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Amended proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directive 1999/62/EC, Council Directive 1999/37/EC and Directive (EU) 2019/520 as regards the CO_2 emission class of heavy-duty vehicles with trailers and clarifying and simplifying certain provisions

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The Political Guidelines for the European Commission for 2024-2029 [1] announced that the Commission would issue proposals to simplify and consolidate the European Union's legislation. The Simpler and Faster Europe Communication [2] states that legislation must be easy to understand and implement, clearly drafted and unambiguous.

This amended proposal for an amending directive would modify certain provisions of Directive 1999/62/EC [3], which refer to other pieces of EU legislation, in order to make them clearer, simpler and more precise.

The Commission adopted the original proposal for this amending directive on 4 May 2023[4](hereinafter, 'the original proposal'). The original proposal's objective was to set out rules to include the effect of trailers on the CO_2 emissions of heavy goods vehicle combinations in road charging schemes that differentiate road charges based on the vehicles' CO_2 emissions. It would also have modified certain provisions of the Directive referring to other EU legislation in order to ensure their legal clarity.

Directive 1999/62/EC regulates the imposition of tolls and user charges for the use of road infrastructure. The Directive is based on the 'polluter pays' principle and the 'user pays' principle. The 'polluter pays' principle allows to set road charges based on the environmental performance of vehicles, in order to steer the renewal of the vehicle fleet in a way that mitigates the negative impacts of road transport on the environment.

Directive (EU) 2022/362 [5] amended Directive 1999/62/EC by enabling, among other changes, road charging on the basis of the CO_2 emissions of vehicles. This system makes it possible for the road transport sector to contribute to meeting the EU's climate and energy targets. The Directive therefore contains several references to the EU legislation regulating the CO_2 emissions performance of heavy-duty vehicles (HDVs). Specifically, this matter is regulated in the EU under Regulation (EU) 2019/1242 setting CO_2 emission performance standards for new heavy-duty vehicles [6] and under Commission Regulation (EU) 2017/2400 as regards the determination of the CO_2 emissions and fuel consumption of heavy-duty vehicles [7].

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[1] https://commission.europa.eu/document/download/e6cd4328-673c-4e7a-8683-f63ffb2cf648_en?filename=Political%20Guidelines%202024-2029_EN.pdf.

[2] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A simpler and faster Europe: Communication on implementation and simplification, COM(2025) 47 final.

[3] Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of vehicles for the use of road infrastructures (OJ L 187 20.7.1999, p. 42, ELI: http://data.europa.eu/eli/dir/1999/62/2022-03-24).

[4] Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 1999/62/EC, Council Directive 1999/37/EC and Directive (EU) 2019/520 as regards the CO_2 emission class of heavy-duty vehicles with trailers

[5] Directive (EU) 2022/362 of the European Parliament and of the Council of 24 February 2022 amending Directives 1999/62/EC, 1999/37/EC and (EU) 2019/520, as regards the charging of vehicles for the use of certain infrastructures (OJ L 69, 4.3.2022, p. 1, ELI: http://data.europa.eu/eli/dir/2022/362/oj).

[6] Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO_2 emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and

Since the adoption of the original proposal, recent amendments to those regulations affected the provisions of Directive 1999/62/EC that refer to those regulations. This reduced legal clarity and increased implementation and administrative obstacles. In addition, some provisions of Directive 1999/62/EC became obsolete following the amendment of those regulations.

Regulation (EU) 2024/1610 [8] amended Regulation (EU) 2019/1242. The main changes included the definition of new CO_2 emissions reduction targets until 2040 and the extension of its scope to new vehicle groups. Furthermore, the original structure of this Regulation was changed so that some cross-references to it from both Directive 1999/62/EC and the original proposal became obsolete. Commission Regulation (EU) 2022/1379 [9] amended Commission Regulation (EU) 2017/2400. The modifications included changing the structure of the customer information file, which is the document specifying the CO_2 emissions of new vehicles.

The present amended proposal preserves the aims of the original proposal (namely as regards the effect of trailers). In addition, it would firstly adjust the references of Directive 1999/62/EC to those regulations in order to increase the legal clarity of those provisions. It would secondly ensure that sufficient lead time is granted for implementing the changes to Regulation (EU) 2019/1242 that are reflected in Directive 1999/62/EC, such as the extension to new vehicle sub-groups [10]. It would third include targeted provisions to indicate how to treat certain vehicles covered by those regulations in cases that could lead to an ambiguous interpretation under Directive 1999/62/EC, in order to ensure a harmonised approach across the EU.

This proposal is presented one year after the adoption of Regulation (EU) 2024/1610 to clarify how the changes brought about by that regulation should be implemented in Directive 1999/62/EC. The unintended changes to the emission reduction trajectory, which determines the allocation in CO_2 emission classes of vehicles, starts having effect from 1 July 2026 [11].

This proposal also simplifies Directive 1999/62/EC by deleting the provisions that allow the scope of the Directive to be extended to vehicle groups already covered by Regulation (EU) 2017/2400 but not yet covered by Regulation (EU) 2019/1242. The scopes of the two regulations were originally different. However, Regulation (EU) 2024/1610 extended the scope of Regulation (EU) 2019/1242 so that it now matches the scope of Regulation (EU)

(EU) No 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC (OJ L 198, 25.7.2019, p. 202, ELI: http://data.europa.eu/eli/reg/2019/1242/oj).

[7] Commission Regulation (EU) 2017/2400 of 12 December 2017 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the determination of the CO_2 emissions and fuel consumption of heavy-duty vehicles and amending Directive 2007/46/EC of the European Parliament and of the Council and Commission Regulation (EU) No 582/2011 (OJ L 349 29.12.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/2400/oj).

[8] Regulation (EU) 2024/1610 of the European Parliament and of the Council of 14 May 2024 amending Regulation (EU) 2019/1242 as regards strengthening the CO_2 emission performance standards for new heavy-duty vehicles and integrating reporting obligations, amending Regulation (EU) 2018/858 and repealing Regulation (EU) 2018/956 (OJ L, 2024/1610, 6.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1610/oj).

[9] Commission Regulation (EU) 2022/1379 of 5 July 2022 amending Regulation (EU) 2017/2400 as regards the determination of the CO_2 emissions and fuel consumption of medium and heavy lorries and heavy buses and to introduce electric vehicles and other new technologies (OJ L 212, 12.8.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/1379/oj).

[10] See recital 29 of Directive (EU) 2022/362.

[11] See the detailed explanation below on Article 2(1), point (37).

2017/2400. The provisions of Directive 1999/62/EC that made it possible to bridge the gap between the scopes of those two regulations therefore became obsolete and can be deleted.

For the same reason, the Commission plans to repeal Commission Implementing Decision (EU) 2023/2698 [12] when the reference CO_2 emissions for vehicle sub-groups 1, 2, 3, 11, 12 and 16 will be published in implementing acts adopted in accordance with Article 11(1) of Regulation (EU) 2019/1242. Indeed, the vehicle sub-groups covered by this Implementing Decision are now covered by Regulation (EU) 2019/1242, and it is planned to publish the reference CO_2 emissions for those vehicle sub-groups under that regulation. Directive 1999/62/EC already states that, once reference CO_2 emissions have been published under Regulation (EU) 2019/1242, those values should be used – and not those published under Directive 1999/62/EC.

This proposal contributes to achieving the goal of maintaining high-quality and consistent EU legislation. It grants greater legal clarity and certainty, thus allowing national administrations and businesses to more clearly understand their rights and obligations.

- **Consistency with existing policy provisions in the policy area**

This proposal aims to adjust the provisions of Directive 1999/62/EC that contain references to some regulations which became unclear after those regulations were amended; and to remove some other provisions that became obsolete. The proposed changes are (together with the ones included on the original proposal) consistent with the substance of the measures adopted under Directive (EU) 2022/362.

- **Consistency with other Union policies**

This proposal concerns references from Directive 1999/62/EC to Regulation (EU) 2019/1242 and to Commission Regulation (EU) 2022/1379. The consistency of the cross-references needs to be ensured, taking into consideration past and (as far as possible) future changes to those regulations.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal bases of Directive 1999/62/EC are Articles 91 and 113 of the Treaty on the Functioning of the European Union (TFEU). This present proposal pertains to the imposition of road charges on vehicles, an area to which Article 91(1) TFEU applies. The legal basis of this proposal is therefore Article 91(1) TFEU.

- **Subsidiarity (for non-exclusive competence)**

The EU shares competence with Member States to regulate in the field of transport pursuant to Article 4(2)(g) TFEU. However, only the EU can adapt the existing EU rules. This is the case for the adjustments to the references contained in Directive 1999/62/EC to other pieces of EU legislation.

[12] Commission Implementing Decision (EU) 2023/2698 of 4 December 2023 on the specification of reference CO_2 emissions of heavy-duty vehicle groups not covered by Regulation (EU) 2019/1242 of the European Parliament and of the Council pursuant to Directive 1999/62/EC of the European Parliament and of the Council (OJ L, 2023/2698, 6.12.2023, ELI: http://data.europa.eu/eli/dec_impl/2023/2698/oj).

- **Proportionality**

This present proposal would correct inconsistencies between EU acts. It would therefore not exceed what is necessary to achieve the objectives of the Treaties.

- **Choice of the instrument**

The legal act to be amended is a Directive, so an amending act should take the same form.

3. RESULTS OF *EX-POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- ***Ex-post* evaluations/fitness checks of existing legislation**

This proposal improves the legal text of an EU act while preserving its original meaning. An *ex post* evaluation is therefore not needed.

- **Stakeholder consultations**

The Commission is regularly in contact with toll chargers and toll service providers in Member States. The inaccurate cross-references result in concrete difficulties that are discussed with those stakeholders. The Commission has been supporting stakeholders with the implementation of the Directive.

