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2009

Committee on Transport and Tourism

2008/0147(COD)

15.10.2008

*****I**

DRAFT REPORT

on the 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(2008)0436 – C6-0276/2008 – 2008/0147(COD))

Committee on Transport and Tourism

Rapporteur: Saïd El Khadraoui

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the 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(2008)0436 – C6-0276/2008 – 2008/0147(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0436),
 - having regard to Article 251(2) and Article 71(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0276/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Industry, Research and Energy (A6-0000/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Proposal for a directive – amending act
Recital 5

Text proposed by the Commission

(5) In order to move towards a sustainable transport policy, transport prices should better reflect the costs related to ***traffic-based air pollution, traffic-based noise pollution, climate change and congestion caused by the actual use of vehicles, trains, planes or ships as a means of optimising the use of infrastructure, reducing local pollution, managing congestion and fighting against climate change at least cost for the economy.*** This calls for a ***stepwise*** approach in all

Amendment

(5) In order to move towards a sustainable transport policy, transport prices should better reflect the ***external*** costs related to ***the*** use of vehicles, trains, planes or ships. This calls for a ***coherent and ambitious*** approach in all transport modes, taking into account their particular characteristics.

transport modes, taking into account their particular characteristics.

Or. en

Justification

To ensure that the policy measures aiming at internalising external costs are undertaken for all transport modes in order to guarantee a level playing field between them.

Amendment 2

**Proposal for a directive – amending act
Recital 5 a (new)**

Text proposed by the Commission

Amendment

(5a) Other transport modes have already started to internalise external costs and the relevant Community legislation either phases in such internalization or at least does not prevent it. CO₂ emissions should be tackled by including aviation in the Emissions Trading Scheme (ETS). The provision of electricity for trains is also covered by the ETS and maritime transport is to be included in the ETS shortly. Other external costs can be internalised through airport charges, which can be differentiated for environmental purposes and through infrastructure charges for the use of railways pursuant to Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure¹. Moreover, the Commission is due to propose a recast of the First Railway Package in order to introduce harmonised noise-related track access charging schemes.

¹ OJ L 75, 15.3.2001, p. 29.

Or. en

Justification

The Commission Greening transport inventory (COM(2008)433) gives an overview of the large number and diverse measures that are already in place to reduce the negative impacts of transport. The Impact assessment: Strategy for an internalisation of external costs (SEC(2008) 2208) focuses on the internalisation of external costs of noise, air pollution, climate change, congestion and accidents from all transport modes through pricing instruments such as charges, taxes or tradable permits.

Amendment 3

Proposal for a directive – amending act

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) According to Article 7 of Directive 2001/14/EC, which sets out the charging principles for the use of railway infrastructure, internalization of external costs is already possible. However, in order to modulate track access charges more widely and have a complete internalization of external costs in the railway sector, it is a precondition that the road transport sector also applies external cost charging.

Or. en

Justification

Article 7 of Directive 2001/14 sets out the charging principles in railways. According to this Directive, infrastructure managers are obliged to charge all trains for access to infrastructure to recover the costs of operating the train service. Charging of scarcity and environmental costs is also allowed. However, Article 7, 5 is restrictive: "charging of environmental costs which results in an increase in the overall revenue accruing to the infrastructure manager shall however be allowed only if such charging is applied at a comparable level to competing modes of transport".

Amendment 4

Proposal for a directive – amending act Recital 7

Text proposed by the Commission

(7) The impact analysis shows that applying tolls calculated on the basis of the cost of pollution, and, on congested roads, on the basis of the cost of congestion, would have a positive effect on the transport system and contribute to the Community strategy to fight climate change. It would reduce congestion and local pollution by encouraging the use of cleaner vehicle technologies, optimising logistic behaviour and reducing empty returns. It would *indirectly* play an important role in reducing fuel consumption and contributing to the fight against climate change. Tolls which integrate a cost element related to congestion for using congested roads into their calculation will be more effective in reducing congestion if Member States include other road users outside the scope of this Directive in a scheme of a similar nature.

Amendment

(7) The impact analysis shows that applying tolls calculated on the basis of the cost of ***climate change and*** pollution, and, on congested roads, on the basis of the cost of congestion, would have a positive effect on the transport system and contribute to the Community strategy to fight climate change. It would reduce congestion and local pollution by encouraging the use of cleaner vehicle technologies, optimising logistic behaviour and reducing empty returns. It would play an important role in reducing fuel consumption and contributing to the fight against climate change. Tolls which integrate a cost element related to congestion for using congested roads into their calculation will be more effective in reducing congestion if Member States include other road users outside the scope of this Directive in a scheme of a similar nature. ***Excluding the possibility of charging heavy goods vehicles for their congestion costs in this Directive would impede Member States from opting for this policy measure in the first place.***

Or. en

Amendment 5

Proposal for a directive – amending act Recital 8

Text proposed by the Commission

(8) The costs of traffic-based air and noise pollution and congestion, such as health costs, including medical care, crop losses

Amendment

(8) The polluter pays principle will be implemented through the external cost charging and this will also contribute to the

and other loss of production, and welfare costs, are borne within the territory of the Member State in which the use of transport takes place. The polluter pays principle will be implemented through the external cost charging and this will also contribute to the reduction of external costs.

reduction of external costs.

