

# EUROPEAN PARLIAMENT

1999



2004

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*Session document*

23 March 2004

FINAL  
**A5-0220/2004**

**\*\*\*I**

## **REPORT**

on the proposal for a European Parliament and Council directive amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures  
(COM(2003) 448 – C5-0351/2003 – 2003/0175(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Luigi Cocilovo

### ***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***. 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). These suggested corrections are subject to the agreement of the departments concerned.

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## PROCEDURAL PAGE

By letter of 24 July 2003 the Commission submitted to Parliament, pursuant to Articles 251(2) and 71(1) of the EC Treaty, the proposal for a European Parliament and Council directive amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (COM(2003) 448 – 2003/0175(COD)).

At the sitting of 1 September 2003 the President of Parliament announced that he had referred the proposal to the Committee on Regional Policy, Transport and Tourism as the committee responsible and the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Consumer Policy for their opinions (C5-0351/2003).

The Committee on Regional Policy, Transport and Tourism appointed Luigi Cocilovo rapporteur at its meeting of 10 September 2003.

At that meeting it decided to include the following motion for a resolution in its report:

- B5-0360/2003, by Jorge Salvador Hernández Mollar, on private investment in transport infrastructure, which had been referred to the Committee on Regional Policy, Transport and Tourism as the committee responsible and to the Committee on Economic and Monetary Affairs for its opinion.

The committee considered the Commission proposal and draft report at its meetings of 25 November 2003 and 21 January, 17 February and 16-17 March 2004.

At the last meeting it adopted the draft legislative resolution by 40 votes to 5, with 2 abstentions.

The following were present for the vote: Paolo Costa (chairman), Helmuth Markov (vice-chairman), Luigi Cocilovo (rapporteur), Sylviane H. Ainaridi, Emmanouil Bakopoulos, Rolf Berend, Philip Charles Bradbourn, Felipe Camisón Asensio, Christine de Veyrac, Giovanni Claudio Fava, Jacqueline Foster, Mathieu J.H. Grosch, Ewa Hedkvist Petersen, Roger Helmer (for Konstantinos Hatzidakis), Juan de Dios Izquierdo Collado, Georg Jarzembowski, Karsten Knolle (for Carlos Ripoll y Martínez de Bedoya), Dieter-Lebrecht Koch, Giorgio Lisi, Sérgio Marques, Emmanouil Mastorakis, Erik Meijer, Rosa Miguélez Ramos, Enrique Monsonís Domingo, Francesco Musotto, James Nicholson, Camilo Nogueira Román, Josu Ortuondo Larrea, Peter Pex, Wilhelm Ernst Piecyk, Samuli Pohjamo, Bernard Poignant, José Javier Pomés Ruiz, Alonso José Puerta, Reinhard Rack, Ingo Schmitt, Elisabeth Schroedter (for Nelly Maes), Brian Simpson, Renate Sommer, Dirk Sterckx, Ulrich Stockmann, Hannes Swoboda (for Danielle Darras), Joaquim Vairinhos, Ari Vatanen, Herman Vermeer, Dominique Vlasto (for Dana Rosemary Scallon) and Mark Francis Watts.

The opinions of the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Consumer Policy are attached.

The report was tabled on 23 March 2004.

## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a European Parliament and Council directive amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (COM(2003) 448 – C5-0351/2003 – 2003/0175(COD))

(Codecision procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2003) 448)<sup>1</sup>,
  - having regard to Articles 251(2) and 71(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0351/2003),
  - having regard to the motion for a resolution by Jorge Salvador Hernández Mollar on private investment in transport infrastructure (B5-0360/2003),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Policy, Transport and Tourism and the opinions of the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Consumer Policy (A5-0220/2004),
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.

Text proposed by the Commission

Amendments by Parliament

### Amendment 1 RECITAL 1

*(1) Eliminating distortions of competition between transport undertakings in the Member States, the proper functioning of the internal market and improved competitiveness all depend on fair mechanisms being established to charge hauliers for the cost of infrastructure use. A degree of harmonisation has already been achieved through the adoption of*

*(1) The Commission announced its intention of proposing a directive on charging for the use of road infrastructure in the White Paper 'European transport policy for 2010: time to decide'. The European Parliament confirmed the need for infrastructure charging when it adopted the report on the conclusions of the White Paper on*

<sup>1</sup> OJ C ... / Not yet published in OJ.

*Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999.*

*12 February 2003. The Copenhagen European Council of December 2002 and the Brussels European Council of March 2003 also welcomed the Commission's intention of presenting a new 'Eurovignette' Directive.*

*(Recital 3 of the Commission text has become recital 1 of the text proposed by Parliament.)*

#### *Justification*

*While the substance of the text proposed by the Commission in the recitals remains unchanged, it is simply proposed to modify the sequence, so as to highlight the logical and political priorities implied by the justifications. Consequently, recital 1 becomes recital 3, and vice versa, while the original recital 9 is moved to become recital 3a.*

#### Amendment 2 RECITAL 2

(2) A ***fairer*** system of charging for the use of road infrastructure is crucial in order to ensure sustainable transport in the Community. The objective of making optimum use of the existing road network and achieving a significant reduction in its negative impact must, ***if possible***, be achieved without ***imposing additional burdens on operators*** in the interests of sound economic growth and the proper functioning of the single market.

(2) A ***fair*** system of charging for the use of road infrastructure, ***based on the 'user pays' and the 'polluter pays' principles***, is crucial in order to ensure sustainable transport in the Community. The objective of making optimum use of the existing road network and achieving a significant reduction in its negative impact must be achieved, without ***ultimately increasing the overall cost to users and in such a way as to avoid double taxation***, in the interests of sound economic growth and the proper functioning of the single market. ***In addition, the Commission should develop uniform calculation principles, based on scientifically recognised data, which will in future clear the way for the internalisation of external costs.***

#### Amendment 3 RECITAL 2 A (new)

***(2a) In paragraph 29 of the conclusions of its meeting of 15 and 16 June 2001 in***

***Göteborg the European Council stated that a sustainable transport policy should tackle rising volumes of traffic and levels of congestion, noise and pollution and encourage the use of environment-friendly modes of transport as well as the full internalisation of social and environmental costs.***

*Justification*

*Reference should be made in this connection to the decisions of the Göteborg European Council.*

Amendment 4  
RECITAL 2 B (new)

***(2b) The concern to avoid adding to the burden on operators becomes especially important regarding outlying regions, which already suffer a disadvantage in terms of transport cost on account of the greater distances which their operators have to cover in order to reach the main production and consumption centres.***

*Justification*

*The proposal for a directive does not include any measure to allow for the specific nature of outlying regions.*

*This gap needs to be filled.*

Amendment 5  
RECITAL 3

***(3) The Commission announced its intention of proposing a directive on charging for the use of road infrastructure in the White Paper 'European transport policy for 2010: time to decide'. The European Parliament confirmed the need for infrastructure charging when it adopted the report on***

***(3) Eliminating distortions of competition between transport undertakings in the Member States, the proper functioning of the internal market, improved competitiveness and concern for the environment and public health all depend on non-discriminatory fair mechanisms being established, in accordance with the***

*the conclusions of the White Paper on 12 February 2003. The Copenhagen European Council of December 2002 and the Brussels European Council of March 2003 also welcomed the Commission's intention of presenting a new 'Eurovignette' Directive.*

*subsidiarity principle, to charge hauliers for the cost of infrastructure use. A degree of harmonisation has already been achieved through the adoption of Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999.*

*(Recital 1 of the Commission text has become recital 3 of the text proposed by Parliament.)*

*Justification*

*See justification to Amendment 1.*

Amendment 6  
RECITAL 3 A (new)

***(3a) With regard to infrastructure financing, efforts to reduce congestion and complete the trans-European network infrastructure should be stepped up.***

*(Cf. amendment concerning recital 9)*

*Justification*

*See justification to Amendment 1.*

Amendment 7  
Recital 3 B (new)

***(3a) When it adopted the report on the conclusions of the White Paper, the European Parliament confirmed the need for infrastructure charging and welcomed the fair allocation of external costs for each mode of transport as a key element of a sustainable transport policy, both from the point of view of fair competition between the individual modes of transport, and from the point of view of effective environmental protection. The Copenhagen European Council of December 2002 and the Brussels***



*European Council of March 2003 also welcomed the Commission's intention of presenting a new 'Eurovignette' Directive.*

Amendment 8

RECITAL 4

(4) For the purposes of setting tolls, Directive 1999/62/EC takes account of infrastructure construction, operating, maintenance and development costs. To avoid charging for construction costs more than once, the costs that may be taken into account for this purpose must be limited to those for new infrastructure, i.e. infrastructure to be built in future or which has **just** been completed. However, a special provision should be introduced, so as not to cause prejudice, with regard to taking into account construction costs, to the rights relating to concession contracts in existence at the time of entry into force of the directive.

(4) For the purposes of setting tolls, Directive 1999/62/EC takes account of infrastructure construction, operating, maintenance and development costs. To avoid charging for construction costs more than once, the costs that may be taken into account for this purpose must be limited to those for new infrastructure, i.e. infrastructure to be built in future or which has been completed ***within an appropriate period before the new directive enters into force***. However, a special provision should be introduced, so as not to cause prejudice, with regard to taking into account construction costs, to the rights relating to concession contracts in existence at the time of entry into force of the directive.

*Justification*

*If its provisions were to cover only new or future infrastructure, the directive would apply to only a small proportion of infrastructure, since most existing infrastructure is more than 15 years old. The time restriction applicable to the costs to be taken into account, by reducing that time to new or future infrastructure, is therefore counterproductive, and conflicts with the objectives laid down in the directive. Consequently, infrastructure should also be included which has been completed within an appropriate period before the new directive enters into force.*

Amendment 9

RECITAL 4 A (new)

***(4a) The provisions in this Directive will not in any circumstances affect rights derived from existing concessionary contracts.***

*Justification*

*A specific recital is needed to ensure that such contracts are unaffected, in the interest of legal certainty and to encourage the involvement of private finance in the construction of road transport infrastructures.*

Amendment 10  
RECITAL 5

***(5) When Member States decide to introduce tolls, they should also take account of accident costs which are not covered by insurance but are borne by society as a whole.*** ***deleted***

*Justification*

*The internalisation of external costs such as accident costs should be left to general provisions applicable to all modes of transport, on the grounds of competition.*

Amendment 11  
RECITAL 6

(6) International road transport operations are concentrated on the trans-European road transport network. Furthermore, the operation of the internal market is vital to commercial transport. Consequently, the Community framework must apply to commercial transport on the trans-European road network as defined in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network. In order to avoid traffic being diverted, with potentially serious consequences for road safety and the optimum use of the transport network, Member States must be able to introduce charging on any road which is in direct competition with the trans-European network (Main road network). In accordance with the principle of subsidiarity, Member States are free to apply tolls and/or user charges on roads other than those on the

(6) International road transport operations are concentrated on the trans-European road transport network. Furthermore, the operation of the internal market is vital to commercial transport. Consequently, the Community framework must apply to commercial transport on the trans-European road network as defined in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network. In order to avoid traffic being diverted, with potentially serious consequences for road safety and the optimum use of the transport network, Member States must be able to introduce charging on any road which is in direct competition with the trans-European network (Main road network). In accordance with the principle of subsidiarity, Member States ***and, in accordance with their respective powers, regional and local***

main road network, in compliance with the rules of the Treaty.

**authorities** are free to apply tolls and/or user charges on roads other than those on the main road network, in compliance with the rules of the Treaty.