- **Collection and use of expertise**

The analysis of the Commission to prepare this proposal takes into consideration the information received from stakeholders and national experts.

- **Impact assessment**

This proposal would improve the legal text of an EU legislative act and its coherence with other EU legislative acts but would not change policy. An impact assessment is therefore not needed.

- **Regulatory fitness and simplification**

This proposal would help achieve the regulatory fitness objectives as it would simplify the text of the Directive and increase its legal clarity. This would benefit road transport businesses (which are mostly in micro and small and medium enterprises) by clarifying when and which vehicles are eligible for more favourable toll rates.

- **Fundamental rights**

The proposal respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union in particular.

4. BUDGETARY IMPLICATIONS

This proposal would improve the legal text of an EU act without changing policy. It therefore does not have budgetary implications for the EU budget.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Directive 1999/62/EC includes specific reporting requirements for Member States related to the variation of infrastructure or user charges according to the environmental performance of vehicles.

The amended proposal improves the legal text of an EU act in order to make it simpler, clearer and more precise. It therefore does not need an implementation plan, monitoring or evaluation.

A new provision is proposed to allow manufacturers to determine the CO_2 emissions of dual-fuel vehicles if vehicles were produced before Regulation (EU) 2017/2400 covered that technology. A new reporting arrangement is introduced to oversee the use of the simulation tool provided for in Regulation (EU) 2017/2400 for other purposes than those set out in that regulation, since the simulation tool is open-source and could be used illegitimately.

- **Explanatory documents (for directives)**

Member States must transpose the adjusted legal references to the extent to which those references are already incorporated in their national law [13]. Notifications of the transposition measures must be accompanied by one or more documents explaining the relationship between the amended parts of Directive 1999/62/EC and the corresponding parts of the national laws.

- **Detailed explanation of the specific provisions of the proposal**

The amendments to the original proposal are explained below.

Article 1(1): Article 2 – Definitions

Article 2(1), point (28): definition of 'CO_2 emissions'

The legal clarity of this definition should be improved because the reference to Regulation (EU) 2017/2400 is inaccurate. The original proposal did not amend this definition.

Regulation (EU) 2017/2400 specifies the structure of the customer information file, which is the document produced by manufacturers that proves the CO_2 emissions of new vehicles. Initially, the specific CO_2 emissions of a vehicle were reported at point 2.3 of the customer information file. Following the adoption of Regulation (EU) 2022/1379, this information is now reported at point 2.6 of the customer information file. The new structure of the customer information file is considered to be stable in view of future amendments.

Furthermore, Directive 1999/62/EC will reflect the extension of the scope of Regulation (EU) 2019/1242 to buses and coaches, following the adoption of Regulation (EU) 2024/1610. Therefore, the definition should clarify that the specific CO_2 emissions for heavy goods vehicles (in gCO_2/t-km) are reported at point 2.6.1 of the customer information file while the specific CO_2 emissions for buses and coaches (in gCO_2/p-km) are reported at point 2.6.4 of the customer information file.

[13] Some Member States complied with the transposition obligations by incorporating references in their national law to EU law. It is therefore possible that those Member States may not need to adjust their national transposition legislation. They should nevertheless notify the Commission if that is indeed the case.

The definition of 'CO_2 emissions' of a heavy-duty vehicle is therefore adjusted to refer to the correct fields of the customer information file.

Article 2(1), point (30): definition of 'low-emission vehicle'

The original proposal included an amendment to this definition, but that proposal became outdated following the adoption of Regulation (EU) 2024/1610.

This definition should be simplified. The following explanation is relevant for the following provisions of the directive: Article 2(1), point (30), subpoint (b) and point (38), subpoint (b), Article 7ga(1), third subparagraph, and for Article 7ga(7). The detailed explanation of those provisions will refer back to this section.

Directive 1999/62/EC contains provisions to extend its scope to include new vehicle groups that were not yet covered by Regulation (EU) 2019/1242 but that were already covered by Regulation (EU) 2017/2400. Indeed, Regulation (EU) 2019/1242 originally covered only a subset of the vehicle groups covered by Regulation (EU) 2017/2400 [14].

Directive 1999/62/EC allowed the inclusion in its scope of the remaining vehicle groups as soon as data on the CO_2 emissions of the vehicles belonging to those vehicle groups became available [15]. The reason is that, at the time of adoption of Regulation (EU) 2019/1242, it was not known when its scope would be extended to the remaining vehicle groups.

Regulation (EU) 2024/1610 amended Regulation (EU) 2019/1242 so as to include all vehicle groups covered by Regulation (EU) 2017/2400. The provisions of Directive 1999/62/EC that allow the extension of its scope to bridge the gap between the scopes of those two regulations have therefore become obsolete. Those provisions should be deleted in order to simplify and clarify the text of the Directive.

Subpoint (b) in the definition of 'low-emission vehicle' is therefore deleted.

Article 2(1), point (35): definition of 'vehicle group'

The legal clarity of this definition should be improved. The original proposal did not amend this definition, but it is now to be amended because the reference to Table 1 of Annex I to Regulation (EU) 2017/2400 is inaccurate.

Table 1 of Annex I to Regulation (EU) 2017/2400 defines the vehicle groups for heavy lorries. However, the scope of Regulation (EU) 2019/1242 was extended to also include the

[14] The original vehicle sub-group covered by Regulation (EU) 2019/1242 (vehicle sub-groups 4-UD, 4-RD, 4-LH, 5-RD, 5-LH, 9-RD, 9-LH, 10-RD and 10-LH) are responsible for around 73% of the CO_2 emissions of heavy-duty vehicles. The vehicle groups covered by Regulation (EU) 2017/2400 are responsible for 98% of the CO_2 emissions of heavy-duty vehicles. The vehicles corresponding to the remaining 2% cannot be included in the scope of Regulation (EU) 2017/2400. In this respect, see Section 17.3 of Annex 8 of Part 2 of SWD(2023)88, which is the impact assessment accompanying the proposal that led to the adoption of Regulation (EU) 2024/1610.

[15] To extend the scope of Directive 1999/62/EC, an implementing act should be published based on Article 7ga(7). Once adopted, the third subparagraph of Article 7ga(1) provides that the vehicles belonging to the relevant vehicle groups could be allocated to CO_2 emission class 4 (low-emission vehicles). However, those vehicles could not be allocated to classes 2 and 3 because the allocation to those classes is based on an emissions reduction trajectory for those vehicle sub-groups that requires the CO_2 emissions reduction targets for those vehicle groups to be set out in Regulation (EU) 2019/1242.

vehicle sub-groups that are defined in Tables 2 to 6 of Annex I to Regulation (EU) 2017/2400 (e.g. medium lorries and buses and coaches). Moreover, Regulation (EU) 2017/2400 defines the vehicle groups in the first subparagraph of its Article 4, which refers to those tables and which also caters for future changes in the annexes to that Regulation.

The definition of 'vehicle group' is therefore adjusted to refer to the first subparagraph of Article 4 of Regulation (EU) 2017/2400.

Article 2(1), point (37): definition of 'emissions reduction trajectory'

The legal clarity of this definition should be improved, and its original meaning should be preserved. The original proposal included an amendment to this definition but did not address all the changes introduced by Regulation (EU) 2024/1610. This definition is amended as follows.

– The last sentence is an autonomous normative provision that concerns possible adjustments to the reference CO_2 emissions. Such adjustments are based on acts adopted pursuant to Article 11(2) of Regulation (EU) 2019/2142. This normative provision should not be part of a definition and is therefore moved to Article 7ga(1) [16].

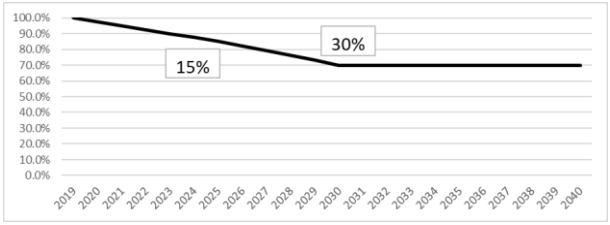
– The definition describes a mathematical formula and is therefore difficult to comprehend without detailed knowledge of Regulation (EU) 2019/1242 and its annexes. When Regulation (EU) 2024/1610 was adopted, the same formula was introduced at point 5.1.2.1 of Annex I to Regulation (EU) 2019/1242. Moreover, that formula covers the emission reduction trajectories of buses and coaches that are not contemplated in the current definition of Directive 1999/62/EC, although the scope of the directive will be extended to those vehicles. The formula in Annex I to Regulation (EU) 2019/1242 is considered to be stable in view of future amendments to that Regulation. The definition therefore now refers to that formula.

– The shape of the emission reduction trajectory changed with the adoption of Regulation (EU) 2024/1610 as a result of the references in the definition to Regulation (EU) 2019/1242 and without an explicit decision based on policy considerations. Consequently, the thresholds of CO_2 emission classes 2 and 3 have become stricter and a lower number of conventional vehicles will be eligible for those classes.

  The purpose of the emissions reduction trajectory is explained first. The emissions reduction trajectory determines the thresholds for the classification of vehicles in CO_2 emission classes 2 and 3 so that they decrease over time. CO_2 emission classes 2 and 3 are meant to incentivise efficiency improvements in conventional vehicles powered by fossil fuels. The shape of the emission reduction trajectory as adopted in Directive (EU) 2022/362 for vehicle sub-groups 4-UD, 4-RD, 4-LH, 5-RD, 5-LH, 9-RD, 9-LH, 10-RD and 10-LH (hereinafter, the 'original vehicle sub-groups') is depicted below. For the years until 2030, the definition of the emission reduction trajectory refers to the CO_2 emissions reduction factor ($R\text{-}ET_Y$) set out in Regulation (EU) 2019/1242. $R\text{-}ET_Y$ in turn depends on the CO_2 emissions reduction targets for 2015 and 2030 that are set out in that regulation. For 2031 and the following years, the definition of the emission reduction trajectory is linear at a level that corresponds

[16] See also the explanation on Article 7ga(1) below.

