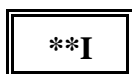


4 July 1997

A4-0243/97



REPORT

on the proposal for a Council Directive on the charging of heavy goods vehicles for the use of certain infrastructures (COM(96)0331 - C4-0027/97 - 96/0182(SYN))

Committee on Transport and Tourism

Rapporteur: Mr Georg Jarzembowski

DOC_EN\RR\331\331058

PE 221.085/fin

CONTENTS

| | <u>Page</u> |
|---|-------------|
| Procedural page | 3 |
| A. LEGISLATIVE PROPOSAL | 4 |
| DRAFT LEGISLATIVE RESOLUTION | 15 |
| B. EXPLANATORY STATEMENT | 16 |
| OPINION OF THE COMMITTEE ON ENVIRONMENT, PUBLIC HEALTH AND CONSUMER PROTECTION | |

By letter of 28 January 1997 the Council consulted Parliament, pursuant to Articles 75 and 189c of the EC Treaty, on the proposal for a Council Directive on the charging of heavy goods vehicles for the use of certain infrastructures.

At the sitting of 29 January 1997 the President of Parliament announced that he had referred this proposal to the Committee on Transport and Tourism as the committee responsible and to the Committee on Economic and Monetary Affairs and Industrial Policy and the Committee on the Environment, Public Health and Consumer Protection for their opinions.

At its meeting of 24 July 1996 the Committee on Transport and Tourism had appointed Mr Georg Jarzembowski rapporteur.

Considered the Commission proposal and the draft report at its meetings of 29 October 1996 and 20 January, 18 March, 20 May and 3 July 1997.

At the last meeting it adopted the draft legislative resolution by 30 votes to 1, with 1 abstention.

The following took part in the vote: Lüttge, chairman; Jarzembowski, rapporteur, Balfe (for Baldarelli), Camisón Asensio, Castricum, Cornelissen, Cunningham (for Simpson), Donnay, Ferber (for Ferri), González Triviño, Grosch, Koch, Langenhagen, Le Rachinel, Linser, McIntosh, Megahy, Morris (for Aparicio Sánchez), Paasio (for Klironomos), Piecyk, Rehder (for Schlechter), Santini (for Danesin), Sarlis, Schierhuber (for Sisó Cruellas), Schmidbauer, Seal, Sindal, Stenmarck, Stockmann (for Swoboda), Van Dijk, Van der Waal and Watts.

The opinion of the Committee on the Environment, Public Health and Consumer Protection is attached. At its meeting of 26 February 1997 the Committee on Economic and Monetary Affairs and Industrial Policy decided not to draw up an opinion.

The report was tabled on 4 July 1997.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A
LEGISLATIVE PROPOSAL

Proposal for a Council Directive on the charging of heavy goods vehicles for the use of certain infrastructures (COM(96)0331 - C4-0027/97 - 96/0182(SYN))

The proposal is approved with the following amendments:

Text proposed by the Commission⁽¹⁾

Amendments by Parliament

(Amendment 1)
Recital 2a

- 2a. Whereas with the European Parliament resolution of 30 January 1997 on internalizing the external costs of transport (Schmidbauer report) the principle of charging external costs has been recognized, and whereas in that resolution the Commission is also urged to produce evidence of the external costs of the individual modes of transport so that they may be charged simultaneously to all modes of transport; whereas the Commission is called upon to submit a proposal to this effect within twelve months; whereas in this situation, as is clear from Annex III, under the present legal act, substantial differentiation according to infrastructure damage and exhaust pollution by these vehicles may be undertaken initially only in respect of the rules on user charges;

⁽¹⁾ OJ C

(Amendment 2)

Recital 3

3. Whereas Member States should ensure the functioning of the internal market and avoid obstacles to the free movement of goods or services within the Community; whereas the proper functioning of the internal market in transport calls for a reduction of the differences in the conditions of competition in goods road transport due to unjustifiable divergences in the levels of transport-related charges, including taxes and other relevant levies; whereas, therefore, vehicle taxes and user-charge rates should be set within a maximum and a minimum level;

3. Whereas Member States should ensure the functioning of the internal market and avoid obstacles to the free movement of goods or services within the Community; whereas the proper functioning of the internal market in transport calls for a harmonization of the conditions of competition in goods road transport due to unjustifiable divergences in the levels of transport-related charges, including taxes and other relevant levies; whereas, therefore, vehicle taxes should not be set below a minimum level and user-charge rates should be set within a maximum and a minimum level;

(Amendment 3)

Recital 3a (new)

Having regard to the Alpine Convention

(Amendment 4)

Recital 4a (new)

4a. Whereas moreover consideration should be given to a massive redistribution of modes of transport and particularly an analytical reprogramming of road haulage;

(Amendment 5)
Recital 9

9. Whereas minimum rates for vehicle taxes need not apply in Member States where a user charge system is in operation; Delete

(Amendment 6)
Recital 11 and 12

11. Whereas certain local domestic transport operations with little impact on the Community transport market are at present subject to reduced rates of vehicle tax; whereas, in order to ensure smooth transition, Member States should be authorized to lay down temporary derogations from the minimum rates;

12. Whereas Member States should be permitted to apply reduced rates or exemptions of vehicle taxes in the case of vehicles whose use is not liable to affect the Community transport market;

11. Whereas certain local domestic transport operations with little impact on the Community transport market are at present subject to reduced rates of vehicle tax, and Member States should therefore be permitted to apply reduced rates or exemptions of vehicle taxes in the case of vehicles whose use is not liable to affect the Community transport market;

(Amendment 7)
Recital 14

14. Whereas the definition of 'sensitive routes' should be decided by the Commission through a procedure involving an advisory committee composed of representatives of the Member States; whereas the availability of adequate service provided by other transport modes should be a prerequisite before a route can qualify as sensitive;

14. Whereas the definition of 'sensitive routes' and 'sensitive areas' should be examined by the Commission through a special procedure involving representatives of the Member States and regions concerned; whereas the availability of adequate services provided by other transport modes such as railways and combined transport should be a factor; whereas the result of that examination should be included in the Commission proposal pursuant to recital 2a.

