



14.7.2021

PROVISIONAL AGREEMENT RESULTING FROM INTERINSTITUTIONAL NEGOTIATIONS

Subject: Proposal for a Directive 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

(COM(2017) 0275 – C8-0171/2017 – 2017/0114(COD))

The interinstitutional negotiations on the aforementioned proposal for a directive have led to a compromise. In accordance with Rule 74(4) of the Rules of Procedure, the provisional agreement, reproduced below, is submitted as a whole to the Committee on Transport and Tourism for decision by way of a single vote.

2017/114 (COD)

Proposal for a DIRECTIVE 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, Directive 1999/37/EC on the registration documents for vehicles and Directive (EU) 2019/520 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Progress towards the goal, which the Commission set out in its White Paper of 28 March 2011³, namely to move towards the full application of the ‘polluter pays’ and ‘user pays’ principles, to generate revenue and ensure financing for future transport investments has been slow and inconsistencies persist in the application of road infrastructure charging across the Union.
- (1a) In that White Paper, the Commission advocates for proceeding ‘to the full and mandatory internalisation of external costs (including noise, local pollution and congestion on top of the mandatory recovery of wear and tear costs) for road and rail transport’.

1 OJ C [...], [...], p. [...].

2 OJ C [...], [...], p. [...].

3 White Paper of 28 March 2011 ‘Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system’ (COM(2011) 144 final).

- (1b) The movement of goods and passenger vehicles is a factor that contributes to the release of pollutants into the atmosphere. Such pollutants, which have a very serious impact on people's health and lead to the deterioration of ambient air quality in the Union, include PM_{2,5}, NO₂, and O₃. In 2018 , those three pollutants caused 379 000 , 54 000 , and 19 400 premature deaths in the Union owing to prolonged exposure, respectively, according to European Environment Agency estimates produced in 2020.
- (1c) According to the World Health Organization, noise from road traffic alone ranks second among the most harmful environmental stressors in Europe, exceeded only by air pollution. At least 9 000 premature deaths a year can be attributed to heart disease caused by traffic noise.
- (1d) According to the European Environment Agency's 2020 report on air quality in Europe, road transport, in 2018 , was the sector with the highest NO_x emissions and the second largest emitter of black carbon pollution.

- (2) In its Communication on a European Strategy for Low-Emission Mobility¹, the Commission announced that it would propose the revision of the Directive on the charging for lorries² to enable charging also on the basis of carbon dioxide differentiation, and the extension of some of its principles to buses and coaches as well as passenger cars and vans.
- (3) Taking into account the vehicle fleet renewal time and the need for the road transport sector to contribute to the Union climate and energy targets for 2030 and beyond, CO₂ emission reduction targets for new heavy-duty vehicles have been set for 2025 and 2030 at 15 % and respectively 30 % lower than an established average of CO₂ emissions³.

1 COM(2016) 501 final.

2 Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42).

3 Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42).

- (3a) To establish an internal market in road transport with a level playing field, rules should be applied uniformly. One of the main aims of this Directive is to eliminate distortions of competition between users.
- (4) Notwithstanding the importance of the road transport sector, all heavy-duty vehicles have significant impact on road infrastructure and contribute to air pollution. In spite of their economic and social importance, light duty vehicles are at the source of the majority of the negative environmental and social impacts from road transport related to emissions and congestion. In the interest of equal treatment and fair competition, it should be ensured that vehicles so far not covered by the framework set out in Directive 1999/62/EC of the European Parliament and of the Council, in respect of tolls and user charges, are included into this framework. The scope of that Directive should therefore be extended to heavy duty vehicles other than those intended for the carriage of goods and to light-duty vehicles, including passenger cars.

- (4b) In order to prevent traffic from switching to toll-free roads, which may have a serious impact on road safety and the optimum use of the road network, Member States should be able to levy tolls on all sections of their network of motorways.
- (4d) In order to ensure consistent, harmonised application of the infrastructure charging system across the Union and a level playing field of the freight transport market, it is important that different tolling arrangements calculate costs in similar way. Taking into account the fact that existing concession contracts may contain different arrangements than the ones set out in this Directive and to ensure their financial viability, Member States should be allowed to exempt existing concession contracts from certain obligations set out in this Directive, until these contracts are substantially amended. Member States may equally opt to seek to bring existing concession contracts into line with changes to the Union or national regulatory framework or to assess the possibility to apply an external cost charge for CO₂ and for air pollution and/or discounts related to those emissions, where concession tolls are not varied according to Articles 7g, 7ga and 7g-a.
- (5) Time-based user charges do, by nature, not accurately reflect the costs actually induced by road use and, for similar reasons, are not effective when it comes to incentivising cleaner and more efficient operations, or reducing congestion. Nevertheless, in order to secure user acceptance of future road charging schemes, Member States should be allowed to introduce adequate systems for the collection of charges as part of a wider package of mobility services. Such systems should ensure a fair distribution of infrastructure costs and reflect the 'polluter pays' principle. Any Member States introducing such a system should ensure that it complies with the provisions of Directive 2004/52/EC of the European Parliament and of the Council.⁶Due to their significant impact on road infrastructure and their contribution to air pollution, heavy-duty vehicles should be primarily targeted by accurate charging systems. In particular, in order to incentivize their cleaner and more efficient transport operations, time based user charges should in principle be gradually phased out on the coretrans-European network, as it represents the strategically most important nodes and links of the trans-European transport network, according to traffic needs.

In light of the historic circumstances and taking into account challenges and significant administrative burdens that introducing tolls would imply, Member States should benefit from a sufficiently long transitional period during which they may introduce or maintain time based user charges. Following this transitional period, Member States should only have the possibility to apply wholly time based user charges for heavy-duty vehicles on sections of their core trans-European road network in duly justified cases. Such duly justified cases should be limited to cases where either the application of a toll to heavy-duty vehicles would involve disproportionate administrative, investment and operating costs compared to the expected revenue or benefits, which such a toll would generate, for example due to the limited length of the road sections concerned or the relatively low population density or the relatively low traffic, or the application of a toll would lead to the diversion of traffic with negative impacts on road safety or on public health. This possibility is necessary for key considerations of public interest like taking into account the difficult situation and isolation of areas having a low population density, road safety or public health. In addition, the application of time based user charges in these duly justified cases should be subject to compliance with procedural requirements: an obligation to assess the need for such system and an obligation to notify the Commission of the application thereof. Such notification should include reasons detailing the specific circumstances related to the sections of the core trans-European network where time based user charges are applied.

- (5aa) Member States that, at the entry into force of the present directive, apply tolls on their core TEN-T network or on part of it should be able to establish a combined charging system for all heavy-duty vehicles or for some types of heavy-duty vehicles. However, this option should only be open as a continuation and as supplement of a tolling system on the core TEN-T network or on part of it, where the strategically most important nodes and links of the trans-European transport network are located. This system would allow the Member States to extend and broaden the implementation of the "user pays" and "polluter pays" principles beyond the tolled network, by applying user charges on those sections of the core TEN-T network which are not covered by tolls or to some types of heavy-duty vehicles, such as those falling under a specific tonnage, that are not subject to tolls. The combined charging system would thus help

Member States make further progress and ensure greener road transport, in particular where no charging system is in place and where tolls are not an economically viable or socially acceptable option. Additionally, in order to fully respect sustainable mobility principles, the maximum amount of those user charges should vary according to both the EURO class and the CO₂ emission class of the vehicle. Based on all considerations above, it is undeniable that the application of such system combining a time based and a distance based approach would entail many benefits; therefore, its application should be possible also after the end of the transitional period for wholly time based systems. At the latest five years after entry into force of this directive, Member States should, when applying road charges to heavy goods vehicles, apply tolls or user charges to all heavy goods vehicles.

- (5a) When strengthening the user and polluter pays principles, certain characteristics of the Member States or their tolling and user charge systems should be taken into consideration. For example, with a view to particularly sparsely populated areas or a particularly large network of tolled or charged roads, the option of providing for exemptions of road sections should be available
- (5b) Some Member States have large toll networks that include many more motorways and roads than just the ones which are part of the TEN-T network. Applying tolls or user charges to all heavy goods vehicles would therefore result in significantly more extensive burdens, especially for small and medium-sized craft businesses (which typically do not commission transport services but rather construction work). Those burdens would in turn lead to higher prices for example in the area of construction. Price increases mean that future investments in particular, such as the energetic renovation of houses and apartments as well as the modernization of house technology, could be postponed or even be cancelled. Also, craft businesses sometimes cover longer distances which cannot easily be replaced through other modes of transport. In addition, companies from rural regions, which are dependent on the provision of their services and construction activities in metropolitan areas due to the reduced population density and demand there, find themselves in a disadvantageous competitive situation compared to companies operating in large cities or on the outskirts of metropolitan areas. Therefore, Member States should be given the option to provide for certain charging exemptions, such as that on vehicles used for carrying materials, equipment or machinery for the driver's use in the course of the driver's work or used for the delivery of goods produced on a craft basis.
- (5c) The possibility to use roads subject to road charging, e.g. motorways, tunnels or bridges, instead of challenging local roads can be important for persons with disabilities. In order to allow persons with disabilities the use of roads subject to road charging without further administrative burden, Member States should be allowed to exempt vehicles of persons with disabilities from the obligation to pay a toll or user charge.
- (5a) Member States should be encouraged to take into account socioeconomic factors when applying road infrastructure charging schemes for passenger cars. Charges for

passenger cars could be adjusted so as to avoid excessive penalisation of frequent users.

- (5d) It is of particular importance that the Member States establish a fair charging system which does not penalise users of private vehicles which, due to their place of residence in the countryside or in areas that are difficult of access or isolated, are forced to make more regular use of roads subject to charging.

- (6) As in respect of heavy-duty vehicles, it is important to ensure that, if Member States introduce any time-based charges applied to light-duty vehicles, they are proportionate, including in respect of periods of use shorter than one year. In that regard, account needs to be taken of the fact that light-duty vehicles have a use pattern differing from the use pattern of heavy-duty vehicles. The calculation of proportionate time-based charges could be based on available data on trip patterns.
- (7) Pursuant to Directive 1999/62/EC, an external-cost charge may be imposed at a level close to the social marginal cost of the usage of the vehicle in question. That method has proven to be the fairest and most efficient way to take account of negative environmental and health impacts of air pollution and noise generated by heavy-duty vehicles, and would ensure a fair contribution from heavy-duty vehicles to meeting EU air quality standards¹ and any applicable noise limits or targets. The application of such charges should therefore be facilitated. External-cost charging should be applied more systematically. To help moving towards the full application of the ‘polluter pays’ principle, Member States should apply it to heavy-duty vehicles at least for air pollution, on networks covered by an infrastructure charge.

¹ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, OJ L 152, 11.06.2008, p. 1-44.

- (8) To this effect, the maximum weighted average external-cost charges should be replaced by readily applicable reference values updated in light of inflation, the scientific progress made in estimating the external costs of road transport and the evolution of the fleet composition.
- (9) The variation of infrastructure charges according to EURO emission class has contributed to the use of cleaner vehicles. However, with the renewal of vehicle fleets, the variation of charges on this basis on the inter-urban network is expected to become less effective in the medium-term. Member States should therefore be allowed to discontinue toll variation on this basis.