*Justification*

*Not only Member States, but also regional and local authorities may apply tolls and/or user charges on roads for which they are responsible.*

Amendment 12

RECITAL 7

(7) The fact that the user is able to take decisions which will influence the burden of tolls by choosing the least polluting vehicles, itineraries which are less ecologically sensitive, less congested periods or itineraries and safer vehicles, is central to a charging system. States should therefore be able to differentiate tolls according to a vehicle's emission category ('EURO' classification) and the level of damage it causes to roads, the place, the time and the amount of congestion. ***Such differentiation in the level of tolls must be proportionate to the objective pursued.***

(7) The fact that the user is able to take decisions which will influence the burden of tolls by choosing the least polluting vehicles, itineraries which are less ecologically sensitive, less congested periods or itineraries and safer vehicles, is central to a charging system. States should therefore be able to differentiate tolls according to a vehicle's emission category ('EURO' classification) and the level of damage it causes to roads, the place, the time and the amount of congestion. ***The variations in toll rates must not result in an increase in the weighed average toll referred to in Article 7(9).***

*Justification*

*If there is no limit to the variation of toll levels, there is no control over the overall toll levels, which could lead to a substantial cost increase in road transport, harming competitiveness. Without linking the overall cost of varied tolls to the weighed average tolls, the cost calculation methodology would be altogether redundant.*

Amendment 13

RECITAL 8

(8) ***Where possible***, the financial burden for the transport sector must not be increased, but distributed differently by replacing fixed taxes and charges by a

(8) ***The*** financial burden for the transport sector must not be increased, but distributed differently by replacing fixed taxes and charges by a system of charges

system of charges related to use. When Member States introduce tolls and/or user charges, they must therefore be able to reduce in particular the rates of annual taxes on vehicles, where appropriate to below the minimum levels provided for in Annex I to Directive 1999/62/EC.

related to use. When Member States introduce tolls and/or user charges, they must therefore be able to reduce in particular the rates of annual taxes on vehicles, where appropriate to below the minimum levels provided for in Annex I to Directive 1999/62/EC, **and/or excise duty on motor fuels.**

*Justification*

*See justification to Amendment 21.*

Amendment 14  
RECITAL 8 A (new)

***(8a) Member States should be allowed to apply reduced rates of vehicle taxes to, or to exempt from such taxes, vehicles used for national defence or civil protection purposes, vehicles used by fire and other emergency services and by the police and by road maintenance services and vehicles used by recognised relief organisations.***

*Justification*

*With regard to vehicles the use of which does not have any impact on competition and the transport market, it must be possible for Member States to provide exemptions.*

Amendment 15  
RECITAL 9

***(9) With regard to infrastructure financing, efforts to reduce congestion and complete the trans-European network infrastructure should be stepped up. Consequently, the revenue from fees must be used for maintenance of the road infrastructure and for the benefit of the transport sector, in order to contribute to the balanced development of all infrastructure in the interests of the transport network as a whole.***

***deleted***

(Cf. amendment concerning recital 3a.)

*Justification*

*See justification to Amendment 1.*

Amendment 16  
RECITAL 10

(10) Particular attention must be devoted to **particularly sensitive areas, in particular** mountain regions such as the Alps or the Pyrenees. The launch of major new infrastructure projects has often failed because the substantial financial resources they would require were not available. In particularly sensitive regions, users must therefore pay a mark-up to finance essential projects of very high European value, including those involving another mode of transport in the same corridor **and** area; the level of such a mark-up must be proportionate in order to safeguard freedom of movement. This amount must be linked to the financial needs of the project. It should also be linked to the basic value of the tolls in order to avoid artificially high charges in any one corridor, which could lead to traffic being diverted to other corridors, thereby causing local congestion problems and inefficient use of networks.

(10) Particular attention must be devoted to mountain regions such as the Alps or the Pyrenees **and to areas determined in accordance with Article 8(1) of Directive 96/92/EC**. The launch of major new infrastructure projects has often failed because the substantial financial resources they would require were not available. In **these** particularly sensitive regions, users must therefore pay a mark-up to finance essential projects of very high European value – **such as priority TENs projects** – including those involving another mode of transport **and network links** in the same corridor **and/or** area; the level of such a mark-up must be proportionate in order to safeguard freedom of movement. This amount must be linked to the financial needs of the project. It should also be linked to the basic value of the tolls in order to avoid artificially high charges in any one corridor, which could lead to traffic being diverted to other corridors, thereby causing local congestion problems and inefficient use of networks.

Amendment 17  
RECITAL 12

(12) In order to ensure consistent, harmonised application of the infrastructure charging system, Member States will have to set the level of tolls with the aid of a common methodology to take account of the various costs which should be covered. **Provision must also be made in this**

(12) In order to ensure consistent, harmonised application of the infrastructure charging system, Member States will have to set the level of tolls with the aid of a common methodology to take account of the various costs which should be covered. **The Commission should develop principles for**

***methodology for using estimates of accident costs where Member States have not assessed such costs in a manner that more appropriately reflects local or regional circumstances. Member States must also communicate to the Commission, for approval, the unit values and other parameters they intend to apply to calculate the various cost elements of the charges.***

***calculating tolls, based on scientifically recognised data, which will open the way for full internalisation of external costs.***

*Justification*

*The objective of establishing true transport costs can be achieved only through full internalisation of external costs. As soon as possible the Commission should therefore draw up principles and a uniform methodology to make it possible to quantify the costs engendered by transport. Only this will ensure full internalisation of external costs and its uniform application through Community territory. However, until those principles have been developed, it should be possible for those Member States which already hold scientific data on environmental costs to use these for calculating tolls.*

Amendment 18  
RECITAL 13

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

***deleted***

*Justification*

*The correct enforcement of the directive does not require the creation of an independent infrastructure authority in each Member State.*

Amendment 19  
RECITAL 15 A (new)

***(15a) If the objective of fair charging is to be achieved, account must be taken of the***

***system of road infrastructure concessions existing in the Member States (for roads, motorways, tunnels and bridges) since, on networks where concessions are in operation, HGVs already pay their external costs in line with the 'user pays' principle, where the concessions in question are public-private partnerships (PPPs) subject to the rules of free competition.***

#### *Justification*

*The total length of motorways, tunnels and toll bridges operated under concessions in Europe is 22 600 kilometres, or roughly 25% of the total length of the TEN-T. More generally, 15 European countries operate concessions on their road infrastructures: Austria, Belgium, Croatia, Denmark, Spain, France, Greece, Hungary, Ireland, Italy, Norway, Portugal, the United Kingdom, Serbia and Slovenia.*

*With this kind of PPP, the toll system is based on the 'user pays' principle advocated in the Commission's White Paper on transport and the European Parliament's Costa report, and necessarily employs a dual approach incorporating both public-interest and commercial considerations.*

*On the public interest side, the charging system for the concessions applies the 'polluter pays' principle to every kind of vehicle, and internalises the external costs (noise, protection of soil and water) generated by heavy goods vehicles.*

*From the financial point of view, tolls levied by concession holders have two main functions. The first is to pay back the loans taken out to construct the infrastructure, given that it costs an average of EUR 5 million euro to construct a kilometre of motorway in the EU; this repayment lasts for as long as the concession. The second purpose is to finance the upkeep, maintenance and operation of the infrastructure which is the subject of the concession in line with the rules of free competition. Finally, the tolls offer a fair return on the capital invested and the risk taken by concessionaires.*

#### Amendment 20

##### ARTICLE 1, PARAGRAPH 1, POINT B) Article 2, point (a a) (Directive 1999/62/EC)

(aa) 'main road network' means the trans-European road network and any other road to which traffic may be diverted from the trans-European road network and which is in direct competition with certain parts of that network; ***it includes the urban transit sections of these roads;***

(aa) 'main road network' means the trans-European road network and any other road to which traffic may be diverted from the trans-European road network and which is in direct competition with certain parts of that network;'

Amendment 21  
ARTICLE 1, PARAGRAPH 1, POINT B)  
Article 2, point (a b) (Directive 1999/62/EC)

(ab) ‘construction costs’ means the costs related to construction, including; where appropriate, the cost of the interest on the capital invested, ***of new infrastructure or of infrastructure completed not more than ... [15 years before the entry into force of this Directive]***;

(ab) ‘construction costs’ means the costs related to construction, including, where appropriate, the cost of the interest on the capital invested, ***as regards the portion not yet amortised by the date of entry into force of this Directive; construction costs should, in any case, not exceed the current costs of reconstructing the infrastructure concerned***

Amendment 22  
ARTICLE 1, PARAGRAPH 1, POINT B A) (new)  
Article 2, point (b a) (Directive 1999/62/EC)

***(ba) the following point (ba) is inserted:  
(ba) the 'weighted average toll' shall be calculated in accordance with the criteria set out in Article 7(9), with reference to the road infrastructure concerned, on the basis of the cost per kilometre. This weighted average toll must be determined by the competent authority in each Member State.***

*Justification*

*It is advisable to adopt a specific definition of ‘weighted average toll’ with reference to the individual road network, bearing in mind the fact that it is referred to at various points in the directive.*

Amendment 23  
ARTICLE 1, PARAGRAPH 1, POINT D)  
Article 2, point (d) (Directive 1999/62/EC)

(d) ‘vehicle’ means a motor vehicle or articulated vehicle combination intended or used for the carriage by road of goods and having a maximum permissible laden weight of over 3.5 tonnes;

*(Does not affect English version.)*



Amendment 24  
ARTICLE 1, PARAGRAPH 1, POINT D)  
Article 2, point (e a) (new) (Directive 1999/62/CE)

***(ea)'road infrastructure concession' means an act (a contract or unilateral act) delegating a general interest service by which an administrative authority authorises a private-law corporation to take charge of designing, constructing, financing and operating a road infrastructure (road, motorway, tunnel, bridge) for a long and specified period, while being reimbursed for the debt incurred and the capital invested by the revenues obtained by operating a toll system.***

*Justification*

*It is advisable to adopt a precise definition of 'road infrastructure concession', given that the directive uses this term.*

Amendment 25  
ARTICLE 1, PARAGRAPH 1, POINT E)  
Article 2, letter (f) (Directive 1999/62/EC)

e) point (f) is ***deleted***.

e) point (f) is ***replaced by the following text:***

***(f) 'external costs' : costs being clearly caused by the road freight system, but not calculated in the market prices of their services. They can include congestion costs, environmental costs, such as local and global air pollution, noise, landscape damages and social costs, such as health and indirect accidents costs, not covered by insurances.***

*Justification*

*The system of 'internalising the external costs' is a principle of making pay the one who causes the costs and coherent with fair competition, i.e. no indirect subsidies to the road freight sector.*

Amendment 26  
ARTICLE 1, PARAGRAPH 2, POINT A A) (new)  
(Article 6, paragraph 2 a (new) (Directive 1999/62/EC)

*aa) paragraph 2 (a) is replaced by the following text:*

*‘(a) vehicles used for national or civil defence purposes, by fire and other emergency services, by recognised humanitarian and relief organisations, by the police, and vehicles used for road maintenance;’*

*Justification*

*Vehicles used for humanitarian transport should also be exempted from paying tolls.*

Amendment 27  
ARTICLE 1, PARAGRAPH 3, POINT A)  
Article 7, paragraph 2 (Directive 1999/62/EC)

2. Tolls and user charges shall be imposed on the vehicles defined and on the trans-European road network. Member States may extend the imposition of tolls and user charges to other roads of the primary road network. ***Without prejudice to paragraph 6, their extension to these other roads shall be subject to the procedure referred to in Article 9c(5).***

This Directive shall be without prejudice to the right of Member States to apply tolls and/or user rights on roads ***other than those of the main road network***, in compliance with rules of the Treaty.

2. Tolls and user charges shall be imposed on the vehicles defined and on the trans-European road network. ***After informing the Commission***, Member States may extend the imposition of tolls and user charges to other roads of the primary road network. ***When deciding on any such extension, they must consult the local and/or regional authorities responsible for the roads to which the tolls and/or user charges would be extended and ensure that those tolls and/or user charges are compatible with any other charging system applied at local or regional level.***

This Directive shall be without prejudice to the right of Member States ***and, in accordance with their respective powers, of regional and local authorities*** to apply tolls and/or user rights on ***other*** roads, in compliance with rules of the Treaty.’

Amendment 28  
ARTICLE 1, PARAGRAPH 3, POINT F)  
Article 7, paragraph 9 (Directive 1999/62/EC)

'9. The weighted average tolls shall be related to *the costs of constructing, operating, maintaining and developing the infrastructure network concerned, including any infrastructure costs designed to reduce nuisance related to noise and costs of actual payments made by the infrastructure operator corresponding to objective environmental elements such as for example soil contamination, and to the direct or indirect costs of accidents which, not being covered by an insurance system, are borne by society.*

The weighted average tolls shall be calculated without prejudice, as regards taking into account **construction** costs, to rights relating to concession contracts existing at ... [date of entry into force of this *directive*].

