EURO emission standards for heavy goods vehicles; the time of day; and the level of congestion on the road concerned; Member States which choose to apply such a system of road charging can offset the introduction of tolls by reducing or eliminating the annual vehicle road tax. - improving the quality of service. The revenue from infrastructure charges should be used for the benefit of the transport sector. In certain cases, there should be scope for cross-financing of infrastructure providing an alternative to road transport. To that end, the Commission's proposal lays down that the revenue from the charging system must be ploughed back into road infrastructure and into the transport sector as a whole, taking due account of the balanced development of the transport networks; - allowing the cross-financing of infrastructure construction in sensitive areas. The proposal for a directive allows the Member States to apply mark-ups to tolls for using roads in particularly sensitive areas, notably mountainous regions. Such mark-ups will be used to cross-finance the investment costs of other transport infrastructures of a high European interest (railways). The construction of such rail infrastructure is increasingly necessary in view of the density and growth of traffic in such regions. Particular attention must be devoted to particularly sensitive areas, in particular mountain regions such as the Alps or the Pyrenees. In order to

ensure that the requirements of the Directive are correctly enforced, Member States must designate an independent infrastructure supervision authority. This body will have a key role in ensuring, through appropriate monitoring, balanced use of the available resources. Simple, clear rules must therefore be established regarding the possibility of promoting synergies between competing transport infrastructure modes in a single corridor.

Road transport: charging of heavy goods vehicles and infrastructures fees

2003/0175(COD) - 06/09/2005 - Council position

In its opening comments, the Council notes that it has taken the Council eighteen months to reach a political agreement on the matter of the “Eurovignette” Directive. This is thanks in no small part to the differing interests of the EU Member States, depending by and large on their geographical location and whether or not they are at the centre or periphery of the internal market. The Council also notes that discussions were taken within the context of the White Paper on European Transport for 2010, where the crucial role of effective charging for transport infrastructure is highlighted. In its Common Position, the Council has sought to:

- Address the problems of congestion and environmental damage.
- Provide a means to raise additional financing for investment into alternative infrastructure.
- Make the setting of tolls more transparent as well as objective.
- Adapt the legal framework to a PPP model for financing future infrastructure work.

Specifically speaking, on the question of tackling congestion and damage to the environment the Council proposes that toll variation is the most appropriate methodology. Thus, the ability to vary tolls according to EURO class and time of day is the principal mechanism envisaged for dealing with congestion and the subsequent environmental damage this entails. Under the variation model, a heavy, polluting lorry travelling at a busy time of day could end up paying perhaps four times more than a lighter, cleaner vehicle travelling at a quieter time. This effect would be further enhanced by the introduction of “zero rating” at certain times of the day. As a safeguard measure the Council proposes making any revenue raised from the variation schemes neutral.

An alternative financing infrastructure, being proposed by the Council is the “Mark-up” model. Here, the Council accepts the need for a mark-up on tolls in mountainous areas on roads prone to congestion. For cross border cases the level of 25% has been retained, 15% being the maximum for non-cross-border cases. However, Parliamentary proposals to extend mark-up to polluted urban zones was not taken onboard, even though a requirement for mark-up revenue to be reused for cross-border financing of TEN priority projects is retained.

Regarding the definition of “Construction Costs”, the Common Position includes a new definition as a means of defining the historic costs, which can be taken into account when calculating toll levels. The Council’s text takes account of Parliamentary suggestion to permit only a portion of these costs. The new text, however, uses lifetime, rather than the extent of amortisation, as the reference for this apportioning.

On the matter of “allowable costs”, the Common Position accepts the need to develop in more detail the costs on which tolls may be based. Thus, Parliamentary suggestion to delete uninsured accident costs, the inclusion of a return on capital and clarification that these are maximum level, has been taken on board by the Council.

Concerning the matter of “frequent users”, the Council proposes provisions containing a percentage limit for frequent user discounts.

Concerning the methodology of calculation principles found in Annex III, the Commission methodology has been expanded into a set of comprehensive principles for cost calculation and allocation. They will be binding on all future tolling systems introduced, although in an indirect manner for concession-based systems. Any updates and clarifications can be conducted by the Commission through the comitology procedure. In addition, the Commission is given greater authority to oversee the system and verify compliance of new tolling arrangements.

In its Common Position, the Council has sought to make the Directive compatible with Public Private Partnership. Under this policy, new definitions have been introduced and include, for example, special treatment for construction costs, the possibility for tolls to include a profit margin and indirect application to concession contracts of the supervision system.

Significantly, the Council has considerably re-worded the Scope of the Directive. Thus, Member States can retain the ability to decide which part of their TEN network is tolled and whether or not they wish to limit tolling to heavier vehicles. In other places, the Council has sought to limit the flexibility suggested by the Commission for Member States to charge very high tolls on certain routes.

Lastly, regarding compensation for road users, the Council, together with the European Parliament, expresses concern that the Commission’s proposed scheme to compensate hauliers for any new costs they may face from tolling schemes could be discriminatory. As a result the Common Position deletes the article outlying the originally proposed compensation scheme. It is replaced, instead by a recital, which refers to other means of providing for compensation in another form. For example, reduced fuel taxation.

The Council concludes that it has made intense and sustained efforts to reach agreement on the proposed “Eurovignette” Directive given its importance to the EU’s wider transport policy. It proposes that the Common Position establishes a legal framework that is both clear and easy to implement but which, at the same time acts as an effective tool for addressing environmental and congestion problems across the EU. According to the Council, the text as it now stands, achieves real, identifiable and tangible improvements to the 1999 Directive, carefully balancing the needs of a sustainable transport policy with that of the internal market.