- (10) At the same time, as the share of CO₂ emissions from heavy-duty vehicles is increasing, a variation of infrastructure charges and user charges according to CO₂ emissions, capable of contributing to improvements in this area, should be introduced. In the case of common systems of user charges, which may contribute to further harmonisation, the implementation of the variation is more complex, notably because of the conditions to be fulfilled by such common systems. Since participating Member States have to agree on the distribution of the revenues accruing from the user charge while its levels are limited by Article 7a, as well as amend international agreements, it is justified to allow additional time for the implementation of the variation based on CO₂ emissions in such a specific case. In all cases, the variation should be designed in a way that is consistent with Regulation (EU) 2019/1242.
- (11) Until CO₂ emissions are addressed by more suitable instruments, such as harmonised fuel taxes including a carbon component or until road transport is covered by an emission trading system, Member States should also be allowed to apply an external cost charge reflecting the cost of CO₂ emissions. Where justified by scientific evidence, Member States should have the possibility to apply higher external cost charges for CO₂ emissions than the reference values set out in this Directive.

- (12) In order to incentivise a cleaner vehicle fleet of heavy-duty vehicles, the variation of the infrastructure and user charges based on their CO₂ emissions should be mandatory, except where an external cost charge for CO₂ is applied.
- (13) In order to reward the best performing heavy-duty vehicles, Member States should be allowed to apply the highest level of reductions in charges to vehicles operated without tailpipe emissions. To further incentivise the rollout of zero-emission vehicles, Member States should be allowed to temporarily exempt them from road charges. For the same reasons and to ensure that the share of vehicles benefitting from toll reduction remains stable throughout the years, guaranteeing long-term planning certainty for Member States in terms of toll revenue, new vehicles should be allocated to CO₂ emission classes based on their performance against the linear emission reduction trajectory between 2021 and 2030, as defined in Regulation 2019/1242.

- (13a) In order to ensure the effectiveness and coherence of the variation of charges based on CO₂ emissions and of external cost charging for CO₂ emissions, which are both meant to unlock the deployment of low- and zero-emission vehicles, as well as to ensure a coherent application of this Directive with any other carbon-pricing instrument related to road transport that may be adopted in the future, the Commission should evaluate their effectiveness and necessity in a timely manner. Based on this evaluation, the Commission, where appropriate, should propose to amend those provisions to prevent double charging through different carbon-pricing instruments. While the future measure should ensure legal certainty and the coherent application of the different rules, it should be clarified in this act that by the date of application of another carbon-pricing instrument applicable to road transport, such as the one proposed by the Commission in [COM 2021 XXX on X July 2021] that has been adopted on Union level, the Member States should not be obliged to apply the CO₂ variation system provided for in this directive anymore. In case of adoption of another carbon-pricing instrument applicable to road transport in the meantime, the level of external cost charges for CO₂ emissions should be limited to what is necessary to internalize those external costs. For such a case, the Commission should be empowered to adjust the reference values set out in Annex IIIc, by means of a delegated act.
- (13a) To help safeguard the Union's automobile heritage, Member States should be able to place vehicles of historical interest in a special category for the purposes of adjusting the various charges payable under this Directive.
- (14) Currently Regulation (EU) 2019/1242 does not define emission reduction trajectories for groups of heavy-duty vehicles not covered by Article 2(1) points (a) to (d) of that Regulation. In light of Article 15 thereof, it is possible that this act will be amended in the future and that emission reduction trajectories will be defined for such groups of vehicles. Where the Union legislator would adopt such an amendment, the variation of infrastructure charges and user charges for heavy-duty vehicles in accordance with class 2 and 3 should apply also to those groups of vehicles. Where the Union legislator does not adopt such an amendment, the variation for those groups of vehicles should only be made for classes 1, 4 and 5.
- (15) The Commission should consider, where appropriate, proposing an amendment to this Directive introducing CO₂ emission class 2 and class 3 for all heavy-duty vehicles

following the principles applied for heavy-duty vehicles currently regulated by Regulation (EU) 2019/1242 for their CO₂ emissions if the scope of this Regulation is extended to other heavy-duty vehicles

- (16) This Directive should incentivise the reduction of CO₂ emissions through technical improvements of combinations of heavy goods motor vehicles and their (semi-)trailers. Therefore, Article 7g-a provides for a reduction of road charges of heavy goods motor vehicles with low CO₂ emissions. For full regulatory consistency, once legally certified values for the effect of (semi-)trailers on the CO₂ emissions of heavy goods vehicle combinations are available, the Commission should, where appropriate, make a proposal amending this Directive in order to include these certified values when determining the reduction of road charges provided for by Article 7g-a.
- (17) In order to continue to incentivise the renewal of the fleet and to avoid the distortion of the second-hand market of heavy-duty vehicles, the classification of vehicles belonging to CO₂ emission class 2 and 3 should be reassessed every 6 years from their first registration. In order to minimise administrative burden, the validity of user charges valid before the date of reclassification should not be affected.

- (18) As regards the entry into force of the reclassification in user charge systems, the choice of an appropriate model depends on specific considerations on administrative consequences and effects on revenue. Therefore, the decision how to implement the reclassification in user charge systems should be left up to the Member States (or group of Member States in the case of common systems). In order to ensure coherent application of toll variation based on CO₂ emissions, it is necessary to amend Directive 1999/37/EC in such a way as to indicate, where available on their Certificate of Conformity, the specific CO₂ emissions of heavy-duty vehicles on their registration certificate. In light of possible amendments to Regulation 2019/1242 affecting the accounting of CO₂ emissions resulting from the use of low-carbon fuels, it might be appropriate for the Commission to assess the need to enhance coherence between such amendments and this directive.
- (19) For the same reason, it is important to ensure that on-board equipment used as part of a toll service contain the data relating to the CO₂ emissions and the CO₂ emission class of heavy-duty vehicles, and that such data are available for the exchange of information between Member States, as defined in Directive (EU) 2019/520. Therefore, Directive (EU) 2019/520 should, where appropriate, be amended accordingly.

- (20) Light-duty vehicles generate two thirds of the negative environmental and health impacts of road transport. It is therefore important to incentivise the use of the cleanest and most fuel-efficient vehicles through the differentiation of road charges based on their specific CO₂ emission and their pollutant emissions determined in accordance with Commission Regulation (EU) 2017/1151⁸ and in relation to Regulation (EU) 2019/631 of the European Parliament and of the Council⁹. In order to promote the use of the cleanest and most efficient vehicles, Member States should be allowed to apply significantly reduced road tolls and user charges to those vehicles. Member States should be allowed to take into account the improvement of the environmental performance of the vehicle, which is linked to its conversion to alternative fuels. While doing so, Member States should be allowed to exclude fuels produced from high indirect land-use change-risk feed stock for which a significant expansion of the production area into land with high-carbon stock is observed. A standing subscription or any other mechanism approved by the toll system's operator should allow users to benefit from a variation in tolls or user charges corresponding to the improved environmental performance of the vehicle, after conversion.
- (20a) In order not to penalise the development and use of zero-emission light-duty vehicles because of the additional weight related to the zero-emission technology, Member States should be allowed to apply reduced rates or exemptions to such vehicles.
- (20b) Road congestion, to which all motor vehicles contribute in different proportions, represents a cost of about 1 % of GDP. A significant part of this cost can be attributed to interurban congestion. A specific congestion charge should therefore be allowed, on condition that it is applied to heavy and light vehicle categories alike. In view of their potential contribution to reduce congestion, Member States may exclude collective means of transport, that is minibuses, buses and coaches from such a congestion charge. In order to be effective and proportionate, the charge should be calculated on the basis of the marginal congestion cost and differentiated according to location, time and vehicle category.

- (21b) Road charges can mobilise resources that contribute to the financing of the maintenance and development of high quality transport infrastructure. It is therefore appropriate to require that Member States adequately report on the use of such revenues. That should in particular help identifying possible financing gaps, and raising the public acceptance of road charging. In the interest of transparency, it would be appropriate for Member States to disclose to road users certain information on tolls and user charges levied on their territory, concerning for instance, the use of revenues generated by applying the directive, the variation of infrastructure charges, external-cost charges and the total revenue raised through congestion charges per category of vehicle.
- (21) Congestion charges should reflect the actual costs imposed by each vehicle on other road users directly, and indirectly on society at large, in a proportionate manner. In order to avoid that they disproportionately hinder the free movement of people and goods, they should be limited to specific amounts reflecting social marginal congestion costs in near capacity condition, that is to say when traffic volumes approach road capacity. For the same reason, a congestion charge should not be applied in combination with an infrastructure charge that is varied according to the time of day, type of day or season for the purpose of reducing congestion. In order to maximise the positive effect of congestion charges, corresponding revenues should be allocated to projects addressing the sources of the problem.

- (22) Taking into account the fact that existing concession contracts may contain different arrangements than the ones set out in this Directive and to ensure their financial viability, it is nevertheless appropriate to require existing concession contracts to comply with the requirement of varying the infrastructure charge only once they are substantially amended.
- (23) Mark-ups added to the infrastructure charge could also provide a useful contribution to addressing problems related to significant environmental damage or congestion caused by the use of certain roads, not only within mountainous areas. The current restriction of mark-ups to such areas should therefore be removed. In the case of two or more Member States levying higher mark-ups in the same corridor, it should be taken into account that these mark-ups might have negative effects on other Member States on the same corridor. Also, in order to avoid double charging of users, mark-ups should be excluded on road sections on which a congestion charge is applied. In this respect and in order to avoid adverse effects on the economic development of peripheral regions, the Commission should adopt Implementing Acts in accordance with the examination procedure
- (24) In case a Member State introduces a system of road charging, compensations granted may, according to the case, result in the discrimination of non-resident road users. The possibility to grant compensation at such occasion should therefore be limited to the cases of tolls and should no longer be available in the case of user charges.
- (25) In order to exploit potential synergies among existing road charging systems so as to reduce operating costs, the Commission should be fully involved in the cooperation among Member States intending to introduce common road charging schemes.

- (25a) It is necessary to allow Member States to finance the construction, operation, maintenance, and development of installations for energy or fuel to low- and zero-emission vehicles, with a view to facilitate road electrification. In particular, where a Member State intends to finance these electrical installations independent of the financing of road infrastructure, this Directive should not prevent that Member State from levying charges for the use of such installations.
- (26) Since the objective of this Directive, namely to ensure that national charges of vehicles for the use of certain infrastructure are applied within a coherent framework that secures equal treatment across the Union, cannot be sufficiently achieved at Member State level but can rather, by reason of the cross-border nature of road transport and of the problems this Directive is intended to address, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve that objective.
- (27) It is necessary to ensure that external-cost charges continue to reflect the cost of air pollution, noise and climate change generated by heavy-duty vehicles as accurately as possible without rendering the charging scheme excessively complex, to incentivise the use of the most fuel-efficient vehicles, and to keep the incentives effective and the differentiation of road charges up-to-date.

- (28) Therefore, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission for the purpose of adapting the reference values for external cost charging to scientific and technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (29) The Commission should adopt implementing acts to specify the reference CO₂ emissions for the sub-groups of heavy duty vehicles not covered by Article 2(1) points (a) to (d) of Regulation (EU) 2019/1242. The Commission should reproduce the data relevant for such vehicle groups published in the report referred to in Article 10 of Regulation (EU) 2018/956. In light of the limited nature of the implementing powers conferred on the Commission, it is not necessary to provide for control by a committee composed of Member State representatives prior to their adoption.
- (30) Directive 1999/62/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 1999/62/EC is amended as follows:

- (1) the title is replaced by the following
‘Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of vehicles for the use of road infrastructures’;
- (2) Articles 1 and 2 are replaced by the following:
‘Article 1
1. This Directive applies to:

¹ OJ L 123, 12.5.2016, p. 1.

- (a) vehicle taxes for heavy goods vehicles,
 - (b) tolls and user charges imposed on vehicles.
- 2. This Directive shall not apply to vehicles exclusively used in the non-European territories of the Member States.
- 3. This Directive shall not apply to vehicles registered in the Canary Islands, Ceuta and Melilla, the Azores or Madeira and carrying out transport operations exclusively in those territories or between those territories and, respectively, mainland Spain and mainland Portugal.