'9. The weighted average tolls shall be related to

*- the costs of constructing, operating, and developing the infrastructure network concerned, including payment of interest on capital invested,*

*- the return on capital invested,*

*- any infrastructure costs designed to reduce nuisance related to noise and costs of actual payments made by the infrastructure operator for investments aimed at accident prevention and reduction,*

*- costs corresponding to objective environmental elements such as for example soil contamination and atmospheric pollution, including congestion costs where these can be objectively quantified by a methodology duly adopted at European level for the purpose of such calculations.*

The weighted average tolls shall be calculated without prejudice, as regards taking into account **the costs of constructing, operating, maintaining, and developing the transport infrastructure concerned**, to rights relating to concession contracts, **as defined in Article 2(ab)**, existing at ... [date of entry into force of this *Directive*].

***These tolls , calculated according to the method outlined in Annex II, are maximum levels; Member States may apply lower levels as well.'***

Amendment 29

ARTICLE 1, PARAGRAPH 3, POINT G)  
Article 7, paragraph 10 (Directive 1999/62/EC)

'10. Without prejudice to the weighted ***average*** tolls referred to in paragraph 9, Member States may vary the toll rates according to:

(a) vehicle type, based on its road damage class in conformity with Annex III and ***its*** EURO emission ***class*** in accordance with Annex 0;

(b) time of day and level of congestion on the road concerned, ***provided that no toll is more than 100% above the toll charged during the cheapest period of the day;***

(c) the particular road in the network, depending on the environmental sensitivity of the area, the population density or the accident risk;

Any variation in tolls charged with respect to ***different types of vehicle, time of day and congestion level and the particular route taken in the road network*** shall be proportionate to the objective pursued.

***No later than 1 July 2008, Member States shall be required to vary the rates at which tolls are charged according to the particular route in the road network, in conformity with point (c).***

'10. Without prejudice to the ***average value of the*** weighted tolls referred to in paragraph 9, Member States may vary the toll rates, ***provided that the value of the highest rates is no more than 100% above the value of the lowest rates,*** according to:

(a) vehicle type, based on its road damage class in conformity with Annex III;

***(aa)*** EURO emission ***standards*** in accordance with Annex 0;

***(ab) whether it is a working day or a holiday;***

(b) time of day and level of congestion on the road concerned;

(c) the particular road in the network, depending on the environmental sensitivity of the area, the population density or the accident risk;

***(ca) the level of PM10 and NOx.***

Any variation in tolls charged with respect to ***the elements specified in points (a) to (ca)*** shall be proportionate to the objective pursued.

Amendment 30  
ARTICLE 1, PARAGRAPH 3, POINT H)  
Article 7, paragraph 11 (Directive 1999/62/EC)

'11. In exceptional cases concerning infrastructure in *particularly sensitive regions, in particular* mountainous regions, and after consulting the Commission in conformity with the procedure referred to in Article 9c(5), a mark-up may be added to the tolls to allow for cross-financing the investment costs of other transport infrastructures of a high European interest in the same corridor *and* in the same transport zone. The mark-up may not exceed 25 % of the tolls. The application of this provision shall be subject to the presentation of financial plans for the infrastructure concerned and a *cost/benefit* analysis for the new infrastructure project. Application of this provision to new *transfrontier* projects shall be subject to the agreement of the Member States concerned.

Should the Commission consider that the planned mark-up does not meet the conditions set in this paragraph, it shall seek the opinion of the Committee referred to in Article 9c(1). It may reject the plans for charges submitted by the Member State concerned in conformity with the procedure referred to in Article 9c(2).  
When the Commission informs the Member State concerned that it intends to seek the

'11. In exceptional cases concerning infrastructure in mountainous regions *and areas determined in accordance with Article 8(1), of Directive 96/62/EC*, and after consulting the Commission in conformity with the procedure referred to in Article 9c(5), a mark-up may be added to the tolls to allow for cross-financing the investment costs of other *environment-friendlier* transport infrastructures *which are also* of a high European interest, *such as priority TENs projects*, in the same corridor *and/or* in the same transport zone.

The mark-up may not exceed 25 % of the tolls. *Notwithstanding Article 2(ab), reference shall also be made, purely for the purposes of calculating the mark-up, to the infrastructure construction costs already amortised by the date of entry into force of this Directive.*

*The application of this provision shall be subject to the presentation of financial plans for the infrastructure concerned and a cost-benefit analysis for the new infrastructure project. Application of this provision to new trans-frontier projects shall be subject to the agreement of the Member States concerned.*

Should the Commission consider that the planned mark-up does not meet the conditions set in this paragraph, it shall seek the opinion of the Committee referred to in Article 9c(1). It may reject the plans for charges submitted by the Member State concerned in conformity with the procedure referred to in Article 9c(2).  
When the Commission informs the Member State concerned that it intends to seek the

opinion of the Committee, the deadline of 30 days mentioned in Article 2 of the Council Decision referred to in Article 9c(5) shall be suspended.'

opinion of the Committee, the deadline of 30 days mentioned in Article 2 of the Council Decision referred to in Article 9c(5) shall be suspended.'

Amendment 31

ARTICLE 1, PARAGRAPH 3, POINT H)

Article 7, paragraph 12, subparagraph 1 (Directive 1999/62/EC)

12. Each Member State shall ensure that the emission classification and the road damage classification of vehicles registered on *their* territory can easily be identified.

*(Does not affect English version.)*

*Justification*

*(Does not affect English version.)*

Amendment 32

ARTICLE 1, PARAGRAPH 3, POINT H)

Article 7, paragraph 12, subparagraph 2 (Directive 1999/62/EC)

Where a driver is unable to produce the necessary documents in the event of a check, Member States *may* apply tolls as for the most polluting and damaging vehicle category, i.e. EURO 0 and damage class III.

Where a driver is unable to produce the necessary documents in the event of a check, Member States *must* apply tolls as for the most polluting and damaging vehicle category, i.e. EURO 0 and damage class III.

Amendment 33

ARTICLE 1, PARAGRAPH 3, POINT H A) (new)

Article 7, paragraph 12 a (new) (Directive 1999/62/CE)

*ha) the following paragraph 12a is inserted:*

***'12a. This Directive shall be without prejudice to the right of Member States to apply concession tolls. Concession tolls, which are the result of a contract delegating a general interest service in a Member State, shall be subject to national law and to European law on public markets***

*in transport.*

*Justification*

*The directive should distinguish between tolls levied by concessionaires and fee-based tolls: the former is a user charge paid to a company holding a concession under the terms of a contract drawn up with the state, while the latter is a form of taxation levied by a state or public body.*

*In the absence of harmonisation at European level of national law on road infrastructure concessions, the concept of average weighted tolls must take account of the special nature of concession tolls (a user charge calculated for a specified period and paid to a company holding the concession under the terms of a contract drawn up with the state). This adjustment does not undermine the directive's objectives in terms of ensuring a fair charging system, as those objectives are imposed on the concession holders when the State draws up the contract whereby the general-interest service is delegated (contracted out).*

Amendment 34

ARTICLE 1, PARAGRAPH 4

Article 7 a, paragraph 1 (Directive 1999/62/EC)

1. In determining the levels of tolls to be charged, Member States shall take account of the various costs to be covered, according to the common methodology set out in Annex III. ***The estimates of accident costs given in point 2 of the Annex shall be used in cases where a Member State has not assessed these costs in a manner that more appropriately reflects local or regional circumstances.***

1. In determining the levels of tolls to be charged, Member States shall take account of the various costs to be covered, according to the common methodology set out in Annex III.

*Justification*

*See justification to Amendment 14.*

Amendment 35

ARTICLE 1, PARAGRAPH 4

Article 7 b, paragraph 1 (Directive 1999/62/EC)

1. Without prejudice to Articles 87 and 88 of the Treaty, and subject to other provisions of Community law, Member States ***may***, on introducing a system of tolls and/or user charges for infrastructure, provide

1. Without prejudice to Articles 87 and 88 of the Treaty, and subject to other provisions of Community law, Member States ***shall***, on introducing a system of tolls and/or user charges for infrastructure, provide

compensation for these charges, in particular by reducing the rates of vehicle taxes, *where appropriate, to a level* below the minimum rates in Annex I to the Directive.

compensation for these charges, in particular by reducing the rates of *fuel and/or* vehicle taxes *but in no case* below the minimum rates in Annex I to the Directive.

Amendment 36

ARTICLE 1, PARAGRAPH 4

Article 7 b, paragraph 1 b (new) (Directive 1999/62/EC)

***1b. Compensation in respect of road charges must be provided without discrimination to all hauliers from EU Member States, irrespective of the driver's country of origin.***

*Justification*

*Road tolls must not discriminate against other hauliers within the internal market. Therefore compensation must also be provided to drivers other than those originating in the Member State in which the road tolls are levied.*

Amendment 37

ARTICLE 1, PARAGRAPH 4

Article 7 b, paragraph 3 a (Directive 1999/62/EC)

***3a. The compensation schemes shall also fully take the fiscal effects of existing or future local and regional charging schemes, falling outside the geographical scope of the directive, into account.***

*Justification*

*The overall fiscal burden on the transport sector should not be increased, therefore compensation schemes should also take local and regional charging schemes into account.*

Amendment 38

ARTICLE 1, PARAGRAPH 5

Article 8 a (Directive 1999/62/EC)



**1. Each Member State shall ensure that an independent infrastructure supervision authority is designated.** *deleted*

**2. The independent infrastructure supervision authority shall monitor the system of tolls and/or user charges to ensure that it functions in a manner that guarantees transparency and non-discrimination between operators.**

**3. Without prejudice of the autonomy of private concessionaries, the independent infrastructure supervision authority shall verify that the revenue from tolls and user charges are used for sustainable projects in the transport sector.**

**4. The independent infrastructure supervision authority shall promote synergy in financing by coordinating the various transport infrastructure funding resources.**

**5. Member States shall inform the Commission of the designation of the independent infrastructure supervision authority and of its areas of responsibility.**

*Justification*

*There is no need to set up an independent infrastructure supervision authority in each Member State in order to implement the directive properly.*

Amendment 39

ARTICLE 1, PARAGRAPH 6

Article 9, paragraph 1, point (c) (Directive 1999/62/EC)

**a) point (c) of paragraph 1 is replaced by the following text:**

**(c) insurance taxes.**

**a) a new point (ca) is added to paragraph 1:**

**(ca) insurance taxes.**

*Justification*

*Article 9(1)(c) of Directive 1999/62/EC provides that the directive does not prevent the application by Member States of 'regulatory charges specifically designed to combat time and place-related traffic congestion'. Member States should remain free to apply such regulatory charges when the directive is amended.*

Amendment 40  
ARTICLE 1, PARAGRAPH 6, POINT B)  
Article 9, paragraph 2 (Directive 1999/62/EC)

'2. Without prejudice to Article 7(11), revenue from tolls and/or user charges shall be used for the maintenance of the infrastructure concerned and for the benefit of the transport sector as a whole, taking account of the balanced development of the transport networks.'

'2. Without prejudice to Article 7(11), revenue from tolls and/or user charges shall be used for the maintenance of the infrastructure concerned, **for compensation for vehicle tax reduction**, and for the benefit of the transport sector as a whole, taking account of the balanced development of the transport networks.'

Amendment 41  
ARTICLE 1, PARAGRAPH 7  
Article 9 b (Directive 1999/62/EC)

The Commission shall update the Annexes in the light of technical progress or of inflation, in accordance with the procedure referred to in Article 9c(3).

The Commission shall update the Annexes in the light of technical progress or of inflation, in accordance with the procedure referred to in Article 9c(3). ***In that connection, it shall draw up uniform bases and principles for calculating external costs.***

*Justification*

*The Commission should propose to the Member States a uniform method of calculating external costs which may serve as a basis for internalisation of external costs.*

Amendment 42  
ARTICLE 1, PARAGRAPH 8  
Article 11(Directive 1999/62/EC)

No later than 1 July 2008, the Commission shall present a report to the European Parliament and the Council on the implementation and the effects of this Directive, taking account of developments in technology ***and of*** the trend in traffic density.

No later than 1 July 2008, the Commission shall present a report to the European Parliament and the Council on the implementation and the effects of this Directive, taking account of developments in technology, the trend in traffic density ***and road accidents, and the impact of transport on the*** environment.

Member States shall forward the necessary information to the Commission no later than

Member States shall forward the necessary information to the Commission no later than

twelve months before this date.

twelve months before this date.

