Basic information

2017/0291(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Promotion of clean road transport vehicles in support of low-emission mobility Amending Directive 2009/33/EU 2005/0283(COD) **Subject** 2.10.02 Public procurement 3.20.05 Road transport: passengers and freight 3.40.03 Motor industry, cycle and motorcycle, commercial and agricultural vehicles 3.70.02 Atmospheric pollution, motor vehicle pollution	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	GRZYB Andrzej (PPE)	16/01/2018
	Shadow rapporteur DANCE Seb (S&D) MATTHEWS Rupert (ECR) HUITEMA Jan (ALDE) KONEČNÁ Kateřina (GUE/NGL) TAYLOR Keith (Verts/ALE) EVI Eleonora (EFDD) MÉLIN Joëlle (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	TURMES Claude (Verts/ALE)	29/01/2018
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
TRAN Transport and Tourism	DELI Andor (PPE)	22/01/2018

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed

	JURI Legal Affairs	LEBRETON Gilles (ENF)	27/02/2019

Council of the European Union	Council configuration	Meetings	Date
	Employment, Social Policy, Health and Consumer Affairs	3698	2019-06-13
	Transport, Telecommunications and Energy	3658	2018-12-03
	Transport, Telecommunications and Energy	3623	2018-06-07

European Commission	Commission DG	Commissioner
	Mobility and Transport	BULC Violeta

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
08/11/2017	Legislative proposal published	COM(2017)0653	Summary
29/11/2017	Committee referral announced in Parliament, 1st reading		
07/06/2018	Debate in Council		
10/10/2018	Vote in committee, 1st reading		
15/10/2018	Committee report tabled for plenary, 1st reading	A8-0321/2018	Summary
25/10/2018	Decision by Parliament, 1st reading	T8-0424/2018	Summary
25/10/2018	Results of vote in Parliament		
25/10/2018	Matter referred back to the committee responsible for interinstitutional negotiations		
03/12/2018	Debate in Council		
27/02/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE636.131 GEDA/A/(2019)001650	
17/04/2019	Debate in Parliament		
18/04/2019	Decision by Parliament, 1st reading	T8-0427/2019	Summary
18/04/2019	Results of vote in Parliament		
13/06/2019	Act adopted by Council after Parliament's 1st reading		
20/06/2019	Final act signed		
20/06/2019	End of procedure in Parliament		
12/07/2019	Final act published in Official Journal		

Technical information	
Procedure reference	2017/0291(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 2009/33/EU 2005/0283(COD)
Legal basis	Rules of Procedure EP 61 Treaty on the Functioning of the European Union TFEU 192-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/8/11619

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE620.815	13/04/2018	
Amendments tabled in committee		PE622.186	29/05/2018	
Amendments tabled in committee		PE622.270	07/06/2018	
Committee opinion	TRAN	PE618.318	11/07/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0321/2018	15/10/2018	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T8-0424/2018	25/10/2018	Summary
Text agreed during interinstitutional negotiations		PE636.131	20/02/2019	
Specific opinion	JURI	PE636.307	07/03/2019	
Text adopted by Parliament, 1st reading/single reading		T8-0427/2019	18/04/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2019)001650	20/02/2019	
Draft final act	00057/2019/LEX	20/06/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2017)0653	08/11/2017	Summary

Document attached to the procedure	SWD(2017)0366	09/11/2017	
Document attached to the procedure	SWD(2017)0367	09/11/2017	
Commission response to text adopted in plenary	SP(2019)440	08/08/2019	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2017)0653	22/01/2018	
Contribution	CZ_SENATE	COM(2017)0653	23/02/2018	
Contribution	CZ_CHAMBER	COM(2017)0653	27/02/2018	
Contribution	AT_BUNDESRAT	COM(2017)0653	02/05/2018	
Contribution	FR_ASSEMBLY	COM(2017)0653	28/06/2018	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR6151/2017	05/07/2018	

Additional information

Source	Document	Date
EP Research Service	Briefing	
European Commission	EUR-Lex	

Final act

Directive 2019/1161
OJ L 188 12.07.2019, p. 0116 Summary

Promotion of clean road transport vehicles in support of low-emission mobility

2017/0291(COD) - 15/10/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Andrzej GRZYB (EPP, PL) on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/33/EU on the promotion of clean and energy efficient road transport vehicles.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Title: the title is amended to read as follows ‘Directive 2009/33/EU on the promotion of clean road transport vehicles **used in public services** in support of low-emission mobility’.

