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RELAZIONE

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Oggetto:	Proposta di direttiva del Parlamento europeo e del Consiglio che modifica la direttiva 2009/33/CE relativa alla promozione di veicoli puliti e a basso consumo energetico - Relazione sullo stato di avanzamento dei lavori

I. INTRODUZIONE

Il 9 novembre 2017 la Commissione ha presentato la proposta in oggetto al Parlamento europeo e al Consiglio, quale parte del pacchetto sulla mobilità "L'Europa in movimento", una delle iniziative della Commissione relative a una mobilità a basse emissioni.

L'obiettivo principale della proposta è aumentare la diffusione dei veicoli puliti, vale a dire dei veicoli a basse emissioni o a zero emissioni, negli appalti pubblici e quindi contribuire alla riduzione delle emissioni complessive dei trasporti e alla competitività e alla crescita nel settore dei trasporti. La valutazione della direttiva 2009/33/CE ha rivelato che la direttiva non ha dato l'impulso sperato alla diffusione dei veicoli puliti sul mercato dell'Unione, e l'impatto sulla riduzione delle emissioni di gas a effetto serra e di inquinanti atmosferici è stato giudicato molto limitato.

La proposta mira a raggiungere il suo principale obiettivo:

- estendendo l'ambito di applicazione della direttiva esistente a contemplare tutte le pertinenti pratiche di appalto;
- introducendo una definizione di "veicolo pulito";
- istituendo obiettivi minimi di appalto per i veicoli puliti per il 2025 e il 2030.

II. LAVORI NELLE ALTRE ISTITUZIONI

Il Parlamento europeo ha designato la commissione per l'ambiente, la sanità pubblica e la sicurezza alimentare (ENVI) quale commissione responsabile dell'esame della proposta e Andrzej GRZYB (PPE, PL) quale relatore. L'adozione della relazione è prevista in autunno. La commissione per l'industria, la ricerca e l'energia (ITRE) e la commissione per i trasporti e il turismo (TRAN) adotteranno un parere sulla proposta.

Il Comitato economico e sociale europeo ha adottato il proprio parere nella plenaria del 19 aprile 2018. Si prevede che il Comitato europeo delle regioni adotti il proprio parere nel luglio 2018.

III. LAVORI NELL'AMBITO DEGLI ORGANI PREPARATORI DEL CONSIGLIO

Il Gruppo "Trasporti intermodali e reti" ha iniziato i lavori sulla proposta il 27 novembre 2017 con una presentazione generale ed uno scambio di opinioni. Il 9 marzo 2018 la valutazione di impatto è stata esaminata in dettaglio. Il primo esame della proposta articolo per articolo si è svolto il 16 marzo ed il 25 aprile 2018 e le prime proposte di compromesso della presidenza sono state presentate al Gruppo il 17 ed il 24 maggio 2018. Hanno soprattutto cercato di fornire chiarimenti su vari aspetti della proposta e le modifiche sono state in linea generale sostenute dalle delegazioni.

Tuttavia, dato che in taluni Stati membri il coordinamento della posizione è complesso e coinvolge più di un ministero, l'analisi del fascicolo a livello nazionale è ancora in corso. Pertanto non possono essere tirate conclusioni definitive sulle posizioni degli Stati membri in questa fase e si presume una riserva d'esame da parte di tutte le delegazioni su alcuni o su tutti gli articoli della proposta e sul testo di compromesso della presidenza più recente, di cui all'allegato della presente relazione.

La presente relazione evidenzia le principali questioni sinora individuate durante l'esame della proposta. Lo scopo è informare il Comitato dei rappresentanti permanenti ed il Consiglio riguardo allo stato di avanzamento dei lavori svolti ed attirare l'attenzione sulle questioni che richiederanno ulteriori discussioni.

IV. OSSERVAZIONI DEL PRIMO ESAME

Osservazioni generali

In generale le delegazioni hanno accolto con favore il principale obiettivo della proposta, segnatamente, aumentare la diffusione dei veicoli puliti negli appalti pubblici. È stato espresso anche un sostegno generale riguardo ai principi globali della proposta volti a raggiungere tale obiettivo, che include l'estensione dell'ambito di applicazione della direttiva, l'introduzione di una definizione di "veicolo pulito" e l'istituzione di obiettivi minimi di appalto.