*Justification*

*In its report the Commission should also take account of the trend in road accidents and the overall impact of transport on the environment and human health.*

Amendment 43  
ARTICLE 1, PARAGRAPH 9  
Annex II, table (Directive 1999/62/EC)

Annual charge	Max. of 3 axles	Min. of 4 axles	Annual charge	Max. of 3 axles	Min. of 4 axles
EURO 0	<b>1 020</b>	<b>1 648</b>	EURO 0	<b>1 332</b>	<b>2 223</b>
EURO I	<b>904</b>	<b>1 488</b>	EURO I	<b>1 158</b>	<b>1 933</b>
EURO II <i>and less polluting</i>	<b>797</b>	<b>1 329</b>	EURO II	<b>1 008</b>	<b>1 681</b>
			<b>EURO III</b>	<b>876</b>	<b>1 461</b>
			<b>EURO IV and less polluting</b>	<b>797</b>	<b>1 329</b>

*Justification*

*It is necessary to introduce an explicit differentiation in charges to draw a distinction between EURO II and less polluting vehicles which are already on the market and in use (EURO III and others).*

## EXPLANATORY STATEMENT

### **Background**

The Commission, Parliament and the Council have already frequently had occasion to express their views in various pronouncements specifically relating to the transport system and transport networks, the external and other costs involved in their use and the associated, problematic issue of transport infrastructure charges.

These include the 1995 Green Paper, the 1998 White Paper, the 2001 White Paper 'European transport policy for 2010: Time to decide' and the various reports thereon adopted by the European Parliament.

The Council's contributions include the conclusions of the Göteborg European Council in 2001, the Copenhagen European Council in 2002 and the Brussels European Council in 2003, which called on the Commission to draw up a proposal for a 'new Eurovignette directive'.

We should also mention the work of the high-level group on transport infrastructure charging and, finally, Parliament's 2001 resolution on charging, the preamble to which contains a useful summary of the basic issues involved.

The body of work referred to above, and the conclusions to which it led, highlighted:

- the need to harmonise transport charges in all Member States to consolidate the single European market;
- the need for a radical transformation of the charging structure with a view to internalising the social and environmental costs of transport (accidents, noise and vibrations, air and water pollution and congestion), which are often overlooked when decisions are made concerning the choice of transport mode and omitted from infrastructure completion strategies;
- the need to create a system of tariffs tallying with transport infrastructure use;
- the need to establish homogenous mechanisms for calculating the costs of each mode of transport;
- the need to equip governments with transport policy instruments based on infrastructure costs so as to encourage the use of transport modes with less damaging impact on the environment and to allow new investment in infrastructures.

The demand for increased mobility of persons and goods, which is already increasing continuously in all European countries, will inevitably continue to rise.

At this stage, therefore, the governments of the Member States must address two separate issues. On the one hand, there is an increasingly urgent need to invest huge resources to satisfy the demand for transport infrastructures. On the other hand, the Member States must tackle the social costs involved in the growth of mobility, from increased air and noise pollution to increased congestion and rising accident rates.

For example, a recent study (INFRAS 2000), estimated that, even without taking congestion into account, external transport costs in 1995 in the 15 European Union countries plus

Switzerland and Norway amounted to 7.8% of GDP and forecast that, between 1995 and 2010, such costs would increase by over 42%, compared to an increase of 39% in GDP.

It is currently estimated that there will be a 40% increase at the least in traffic in Europe by 2010, partly as a consequence of enlargement.

In the absence of concrete and effective measures to redress the balance between transport modes, carbon dioxide emissions will increase by 50% between 1990 and 2010, thus exacerbating a problem which is already of extremely serious proportions, given that greenhouse gas emissions are mainly due to road traffic, which accounts for 84% of the CO<sub>2</sub> emissions generated by the transport sector as a whole.

The studies carried out by the Commission and by various Member States demonstrate a considerable discrepancy between the charges paid by individual transport infrastructure users and the costs generated by those infrastructures. Such charges rarely reflect the real costs of the journeys involved and are not directly related to the use made of the infrastructures in question.

#### Internal costs

Up to now, the construction of infrastructures and the operation of the transport system have been funded primarily from general taxation. The new approach to the sphere of public sector activity, the ceilings on the Member States' budgets and policies for the privatisation of services make it essential, however, also to have recourse to private-sector capital to finance the construction of infrastructures.

While recognising, in line with the subsidiarity principle, that every Member State is free to decide the extent to which investment in infrastructure should be financed by private capital and paid for by user charges, and the extent to which infrastructure may be directly funded by the state, arrangements to include internal costs must fulfil the requirements of transparency and meet uniform criteria at Community level, not least to facilitate project financing.

Support for the funding of new infrastructures is even more urgently required in view of the efforts which must be made to relieve the congestion of major routes and construct the sections required to finally complete the European transport network.

The cost of constructing the main infrastructures required is currently estimated to be at least EUR 600 billion, including EUR 100 billion for the future Member States. It is no longer realistically possible to opt to continue financing investment on this scale exclusively from public funds, given the level of spending required in an enlarged Europe and current budgetary constraints.

#### External costs

In this area, a system of charging users for infrastructure use must aim to recover a high proportion of objectively quantifiable costs while upholding the principle of transparency. External costs, particularly those relating to safety and the environment, must be incorporated in the charges paid by users for access to infrastructures.

It is essential to take action at the same time to address charges and taxes on the one hand, and to speed up policies to ensure the sound operation of the markets on the other. Direct aid is justified only if it can provide obvious social benefits and guaranteed environmental benefits. Even in such cases, the aid must be designed to achieve more efficient and better-quality services, so as to enable them to compete with transport services which are less desirable in social and environmental terms, but more popular with users.

Methods of calculating and charging for external costs are not applied uniformly, but there is already sufficient agreement amongst transport experts on the subject to enable harmonised and transparent methods to be developed.

#### Use of revenues from charges

The charges levied to offset internal and external costs should not be designed to increase revenues, but to ensure a fair method of charging for transport services and infrastructure use.

Consequently, the revenues deriving from these charges should be used to:

- encourage the reduction of external costs, improve the efficiency of the transport system and reduce to the minimum the adverse social impact of transport, within the transport mode in relation to which the charges to take account of external costs are levied;
- finance increased capacity, particularly with a view to tackling the external costs associated with congestion by creating new infrastructures and new means of transport;
- explicitly support, by direct aid, less environmentally damaging transport modes and projects to encourage the use of infrastructure with less damaging impact.

#### **Main changes to the Commission's proposal for a directive**

Details of the changes proposed by the Commission to Directive 1999/62/EC ('Eurovignette' Directive) can be found in the accompanying report presented by the Commission.

In the present context, however, it is more appropriate to highlight the main changes proposed by your rapporteur to the Commission proposal.

(a) The weighted average toll: your rapporteur proposes a more precise definition, specifying that the weighted average toll should be calculated, by reference to the specific road infrastructure concerned, by the competent authority in each Member State.

(b) Scope of application: without seeking to trespass on individual Member States' recognised discretion to decide whether or not to adopt charging in accordance with the criteria set out in the directive, the rapporteur proposes extending the directive's scope to all vehicles (instead of restricting it to those used solely for goods transport).

There are objective grounds for this change, given that private vehicles make a substantial

contribution to congestion and environmental pollution, even if they do not contribute so significantly to damaging the infrastructure, which is mainly caused by heavy vehicles. Obviously, differential charging is required to take that aspect into account.

There is also a financial argument in favour of bringing private vehicles within the scope of the directive. To do so would increase the revenues obtained from tolls, thus increasing the likelihood of private partners investing or co-investing in the infrastructures and thereby reducing the burden on state or regional finances.

At the same time, spreading the burden of charges across all vehicles using the roads would lessen the increased costs borne by commercial traffic, which would obviously have a beneficial effect on the economy as a whole.

(c) External costs

The rapporteur considers, furthermore, that provision must be made for the possibility of taking external environmental costs into account, but only on the following two conditions:

1. If such costs are objectively quantifiable and
2. If consensus is achieved - under the comitology procedure - between the Member States and the Commission as to the methodology used to define the costs in question.

With regard to accident-related costs, it would be preferable to restrict any reference to such costs to the calculation of investments actually made with a view to accident prevention and /or reduction.

(d) Internal costs: if the private sector is involved, as concessionaries and/or infrastructure operators, the return on capital invested must also be taken into account when determining weighted average toll levels.

(e) It is important for Table II (which sets out maximum rates of annual charges) to contain more detail and to be extended to more recent EURO categories, in order to encourage the use of less-polluting vehicles.

(f) Cross-financing: it should be explicitly stated that the primary purpose for which cross-financing revenues should be used is investment in alternative infrastructures and means of transport; similarly, Member States should be allowed greater flexibility as regards decisions concerning the siting of such networks in the same corridor and/or zone, to avoid inflexible constraints which might run counter to the specified objectives.

For the other proposed changes, you are referred to the justifications attached to individual amendments.

3 July 2003

**MOTION FOR A RESOLUTION B5-0360/2003**

pursuant to Rule 48 of the Rules of Procedure

by Jorge Salvador Hernández Mollar

on private investment in transport infrastructure

*The European Parliament,*

- A. whereas Europe needs to double its annual investment in transport infrastructure,
- B. whereas the European Union is currently investing around 0.8% of GDP (approximately EUR 35 bn), compared to 1.5% in the 1980s,
- C. whereas the European Union must act to secure large-scale investment in transport infrastructure and thereby revitalise the economy,
- D. whereas there must be greater spending without increasing the deficit, which requires private-sector involvement in cross-border networks;
  - 1. Calls for the European Union to seek private investment to fund new cross-border networks and thereby revitalise the economy;
  - 2. Calls for the completion of a broad network of infrastructures through private funding, and projects that can be self-financed by tolls or user taxes;
  - 3. Asks that this Community initiative be carried out regardless of a hypothetical economic recovery.



9 March 2004

## **OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS**

for the Committee on Regional Policy, Transport and Tourism

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(2003) 448 – C5-0351/2003 – 2003/0175(COD))

Draftsman: Manuel António dos Santos

### **PROCEDURE**

The Committee on Economic and Monetary Affairs appointed Manuel António dos Santos draftsman at its meeting of 22 September 2003.

It considered the draft opinion at its meetings of 2 December 2003 and 26 January, 17 February, 24 February and 8 March 2004.

At the last meeting it adopted the following amendments by 11 votes to 8, with 0 abstentions.

The following were present for the vote: Philippe A.R. Herzog (acting chairman), John Purvis (vice-chairman), Manuel António dos Santos (draftsman), Pervenche Berès, Mary Honeyball, Christopher Huhne, Giorgos Katiforis, Christoph Werner Konrad, Astrid Lulling, Fernando Pérez Royo, Alexander Radwan, Karin Riis-Jørgensen, Peter William Skinner, Helena Torres Marques, Bruno Trentin, Theresa Villiers, Jean-Louis Bourlanges (for Lisbeth Grönfeldt Bergman), Thomas Mann (for Othmar Karas) and Harald Ettl (for Robert Goebbels).

## SHORT JUSTIFICATION

### 1. Substance of the proposal

- The scope of Directive 1999/62/EC is to be extended to include heavy goods vehicles with a gross weight more than 3.5 tonnes.
- The new charging system is to apply to the trans-European transport network (TEN-T) and other national networks to which TEN-T traffic could be diverted.
- The costs of and charges for infrastructure use are to be brought more closely into line.
- The costs entailed in accidents are to be internalised, unless they stem from environmental pollution.
- Tolls are to vary according to the type of vehicle, the time of use, and the type of infrastructure.
- Compensation may be granted (by adjusting other road taxes) so as to offset any cost increase.
- Electronic toll collection systems and equipment are to be made interoperable.
- Criteria and procedures are to be laid down to enable higher rates to be set for *sensitive areas*.
- An independent infrastructure supervision authority is to be set up.
- The quality and efficiency of transport are to be improved by
  - directly earmarking revenue from tolls and user charges to improve existing infrastructure;
  - laying down a common methodology for calculating costs, encompassing the new element of accident costs;
  - making clearer distinctions according to the ecological characteristics of vehicles.

### 2. Aims of the proposal (summary)

- Opening the way to cross-financing to enable infrastructure to be built in sensitive areas;
- Helping to improve the mobility of persons and goods in the Community area;
- Helping to make the transport sector more competitive;
- Making the changes required to incorporate a portion of external costs in the prices paid by users.

### 3. Assessment of the proposal

The draftsman supports the Commission proposal but would have liked the text to be more ambitious where harmonisation is concerned.