Article 2

For the purposes of this Directive:

- (1) “trans-European road network” means the road transport infrastructure referred to in Section 3 in Chapter II of Regulation (EU) No 1315/2013 of the European Parliament and of the Council* as illustrated by maps in Annex I to that Regulation;

* Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network (OJ L 348 20.12.2013, p. 1.)

- (2) “construction costs” means the costs related to construction, including, where appropriate, the financing costs, of any of the following:
 - (a) new infrastructure or new infrastructure improvements, including significant structural repairs;
 - (b) infrastructure or infrastructure improvements, including significant structural repairs, completed no more than 30 years before 10 June 2008, where tolling arrangements were already in place on 10 June 2008, or completed no more than 30 years before the establishment of any new tolling arrangements introduced after 10 June 2008;
 - (c) infrastructure or infrastructure improvements completed before the time limits mentioned under point (b), where:

- (i) a Member State has established a tolling system which provides for the recovery of these costs by means of a contract with a tolling system operator, or other legal acts having equivalent effect, which entered into force before 10 June 2008, or
 - (ii) a Member State can demonstrate that the case for building the infrastructure in question depended on its having a design lifetime in excess of 30 years.
- (3) “financing costs” means interest on borrowings and return on any equity funding contributed by shareholders;
- (4) “significant structural repairs” means structural repairs excluding those repairs no longer of any current benefit to road users, in particular where the repair work has been replaced by further road resurfacing or other construction work;
- (5) “motorway” means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which meets the following criteria:
 - (a) it is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other either by a dividing strip not intended for traffic or, exceptionally, by other means;
 - (b) it does not cross at grade with any road, railway or tramway track, bicycle path or footpath;
 - (c) it is specifically designated as a motorway;
- (6) “toll” means a specified amount based on the distance travelled on a given infrastructure and on the type of the vehicle, the payment of which confers the right for a vehicle to use the infrastructures, comprising one or more of the following charges:
 - an infrastructure charge;
 - a congestion charge;

- an external-cost charge;

- (7) “infrastructure charge” means a charge levied for the purpose of recovering the construction, the maintenance, the operation and the development costs related to infrastructure incurred in a Member State;
- (8) “external-cost charge” means a charge levied for the purpose of recovering the costs related to traffic-based air pollution, traffic-based noise pollution and/or traffic-based CO₂ emissions;
- (8a) “cost of traffic-based air pollution” means the cost of the harm to human health and of the damage caused to the environment by the release of particulate matter and of ozone precursors, such as nitrogen oxide and volatile organic compounds, in the course of the operation of a vehicle;
- (8b) “cost of traffic-based noise pollution” means the cost of the harm to human health and of the damage caused to the environment by the noise emitted by the vehicles or created by their interaction with the road surface;

- (8c) “cost of traffic-based CO₂ emissions” means the cost of the damage caused by the release of carbon dioxide in the course of the operation of a vehicle;
- (9) “congestion” means a situation where traffic volumes approach or exceed road capacity;
- (10) “congestion charge” means a charge which is levied on vehicles for the purpose of recovering the congestion costs incurred in a Member State and reducing congestion;
- (13) “weighted average infrastructure charge” means the total revenue of an infrastructure charge over a given period divided by the number of heavy-duty vehicle kilometres travelled on the road sections subject to the charge during that period;
- (14) “user charge” means a specified amount payment of which confers the right for a vehicle to use for a given period the infrastructures referred to in Article 7(1) and (2);

- (15) “vehicle” means a motor vehicle, with four wheels or more, or articulated vehicle combination intended or used for the carriage by road of passengers or goods;
- (16) “heavy-duty vehicle” means a vehicle having a technically permissible maximum laden mass exceeding 3,5 tonnes;
- (17) “heavy goods vehicle” means a heavy-duty vehicle intended for the carriage of goods;
- (18) “coach” and “bus” mean a heavy-duty vehicle intended for the carriage of more than 8 passengers, in addition to the driver;
- (19) “light-duty vehicle” means a vehicle having a technically permissible maximum laden mass not exceeding 3,5 tonnes;
- (20) “passenger car” means a light-duty vehicle intended for the carriage of not more than eight passengers, in addition to the driver;

- (20a) “vehicle of historical interest” means a vehicle that is of historical interest within the meaning of Article 3(7) of Directive 2014/45/EU of the European Parliament and of the Council*

* Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).

- (21) “minibus” means a light-duty vehicle intended for the carriage of more than eight passengers, in addition to the driver;
- (21a) “motor caravan” means a vehicle with a living accommodation space, which contains seats and a table, sleeping accommodation whether separate or converted from the seating, cooking facilities and storage facilities;
- (22) “light commercial vehicle” means a light-duty vehicle intended for the carriage of goods

- (22a) “van” means a vehicle as defined in in Annex I, Part C, 4.2 to Regulation (EU) 2018/858 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles;
- (23) “CO₂ emissions” of a heavy-duty vehicle means its specific CO₂ emissions provided in point 2.3 of its Customer Information file as defined in Part II of Annex IV of Regulation (EU) 2017/2400;
- (23a) “zero-emission vehicle” means a:
- i) passenger car, a minibus or a light commercial vehicle without an internal combustion engine; or
 - ii) heavy-duty vehicle as defined in point (16) to which the criteria of Article 3(11) of Regulation (EU) 2019/1242¹ apply;
- (23b) “low-emission heavy-duty vehicle” means a heavy-duty vehicle as defined in Article 3(12) of Regulation (EU) 2019/1242, or a heavy-duty vehicle not in the scope of Article 2(1) points (a)-(d) of that regulation with CO₂ emissions lower than 50 % of the reference CO₂ emissions of its vehicle group, other than a zero-emission vehicle;
- (24) “transport operator” means any undertaking transporting goods or passengers by road;
- (25) “vehicle of the ‘EURO 0’, ‘EURO I’, ‘EURO II’, ‘EURO III’, ‘EURO IV’, ‘EURO V’, ‘EEV’, ‘EURO VI’ emission class” means a heavy-duty vehicle that complies with the emission limits set out in Annex 0;

¹ Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC, OJ L 198, 25.7.2019, p. 202–240

- (26) “type of heavy-duty vehicle” means a category into which a heavy-duty vehicle falls according to the number of its axles, its dimensions or mass, or other vehicle classification factors reflecting road damage, e.g. the road damage classification system set out in Annex IV, provided that the classification system used is based on vehicle characteristics which either appear in the vehicle documentation used in all Member States or are visually apparent;
- (26a) “vehicle sub-group” means a grouping of vehicles as defined in Article 3(8) of Regulation (EU) 2019/1242;
- (26aa) “vehicle group” means a grouping of vehicles as defined in Table 1 of Annex I of Regulation (EU) 2017/2400;
- (26b) “reporting period of the year Y” means a period as defined in Article 3(3) of Regulation (EU) 2019/1242;

- (26c) “emission reduction trajectory $ET_{Y,sg}$ ” for the reporting period of the year Y and vehicle sub-group sg means the product of the annual CO₂ emissions reduction factor $R-ET_Y$ times the reference CO₂ emissions rCO_{2sg} of the sub-group sg, which for years $Y \leq 2030$ are both defined in point 5.1 of Annex I of Regulation (EU) 2019/1242:

$$ET_{Y,sg} = R-ET_Y \times rCO_{2sg}$$

For years $Y > 2030$, $R-ET_Y$ shall be set at 0,70.

Adjustments of the reference CO₂ emissions rCO_{2sg} of the sub-group sg shall take place according to the delegated acts adopted based on Article 11(2) of Regulation 2019/1242. They shall be applied for the reporting periods commencing after the date of application of the delegated act providing for the adjustment’;

- (26e) “reference CO₂ emissions of a vehicle group” shall be defined as follows:
- (i) for vehicles covered by Regulation 2019/1242, according to the definition provided for in point 3 of Annex I of that Regulation;
 - (ii) for vehicles not covered by Regulation 2019/1242, as meaning the average value of all CO₂ emissions of vehicles in that vehicle group, reported according to Regulation (EU) 2018/956 for the first reporting period. This period will start after the date on which the registration, sale or entry into service of vehicles in that vehicle group, that do not comply with the obligations referred to in Article 9 of Regulation 2017/2400, shall be prohibited in accordance with Article 24 of Regulation 2017/2400;

- (27) “concession contract” means a works concession or a service concession as defined in Article 5(1) of Directive 2014/23/EU of the European Parliament and of the Council¹;
- (28) “concession toll” means a toll levied by a concessionaire under a concession contract;
- (29) “substantially amended tolling or charging arrangement” means a tolling or charging arrangement, where the amendment of rates is expected to increase revenues in excess of 10 % in comparison to the previous accounting year, excluding the effect of increase in traffic and after correcting for inflation measured by changes in the EU-wide Harmonised Index of Consumer Prices, and excluding energy and unprocessed food, as published by the Commission (Eurostat).

1 Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1.)".

2. For the purposes of point 2:

- (a) in any event, the proportion of the construction costs to be taken into account shall not exceed the proportion of the current design lifetime period of infrastructure components still to run on 10 June 2008 or on the date when the new tolling arrangements are introduced, where this is a later date;
- (b) costs of infrastructure or infrastructure improvements may include any specific expenditure on infrastructure designed to reduce nuisance related to noise, to introduce innovative technologies or to improve road safety and actual payments made by the infrastructure operator corresponding to objective environmental elements such as protection against soil contamination.

3. Without prejudice to the third paragraph of Article 7da, Member States may treat a motor caravan either as a coach or bus, or as a passenger car.

(3) Article 7 is replaced by the following:

Article 7

1. Without prejudice to Article 9 (1a), Member States may maintain or introduce tolls and user charges on the trans-European road network or on certain sections of that network, and on any other additional sections of their network of motorways which are not part of the trans-European road network under the conditions laid down in paragraphs 3 to 8a of this Article and in Articles 7aa to 7k.
2. Paragraph 1 shall be without prejudice to the right of Member States, in compliance with the Treaty on the Functioning of the European Union, to apply tolls and user charges on other roads, provided that the imposition of tolls and user charges on such other roads does not discriminate against international traffic and does not result in the distortion of competition between operators. Tolls and user charges applied on roads other than roads belonging to the trans-European road network and other than motorways, shall comply with the conditions laid down in paragraphs 3 and 4 of this Article, Article 7a and Article 7j(1), (2) and (4).
- 2a. Without prejudice to other provisions of this Directive, tolls and user charges for different categories of vehicles, such as heavy-duty vehicles, heavy goods vehicles, coaches and buses, light-duty vehicles, light commercial vehicles, minibuses and passenger cars may be introduced or maintained independently from each other. However, where Member States charge cars, they shall also charge light commercial vehicles.
3. Member States shall not impose both tolls and user charges on any given category of vehicle for the use of a single road section. However, a Member State which imposes a user charge on its network may also impose tolls for the use of bridges, tunnels and mountain passes.

Member States may decide not to apply paragraphs 7ca(3), 7g-a(1) and 7ga(2) to such tolls for the use of bridges, tunnels and mountain passes where one or both of the following conditions is met:

- (a) application of paragraphs 7ca(3), 7g-a(1) 7ga(2) would not be technically practicable to introduce such differentiation in the tolling system concerned;
- (b) application of paragraphs 7ca(3), 7g-a(1) and 7ga(2) would lead to diversion of the most polluting vehicles, with negative impacts on road safety and public health.

A Member State that decides not to apply paragraphs 7ca(3), 7g-a(1) and 7ga(2) in accordance with the second subparagraph of this paragraph shall notify the Commission of its decision.

4. Tolls and user charges shall not discriminate, directly or indirectly, on the grounds of the nationality of the road user, the Member State or the third country of establishment of the transport operator or of registration of the vehicle, or the origin or destination of the transport operation.