(Amendment 8)

Recital 16

16. Whereas the rates of user charges should be based on the duration of the use made of the infrastructure in question and be as close as possible to the real costs caused by the road vehicles; whereas this should be pursued in the short term through the introduction of limited differentiation of the rates according to the damage caused to the infrastructure and the environment;

16. Whereas the rates of user charges should be based on the duration of the use made of the infrastructure in question and be as close as possible to the real costs caused by the road vehicles; whereas this should be pursued in the short term through the introduction of differentiation of the rates according to the damage caused to the infrastructure and the environment;

(Amendment 9)

Recital 17

17. Whereas, in order to ensure that user charges and tolls are applied homogeneously, certain rules for determining their manner of application should be laid down, such as the characteristics of the infrastructure to which they are applicable, the infrastructure and external costs elements that their rates may cover and the maximum and minimum levels of certain rates; whereas in the case of tolls, their rates may also take into account a return on the capital invested at a rate attainable in similar investments;

17. Whereas, in order to ensure that user charges and tolls are applied homogeneously, certain rules for determining their manner of application shall be laid down, such as the characteristics of the infrastructure to which they are applicable and the infrastructure cost elements that their rates may cover; whereas in the case of tolls, their rates may also take into account a return on the capital invested at a rate attainable in similar investments;

(Amendment 10)

Recital 18

18. Whereas two or more Member States should be allowed to cooperate for the purpose of introducing a common system of user charges, subject to compliance with some additional conditions.

18. Whereas the principle of territoriality should be applied; whereas two or more Member States should be allowed to cooperate for the purpose of introducing a common system of user charges, subject to compliance with some additional conditions;

(Amendment 11)
Article 6(1), first subparagraph

1. Whatever the structure of the taxes referred to in Article 3, Member States shall set the rates so as to ensure that the tax rate for each vehicle category or subcategory referred to in Annex I is not lower than the minimum and not higher than the maximum laid down in that Annex.

1. Whatever the structure of the taxes referred to in Article 3, Member States shall set the rates so as to ensure that the tax rate for each vehicle category or subcategory referred to in Annex I is not lower than the minimum laid down in that Annex.

(Amendment 12)
Article 6(1), second subparagraph

However, Member States may levy vehicle taxes below these minimum rates provided that they are applying a user-charge system in accordance with this Directive.

Delete

(Amendment 13)
Article 6(1a) (new)

1a. The minimum rates and the tax rates actually adopted shall be reviewed on 1 January 2001 and every second year thereafter. With a view to further harmonization and the reduction or abolition of vehicle excise duties, the Commission shall propose the adjustments that are necessary for adoption by the Council under the procedure laid down in the EC Treaty.

(Amendment 14)
Article 7(2), first subparagraph

- | | |
|--|---|
| 2. Tolls and user charges shall be imposed only on users of: bridges; tunnels; mountain passes; <u>sensitive routes</u> ; and motorways or other multi-lane roads with characteristics similar to motorways. | 2. Tolls and user charges shall be imposed only on users of: bridges; tunnels; mountain passes; and motorways or other multi-lane roads with characteristics similar to motorways. <u>User charges need not be imposed for urban motorways.</u> |
|--|---|

(Amendment 15)
Article 7(2)
Subparagraph 1a (new)

- 1a. User charges shall be reduced by 50% for vehicles registered in peripheral regions.

(Amendment 16)
Article 7(6), first sentence

- | | |
|---|--|
| 6. As from 1 January 1998 user charges, including administrative costs, for all vehicle categories shall be set by the Member State concerned at a level that is between 50% and 100% of the maximum rates laid down in Annex III <u>for the different categories of vehicles as indicated in Annex II and III.</u> | 6. As from 1 January 1998 user charges, including administrative costs, for all vehicle categories shall be set by the Member State concerned at a level that is between 50% and 100% of the maximum rates laid down in Annex III. |
|---|--|

(Amendment 17)
Article 7(8)

8. Toll rates shall be set so that the resulting revenues do not exceed the costs of constructing, operating and developing the infrastructure on which these tolls are levied, plus a rate of return attainable in similar investment projects. In addition, Member States may add an external cost element at a level reflecting the corresponding external costs, up to a maximum of ECU 0.03 per kilometre.

8. Toll rates shall be set so that the resulting revenues do not exceed the costs of constructing, operating and developing the infrastructure on which these tolls are levied, plus a rate of return attainable in similar investment projects. In the special case of the Brenner motorway the Council may under the procedure laid down in the EC Treaty authorize the Member States concerned to increase toll charges by a cost component to help achieve and maintain a sustainable distribution of traffic in the Alpine region, while taking the principle set out in the first sentence into account.