He agrees that the scope of the directive should be extended to cover heavy goods vehicles weighing not less than 3.5 tonnes, which will likewise be factored into the overall calculation of operating and maintenance costs, together with environment- and noise-related costs.

He believes that toll rates should allow for all the criteria and vary accordingly, without entailing discriminatory treatment of any heavy goods vehicle of 3.5 tonnes or more. This should be the case as soon as the directive enters into force (and not in 2008).

The draftsman takes the view that if revenue from tolls and user charges were assigned solely to improve and develop transport systems and networks, this could help to enhance the quality and efficiency of services, leading to the desired benefits in terms of reducing the environmental impact of transport, road accident figures, and congestion levels.

However, the charges/tolls levied for the use of road networks, trans-European or otherwise, must not increase the aggregate tax burden; on the contrary, when such tolls are introduced, annual road taxes and/or registration fees must at the same time be revised downwards, the idea being to encompass the taxation applying to vehicles used to carry goods within a broader picture.

In addition to implementing the user/payer principle, it is essential to provide an alternative/complement to road transport by setting up networks and services that must be competitive in terms of quality, reliability, and price.

Internalisation of the external costs resulting from the use of road infrastructure will otherwise merely be a high-handed measure that will do little at the practical level to alter the modal breakdown but will entail serious consequences for the price of the service to be provided and, in the final analysis, undermine the competitiveness of Community products, especially in outlying countries.

Different forms of toll payment should also be encouraged.

Lastly, the draftsman believes that the independent authority to be designated by Member States could also perform the role of promoting intermodality and alternative transport by apportioning charges efficiently to that end.

Once these preconditions have been fulfilled, the impact of increased tolls on the cost of road transport could be softened, or even cancelled out, in the medium to long term by modernising fleets, gearing supply more closely to demand, making better use of the capacity available, eliminating or reducing empty runs, and managing fleets more rationally with a view to saving energy, having regard to the driving profile determined on the basis of tachograph records.

The biggest limitation of the proposal is that it does not include any measure to allow for the specific situation of outlying countries, whose transport operators, as regards their ability to

compete, will be more affected in the short to medium term than their counterparts in Member States in the centre of Europe.

## AMENDMENTS

The Committee on Economic and Monetary Affairs calls on the Committee on Regional Policy, Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

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Amendments by Parliament

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### Amendment 1

#### RECITAL 1

(1) Eliminating distortions of competition between transport undertakings in the Member States, the proper functioning of the internal market and improved competitiveness all depend on fair mechanisms being established to charge hauliers for the cost of infrastructure use. A degree of harmonisation has already been achieved through the adoption of Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999<sup>2</sup>.

Eliminating distortions of competition between transport undertakings in the Member States, the proper functioning of the internal market and improved competitiveness all depend on fair mechanisms, ***which can be applied flexibly by the Member States***, being established to charge hauliers for the cost of infrastructure use. A degree of harmonisation has already been achieved through the adoption of Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999<sup>3</sup>.

### Amendment 2

#### RECITAL 2

(2) A fairer system of charging for the use of road infrastructure is crucial in order to ensure sustainable transport in the Community. ***The*** objective of making optimum use of the existing road network and achieving a significant reduction in its negative impact ***must, if possible***, be achieved ***without imposing additional burdens on operators in the interests of***

(2) A fairer system of charging for the use of road infrastructure is crucial in order to ensure sustainable transport in the Community. ***In this connection, the*** objective of making optimum use of the existing road network and achieving a significant reduction in its negative impact ***can be achieved by taking into account external costs, on the one hand, and by***

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<sup>1</sup> Not yet published in OJ.

<sup>2</sup> OJ L 187, 20.7.1999, p. 42.

<sup>3</sup> OJ L 187, 20.7.1999, p. 42.

sound economic growth and the proper functioning of the single market.

***setting differential tolls, on the other, and also by taking appropriate account, in charges, of increases in traffic density. At the same time this objective can be made compatible with that of sound economic growth and the proper functioning of the single market by allowing the Member States to decide how they make use of the charging possibilities laid down in the Community legislative framework.***

Amendment 3  
RECITAL 2 A (new)

***(2a) The concern to avoid adding to the burden on operators becomes especially important regarding outlying regions, which already suffer a disadvantage in terms of transport cost on account of the greater distances which their operators have to cover in order to reach the main production and consumption centres.***

*Justification*

*The proposal for a directive does not include any measure to allow for the specific nature of outlying regions.*

*This gap needs to be filled.*

Amendment 4  
RECITAL 3 A (new)

***(3a) In view of specific national features, Member States should be permitted to define the whole of the network to which they intend to apply tolls and user charges, provided that the resulting definition does not damage or distort competition.***

*Justification*

*The full extent of the network to which tolls are to apply can be defined in such a way as to*

*reconcile certain national interests with protection of competition.*

*In this way action by Member States can be strengthened.*

Amendment 5  
RECITAL 4

*(4) For the purposes of setting tolls, Directive 1999/62/EC takes account of infrastructure construction, operating, maintenance and development costs. To avoid charging for construction costs more than once, the costs that may be taken into account for this purpose must be limited to those for new infrastructure, i.e. infrastructure to be built in future or which has just been completed. However, a special provision should be introduced, so as not to cause prejudice, with regard to taking into account construction costs, to the rights relating to concession contracts in existence at the time of entry into force of the directive.* **deleted**

Amendment 6  
RECITAL 5

*(5) When Member States decide to introduce tolls, they should also take account of accident costs which are not covered by insurance but are borne by society as a whole.* **deleted**

*Justification*

*To calculate tolls in such a way as to include all direct and indirect costs incurred as a result of accidents but not covered by insurance, which consequently have to be borne by society, is an arbitrary method because accidents cannot invariably be considered to be caused by goods transport vehicles over 3.5 tonnes.*

Amendment 7  
RECITAL 8

*(8) Where possible, the financial burden for the transport sector **must not** be* **(8) It must be ensured that the financial burden for the transport sector *can in part***

increased, but distributed differently by replacing fixed taxes and charges by a system of charges related to use. When Member States introduce tolls and/or user charges, they must therefore be able to reduce in particular the rates of annual taxes on vehicles, where appropriate to below the minimum levels provided for in Annex I to Directive 1999/62/EC.

be increased, but distributed differently by replacing fixed taxes and charges by a system of charges related to use. When Member States introduce tolls and/or user charges, they must therefore be able **at the same time** to reduce in particular the rates of annual taxes on vehicles, **road tax, and/or registration fees**, where appropriate to below the minimum levels provided for in Annex I to Directive 1999/62/EC.

#### *Justification*

*The idea is to stress that the overall equilibrium of the tax burden should not rule out adjustments to road tax and/or registration fees.*

#### Amendment 8 RECITAL 9

(9) With regard to infrastructure financing, efforts to reduce congestion and complete the trans-European network infrastructure should be stepped up. Consequently, the revenue from fees must be used for maintenance of the road infrastructure and for the benefit of the transport sector, in order to contribute to the balanced development of all infrastructure **in the interests of the transport network as a whole**.

(9) With regard to infrastructure financing, efforts to reduce congestion and complete the trans-European network infrastructure should be stepped up. Consequently, the revenue from fees must be used for maintenance **and development** of the road infrastructure and for the benefit of the transport sector **as a whole**, in order to contribute **not only** to the balanced development of all **transport** infrastructure, **but also to intermodality**.

#### *Justification*

*Emphasises the goal of developing road infrastructure and intermodality.*

#### Amendment 9 RECITAL 10

(10) **Particular attention must be devoted to particularly sensitive areas, in particular mountain regions such as the Alps or the Pyrenees. The launch of major new infrastructure projects has often failed because the substantial financial resources they would require**

(10) In particularly sensitive regions, users must therefore pay a mark-up to finance projects of very high European value **that should be deemed to have priority in the light of the approach seeking to concentrate financial efforts in congested border areas in accordance with the**

*were not available.* In particularly sensitive regions, users must therefore pay a mark-up to finance essential projects of very high European value, including those involving another mode of transport in the same corridor and area; the level of such a mark-up must be proportionate in order to safeguard freedom of movement. ***This amount must be linked to the financial needs of the project.*** It should also be linked to the basic value of the tolls in order to avoid artificially high charges in any one corridor, which could lead to traffic being diverted to other corridors, thereby causing local congestion problems and inefficient use of networks.

***guidelines on trans-European transport networks,*** including those involving another mode of transport in the same corridor and area; the level of such a mark-up must be proportionate in order to safeguard freedom of movement. It should be linked to the basic value of the tolls in order to avoid artificially high charges in any one corridor, which could lead to traffic being diverted to other corridors, thereby causing local congestion problems and inefficient use of networks.

*Justification*

*It is essential to link project financing to the TEN-T guidelines.*

Amendment 10  
RECITAL 11

(11) Fees must be non-discriminatory and not involve excessive formalities or create barriers at the internal borders. Appropriate measures must therefore be taken to make payment possible ***at any time and*** by various means, and to ensure that the electronic payment tool (on-board unit) is as accessible to the occasional user as to the frequent traveller.

(11) Fees must be non-discriminatory ***in relation to users*** and not involve excessive formalities or create barriers at the internal borders. Appropriate measures must therefore be taken to make payment possible by various means, and to ensure that the electronic payment tool (on-board unit) is as accessible to the occasional user as to the frequent traveller.

*Justification*

*Explicit reference to the status of payers.*

Amendment 11  
RECITAL 12

(12) In order to ensure consistent, harmonised application of the infrastructure charging system, Member States will have to set the level of tolls with the aid of a common methodology to take

(12) In order to ensure consistent, harmonised application of the infrastructure charging system, Member States will have to set the level of tolls with the aid of a common methodology to take



account of the various costs which should be covered. ***Provision must also be made in this methodology for using estimates of accident costs where Member States have not assessed such costs in a manner that more appropriately reflects local or regional circumstances. Member States must also communicate to the Commission, for approval, the unit values and other parameters they intend to apply to calculate the various cost elements of the charges.***

account of the various costs which should be covered.

Amendment 12  
RECITAL 13

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

(13) In order to ensure that the requirements of the Directive are correctly enforced, Member States must designate an independent infrastructure supervision authority. This body will have a key role in ensuring, through appropriate monitoring, balanced use of the available resources, ***in particular to promote the development of infrastructure and intermodality.***

*Justification*

*This amendment gives practical expression to the option set out in the wording proposed for recital 9.*

Amendment 13  
ARTICLE 1, POINT 3, POINT A A (new)  
Article 7 (Directive 1999/62/EC)

***(aa) a new paragraph 2a is inserted as follows:***

***2a. Member States shall define the whole of the network to which they intend to apply tolls and user charges and shall keep the Commission informed at all***

*times of the decisions taken.*

*Justification*

*Lays down the obligation to keep the Commission informed at all times.*

Amendment 14

ARTICLE 1, POINT 3, POINT D

Article 7, paragraph 7, subparagraph 2 (Directive 1999/62/EC)

The maximum rates shall be reviewed every two years from ...[*date of entry into force of this Directive*]. **When necessary**, the Commission shall **adapt the rates, in conformity with the procedure referred to in Article 9c(2)**.

The maximum rates shall be reviewed every two years from ...[*date of entry into force of this Directive*]. The Commission shall **propose such adaptations as might prove necessary, and the European Parliament and the Council shall legislate on them in accordance with the conditions laid down by the Treaty**.

*Justification*

*It is essential to specify at the outset what role Parliament and the Council should play in determining and reviewing the maximum rates.*

Amendment 15

ARTICLE 1, POINT 3, POINT F

Article 7, paragraph 9, subparagraph 1 (Directive 1999/62/EC)

9. The weighted average tolls shall be related to the costs of constructing, operating, maintaining and developing the infrastructure network concerned, including any infrastructure costs designed to reduce nuisance related to noise and **costs of actual payments made by the infrastructure operator corresponding to objective environmental elements** such as for example soil contamination, **and to the direct or indirect costs of accidents which, not being covered by an insurance system, are borne by society**.

9. The weighted average tolls shall be related to the costs of constructing, operating, maintaining and developing the infrastructure network concerned, including any infrastructure costs designed to reduce nuisance related to noise and environmental **damage** such as for example soil contamination.