Scope: this Directive shall apply to new contracts for the purchase, lease, rent or hire-purchase and retrofitting of road transport vehicles used in public services that are concluded after this Directive enters into force by Union institutions, agencies and bodies.

Exemptions: Member States may exempt from the requirements laid down in this Directive contracts for the **purchase, lease, rent, hire-purchasing or retrofitting** of vehicles, which are not subject to type approval or individual approval on their territory.

Minimum procurement targets: Member States shall ensure that purchase, lease, rent or hire-purchase or retrofitting to low or zero-emission vehicle standards of road transport vehicles used in public services, and public service contracts on public passenger transport by road and rail and public service contracts comply with the **minimum procurement targets** for light-duty vehicles and for heavy-duty vehicles referred to in the Annex to this proposed Directive and include **contractual provisions** to ensure the actual use of alternative fuels.

For the purpose of calculating the minimum procurement targets, the **date of the public procurement** to be taken into account is the date of completion of the public procurement procedure, by way of signature of the contract. The **minimum procurement targets** shall be calculated as an average of all contracts signed between the day after the date of transposition of this Directive and 31 December **2024** for the first reference period, and from 1 January **2025** and 31 December **2029** for the second reference period. In case new targets for the reference period after 1 January 2030 are not adopted in time, the targets set for 2030 shall continue to apply.

Member States shall ensure that the **cost of compliance** with the minimum procurement targets established in this Directive are not passed on to local authorities and that sufficient financial resources are made available to contracting authorities and contracting entities.

Financial resources: Member States shall make available sufficient funding instruments for the procurement of clean vehicles and the installation of their related infrastructure in their territory. The establishment of the funds shall follow a thorough evaluation of the financial needs of public authorities and contracting entities linked to the procurement targets set at national level.

The Union shall make available **additional funding** instruments to support the uptake of clean vehicles and the installation of their related infrastructure in the Member States.

Alternative fuels action plan for public transport: by 31 December 2020, the European Commission shall an action plan to accelerate the set-up of charging and refuelling infrastructure for HDVs owned by transport companies in their own depots and maintenance areas as well as in the public space. This action plan shall include information on available Union funding instruments and set out clearly the procedures, how such a support can be given, including its relation to existing European state aid rules. The report shall also contain an assessment on how Union funding instruments could be revised to give funding priority to public transport companies of all sizes to replace their vehicles.

Union platform for cross-border and joint procurement of low emission and energy-efficient road transport vehicles: in order to facilitate the achievement of the targets set out in the Annex to this Directive, the Commission shall set up a Union platform for cross-border and joint procurement of low emission and energy-efficient road transport vehicles. Contracting authorities, entities and operators may participate in this platform for jointly procuring vehicles.

Enhanced reporting obligations: reporting on public procurement under this amended Directive shall provide a clear market overview to enable effective monitoring of the implementation. Member States shall submit to the Commission a report on the implementation of this Directive by 18 April **2026**, and every three years thereafter. No later than 18 April **2027**, the Commission shall review Directive 2009/33/EC and any other relevant legislation related to alternative fuel, taking into consideration life cycle CO2 emissions and of well-to-wheel CO2 emissions of vehicles.

Members also recalled that the Union needs to protect Union manufacturers from unfair competition in third countries, where Union manufacturers do not have access to public procurement tenders for the purchase, leasing, rental or hire-purchase of road transport vehicles. Therefore, the Commission should analyse unfair competition practices in third countries and take the appropriate measures to ensure the protection of European industry.