(Amendment 18)
Article 7(9)

9. In accordance with the procedure laid down in Article 10, Member States may be authorized to charge external costs on sensitive routes, above the level provided for in paragraph 8, on presentation of the justifications provided for in Article 9(1). In no case may the external cost component exceed ECU 0.5 per kilometre.

Delete

On sensitive routes, where no tolls are levied, Member States may be authorized in accordance with the procedure laid down in Article 10, to impose a specific daily charge for external costs, on the basis of the justifications provided for in Article 9(1), up to a maximum daily rate of ECU 15.

(Amendment 19)
Article 7(10)

10. The identification of the sensitive routes referred to in paragraphs (3) and (9) of this Article shall be made in accordance with the procedure laid down in Article 10, and in conformity with the criteria laid down in Article 9(2). Delete

(Amendment 20)
Article 8(2)(a)

- (a) the common user-charge rates shall be set by the participating Member States at levels that are not higher than the maximum or lower than the minimum rates referred to in Articles 7(6), (7), and (9);
- (a) the common user-charge rates shall be set by the participating Member States at levels that are not higher than the maximum or lower than the minimum rates referred to in Articles 7(6) and (7);

(Amendment 21)
Article 9

1. For the purpose of defining sensitive routes and for determining the charges which apply on them in accordance with the procedure set out in Article 10, Member States shall provide the Commission with all relevant data as well as their justification of the charges proposed. In the justification of the charges proposed, the following should be described; the method and calculation which have been used to set the rates; measures taken to reduce the relevant external costs from all road users in the area; and measures taken to combat air pollution from all sources in the area. Delete

2. The criteria which shall apply for the determination of the sensitive routes, are, as appropriate: those used for assessing whether a motorway is congested and/or whether traffic on it contributes significantly to poor air quality and/or noise pollution in its proximity, in particular in zones and urban areas defined on the basis of Article 2 of Directive [...] on ambient air quality assessment and management. Supplementary conditions that shall be met are: the availability of adequate service provided by other transport modes, including open and non-discriminatory access to infrastructure for authorized transport operators; and the existence of measures to combat air pollution from all sources in the area.

(Amendment 22)

10(1)

1. The Commission shall be assisted by the advisory committee created under Council Decision 65/270/EEC and chaired by the representative of the Commission.
1. For the purposes of Article 6(4), the Commission shall be assisted by the advisory committee created under Council Decision 65/270/EEC and chaired by the representative of the Commission.

(Amendment 23)
Article 13(1), second subparagraph

Member States shall forward the necessary information to the Commission no later than 1 June 1999 in order to enable the Commission to draw up the above report.

Member States shall forward the necessary information to the Commission no later than 1 June 1999 in order to enable the Commission to draw up the above report. This information shall also pertain to the degree to which road traffic costs are covered, by category of vehicle and road.

(Amendment 24)
ANNEX I

Delete entire Annex I and replace by the following table:

ANNEX I
Minimum motor vehicle taxes (ECU/year)

| | ☆☆☆○◆○ □☆☆○▲▲☆☆● ☆☆☆▲▲ ●☆☆■ ◆☆☆▼☆☆ ▼□■■▲■ | ☆□■▲◆◇□□○□▼□□◆☆☆☆☆●☆☆▲ | | | ◆◇□□☆☆☆☆☆☆ | |
|-----|--|------------------------|------------------|---------------------------------|-----------------------|---------------------------------|
| | | ☆◆○☆☆□ □☆☆ ☆☆☆▲ | ☆☆☆ ▲▲▲□☆☆■□■ | ☆▼☆☆□ ▲◆▲□☆☆▲☆☆□■ ▲▲▼☆☆○▲ | ☆☆☆ ▲▲▲□☆☆▲☆☆ ■ | ☆▼☆☆□ ▲▲▲□☆☆▲☆☆□■ ▲▲▼☆☆○▲ |
| | | | ✓/✓ | ✓/✓ | ✓/✓ | ✓/✓ |
| ✓/✓ | ✓/✓▼□✓/✓ ✓/✓▼□✓/✓ | ✓/✓ | ✓/✓/✓ | ✓/✓X | ✓/✓X | ✓/✓X |
| ✓/✓ | ✓/✓▼□✓/✓ | ✓/✓ | ✓/✓X | X/✓X | ✓/✓+ | ✓/✓/✓ |
| ✓/✓ | ✓/✓▼□✓/✓ | ✓/✓ | ✓/✓X | ✓/✓X | ✓/✓/✓ | ✓/✓X |
| ✓/✓ | ✓/✓▼□✓/✓ | ✓/✓ | ✓/✓X | ✓/✓X | ✓/✓X | ✓/✓/✓ |
| ✓/✓ | ✓/✓▼□✓/✓ ✓/✓▼□✓/✓ | ✓/✓ | X/✓X | X/✓/✓ | ✓/✓/✓ | X/✓/✓ |
| ✓/✓ | ✓/✓▼□✓/✓ ✓/✓▼□✓/✓ | ✓/✓ | X/✓X | +/✓/✓ | X/✓/✓ | X/✓/✓ |

(Amendment 25)
ANNEX II

Delete Annex II

(Amendment 26)
ANNEX III

Delete Annex III and replace by the following table:

ANNEX III
Maximum amount of annual user charges (ECU per year)

| Vehicle categories | 2, 3 or 6 axles | 4 or 5 axles |
|--------------------|-----------------|--------------|
| Non-Euro | 2 000 | 2 500 |
| Euro I | 1 500 | 2 000 |

| | | |
|-------------------|-------|-------|
| Euro II or better | 1 000 | 1 500 |
|-------------------|-------|-------|