Durante l'esame della valutazione di impatto, la principale questione emersa è stata quella relativa al contenuto della definizione di "veicolo pulito"; un ampio numero di delegazioni ha sottolineato che si dovrebbe seguire un approccio armonizzato a livello dell'UE che tenga conto delle disposizioni esistenti riguardo alla diffusione dei combustibili alternativi. A tal riguardo molte delegazioni hanno chiesto chiarimenti quanto a sapere se la proposta fosse coerente con altri atti legislativi esistenti sui combustibili alternativi, in particolare con il piano d'azione sulle infrastrutture per i combustibili alternativi¹ e la direttiva sulla realizzazione di un'infrastruttura per i combustibili alternativi (2014/94/UE)². Alcune delegazioni hanno ritenuto che la definizione proposta, maggiormente restrittiva, potrebbe compromettere i piani nazionali in materia di appalti pubblici già in corso in alcuni Stati membri. Al contrario altre delegazioni preferirebbero una definizione più restrittiva di "veicolo pulito", che metta l'accento sull'assenza totale di emissioni.

¹ Doc. 14333/1/17 REV 1 + ADD 1 - ADD 3.

² Direttiva 2014/94/UE del Parlamento europeo e del Consiglio, del 22 ottobre 2014, sulla realizzazione di un'infrastruttura per i combustibili alternativi (GU L 307 del 28.10.2014, pagg. 1-20).

Molte delegazioni hanno espresso preoccupazione riguardo al previsto aumento di investimenti iniziali in materia di veicoli puliti, nonché al costo per le autorità pubbliche della costruzione della nuova infrastruttura. Talune delegazioni si sono altresì chieste se i costruttori dell'UE sarebbero pronti a fornire un numero sufficiente di "veicoli puliti" a basse emissioni e a zero emissioni, in particolare nel segmento dei mezzi pesanti, in un mercato competitivo a livello mondiale.

Da ultimo le delegazioni hanno posto quesiti riguardo all'attuazione pratica della direttiva nonché ai compiti collegati al monitoraggio e alla presentazione di relazioni che potrebbero risultare in costi supplementari e in un aumento della burocrazia.

Osservazioni su questioni specifiche

- a) **Deroghe (articolo 2):** La proposta collega i requisiti della deroga per i contratti di acquisto di veicoli con l'articolo 2, paragrafo 3 della direttiva 2007/46/CE. Talune delegazioni ritengono che la deroga riguardante i veicoli per uso speciale, i veicoli per uso militare e ospedaliero e per uso da parte delle forze di polizia dovrebbe essere indicata più chiaramente in questo articolo.

- b) **Ambito di applicazione (articolo 3):** La revisione estende il campo di applicazione della direttiva per includere il leasing, la locazione e la vendita a rate di veicoli. Le delegazioni hanno in generale accolto con favore l'estensione dell'ambito di applicazione. Alcune delegazioni ritengono tuttavia che i veicoli noleggiati non dovrebbero essere inclusi nell'ambito di applicazione della direttiva, in quanto tale tipo di appalto di norma è di breve durata e non supera le soglie *de minimis*.

Riguardo ai tipi di contratto, agli operatori coperti e alle soglie applicabili menzionate in tale articolo, il Gruppo ha discusso i modi per migliorare la chiarezza della disposizione, compreso il fatto che la direttiva non dovrebbe applicarsi alle gare d'appalto avviate prima della conclusione del recepimento della direttiva nella legislazione nazionale.

- c) **Definizioni (articolo 4 e tabelle 2 e 3 dell'allegato):** La proposta fornisce una definizione di veicoli puliti basata sulle norme relative alle emissioni di CO₂ e di inquinanti atmosferici per i veicoli leggeri, mentre per i veicoli pesanti, utilizza una definizione basata sui combustibili alternativi.

Nelle discussioni la maggioranza delle delegazioni ha sottolineato che le definizioni esistenti nella normativa dell'UE ed anche il principio della neutralità tecnologica dovrebbero essere presi in considerazione nella elaborazione della definizione di "veicolo pulito". A tal riguardo la grande maggioranza delle delegazioni ha rilevato con preoccupazione che la definizione proposta di "veicolo pesante pulito" come attualmente formulata nell'articolo 4, paragrafo 4, lettera c) e nella corrispondente tabella 3 nell'allegato esclude una gamma di tecnologie e combustibili alternativi che sono elencati nella direttiva 2014/94/UE sulla realizzazione di un'infrastruttura per i combustibili alternativi. Le delegazioni hanno pertanto chiesto l'allineamento di tale definizione con quella prevista nella direttiva 2014/94/UE. Hanno evidenziato che i gas naturali (in particolare GNC, GNL) e il biometano dovrebbero continuare a figurare come requisiti per i veicoli pesanti, mentre dovrebbero essere aggiunti anche i biocarburanti avanzati per riflettere la neutralità tecnologica e offrire una maggiore flessibilità agli Stati membri nel conseguimento dei loro obiettivi nazionali in materia di appalti. Alcune delegazioni non hanno appoggiato l'inclusione di GNC e GNL nella tabella 3 dell'allegato in quanto ritengono che essi non contribuiscono al conseguimento degli obiettivi di emissioni basse o a zero. Altri Stati membri ritengono che dovrebbe esserci maggiore flessibilità anche verso i veicoli ibridi.