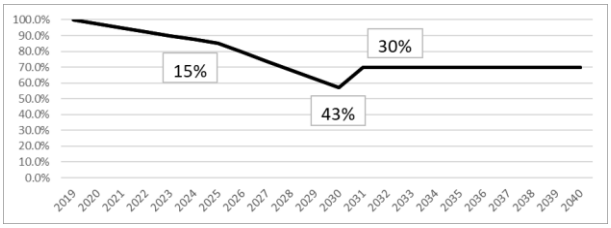
to a CO_2 emissions reduction target of 30%. This linearity reflects the efficiency improvement in CO_2 emission that can be achieved by conventional vehicles.



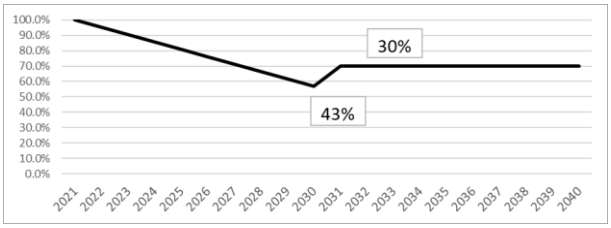
Regulation (EU) 2024/1610 increased the CO_2 emissions reduction target for 2030 from 30% to 43%. This change requires manufacturers to increase the deployment of zero-emission vehicles. However, the same target also affects the emission reduction trajectory of this directive and the corresponding thresholds of CO_2 emission classes 2 and 3, which are exclusively meant for conventional vehicles.

The new shape of the emission reduction trajectory, as it is currently into force, features a steeper gradient and therefore stricter thresholds for CO_2 emission classes 2 and 3 up to and including 2030. For 2031 and the following years, the emission reduction trajectory remains linear at a level that corresponds to a CO_2 emissions reduction target of 30%.

For the original vehicle sub-groups, the trajectory is affected between reporting periods 2026 and 2030 included, as depicted below. The allocation of vehicles belonging to those vehicle sub-groups will therefore be affected from the start of reporting period 2026 on 1 July 2026.



For the vehicle sub-groups with reference period 2021 (i.e. , vehicle sub-groups 1, 2, 3, 11, 12 and 16), the trajectory is affected from its start until 2030, as depicted in the figure below [17]. The allocation of vehicles belonging to those vehicle sub-groups is therefore affected from the point in time when the scope of Directive 1999/62/EC will be extended to those vehicle sub-groups [18].



[17] The new shape of the emission reduction trajectory of vehicle sub-groups 1, 2, 3, 11, 12 and 16 is different from the shape of the emission reduction trajectory of the original vehicle sub-groups due to the intermediate CO_2 reduction target for 2025 for the original vehicle sub-groups.

[18] See the explanation below to Article 7ga(1) on the point in time of the scope extension.

The definition is therefore amended in order to reinstate the original shape of the emission reduction trajectory, as depicted in the first figure above, by making explicit both the CO_2 emissions reduction target for 2030 and the trajectory's linearity after 2030.

Article 2(1), point (38): definition of 'reference CO_2 emissions of a vehicle group'

This definition can be simplified, and its legal clarity should be improved. The original proposal included an amendment to this definition, but that proposal became obsolete with the adoption of Regulation (EU) 2024/1610. The definition of 'reference CO_2 emissions of a vehicle group' is amended as follows.

First, Article 2(1), point (38), subpoint (a), is simplified by referring to the definition of reference CO_2 emissions set in Article 3(1) of Regulation (EU) 219/1242. The two definitions are equivalent since both refer to point 3 of Annex I of Regulation (EU) 219/1242. This change aligns the wording of this definition with the wording of all the other definitions of Directive 1999/62/EC that refer to Regulation (EU) 2019/1242.

Second, Article 2(1), point (38), subpoint (b), became obsolete for the reasons outlined in the explanation for the definition of 'low-emission vehicle' above. Subpoint (b) of the definition is therefore deleted in order to simplify this provision.

Article 1(2): Article 7ga – Variation of charges for heavy-duty vehicles

Article 7ga(1), second to fourth subparagraphs: obligation to vary charges based on CO_2 emissions

This provision should be simplified in order for national administrations and businesses to clearly understand their rights and obligations. Moreover, a sufficient period for its implementation should be established. The original proposal included an amendment to simplify this definition, but it did not provide a clear timeframe for national administrations and businesses to implement the changes introduced by Regulation (EU) 2024/1610.

To understand this section, the current structure of the current Article 7ga(1), from the second to fourth subparagraph, should first be clarified:

– Article 7ga(1), second subparagraph, concerns vehicle sub-groups that are covered by Regulation (EU) 2019/1242;

– Article 7ga(1), third subparagraph, concerns the extension of the scope of Directive 1999/62/EC to vehicle groups that were already covered by Regulation (EU) 2017/2400 but not yet by Regulation (EU) 2019/1242; and

– Article 7ga(1), fourth subparagraph, concerns the extension of the scope of Directive 1999/62/EC to new vehicle sub-groups following their inclusion within the scope of Regulation (EU) 2019/1242.

The reasons to amend Article 7ga(1), from the second to fourth subparagraphs, are the following:

– All three subparagraphs contain references to Article 2(1) of Regulation (EU) 2019/1242 in order to identify the vehicle sub-groups covered by that regulation. However, Regulation (EU) 1242/1610 changed the structure of that regulation, so that the vehicle sub-groups that are covered are no longer set out in its

Article 2(1) but rather in point 1 of its Annex I. The references to Article 2(1) of that Regulation are therefore inaccurate.

– Article 7ga(1), third subparagraph, became obsolete for the reasons outlined in the above explanation on the definition of 'low-emission vehicle'.

– Article 7ga(1) does not cover adjustments to the reference CO_2 emissions pursuant to Article 11(2) of Regulation (EU) 2019/2142, which are instead covered by the last sentence of the definition of emission reduction trajectory. However, as explained above in the section on the definition of 'emissions reduction trajectory', that provision is an autonomous normative provision and not a definition, so it should be placed in Article 7ga(1).

– Moreover, the time for the implementation of the adjustments to the reference CO_2 emissions is inadequate. The adjustments apply under Directive 1999/62/EC 'for *the reporting periods commencing after the respective dates of application of those delegated acts*;'. However, no implementation time is foreseen if those act are adopted shortly before the start of a reporting period.

– Article 7ga(1), fourth subparagraph, is inaccurate when it refers to *the point in time when the scope of Regulation (EU) 2019/1242 is extended to new vehicle sub-groups*. Specifically, this provision states that the variation of road charges applies for new vehicle sub-groups when emissions reduction trajectories for vehicle sub-groups not yet covered by Regulation (EU) 2019/1242 enter into force, as determined by an EU legislative act. However, there is no EU act that would enter into force and set the values of the emission reduction trajectories of a vehicle group. Instead, the emission reduction trajectory of a vehicle group is calculated based on the formulas already provided in the definition set out in Article 2(1), point (37) of the Directive. The emission reduction trajectory of a vehicle sub-groups is the product of the CO_2 emissions reduction targets for that vehicle sub-group (as set out in Article 3a and point 4.3 of Annex I to Regulation (EU) 2019/1242) and the reference CO_2 emissions of a vehicle sub-group (as published in an act pursuant to Article 11(1) of Regulation (EU) 2019/1242 in the year following the reference period of that vehicle sub-group) [19]. The emission reduction trajectory of a vehicle sub-group can therefore be calculated when the reference CO_2 emissions of that vehicle sub-group are published. The point in time laid down in the fourth subparagraph of Article 7ga(1) for the extension to new vehicle sub-groups is therefore linked to the publication of reference CO_2 emissions for those vehicle sub-groups in an act pursuant to Article 11(1) of Regulation (EU) 2019/1242.

– The same subparagraph does not set a period for the implementation of the extensions of the scope of Directive 1999/62/EC to new vehicle sub-groups. Acts adopted pursuant to Article 11(1) of Regulation (EU) 2019/1242 take effect on the date of notification to the addresses. However, the classification of vehicles belonging to those vehicle sub-groups into CO_2 emission classes requires work on the IT systems for operating toll systems, coordination between national authorities and tolling

[19] The timing of publication of that act depends in turn on the reference period of a group, as set out in point 3.2 of Annex I to Regulation (EU) 2019/1242. The reference period for the vehicle sub-groups originally covered by that regulation (vehicle sub-groups 4-UD, 4-RD, 4-LH, 5-RD, 5-LH, 9-RD, 9-LH, 10-RD and 10-LH) was 2019. The reference period of vehicle sub-groups 1, 2, 3, 11, 12 and 16 is 2021. The reference period of all other sub-groups is 2025.

service providers, and communication with road users about their rights. This work requires around six months of time.

For these reasons, the second to fourth subparagraphs of Article 7ga(1) are amended as follows.

– These three subparagraphs are simplified by:

  - correcting the references to Regulation (EU) 2019/1242: instead of the reference to 'Article 2(1), points (a) to (d), of Regulation (EU) 2019/1242', the words 'vehicles sub-groups covered by Regulation (EU) 2019/1242' are used;
  - deleting the third subparagraph, which is now obsolete. For the same reason, the subparagraph of the original proposal concerning the variation for CO_2 emission classes 1, 4 and 5 is also deleted;
  - merging the current second and fourth subparagraphs, because they both concern how vehicle sub-groups covered by Regulation (EU) 2019/1242 are included in the variation of infrastructure charges as regulated in Article 7ga;

– A new subparagraph is added to move from the definition of emission reduction trajectory to this Article the provision on the adjustments to the reference CO_2 emissions.