DRAFT LEGISLATIVE RESOLUTION

Legislative resolution embodying Parliament's opinion on the proposal for a Council Directive on the charging of heavy goods vehicles for the use of certain infrastructures (COM(96)0331 - C4-0027/97 - 96/0182(SYN))

(Cooperation procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the Council COM(96)0331 - 96/0182(SYN)⁽¹⁾,
 - having been consulted by the Council pursuant to Articles 75 and 189c of the EC Treaty (C4-0027/97),
 - having regard to Rule 58 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on the Environment, Public Health and Consumer Protection (A4-0243/97),
1. Approves the Commission proposal, subject to Parliament's amendments;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 189a(2) of the EC Treaty;
 3. Calls on the Council to incorporate Parliament's amendments in the common position that it adopts in accordance with Article 189c(a) of the EC Treaty;
 4. Calls for the conciliation procedure to be opened should the Council intend to depart from the text approved by Parliament;
 5. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
 6. Instructs its President to forward this opinion to the Council and Commission.

⁽¹⁾ OJ C 59 of 26.2.1997, p.9.

B

EXPLANATORY STATEMENT

I. General background

By judgment of 5 July 1995 the Court of Justice annulled Council Directive 93/89/EEC of 25 October 1993 on the application by Member States of taxes on certain vehicles used for the carriage of goods by road and tolls and charges for the use of certain infrastructures (OJ L 279/32, 12 November 1993) on the grounds that the European Parliament had not been sufficiently involved. The Court did however rule on the grounds of legal certainty that the effects of the directive should be preserved until a new Council directive was correctly adopted. The present Commission proposal for a directive therefore seeks to create a new legal basis for commercial vehicle taxes and tolls and user charges.

The Directive (93/89/EEC) annulled by the Court of Justice in essence contained:

- (low) minimum rates for motor vehicle taxes,
- scope for Member States to retain or introduce distance-based motorway tolls, the yield of which has to correspond to the cost of building, operating and developing the road network in question,
- or the possibility of introducing time-based road user charges, not exceeding ECU 1250 per year.

The present proposal for a directive goes much further than the original directive did and its main points are:

- the fixing of minimum and maximum rates for motor vehicle taxes,
- allowing Member States to impose motor vehicle taxes below the minimum rates if they apply a user charge system meeting the requirements of the Directive.
- time-based road user charges should in future lie within a band of ECU 750-2000 per year, taking account of the road damage classification of a lorry (of at least 12 tonnes maximum permissible laden weight) and its emission characteristics,
- tolls should be increased by a component to cover external costs, in particular on 'sensitive routes'.

II. Justification of the amendments

1. Concerning motor vehicle taxes

The system proposed by the Commission for motor vehicle tax rates is far too complicated and should therefore be simplified. For the sake of agreement with the Council, maximum rates should be omitted. Amendments 2, 11 and 24 put these considerations into effect.

The minimum tax rates should nevertheless be formulated to take account of the damage and pollution ratings of the vehicles and thereby also to encourage the purchase of environmentally-friendlier vehicles (see paragraph 18 of the European Parliament resolution of 30 January 1997 on

internalizing the external costs of transport). The system for motor vehicle taxes now put forward therefore provides for minimum rates for Euro I and Euro II vehicles at 80% of the minimum tax rates for non-Euro vehicles. Amendment 24 also takes this into account.

Amendments 5 and 12 would remove the possibility of vehicle taxes below the minimum rates (where user charges are levied), to ensure that competition within the Union is on as equal a footing as possible.

A review clause is introduced to require that minimum tax rates be revised or abolished in 2001, at the same time as the maximum rates for user charges are reviewed. See Amendment 13.

2. Tolls and user charges

The system proposed by the Commission for user charges has also been simplified to make it easier to apply. The new proposal does nevertheless take account of the road damage and pollution ratings of the vehicles (see paragraph 22 of the resolution referred to above). The new system of maximum annual rates also shows an appropriate increase after five years. A clarification is inserted as regards urban motorways. See Amendments 14, 16, 24 and 25.

The inclusion of a component to cover external costs in tolls is rejected for the time being, as the White Paper still awaited from the Commission on the internalization of the external costs of transport and the study called for by Parliament to produce evidence of the external costs of the individual modes of transport are not yet available (see paragraphs 1, 3, 10, 25 and 26 in particular of the above-mentioned resolution). See Amendments 1, 6, 8, 15 and 16. The Commission is called upon to produce its report giving evidence of the external costs of all modes of transport and the conclusions to be drawn, within twelve months. See Amendments 9, 17 and 18.

There can be no question of introducing 'sensitive routes' or sensitive areas and the increased tolls contemplated by the Commission at present, as there are as yet no specific rules for defining environmentally heavily polluted corridors. Such routes or areas would moreover have to be laid down by Community legislation (see paragraph 23 of the resolution referred to above). These matters should also be resolved by the Commission in the report called for in the previous paragraph. In respect of the Brenner motorway we propose special arrangements to take account of the particular nature of the Alpine region. See Amendments 7, 14, 18, 19, 20, 21 and 22.

23 May 1997

OPINION
(Rule 147)

for the Committee on Transport and Tourism

on the proposal for a Council Directive on the charging of heavy goods vehicles for the use of certain infrastructures (COM(96)0331 - C4-0027/97 - 96/0182(SYN); report by Mr Jarzembowski)

Committee on the Environment, Public Health and Consumer Protection

Draftsman: Mr Gianni Tamino

PROCEDURE

At its meeting of 17 December 1996 the Committee on the Environment, Public Health and Consumer Protection appointed Mr Tamino draftsman.