Or. en

Amendment 6

Proposal for a directive – amending act Recital 9

Text proposed by the Commission

(9) The model devised by the Commission for calculating the *costs of traffic-based air and noise pollution and congestion* external costs provides reliable methods and a range of unit values which can already serve as a basis for the calculation of road user charges.

Amendment

(9) The model devised by the Commission for calculating the external costs provides reliable methods and a range of unit values which can already serve as a basis for the calculation of road user charges.

Or. en

Amendment 7

Proposal for a directive – amending act Recital 12

Text proposed by the Commission

(12) Time-based user charges levied on a daily, weekly, monthly or annual basis should not discriminate against occasional users, since a high proportion of such users are likely to be non-national hauliers. A more detailed ratio between daily, weekly, monthly and annual rates should therefore be fixed.

Amendment

(12) Time-based user charges levied on a daily, weekly, monthly or annual basis should not discriminate against occasional users, since a high proportion of such users are likely to be non-national hauliers. A more detailed ratio between daily, weekly, monthly and annual rates should therefore be fixed. *For reasons of efficiency and fairness, time-based user charges should*

be considered as a transitional instrument for charging of infrastructure. A phasing out of time-based charging systems should therefore be taken into consideration at the latest by 2013.

Or. en

Amendment 8

Proposal for a directive – amending act Recital 24

Text proposed by the Commission

(24) In accordance with the transport policy objectives of this Directive, the additional revenue generated from an external cost charge should be used *for projects with a broad Community interest and designed* to promote sustainable mobility at large. Such projects should therefore relate to facilitating efficient pricing, reducing road transport pollution at source, mitigating its effects, improving CO₂ and energy performance of vehicles, and developing alternative infrastructure for transport users. It includes, for example, research and development on cleaner vehicles and the implementation of the transport part of the action plans under Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management and Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise, which may comprise measures to mitigate traffic-based noise and air pollution around large infrastructure and in agglomerations. Earmarking this revenue does not release Member States from the obligation laid down in Article 88(3) of the Treaty to notify the Commission of certain national measures, nor does it prejudice the outcome

Amendment

(24) In accordance with the transport policy objectives of this Directive, the additional revenue generated from an external cost charge should be used *to reduce the external costs of the transport system and* to promote sustainable mobility at large. Such projects should therefore relate to facilitating efficient pricing, reducing road transport pollution at source, mitigating its effects, improving CO₂ and energy performance of vehicles, and developing alternative infrastructure for transport users. It includes, for example, research and development on cleaner vehicles and the implementation of the transport part of the action plans under Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management and Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise, which may comprise measures to mitigate traffic-based noise and air pollution around large infrastructure and in agglomerations. Earmarking this revenue does not release Member States from the obligation laid down in Article 88(3) of the Treaty to notify the Commission of certain national measures, nor does it prejudice the outcome

of any procedures initiated under Articles 87 and 88 of the Treaty.

of any procedures initiated under Articles 87 and 88 of the Treaty.

Or. en

Amendment 9

Proposal for a directive – amending act Recital 26

Text proposed by the Commission

(26) A comprehensive assessment of the experience acquired in those Member States which apply an external cost charge in accordance with this Directive should be sent in due time by the Commission to the European Parliament and the Council. This assessment should also include an analysis of progress in the strategy to fight climate change, including in defining a common fuel tax element related to climate change in Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity, including of the fuel used by heavy goods vehicles. In the light of this *progress, the question of carbon dioxide emissions should be included and an analysis of any other further appropriate actions should be continued.*

Amendment

(26) A comprehensive assessment of the experience acquired in those Member States which apply *an infrastructure and/or* an external cost charge in accordance with this Directive should be sent in due time by the Commission to the European Parliament and the Council. This assessment should also include an analysis of progress in the strategy to fight climate change, including in defining a common fuel tax element related to climate change in Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity, including of the fuel used by heavy goods vehicles. *This assessment should also include a progress report on the internalization process for all modes of transport.* In the light of this *comprehensive assessment, the Commission should propose a further revision of Directive 1999/62/EC, also taking into account further externalities to be included, the possibility to impose a mandatory charging system and the possibility to phase out time-based charging systems.*