Promotion of clean road transport vehicles in support of low-emission mobility

2017/0291(COD) - 08/11/2017 - Legislative proposal

PURPOSE: to promote clean and energy-efficient road transport vehicles.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Directive 2009/33/EC on the promotion of clean and energy-efficient road vehicles (the Clean Vehicles Directive) makes it mandatory to account for operational lifetime energy and environmental impact in the public procurement of road transport vehicles.

An ex-post evaluation carried out in 2015 showed that the Directive has serious shortcomings (e.g. limited scope, lack of definition, inaccuracy or extreme complexity of the provisions on the purchase of vehicles). So far, public bodies have only purchased small volumes of clean vehicles.

Public procurement remains relevant as a demand-side stimulus, including in the field of heavy-duty transport vehicles where no legislative requirement for reducing CO2 emissions exists yet. This is why the Commission is presenting a **new initiative to increase the market uptake of clean vehicles** in the context of public procurement.

Currently, the uptake is very low: in 2017, in 16 Member States the proportion of battery-electric vehicles in new car registrations was **less than 1%,** and in 10 Member States it was less than 0.5%.

The proposal builds on the Commission's European strategy for low-emission mobility, adopted in July 2016. It confirms that, in order to meet the commitments made by the EU at COP21 held in Paris in 2015, the decarbonisation of the transport sector must be accelerated.

IMPACT ASSESSMENT: the preferred option is to introduce a definition of clean vehicles based on emission thresholds and setting up minimum procurement target for light-duty vehicles and combining it with a definition based on alternative fuels and setting up minimum procurement targets for heavy-duty vehicles.

CONTENT: the Commission proposes to revise the Clean Vehicle Directive to ensure that the Directive covers all relevant procurement practices, provides for clear and long-term market signals and that provisions are simplified and effective.

The proposal is limited to the establishment of a common policy framework with minimum requirements for the award of contracts for clean vehicles, while leaving Member States flexibility in terms of implementation, including in the choice of technology.

In concrete terms, the proposed revision:

- **extends the scope of the Directive** to forms of public procurement other than purchasing, namely the leasing, rental or hire-purchase and to public service contracts for public road transport, special purpose road services, non-scheduled passenger transport and bus and coach hire;
- **sets a definition for clean light-duty vehicles** based on a combined CO2 and air pollutant emissions threshold;
- **sets, in terms of public procurement for clean vehicles, minimum targets** differentiated by Member State and segmented by vehicle category according to both CO2 emission thresholds and air pollutants (light-duty vehicles) and the use of alternative fuels (heavy-duty vehicles), as included in the Annex and set from the dates mentioned therein;
- **introduces a framework for reporting and follow-up**: the first intermediate reporting in 2023 and full reporting in 2026 on the implementation of the targets for 2025 and every three years thereafter.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union **in order to update provisions for CO2 emission standards of heavy duty vehicles** once the related heavy-duty CO2 emission performance standards are in force at Union level.

Promotion of clean road transport vehicles in support of low-emission mobility

2017/0291(COD) - 25/10/2018 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 400 votes to 75, with 112 abstentions, **amendments** to the proposal for a Directive of the European Parliament and of the Council amending Directive 2009/33/EU on the promotion of clean and energy efficient road transport vehicles.

The matter was referred back to the committee responsible for interinstitutional negotiations.

The main amendments to the Commission proposal adopted in plenary concern the following points:

Scope of application: Directive 2009/33/EU as amended shall concern the promotion of clean road transport vehicles used in public services in support of low-emission mobility. It shall apply to new contracts for the purchase, lease, rent or hire-purchase and retrofitting of road transport vehicles used in public services that are concluded after this Directive enters into force by Union institutions, agencies and bodies.

Minimum procurement targets: Member States shall ensure that purchase, lease, rent or hire-purchase or retrofitting to low or zero-emission vehicle standards of road transport vehicles used in public services, and public service contracts on public passenger transport by road and rail and public service contracts comply with the minimum procurement targets for light-duty vehicles and for heavy-duty vehicles referred to in the Annex to this proposed Directive.

For the purpose of calculating the minimum procurement targets, the **date of the public procurement** to be taken into account is the date of completion of the public procurement procedure, by way of signature of the contract.