It considered the draft opinion at its meeting of 16 April and 21 May 1997.

At the last meeting it adopted the following conclusions by 18 votes to 5.

The following took part in the vote : Dybkjaer (for the chairman), Lannoye, vice-chairman ; Tamino, draftsman ; Blokland, Breyer, Correia (for Apolinario), Flemming, Graenitz, Grossetête, Hautala (for McKenna), Hulthén, Jackson, Jensen, Kuhn, Lange (for Bowe), Needle, Pollack, Riis-Jorgensen (for Eisma), Roth-Behrendt, Schleicher, Virgin, White, Whitehead.

1. Introduction

The proposed directive is aimed at replacing Directive 93/89/EEC (aka The Eurovignette Directive), which was annulled by the European Court of Justice on 5 July 1995⁽¹⁾ on grounds of procedural irregularities. The effects of the Eurovignette Directive will be maintained until new Community legislation in this matter is adopted, in order to avoid a legal vacuum.

2. Content of the Commission proposal

Case C-21/94, Parliament vs Council

The Commission document is the first concrete result of some of the ideas presented in the Green Paper "Towards fair and efficient pricing in transport"⁽¹⁾. The proposal aims to ensure a better linkage between charges for road use and the level of use and the vehicle used. The Commission wants to achieve this objective through more differentiated vehicle taxes and user charges.

The main features of the Directive are:

- The introduction of greater differentiation in the levels of annual vehicle taxes and user charges for individual vehicle categories related to the costs incurred.
- Changes in the rules governing vehicle taxes, user charges and tolls to put greater emphasis on **use** and thereby moving towards the principle of territoriality in charging for road use.
- Further harmonisation of the structure and levels of vehicle taxes and charges in the Community.
- The introduction of the possibility of an external cost element in tolls and user charges.
- The introduction of the concept of sensitive routes for which a larger external cost element can be charged.
- Specific requirements for shorter period user charges aimed at encouraging a shift towards marginal cost charging.

3. Conclusions

- The proposed Directive is a step towards more efficient and fine tuned pricing for heavy goods vehicles in the EU and will facilitate the application of the territoriality principle.
- The directive should make reference to all four main sources of external cost from transport described in the Green Paper "Towards fair and efficient pricing in transport", namely congestion, air pollution, noise and **accidents**.
- It would be appropriate for the directive - in the context of sensitive areas - to make reference to the Alpine Convention and the special conditions in this area.
- The notion of "sensitive routes" should be expanded into "sensitive areas" in order not to transfer traffic from routes defined as "sensitive" onto more damageable and less safe roads in the area concerned, i.e. the entire Alpine area one such sensitive area.
- Regional representatives from the areas concerned have an important role and contribution to make in the process of defining sensitive routes and areas. Furthermore, the rate of road tolls should take into account the damage suffered by the regions concerned and the return of revenue from road tolls to these regions.

¹ COM(95) 691 final

- . The directive should also introduce the possibility of differentiating the rates for the use of infrastructure according to **when** it is used and the additional cost this entails (i.e during night time and rush hours).
- . The directive should, preferably, only establish minimum levels (and no maximum levels) for charges in order to make it possible for Member States to recover the full cost of road transport. Also, the principle of territoriality must be applied in a non-discriminatory and borderless fashion.

(Amendment 1)
Recital 3a (new)

Having regard to the Alpine Convention

(Amendment 2)
Recital 3

Whereas Member States should ensure the functioning of the internal market and avoid obstacles to the free movement of goods or services within the Community; whereas the proper functioning of the internal market in transport calls for a reduction of the differences in the conditions of competition in goods road transport due to unjustifiable divergences in the levels of transport-related charges, including taxes and other relevant levies; whereas, therefore, vehicle taxes and user-charge rates should be set within a maximum and a minimum level;

Whereas Member States should ensure the functioning of the internal market and avoid obstacles to the free movement of goods or services within the Community; whereas the proper functioning of the internal market in transport calls for a harmonization of the conditions of competition in goods road transport due to unjustifiable divergences in the levels of transport-related charges, including taxes and other relevant levies, and in social conditions for drivers; whereas, therefore, a minimum level should be set for vehicle taxes and user-charge rates;

(Amendment 3)
Paragraph 3

3. Whereas Member States should ensure the functioning of the internal market and avoid obstacles to the free movement of goods or services within the Community; whereas the proper functioning of the internal market in transport calls for a reduction of the differences in the conditions in goods road transport due to unjustifiable divergences in the levels of transport-related charges, including taxes and other relevant levies; whereas, therefore, vehicle taxes and user-charge rates should be set within a maximum and a minimum level;

3. Whereas Member States should ensure the functioning of the internal market and avoid obstacles to the free movement of goods or services within the Community; whereas the proper functioning of the internal market in transport calls for a reduction of the differences in the conditions in goods road transport due to unjustifiable divergences in the levels of transport-related charges, including taxes and other relevant levies; whereas, therefore, vehicle taxes and user-charge rates should be set with a minimum level;

(Amendment 4)
Recital 9

Whereas minimum rates for vehicle taxes need not apply in Member States where a user charge system is in operation; deleted