Or. en

Amendment 10

Proposal for a directive – amending act Recital 29

Text proposed by the Commission

(29) In particular, the Commission should be empowered to adapt Annexes 0, III, IIIa and IV to technical and scientific progress, and Annexes I *and* II to inflation. Since those measures are of general scope and are designed to amend non-essential elements of this directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Amendment

(29) In particular, the Commission should be empowered to adapt Annexes 0, III, IIIa and IV to technical and scientific progress, and Annexes I, II *and IIIa* to inflation. Since those measures are of general scope and are designed to amend non-essential elements of this directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Or. en

Amendment 11

Proposal for a directive – amending act Article 1 – point 1 Directive 1999/62/EC Article 2 – point bb

Text proposed by the Commission

(bb) ‘external cost charge’ means a charge levied through a toll for the purpose of recovering the costs incurred by a Member State related to traffic-based air pollution, traffic-based noise pollution and congestion;

Amendment

(bb) 'external cost charge' means a charge levied through a toll for the purpose of recovering the costs incurred by a Member State related to *climate change*, traffic-based air pollution, traffic-based noise pollution and congestion;

Or. en

Amendment 12

Proposal for a directive – amending act Article 1 – point 1 Directive 1999/62/EC Article 2 – point bb a (new)

Text proposed by the Commission

Amendment

(bb a) 'cost of climate change' means the costs caused by traffic-based greenhouse gas emissions;

Or. en

Amendment 13

Proposal for a directive – amending act

Article 1 – point 2

Directive 1999/62/EC

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall not impose within their territory both tolls and user charges ***on any given category of vehicle***. However, a Member States which imposes a user charge on its network may also impose tolls for the use of bridges, tunnels and mountain passes.

2. Member States shall not impose within their territory both tolls and user charges. However, a Member States which imposes a user charge on its network may also impose tolls for the use of bridges, tunnels and mountain passes.

Or. en

Justification

Deletion estimated necessary in order to exclude any possibility for a parallel system: e.g. time-based charging for lighter lorries, distance based charging for heavier lorries.

Amendment 14

Proposal for a directive – amending act

Article 1 – point 2

Directive 1999/62/EC

Article 7 – paragraph 5 - introductory part

Text proposed by the Commission

Amendment

5. Until 31 December 2011, a Member State may choose to apply tolls and/or user charges only to vehicles having a

5. Until 31 December 2011, a Member State may choose to apply tolls and/or user charges only to vehicles having a

maximum permissible laden weight of not less than 12 tonnes. From 1 January 2012, tolls and/or user charges shall be applied to all vehicles within the meaning of Article 2(d) ***unless a Member State considers that an extension to vehicles of less than 12 tonnes would:***

maximum permissible laden weight of not less than 12 tonnes. From 1 January 2012, tolls and/or user charges shall be applied to all vehicles within the meaning of Article 2(d).

Or. en

Justification

The legislator had already in 2006 decided to extend the vehicle scope to 3,5 tonnes. To grant exemption on the basis of these factors means de facto to have a completely arbitrary scope. Member States are free to impose charging also on secondary roads if they fear detours.

Amendment 15

Proposal for a directive – amending act

Article 1 – point 2

Directive 1999/62/EC

Article 7 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) create significant adverse effects on the free flow of traffic, the environment, noise levels, congestion or health; or

deleted

Or. en

Justification

The legislator had already in 2006 decided to extend the vehicle scope to 3,5 tonnes. To grant exemption on the basis of these factors means de facto to have a completely arbitrary scope. Member States are free to impose charging also on secondary roads if they fear detours.

Amendment 16

Proposal for a directive – amending act

Article 1 – point 2

Directive 1999/62/EC

Article 7 – paragraph 5 – point b

Text proposed by the Commission

Amendment

(b) involve administrative costs of more than 30% of the additional revenue which would have been generated by that extension.

deleted

Or. en

Justification

The legislator had already in 2006 decided to extend the vehicle scope to 3,5 tonnes. To grant exemption on the basis of these factors means de facto to have a completely arbitrary scope. Concerning (a): Member States are free to impose charging also on secondary roads if they fear detours.

Amendment 17

Proposal for a directive – amending act

Article 1 – point 2

Directive 1999/62/EC

Article 7a – paragraph 1

Text proposed by the Commission

Amendment

1. User charges shall be in proportion to the duration of the use made of the infrastructure and shall be available for the duration of a day, week, month and a year. In particular, the annual rate shall be no less than 80 times the daily rate, the monthly rate shall be no less than 13 times the daily rate and the weekly rate shall be no less than five times the daily rate.