The minimum procurement targets shall be calculated as an average of all contracts signed between the **day after the date of transposition of this Directive and 31 December 2024** for the first reference period, and **from 1 January 2025 and 31 December 2029** for the second reference period. In case new targets for the reference period after 1 January 2030 are not adopted in time, the targets set for 2030 shall continue to apply.

To reach the procurement targets, contracting entities shall base the award of contracts on the **most economically advantageous tender**. Member States shall ensure that the cost of compliance with the minimum procurement targets established in this Directive are not passed on to local authorities and that sufficient financial resources are made available to contracting authorities and contracting entities.

Financial resources: Parliament suggested that Member States make available **sufficient funding instruments** for the procurement of clean vehicles and the installation of their related infrastructure in their territory. The establishment of the funds shall follow a thorough evaluation of the financial needs of public authorities and contracting entities linked to the procurement targets set at national level.

The Union shall make available **additional funding instruments** to support the uptake of clean vehicles and the installation of their related infrastructure in the Member States.

Alternative fuels action plan for public transport: by 31 December 2020, the European Commission shall an action plan to accelerate the set-up of charging and refuelling infrastructure for HDVs owned by transport companies in their own depots and maintenance areas as well as in the public space. This action plan shall include information on available Union funding instruments and set out clearly the procedures, how such a support can be given, including its relation to existing European state aid rules. The report shall also contain an assessment on how Union funding instruments could be revised to give funding priority to public transport companies of all sizes to replace their vehicles.

Cross-border and joint public procurement: in order to facilitate the achievement of the targets set out in the Annex to this Directive, the Commission shall set up a **Union platform** for cross-border and joint procurement of low emission and energy-efficient road transport vehicles. Contracting authorities, entities and operators may participate in this platform for jointly procuring vehicles.

Enhanced reporting obligations: reporting on public procurement under this amended Directive shall provide a clear market overview to enable effective monitoring of the implementation. A **preliminary report** shall first be submitted by the Member States to the Commission in **2023**, followed by a first **full report in 2026** on the implementation of the minimum objectives, and then a new report every three years.

Member States shall submit to the Commission a report on the implementation of this Directive by 18 April 2026, and every three years thereafter. No later than 18 April 2027, the Commission shall review Directive 2009/33/EC and any other relevant legislation related to alternative fuel, taking into consideration life cycle CO2 emissions and of well-to-wheel CO2 emissions of vehicles. The Commission shall assess the need to review the appropriate legislation related to promotion of clean and energy-efficient road transport with regard to the use of best graded and retreaded tyres, and where appropriate to submit a legislative proposal.

Protecting European manufacturers: Members recalled that the Union needs to protect Union manufacturers from **unfair competition in third countries**, where Union manufacturers do not have access to public procurement tenders for the purchase, leasing, rental or hire-purchase of road transport vehicles. Therefore, the Commission should analyse unfair competition practices in third countries and take the appropriate measures to ensure the protection of European industry.

Promotion of clean road transport vehicles in support of low-emission mobility

2017/0291(COD) - 12/07/2019 - Final act

PURPOSE: to promote the market for zero-emission and low-emission vehicles by encouraging their use in public procurement.

LEGISLATIVE ACT: Directive (EU) 2019/1161 of the European Parliament and of the Council amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles.

CONTENT: this Directive amending Directive 2009/33/EC requires Member States to ensure that contracting authorities and contracting entities take into account lifetime energy and environmental impacts, including energy consumption and emissions of CO2 and of certain pollutants, when procuring certain road transport vehicles with the objectives of promoting and stimulating the market for clean and energy-efficient vehicles and of improving the contribution of the transport sector to the environment, climate and energy policies of the Union.

Extended scope and new definitions

Directive 2009/33/EC as amended shall apply to contracts for the purchase, leasing, rent or hire-purchase of road transport vehicles and to public service contracts for the provision of passenger road transport services above a threshold to be defined by Member States. It shall only apply to contracts for which the call for competition was sent after 2 August, 2021.

The new rules shall also apply to a wider range of services, including public road transport services, specialised road passenger transport services, waste collection services and mail and parcel delivery services.