(Amendment 5)
Paragraph 14

14. Whereas the definition of "sensitive routes" should be decided by the Commission through a procedure involving an advisory committee composed of representatives of the Member States; whereas the availability of adequate service provided by other transport modes should be a prerequisite before a route can qualify as sensitive;

14. Whereas the definition of "sensitive areas" should be proposed by the Commission through a procedure involving an advisory committee composed of representatives of the Member States as well as representatives of the areas concerned; whereas the availability of adequate service provided by more sustainable modes, such as rail and combined transport, should be more intensively developed;

(Amendment 6)
Paragraph 16

16. Whereas the rates of user charges should be based on the duration of the use made of the infrastructure in question and be as close as possible to the real costs caused by the road vehicles; whereas this should be pursued in the short term through the introduction of limited differentiation of the rates according to the damage caused to the infrastructure and the environment;

16. Whereas the rates of user charges should be based on the duration of the use made of the infrastructure in question and be as close as possible to the real costs caused by the road vehicles; whereas this should be pursued in the short term through the introduction of limited differentiation of the rates according to the damage caused to the infrastructure and the environment; whereas it should be possible to differentiate rates for the use of infrastructure during rush hours, nights and other key times;

(Amendment 7)
Paragraph 17

17. Whereas, in order to ensure that user charges and tolls are applied homogeneously, certain rules for determining their manner of application should be laid down, such as the characteristics of the infrastructure to which they are applicable, the infrastructure and external costs elements that their rates may cover and the maximum and minimum levels of certain rates; whereas in the case of tolls, their rates may also take into account a return on the capital invested at a rate attainable in similar investments;

17. Whereas, in order to ensure that user charges and tolls are applied homogeneously, certain rules for determining their manner of application should be laid down, such as the coherence of applicability of all road infrastructure in order not to transfer traffic on more damageable and less safe roads the infrastructure and external costs elements that their rates may cover and the minimum levels of certain rates; whereas in the case of tolls, their rates may also take into account the damage, suffered by the regions concerned, and the return of this capital to these regions;

(Amendment 8)
Recital 17a (new)

Whereas the monies collected are to be used to promote environmentally friendly mobility and to absorb the external costs generated by road traffic;

(Amendment 9)
Paragraph 18

18. Whereas two or more Member States should be allowed to cooperate for the purpose of introducing a common system of user charges, subject to compliance with some additional conditions;

18. Whereas the principle of territoriality should be applied; whereas two or more Member States should be allowed to cooperate for the purpose of introducing a common system of user charges, subject to compliance with some additional conditions;

(Amendment 10)
Article 2, before point (a)

"infrastructure" means the construction (hard ware) of the road as well as the organization (soft ware) to make the use of the road possible and safer;

(Amendment 11)
Article 2, point (a) (new)

(a) "road" means a public way, designed and built for use by motor vehicles;

(Amendment 12)
Article 2, point (g)

(g) "sensitive route" means an infrastructure where tolls or user charges may be levied in accordance with Article 7(a), which meets the criteria mentioned in Article 9(2) and which has been defined in accordance with the procedure set out in Article 10;

(g) "sensitive area" means an area, in which tolls or user charges on infrastructure may be levied in accordance with Article 7(a), which meets the criteria mentioned in Article 9(2) and which has been defined in accordance with the procedure set out in Article 10;

The entire Alpine region is one such sensitive area.

(Amendment 13)
Article 2, point (h)

(h) "external costs" are the costs of congestion, air pollution and noise;

(h) "external costs" are the social and environmental costs such as accidents, congestion, air pollution and noise;

(Amendment 14)
Article 6, point 1, 1st paragraph

1. Whatever the structure of the taxes referred to in Article 3, Member States shall set the rates so as to ensure that the tax rate for each vehicle category or subcategory referred to in Annex I is not lower than the minimum and not higher than the maximum laid down in that Annex.

1. Whatever the structure of the taxes referred to in Article 3, Member States shall set the rates so as to ensure that the tax rate for each vehicle category or subcategory referred to in Annex I is not lower than the minimum laid down in that Annex.

(Amendment 15)
Article 6(1), second subparagraph

However, Member States may levy vehicle taxes below these minimum rates provided that they are applying a user-charge system in accordance with this Directive. ~~deleted~~

(Amendment 16)
Article 6(1), third subparagraph

Vehicle taxes for non-Euro vehicles shall be at least 10% higher than those for equivalent Euro I vehicles. Tax rates set for Euro I vehicles shall be at least 10% higher than those for equivalent Euro II vehicles.

Vehicle taxes for non-Euro vehicles shall be at least 50% higher than those for equivalent Euro I and Euro II vehicles as defined in Table 1 of Annex I to this Directive.

(Amendment 17)
Article 7, point 2

2. Tolls and user charges shall be imposed only on users of : bridges; tunnels; mountain passes; sensitive routes; and motorways or other multi-lane roads with characteristics similar to motorways.

However, in a Member State where no general network of motorways or dual carriageways with similar characteristics exists, tolls and user charges may be imposed on users of the highest category of road in that State.

Deleted.

Following consultations with the Commission, and in accordance with the procedure laid down in the Council Decision of 21 March 1962, tolls and user charges may also be imposed on users of other sections of the primary road network, particularly where there are safety reasons for doing so.

Following consultations with the Commission, and in accordance with the procedure laid down in the Council Decision of 21 March 1962, tolls and user charges may also be imposed on users of the road network, particularly where there are safety or environmental reasons for doing so.