- d) **Delega dei poteri (articoli 4 bis e 8 bis):** La proposta prevede l'adozione di atti delegati per adeguare le soglie di emissioni per i veicoli pesanti (tabella 3 dell'allegato) dopo la futura adozione delle norme relative alle emissioni di CO₂ per tali veicoli. Le delegazioni ritengono quasi all'unanimità che l'istituzione di tali requisiti dovrebbe rimanere la prerogativa dei legislatori. Non possono pertanto sostenere la delega di poteri alla Commissione formulata negli articoli 4 bis e 8 bis.

- e) **Obiettivi minimi di appalto (articolo 5):** La proposta fissa obiettivi minimi per ciascuna categoria di veicolo e ciascuno Stato membro (tabelle 4 e 5 dell'allegato). La maggioranza delle delegazioni non mette in questione il principio di fissare obiettivi minimi di appalto. Molte delegazioni tuttavia ritengono che il livello degli obiettivi di appalto proposti è decisamente troppo ambizioso, in particolare per quanto concerne il segmento dei mezzi pesanti, più specificatamente gli autobus. Talune delegazioni temono che la qualità dei servizi di trasporto pubblico potrebbe essere messa compromessa, tenuto conto degli investimenti iniziali necessari per raggiungere gli obiettivi di appalto.

Inoltre quegli Stati membri che svolgono le procedure di appalto e di bilancio nazionali in maniera fortemente decentralizzata sulla base del loro sistema federale, sottolineano che non c'è attualmente in vigore un meccanismo di controllo a livello nazionale per l'appalto di veicoli. Pertanto, al fine di raggiungere gli obiettivi proposti, essi dovrebbero innanzitutto istituire un meccanismo di controllo nazionale per adempiere all'obbligo di presentazione di relazioni nei confronti della Commissione, che richiederebbe un intervento notevole da parte loro.

- f) **Relazioni e riesame (articolo 10):** La proposta introduce obblighi in materia di presentazione di relazioni e di monitoraggio per gli Stati membri. Prevede una relazione intermedia nel 2023 e una relazione completa nel 2026 in merito all'attuazione degli obiettivi per il 2025, seguite da successive relazioni con scadenza triennale.

Durante l'esame della proposta un numero cospicuo di delegazioni ha sollevato preoccupazioni riguardo alla presentazione di una relazione intermedia sull'attuazione della direttiva. E' stato asserito che la relazione intermedia è prematura e rappresenta un onere amministrativo significativo sproporzionato rispetto alle conoscenze ottenute tramite tale relazione. Per rispondere a tale preoccupazione la presidenza ha proposto che, invece di una relazione intermedia a pieno titolo, gli Stati membri forniscano alla Commissione informazioni sui progressi realizzati nell'attuazione della direttiva in maniera meno burocratica ed onerosa.

Riguardo alla presentazione di relazioni su base regolare il Gruppo ha discusso i modi per chiarire aspetti come la frequenza, il formato ed il contenuto della relazione al fine di semplificare la procedura e diminuire l'onere amministrativo degli Stati membri.

Tuttavia, in questa fase, molte delegazioni pongono quesiti riguardo a tali disposizioni.

V. CONCLUSIONI

Nel corso dell'esame della proposta la definizione di "veicolo pulito" , il livello e l'attuazione degli obiettivi di appalto sono stati individuati come questioni chiave. La presidenza in carica e le future presidenze dovranno affrontare le suddette questioni, insieme con una serie di altre questioni, come sopra esposto, al fine di fare progressi su questo fascicolo.

Si invitano il Comitato dei rappresentanti permanenti ed il Consiglio a prendere atto della relazione sullo stato di avanzamento dei lavori relativi all'esame della proposta di direttiva.

