



EUROPEAN COMMISSION

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COM(2011) 550 final

2008/0147 (COD)

**OPINION OF THE COMMISSION**

**pursuant to Article 294(7)(c) of the Treaty on the Functioning of the European Union,  
on the European Parliament's amendment[s]  
to the Council's 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 infrastructures**

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**1. INTRODUCTION**

Article 294(7)(c) of the Treaty on the Functioning of the European Union provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the three amendments proposed by the Parliament.

**2. BACKGROUND**

Date of transmission of the proposal to the European Parliament and the Council<sup>1</sup> 08/07/2008

Date of the opinion of the European Economic and Social Committee: 16/12/2009

Date of the opinion of the European Parliament, first reading: 11/03/2009

Date of the Council's position at first reading (qualified majority): 15/02/2011

Date of the opinion of the European Parliament, second reading 07/06/2011

**3. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION**

The current Directive 1999/62/EC sets maximum rates that Member States may charge to heavy goods vehicles for the use of transport infrastructure. However, in determining these rates, Member States may not take into account external costs such as air and noise pollution. The Commission's proposed changes will allow such charges which, if introduced, will promote more efficient and cleaner freight transport. Chief among the other proposed changes is giving Member States greater flexibility in varying toll rates to promote greater use during

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<sup>1</sup> COM(2008) 436 final – 2008/0147 COD:

non-peak times and ultimately reduce congestion. Lastly the additional revenue generated by external cost charging ought to be used to finance projects making transport sustainable.

#### **4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT**

The Committee on Transport and Tourism voted on 12 April 2011 a recommendation consisting of 35 amendments to the Council's first-reading position. In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the co-decision procedure<sup>2</sup>, a number of informal contacts took then place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at second reading. Following these contacts, the Committee presented three compromise amendments which were subsequently voted by the plenary on 7 June 2011. The Commission endorses these amendments.

##### **4.1. Amendments accepted by the Commission**

The Council's position at first reading has already been endorsed by the Commission (see the Commission's opinion on the Council's position<sup>3</sup>). The most important changes introduced by the amendments of the European Parliament to the Council's position are:

- To clarify the Council's mechanism to vary infrastructure charges at peak periods by adding provisions to guarantee the revenue neutrality and improve the transparency. The resulting mechanism will provide a new tool for Member States to manage congestion at peak periods without imposing excessive burden on the road transport industry.
- To insert a provision on the use of revenues in the transport sector. The provision encourages Member States to invest the revenues of tolls in projects to make transport more sustainable. It shall be deemed applied if 15% of the revenues are used on the trans-European network. Member States will be obliged to report on the revenue raised and on the investments made in transport. This compromise found, although less ambitious than the initial Commission's proposal, is a clear step forward to improve transparency in the use of toll revenues and encourage new investments in transport.
- To authorise in mountain areas the simultaneous application of the existing mark-up and the new external cost charges for Euro 0, I and II vehicles and for Euro III vehicles as from 2015. A compulsory "miniearmarking" of the revenues generated by this combination of charges is also foreseen. This provision will contribute to further accelerate the introduction of cleaner vehicles while generating additional revenue for building alternatives to road transport. .
- To insert a "rendez-vous clause" based on Commission's reports due respectively 12 and 48 months after the entry into force of the Directive and where appropriate on a Commission's legislative proposal. The content of the reports has been aligned to the recent White Paper on transport.

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<sup>2</sup> OJ C 145, 30.6.2007, p. 5.

<sup>3</sup> COM(2011) 69 final

The Council's position did not foresee any obligation for Member States to transmit to the Commission a correlation table, in spite of the general line usually taken by the European Parliament on the matter.

However, the Hungarian Presidency with the support of the forthcoming Polish, Danish and Cypriot Presidencies issued a statement confirming that the adoption of this directive does not prejudice the outcome of interinstitutional negotiations on correlation tables (see annex).

The European Parliament could thus agree with the Council but with a statement (see annex) according to which the Commission should inform it within twelve months after adoption of this agreement in plenary and make a report at the end of the transposition period on the practice of Member States in drawing up their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures.

During the plenary of 7 June 2011, the Commission issued a statement which among others confirms the commitment of the Commission towards ensuring that Member States establish correlation tables linking the transposition measures they adopt with the directive, confirms its agreement to produce the information requested by the European Parliament and stresses that its position followed in this file shall not be considered as a precedent (see text in annex).

## **5. CONCLUSION**

Pursuant to Article 293(2) of the Treaty on the Functioning of the European Union, the Commission amends its proposal by endorsing the amendments as set out above.

## Annex

### Statement of the Presidency

*"It is hereby declared that the agreement reached between the Council and the European Parliament in the trilogue of 23 May 2011 concerning the 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, Eurovignette, does not prejudice the outcome of interinstitutional negotiations on correlation tables."*

### Statement of the European Parliament

*"The European Parliament regrets that the Council was not prepared to accept the mandatory publication of correlation tables in the context of the proposal amending Directive 1999/62/EC. It is hereby declared that the agreement reached between the European Parliament and the Council in the trilogue of 23 May 2011 concerning the 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 (Eurovignette) does not prejudice the outcome of interinstitutional negotiations on correlation tables."*

*The European Parliament calls on the European Commission to inform it within twelve months after adoption of this agreement in plenary and to make a report at the end of the transposition period on the practice of Member States in drawing up their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public."*

### Statement of the European Commission:

*"The Commission recalls its commitment towards ensuring that Member States establish correlation tables linking the transposition measures they adopt with the EU directive and communicate them to the Commission in the framework of transposing EU legislation, in the interest of citizens, better-law making and increasing legal transparency and to assist the examination of the conformity of national rules with EU provisions."*

*The Commission regrets the lack of support for the provision included in 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 (Eurovignette), which aimed at rendering the establishment of correlation tables obligatory."*

*The Commission, in a spirit of compromise and in order to ensure the immediate adoption of that proposal, can accept the substitution of the obligatory provision on correlation tables included in the text with a relevant recital encouraging Member States to follow this practice. It will inform within twelve months after adoption of this agreement in plenary and make a report at the end of the transposition period on the practice of Member States to draw up, for themselves and in the interests of the Union, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public."*

*However, the position followed by the Commission in this file shall not be considered as a precedent. The Commission will continue its efforts with a view to finding together with the European Parliament and the Council an appropriate solution to this horizontal institutional issue."*