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

1. User charges shall be in proportion to the duration of the use made of the infrastructure and shall be available for the duration of a day, week, month and a year. In particular, the annual rate shall be no less than 80 times the daily rate, the monthly rate shall be no less than 13 times the daily rate and the weekly rate shall be no less than five times the daily rate.

Or. en

Justification

One of the main reasons for the Eurovignette directive is to avoid discrimination within the EU.

Amendment 18

Proposal for a directive – amending act

Article 1 – point 2

Directive 1999/62/EC

Article 7b – paragraph 2

Text proposed by the Commission

2. The external cost charge shall be related to the cost of traffic-based air pollution, the cost of traffic-based noise pollution, or **both**. On road sections subject to congestion the external cost charge may also include the cost of congestion during the periods when these road sections are usually congested.

Amendment

2. The external cost charge shall be related to the cost of **climate change**, traffic-based air pollution, the cost of traffic-based noise pollution, or **all of them**. On road sections subject to congestion the external cost charge may also include the cost of congestion during the periods when these road sections are usually congested.

Or. en

Justification

Linked to AM 11. The empowering character of the Eurovignette directive from 1999 until now sets only the frame for Member States charging options. It is up to Member States to decide which externalities are necessary to internalise. This is also in line with the Directive 2004/52/EC on the interoperability of electronic road toll systems.

Amendment 19

Proposal for a directive – amending act

Article 1 – point 2

Directive 1999/62/EC

Article 7c – paragraph 2

Text proposed by the Commission

2. The amount of the external cost charge for each combination of class of vehicle, type of road and time period shall be set in accordance with the minimum requirements, the common **formulae and the maximum chargeable external costs** in Annex IIIa.

Amendment

2. The amount of the external cost charge for each combination of class of vehicle, type of road and time period shall be set in accordance with the minimum requirements, the common **methods or the external cost values** in Annex IIIa.

Justification

The minimum requirements and the methods are generally accepted and sound, reporting requirements are foreseen so that proportionality and equity will be verifiable. The defaults values may be a helpful alternative especially for Member States which have not enough specific data to use the method.

Amendment 20**Proposal for a directive – amending act****Article 1 – point 2**

Directive 1999/62/EC

Article 7e – paragraph 6

*Text proposed by the Commission**Amendment*

6. The amount of the mark-up shall be deducted from the amount of the external cost charge calculated in accordance with Article 7c. **deleted**

Justification

The reason for the mark up is to give MS further possibilities to finance the construction of priority projects of European interest and is not linked to the internalisation of external costs.

Amendment 21**Proposal for a directive – amending act****Article 1 – point 2**

Directive 1999/62/EC

Article 7i – paragraph 5

*Text proposed by the Commission**Amendment*

5. However, until 31 December **2013**, an external cost charge may be levied and collected by means of an existing tolling arrangement. In such a case, the Member State concerned shall notify the Commission of its plan to switch to a

5. However, until 31 December **2018**, an external cost charge may be levied and collected by means of an existing tolling arrangement. In such a case, the Member State concerned shall notify the Commission of its plan to switch to a

system which complies with the requirements of paragraph 4 by 31 December **2013** at the latest.

system which complies with the requirements of paragraph 4 by 31 December **2018** at the latest.

Or. en

Justification

Para 4 impedes the introduction of external cost charging in MS using charging systems with roadside barriers. Transition to barrier free charging systems should be encouraged but Member States (in most cases: the concessionary companies) need more time.

Amendment 22

Proposal for a directive – amending act

Article 1 – point 4

Directive 1999/62/EC

Article 9 – paragraph 1a

Text proposed by the Commission

1a. This Directive shall not prevent the non-discriminatory application by Member States of regulatory charges specifically designed to reduce traffic congestion or combat environmental impacts, including poor air quality, on any urban road **located in a built up area**.

Amendment

1a. This Directive shall not prevent the non-discriminatory application by Member States of regulatory charges specifically designed to reduce traffic congestion or combat environmental impacts, including poor air quality, on any urban road.

Or. en

Justification

This article means de facto that urban roads are out of the geographical scope of the directive. Member States, or better the local authorities are free to opt for regulatory charges (as already in place in different towns). This possibility should unambiguously be possible for the whole urban territory.

Amendment 23

Proposal for a directive – amending act

Article 1 – point 4

Directive 1999/62/EC

Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

A Member State in which an infrastructure charge is levied shall determine the use to be made of revenue generated by that charge. To enable the transport network to be developed as a whole, revenue from charges *should* be used to benefit the transport sector and optimise the entire transport system.