Following consultations with the Commission, and in accordance with the procedure laid down by the Decision of 21 March 1962, special arrangements for border areas may be made by the Member States concerned.

Following consultations with the Commission, and in accordance with the procedure laid down by the Decision of 21 March 1962, special arrangements for border areas may be made by the Member States concerned.

(Amendment 18)
Article 7(2), first subparagraph

Tolls and user charges shall be imposed only on users of: bridges; tunnels; mountain passes; sensitive routes; and motorways or other multi-lane roads with characteristics similar to motorways.

Tolls and user charges shall be imposed only on users of: bridges; tunnels; mountain passes; roads in sensitive areas; and motorways or other multi-lane roads with characteristics similar to motorways.

(Amendment 19)
Article 7, point 6

6. As from 1 January 1998 user charges, including administrative costs, for all vehicle categories shall be set by the Member State concerned at a level that is between 50% and 100% of the maximum rates laid down in Annex III for the different categories of vehicles as indicated in Annexes II and III. Whatever level is chosen, the charges for individual vehicle categories must be in the same ratio to each other as the maximum rates in Annex III.

6. As from 1 January 1998 user charges, including administrative costs, for all vehicle categories shall be set by the Member State concerned at as indicated in the Annexes.

On 1 January 2001 and every second year thereafter these maximum rates shall be reviewed. When necessary, the Commission shall make proposals for appropriate adjustments and the Council shall act on them, in accordance with the conditions laid down in the Treaty.

Deleted.

(Amendment 20)
Article 7, point 7

7. User-charge rates shall be in proportion to the duration of the use made of the infrastructure.

7. User-charge rates shall be prestation-orientated, i.e. in relationship to the number of kilometres of use of the infrastructure.

(Amendment 21)
Article 7, point 8

8. Toll rates shall be set so that the resulting revenues do not exceed the costs of constructing, operating and developing the infrastructure on which these tolls are levied, plus a rate of return attainable in similar investment projects. In addition, Member States may add an external cost element at a level reflecting the corresponding external costs, up to a maximum of ECU 0.03 per kilometre.

8. Toll rates shall be set so that the resulting revenues include possible compensation for the damage in the regions concerned as well as a rate covering the infrastructure investment costs. Member States may add a rate element at a level reflecting the corresponding external costs.

(Amendment 22)
Article 7, point 9

9. In accordance with the procedure laid down in Article 10, Member States may be authorized to charge external costs on sensitive routes, above the level provided for in paragraph 8, on presentation of the justifications provided for in Article 9(1). In no case may the external cost component exceed ECU 0.5 per kilometre.

9. In accordance with the procedure laid down in Article 10, Member States may be authorized to charge external costs on roads in sensitive areas, on presentation of the justifications provided for in Article 9(1).

On sensitive routes, where no tolls are levied, Member States may be authorized, in accordance with the procedure laid down in Article 10, to impose a specific daily charge for external costs, on the basis of the justifications provided for in Article 9(1), up to a maximum daily rate of ECU 15.

On roads in sensitive areas, where no tolls are levied, Member States may be authorized, in accordance with the procedure laid down in Article 10, to impose a specific daily or nightly charge for external costs, on the basis of the justifications provided for in Article 9(1)

(Amendment 23)

Article 8, point 2, letter (a)

2.(a) the common user-charge rates shall be set by the participating Member States at levels that are not higher than the maximum or lower than the minimum rates referred to in Article 7(6), (7), and (9);

2.(a) the common user-charge rates shall be set by the participating Member States on the territoriality principle at levels that are not lower than the minimum rates referred to in Article 7(6), (7), and (9);

(Amendment 24)

Article 9, point 1

1. For the purpose of defining sensitive routes and for determining the charges which apply on them in accordance with the procedure set out in Article 10, Member States shall provide the Commission with all relevant data as well as their justification of the charges proposed. In the justification of the charges proposed, the following should be described: the method and calculation which have been used to set the rates; measures taken to reduce the relevant external costs from all road users in the area; and measures taken to combat air pollution from all sources in the area.

1. For the purpose of defining sensitive areas and for determining the charges which apply on their roads in accordance with the procedure set out in Article 10, Member States shall provide the Commission with all relevant data as well as their justification of the charges proposed. In the justification of the charges proposed, the following should be described: the method and calculation which have been used to set the rates; measures taken to avoid or reduce the relevant external costs from all road users in the area; and measures taken to combat air pollution from all sources in the area.

(Amendment 25)
Article 9, point 2

2. The criteria which shall apply for the determination of the sensitive routes, are, as appropriate: those used for assessing whether a motorway is congested and/or whether traffic on it contributes significantly to poor air quality and/or noise pollution in its proximity, in particular in zones and urban areas defined on the basis of Article 2 of Directive on ambient air quality assessment and management. Supplementary conditions that shall be met are: the availability of adequate service provided by other transport modes, including open and non-discriminatory access to infrastructure for authorized transport operators; and the existence of measures to combat air pollution from all sources in the area.

2. The criteria which shall apply for the determination of the sensitive areas, are, as appropriate: the degree of congestion on the roads in this area and/or whether traffic on it contributes significantly to poor air quality and/or noise pollution in its proximity, in particular in zones and urban areas defined on the basis of Article 2 of Directive on ambient air quality assessment and management. Supplementary conditions that shall be met are: the availability of adequate service provided by other transport modes, including open and non-discriminatory access to infrastructure for authorized transport operators; and the existence of measures to combat air pollution from all sources in the area. In principle, an area should not be limited by a national border, if on the other side of the border, the same criteria are applicable.