– The following changes are introduced to clarify the timing of the implementation of changes under Regulation (EU) 2019/1242 in Directive 1999/62/EC:

  - The point in time of the extension to new vehicle sub-groups (reflecting the extension of the scope of Regulation (EU) 2019/1242) should be clarified. This extension concerns all vehicle-sub-groups whose reference period is not 2019 (see footnote 19). References to the '*entry into force of emissions reduction trajectories*' are removed. As outlined above, the point in time from when a variation should be applied is linked to the publication of reference CO_2 emissions of that vehicle sub-group adopted in accordance with Article 11(1) of Regulation (EU) 2019/1242. Article 7ga(1) therefore also refers to the publication of those acts.
  - A six-month implementation period is provided after the publication date of the reference CO_2 emissions that have been adopted in accordance with Article 11(1) of Regulation (EU) 2019/1242. The reference CO_2 emissions for the original vehicle sub-groups have already been published, so the date of application for those sub-groups of 13 May 2023 is explicitly set [20].
  - A six-month implementation period is provided in case there need to be adjustments to the reference CO_2 emissions based on Article 11(2) of Regulation (EU) 2019/1242. The date of application of these adjustments is specified as the 'first day of the sixth month following their publication' in order to ensure that similar vehicles are treated in the same way across borders

[20] This date fell two years after the date of effect of Commission Implementing Decision (EU) 2021/781 of 10 May 2021 on the publication of a list indicating certain CO_2 emissions per manufacturer as well as average specific CO_2 emissions of all new heavy-duty vehicles registered in the Union and reference CO_2 emissions pursuant to Regulation (EU) 2019/1242 of the European Parliament and of the Council for the reporting period of the year 2019 (OJ L 167, 12.5.2021, p. 47, ELI: http://data.europa.eu/eli/dec_impl/2021/781/oj).

and to avoid competition distortions among transport operators owning similar vehicles.

Since an act pursuant to Article 11(2) of Regulation (EU) 2019/1242 is expected to be adopted and will apply from reporting period 2025 onwards for the original vehicle sub-groups, and since it is possible that the six-month period lapses around the time of adoption of this proposal, the date of application for those vehicle sub-groups may be too short or unclear. To ensure that the date of application of the adjustments for those vehicle sub-groups is clear, and that sufficient implementation time is given, that adjustment should apply from 1 July 2026 under the Directive [21].

Article 7ga(2): classification of vehicles to CO_2 emissions classes

The original proposal did not amend this provision. However, it became necessary to amend it following the changes introduced by Regulations (EU) 2024/1610 and (EU) 2022/1379. It should be amended to indicate how to classify vehicles in specific cases that could be interpreted ambiguously under Directive 1999/62/EC in order to ensure a harmonised approach across the EU.

This paragraph specifies how to:

(a) reclassify vehicles based on the emission reduction trajectory as originally defined in Directive (EU) 2022/362;

(b) classify vehicles accompanied by a customer information file and registered before the start of the emission reduction trajectory;

(c) classify vocational vehicles;

(d) classify retrofitted zero-emission vehicles; and

(e) classify dual-fuel vehicles.

Setting out in EU law how to treat those cases provides legal certainty for the implementation of the Directive.

– *Reclassification of vehicles based on the original definition of emission reduction trajectory*. This proposal aims to reinstate the original shape and meaning of the definition of the emission reduction trajectory [22]. However, vehicles that are allocated to a CO_2 emission class before this proposal is adopted may be allocated to an unfavourable class.

To ensure conditions between vehicles allocated to a CO_2 emission class after the adoption of this proposal and vehicles allocated based on a CO_2 emissions reduction target for 2030 of 43%, Member States must reallocate those vehicles within two months following the entry into force of this proposal.

This provision is necessary only if this proposal enters into force after one of the following two points in time: after 1 July 2026 (affecting vehicles belonging to

[21] This is in line with the current version of the last sentence of the definition of emission reduction trajectory. Indeed, that provision states that the adjusted values shall apply from the reporting period commencing after the date of application of that act, which would be 1 July 2026.

[22] See the explanation on Article 2(1), point (37) above.

original vehicle sub-groups), or, after the scope of Directive 1999/62/EC is extended to include vehicle sub-groups 1, 2, 3, 11, 12, and 16 [23]. This provision would not be necessary if this proposal enters into force before both those events.

– *Vehicles accompanied by a customer information file and registered before the start of the emission reduction trajectory*. Directive 1999/62/EC does not regulate how to classify in CO_2 emission classes vehicles that were registered before the start of the emission reduction trajectory of the corresponding vehicle sub-group but for which the owners can provide evidence of the CO_2 emissions based on the customer information file.

For the vehicle sub-groups with reference period 2021 or 2025, a discrepancy exists between the year when the emission reduction trajectory starts and the deadlines for manufacturers to accompany new vehicles with the customer information file [24]. Specifically, the deadline for manufacturers to do so precedes the start year of the emission reduction trajectory.

Article 7ga(2a) clarifies that vehicles for which evidence of the CO_2 emissions can be provided are eligible to be categorised in a CO_2 emissions class, based on the values of the first year of the emission reduction trajectory for that sub-group. This proposal would ensure a harmonised approach in the EU.

– *Vocational vehicles*. Regulation (EU) 2019/1242 distinguishes vocational vehicles (such as vehicles used for garbage collection or construction works [25]) from other types of vehicles by defining vocational sub-groups. This is because the use pattern of vocational vehicles is different from the use pattern of vehicles that transport goods or persons. Vocational vehicles are responsible for approximately 2% of the emissions of the heavy-duty sector and operate mostly in cities [26].

Manufacturers are not required to identify the vocational nature of a heavy-duty vehicle because the final use of the vehicle may still be unclear at the time of production. Vocation vehicles are instead recognised as such after the vehicles' first registration for the purposes of Regulation (EU) 2019/1242. Consequently, the customer information file that vehicle owners receive does not state whether the vehicle is vocational or not. Those vehicles cannot therefore be treated as a separate vehicle sub-group under Directive 1999/62/EC in its current form.

Recognising vocational vehicle sub-groups under Directive 1999/62/EC would mean using additional documents issued after the vehicle registration to identify vehicles' vocational nature. The administrative burden would be disproportionate compared to

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[23] See the explanation below to Article 7ga(1) on the point in time of the scope extension.

[24] The emission reduction trajectory starts in the reference period of a vehicle sub-group (as set out in point 3.2 of Annex I to Regulation (EU) 2019/1242), but the deadlines for manufacturers are set out in Articles 9 and 24 of Commission Regulation (EU) 2017/2400 and depend on the vehicle group. For the original vehicle sub-groups, the two dates coincided: the emission reduction trajectory started on 1 July 2019 because the reference period (as defined in Regulation (EU) 2019/1242 for those vehicle sub-groups) was 2019. The deadlines for manufacturers to accompany new vehicles with the customer information file was also 1 July 2019 (as set out in Article 24(1), point (a), of Regulation (EU) 2017/2400).

[25] The full list of types of vocational vehicles can be found in point 1.2 of Annex I to Regulation (EU) 2019/1242 in conjunction with Appendix 2 of Annex I to Regulation (EU) 2018/858 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 151 14.6.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/858).

[26] See recital 33 of Regulation (EU) 2024/1610.

the low share of emissions caused by vocational vehicles and the low amount of kilometres travelled on the roads covered by Article 7ga of the Directive (i.e. highways and TEN-T roads). Moreover, there is a risk that Member States apply fragmented approaches, if the Directive does not define the procedure for using documents other than the customer information file. These objective reasons justify treating vocational vehicle sub-groups differently from other vehicle sub-groups.

Article 7ga(2) therefore requires vocational vehicles to be considered as belonging to the corresponding non-vocational vehicle sub-group. This information is provided in all vehicles' customer information files. This proposal would clarify how the current provisions of the Directive should apply on vocational vehicles.

– *Zero-emission vehicles that are retrofitted to extend their range*. The range of operation of zero-emission vehicles continues to place them at a disadvantage to conventional vehicles. To increase the vehicle's operational range, it is possible to retrofit zero-emission vehicles by replacing a battery pack with a fuel generator [27]. Such retrofitted vehicles thus become hybrid vehicles.

Although they use a fuel generator, retrofitted zero-emission vehicles would remain classified under CO_2 emission class 5 under Directive 1999/62/EC because the vehicles' classification is based on the vehicle documentation at the time of the vehicles' first registration.

Treating those vehicles a belonging to CO_2 emission class 5 distorts the road freight transport market to the disadvantage of operators using zero-emission vehicles that are not retrofitted. This classification does also not reflect the actual emission over the vehicles' lifetime for the purposes of Regulation (EU) 2019/1242.

Moreover, manufacturers can calculate the specific CO_2 emissions of those vehicles in the VECTO simulation tool as set in Regulation (EU) 2017/2400 before they are put on the market.

It is therefore proposed that zero-emission vehicles which are retrofitted to extend their range are not treated as belonging to CO_2 emission class 5 but rather as belonging to CO_2 emission class 1. This change ensures that vehicles are allocated to CO_2 emission classes based on the results of the VECTO simulation tool.

– *Dual-fuel vehicles produced before their inclusion under Regulation (EU) 2017/2400*. Dual-fuel vehicles produced before that technology was included in the scope of Regulation (EU) 2017/2400 by Regulation (EU) 2022/1379 are not eligible for more favourable toll rates due to the lack of a customer information file. Those vehicles may therefore suffer from a competitive disadvantage to similar vehicles that were registered after that date. A new simulation to determine the CO_2 emissions of those vehicles could be carried out taking into account the latest requirements of Regulation (EU) 2017/2400, including of vehicles that have already been registered. The manufacturers that produced dual-fuel vehicles before those vehicles were covered by Regulation (EU) 2017/2400 can carry out this simulation.