*Justification*

*To calculate tolls in such a way as to include all direct and indirect costs incurred as a result of accidents but not covered by insurance, which consequently have to be borne by society, is an arbitrary method because accidents cannot invariably be considered to be caused by goods transport vehicles over 3.5 tonnes.*

Amendment 16

ARTICLE 1, POINT 3, POINT G

Article 7, paragraph 10, point (c), subparagraph 3 (Directive 1999/62/EC)

***No later than 1 July 2008***, Member States ***shall be required to*** vary the rates at which tolls are charged ***according to the particular route in the road network***, in conformity with ***point (c)***.

Member States ***may*** vary the rates at which tolls are charged, in conformity with ***the elements set out in points (a), (b), and (c), and shall duly inform the Commission thereof.***

*Justification*

*The amendment will allow Member States to vary toll rates and does away with the compulsory force of the initial Commission text.*

Amendment 17

ARTICLE 1, POINT 3, POINT H

Article 7, paragraph 12 (new) (Directive 1999/62/EC)

12. Each Member State shall ensure that the emission classification and the road damage classification of vehicles registered on *their* territory can easily be identified.

*(Does not affect English version.)*

Where a driver is unable to produce the necessary documents in the event of a check, Member States may apply tolls as for the most polluting and damaging vehicle category, i.e. EURO 0 and damage class III.

*Justification*

*(Does not affect English version.)*

Amendment 18  
ARTICLE 1, POINT 4  
Article 7 a (new), paragraph 1 (Directive 1999/62/EC)

1. In determining the levels of tolls to be charged, Member States shall take account of the various costs to be covered, according to the common methodology set out in Annex III. ***The estimates of accident costs given in point 2 of the Annex shall be used in cases where a Member State has not assessed these costs in a manner that more appropriately reflects local or regional circumstances.***

1. In determining the levels of tolls to be charged, Member States shall take account of the various costs to be covered, according to the common methodology set out in Annex III.

*Justification*

*The deletion proposed is consistent with the policy of disregarding accident costs not covered by insurance, bearing in mind that the possibility of arbitrary apportionment has to be ruled out.*

Amendment 19  
ARTICLE 1, POINT 4  
Article 7 b (new), paragraph 3 (Directive 1999/62/EC)

3. Member States shall include both the system of tolls and/or user charges and the compensation scheme in a common programme. Any compensation scheme must be implemented in ***the year following*** the introduction of the new system of tolls and/or user charges.

3. Member States shall include both the system of tolls and/or user charges and the compensation scheme in a common programme. Any compensation scheme must be implemented in ***parallel with*** the introduction of the new system of tolls and/or user charges.

Amendment 20  
ARTICLE 1, POINT 5  
Article 8a (new), paragraph 3 (Directive 1999/62/CE)

3. Without prejudice *of* the autonomy of private concessionaries, the independent infrastructure supervision authority shall verify that the revenue from tolls and user charges *are* used for sustainable projects in the transport sector.

3. Without prejudice *to* the autonomy of private concessionaries, the independent infrastructure supervision authority shall verify that the revenue from tolls and user charges *is* used for sustainable projects in the transport sector, ***preferably for the same type of transport but according to the principle of***

***subsidiarity it is up to the Member State to finally decide.***

*Justification*

*It is preferable for the revenues to be used to fund projects involving transport of the type from which they are collected but it should be left to the Member State to decide which projects the revenues are going to be used for.*

Amendment 21

ARTICLE 1, POINT 7

Article 9 b (new) (Directive 1999/62/EC)

***The*** Commission shall update the Annexes in the light of technical progress or of inflation, in accordance with the procedure referred to in Article 9c(3).

***Without prejudice to the second subparagraph of Article 7(7), the*** Commission shall update the Annexes in the light of technical progress or of inflation, in accordance with the procedure referred to in Article 9c(3).

*Justification*

*Consequence of the amendment to Article 7(7) of Directive 1999/62/EC (Article 1(3)(d) of the Commission proposal).*

Amendment 22

ARTICLE 1, POINT 8

Article 11 (Directive 1999/62/EC)

No later than 1 July 2008, the Commission shall present a report to the European Parliament and the Council on the implementation and the effects of this Directive, taking account of developments in technology and of the trend in traffic density.

No later than 1 July 2008, the Commission shall present a report to the European Parliament and the Council on the implementation and the effects of this Directive, taking account of developments in technology and of the trend in traffic density.

***In the above report to be submitted to the European Parliament and the Council, the Commission shall, as far as possible, quantify and assess the effects of implementation of this Directive on transport operators in outlying regions.***

Member States shall forward the necessary

Member States shall forward the necessary

information to the Commission no later than twelve months before this date.

information to the Commission no later than twelve months before this date.

*Justification*

*In addition to stipulating that the report referred to in the above article must be addressed to Parliament, the amendment points to the need to assess the impact of the directive on outlying regions.*

Amendment 23  
ANNEX III, POINT 2 (Directive 1999/62/EC)

**2. Accident costs**

***deleted***

***The unit cost per accident type is adjusted by the risk involved per accident type and vehicle type. The insurance premium per vehicle type is then subtracted. The final charge element is expressed in euros per kilometre travelled. A distinction must be made between motorways, urban roads and other non-urban roads.***

***The following is a simplified formula for taking account of the accident costs not covered by insurance:***

***External unit cost of accidents by infrastructure type (euros per vehicle-km)***

***=***

***(total costs per accident type for all types of accident***

***x number of accidents per type involving a heavy goods vehicle - insurance premiums)***

***÷ vehicle-km***

***Accident risk***

***Fatal €1 million/case***

***Serious injury €135 000/case***

***Slight injury €15 000/case***

*Justification*

*Consequence of the approach proposed for dealing with accident costs.*

5 December 2003

## **OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND CONSUMER POLICY**

for the Committee on Regional Policy, Transport and Tourism

on the proposal for a European Parliament and Council directive amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (COM(2003) 448 – C5-0351/2003 – 2003/0175(COD))

Draftsman: Hans Kronberger

### **PROCEDURE**

The Committee on the Environment, Public Health and Consumer Policy appointed Hans Kronberger draftsman at its meeting of 9 September 2003.

It considered the draft opinion at its meetings of 4 November and 2 December 2003.

At the latter meeting it adopted the following amendments unanimously.

The following were present for the vote: Caroline F. Jackson (chairwoman), Alexander de Roo, Mauro Nobilia and Guido Sacconi (vice-chairmen), Hans Kronberger (draftsman), Bent Hindrup Andersen (for Hans Blokland), David Robert Bowe, John Bowis, Niels Busk (for Astrid Thors), Chris Davies, Avril Doyle, Saïd El Khadraoui, Marialiese Flemming, Françoise Grossetête, Karin Jöns (for Riitta Myller), Martin Kastler, Christa Klab, Bernd Lange, Paul A.A.J.G. Lannoye (for Marie Anne Isler Béguin), Torben Lund, Jules Maaten, Minerva Melpomeni Malliori, Patricia McKenna, Rosemarie Müller, Giuseppe Nisticò, Ria G.H.C. Oomen-Ruijten, Béatrice Patrie, Marit Paulsen, Frédérique Ries, Dagmar Roth-Behrendt, Yvonne Sandberg-Fries, Karin Scheele, Inger Schörling, María Sornosa Martínez, Catherine Stihler, Robert William Sturdy (for Peter Liese), Antonios Trakatellis, Peder Wachtmeister and Phillip Whitehead.

## SHORT JUSTIFICATION

The lightning pace at which the transport sector is expanding represents an enormous challenge which the European Union has been facing for many years. Against the background of a dramatic increase in the volume of traffic, society is demanding, alongside unrestricted mobility and access to high-quality, efficient transport services, the development of environmentally friendly modes of transport. There is a general consensus on the need for a developing, competitive European internal market founded on properly functioning transport systems. The forthcoming enlargement of the Union is also regarded as feasible in transport policy terms. The prime objective is the development of systems which are both socially and ecologically defensible.

In future, the demands made of European transport policy must be framed in such a way as to be consistent with the *principle of sustainable development*. In 2001 in Göteborg the European Council committed itself to a sustainable transport policy and to the establishment of sustainable, environmentally friendly transport systems, as did the European Commission in its *White Paper entitled 'European transport policy for 2010: time to decide'*. That White Paper laid down, as just two of many strategies for a future transport policy, the decoupling of economic growth and increases in the volume of traffic and the establishment of a balanced relationship between the various modes of transport.

Many transport networks, above all the trans-European road network, are chronically over-congested. The daily result is tailbacks stretching for many kilometres. Despite this, the volume of heavy goods vehicle (HGV) traffic in the EU is increasing dramatically. Current forecasts suggest that by the year 2010 the volume of HGV traffic in Europe will have increased by 40% by comparison with 1998 if no suitable measures are taken to counter this trend and influence developments in the sector. By way of illustration, in 1995 in the EU the figure for the volume of goods transported by road was 1.139 billion kilometre-tonnes; five years later, that figure had already increased by 209 billion kilometre-tonnes. The enlargement will also bring about a dramatic increase in the volume of traffic on Europe's roads. Of particular concern in that connection is the trend in the accession countries showing a steady increase in the volume of goods haulage accounted for by HGVs, even though as recently as the early 1990s the majority of goods were still transported by rail. The ecological consequences of these developments are serious: people and the environment are suffering as never before from noise pollution and rising pollutant emissions. If no measures are taken to reverse the trend, i.e. away from HGVs towards rail transport, over the period between 1990 and 2010 CO<sub>2</sub> emissions in the EU will increase by 50% to up to 1 113 billion tonnes. Road traffic is the main culprit, accounting for 84% of transport-related CO<sub>2</sub> emissions. Achieving the Kyoto objectives would thus seem to be impossible.

This expansion in traffic beyond volumes which make economic sense can largely be explained by the fact that modes of transport, and in particular HGVs, are not required to meet the costs they actually generate. The external environmental, congestion-, accident- and health-related costs far outstrip the actual infrastructure costs. Today, these external costs are largely met by society as a whole, and not by those who generate them. **A fair road transport charging system must therefore be based on the principle that infrastructure users should meet a fair share of the costs they generate.**



An optimised price structure would also create incentives to use more environmentally friendly and sustainable modes of transport. In sensitive areas, such as the Alps, the Pyrenees or other regions which require protection on the basis of ecological criteria, particular importance must be attached to shifting traffic from the road to other modes of transport and reducing the pressure on main transport arteries. Provision should therefore be made for the charging of tolls which are high enough to make cross-financing feasible and the revenue must be ring-fenced to finance alternative transport projects. A toll and fee system makes sense only if it is compulsory and if it applies to the whole of the main road network at least, ruling out any danger of the massive use of alternative routes.

## AMENDMENTS

The Committee on the Environment, Public Health and Consumer Policy calls on the Committee on Regional Policy, Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

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Amendments by Parliament

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### Amendment 1 Recital 1

(1) Eliminating distortions of competition between transport undertakings in the Member States, the proper functioning of the internal market and improved competitiveness all depend on fair mechanisms being established to charge hauliers for the cost of infrastructure use. A degree of harmonisation has already been achieved through the adoption of Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999.

(1) Eliminating distortions of competition between transport undertakings in the Member States, the proper functioning of the internal market and improved competitiveness all depend on fair mechanisms being established, ***in accordance with the subsidiarity principle***, to charge hauliers for the cost of infrastructure use. A degree of harmonisation has already been achieved through the adoption of Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999.

### Amendment 2 Recital 2

(2) A ***fairer*** system of charging for the use of road infrastructure ***is crucial in order to ensure sustainable transport in the***

(2) A ***fair*** system of charging for the use of road infrastructure ***must be based on the application of the polluter-pays principle***

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<sup>1</sup> Not yet published in the OJ.