- 4a. Member States may provide for reduced toll rates or user charges and exclude road sections, in particular with low traffic intensity in sparsely populated areas.

- 4b. Member States may choose not to apply paragraph 3 of Article 7ca, paragraphs 1 and 2 of Article 7g, Article 7g-a and Article 7ga to tolls and user charges on road infrastructures covered by concession contracts, until the contract is renewed or the tolling or charging arrangement is substantially amended, and where
- (a) the contract was signed before [OJ: add the date of entry into force of the amending Directive]; or
 - (b) the tenders or responses to invitations to negotiate under the negotiated procedure were received pursuant to a public procurement process before [OJ: add the date of entry into force of the amending Directive].
- 4c. Paragraph 4b applies also to long-term contracts, concluded between a public and non-public entity, signed before [OJ: add the date of entry into force of the amending Directive] for execution of works and/or management of services other than the execution of works not encompassing the transfer of the demand risk.

5. Member States may provide for reduced toll rates or user charges, or exemptions from the obligation to pay tolls or user charges for:
- (i) heavy-duty vehicles exempted from the requirement to install and use recording equipment under Regulation (EU) No 165/2014 of the European Parliament and of the Council¹;
 - (ii) heavy goods vehicles having a technically permissible maximum laden mass exceeding 3,5 tonnes and less than 7,5 tonnes used for carrying materials, equipment or machinery for the driver's use in the course of the driver's work, or for delivering goods which are produced on a craft basis, where the transport is not effected for hire or reward;
 - (iii) any vehicle covered by the conditions set out in Article 6(2)(a) and (b) of this Directive or any vehicle used or owned by persons with disabilities and
 - (iv) zero-emission vehicles with a technically permissible maximum laden mass up to 4,25t.
6. From [eight years after the date of entry into force of this Directive], Member States shall not apply user charges for heavy-duty vehicles on the core trans-European road network.

1 Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1.).

6a. Nevertheless, Member States may apply user charges for heavy-duty vehicles on sections of the core trans-European road network in duly justified cases.

Duly justified cases shall be limited to cases where applying a toll would:

involve disproportionate administrative, investment and operating costs compared to the expected revenue or benefits, which such a toll would generate, for example due to the limited length of the road sections concerned or the relatively low population density or the relatively low traffic; or

lead to the diversion of traffic with negative impacts on road safety or on public health. In these duly justified cases, Member States may only apply user charges after notifying the Commission.

The notification shall include the reasons justifying, in light of sub-paragraph 6a, the application of the user charge based on objective criteria and clear information on the vehicles and road sections covered by the user charge. Member States may submit one single notification for more road sections covered by the exemptions, provided that the justification is included for each section

- 6c. Where Member States apply a common system for user charges in accordance with Article 8, those Member States shall adapt or dissolve the common system by 2 years after the date in sub-paragraph 6.
8. Until [OJ: add date of entry into force plus five years], as regards heavy goods vehicles, a Member State may choose to apply tolls or user charges only to heavy goods vehicles having a technically permissible maximum laden mass of not less than 12 tonnes if it considers that levying tolls or user charges to heavy goods vehicles of less than 12 tonnes would:
- (a) create significant adverse effects on the free flow of traffic, the environment, noise levels, congestion, health, or road safety due to traffic diversion;
 - (b) involve administrative costs of more than 15 % of the additional revenue which would have been generated by that extension; or
 - (c) concern a category of vehicles which does not cause more than 10 % of the chargeable infrastructure costs

Member States choosing to apply tolls or user charges or both only to heavy goods vehicles having a technically permissible maximum laden mass of not less than 12 tonnes shall inform the Commission of their decision and on the reasons thereof.

- 8a. Where tolls are applied to all heavy-duty vehicles, Member States may choose to recover a different percentage of costs from coaches and buses and motor caravans, on the one hand, and from heavy goods vehicles, on the other hand.
11. Five years after entry into force of this directive, the Commission shall assess its implementation and effectiveness with regard to the charging of light-duty vehicles.

This assessment shall take into account the evolution of charging systems applied to light-duty vehicles in terms of the type of charging applied to various vehicle categories, the extent of the network covered, the proportionality of pricing and other relevant elements.

Where appropriate, the Commission shall make a proposal, based on that assessment, to amend the relevant provisions of this directive.

The following Article 7aa is inserted:

Article 7aa

1. Member States that applied tolls on their core TEN-T network or on part of it, before [OJ: insert date of entry into force of the amending Directive], may establish a combined charging system for all heavy-duty vehicles or for some types of heavy-duty vehicles.
2. In this combined charging system, Member States may, notwithstanding Article 7(6), apply user charges for all heavy-duty vehicles or for some types of heavy-duty vehicles including for some weight categories of heavy-duty vehicles on the core TEN-T network or parts of it, in accordance with Article 7(3).
3. The user charges referred to in paragraph 2 of this Article shall be varied according to Article 7g-a and to the EURO emission class. Additionally, Member States shall set user charges, including administrative costs, for those heavy-duty vehicles concerned, at a level that does not exceed the maximum rates laid down in Annex II.

4. Member States establishing the combined charging scheme shall carry out an impact assessment or analysis explaining and justifying its introduction which shall be notified to the Commission at least six months before its introduction.

(4) Article 7a is replaced by the following:

‘Article 7a

1. User charges shall be proportionate to the duration of the use made of the infrastructure.
2. Insofar as user charges are applied in respect of heavy-duty vehicles, the use of the infrastructure shall be made available for at least the following periods: a day, a week, a month, and a year. The monthly rate shall be no more than 10 % of the annual rate, the weekly rate shall be no more than 5 % of the annual rate and the daily rate shall be no more than 2 % of the annual rate.

A Member State may apply only annual rates for vehicles registered in that Member State.

Member States shall set user charges, including administrative costs, for all heavy-duty vehicles, at a level that does not exceed the maximum rates laid down in Annex II.

3. Insofar as user charges are applied in respect of passenger cars, the use of the infrastructure shall be made available at least for the following periods: a day, a week or 10 days or both, a month or two months or both, and a year. The two-monthly rate shall be no more than 30 % of the annual rate, the monthly rate shall be no more than 19 % of the annual rate, the 10-day rate shall be no more than 12 % of the annual rate, the weekly rate shall be no more than 11 % of the annual rate and the daily rate shall be no more than 9 % of the annual rate.

Member States may limit the daily user charge for transit purposes only.

Member States may also make the use of the infrastructure available for other periods of time. In such cases, Member States shall apply rates in accordance with the principle of equal treatment between users, taking into account all relevant factors, in particular the annual rate and the rates applied for the other periods referred to in the first subparagraph, existing use patterns and administrative costs.

In respect of user charge schemes adopted before [OJ: add the date of entry into force], Member States may maintain rates above the limits set out in the first subparagraph, in force before that date, and corresponding higher rates for other periods of use, in compliance with the principle of equal treatment. However, they shall comply with the limits set out in the first subparagraph as well as with the second subparagraph as soon as substantially amended tolling or charging arrangements enter into force and, at the latest, [OJ: add the date of entry into force plus eight years].

4. For minibuses and light commercial vehicles, Member States shall comply either with paragraph 2 or with paragraph 3. Where Member States set different user charges for light commercial vehicles than for passenger cars, they shall set higher user charge rates for light commercial vehicles than for passenger cars.
- 4a. By five years after entry into force of this directive, the Commission shall assess the technical and legal feasibility of differentiating the treatment of light commercial vehicles based on whether or not the vehicle is equipped with a tachograph and, where appropriate, based on that assessment, shall make a proposal to amend this directive accordingly.

(4a) Article 7b is replaced by the following:

‘Article 7b

1. The infrastructure charge for heavy-duty vehicles shall be based on the principle of the recovery of infrastructure costs. The weighted average infrastructure charge for heavy-duty vehicles shall be related to the construction costs and the costs of operating, maintaining and developing the infrastructure network concerned. The weighted average infrastructure charge may also include a return on capital and/or a profit margin based on market conditions.
2. The costs taken into account shall relate to the network or the part of the network on which infrastructure charges for heavy-duty vehicles are levied and to the vehicles that are subject thereto. Member States may choose to recover only a percentage of those costs.

(5) Article 7c is replaced by the following:

‘Article 7c

1. Member States may maintain or introduce an external-cost charge, related to the cost of traffic-based air pollution, noise pollution, CO₂ emissions or any combination thereof.

Where an external-cost charge is applied for heavy-duty vehicles, Member States shall vary it and set it in accordance with the minimum requirements and the methods referred to in Annex IIIa and shall respect the reference values set out in Annex IIIb and IIIc. Member States may choose to recover only a percentage of those costs.

2. The amount of the external-cost charge shall be set by the Member State concerned. If a Member State designates an authority for this purpose, the authority shall be legally and financially independent from the organisation in charge of managing or collecting part or all of the charge
- 5b. The Member States may apply derogations which allow external-cost charges to be adjusted for vehicles of historical interest.

Article 7ca

1. Where an external cost charge for air or noise pollution is levied, the costs taken into account shall relate to the network or the part of the network on which external-cost charges are levied and to the vehicles that are subject thereto.
2. The external-cost charge related to traffic-based air pollution shall not apply to heavy-duty vehicles which comply with the most stringent of EURO emission standards.

The first subparagraph shall cease to apply four years from the date when the rules which introduced those standards started to apply.

3. From [OJ: add the date of entry into force + four years], Member States shall apply an external-cost charge for traffic-based air pollution, to heavy-duty vehicles on the tolled network referred to in Article 7(1) .

Member States may nevertheless derogate from the requirement of applying an external cost charge where this would lead to diversion of the most polluting vehicles with negative impacts on road safety and public health.

4. Member States may assess the possibility to apply an external cost charge for CO₂ and for air pollution and/or discounts related to those emissions, where concession tolls are not varied according to Article 7g-a, to Article 7g for heavy-duty vehicles, and in accordance with 7ga for light commercial vehicles and minibuses.

The result of this optional assessment, including a justification of the reason why the external cost charge and/or a discount is not applied shall be notified to the Commission.

Article 7cb

1. Member States may apply higher external cost charges for CO₂ emissions than the reference values set out in Annex IIIc, provided that this is done in a non-discriminatory manner, and limited to no more than twice the values set out in Annex IIIc. Where Member States apply this paragraph they shall justify their decision and notify it to the Commission, in accordance with Annex IIIa.
2. For buses and coaches, Member States may choose to apply the same or lower values than those applied to heavy goods vehicles.
3. An external cost charge for CO₂ emissions may be combined with an infrastructure charge that has been varied according to Article 7g-a.
4. Five years after the entry into force of this directive, the Commission shall evaluate the implementation and effectiveness of external cost charging for CO₂ emissions, as well as its coherence with Directives 2003/96/EC and Directive 2003/87/EC. Where appropriate, based on that evaluation, the Commission shall make a proposal to amend this Article. In case this article would not be amended accordingly by 1 January 2027 but the provisions of Directive 2003/96/EC and/or Directive 2003/87/EC would have been amended in a manner resulting in effectively internalising at least part of the external costs of CO₂ emissions from road transport, the Commission shall adjust, by means of delegated act in accordance with Article 9d, the reference values of the external cost charge for CO₂ emissions set out in Annex IIIc, taking into account the effective carbon price applied to road transport fuels in the EU.

(5a) Article 7d is replaced by the following:

‘Article 7d

By six months after the adoption of future and more stringent EURO emission standards, the Commission shall, where appropriate, present a legislative proposal to determine the corresponding reference values in Annex IIIb and to adjust the maximum rates of user charges in Annex II.’

(6) The following Article 7da is inserted:

"Article 7da

1. Member States may, in accordance with the requirements set out in Annex V, introduce a congestion charge on any section of their road network which is subject to congestion. The congestion charge may only be applied on those road sections which are regularly congested and only during the periods when they are typically congested.