[27] See https://www.scania.com/group/en/home/newsroom/press-releases/press-release-detail-page.html/4993330-scania-and-dhl-to-test-electric-truck-with-fuel-powered-range-extender and https://group.dhl.com/en/media-relations/press-releases/2025/dhl-and-scania-to-test-electric-truck-with-fuel-powered-range-extender.html

Member States should therefore accept the result of those simulations for the classification of a dual-fuel vehicle in CO_2 emission classes. Since the simulation tool is open-source and could be used illegitimately, the Commission should oversee when this option is used. Therefore, when a manufacturer decides to use this option, it should notify its intention to the Commission. To prevent the use of illegitimate simulation files, Member States should only accept a new simulation file if (i) it is received directly from a manufacturer; (ii) the simulation file is in digital format; and (iii) a positive Commission decision was addressed to that manufacturer.

Article 7ga(7) – Publication of reference CO_2 emissions

The original proposal did not include this provision. This paragraph concerns the publication of reference CO_2 emissions of vehicle groups covered by Regulation (EU) 2017/2400 but not yet covered by Regulation (EU) 2019/1242. As explained above, this provision is now obsolete and is therefore deleted in order to simplify the Directive.

Article 7gc(7) – Effect of trailers on the determination of reduction of road charges

The original proposal is amended to clarify the trailers eligible to trailer class 3 by referring to the new definition of zero-emission trailers set in Article 3, point 11, subpoint (c), of Regulation (EU) 2019/1242, as amended by Regulation (EU) 2024/1610.

Article 8(3) – Date of application of Article 7ga for Member States with a common system for user charges

The original proposal did not include this provision, but its amendment is necessary to align it with the proposed amendments to Article 7ga(1). Indeed, Article 8(3) contains a reference to the second and third subparagraphs of Article 7ga(1), which are affected by this proposal.

The second subparagraph of Article 7ga(1) now covers both original vehicle sub-groups and new vehicle sub-groups. The extension of the deadline for Member States with a common system for user charges is meant for the first implementation of the variation of charges for the original vehicle sub-groups. These date of application for the original vehicle sub-groups is therefore now explicitly set out, in a similar fashion as this proposal amends Article 7ga(1).

2023/0134 (COD)

Amended proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directive 1999/62/EC, Council Directive 1999/37/EC and Directive (EU) 2019/520 as regards the CO_2 emission class of heavy-duty vehicles with trailers and clarifying and simplifying certain provisions

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee [1],

Having regard to the opinion of the Committee of the Regions [2],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The adoption of Directive (EU) 2022/362 of the European Parliament and of the Council [3] strengthened the 'polluter pays' and 'user pays' principles through the introduction of mandatory charging on the basis of CO_2 emissions, either by varying the infrastructure and user charges according to vehicles' CO_2 emissions or by applying an external-cost charge for CO_2 emissions. Currently, road charges of vehicle combinations comprising a motor vehicle and a trailer are variated on the basis of the CO_2 emissions of the motor vehicle, irrespective of the characteristics of the linked trailer, notably of its effect on the CO_2 emissions of the vehicle combination.

(2) Although a trailer does not consume energy by itself, it requires energy from the towing motor vehicle to be moved. The optimisation of the energy efficiency of trailers leads to the reduction of the CO_2 emissions of conventional vehicles and to the increase in vehicles' autonomy. Such optimisation of trailers derives from the improvements of aerodynamic performance, rolling resistance and weight of trailers. The energy efficiency potential is around 7.5% for drawbar trailers and 15% for semi-trailers as compared to a reference trailer of the year 2020. Therefore, trailers could play an important role in the decarbonisation of the road freight transport sector. However, the market uptake of more efficient trailers is hampered by their higher

[1] OJ **C/2023/874**, **8.12.2023**, ~~p.~~ **ELI: http://data.europa.eu/eli/C/2023/874/oj**.

[2] OJ C , , p. .

[3] Directive (EU) 2022/362 of the European Parliament and of the Council of 24 February 2022 amending Directives 1999/62/EC, 1999/37/EC and (EU) 2019/520, as regards the charging of vehicles for the use of certain infrastructures (OJ L 69, 4.3.2022, p. 1**, ELI: http://data.europa.eu/eli/dir/2022/362/oj**).

prices and by the fact that until now buyers of trailers have not been able to compare different trailers in terms of their energy efficiency. This leads to a limited availability of energy efficient trailers on the market. Aerodynamic devices are already available on the market and will become more available in the future, but they are not commonly used in the current Union fleet.

(3) Commission Implementing Regulation (EU) 2022/1362 [4] set out legally certified values for the effect of trailers on the CO_2 emissions of heavy goods vehicle combinations. To further reduce the operational cost of more efficient trailers, the rules to include the effect of trailers on the CO_2 emissions of heavy goods vehicle combinations in road charging schemes based on CO_2 differentiation should be laid down. Since motor vehicles can be linked to different trailers, the inclusion of trailers in road charging schemes based on CO_2 differentiation should be based on the trailer actually used.

(4) The extension of charging on the basis of CO_2 emissions to trailers should apply to trailers to which Implementing Regulation (EU) 2022/1362 applies. Performance of trailers may vary depending on their technical parameters. To evaluate the performance of trailers in terms of energy efficiency, the performance in terms of CO_2 reduction potential of a specific trailer is compared with the performance of a reference trailer, which is similar in terms of axle configuration, maximum permissible axle load and chassis configuration. The ratio between the value of the specific trailer and that of the reference trailer is defined in Implementing Regulation (EU) 2022/1362 as efficiency ratio. More efficient trailers have an efficiency ratio value lower than 1.

(5) The calculation of the efficiency ratio can be based on kilometre, tonne-kilometres or m3-kilometre. For all trailers except volume-oriented ones, the tonne-kilometre based efficiency ratio should be used. Volume-oriented trailers are those that are primarily designed for the transport of voluminous goods. The tonne-kilometre based efficiency ratio cannot be used for volume-oriented trailers because these trailers have higher rolling resistance and mass than their traditional counterparts. For volume-oriented trailers, the efficiency ratio – m3-kilometre based should be used instead.

(6) The CO_2 emission class of a vehicle combination with a more efficient trailer should be higher than the CO_2 emission class of the motor vehicle alone, therefore granting access to a higher reduction of road charges. The effect of the CO_2 emission reduction potential of a trailer on the CO_2 emission class of a vehicle combination should be based on the comparison between the efficiency ratio of the specific trailer with the efficiency ratio thresholds referred to in this Directive. Different thresholds are foreseen for semi-trailers and for other trailers as their potential to reduce CO_2 emissions in a cost-efficient way is different.

(7) Where the Member State includes the effect of trailers on the CO_2 emissions of heavy goods vehicle combinations in road charging schemes on its territory and imposes specific charges on vehicle combinations deviating from the maximum weights and/or dimensions laid down in Council Directive 96/53/EC [5], that Member State should be

[4] Commission Implementing Regulation (EU) 2022/1362 of 1 August 2022 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the performance of heavy-duty trailers with regard to their influence on the CO_2 emissions, fuel consumption, energy consumption and zero emission driving range of motor vehicles and amending Implementing Regulation (EU) 2020/683 (OJ L 205, 5.8.2022, p. 145**, ELI: http://data.europa.eu/eli/reg_impl/2022/1362/oj**).

[5] Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum

allowed to apply the reduction of road charges to such vehicle combinations that employ at least one more efficient trailer.

(8) The Commission should be empowered to amend Annex VIII to Directive 1999/62/EC, by means of delegated acts, to define or adjust the efficiency ratio thresholds set out therein, and to define a methodology for the allocation to trailer classes of trailers that have undergone a retrofitting process, especially those to which an efficiency ratio was not assigned in accordance with Implementing Regulation (EU) 2022/1362. The definition of the efficiency ratio thresholds should be made as soon as data on the efficiency of trailers is collected for at least one year pursuant to Regulation (EU) 2018/956 of the European Parliament and of the Council [6]. The efficiency ratio thresholds should be based on the average efficiency of the trailer fleet when reference CO_2 emissions for such vehicles are published, and on the potential that trailers have to generate efficiency improvements. They should then be adjusted to reflect technical progress and an increasing penetration of new technologies, such as trailers with driven axles. The definition of a methodology for retrofitted trailers should consider the installation of equipment improving their energy, such as aerodynamic devices, that can be verified during the periodic roadworthiness test and that should be reported on the roadworthiness certificate, as referred to in Directive 2014/45/EU of the European Parliament and of the Council [7].

(9) In order to ensure that drivers correctly declare the performance of the trailer connected to the motor vehicle when making use of the reduction of charges based on CO_2 emissions, it is necessary that enforcement officers are provided, upon request, with evidence of the emission class of the vehicle combination, that is including evidence attesting the performance of the trailer. If such evidence is not provided, a Member State would be entitled to apply charges on the basis of the emission class of the motor vehicle only.

(10) In order to ensure the coherent application of road charges variation according to CO_2 emissions, it is necessary to amend Council Directive 1999/37/EC [8] to require, where available on their certificate of conformity or on the individual vehicle approval certificate, that the efficiency ratio of trailers be indicated on their registration certificate. It is important to ensure that data relating to the efficiency of trailers are available for the exchange of information between Member States, as set out in Directive (EU) 2019/520 of the European Parliament and of the Council [9].

~~(11) Additionally, it is appropriate to amend Directive 1999/62/EC for the purpose of reflecting the new structure of Regulation (EU) 2019/1242, as amended by [add~~

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authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59**, ELI: http://data.europa.eu/eli/dir/1996/53/oj**).