*Community. The objective of making optimum use of the existing road network and achieving a significant reduction in its negative impact must, if possible, be achieved without imposing additional burdens on operators in the interests of sound economic growth and the proper functioning of the single market.*

*to road transport. The arrangements laid down in the Directive for taking account of external costs when calculating toll charges represents a first important step towards the realistic apportionment of costs in the transport sector. In addition, the Commission should develop uniform calculation principles, based on scientifically recognised data, which in future clear the way for the full internalisation of all external costs.*

Amendment 3  
Recital 2 a (new)

*(2a) In paragraph 29 of the conclusions of its meeting of 15 and 16 June 2001 in Göteborg the European Council stated that a sustainable transport policy should tackle rising volumes of traffic and levels of congestion, noise and pollution and encourage the use of environment-friendly modes of transport as well as the full internalisation of social and environmental costs.*

Amendment 4  
Recital 3

(3) The Commission announced its intention of proposing a directive on charging for the use of road infrastructure in the White Paper 'European transport policy for 2010: time to decide'. *The European Parliament confirmed the need for infrastructure charging when it adopted the report on the conclusions of the White Paper on 12 February 2003. The Copenhagen European Council of December 2002 and the Brussels European Council of March 2003 also welcomed the Commission's intention of presenting a new 'Eurovignette' Directive.*

(3) The Commission *committed itself to sustainable development and a sustainable, environment-friendly transport system* in the White Paper 'European transport policy for 2010: time to decide'. *When it announced its intention of proposing a directive on charging for the use of road infrastructure, the Commission noted that schemes to take account of external costs will also encourage the use of modes of transport which cause less environmental pollution and that it must be permissible for the corresponding revenue to be invested in new infrastructure.*

Amendment 5  
Recital 3 a (new)

*(3a) When it adopted the report on the conclusions of the White Paper, the European Parliament confirmed the need for infrastructure charging and welcomed the fair allocation of external costs for each mode of transport as a key element of a sustainable transport policy, both from the point of view of fair competition between the individual modes of transport, and from the point of view of effective environmental protection. The Copenhagen European Council of December 2002 and the Brussels European Council of March 2003 also welcomed the Commission's intention of presenting a new 'Eurovignette' Directive.*

Amendment 6  
Recital 5

(5) *When* Member States *decide to introduce tolls, they should* also take account of accident costs which are not covered by insurance but are borne by society as a whole.

*(5) In addition to the costs generated by the construction, operation, maintenance and development of infrastructures, in future* Member States *may, when setting toll charges,* also take account of *environment-, congestion- and health-related costs, along with* accident costs which are not covered by insurance but are borne by society as a whole.

Amendment 7  
Recital 6

(6) International road transport operations are concentrated on the trans-European road transport network. *Furthermore, the operation of the internal market is vital to commercial transport. Consequently,* the Community framework must apply to commercial transport on the trans-European road network as defined in Decision No 1692/96/EC of the European

(6) International road transport operations are concentrated on the trans-European road transport network. The Community framework must *therefore* apply to commercial transport on the trans-European road network as defined in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the

Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network. In order to avoid traffic being diverted, ***with potentially serious consequences for road safety and the optimum use of the transport network***, Member States must be able to introduce charging on any road which is in direct competition with the trans-European network (Main road network). In accordance with the principle of subsidiarity, Member States are free to apply tolls and/or user charges on roads other than those on the main road network, in compliance with the rules of the Treaty.

development of the trans-European transport network. In order to avoid traffic being diverted ***and all the adverse consequences of such diversion***, Member States must ***also*** be able to introduce charging on any road which is in direct competition with the trans-European network (Main road network). In accordance with the principle of subsidiarity, Member States are free to apply tolls and/or user charges on roads other than those on the main road network, in compliance with the rules of the Treaty. ***In so doing, they should be guided by the principles laid down in this Directive.***

Amendment 8  
Recital 7

***(7) The fact that the user is able to take decisions which will influence the burden of tolls by choosing the least polluting vehicles, itineraries which are less ecologically sensitive, less congested periods or itineraries and safer vehicles, is central to a charging system. States should therefore be able to differentiate tolls according to a vehicle's emission category ('EURO' classification) and the level of damage it causes to roads, the place, the time and the amount of congestion. Such differentiation in the level of tolls must be proportionate to the objective pursued.***

***Deleted***

Amendment 9  
Recital 8

***(8) Where possible, the financial burden for the transport sector must not be increased, but distributed differently by replacing fixed taxes and charges by a system of charges related to use.*** When Member States introduce tolls and/or user

(8) When Member States introduce tolls and/or user charges, they ***may*** reduce in particular the rates of annual taxes on vehicles, where appropriate, to below the minimum levels provided for in Annex I to

charges, they **must therefore be able to** therefore be able to reduce in particular the rates of annual taxes on vehicles, where appropriate to below the minimum levels provided for in Annex I to Directive 1999/62/EC.

Directive 1999/62/EC.

Amendment 10  
Recital 9

**(9) With regard to infrastructure financing, efforts to reduce congestion and complete the trans-European network infrastructure should be stepped up. Consequently, the revenue from fees must be used for maintenance of the road infrastructure and for the benefit of the transport sector, in order to contribute to the balanced development of all infrastructure in the interests of the transport network as a whole.**

**(9) Should the revenue from tolls exceed the cost of maintaining the road infrastructure, that revenue must be used, as a matter of priority, to fund investments in new projects to develop alternative, environmentally friendly modes of transport or intermodal corridors, in accordance with the principle of sustainability.**

Amendment 11  
Recital 10

**(10) Particular attention must be devoted to particularly sensitive areas, in particular mountain regions such as the Alps or the Pyrenees. The launch of major new infrastructure projects has often failed because the substantial financial resources they would require were not available. In particularly sensitive regions, users must therefore pay a mark-up to finance essential projects of very high European value, including those involving another mode of transport in the same corridor and area; the level of such a mark-up must be proportionate in order to safeguard freedom of movement. This amount must be linked to the financial needs of the project. It should also be linked to the basic value of the tolls in order to avoid artificially high charges in any one corridor, which could lead to traffic being**

**(10) Particular attention must be devoted to sensitive areas, for example mountain regions such as the Alps or the Pyrenees or conurbations. The launch of major infrastructure projects designed to relieve the pressure on main arteries has often failed because the financial resources they would require could not be secured. In such regions, users must therefore pay a mark-up to finance alternative, environmentally friendly projects of high European interest, involving the same corridor and area; the level of such a mark-up must not exceed 50% of the toll charges.**

*diverted to other corridors, thereby causing local congestion problems and inefficient use of networks.*

Amendment 12  
Recital 10 a (new)

*(10a) Sensitive areas within the meaning of this Directive are defined in Annex IV.*

Amendment 13  
Recital 12

(12) In order to ensure consistent, harmonised application of the infrastructure charging system, Member States will have to set the level of tolls with the aid of a common methodology to take account of the various costs which should be covered. Provision must also be made in this methodology for using estimates of accident costs where Member States have not *assessed such costs in a manner that more appropriately reflects local or regional circumstances. Member States must also communicate to the Commission, for approval, the unit values and other parameters they intend to apply to calculate the various cost elements of the charges.*

(12) In order to ensure consistent, harmonised application of the infrastructure charging system, Member States will have to set the level of tolls with the aid of a common methodology to take account of the various costs which should be covered. Provision must also be made in this methodology for using estimates of *the damage caused to roads by vehicles and* of accident costs where Member States have not *drawn up their own estimates on the basis of objective, country-specific criteria.*

Amendment 14  
ARTICLE 1, POINT -1 (new)  
Article 1a (new) (Directive 1999/62/EC)

*(-1) A new Article 1a is added:*

*‘(1a) This Directive intends to internalise stepwise external environmental and social costs in the road freight sector and thus to contribute to a more sustainable road freight system, promoting better capacity use of both freight vehicles and road infrastructure, avoiding costs for society, applying the polluter pays principle and*

*creating fair intermodal competition.*

*It furthermore replaces the transiting Austrian eco-points system and therefore enables sensitive regions to apply a furthergoing road freight charging system, as provided in the Alpine Convention for the trans-border pan-Alpine region.'*

*Justification*

*The White Paper on 'Common Transport Policy up to 2010' recognises the need for developing a fair and more efficient pricing policy for the road sector. It also recognises special treatment of the sensitive regions, such as the pan-Alpine region, and the EU has ratified the Alpine framework Convention.*

Amendment 15

ARTICLE 1, POINT 1, LETTER (a)

Article 2, letter (a) (Directive 1999/62/EC)

(a) '**trans-European network**' means the road network **defined in Section 2 of Annex I to Decision No 1692/96/EC of the European Parliament and of the Council<sup>1</sup> as illustrated by maps. The maps refer to the corresponding sections mentioned in the operative part and/or in Annex II to this Decision;**

(a) '**road network**' means the **entire network of roads in the European Union, specially designed for motor traffic and of public access for heavy goods' vehicles;**

*Justification*

*The charging system should apply to the entire road network, in order to avoid the risk of deviation of heavy goods vehicles on minor and unsafer roads.*

Amendment 16

ARTICLE 1, POINT 1, LETTER (b)

Article 2, letter (aa)a (new) (Directive 1999/62/EC)

**(aa)a 'Sensitive areas' means the areas listed in Annex IV;**

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<sup>1</sup> OJ L 228, 9.9.1996, p. 1.

Amendment 17  
ARTICLE 1, POINT 1, LETTER (b)  
Article 2, letter (a b) (Directive 1999/62/EC)

(ab) ‘construction costs’ means the costs related to construction, including, where appropriate, the cost of the interest on the capital invested, of new infrastructure or of infrastructure ***completed not more than ... [15 years before the entry into force of this Directive]***;

(ab) ‘construction costs’ means the costs related to construction, including, where appropriate, the cost of the interest on the capital invested, of new infrastructure or of infrastructure;

*Justification*

*A 15-year restriction is too tight.*

Amendment 18  
ARTICLE 1, POINT 1, LETTER (e)  
Article 2, letter (f) (Directive 1999/62/EC)

(e) point (f) is ***deleted***.

(e) point (f) is ***replaced by the following text***:

***(f) ‘external costs’ : costs being clearly caused by the road freight system, but not calculated in the market prices of their services. They can include congestion costs, environmental costs, such as local and global air pollution, noise, landscape damages and social costs, such as health and indirect accidents costs, not covered by insurances.***

*Justification*

*The system of ‘internalising the external costs’ is a principle of making pay the one who causes the costs and coherent with fair competition, i.e. no indirect subsidies to the road freight sector.*

Amendment 19  
ARTICLE 1, POINT 3, LETTER (a)



Article 7, paragraph 1 (Directive 1999/62/EC)

‘1. Member States *may* maintain or introduce **tolls and/or user** charges under the conditions set out in paragraphs 2 to 12.

‘1. Member States **shall** maintain or introduce **toll** charges under the conditions set out in paragraphs 2 to 12.

***In duly substantiated exceptional cases, Member States may introduce or maintain user charges in place of toll charges. In that event, the procedure referred to in Article 9c(5) shall apply.***

*Justification*

*Under the terms of Directive 1999/62/EC, which is currently in force, Member States themselves can decide whether or not they wish to introduce tolls and/or user charges. The purpose of the new directive on charging for infrastructure use is to make the introduction or maintenance of an HGV toll compulsory throughout Europe, with a view to approximating the various national systems. A compulsory toll system covering the entire road network represents the only means of influencing transport patterns and ensuring that short road sections subject to national tolls are not accepted as part of a transit route. In order to take account of regional transport issues, Member States should be given the possibility of introducing or maintaining user charges in outlying areas or other regions where a toll system would generate disproportionate (administrative) costs.*

Amendment 20

ARTICLE 1, POINT 3, LETTER (a)

Article 7, paragraph 2 (Directive 1999/62/EC)

2. Tolls and user charges shall be imposed on the vehicles defined and on the **trans-European** road network. **Member States may extend the imposition of tolls and user charges to other roads of the primary road network. Without prejudice to paragraph 6, their extension to these other roads shall be subject to the procedure referred to in Article 9c(5).**

2. Tolls and user charges shall be imposed on the vehicles defined and on the road network.

***This Directive shall be without prejudice to the right of Member States to apply tolls and/or user rights on roads other than those of the main road network, in compliance with rules of the Treaty.***

*Justification*

*The charging system should apply on the entire road network, in order to avoid the risk of*

*deviation of heavy goods vehicles on minor and unsafer roads.*

Amendment 21

ARTICLE 1, POINT 3, LETTER (aa) (new)  
Article 7, paragraph 3 (Directive 1999/62/EC)

*(aa) paragraph 3 shall read as follows:*

***3. Toll and user charges may not be imposed at the same time on the same section of road. However, in the case of road networks on which user charges are imposed Member States may also impose toll charges in conurbations and sensitive areas and for the use of bridges and tunnels.***

Amendment 22

ARTICLE 1, POINT 3, LETTER (f)  
Article 7, paragraph 9 (Directive 1999/62/EC)

9. The weighted average tolls shall be related to the costs of constructing, operating, maintaining and developing the infrastructure network concerned, including any infrastructure costs designed to reduce nuisance related to noise and costs of actual payments made by infrastructure operator corresponding to objective environmental elements such as for example soil contamination, and to the direct or indirect costs of accidents which, not being covered by an insurance system, are borne by society.