2. Member States shall define the road sections and time periods referred to in paragraph 1 on the basis of objective criteria related to the level of exposure of the roads and their vicinities to congestion, such as average delays or queue lengths.
3. A congestion charge imposed on any section of the road network shall apply in a non-discriminatory manner to all vehicle categories, in accordance with the standard equivalence factors set out in Annex V. Member States may, however, exempt, partially or fully, minibuses, buses and coaches from congestion charge for the promotion of collective transport and socio-economic development and territorial cohesion. Motor caravans, irrespective of their technically permissible maximum laden mass, shall not be treated as coaches and busses for the purpose of this paragraph.
4. The congestion charge shall reflect the costs imposed by a vehicle on other road users, and indirectly on society, and shall respect the reference values set out in Annex VI for any given road type and shall be set in accordance with the minimum requirements referred to in Annex V. Where a Member State intends to apply congestion charges higher than the reference values set out in Annex VI, it shall notify the Commission according to the requirements referred to in Annex V. Revenues generated from congestion charges, or the equivalent in financial value of these revenues, shall be used to address the specific problem of congestion, or to develop sustainable transport and mobility in general.

Where such revenues are allocated to the general budget, the previous subparagraph shall be deemed to be applied by a Member State, if it implements financial support policies to address the problem of congestion and which have a value equivalent to the revenues generated from congestion charges.

5. Member States shall put in place adequate mechanisms for monitoring the impact of congestion charges and for reviewing the level thereof. They shall review the level of charges regularly, at least every three years, to ensure that they are not higher than the cost of congestion occurring in that Member State and generated on those road sections, which are subject to the congestion charge.’;

(6a) Paragraphs 1 and 2 of Article 7e are replaced by the following:

- ‘1. Member States shall calculate the maximum level of infrastructure charge for heavy-duty vehicles using a methodology based on the core calculation principles set out in Article 7b and Annex III.
2. For concession tolls, the maximum level of the infrastructure charge for heavy-duty vehicles shall be equivalent to, or less than, the level that would have resulted from the use of a methodology based on the core calculation principles set out in Article 7b and Annex III. The assessment of such equivalence shall be made on the basis of a reasonably long reference period appropriate to the nature of the concession.’;

(7) Articles 7f and 7g are replaced by the following:

‘Article 7f

1. After informing the Commission, a Member State may add a mark-up to the infrastructure charge levied on specific road sections which are regularly congested, or the use of which by vehicles causes significant environmental damage, where the following conditions are met:
 - (a) the revenue generated from the mark-up is invested in financing the development of transport services, or in the construction or maintenance of transport infrastructure of the core network identified in accordance with Chapter III of Regulation (EU) No 1315/2013, which contribute directly to the alleviation of the congestion or environmental damage and which are

located in the same corridor as the road section on which the mark-up is applied;

- (b) the mark-up does not exceed 15 % of the weighted average infrastructure charge calculated in accordance with Article 7b(1) and Article 7e, except where the revenue generated is invested in cross-border sections of core network corridors, in which case the mark-up may not exceed 25 %. Two or more Member States may apply a mark-up in the same corridor. In this case, upon agreement of all Member States which are part of that corridor and neighbouring the Member States in whose territory falls the section of the corridor to which a mark-up is applied, this mark-up may exceed 25 % but may not exceed 50 %;
 - (c) the application of the mark-up does not result in unfair treatment of commercial traffic compared to other road users;
 - (d) a description of the exact location of the mark-up and proof of a decision to finance transport infrastructure or transport services referred to in point (a) are submitted to the Commission in advance of the application of the mark-up;
 - (e) the period for which the mark-up is to apply is defined and limited in advance and is consistent, in terms of the expected revenue to be raised, with the financial plans and cost-benefit analysis for the projects co-financed with the revenue from the mark-up.
- 1a. In case of new cross-border projects, mark-ups may only be added if all Member States involved in such project agree.
 2. A mark-up may be applied to an infrastructure charge which has been varied in accordance with Article 7g, 7g-a or 7ga.
 3. After receiving the required information from a Member State intending to apply a mark-up, the Commission shall make that information available to the members of the Committee referred to in Article 9c. Where the Commission considers that the planned mark-up does not meet the conditions set out in paragraph 1, or where it considers that the planned mark-up will have significant adverse effects on the economic development of peripheral regions, it may, by means of implementing acts, reject or request amendment of the plans for charges submitted by the

Member State concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9c(3).

5. A mark-up may not be applied on road sections where a congestion charge is applied.

Article 7g

1. The infrastructure charge may be varied for the purpose of reducing congestion, minimising infrastructure damage and optimising the use of the infrastructure concerned or promoting road safety, where the following conditions are met:
 - (a) the variation is transparent, made public and available to all users on equal terms;
 - (b) the variation is applied according to the time of day, type of day or season.
 - (c) no infrastructure charge is more than 175 % above the maximum level of the weighted average infrastructure charge as referred to in Article 7b;
 - (d) the peak periods during which the higher infrastructure charges are levied for the purpose of reducing congestion do not exceed six hours per day;
 - (e) the variation is devised and applied in a transparent and revenue-neutral way on a road section affected by congestion by offering reduced toll rates for road users who travel during off-peak periods and increased toll rates for road users who travel during peak hours on the same road section;
 - (f) no congestion charge is levied on the road section concerned.

A Member State wishing to introduce such variation or changing an existing one informs the Commission thereof and provides it with the information necessary to assess whether the conditions are fulfilled.

2. Until the variation of infrastructure charges and user charges referred to in Article 7g-a is applied, in respect of heavy-duty vehicles, Member States shall vary the infrastructure charge according to the EURO emission class of the vehicle in such a way that no infrastructure charge is more than 100 above the same charge for equivalent vehicles meeting the strictest emission standards. Once infrastructure

charges and user charges are varied pursuant to Article 7g-a, Member States may discontinue the variation according to the EURO emission class.

A Member State may nevertheless derogate from the requirement of varying the infrastructure charge where any of the following applies:

- (i) it would seriously undermine the coherence of the tolling systems in its territory;
- (ii) it would not be technically practicable to introduce such differentiation in the tolling system concerned;
- (iii) it would lead to diversion of the most polluting vehicles with negative impacts on road safety and public health;
- (iv) the toll includes an external-cost charge for air pollution.

Any such derogations or exemptions shall be notified to the Commission.

- 4. The variations referred to in this Article shall not be designed to generate additional revenues.’;

(7a) the following Article 7g-a is inserted:

‘Article 7g-a

- 1. Member States shall apply a variation of infrastructure charges and user charges for heavy-duty vehicles in accordance with this Article.

The variation shall be applied to the sub-groups of heavy-duty vehicles covered by Article 2(1) points (a) to (d) of Regulation (EU) 2019/1242, at the latest two years following the publication of the reference CO₂ emissions for those vehicle sub-groups in the implementing acts adopted in accordance with Article 11(1) of Regulation (EU) 2019/1242.

The variation for emission class 1, 4 and 5, as defined in paragraph 1a shall apply to the groups of heavy-duty vehicles not covered by Article 2(1) points (a) to (d) of Regulation (EU) 2019/1242, at the latest two years following the publication of the reference CO₂ emissions in implementing acts adopted pursuant to paragraph 4 of this Article, for the relevant group. In case of amendment of point 5.1 of Annex I of Regulation (EU) 2019/1242 in such a way as to cover the reference CO₂

emissions relevant for a group of heavy-duty vehicles, such reference CO₂ emissions should no longer be determined pursuant to paragraph 4 but in accordance with point 5.1 of Annex I of that Regulation.

Where the legislator has defined emission reduction trajectories for groups of heavy-duty vehicles not covered by Article 2(1) points (a) to (d) of Regulation (EU) 2019/1242, by amending point 5.1 of Annex I of that Regulation, the variations for emission classes 2 and 3, as defined in paragraph 1a shall apply from the date of entry into force of the emission reduction trajectories.

Without prejudice to the reduction of rates provided for in paragraph 1b, Member States may provide for reduced rates of infrastructure or user charges, or exemptions to pay infrastructure or user charges for zero emission vehicles of any vehicle group from [OJ: add the date of entry into force of this Directive] until 31 December 2025. From 1 January 2026, such reductions shall be limited to 75 % compared to the charge applicable to CO₂ emission class 1, as defined in paragraph 1a.

- 1a. Without prejudice to paragraph 1 of this Article, Member States shall establish for each type of heavy-duty vehicle the following CO₂ emission classes:
 - (a) CO₂ emission class 1 – vehicles that do not belong to any of the CO₂ emission classes referred to under points (b) to (e);
 - (b) CO₂ emission class 2 – vehicles of the vehicle sub-group sg registered for the first time in the reporting period of the year Y with CO₂ emissions more than 5 % below the emission reduction trajectory for the reporting period of the year Y and the vehicle sub-group sg but not belonging to any of the CO₂ emission classes referred to under points (c) to (e);
 - (c) CO₂ emission class 3 – vehicles of the vehicle sub-group sg registered for the first time in the reporting period of the year Y with CO₂ emissions more than 8 % below the emission reduction trajectory for the reporting period of the year Y and the vehicle sub-group sg not belonging to any of the CO₂ emission classes referred to under points (d) to (e);
 - (d) CO₂ emission class 4 – low-emission heavy-duty vehicles;

(e) CO₂ emission class 5 – zero-emission vehicles.

Member States shall ensure that the classification of a vehicle belonging to CO₂ emission class 2 or 3 is reassessed every six years after the date of its first registration and that, where relevant, the vehicle is reclassified to the relevant emission class on the basis of the thresholds applicable at that time.

Reclassification shall, with regard to a user charge, take effect at the latest on its first day of validity occurring on or following the day of reclassification according to the first sentence

- 1b. Reduced charges shall apply to vehicles in CO₂ emission classes 2, 3, and 4 and 5, as follows:

CO₂ emission class 2 – 5 % to 15 % reduction compared to the charge applicable for CO₂ emission class 1;

CO₂ emission class 3 – 15 % to 30 % reduction compared to the charge applicable for CO₂ emission class 1;

CO₂ emission class 4 – 30 % to 50 % reduction compared to the charge applicable for CO₂ emission class 1;

CO₂ emission class 5 – 50 % to 75 % reduction compared to the charge applicable for CO₂ emission class 1.

Where the infrastructure charge is varied in accordance with Article 7g, the reductions shall apply compared to the charge applied to the strictest emission standard in accordance with that Article.

2. The variations referred to in this Article shall not be designed to generate additional revenues.
3. A Member State may derogate from the requirement of varying the infrastructure charge according to paragraph 1a of Article 7g-a where an external cost charge for CO₂ is levied and varied according to the reference values of the external cost charge for CO₂ emissions, as provided in Annex IIIc.
- 3a. On road sections where a vehicle is operated without CO₂ emissions in a verifiable manner, Member States may apply reduced charges to that vehicle according to CO₂ emission class 5. Member States that make use of this option shall apply the

charges applicable to CO₂ emission class 1 to that vehicle on other road sections.⁴

The Commission shall adopt implementing acts to specify the reference CO₂ emissions for the vehicle groups not covered by Article 2(1) points (a) to (d) of Regulation (EU) 2019/1242.

These implementing acts shall reproduce the data relevant for each vehicle groups published in the report referred to in Article 10 of Regulation (EU) 2018/956. The Commission shall adopt these implementing acts at the latest six months after the publication of the relevant report referred to in Article 10 of Regulation (EU) 2018/956.