[6] Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO_2 emissions from and fuel consumption of new heavy-duty vehicles (OJ L 173, 9.7.2018, p. 1**, ELI: http://data.europa.eu/eli/reg/2018/956/oj**).

[7] Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers (OJ L 127, 29.4.2014, p. 51**, ELI: http://data.europa.eu/eli/dir/2014/45/oj**).

[8] Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57**, ELI: http://data.europa.eu/eli/dir/2014/45/oj**).

[9] Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (OJ L 91, 29.3.2019, p. 45**, ELI: http://data.europa.eu/eli/dir/2019/520/oj**).

~~reference once known]. The necessary changes aim at preserving the current meaning of the definitions of zero-emission vehicle, low-emission vehicle, reference CO_2 emissions and emission reduction trajectory, and should update the latter one so as to harmonise its applicability with the abovementioned Regulation after 2030. These changes should also preserve the obligation to variate infrastructure and user charges and the time from which this obligation applies. As regards vehicle sub-groups already covered by the Regulation, these changes should in particular clarify that this obligation applies from 13 May 2023, namely two years after the date of publication of Commission Implementing Decision (EU) 2021/781[10], which specifies reference CO_2 emissions for those vehicle sub-groups. To ensure the timely adoption of these changes in respect to the date of entry into force of the amendments to Regulation (EU) 2019/1242, a one-year deadline for transposition into national legislation should be established.~~

(11) It is appropriate to clarify and simplify certain provisions of Directive 1999/62/EC to reflect the amendments of Regulation (EU) 2024/1610 of the European Parliament and of the Council [11] to Regulation (EU) 2019/1242 of the European Parliament and of the Council [12], as well as the amendments of Commission Regulation (EU) 2022/1379 [13] to Commission Regulation (EU) 2017/2400 [14]. The proposed changes concern the definitions of CO_2 emissions, zero-emission vehicle, low-emission heavy-duty vehicle, vehicle group, emission reduction trajectory and reference CO_2 emissions, as well as of Article 7ga and Article 8(3), while preserving their original meaning.

(12) This Directive should clarify the point in time from when the obligation to vary road charges based on CO_2 emissions for a vehicle sub-group applies. It therefore refers to the publication of reference CO_2 emissions of a vehicle sub-group adopted in accordance with Article 11(1) of Regulation (EU) 2019/1242. This Directive should also give sufficient implementation time to national authorities and tolling service providers to classify the vehicles of those vehicle sub-groups into CO_2 emission classes. A six-month implementation period is provided

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~~[10] Commission Implementing Decision (EU) 2021/781 of 10 May 2021 on the publication of a list indicating certain CO_2 emissions values per manufacturer as well as average specific CO_2 emissions of all new heavy-duty vehicles registered in the Union and reference CO_2 emissions pursuant to Regulation (EU) 2019/1242 of the European Parliament and of the Council for the reporting period of the year 2019 (OJ L 167, 12.5.2021, p. 47).~~

[11] Regulation (EU) 2024/1610 of the European Parliament and of the Council of 14 May 2024 amending Regulation (EU) 2019/1242 as regards strengthening the CO_2 emission performance standards for new heavy-duty vehicles and integrating reporting obligations, amending Regulation (EU) 2018/858 and repealing Regulation (EU) 2018/956 (OJ L, 2024/1610, 6.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1610/oj).

[12] Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO_2 emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC, OJ L 198, 25.7.2019, p. 202, ELI: http://data.europa.eu/eli/reg/2019/1242/oj.

[13] Commission Regulation (EU) 2022/1379 of 5 July 2022 amending Regulation (EU) 2017/2400 as regards the determination of the CO_2 emissions and fuel consumption of medium and heavy lorries and heavy buses and to introduce electric vehicles and other new technologies (OJ L 212, 12.8.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/1379/oj).

[14] Commission Regulation (EU) 2017/2400 of 12 December 2017 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the determination of the CO_2 emissions and fuel consumption of heavy-duty vehicles and amending Directive 2007/46/EC of the European Parliament and of the Council and Commission Regulation (EU) No 582/2011 (OJ L 349, 29.12.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/2400/oj).

following the publication of the reference CO_2 emissions. As regards the vehicle sub-groups originally covered by that Regulation, the obligation to vary road charges has applied since 13 May 2023, which was two years after the date of publication of Commission Implementing Decision (EU) 2021/781 [15].

(13) This Directive should clarify the date from when the adjustments to the reference CO_2 emissions adopted pursuant to Article 11(2) of Regulation (EU) 2019/1242 apply. A six-month period is appropriate to implement this change. This date should be the same in all Member States in order to ensure equal treatment of transport operators that own similar vehicles first registered on the same date but that are established in different Member States. Moreover, Commission Implementing Decision (EU) …/... adjusting reference CO_2 emissions indicated in Commission Implementing Decision (EU) 2021/781 and specifying the methodology for defining representative vehicles [*add reference once known*] adjusted reference CO_2 emissions with application from reporting period 2025 for vehicle sub-groups 4-UD, 4-RD, 4-LH, 5-RD, 5-LH, 9-RD, 9-LH, 10-RD and 10-LH. The current version of the definition of emission reduction trajectory provides that the adjusted values apply from the reporting period commencing after the date of application of that act. They should therefore apply from 1 July 2026. To avoid the six-month implementation period lapsing too soon after the adoption of this Directive and leaving an insufficient period for implementation, the date of application of 1 July 2026 is explicitly maintained.

(14) This Directive should preserve the meaning of the definition of emission reduction trajectory of Directive 1999/62/EC as amended by Directive (EU) 2022/362. Regulation (EU) 2024/1610 amended Regulation (EU) 2019/1242 by introducing a CO_2 emissions reduction target for 2030 of 43%. This change affects the gradient of the emission reduction trajectory defined in Directive 1999/62/EC for years up to and including 2030. Certain CO_2 emission classes thresholds up to and including 2030 are therefore stricter than for 2031 and the following years. The resulting shape of the emission reduction trajectory was not an intended consequence of the adoption of Regulation (EU) 2024/1610. The original shape of the emission reduction trajectory should therefore be reinstated by setting a CO_2 emissions reduction target of 30% 2030 in Directive 1999/62/EC. Until this change applies, it is possible that certain vehicles may be allocated to a CO_2 emission class with an emission reduction trajectory based on a CO_2 emissions reduction target for 2030 of 43%. To ensure equal treatment with vehicles that are allocated to a CO_2 emission class after the adoption of this Directive, Member States should reclassify those vehicles by using an emission reduction trajectory based on a CO_2 emissions reduction target for 2030 of 30%, within two months following the entry into force of this Directive.

(15) This Directive should clarify how to allocate to CO_2 emission classes vehicles accompanied by a customer information file and first registered before the start of the emission reduction trajectory. For vehicle sub-groups with reference period 2021 or 2025, as set in Regulation (EU) 2019/1242, a discrepancy exists

[15] Commission Implementing Decision (EU) 2021/781 of 10 May 2021 on the publication of a list indicating certain CO_2 emissions values per manufacturer as well as average specific CO_2 emissions of all new heavy-duty vehicles registered in the Union and reference CO_2 emissions pursuant to Regulation (EU) 2019/1242 of the European Parliament and of the Council for the reporting period of the year 2019 (OJ L 167, 12.5.2021, p. 47, ELI: http://data.europa.eu/eli/dec_impl/2021/781/oj).

between the date when their emission reduction trajectories start and the deadline for manufacturers to provide new vehicles with a customer information file that has been issued in accordance with Article 9 of Commission Regulation (EU) 2017/2400. The start date of the emission reduction trajectory of a vehicle sub-group is the first day of the reference period for that vehicle sub-group, as set out in point 3.2 of Annex I to Regulation (EU) 2019/1242. The deadline for manufacturers to provide new vehicles of a vehicle sub-group with the customer information file is set out in Article 24 of Commission Regulation (EU) 2017/2400. For those vehicle sub-groups, the deadline for manufacturers precedes the start date of the emission reduction trajectory. Directive 1999/62/EC does not indicate how to classify in CO_2 emission classes vehicles that were first registered before the start of the emission reduction trajectory. Member States should classify in a CO_2 emissions class those vehicles for which the owner can provide evidence of their CO_2 emissions in a customer information file. The thresholds of the CO_2 emissions classes before the start of the emission reduction trajectory are those of the first year of the emission reduction trajectory.

(16) This Directive should clarify how to allocate vocational vehicles to CO_2 emission classes. Regulation (EU) 2019/1242 distinguishes vocational vehicles, such as vehicles used for garbage collection or construction works, from other types of vehicles by defining vocational vehicle sub-groups. These vehicles are responsible for approximately 2% of the emissions of the heavy-duty sector and operate mostly in cities. Following the adoption of Regulation (EU) 2024/160, vocational vehicles are identified as such only after their first registration. The customer information file of a new vehicle therefore does not provide information on the vocational nature of the vehicle. Vocational vehicles cannot therefore be recognised as belonging to a vocational sub-group when they are classified in a CO_2 emission class. For objective and practical reasons, vocational vehicles should be treated as belonging to the corresponding non-vocational vehicle sub-group for the purposes of Directive 1999/62/EC.