A new definition of the concept of ‘clean vehicle’ is introduced. The definition of a clean light commercial vehicle is based on CO2 emission standards. The definition of a clean heavy-duty commercial vehicle is based on the use of alternative fuels.

Minimum public procurement targets

The Directive sets minimum public procurement targets for light commercial vehicles, heavy goods vehicles and buses for 2025 and 2030.

These targets would be expressed as minimum percentages of clean vehicles in the total number of road transport vehicles covered by the aggregate of all contracts awarded between the period starting two years after the date of entry into force of the amending Directive and 31 December 2025 for the first reference period, and between 1 January 2026 and 31 December 2030 for the second reference period.

For clean light commercial vehicles, the minimum targets will vary from 17.6% to 38.5% depending on the Member State. For trucks, they shall vary from 6% to 10% (for the first reference period) and from 7% to 15% (for the second reference period). For buses, the targets shall vary from 24% to 45% (for the first reference period) and from 33% to 65% (for the second reference period).

Reports and review

Member States shall submit a report to the Commission on the implementation of these rules every three years, the first report to be submitted by 18 April 2026 at the latest.

By 31 December 2027, the Commission shall review the implementation of this Directive and, where appropriate, submit a legislative proposal for its amendment for the period after 2030, including for the setting of new targets and for the inclusion of other categories of vehicles, such as two- and three-wheeled vehicles.

ENTRY INTO FORCE: from 1.8.2019.

TRANSPOSITION: no later than 2.8.2021.

Promotion of clean road transport vehicles in support of low-emission mobility

2017/0291(COD) - 18/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 458 votes to 107, with 15 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/33/EU on the promotion of clean and energy-efficient road transport vehicles.

The European Parliament’s position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Objectives

Under the amended draft Directive, Member States shall ensure that contracting authorities take into account, when procuring certain road transport vehicles through public procurement, the energy and environmental impacts of such vehicles throughout their life cycle, including energy consumption and emissions of CO2 and certain pollutants.

The objective shall be to promote and stimulate the market for clean and energy-efficient road transport vehicles and to increase the contribution of the transport sector to the Union's environmental, climate and energy policies.

The Directive shall apply to contracts for the purchase, leasing, rental or hire-purchase of road transport vehicles and to public service contracts for the provision of road passenger transport services above a threshold to be defined by Member States. It shall only apply to contracts for which the call for tender was sent two years after the date of entry into force of the amending directive.

Minimum purchasing targets

Member States shall ensure that the procurement of vehicles by means of public procurement meets the minimum public procurement targets set out in Table 3 of the Annex for clean light commercial vehicles and in Table 4 of the Annex for clean heavy commercial vehicles.

These targets would be expressed as minimum percentages of clean vehicles in the total number of road transport vehicles covered by the aggregate of all contracts awarded between the period starting two years after the date of entry into force of the amending Directive and 31 December 2025 for the first reference period, and between 1 January 2026 and 31 December 2030 for the second reference period.

For clean light commercial vehicles, the minimum targets shall would vary from 17.6% to 38.5% depending on the Member State. For heavy vehicles, the minimum targets would vary from 24% to 45% (for the first reference period) and from 33% to 65% (for the second reference period).

For the calculation of the minimum public procurement targets, the date of the public procurement to be taken into account is the date of completion of the public procurement procedure, by way of awarding of the contract.

The Commission shall facilitate the exchange of knowledge and best practices between Member States with regard to the promotion of the procurement by contracting authorities of clean and energy-efficient road transport vehicles by means of public procurement.

Reports and review

No later than three years after the date of entry into force of the Directive, Member States shall inform the Commission of the measures taken to implement this Directive and of the Member States' intentions regarding future implementation activities, including the timing and possible effort-sharing between different levels of governance, as well as on any other information which the Member State considers relevant.

By 31 December 2027, the Commission shall review the implementation of the Directive and be accompanied, where appropriate, by a legislative proposal to amend that Directive for the period after 2030, including for the setting of new ambitious targets and the extension of the scope to other categories of vehicles.