5. Five years after the entry into force of this directive, the Commission shall evaluate the implementation, effectiveness and necessity of the variation of charges based on CO₂ emissions referred to in this Article, as well as its coherence with Directives 2003/96/EC and Directive 2003/87/EC. Where appropriate, based on that evaluation, the Commission shall make a proposal to amend the relevant provisions of this Directive on the variation of charges on the basis of CO₂ emissions.
- 5a. The Commission shall, every five years, after the entry into force of this Directive, review the maximum rates for the user charges in Annex II and the reduction levels of the infrastructure charge in paragraph 1b, and, where appropriate, make a proposal, based on the results of this review process, to amend these provisions.

6. Every two and a half years after the entry into force of this Directive, the Commission shall draw up a report assessing the appropriateness of the thresholds for emission class 2 and 3 referred to in Article 7g-a 1a (b) and (c), in relation to the reference emissions published in accordance with Article 11(1) of Regulation 2019/1242 or to the CO₂ emissions reported in accordance with Regulation 2018/956, and where appropriate make a proposal to amend those thresholds based on the results of this assessment.
7. The application of the CO₂variation shall not be mandatory where another Union road transport fuel carbon-pricing measure applies.

(8) the following Article 7ga is inserted:

"Article 7ga

1. For light-duty vehicles, , Member States may differentiate tolls and user charges according to the environmental performance of the vehicle, as defined by the specific CO₂ emissions combined, or weighted combined, recorded in entry 49 of the certificate of conformity of the vehicle, and by the Euro emission performance.

Without prejudice to paragraph 2 of this Article, the lower rates of tolls and user charges shall apply for passenger cars, minibuses and light commercial vehicles that meet both of the following conditions:

- (a) their specific CO₂ emissions, determined in accordance with Commission Regulation (EU) 2017/1151¹, shall be zero or below the following levels:
 - (i) for the period 2021 to 2024, the average, weighted on the number of newly registered passenger cars or light commercial vehicles in that year, of the specific emissions targets determined for each individual manufacturer in accordance with point 4 of the respective Part A and B of Annex I to Regulation (EU) 2019/631 of the European Parliament and of the Council²;
 - (ii) for the period 2025 to 2029, the EU fleet wide targets determined in accordance with points 6.1.1. of the respective Parts A and B of Annex I to that Regulation;

1 Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008

2 Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011

- (iii) For the period 2030 onwards, the EU fleet wide targets determined in accordance with points 6.1.2 of Parts A and B of Annex I to that Regulation.
- (b) their pollutant emissions, determined in accordance with Commission Regulation (EU) 2017/1151, shall be as specified in the table of Annex VII to this Directive. Member States may apply the reduction for zero-emission vehicles referred to in Annex VII without applying reductions for the other emissions performance categories referred to in that Annex.

2. From 1 January 2026, where technically practicable, Member States shall vary tolls and the annual charges for vans and minibuses, according to the environmental performance of the vehicle, in accordance with the rules set out in Annex VII. The provisions of the first paragraph shall be indicative.

Member States that choose to apply different emission performance criteria, level of variation, or choose to include other criteria, shall justify their choice and notify the Commission at least six months before the introduction of the variation.

However, Member States may choose to apply reductions to zero-emission vehicles only, without applying any variation to other vehicles and without notifying the Commission.

- 2a. Subject to the conditions set out in paragraph 1 and 2 of this Article, Member States may take into account the improvement of the environmental performance of the vehicle which is linked to that vehicle's conversion to alternative fuels.
- 3a. Member States may adopt exceptional measures for the purposes of charging vehicles of historical interest.
- 4. The variations referred to in this Article shall not be designed to generate additional revenues.';

(9) Article 7h is amended as follows:

(a) in paragraph 1, the introductory wording is replaced by the following:

‘At least six months before the implementation of a new or substantially amended infrastructure charge tolling arrangement, Member States shall send to the Commission:’;

(aa) in Article 7h, paragraph (1), point (a), the following indent is added:

‘– where applicable, clear information on the main characteristics of the electronic road toll system, including on interoperability.’;

(ab) paragraph 1a is inserted as follows:

‘1a. When sending information to the Commission in accordance with paragraph 1, Member State may foresee or include more than one amendment of infrastructure charge tolling arrangement. Implementation of such foreseen amendment, of which the Commission has already been informed, shall not be subject to the provisions of paragraph 1.’

(b) paragraph 3 is replaced by the following:

‘3. Before the implementation of a new or substantially amended external-cost charge or congestion charge tolling arrangement, Member States shall inform the Commission about the network concerned, the foreseen rates per vehicle category and emission class and, where applicable, notify the Commission in accordance with point (2) of Annex IIIa, or point (2) of Annex V.’;

(c) paragraph 4 is deleted;

(10) Article 7i is amended as follows:

(a) in paragraph 2, point (b) and (c) are replaced by the following:

"(b) such discounts or reductions reflect actual savings in administrative costs of the treatment of frequent users compared to occasional users;

(c) reductions do not exceed 13 % of the infrastructure charge paid by equivalent vehicles not eligible for the discount or reduction.";

(aa) the following paragraph is inserted as follows:

"2a. Member States may provide for discounts or reductions to the infrastructure charge for passenger cars in the case of frequent users, in particular in the areas of dispersed settlements and in the outskirts of cities. Reduction in revenues due to discount granted to frequent users shall not be imposed on other less frequent users."

(b) paragraph 3 is amended as follows:

3. Subject to the conditions provided for in Article 7g(1)(b) and (5), toll rates may for major projects of the core network, the maps of which are identified in Annex I to Regulation (EU) No 1315/2013, be subject to other forms of variation in order to secure the commercial viability of such projects where they are exposed to direct competition with other modes of transport. The resulting charging structure shall be linear, proportionate, made public, and available to all users on equal terms and shall not lead to additional costs being passed on to other users in the form of higher tolls.

(11) Article 7j is amended as follows:

(a) in paragraph 1, the second sentence is replaced by the following:

"To that end, Member States shall cooperate in establishing methods for enabling road users to pay tolls and user charges 24 hours a day, at least electronically or at the border or at major sales outlets, using common means of payment, inside and outside the Member States in which they are applied. Member States are not obliged to provide physical points of payment.";

(b) paragraph 2a is inserted:

Where a driver or, if appropriate, the transport operator or the European Electronic Toll Service (EETS) provider, is unable to provide evidence of the emission class of the vehicle for the purposes of paragraph 2 of Article 7g, Article 7g-a, or Article 7ga, Member States may apply tolls or user charges up to the highest level chargeable.

Member States shall take the measures necessary to ensure that the road user can declare the emission class of the vehicle at least through electronic means before using the infrastructure. Member States may offer electronic and non-electronic means to enable the user to provide evidence in order to benefit from toll reductions or, where appropriate, in the event of a check. Member States may require that evidence supplied through electronic means is provided before the infrastructure is used.

Member States may take the necessary measures to ensure that the provision of evidence subsequent to the use of the infrastructure is accepted for 30 days or a longer period determined by the Member States after the use of the infrastructure and to ensure the reimbursement of any difference between the tolls or user charges applied and the toll or user charge corresponding to the emission class of the vehicle concerned that follows from evidence provided within the applicable time limit.

(c) paragraph 3 is replaced by the following:

3. Where a Member State levies a toll on a vehicle, the total amount of the toll, the amount of the infrastructure charge, the amount of the external-cost charge, and the amount of the congestion charge, where applied, shall be indicated in a receipt provided to the road user, where possible by electronic means. The road user may agree not to be provided with the receipt.

(d) in paragraph 4, the first sentence is replaced by the following:

"Where economically feasible, Member States shall levy and collect infrastructure charges, external-cost charges and congestion charges by means of an electronic road toll system which complies with the provisions of Article 3(1) of Directive (EU) 2019/520.";

(12) Article 7k is replaced by the following:

‘Article 7k

Without prejudice to Articles 107 and 108 of the Treaty on the Functioning of the European Union, this Directive does not affect the freedom of Member States which introduce a system of tolls to provide for appropriate compensation.’;

(13) in Article 8, paragraph 2 is amended as follows:

(a) points (a) and (b) of paragraph 2 are replaced by the following:

‘(a) payment of the common user charge shall give access to the network as defined by the participating Member States in accordance with Article 7(1) and (2);

(b) the common user-charge rates shall be set by the participating Member States at levels that are not higher than the maximum rates referred to in Article 7a;’;

(b) the following new subparagraph 3 is added:

In the case of a common system for user charges referred to in paragraph 1, the final date of application of the variations referred to in the second and third paragraph of Article 7g-a(1) is extended to three years following the date of entry into force of this directive, or if the reference CO₂ emissions are published after the entry into force of this directive, three years following the publication of the reference CO₂ emissions.

(14) Article 9 is amended as follows:

(a) paragraph 1a is amended as follows:

‘1a. This Directive shall not prevent Member States from applying on a non-discriminatory basis:

(a) regulatory charges specifically designed to reduce traffic congestion or combat environmental impacts, including poor air quality, on any roads located in an urban area, including trans-European network roads crossing urban areas;

(b) charges specifically designed to finance the construction, operation, maintenance and development of installations, embedded in or

deployed along or over roads, providing energy to low- and zero-emission vehicles in motion and levied on such vehicles.’;

(b) in paragraph 2, the second sub-paragraph is deleted;

(14a) In Article 9c, the following paragraph 3 is added:

‘3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.’;

(15) Articles 9d and 9e are replaced by the following:

‘Article 9d

The Commission is empowered to adopt delegated acts in accordance with Article 9e to amend Annex 0, the formulas in sections 4.1 and 4.2 of Annex IIIa the amounts in Table 1 in Annex IIb and in the tables in Annex IIc in order to adapt them to scientific and technical progress.

Under the circumstances referred to in Article 7cb(4), the Commission shall adopt delegated acts in accordance with Article 9e, to amend the reference values of the external cost charge for CO₂ emissions set out in Annex IIc, taking into account the effective carbon price applied to road transport fuels in the EU. Such amendments shall be limited to ensuring that the level of external cost charges for CO₂ emissions does not go beyond what is necessary to internalize those external costs.

Article 9e

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 9d shall be conferred on the Commission for a period of five years from [OJ: add the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 9d may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European*

Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
 6. A delegated act adopted pursuant to Article 9d shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.";
- (16) Articles 9f and 9g are deleted.

(17) Article 10a is replaced by the following:

‘Article 10a

1. The amounts in euro as laid down in Annex II and the amounts in cent as laid down in Table 1 in Annex IIIb and in Annex IIIc shall be adapted every two years in order to take account of changes in the EU-wide Harmonised Index of Consumer Prices excluding energy and unprocessed food, as published by the Commission (Eurostat). The first adaptation shall take place by 31 March [OJ: add the year following the two years after the entry into force of this Directive].

The amounts shall be adapted automatically, by adapting the base amount in euro or cent by the percentage change in that index. The resulting amounts shall be rounded up to the nearest euro with regard to Annex II, rounded up to the nearest tenth of a cent with regard to Annex IIIb and Annex IIIc.