**Proposal for a Directive of the European parliament and of the Council
amending Directive 2009/33/EC
on the promotion of clean road transport vehicles in support of low-emission mobility**

(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 192 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 Committee³,

Having regard to the opinion of the Committee of the Regions⁴,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union is committed to a sustainable, competitive, secure and decarbonised energy system⁵. The Energy Union and the Energy and Climate Policy Framework for 2020 to 2030⁶ establish ambitious commitments for the Union to further reduce greenhouse gas emissions by at least 40 % by 2030 as compared with 1990, to increase the proportion of renewable energy consumed by at least 27 %, to make energy savings of at least 27 %, and to improve the Union's energy security, competitiveness and sustainability.

³ OJ C , , p. .

⁴ OJ C , , p. .

⁵ European Council Conclusions of 24 October 2014.

⁶ Commission Communication on a policy framework for climate and energy from 2020 to 2030 (COM(2014)0013).

- (2) In its European Strategy for Low-Emission Mobility⁷ the Commission announced that in order to meet the Union's commitments at the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) held in Paris in 2015, the decarbonisation of the transport sector must be accelerated and that therefore greenhouse gas emissions and air pollutant emissions from transport should be firmly on the path towards zero-emission by mid-century. Moreover, emissions of air pollutants from transport that are harmful to health need to be significantly reduced without delay. This can be achieved by an array of policy initiatives, including the use of public procurement of clean vehicles.
- (3) In its Communication "Europe on the Move: an agenda for a socially fair transition towards clean, competitive and connected mobility for all"⁸ the Commission underlines that increased production and uptake of clean vehicles, alternative fuels infrastructures and new mobility services taking advantage of digitalisation and automation in the Union offer multiple benefits to Europe's citizens, Member States and industries. These include safer and seamless travel and reduction of exposure to harmful pollutant emissions. Further, the 2017 State of the Union address stated that the objective is for the EU to become a world leader in decarbonisation.
- (4) As was announced in the Commission's Communication "Europe on the Move: an agenda for a socially fair transition towards clean, competitive and connected mobility for all"⁹ this proposal forms part of a second package of proposals, which will contribute to the Union's drive towards low-emission mobility. This package, which is presented in the Commission's Communication "Delivering on low-emission mobility - A European Union that protects the planet, empowers its consumers, and defends its industry and workers" includes a combination of supply- and demand-oriented measures to put the EU on a path towards low-emission mobility and at the same time strengthen the competitiveness of the EU's mobility eco-system.
- (5) Innovation of new technologies helps to lower vehicle emissions, supporting the decarbonisation of the transport sector. An increased uptake of low- and zero-emission road vehicles is likely to reduce emissions of CO₂ and certain pollutant emissions (particulate matter, nitrogen oxides and non-methane hydrocarbons) and to promote competitiveness and growth of the European industry in the increasing global markets for low- and zero-emission vehicles.
- (6) Public authorities, through their procurement policy, can establish and support markets for innovative goods and services. Directives 2014/24/EU¹⁰ and 2014/25/EU¹¹ set out minimum harmonised public procurement rules harmonising the way public authorities and certain public utility operators purchase goods, works and services. In particular, they set overall thresholds for the volume of contracts to be subject to Union legislation, which also apply to the Clean Vehicles Directive.

⁷ COM(2016) 501 final.

⁸ COM(2017) 283 final.

⁹ COM (2017) 283 final.

¹⁰ OJ L 94, 28.3.2014, p. 65 - 242.

¹¹ OJ L 94, 28.3.2014, p. 243 – 374.