Amendment

A Member State in which an infrastructure charge is levied shall determine the use to be made of revenue generated by that charge. To enable the transport network to be developed as a whole, revenue from charges *shall* be used to benefit the transport sector and optimise the entire transport system.

Or. en

Amendment 24

Proposal for a directive – amending act

Article 1 – point 5

Directive 1999/62/EC

Article 9b

Text proposed by the Commission

The Commission shall facilitate dialogue and the exchange of technical know-how between Member States in relation to the implementation of this Directive and in particular the Annexes. The Commission shall adapt Annexes 0, III, IIIa and IV in the light of scientific and technical progress and Annexes I *and* II in the light of inflation. Those measures designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 9c(3).

Amendment

The Commission shall facilitate dialogue and the exchange of technical know-how between Member States in relation to the implementation of this Directive and in particular the Annexes. The Commission shall adapt Annexes 0, III, IIIa and IV in the light of scientific and technical progress and Annexes I, II *and IIIa* in the light of inflation. Those measures designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 9c(3).

Or. en

Amendment 25

Proposal for a directive – amending act

Article 1 – point 6

Directive 1999/62/EC

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. No later than 31 December 2010, the Commission shall present a report to the European Parliament and the Council on accident costs and on the different levels of internalization in national risk oriented insurance premiums. The report shall be accompanied by proposals to the European Parliament and the Council for a Framework Directive in order to harmonise the different levels of internalization of accident costs in Member States.

Or. en

Amendment 26

Proposal for a directive – amending act

Article 1 – point 6

Directive 1999/62/EC

Article 11 – paragraph 2 –introductory part

Text proposed by the Commission

Amendment

2. No later than 31 December 2013, the Commission shall present a report to the European Parliament and the Council on the implementation and effects of this Directive, in particular as regards the effectiveness of the provisions on the recovery of the costs related to congestion and traffic-based pollution and on the inclusion of vehicles of more than 3.5 and less than 12 tonnes. The report shall also assess:

2. No later than 31 December 2013, the Commission shall present a report to the European Parliament and the Council on the implementation and effects of this Directive, in particular as regards the effectiveness of the provisions on the recovery of the costs related to congestion, ***climate change*** and traffic-based pollution and on the inclusion of vehicles of more than 3.5 and less than 12 tonnes. The report shall also assess:

Or. en

Amendment 27

Proposal for a directive – amending act

Article 1 – point 6

Directive 1999/62/EC

Article 11 – paragraph 2 – point a

Text proposed by the Commission

(a) the relevance of integrating other external costs in the calculation of tolls, ***especially the cost of carbon dioxide emissions should the definition of a common fuel tax element related to climate change have not yielded satisfactory results, the cost of accidents and the cost of biodiversity loss;***

Amendment

(a) the relevance of integrating other external costs in the calculation of tolls;

Or. en

Justification

Linked to AM 11. Keep a more neutral formulation.

Amendment 28

Proposal for a directive – amending act

Article 1 – point 6

Directive 1999/62/EC

Article 11 – paragraph 2 – point d

Text proposed by the Commission

(d) the technical and economic feasibility of introducing on the main inter-urban roads ***minimum*** distance-based charges. The report shall identify the possible type of road sections to be charged, the possible ways of levying and enforcing in a cost-effective way such charges and a common simple method to set the minimum rates.

Amendment

(d) the technical and economic feasibility of introducing on the main inter-urban roads ***mandatory*** distance-based charges. The report shall identify the possible type of road sections to be charged, the possible ways of levying and enforcing in a cost-effective way such charges and a common simple method to set the minimum rates.

Or. en

Justification

Mandatory road charging at least for the main inter-urban roads would be an important step for a level playing field between all transport modes on infrastructure charging and also important for an increased interoperability.

Amendment 29

Proposal for a directive – amending act

Article 1 – point 6

Directive 1999/62/EC

Article 11 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the technical and economic feasibility of abolishing time-based charging systems;

Or. en

Amendment 30

Proposal for a directive – amending act

Article 1 – point 6

Directive 1999/62/EC

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The report shall be accompanied by an assessment of the progress of the internalization of external costs for all modes of transport and, by proposals to the European Parliament and the Council for further revision of this Directive.

Or. en

Amendment 31

Proposal for a directive – amending act

Annex

Directive 1999/62/EC

Annex IIIa – Title

Text proposed by the Commission

Amendment

MINIMUM REQUIREMENTS FOR
LEVYING AN EXTERNAL COST
CHARGE **AND MAXIMUM
CHARGEABLE EXTERNAL COST
ELEMENTS**

MINIMUM REQUIREMENTS FOR
LEVYING AN EXTERNAL COST
CHARGE, **COMMON METHODS AND
EXTERNAL COST VALUES**

Or. en

Justification

Linked to AM 19. The values given in the table are valuable reference points, that MS are free to use, but they should not be seen as maximum values. If Member States are able to apply the methodology and formula, indicated in this Annex, they should be entitled to charge the real external cost amount.