(Amendment 26)
Article 10, point 1

1. The Commission shall be assisted by the advisory committee created under Council Decision 65/270,EEC and chaired by the representative of the Commission.

1. The Commission shall be assisted by the advisory committee created under Council Decision 65/270/EEC, with the participation of representatives of the European Parliament and of the area concerned, and chaired by a representative of the Commission.

(Amendment 27)
ANNEX I, first table

Centre column

| Minimum tax (in ECU/year) | |
|--|---|
| Driving axle(s) with air suspension or recognized equivalent | Other driving axle(s) suspension systems |
| Euro II | |
| <u>0</u> | <u>31</u> |
| <u>31</u> | <u>86</u> |
| <u>86</u> | <u>121</u> |
| <u>121</u> | <u>274</u> |
| <u>31</u> | <u>54</u> |
| <u>54</u> | <u>111</u> |
| <u>111</u> | <u>144</u> |
| <u>144</u> | <u>222</u> |
| <u>222</u> | <u>345</u> |
| <u>222</u> | <u>345</u> |
| <u>144</u> | <u>146</u> |
| <u>146</u> | <u>228</u> |
| <u>228</u> | <u>362</u> |
| <u>362</u> | <u>537</u> |
| <u>362</u> | <u>537</u> |

Centre column

| Minimum tax (in ECU/year) | |
|--|---|
| Driving axle(s) with air suspension or recognized equivalent | Other driving axle(s) suspension systems |
| Euro II | |
| <u>7</u> | <u>62</u> |
| <u>62</u> | <u>172</u> |
| <u>172</u> | <u>242</u> |
| <u>242</u> | <u>548</u> |
| <u>62</u> | <u>108</u> |
| <u>108</u> | <u>222</u> |
| <u>222</u> | <u>288</u> |
| <u>288</u> | <u>444</u> |
| <u>444</u> | <u>690</u> |
| <u>444</u> | <u>690</u> |
| <u>288</u> | <u>292</u> |
| <u>292</u> | <u>456</u> |
| <u>456</u> | <u>724</u> |
| <u>724</u> | <u>1074</u> |
| <u>724</u> | <u>1074</u> |

(Amendment 28)
Annex I, first table

Third column from the left
"Maximum tax (in ECU/year)"

Deleted.

(Amendment 29)
ANNEX I, second table

Centre column

| Minimum tax (in ECU/year) | |
|--|---|
| Driving axle(s) with air suspension or recognized equivalent | Other driving axle(s) suspension systems |
| Euro II | |
| <u>0</u> | <u>0</u> |
| <u>0</u> | <u>0</u> |
| <u>0</u> | <u>14</u> |
| <u>14</u> | <u>32</u> |
| <u>32</u> | <u>75</u> |
| <u>75</u> | <u>97</u> |
| <u>97</u> | <u>175</u> |
| <u>175</u> | <u>307</u> |
| <u>30</u> | <u>70</u> |
| <u>70</u> | <u>115</u> |
| <u>115</u> | <u>169</u> |
| <u>169</u> | <u>204</u> |
| <u>204</u> | <u>335</u> |
| <u>335</u> | <u>465</u> |
| <u>465</u> | <u>706</u> |
| <u>465</u> | <u>706</u> |
| <u>370</u> | <u>515</u> |
| <u>515</u> | <u>700</u> |
| <u>327</u> | <u>454</u> |
| <u>454</u> | <u>628</u> |
| <u>628</u> | <u>929</u> |
| <u>186</u> | <u>225</u> |
| <u>225</u> | <u>336</u> |
| <u>336</u> | <u>535</u> |

Centre column

| Minimum tax (in ECU/year) | |
|--|---|
| Driving axle(s) with air suspension or recognized equivalent | Other driving axle(s) suspension systems |
| Euro II | |
| <u>7</u> | <u>7</u> |
| <u>7</u> | <u>7</u> |
| <u>7</u> | <u>28</u> |
| <u>28</u> | <u>64</u> |
| <u>64</u> | <u>150</u> |
| <u>150</u> | <u>194</u> |
| <u>194</u> | <u>350</u> |
| <u>350</u> | <u>614</u> |
| <u>60</u> | <u>140</u> |
| <u>140</u> | <u>230</u> |
| <u>230</u> | <u>338</u> |
| <u>338</u> | <u>408</u> |
| <u>408</u> | <u>670</u> |
| <u>670</u> | <u>930</u> |
| <u>930</u> | <u>1412</u> |
| <u>930</u> | <u>1412</u> |
| <u>740</u> | <u>1030</u> |
| <u>1030</u> | <u>1400</u> |
| <u>654</u> | <u>908</u> |
| <u>908</u> | <u>1256</u> |
| <u>1256</u> | <u>1858</u> |
| <u>372</u> | <u>450</u> |
| <u>450</u> | <u>672</u> |
| <u>672</u> | <u>1070</u> |

Third column from the left
"Maximum tax (in ECU/year)"
"All vehicle types

Deleted.

(Amendment 31)
ANNEX III, point 1

1. Maximum amount of annual user charges
referred to in Article 7(6)

Minimum amount of annual user charges
referred to in Article 7(6)

(Amendment 32)
ANNEX III, point 2

2. Minimum amounts of annual user charges
referred to in Article 7(6)

Deleted.

The minimum amounts of annual user
charges are set at 50% the maximum
amounts as specified above.