Road transport: charging of heavy goods vehicles and infrastructures fees

2003/0175(COD) - 20/03/2006 - Commission opinion on Parliament's position at 2nd reading

The Commission can accept all the amendments adopted by the European Parliament in second reading. They are the result of a compromise package agreed between the European Parliament and the Council with a view to the adoption of the Directive in second reading.

These amendments favour the approach taken by the Commission in its proposal and address the Commission's concerns on geographical scope and external costs. More specifically:

- on geographical scope : these amendments establish rules for the treatment of different types of roads within the directive. TENs are subject to the rules of the directive; Member States must inform the Commission of tolls on other main roads; and secondary roads are not subject to any rules in the directive;
- on external costs: these amendments make statements about the importance of internalising external costs and require the Commission to undertake a modelling exercise and impact assessment of the internalisation of external costs within two years of the directive's entry into force;
- on toll variation: this amendment allows toll variation according to NOx and PM emissions, and makes toll variation according to emissions obligatory as from 2010;
- on the type of vehicle: these amendments remove reference to "heavy" in heavy goods vehicles, as the scope of the directive has changed to include vehicles of between 3.5t and 12t, rather than just those above 12t, as in directive 1999/62;
- on urban charges: these amendments clarify that urban regulatory charges are not subject to any of the rules in the directive and so Member States are free to levy such charges in accordance with the rules of the Treaty.

Other amendments make minor changes to other parts of the text, dealing with compensation, hypothecation, eurovignette maximum rates and non discrimination.

Road transport: charging of heavy goods vehicles and infrastructures fees

2003/0175(COD) - 10/06/2004

The Council had an exhaustive debate on the proposal for a Directive on the charging of heavy good vehicles for the use of certain infrastructures. Delegations expressed differing views on some key aspects of the Presidency compromise proposal.

The Presidency concluded that, it being impossible to reach agreement on the revision of the existing "Eurovignette" Directive at this stage, the file should be referred back to Coreper for further examination.

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.

Road transport: charging of heavy goods vehicles and infrastructures fees

2003/0175(COD) - 15/12/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Corien **WORTMANN-KOOL** (EPP-ED, NL) amending the Council's common position. The amendments were negotiated in advance with the Council and the European Commission and supported by the EPP-ED, PES, ALDE, GUE/NGL and UEN groups.They address the most controversial issues of this directive, such as a clear strategy for internalising external costs, the geographical scope of the directive, the types of lorries concerned, and obligatory toll variations.

Lorries to be covered by the directive: barring exemptions, the legislation will apply to all commercial vehicles over 3.5 tonnes from 2012. This falls short of Parliament's position in first reading (vehicles over 3.5 tonnes immediately) and the report initially presented by the Transport Committee, which voted for vehicles over 3.5 tonnes from 2010. (Please see the summary of 14/11/2005.)

External costs: again, theamendments finally adopted by Parliament fall short of the draft report adopted by the Transport Committee in November. Within two years of the entry into force of the Directive, the Commission shall present, after examining all options including environment, noise, congestion and health related costs, a generally applicable, transparent, and comprehensible model for the assessment of all external costs to serve

as the basis for future calculations of infrastructure charges, and this model will be accompanied by an impact analysis on the internalisation of external costs for all modes of transport and a strategy for a stepwise implementation of this model for all modes of transport. There is no definition of external costs in the legislation.

Geographical scope: Member States mayapply tolls and/or user charges on roads not included in the trans-European road network, inter alia, on parallel roads to which traffic may be diverted from the trans-European road network and/or which are in direct competition with certain parts of that network,provided that the imposition of tolls on such roads does not discriminate against international traffic and does not result in distortions of competition between operators. Where a Member State decides to maintain or introduce tolls and/or user charges on only parts of the trans-European road network, the resulting exemptions for the other parts (for reasons such as their isolation or low levels of congestion or pollution or where essential for the introduction of a new tolling arrangement) shall not result in any discrimination against international traffic. Member States shall also inform the Commission at least four months before their implementation about new tolling arrangements applicable to parallel roads to which traffic may be diverted from the trans-European road network and/or which are in direct competition with certain parts of that network on which tolls are levied. This information shall include at least an explanation of the geographic extent of the toll, the vehicles covered and the levels of toll envisaged, together with an explanation of how the level of toll was determined.

Variation of toll: The new Directive will also permit greater variation of motorway tolls compared with current rules. Whereas repayment of infrastructure costs is currently the only element that can be considered in setting tolls, Member States will in future be able to vary tolls according to the pollution discharged by vehicles (Euro category, PM10 particulate and nitrogen oxide levels), and according to the time and type of day - holiday or normal working day - and season (thereby taking account of traffic congestion). Consideration of these elements will be compulsory for all new toll schemes introduced after 2010. Specified derogations are permitted but should be notified to the Commission. Member States may apply specific taxes or charges on vehicles or loads of abnormal weights or dimensions, as well as parking fees and specific urban traffic charges. Member States may also apply regulatory charges specifically designed to combat time and place-related traffic congestion; and regulatory charges designed to combat environmental impacts, including poor air quality, on any road notably in urban areas, including trans-European network roads crossing an urban area.

Charges: Parliament amended the Commission's proposed table of charges in order to differentiate clearly between more polluting vehicles (in the EURO 0 and EURO I categories) and the EURO II and less polluting vehicles which are already on the market and in use (EURO III and EURO IV and others).

Revenue: Parliament added a recital stating that revenue from tolls or user charges should be used for the maintenance of the infrastructure concerned and the transport sector as a whole, in the interest of a balanced and sustainable development of transport networks.