Amendment 32

Proposal for a directive – amending act

Annex

Directive 1999/62/EC

Annex IIIa – subparagraph 1

Text proposed by the Commission

Amendment

This Annex sets out the minimum requirements for levying an external cost charge **and the maximum authorised cost elements to be included when setting the amount.**

This Annex sets out the minimum requirements for levying an external cost charge, **common methods and external cost values.**

Or. en

Justification

Linked to AM 19.

Amendment 33

Proposal for a directive – amending act

Annex

Directive 1999/62/EC

Annex IIIa – point 1 – subparagraph 2 - introductory part

Text proposed by the Commission

Where a Member State chooses to levy an external cost charge on only a part or parts of the network, the part or parts shall be chosen after an assessment establishing that:

Amendment

A Member State may choose to levy an external cost charge on only a part or parts of the network on the basis of objective criteria.

Or. en

Justification

To impose on the MS an extensive assessment before being entitled to charge external costs, is estimated as an unnecessary administrative burden.

Amendment 34

Proposal for a directive – amending act

Annex

Directive 1999/62/EC

Annex IIIa – point 1 – subparagraph 2 – bullet point 1

Text proposed by the Commission

vehicles' use of the roads where the external cost charge is applied generates environmental damage and congestion higher than that generated on average on other parts of the road infrastructure network that are not subject to a external cost charge, or

deleted

Amendment

Or. en

Justification

To impose on the MS an extensive assessment before being entitled to charge external costs, is estimated as an unnecessary administrative burden.

Amendment 35

Proposal for a directive – amending act

Annex

Directive 1999/62/EC

Annex IIIa – point 1 – subparagraph 2 – bullet point 2

Text proposed by the Commission

Amendment

the imposition of an external cost charge on other parts of the network might have adverse effects on the environment, congestion or road safety, or levying and collecting an external cost charge on them would entail disproportionate cost. ***deleted***

Or. en

Justification

To impose on the MS an extensive assessment before being entitled to charge external costs, is estimated as an unnecessary administrative burden.

Amendment 36

Proposal for a directive – amending act

Annex

Directive 1999/62/EC

Annex IIIa – point 4 – point 4.1 – subparagraph 1 - introductory part

Text proposed by the Commission

Amendment

When a Member State chooses to include all or part the cost of traffic-based air pollution in the external cost charge, the independent authority shall calculate the chargeable cost of traffic-based air pollution by applying the following formula or by taking the unit values in Table 1 ***if the latter are lower:***

When a Member State chooses to include all or part the cost of traffic-based air pollution in the external cost charge, the independent authority shall calculate the chargeable cost of traffic-based air pollution by applying the following formula or by taking the unit values in Table 1:

Or. en

Amendment 37

Proposal for a directive – amending act

Annex

Directive 1999/62/EC

Annex IIIa – point 4 – point 4.2 – subparagraph 1 - introductory part

Text proposed by the Commission

When a Member State chooses to include all or part of the cost of traffic-based noise pollution in the external cost charge, the independent authority shall calculate the chargeable cost of traffic –based noise pollution by applying the following formulae or by taking the unit values in Table 2 **if the latter are lower**:

Amendment

When a Member State chooses to include all or part of the cost of traffic-based noise pollution in the external cost charge, the independent authority shall calculate the chargeable cost of traffic –based noise pollution by applying the following formulae or by taking the unit values in Table 2:

Or. en

Amendment 38

Proposal for a directive – amending act

Annex

Directive 1999/62/EC

Annex IIIa – point 4 – point 4.3 – subparagraph 1 - introductory part

Text proposed by the Commission

On congested roads, a Member State may choose to include all or part of the cost of congestion in the external cost charge provided that the Member State demonstrates that the congestion cost imposed by a vehicle on other users exceeds the infrastructure development cost already charged for this vehicle. In such a case, the independent authority shall calculate the chargeable congestion cost for the different periods of time by applying the following formula or by taking the unit values in Table 3 **if the latter are lower**.

Amendment

On congested roads, a Member State may choose to include all or part of the cost of congestion in the external cost charge provided that the Member State demonstrates that the congestion cost imposed by a vehicle on other users exceeds the infrastructure development cost already charged for this vehicle. In such a case, the independent authority shall calculate the chargeable congestion cost for the different periods of time by applying the following formula or by taking the unit values in Table 3.

