



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.3.2006
COM(2006) 131 final

2003/0175 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding 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 infrastructure**

AMENDING THE PROPOSAL OF THE COMMISSION pursuant to Article 250 (2) of the
EC Treaty

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty requires the Commission to deliver an opinion on amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the amendments proposed by Parliament.

2. BACKGROUND

Date of transmission of the proposal to the EP and the Council (document COM(2003) 448 final – C5–0351/2003 - 2003/0175(COD):	28 July 2003
Date of the opinion of the European Economic and Social Committee:	3 June 2004
Date of the opinion of the European Parliament, first reading:	20 April 2004
Date of adoption of the common position by qualified majority:	6 September 2005
Date of the opinion of the European Parliament, second reading	15 December 2005

3. PURPOSE OF THE PROPOSAL

In line with the White Paper on European transport policy for 2010¹ and following the request from the European Councils of December 2002 and March 2003, the Commission has proposed a modified version of the directive 1999/62 on road charges for heavy goods vehicles. This proposal is in line with the Commission's policy on transport infrastructure charging, which is to develop a harmonised Community approach to charging, across all modes of transport. The basis for transport charges should be the costs that transport currently impose on users, tax payers and society at large.

¹ COM (2001)370, 12.9.2001

Directive 1999/62/EC provides the current framework for road charges for heavy goods vehicles. However as Member States are tending to move away from charging regimes (vignettes) and towards tolling regimes, the directive needs updating, to elaborate and clarify the basis for road tolls and to ensure that the current patchwork of charging and tolling regimes develops in a transparent and harmonised fashion. In addition, there is a need to adjust the framework for road charges to increase the scope for raising funds for investment in new transport infrastructure.

The Commission's proposal for updating Directive 1999/62/EC addresses these goals. To improve and harmonise the basis of tolling it:

- specifies the cost basis for tolling regimes, to include the costs of constructing, operating, maintaining and developing the network and the uncovered costs of accidents;
- improves the scope for the differentiation of tolls and provides a methodology to enable the transparent estimation of costs;
- extends the scope of the directive to more commercial vehicles (from 3.5 tonnes) and to more roads (the Trans European road network and alternative routes).

To help meet transport infrastructure financing needs, it:

- links tolls to the costs of maintaining and developing the infrastructure;
- requires revenues to be spent on maintaining and developing transport infrastructure;
- allows mark ups on tolls, the revenues of which must be spent on alternative infrastructure investments in the same TEN corridor.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS ADOPTED BY THE PARLIAMENT

The Commission can accept all the amendments adopted by the European Parliament in second reading. They are the result of a compromise package agreed between the European Parliament and the Council with a view to the adoption of the Directive in second reading. These amendments favour the approach taken by the Commission in its proposal and address the Commission's concerns on geographical scope and external costs.

Amendments on geographical scope (43, 44, 51, 52, 53, 54): These amendments establish rules for the treatment of different types of roads within the directive. TENs are subject to the rules of the directive; Member States must inform the Commission of tolls on *other* main roads; and secondary roads are not subject to any rules in the directive.

Amendments on external costs (37, 41, 42, 49, 50): these amendments make statements about the importance of internalising external costs and require the Commission to undertake a modelling exercise and impact assessment of the internalisation of external costs within two years of the directive's entry into force.

Amendment 32 on toll variation: this amendment allows toll variation according to NO_x and PM emissions, and makes toll variation according to emissions obligatory as from 2010.

Amendments on type of vehicle (39, 40, 55): These amendments remove reference to “heavy” in heavy goods vehicles, as the scope of the directive has changed to include vehicles of between 3.5t and 12t, rather than just those above 12t, as in directive 1999/62.

Amendments on urban charges (33, 35): these amendments clarify that urban regulatory charges are not subject to any of the rules in the directive and so Member States are free to levy such charges in accordance with the rules of the Treaty.

Other amendments (34, 36, 38, 45, 46, 47, 48): make minor changes to other parts of the text, dealing with compensation, hypothecation, eurovignette maximum rates and non discrimination.

The conclusion of the compromise package has been facilitated by a declaration which the Commission made during the December 2005 Plenary session of the European Parliament (see annex).

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.

**Annex: Declaration of the Commission at the Plenary Session of Parliament of 13
December 2005**

INTERNALISATION OF EXTERNAL COSTS

Declaration by Commissioner Barrot

Concerning the analysis of the internalisation of the external costs, I am happy to declare that the models and the impact assessments requested by the Parliament can be elaborated and published by the Commission during the two coming years. On this basis, the Commission can evaluate the necessity for ulterior actions on the subject.