(17) This Directive should clarify how to allocate retrofitted zero-emission vehicles to CO_2 emission classes. Regulation (EU) 2019/1242 sets targets for manufacturers to reduce the CO_2 emissions of new heavy-duty vehicles. Under that regulation, manufacturers particularly benefit from placing zero-emission vehicles on the market. Directive 1999/62/EC incentivises demand for those vehicles by granting reduced charges in accordance with CO_2 emission class 5. An existing drawback of zero-emission vehicles is that they have a lower operational range than conventional vehicles. To increase the vehicle's operational range, it is possible to retrofit zero-emission vehicles by replacing a battery pack with a fuel generator in order to increase the vehicle's operational range. Such retrofitted vehicles thus become hybrid vehicles. Under Directive 1999/62/EC, vehicles are classified into CO_2 emission classes according to the vehicle documentation that is produced by manufacturers before the vehicle's first registration. This means that, under the current legislative framework, such retrofitted vehicles would continue to benefit from reduced charges in accordance with CO_2 emission class 5 although they use a fuel generator. This treatment however distorts the road freight transport market to the disadvantage of operators using zero-emission vehicles that are not retrofitted, and it does not reflect the actual emission reductions over the vehicles' lifetime for the purposes of Regulation (EU) 2019/1242. To ensure that all vehicles are CO_2 emission classes based on the results of the VECTO

simulation tool, zero-emission vehicles that are retrofitted with a fuel-powered engine should therefore be treated under Directive 1999/62/EC as belonging to CO_2 emission class 1.

(18) This Directive should clarify how to allocate dual-fuel vehicles to CO_2 emission classes. Article 24(2), point (g), of Commission Regulation (EU) 2017/2400, obliges manufacturers to issue a customer information file for dual-fuel vehicles starting from 1 January 2024. However, certain dual-fuel vehicles were registered before that date without a customer information file. Vehicles that were first registered before that date cannot access more favourable toll rates and may suffer from a competitive disadvantage to similar vehicles that were registered at a later time. It is possible for manufacturers to determine the CO_2 emissions of a vehicle that has already been registered by performing a new simulation that takes into account the latest requirements of Regulation (EU) 2017/2400. Member States should accept the result of those simulations as a proof of the vehicle's CO_2 emissions. The Commission should prevent the use of illegitimate simulation results by overseeing manufacturers' use of this option. A manufacturer that decides to use this option should therefore notify it to the Commission. Member States should only accept this document if it is received directly from a manufacturer, if the document is in digital format, as this is less vulnerable to fraud, and if a positive Commission Decision has been addressed to that manufacturer.

(19) This Directive should delete certain provisions that became obsolete. Directive 1999/62/EC provides for the extension of its scope to include vehicle sub-groups that are covered by Regulation (EU) 2017/2400 but that are not yet covered by Regulation (EU) 2019/1242. The relevant provisions of Directive 1999/62/EC are Article 2(1), point 30(b); Article 2(1), point 38(b); Article 7ga(1), third subparagraph, and Article 7ga(7). Regulation (EU) 2024/1610 extended the scope of Regulation (EU) 2019/1242 to match the scope of Regulation (EU) 2017/2400. The relevant provisions of Directive 1999/62/EC have therefore become obsolete and should be deleted in order to simplify the text of that Directive.

(~~12~~**20**) Directives 1999/62/EC, 1999/37/EC and (EU) 2019/520 should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 1999/62/EC

Directive 1999/62/EC is amended as follows:

(1) Article 2(1) is amended as follows:

(a) point 28 is replaced by the following:

'(28) 'CO_2 emissions' of a heavy-duty vehicle means its specific CO_2 emissions (gCO_2/t-km) provided in point 2.6.1 of its customer information file if it is a heavy goods vehicle, or its specific CO_2 emissions (gCO_2/p-km) provided in point 2.6.4 of its customer information file if it is a coach or a bus, as defined in Part II of Annex IV to Commission Regulation (EU) 2017/2400 (*);'

*** Commission Regulation (EU) 2017/2400 of 12 December 2017 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the determination of the CO_2 emissions and fuel consumption of heavy-duty vehicles and amending Directive 2007/46/EC of the European Parliament and of the Council and Commission Regulation (EU) No 582/2011 (OJ L 349, 29.12.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/2400/oj).;**

(~~a~~**b**) in point 29, point (a) is replaced by the following:

'(a) a heavy-duty motor vehicle referred to in Article 3, point 11, subpoints (a) ~~and~~ **or** (b), of Regulation (EU) 2019/1242 of the European Parliament and of the Council (*~~*~~*****); or'

**** Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO_2 emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) No 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC (OJ L 198, 25.7.2019, p. 202, ELI: http://data.europa.eu/eli/reg/2019/1242/oj).;**

(~~b~~**c**) ~~In point 30, point (b)~~**point 30** is replaced by the following:

'(30) 'low-emission heavy-duty vehicle' means a low-emission heavy-duty vehicle as defined in Article 3, point 12 of Regulation (EU) 2019/1242;';

~~'(b) a heavy-duty vehicle from a vehicle group covered by an implementing act adopted pursuant to Article 7ga(7), with CO_2 emissions lower than 50% of the reference CO_2 emissions of its vehicle group, other than a zero-emission vehicle;';~~

(d) point 35 is replaced by the following:

'(35) 'vehicle group' means a vehicle group as defined in the first subparagraph of Article 4 of Regulation (EU) 2017/2400;';

(~~c~~**e**) point 37 is replaced by the following:

'(37) 'emission reduction trajectory' of a vehicle sub-group (sg) means an emission reduction trajectory for heavy goods vehicles ($ET_{sg,Y}$) or for buses and coaches ($ETp_{sg,Y}$), as determined in accordance with point 5.1.2.1 of Annex I to Regulation (EU) 2019/1242 and adjusted as follows:

(a) for years Y ≤ 2030, the CO_2 reduction target for 2030 ($rf_{sg,Y}$ or $rfp_{sg,Y}$, where Y=2030) is 30%; and

(b) for years Y > 2030, the target factor ($RET_{sg,Y}$ or $RETp_{sg,Y}$) is 0.7;';

~~'(37) 'emission reduction trajectory', for vehicle sub-group (sg) and the reporting period of a year (Y), namely ETsg,Y, means the product of the annual CO_2 emissions reduction factor (RETsg,Y) times the reference CO_2 emissions (rCO2sg) of the sub-group (sg), namely ETsg,Y = RETsg,Y x rCO2sg; RETsg,Y is determined in accordance with point 5.1 of Annex I to Regulation (EU) 2019/1242;';~~

(~~d~~**f**) point 38 is replaced by the following:

'(38) 'reference CO_2 emissions' means reference CO_2 emissions as defined in Article 3, point 1, of Regulation (EU) 2019/1242;';

~~'(38) 'reference CO_2 emissions' means:~~

~~(a) for vehicles sub-groups covered by Regulation (EU) 2019/1242, the amount calculated in accordance with the formula in point 3 of Annex I to that Regulation;~~

~~(b) for a vehicle group covered by an implementing act adopted pursuant to Article 7ga(7), the reference CO_2 emissions specified therein, corresponding to the average value of all CO_2 emissions of vehicles in that vehicle group, reported in accordance with Regulation (EU) 2018/956 of the European Parliament and of the Council (6) for the first reporting period, which will start after the date on which the registration, sale or entry into service of vehicles in that vehicle group, that do not comply with the obligations referred to in Article 9 of Regulation (EU) 2017/2400, is prohibited in accordance with Article 24 of Regulation (EU) 2017/2400;';~~

(~~e~~**g**) the following points are added:

'(42) 'trailer' means a trailer as defined in Article 3, point 17 of Regulation (EU) 2018/858 and falling within the scope of Commission Implementing Regulation (EU) 2022/1362 **(*******)**;

(43) 'semi-trailer' means a trailer which fulfils the definition of a semi-trailer in Article 3, point 33 of Regulation (EU) 2018/858 and falling within the scope of Commission Implementing Regulation (EU) 2022/1362.'

*****_** Commission Implementing Regulation (EU) 2022/1362 of 1 August 2022 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the performance of heavy-duty trailers with regard to their influence on the CO_2 emissions, fuel consumption, energy consumption and zero emission driving range of motor vehicles and amending Implementing Regulation (EU) 2020/683 (OJ L 205, 5.8.2022, p. 145, **ELI: http://data.europa.eu/eli/reg_impl/2022/1362/oj**)';

(2) Article 7ga is amended as follow:

(a) in paragraph 1, the second, third, and fourth subparagraphs are replaced by the following:

'Member States shall apply that variation to the vehicles sub-groups covered by Regulation (EU) 2019/1242 **at the latest six months after the publication of** ~~on the basis of~~ the reference CO_2 emissions **of those vehicle sub-groups, adopted**~~published~~ in accordance with Article 11(1) of that Regulation. However, for vehicle sub-groups 4-UD, 4-RD, 4-LH, 5-RD, 5-LH, 9-RD, 9-LH, 10-RD, 10-LH, Member States shall apply that variation at the latest on 13 May 2023.

Member States shall apply ~~Where~~ the reference CO_2 emissions **as**~~are~~ adjusted pursuant to Article 11(2) of Regulation (EU) 2019/1242 **starting from the first day of the sixth month following their publication. However, for vehicle sub-groups 4-UD, 4-RD, 4-LH, 5-RD, 5-LH, 9-RD, 9-LH, 10-RD and 10-LH, Member States shall apply the reference CO_2 emissions as adjusted pursuant to Commission Implementing Regulation (EU) …/... [*add reference once known*] starting from 1 July 2026.**~~, those reference CO_2 emissions shall apply as of the start of the following reporting period~~

~~By derogation from the second subparagraph, for CO_2 emission classes 1, 4 and 5, referred to in paragraph 2 of this Article, that variation shall apply to vehicle groups covered by implementing acts adopted pursuant to paragraph 7 at the latest two years following the adoption of those implementing acts. The variation shall be based on the reference CO_2 emissions specified therein and it shall apply until reference CO_2 emissions for the vehicle sub-groups concerned are published in accordance with Article 11(1) of Regulation (EU) 2019/1242. As of the publication of reference CO_2 emissions in accordance with Article 11(1) of Regulation (EU) 2019/1242, Member States shall apply those reference CO_2 emissions instead of the ones specified pursuant to paragraph 7 and the variation for the vehicles sub-groups concerned shall be applied for all emission classes.~~';

(b) in paragraph 2, the following subparagraphs are added:

'Member States shall reclassify the vehicles that have been classified in CO_2 emission class 2 or 3 with an emission reduction trajectory based on a CO_2 emissions reduction target for 2030 of 43% by instead using an emission reduction trajectory based on a CO_2 emissions reduction target for 2030 of 30% at the latest by [date of entry into force of this Directive + two months].