Or. en

Amendment 39

Proposal for a directive – amending act

Annex

Directive 1999/62/EC

Annex IIIa – point 4 – point 4.3 – table 3 – time period C – Suburban roads

Text proposed by the Commission

Amendment

65

100

Or. en

Justification

Correction of the values given for congestion at peak hours as they do not by far reflect the actual mean values.

Amendment 40

Proposal for a directive – amending act

Annex

Directive 1999/62/EC

Annex IIIa – point 4 – point 4.3 – table 3 – time period C – Other interurban roads

Text proposed by the Commission

Amendment

7

35

Or. en

Justification

Correction of the values given for congestion at peak hours as they do not by far reflect the actual mean values.

Amendment 41

Proposal for a directive – amending act

Annex

Directive 1999/62/EC

Annex IIIa – point 4 – point 4.3 a (new)

4.3. a. When a Member State chooses to include all or part of the cost of traffic-based climate change in the external cost charge, the independent authority shall calculate the chargeable cost of traffic – based climate change by applying the following formula or by taking the unit values in Table 4 of SEC (2008)2207¹:
$$C_{cc} = EGES_{vkm} * Equiv_{CO_2} * C_{CO_2}$$

- **EGES: greenhouse gas emissions for a vehicle-kilometre (g/veh km)**

- **EquivCO₂: cost of CO₂ equivalent. The Handbook on the estimation of external cost in the transport sector suggests the use of the Global Warming Potentials method.**

- **C_{CO₂}: cost of CO₂ (€/g). The values shall be taken from Table 27 of the Handbook². All parameters, data and other information necessary to understand how the chargeable climate change cost is calculated shall be made public.**

¹ SEC(2008)2207, p. 18 and Handbook, p. 84, table 29.

² Handbook, p. 80.

Or. en

EXPLANATORY STATEMENT

1. Current situation

The current Eurovignette Directive 1999/68/EC, as amended by Directive 2006/38/EC effectively prohibits Member States from charging heavy goods vehicles (HGV) over 12 tonnes (3,5 tonnes from 2012 onwards) for external costs on roads that are part of the TEN network.

On all other roads and for vehicles below 12 tonnes, however, Member States are under the actual Eurovignette directive free to charge whatever external cost they want, as long as they respect the general rules of the Treaty of the European Union, notably the principles of non-discrimination and proportionality.

2. Commission proposal

On July 2008 the European Commission presented a proposal for a revision of the existing Directive that would allow Member States to install a charge levied through a toll for certain external costs. The Commission also proposes an extension of the geographical scope of the directive. Accordingly Member States would need to comply on all roads with the requirements of the directive when charging for infrastructure and external costs. Only urban areas would remain free to introduce regulatory charging schemes, as already done by different cities.

The Commission proposal is a first step in applying the polluter pays principle for road transport. The requirements Member States need to fulfil in order to get authorisation by the Commission are quite strict. Member States would only be allowed to charge for certain external costs, levied only via road-side barrier free tolls and only if they follow certain calculation methods as defined in the Annex IIIa.

3. Background to the current proposal

The European Parliament has always been very supportive of the principle of internalization of external costs. During the most recent revision of the Eurovignette in 2006, the Parliament pressed for a clause in Article 11 of the current Directive, obliging the Commission to come up with a *"generally applicable, transparent and comprehensible model for the assessment of all external costs to serve as the basis for future calculations of infrastructure charges."* This model had to be *"accompanied by an impact analysis of the internalization of external costs for all modes of transport and a strategy for a stepwise implementation of the model for all modes of transport."*

This point of view has, over the years, been reiterated in many resolutions of the Parliament

on transport issues¹. The European Parliament resolution of 12 July 2007 on the implementation of the first railway package states in Paragraph 2:

"Considers that the "Eurovignette 2" Directive is an initial step towards fair intermodal competition: fair competition is not possible when the levying of charges is mandatory throughout the EU for all trains on all rail routes, while road tolls in the EU have an upper limit, are charged only on a voluntary basis without an internalisation of external costs, mostly only on motorways and only for lorries; calls, therefore, on the Commission to submit a proposal for a directive by 2008 (cf. Article 1(9) of Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures⁽⁵⁾) in which the Eurovignette is adjusted in line with the rail route pricing system, tolls are made mandatory for all lorries over 3.5 tonnes on all roads in the EU without loopholes, and external costs are internalised;"

The European Parliament resolution of 11 March 2008 on sustainable European transport policy, taking into account European energy and environment policies states in paragraph 12:

"Urges the Commission to submit by June 2008 at the latest, a comprehensible, transparent, generally applicable model for assessing the external costs of all modes of transport, on which to base future calculation of the charges to be paid for the use of infrastructure; observes that, under the Eurovignette Directive, that model must be accompanied by an analysis of the impact of internalising external costs for all modes of transport and by a strategy for phasing in the model for all modes of transport; looks to the Commission, alongside the above initiative to produce legislative proposals, starting with the revision of the Eurovignette Directive;"