2. The Commission shall publish in the *Official Journal of the European Union* the adapted amounts referred to in paragraph 1 by 31 March of the year following the end of two calendar years referred to in paragraph 1. Those adapted amounts shall enter into force on the first day of the month following publication.’;

(18) Article 11 is replaced by the following:

‘Article 11

1. Three years after the entry into force of the directive and every five years thereafter, Member States shall make public in aggregate form a report on tolls and user charges levied on their territory.
2. The report made public pursuant to paragraph 1 shall include information on:
 - (a) the evolution of charging for the use of road infrastructure, i.e. the networks and vehicle categories covered, including any exemption in accordance with Articles 7, 7c and 7ga;
 - (b) the variation of infrastructure charges or user charges according to the category of vehicle and the type of heavy-duty vehicle;
 - (c) the variation of infrastructure charges or user charges according to the environmental performance of vehicles, pursuant to Articles 7g, 7g-a, 7ga;
 - (d) where applicable, the variation of infrastructure charges according to the time of day, type of day, or season, pursuant to Article 7g(1);

- (e) the external-cost charge levied for each combination of class of vehicle, type of road and period of time;
- (f) the weighted average infrastructure charge and total revenue raised through the infrastructure charge;
- (g) the total revenue raised through external-cost charges;
- (h) the total revenue raised through congestion charges per category of vehicle;
- (i) the total revenues raised through mark-ups and on which road sections they have been levied;
- (j) the total revenues raised through tolls and/or user charges;
- (k) information on the use of revenues generated by applying this Directive, and how this use has allowed the Member State to meet the goals referred to in Article 9(2). Where such revenues are allocated to the general budget, the Member States shall, instead, provide information on the level of expenditure allocated to road transport infrastructure and sustainable transport projects; and
- (l) the evolution of the share vehicles belonging to the various emission classes on tolled roads.

Member States making the above mentioned information publicly available online may decide not to draw up the report.

(19) The Annexes are amended as follows:

(a) Annexes 0, II, IIIa, IIIb and IV are amended as set out in the Annex to this Directive.

(b) Annexes IIIc, V, VI and VII are added as set out in the Annex to this Directive.

(b) Under point 6 of Chapter II of Annex I, the following is added:

- ‘(V.7) CO₂ (in g/km) or Specific CO₂ emissions where indicated in position 49.5 of the EC Certificate of Conformity of heavy duty vehicles defined in point 2 of Annex IX of Directive (EC) 2007/46 (in g/tkm)’;
- ‘(V.10) CO₂ emission class of heavy-duty vehicles determined at the moment of first registration, in accordance with Article 7g-a(1a) of Directive 1999/62/EC.’.

Article 3

Directive (EU) 2019/520 is amended as follows:

Under Part I “Data relating to vehicles” of the section “Data elements provided as a result of the automated search conducted pursuant to Article 23(1)” of Annex I, the following rows are added: Part I. Data relating to vehicles

Item	M/O ⁽³⁾	Remarks
Registration number	M	
Chassis number/VIN	M	

Member State of registration	M	
Make	M	(D.1 ⁽⁴⁾) e.g. Ford, Opel, Renault
Commercial type of the vehicle	M	(D.3) e.g. Focus, Astra, Megane
EU Category Code	M	(J) e.g. mopeds, motorbikes, cars
Euro emissions class	M	e.g. Euro 4, Euro 6

(³) M = mandatory when available in national register, O = optional.

(⁴) Harmonised Union code, see Directive 1999/37/EC.’

- (1) CO₂ emission class– O - only for heavy-duty vehicles
- (2) Date of reclassification – O - only for heavy-duty vehicles
- (3) CO₂ in g/tkm – O - only for heavy-duty vehicles
- (4) maximum mass of the vehicle

Article 4

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OJ: add the date of entry into force plus two years] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 5

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 6

This Directive is addressed to the Member States.

Done at Brussels,
For the European Parliament
The President

For the Council
The President

- (1) Annexes 0, II, III, IIIa, IIIb and IV are amended as follows:
 (a) in Annex 0, Section 3 is amended as follows:
 (iii) the following is added:

‘EURO VI Emission Limits

	Limit values							
	CO (mg/kWh)	THC (mg/kWh)	NMHC (mg/kWh)	CH ₄ (mg/kWh)	NO _x ⁽¹⁾ (mg/kWh)	NH ₃ (ppm)	PM mass (mg/kWh)	PM number (#/kWh)
WHSC (CI)	1500	130			400	10	10	8,0 x 10 ¹¹
WHTC (CI)	4000	160			460	10	10	6,0 x 10 ¹¹
WHTC (PI)	4000		160	500	460	10	10	6,0 x 10 ¹¹

Note:

PI = Positive Ignition.

CI = Compression Ignition.

- (1) The admissible level of NO₂ component in the NO_x limit value may be defined at a later stage.’

(b) Annex II is amended as follows:¹

‘ANNEX II

MAXIMUM AMOUNTS IN EURO OF USER CHARGES, INCLUDING
ADMINISTRATIVE COSTS, REFERRED TO IN ARTICLE 7a(2)

Annual

	maximum three axles	minimum four axles
EURO 0	1899	3185 ²
EURO I	1651	2 757
EURO II	1 428	2 394
EURO III	1242	2 073
EURO IV	1081	1 803
EURO V	940	1 567
EURO VI	855	1 425

Monthly weekly and daily

Maximum monthly weekly and daily rates are in proportion to the duration of the use made of the infrastructure.

1 Please note that this Annex was not included in the Commission proposal. Changes in bold underlined or [...] are made to the current text of the directive.

2 Please note that, in the Council mandate, the first digit was unintentionally missing.

(c) Annex III is amended as follows:

(i) Section 2 is amended as follows:

- in point 2.1., the sixth indent is replaced by the following:

‘— Costs shall be apportioned to heavy-duty vehicles on an objective and transparent basis taking account of the proportion of heavy-duty vehicle traffic to be carried on the network and the associated costs. The vehicle kilometres travelled by heavy-duty vehicles may for this purpose be adjusted by objectively justified ‘equivalence factors’ such as those set out in point 4³.’;

in point 2.2., the second indent is replaced by the following:

‘— Such costs shall be apportioned between heavy-duty vehicles and other traffic on the basis of actual and forecast shares of vehicle kilometres and may be adjusted by objectively justified equivalence factors such as those set out in point 4.’;

3 The application of equivalence factors by Member States may take account of road construction developed on a phased basis or using a long life cycle approach.

- (ii) in Section 4, the heading and the first indent are replaced by the following:
- ‘4. Share of heavy-duty vehicle traffic, equivalence factors and correction mechanism’;:
- ‘— The calculation of tolls shall be based on actual or forecast shares of heavy-duty vehicle kilometres adjusted, if desired, by equivalence factors, to make due allowance for the increased costs of constructing and repairing infrastructure for use by heavy-duty vehicles.’;

- (d) Annex IIIa is replaced by the following:
‘ANNEX IIIa

MINIMUM REQUIREMENTS FOR LEVYING AN EXTERNAL-COST CHARGE

This Annex sets out the minimum requirements for levying an external-cost charge and, where applicable, for calculating the maximum external-cost charge.

1. The parts of the road network concerned
The Member State shall specify precisely the part or parts of their road network which are to be subject to an external-cost charge.

Where a Member State intends to levy an external-cost charge on only a part or parts of the road network composed of its share in the trans-European network and of its motorways, the part or parts shall be chosen after an assessment establishing that the imposition of an external-cost charge on other parts of the road network thus composed might have adverse effects on the environment, public health or road safety.

From [OJ: add the date of entry into force + four years], a Member State that intends not to levy an external-cost charge for air pollution on specific sections of its tolled road network, it shall choose those sections also based on such an assessment.

2. The vehicles, roads and time period covered
Where a Member State intends to apply higher external-cost charges than the reference values specified in Annex IIIb or Annex IIIc, it shall notify the Commission of the classification of vehicles according to which the external-cost charge shall vary. Where applicable, it shall notify the Commission of the location of roads subject to higher external-cost charges (called hereafter ‘suburban roads (including motorways)’), and of roads subject to lower external-cost charges (called hereafter ‘interurban roads (including motorways)’).

Where applicable, it shall also notify the Commission of the exact time periods corresponding to the night period during which a higher external noise-cost charge may be imposed to reflect greater noise nuisances.

The classification of roads as suburban roads (including motorways) and interurban roads (including motorways), and the definition of time periods shall be based on objective criteria related to the level of exposure of the roads and their vicinities to pollution such as population density, the annual mean air pollution (in particular for PM₁₀ and NO₂) and the number of days (for PM₁₀) and hours (NO₂) on which limit values established under Directive 2008/50/EC are exceeded. The criteria used shall be included in the notification.

3. Amount of the charge

This section shall apply where a Member State intends to apply higher external cost charges than the reference values specified in Annex IIIb or Annex IIIc. For each vehicle class, type of road and time period, as applicable, the Member State or, where appropriate, an independent authority shall determine a single specific amount. The resulting charging structure shall be transparent, made public and available to all users on equal terms. The publication should occur in a timely manner before implementation. All parameters, data and other information necessary to understand how the various external-cost elements are calculated shall be made public.

When setting the charges, the Member State or, where appropriate, an independent authority shall be guided by the principle of efficient pricing that is a price close to the social marginal cost of the usage of the vehicle charged. The charge shall be set after having considered the risk of traffic diversion together with any adverse effects on road safety, the environment and congestion, and any solutions to mitigate these risks.

The Member State or, where appropriate, an independent authority, shall monitor the effectiveness of the charging scheme in reducing environmental damage arising from road transport. It shall every two years adjust, where appropriate, the charging structure and the specific amount of the charge set for a given class of vehicle, type of road and period of time to the changes in transport supply and demand.

4. External-cost elements

4.1. Cost of traffic-based air pollution

Where a Member State intends to apply higher external-cost charges than the reference values specified in Annex IIIb, that Member State or, where appropriate, an independent authority shall calculate the chargeable cost of traffic-based air pollution by applying the following formula:

$$PCV_{ij} = \sum_k EF_{ik} \times PC_{jk}$$

where:

— PCV_{ij} = air pollution cost of vehicle class i on road type j (euro/vehicle.kilometre)

— EF_{ik} = emission factor of pollutant k and vehicle class i (gram/vehicle.kilometre)

— PC_{jk} = monetary cost of pollutant k for type of road j (euro/gram)

The emission factors shall be the same as those used by the Member State to establish the national emissions inventories provided for in Directive (EU) 2016/2284 of the European Parliament and of the Council of on the reduction of national emissions of certain atmospheric pollutants⁴ (which requires use of the EMEP/EEA air pollutant Emission Inventory Guidebook⁵). The monetary cost of pollutants shall be estimated by the Member State or, where appropriate, the independent authority referred to in Article 7c(2), using scientifically proven methods.

The Member State or, where appropriate, an independent authority may apply scientifically proven alternative methods to calculate the value of air pollution costs using data from air pollutant measurement and the local value of the monetary cost of air pollutants.

4 Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p. 1)

5 Methodology of the European Environmental Agency:
<http://www.eea.europa.eu/publications/emep-eea-guidebook-2016>

4.2. Cost of traffic-based noise pollution

Where a Member State intends to apply higher external-cost charges than the reference values specified in Annex IIIb, the Member State or, where appropriate, an independent authority shall calculate the chargeable cost of traffic-based noise pollution by applying the following formulae:

$$NCV_j \text{ (daily)} = e \times \sum_k NC_{jk} \times POP_k / WADT$$

$$NCV_j \text{ (day)} = a \times NCV_j$$

$$NCV_j \text{ (night)} = b \times NCV_j$$

where:

- NCV_j = noise cost of one heavy goods vehicle on road type j (euro/vehicle.kilometre)
- NC_{jk} = noise cost per person exposed on road type j to noise level k (euro/person)
- POP_k = population exposed to daily noise level k per kilometre (person/kilometre)
- $WADT$ = weighted average daily traffic (passenger car equivalent)
- a and b are weighting factors determined by the Member State in such a way that the resulting weighted average noise charge per vehicle kilometre corresponds to NCV_j (daily).

The traffic-based noise pollution relates to the impact of noise on health of citizens around the road.

The population exposed to noise level k shall be taken from the strategic noise maps drafted under Article 7 of Directive 2002/49/EC of the European Parliament and the Council⁶, or other equivalent data source.

The cost per person exposed to noise level k shall be estimated by the Member State or, where appropriate, an independent authority, using scientifically proven methods.

The weighted average daily traffic shall assume an equivalence factor 'e' between heavy goods vehicles and passenger cars derived on the basis of the noise emission levels of the average car and of the average heavy goods vehicle and considering the Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC.