Member States shall consider as eligible for classification in a CO_2 emission class all vehicles for which the road user can provide evidence of the CO_2 emissions in a customer information file issued in accordance with Article 9 of Regulation (EU) 2017/2400. If the date of the first registration of a vehicle is before the start of the emission reduction trajectory of the vehicle sub-group to which the vehicle belongs, the values of the first year of the emission reduction trajectory for that sub-group shall apply.

Member States shall treat vocational vehicles, as defined Article 3, point 9, of Regulation (EU) 2019/1242, as vehicles belonging to the corresponding non-vocational vehicle sub-group.

Member States shall not apply reduced charges in accordance with CO_2 emission class 5 to zero-emission vehicles that have been retrofitted with a fuel-powered engine that generates electrical energy or that contributes to the propulsion of the vehicle. Member States shall instead apply the charges in accordance with CO_2 emission class 1.

Vehicle manufacturers may use the simulation tool provided for in Article 5 of Regulation (EU) 2017/2400 to determine the CO_2 emissions of a dual-fuel vehicle, as defined in Article 3, point 21, of Regulation (EU) 2017/2400, after its production date, where the production date of that vehicle is before 1 January 2024. A manufacturer that intends to use this possibility shall notify the Commission of its intention to do so and the Commission shall decide whether that manufacturer may use the simulation tool for the purpose set out in this paragraph. For the classification of a vehicle in a CO_2 emission class, Member States shall accept the simulation produced by manufacturers as evidence of a vehicle's CO_2 emissions, provided that a manufacturer sends them the results of the simulation directly and in digital form together with the Commission Decision addressed to that manufacturer.';

(~~b~~**c**) **paragraph 7 is deleted.** ~~In paragraph 7, the first sub-paragraph is replaced by the following:~~

~~'The Commission shall adopt implementing acts to specify the reference CO_2 emissions for the vehicle groups other than sub-groups 4-UD, 4-RD, 4-LH, 5-RD, 5-LH, 9-RD, 9-LH, 10-RD, 10-LH.'.~~

(3) the following Article is inserted:

'*Article 7gc*

1. Until 30 June 2030, Member States may take into account the effect of trailers on the CO_2 emissions of its combination with a motor vehicle when applying Article 7ga. From 1 July 2030 they shall take into account that effect.

Where a Member State applies the first subparagraph, the CO_2 emission class of the vehicle combination referred in Article 7ga (2) shall be affected by the trailer class of the towed trailer in accordance with Annex VIII.

2. Where a Member State applies the first paragraph and, in accordance with Article 9(1), point (a), imposes specific charges on vehicle combinations deviating from the maximum weights and/or dimensions laid down in Annex I to Council Directive 96/53/EC *, in accordance with Article 4(4) of that Directive, it may apply a reduction of road charges to such vehicle combinations that employ at least one trailer to which a trailer class is assigned in accordance with Annex VIII to this Directive.

The amount of the reduction of the road charge may correspond to the reduction granted to vehicle combinations not deviating from the maximum weights and/or dimensions.

3. The Commission is empowered to adopt a delegated act in accordance with Article 9d in order to amend Annex VIII to determine the efficiency ratio thresholds laid down therein, or to adjust them to reflect technical progress. Their first determination shall be based on the average efficiency of the trailer fleet when reference CO_2 emissions for these vehicles are published, and on the potential that trailers have to generate efficiency improvements, taking into consideration the different potential between semi-trailers and other trailers.

For trailer classes 1 and 2 as identified in the table in Annex VIII, the Commission shall adopt a delegated act determining the efficiency ratio thresholds at the latest one year after the publication of reference CO_2 emissions for trailers according to Article 11(1) of Regulation (EU) 2019/1242.

Trailer ~~For trailer~~class 3**,** as identified in the table in Annex VIII, **applies to zero-emission trailers as defined in Article 3, point 11, subpoint (c), of Regulation (EU) 2019/1242 and complying with the efficiency ratio threshold for trailer class 3.** ~~applicable to trailers equipped with a device that actively supports their propulsion and has no internal combustion engine or has an internal combustion engine emitting less than 5gCO2/kWh, t~~**T**he Commission shall adopt a delegated act determining the efficiency ratio thresholds after legally certified values for those trailers are available.

The Commission is empowered to adopt a delegated act in accordance with Article 9d in order to amend Annex VIII to lay down a methodology for determining the allocation to a trailer class of trailers which are retrofitted with equipment improving their energy efficiency, especially those that were registered, sold or to

enter into service before the date of application of Implementing Regulation (EU) 2022/1362.

4. For the purpose of recording the equipment referred to in paragraph 3, fourth subparagraph, Member States shall make use of item 10 (other information) of Annex II to Directive 2014/45/EU**.

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* Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59)

** Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers (OJ L 127, 29.4.2014, p. 51)';

(4) In Article 7j (2a), the first subparagraph is replaced by the following:

'Where a driver or, where applicable, the transport operator or the European Electronic Toll Service (EETS) provider, is unable to provide evidence of the emission class of the vehicle for the purposes of Article 7g(2), Article 7ga and Article 7gb, Member States may apply tolls or user charges up to the highest level chargeable. Where a driver or, where applicable, the transport operator or the European Electronic Toll Service (EETS) provider, is unable to provide evidence of the emission class of the vehicle combination for the purposes of Article 7gc, Member States may apply tolls or user charges on the basis of the emission class of the motor vehicle.';

(5) in Article 8, paragraph 3 is replaced by the following:

'3. In the case of a common system for user charges referred to in paragraph 1 of this Article, the final date of application of the variations referred to in Article 7ga(1) for vehicle sub-groups 4-UD, 4-RD, 4-LH, 5-RD, 5-LH, 9-RD, 9-LH, 10-RD and 10-LH is 25 March 2025.';

(~~5~~**6**) In Article 9d, the first subparagraph is replaced by the following:

'The Commission is empowered to adopt delegated acts in accordance with Article 9e to amend this Directive in respect of Annex 0, the formulas in points 4.1 and 4.2 of Annex IIIa, the amounts indicated in the tables of Annexes IIIb and IIIc in order to adapt them to scientific and technical progress, and the efficiency ratio thresholds indicated in table in Annex VIII in order to determine them or to adjust them to reflect technical progress.';

(~~6~~**7**) In Article 11, point c is replaced by the following:

'(c) the variation of infrastructure charges or user charges according to the environmental performance of vehicles, pursuant to Article 7g, 7ga, 7gb or 7gc;';

(~~7~~**8**) the text in the Annex to this Directive is added as Annex VIII.

Article 2

Amendment to Directive (EU) 2019/520

In Annex I to Directive (EU) 2019/520, Part I is replaced by the following:

'Part I. Data relating to vehicles

Item	**M/O[(1)]**	**Remarks**
Registration number	M	
Chassis number/Vehicle identification number (VIN)	M	
Member State of registration	M	
Make	M	(D.1[(2)]) e.g. Ford, Opel, Renault
Commercial type of the vehicle	M	(D.3) e.g. Focus, Astra, Megane
EU Category Code	M	(J) e.g. mopeds, motorbikes, cars
Euro emissions class	M	e.g. Euro 4, Euro 6
CO_2 emission class	O	applicable to heavy-duty vehicles
Date of reclassification	O	applicable to heavy-duty vehicles
CO_2 in g/tkm	O	applicable to heavy-duty vehicles
Volume orientation: yes/no	O	applicable to trailers
Efficiency ratio – tonne-kilometre based (-)...	O	applicable to trailers
Efficiency ratio – m^3-kilometre based (-)...	O	applicable to trailers
Technically permissible maximum laden mass of the vehicle	M	
(1) M = mandatory when available in national register, O = optional. (2) Harmonised Union code, see Directive 1999/37/EC.		

’

Article 3

Amendment to Directive 1999/37/EC

In Annex I to Directive 1999/37/EC, in point (V) exhaust emissions, the following points are added:

‘(V.11) Efficiency ratio:

– For non-volume-oriented trailers, efficiency ratio – tonne-kilometre where indicated at position 49.11.2 of the certificate of conformity defined in the Appendix to Annex VIII to Commission Implementing Regulation (EU) 2020/683* or at position 49.11.2 of the individual vehicle approval certificate defined in Appendix 1 to Annex III to that Regulation.

– For volume-oriented trailers, efficiency ratio – m^3-kilometre based where indicated at position 49.11.3 of the certificate of conformity defined in the Appendix to Annex VIII to Commission Implementing Regulation (EU) 2020/683 or at position 49.11.3 of the individual vehicle approval certificate defined in Appendix 1 to Annex III to that Regulation.

The volume orientation is indicated at position 49.10 of the certificate of conformity of heavy-duty trailers defined in the Appendix to Annex VIII to Commission Implementing Regulation (EU) 2020/683 or at position 49.10 of the individual vehicle approval certificate defined in Appendix 1 to Annex III to that Regulation,

(V.12) Trailer class determined in accordance with Article 7gc of Directive 1999/62/EC of the European Parliament and of the Council;

_____

* Commission Implementing Regulation (EU) 2020/683 of 15 April 2020 implementing Regulation (EU) 2018/858 of the European Parliament and of the Council with regards to the administrative requirements for the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 163, 26.5.2020, p. 1**, ELI: http://data.europa.eu/eli/reg_impl/2020/683/oj**)'.

Article 4

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by *[*one year from the entry into force of this Directive] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

   When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 5

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 6

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*