9. The weighted average tolls shall be related, ***for example***, to the costs of constructing, operating, maintaining and developing the infrastructure network concerned, including any infrastructure costs designed to reduce nuisance related to noise and costs of actual payments made by *the* infrastructure operator corresponding to objective environmental elements such as for example soil contamination, and to the direct or indirect costs of accidents which, not being covered by an insurance system, are borne by society.

*Justification*

*Due account must be taken of all external costs, not just those referred to in the paragraph above.*

Amendment 23

ARTICLE 1, POINT 3, LETTER (g)  
Article 7, paragraph 10 (Directive 1999/62/EC)

10. Without prejudice to the weighted average tolls referred to in paragraph 9, Member States may vary the toll rates

10. Without prejudice to the weighted average tolls referred to in paragraph 9, Member States may vary the toll rates

according to:

(a) vehicle type, based on its road damage class in conformity with Annex III **and its EURO emission class in accordance with Annex 0**;

(b) time of day and level of congestion on the road concerned, provided that no toll is more than 100% above the toll charged during the cheapest period of the day;

(c) the particular road in the network, depending on the *environmental* sensitivity of the area, *the population density* or the accident risk;

Any variation in tolls charged with respect to different types of vehicle, time of day and congestion level and the particular route taken in the road network shall be proportionate to the objective pursued.

No later than 1 July 2008, Member States shall be required to vary the rates at which tolls are charged **according to the particular route in the road network**, in conformity with *point (c)*.

according to:

(a) vehicle type, based on its road damage class in conformity with Annex III;

**(b) vehicle type based on its EURO emission class in accordance with Annex 0;**

(c) time of day and level of congestion on the road concerned, provided that no toll is more than 100% above the toll charged during the cheapest period of the day;

(d) the particular road in the network, depending on the sensitivity of the area, **in particular in the light of the environmental and health costs generated by air pollution, climate change, noise disturbance and traffic congestion, the conurbations**, or the accident risk.

Any variation in tolls charged with respect to different types of vehicle, time of day and congestion level and the particular route taken in the road network shall be proportionate to the objective pursued.

No later than 1 July 2008, Member States shall be required to vary the rates at which tolls are charged, in conformity with **points (b) to (d)**.

**When setting the varying toll rates in accordance with the sensitivity of regions, Member States may classify regions on the basis of objective, environment-related criteria.**

**Member States may impose mark-up charges commensurate with the increase in traffic volume on the routes concerned in the road network.**

#### *Justification*

*These provisions governing the scope for varying toll charges are intended as a first step towards achieving a realistic allocation of costs in the goods transport sector.*

Amendment 24

ARTICLE 1, POINT 3, LETTER (ga) (new)  
Article 7, paragraph 10 a (new) (Directive 1999/62/EC)

*(ga) a new paragraph 10a is inserted:*

*By 1 July 2005 at the latest the Commission shall develop a generally applicable, transparent and readily understandable model for the assessment of all external environment-, congestion- and health-related costs to serve as the basis for future calculations of infrastructure charges.*

*In that connection, the Commission shall be assisted by a committee comprising representatives of the Member States and chaired by the representative of the Commission. The procedure pursuant to Article 9c(3) and (4) shall apply.*

*Justification*

*In the long term, all external costs should be internalised on the basis of generally applicable calculation methods.*

Amendment 25

ARTICLE 1, POINT 3, LETTER (h)  
Article 7, paragraph 11 (Directive 1999/62/EC)

11. In **exceptional** cases concerning infrastructure in **particularly** sensitive regions, **in particular mountainous regions, and after consulting the Commission in conformity with the procedure referred to in Article 9c(5)**, a mark-up may be added to the tolls to allow for cross-financing the investment costs of **other** transport infrastructures of a high European interest in the same corridor and in the same transport zone. The mark-up may not exceed **25%** of the tolls. The application of this provision shall be subject to the **presentation** of financial plans for the infrastructure concerned and a **cost/benefit** analysis for the new infrastructure project. Application of

11. In cases concerning infrastructure in sensitive regions **and conurbations**, a mark-up may be added to the tolls **in the corridor concerned** to allow for cross-financing the investment costs of **environmentally friendly, rail-dependent modes of transport, inland waterways or intermodal corridors** of a high European interest in the same corridor and in the same transport zone. The mark-up may not exceed **50%** of the tolls **set pursuant to paragraph 10 for routes in the corridor**. The application of this provision shall be subject to the **drafting** of financial plans for the infrastructure concerned and a **cost-benefit** analysis for the new infrastructure project.

this provision to new *transfrontier* projects **shall be subject to the agreement of** the Member States concerned.

The Member States concerned **shall be consulted prior to** application of this provision to new *trans-frontier* projects.

***Should the Commission consider that the planned mark-up does not meet the conditions set in this paragraph, it shall seek the opinion of the Committee referred to in Article 9c(1). It may reject the plans for charges submitted by the Member State concerned in conformity with the procedure referred to in Article 9c(2).***

***When the Commission informs the Member State concerned that it intends to seek the opinion of the Committee, the deadline of 30 days mentioned in Article 2 of the Council Decision referred to in Article 9c(5) shall be suspended.***

#### *Justification*

*Provision must be made for adequate cross-financing of transport infrastructures and the relevant rules must apply only to alternative modes of transport. The mark-up must not only be imposed in the sensitive region itself, but also on feeder routes, i.e. throughout the transport corridor concerned. It should be applied in accordance with the procedure for imposing varying toll charges laid down in Article 7(10). In sensitive regions and conurbations in particular, measures to reduce congestion on main transport routes and to shift traffic on to environmentally friendly modes of transport is becoming ever more necessary. In general terms, cross-financing of certain sustainable transport projects should not be contingent on authorisation from the Commission.*

#### Amendment 26

#### ARTICLE 1, POINT 4

#### Article 7a (Directive 1999/62/EC)

1. ***In determining*** the levels of tolls to be charged, ***Member States shall take account of the various costs to be covered***, according to the common methodology set out in Annex III. The estimates of accident costs given in point 2 of the Annex shall be used in cases where a Member State ***has not assessed*** these costs ***in a manner that more appropriately reflects local or regional circumstances***.

1. ***Member States shall determine*** the levels of tolls to be charged ***on the basis of the provisions of Article 7(9) to (11) and*** according to the common methodology set out in Annex III. The estimates of ***infrastructure damage costs given in point 1.2. of the Annex and the estimates of*** accident costs given in point 2 of the Annex shall be used in cases where a Member State ***itself fails to assess*** these costs appropriately ***on the basis of objective country-specific***

*criteria.*

***2. Member States shall communicate to the Commission the unit values and other parameters they use in calculating the various cost elements. After consulting the Committee referred to in Article 9c(1), the Commission shall approve these values and parameters in accordance with the procedure referred to in Article 9c(2).***

*Justification*

*Member States should also themselves be able to assess infrastructure damage costs on the basis of objective criteria. The level of the toll should not be contingent on authorisation from the Commission.*

Amendment 27

ARTICLE 1, POINT 6, LETTER (b)  
Article 9, paragraph 2 (Directive 1999/62/EC)

2. Without prejudice to Article 7(11), revenue from tolls and/or user charges shall be used for the maintenance of the infrastructure concerned and for the benefit of the ***transport sector as a whole, taking account of*** the balanced development of the transport networks.

2. Without prejudice to Article 7(11), revenue from tolls and/or user charges shall be used for the maintenance of the infrastructure concerned and for the benefit of the balanced development of the transport networks ***on the basis of the principle of sustainability. In that connection, particular priority shall be given to projects to develop environmentally friendly, rail-dependent modes of transport, inland waterways or intermodal corridors.***

*Justification*

*The revenue from toll and user charges which is not required to cover infrastructure costs should be used, as a matter of priority, to fund alternative, sustainable transport infrastructure.*

Amendment 28

ARTICLE 1, POINT 6, LETTER (b a)  
Article 9, paragraph 2a (Directive 1999/62/EC)

***(ba) a new paragraph 2a is added:***

***2a. Revenues from road freight charging can be used for financing infrastructure of more sustainable modes of transport (cross-subsidies) in the entire network of Member States and cross-border connections.***

*Justification*

*The possibility of using cross-subsidies would allow for those Member States that wish to do so, to contribute to the financing of more sustainable transport infrastructure, such as rail projects, rail interoperability and, sustainable waterways, and thus promote a more sustainable transport policy.*

Amendment 29  
ANNEX II  
ANNEX III (Directive 1999/62/EC)

***deleted***

*Justification*

*The Commission should put forward a new, coherent method for taking account of all costs, including external costs. The proposed Annex III is far too complicated and restrictive.*

Amendment 30  
ANNEX II  
ANNEX III (new) (Directive 1999/62/EC)

***Annex II***

***Annex III***

***The following shall be regarded as sensitive areas:***

***(a)***

- Areas which already enjoy international protected status, such as, in particular, Natura 2000 areas pursuant to Directive 79/409/EEC on the conservation of wild birds;***
- Areas covered by Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;***
- Areas falling within the scope of the Convention for the Protection of the Alps (Alpine Convention);***

- *National parks in accordance with IUNC rules (Category II protected areas);*
- *UNESCO world cultural and world natural heritage areas;*
- *UNESCO biosphere reserves;*

*(b) areas covered by national protection provisions governing the soil, water, the atmosphere, flora, fauna, habitats, the landscape and cultural assets;*

*(c) areas which meet the criteria governing ecological and/or cultural value, the fragility of habitats and the potential for sustainable development.*

*On the basis of the criteria governing ecological and/or cultural value, the fragility of habitats and the potential for sustainable development, areas of high natural value and/or of cultural heritage shall be regarded as sensitive.*

*Recreational areas, areas which offer vital natural resources, areas with fragile ecosystems and/or conditions which magnify strains on the environment, areas with critical existing levels of pollution and areas which offer scope for sustainable development, in particular:*

- *areas of high natural value, such as, in particular: unspoilt or natural areas (moorland, riverside forests with a natural dynamic, natural forests and old-growth forests, dunes; areas of rich biodiversity (variety of natural habitats, high proportion of red-list species); extensively cultivated farmland (meadows from which one or two cuts are taken, extensive pasture, traditional orchards, extensively managed forests, heathland; cultivated landscapes divided into small units (average parcel size < 1 ha);*
- *cultural heritage, such as, in particular, intact, historic man-made landscapes (19th century or older); areas rich in cultural monuments; designed*



*landscapes, e.g. landscape gardens, revitalised and revamped brown field sites;*

- *recreational areas, such as, in particular, scenic holiday areas; recreational areas close to urban centres, areas with an unmistakable landscape;*
- *areas which offer significant vital natural resources, such as, in particular, areas with significant water resources (headwater areas and their drainage basins, areas with abundant groundwater, lakes which act as drinking water reservoirs); areas with particularly fertile (e.g. chernozems) and healthy soils; areas which offer protection against natural dangers (e.g. forests which provide protection against erosion, landslides, avalanches); clean-air areas, spa areas, quiet areas;*
- *areas with fragile ecosystems or conditions which magnify strains on the environment, such as, in particular: karst areas; lakelands, maritime coasts; alpine areas (above the potential treeline); boreal areas in northern Europe; semi-arid areas (arid areas); mountain valleys (valley floor-mountainside ratio < 5:1); areas subject to inversion weather (basins and valleys);*
- *areas with critical existing levels of pollution, such as, in particular:*
  - \* areas in which the limit values and target values for atmospheric pollutants pursuant to EU daughter Directives 1999/30/EC, 2000/69/EC and 2002/3/EC are exceeded;*
  - \* residential and recreational areas in which the WHO noise limit values (55 dB(A) during the day, 45 dB(A) at night) are exceeded;*
  - \* areas in which critical loads and critical levels, as laid down in the International Cooperative Programme for Mapping Critical*

***Loads and Levels and their Exceedances adopted under the UNECE Convention on Long-Range Transboundary Air Pollution, are exceeded;***

***\* health risk (in accordance with WHO guidelines and recommendations);***

***- areas with the potential for sustainable development, such as, in particular:***

***\* areas where a high proportion of cultivated land is farmed organically (> 5%);***

***\* areas with regional strategies for sustainable development (e.g. regional concepts for low-impact tourism, low-impact mobility, green corridors and green area networks, participatory planning processes designed to bring about endogenous regional development, independent marketing of regional products);***

***\* areas with LA21 processes.'***