The Member State or, where appropriate, an independent authority, may establish differentiated noise charges to reward the use of quieter vehicles provided it does not result in discrimination against foreign vehicles.

6 Directive 2002/49/EC of the European Parliament and the Council of 25 June 2002 relating to the assessment and management of environmental noise (OJ L 189, 18.7.2002, p. 12).

4.3. Cost of traffic-based CO₂ emission

Where a Member State intends to apply an external cost charge for CO₂ emission higher than the reference values set out in Annex IIIc, that Member State or, where appropriate, an independent authority shall calculate the chargeable cost based on scientific evidence using the avoidance cost approach, taking into account and explaining, in particular, the following aspects:

- the choice of emission target level;
- estimation of options for mitigation;
- estimation of baseline scenario;
- risk and loss aversion;
- equity weighting.

At least six months before the implementation of such an external cost charge for CO₂ emission, the Member State shall notify the Commission.’;

(e) Annex IIIb is replaced by the following:

‘ANNEX IIIb

REFERENCE VALUES OF THE EXTERNAL-COST CHARGE

This Annex sets out reference values of the external-cost charge, including the cost of air pollution and noise.

Table 1: reference values of the external-cost charge for heavy goods vehicles

Vehicle class	cent/vehicle-kilometre	Suburban ⁽¹⁾	Interurban ⁽²⁾
Heavy goods vehicle having a technically permissible maximum laden mass of less than 12 tonnes or having two axles	EURO 0	18,6	9,9
	EURO I	12,6	6,4
	EURO II	12,5	6,3
	EURO III	9,6	4,8
	EURO IV	7,3	3,4
	EURO V	4,4	1,8
	EURO VI	2,3	0,5
	Less polluting than EURO VI, including zero-emission vehicles	2,0	0,3
Heavy goods vehicle having a technically permissible maximum laden mass between 12 and 18 tonnes or having three axles	EURO 0	24,6	13,7
	EURO I	15,8	8,4
	EURO II	15,8	8,4
	EURO III	12,5	6,6
	EURO IV	9,2	4,5
	EURO V	5,6	2,7
	EURO VI	2,8	0,7
	Less polluting than EURO VI, including zero-emission vehicles	2,3	0,3
Heavy goods vehicle having a technically permissible maximum laden mass between 18 and 32 tonnes or having four axles	EURO 0	27,8	15,8
	EURO I	20,4	11,3
	EURO II	20,4	11,2
	EURO III	16,3	8,9
	EURO IV	11,8	6,0
	EURO V	6,6	3,4
	EURO VI	3,1	0,8
	Less polluting than EURO VI,	2,5	0,3

	including zero-emission vehicles		
Heavy goods vehicle having a technically permissible maximum laden mass above 32 tonnes or having 5 or more axles	EURO 0	33,5	19,4
	EURO I	25,0	14,1
	EURO II	24,9	13,9
	EURO III	20,1	11,1
	EURO IV	14,2	7,5
	EURO V	7,6	3,8
	EURO VI	3,4	0,8
	Less polluting than EURO VI, including zero-emission vehicles	2,8	0,3

- (1) 'Suburban' means areas with a population density between 150 and 900 inhabitants/km² (median population density of 300 inhabitants/km²).
- (2) 'Interurban' means areas with a population density below 150 inhabitants/km².

The values of Table 1 may be multiplied by a factor of up to 2 in mountain areas and around agglomerations to the extent that it is justified by lower dispersion, the gradient of roads, altitude or temperature inversions. If there is scientific evidence for a higher mountain or agglomeration factor, this reference value can be increased based on a detailed justification.

(ea) New Annex IIIc is inserted as follows:

‘ANNEX IIIc

REFERENCE VALUES OF THE EXTERNAL-COST CHARGE FOR CO₂ EMISSIONS

This Annex sets out reference values of the external-cost charge taking into account the cost of CO₂ emissions.

Table 1: reference values of the external-cost charge for CO₂ emissions for heavy goods vehicles

Vehicle class		cent/vehicle-kilometre	Interurban roads (including motorways)
Heavy goods vehicle having a technically permissible maximum laden mass of less than 12 tonnes or having two axles	CO ₂ Class 1	EURO 0	4,5
		EURO I EURO II EURO III EURO IV EURO V EURO VI	4,0
	CO ₂ Class 2		3,8
	CO ₂ Class 3		3,6
	Low-emission vehicle		2,0
	Zero-emission vehicle		0
Heavy goods vehicle having a technically permissible maximum laden mass between 12 and 18 tonnes or having three axles	CO ₂ Class 1	EURO 0	6,0
		EURO I EURO II EURO III	5,2
		EURO IV EURO V EURO VI	5,0
	CO ₂ Class 2		4,8
	CO ₂ Class 3		4,5
	Low-emission vehicle		2,5
	Zero-emission vehicle		0

Vehicle class		cent/vehicle-kilometre	Interurban roads (including motorways)
Heavy goods vehicle having technically permissible maximum laden mass between 18 and 32 tonnes or having four axles	CO ₂ Class 1	EURO 0	7,9
		EURO I	
		EURO II	6,9
		EURO III	
		EURO IV	6,7
		EURO V	
		EURO VI	
	CO ₂ Class 2		[6,4]
	CO ₂ Class 3		[6,0]
	Low-emission vehicle		3,4
Heavy goods vehicle having a technically permissible maximum laden mass above 32 tonnes or having 5 or more axles	CO ₂ Class 1	Zero-emission vehicle	0
		EURO 0	9,1
		EURO I	8,1
		EURO II	
		EURO III	
		EURO IV	8,0
		EURO V	
		EURO VI	
	CO ₂ Class 2		7,6
	CO ₂ Class 3		7,2
	Low-emission vehicle		4,0
	Zero-emission vehicle		0

- (f) in Annex IV, the table with the heading ‘Vehicle combinations (articulated vehicles and road trains)’ is replaced by the following:

‘VEHICLE COMBINATIONS (ARTICULATED VEHICLES AND ROAD TRAINS)’

Driving axles with air suspension or recognised as equivalent	Other driving axle suspension systems	Damage class
Number of axles and technically permissible maximum laden mass (in tonnes)	Number of axles and technically permissible maximum laden mass (in tonnes)	

Not less than	Less than	Not less than	Less than	
2 + 1 axles				
7,5	12	7,5	12	I
12	14	12	14	
14	16	14	16	
16	18	16	18	
18	20	18	20	
20	22	20	22	
22	23	22	23	
23	25	23	25	
25	28	25	28	
2 + 2 axles				
23	25	23	25	
25	26	25	26	
26	28	26	28	
28	29	28	29	
29	31	29	31	II
31	33	31	33	
33	36	33	36	III
36	38			
2 + 3 axles				II
36	38	36	38	
38	40			
		38	40	III
2 + 4 axles				II
36	38	36	38	

38	40			
		38	40	III
3 + 1 axles				II
30	32	30	32	
32	35			
		32	35	III
3 + 2 axles				II
36	38	36	38	
38	40			
		38	40	III
		40	44	
40	44			
3 + 3 axles				
36	38	36	38	I
38	40			
		38	40	II
40	44	40	44	
7 axles				
40	50	40	50	II
50	60	50	60	III
60		60		
At least 8 axles				
40	50	40	50	I
50	60	50	60	II
60		60		III

- (g) the following Annexes V, VI and VII are added:
'ANNEX V

MINIMUM REQUIREMENTS FOR LEVYING A CONGESTION CHARGE

This Annex sets out the minimum requirements for levying a congestion charge.

1. The parts of the network subject to congestion charging, vehicles and time periods covered

Member States shall specify precisely:

- (a) the part or parts of their network composed of their share in the trans-European road network and their motorways referred to in Article 7(1), which are to be subject to a congestion charge, in accordance with Article 7da(1) and (3).
- (b) the classification of sections of the network which are subject to the congestion charge as “metropolitan” and “non-metropolitan”. Member States shall use the criteria set out in Table 1 for the purposes of determining the classification of each road segment.

Table1: Criteria for classifying roads on the network referred to in points (a) as “metropolitan” and “non-metropolitan”:

Road category	Classification criterion
“metropolitan”	Sections of the network running inside agglomerations with a population of 250,000 inhabitants or more
“non-metropolitan”	Sections of the network which are not qualified as 'metropolitan'

- (c) the periods during which the charge applies, for each individual segment. Where different charge levels apply throughout the charging period, Member States shall clearly specify the beginning and the end of each period during which a specific charge is applied.

Member States shall use the equivalence factors provided in Table 2 for the purpose of establishing the proportion between charge levels for different vehicle categories:

Table 2: Equivalence factors for establishing the proportion between congestion charge levels for different vehicle categories

Vehicle category	Equivalence factor
Light-duty vehicles	1
Rigid heavy goods vehicles	1.9
Coaches and buses	2.5
Articulated heavy goods vehicles	2.9

2. Amount of the charge

For each vehicle category, road segment and time period, the Member State or, where appropriate, an independent authority shall determine a single specific amount, set in accordance with the provisions of Section 1 of this Annex, taking into account the corresponding reference value set out in the table in Annex VI. The resulting charging structure shall be transparent, made public and available to all users on equal terms.

The Member State shall publish all of the following in a timely manner before implementing a congestion charge:

- (a) all parameters, data and other information necessary to understand how the classification of roads and vehicles and determination of periods of application of the charge are established;
- (b) the complete description of congestion charges applying to each vehicle category on each road segment and for each time period.

Member States shall make available to the Commission all information to be published pursuant to points (a) and (b).

The charge shall be set only after having considered the risk of traffic diversion together with any adverse effects on road safety, the environment and congestion, and any solutions to mitigate these risks.

Where a Member State intends to apply higher congestion charges than the reference values specified in Annex VI, it shall notify the Commission of:

- (i) the location of roads subject to congestions charges;
- (ii) the classification of roads as ‘metropolitan’ and ‘non-metropolitan’, as specified under point (b) of section 1;
- (iii) the periods during which the charge applies, as specified under point (c) of section 1;
- (iv) any partial or full exemption applied to minibuses, buses and coaches.

3. Monitoring

The Member State or, where appropriate, an independent authority, shall monitor the effectiveness of the charging scheme in reducing congestion. It shall adjust every three years, where appropriate, the charging structure, charging period(s) and the specific amount of the charge set for each given category of vehicle, type of road and period to the changes in transport supply and demand.

ANNEX VI

REFERENCE VALUES OF CONGESTION CHARGE

This Annex sets out the reference values of congestion charge.

The reference values provided for in the table below shall be applied to light-duty vehicles.

Charges for other vehicle categories shall be established by multiplying the charge applied to light-duty vehicles by the equivalence factors provided in the table in Annex V.

Table: Reference values of congestion charge for light-duty vehicles:

cent/vehicle-kilometre	Metropolitan	Non-metropolitan
Motorways	25,9	23,7
Main roads	61,0	41,5

ANNEX VII EMISSION PERFORMANCE

This Annex specifies the emission performance for pollutants according to which tolls and user charges shall be differentiated in accordance with Article 7ga(1)(b).

Table: emission performance criteria for pollutants for light-duty vehicles

Toll and user charge	5-15 % below highest rate	15-25 % below highest rate	25-35 % below highest rate	Up to 75 % below highest rate
Emission performance	Euro-6d-temp-x [#]	Euro-6d-x [#]	Declared maximum RDE values for pollutant emissions ^{**} < 80 % of the applicable emission limits	Zero-emission vehicles

* where x may be empty or be one of the following (EVAP, EVAP-ISC, ISC or ISC-FCM)

** for both NO_x and PN as reported in point 48.2 of the Certificate of Conformity, in Annex IX to Directive 2007/46/EC