On the basis of the requested model for the assessment of all external costs, the Commission finally proposes this revision together with a comprehensive strategy for internalizing external costs in all transport modes. Road transport is not alone. Other transport modes have already started to internalize external costs. Relevant Community legislation for other transport modes either phases-in such internalisation or at least does not prevent it. CO₂ is tackled by including aviation into the ETS, that covers also electricity provision for trains, and in the near future maritime transport is to be included in the system. Other external costs can be internalized via airport charges and infrastructure charges for trains (Directive 2001/14). However, in order to modulate track access charges more widely and have a complete internalization of external costs in the railway sector, it is precondition that the road applies external cost charging.² The Commission is due to propose a recast of the First Railway Package in order to introduce harmonized noise related track access charging schemes.

4. Position of your rapporteur and suggested amendments

High fuel prizes and financial crisis: The timing could be better for this revision. But the

¹ see also paragraph 14 of Parliament's resolution P6_TA(2007)0345 of 12 July 2007 on keeping Europe moving – Sustainable mobility for our continent and paragraph 1 of Parliament's resolution P6_TA(2007)0345 of 4 September 2008 on freight transport in Europe

² see Directive 2001/14 Article 7 Paragraph 5.

inconvenient truth is that we need to readjust as soon as possible¹ the conditions for a more efficient and sustainable transport policy. If prices do not appropriately reflect social costs, they fail to convey the right economic signals, thus leading to situations where transport activities generate excessive costs as compared to an efficient situation. Your rapporteur estimates that a differentiated road charging system is an efficient element within a range of policy options that are needed for a more sustainable transport policy. Tolls could be made more effective, by way of greater differentiation however the current Directive does not allow it. Further road charging options for Member States, via the acceptance of the internalisation of external costs principle, are therefore required.

Taking all this into consideration, your rapporteur proposes the following:

a) Calculation of external costs is possible

The calculation and the methodology are sound. Let us start with the proposed 3 externalities and also the external costs of CO₂, at least as long as this is not internalized through a common fuel tax policy.

For the time being, your rapporteur does not propose to include accident costs, due to the great variety in insurance models and different levels of internalisation of accident costs in the EU. Nonetheless, your rapporteur supports this as a principle and suggests that no later than 31 December 2010, the Commission shall present a report and legislative proposals on accident costs and on the different level of internalisation in national risk oriented insurance premiums in order to harmonise the level of internalisation of accidents costs in Member States.

Your rapporteur also stresses the need to keep congestion in the proposal. Some argue that all vehicles should be subject to charging, not only heavy goods vehicles. This is a valid premise, but if congestion is not included in this Directive, Member States cannot start introducing external cost charges for congestion on interurban roads in the first place.

b) Differentiated charging is efficient

Give the right prize signals: Phase out time-based charging systems as soon as possible; stay as close as possible to the real external costs (no caps, adaptation to inflation; correction of the values given for congestion at peak hours as they do not by far reflect the actual mean values²).

c) Increase interoperability and harmonization

Encourage barrier free charging systems. Propose mandatory charging as soon as possible. Same rules everywhere: Yes to the extension of the geographic scope. Define vehicle scope better: The current Directive also allows Member States to exclude vehicles weighing 3, 5 to 12 tonnes from the application of the Directive. To further harmonize charging of heavy goods vehicles in the EU, your rapporteur suggests applying the Directive to all HGV weighing 3, 5 tonnes or more, without exceptions.

d) Earmarking

¹ The entry into force of the new directive is foreseen by 31 December 2010 at the latest.

² For calculations: Project GRACE – <http://www.grace-eu.org>

Earmarking of revenues is essential to this Directive. The revenues generated by charging external costs must not end up being another form of taxation. Your rapporteur therefore supports the Commission proposal to reinvest revenues into the transport system and proposes to strengthen the obligation how revenues should be used to reduce external costs.

The proposal says "revenues from charges should be used to benefit the transport sector and optimise the entire transport system". Your rapporteur suggests restoring the wording "shall" in the existing text in order to keep the text as strong as possible.

e) Future steps

In 2013, the Commission will draw up a report on the application of the Directive and further steps to take. Your rapporteur suggests adding, by 2010, a report and legislative proposals on accident costs and on the different level of internalisation of those costs. Furthermore, your rapporteur suggests assigning to the Commission a deadline to examine the possibilities of introducing mandatory schemes and the abolition of time-based charging schemes by 2013. These reports should be accompanied by legislative proposals.