- (7) Directive 2009/33/EC complements the horizontal public procurement legislation of the Union and adds sustainability criteria, and thereby aims to stimulate the market for clean and energy efficient road transport vehicles. The Commission carried out an ex-post evaluation of the Clean Vehicles Directive in 2015 concluded that the Directive did not trigger market uptake of clean vehicles across the Union, particular due to shortcomings in its provisions on scope and vehicle purchase. The impact on reducing greenhouse gas and air pollutant emissions and the impact on promoting industry competitiveness was found to have been very limited.
- (8) The Impact Assessment carried out underlines the benefits of changing the overall governance approach to clean vehicle procurement at Union level. Setting minimum procurement targets can effectively reach the objective of impacting market uptake of clean vehicles in comparison to relying on the internalisation of external cost into overall procurement decisions, while noting the relevance to consider environmental aspects in all procurement decisions. The medium and long-term benefits for European citizens and enterprises fully justify this approach insofar as it does not prescribe a specific technology to use for contracting authorities, entities and operators.
- (9) Extending the scope of the Directive by including practices such as lease, rental and hire-purchase of vehicles, as well as contracts for public road transport services, special purpose road transport passenger services, non-scheduled passenger transport and hire of buses and coaches with drivers as well as specific postal and courier services and waste refusal services ensures that all relevant procurement practices are covered.
- (10) There is widespread support from key stakeholders for a definition of clean vehicles taking account of reduction requirements for greenhouse gases and air pollutant emissions from light- and heavy-duty vehicles. To ensure that there are adequate incentives to supporting market-uptake of low- and zero-emission vehicles in the Union, provisions for their public procurement under this amendment should be aligned with provisions of Union legislation on CO₂ emission performance of cars and vans for the post-2020 period¹². Action carried out under the amended Directive will contribute to compliance with the requirements of these standards. A more ambitious approach for public procurement can provide an important additional market stimulus.
- (11) Light-duty and heavy-duty vehicles are used for different purposes and have different levels of market maturity, and it would be beneficial that public procurement provisions acknowledge these differences. The Impact Assessment illustrated the added value of adopting an approach based on alternative fuels until technology-neutral requirements for CO₂ emissions from heavy-duty vehicles have been set at Union level, which the Commission intends to propose in the future. The Impact Assessment further recognised that markets for low- and zero-emission urban buses are characterised by increased market maturity, whereas markets for low- and zero-emission trucks are at an earlier stage of market development.

¹² COM(2017) 676 final.

- (12) Setting minimum targets for clean vehicle procurement by 2025 and by 2030 at Member State level should contribute to policy certainty for markets where investments in low- and zero-emission mobility are warranted. The minimum targets support market creation throughout the Union. They provide time for the adjustment of public procurement processes and give a clear market signal. The Impact Assessment notes that Member States increasingly set targets, depending on their economic capacity and how serious the problem is. Different targets should be set for different Member States in accordance with their economic capacity (Gross Domestic Product per capita) and exposure to pollution (urban population density). Minimum procurement targets should be complemented by the obligation of the contracting authorities, entities and operators to consider relevant energy and environmental aspects in all their procurement procedures. The Territorial Impact Assessment of this amended Directive illustrated that the impact will be evenly distributed among regions in the Union.
- (12a) Member States should have the flexibility to distribute efforts to meet the minimum targets within their territory, in accordance with their constitutional framework and in line with their transport policy objectives. In the allocation of efforts within a Member State, different factors could be taken into account, such as differences in economic capacity, air quality, population density, characteristics of the transport systems, policies to decarbonise transport and reduce air pollution, or any other relevant criteria.
- (13) The maximum impact can be achieved if public procurement of clean vehicles is targeted in areas that have a relatively high degree of air pollution. Public authorities in Member States are encouraged to particularly focus on those areas when concluding the implementation of their domestic minimum targets and to reflect related action in their reporting under this amended Directive.
- (13a) In order to further promote transport decarbonisation, improve air quality and maintain a level playing field between different operators Member States can, in compliance with Union law, decide to also impose similar requirements to private operators and services outside the scope of this Directive.
- (14) Life-cycle costing is an important tool for contracting authorities and entities to cover energy and environmental costs during the life-cycle of a vehicle, including the cost of greenhouse gas emission and other pollutant emissions on the basis of a relevant methodology to determine their monetary value. Given the scarce use of the methodology for the calculation of operational lifetime costs under Directive 2009/33/EU and the information provided by contracting authorities and entities on the use of own methodologies tailored to their specific circumstances and needs, there should be no methodology mandatory to use, but contracting authorities, contracting entities or operators should be able to choose any life-costing methodology in order to support their procurement processes.

- (15) Reporting on public procurement under this amended Directive should provide a clear market overview to enable effective monitoring of the implementation. To minimise administrative burden on single public bodies and establish an effective market overview, simple reporting should be facilitated. The timeframe should be aligned with existing reporting obligations under Directive 2014/24/EU and Directive 2014/25/EU. The Commission will provide solutions for the registration and monitoring under the Tender Electronic Daily Database, and will ensure full reporting for low- and zero-emission and other alternative-fuel vehicles within the context of the Common Procurement Vocabulary of the Union. Specific codes in the Common Procurement Vocabulary will help the registration and monitoring under the Tender Electronic Daily Database.
- (16) Further support to market uptake of clean vehicles can be achieved by providing targeted public support measures at national and Union level. This includes better exchange of knowledge and alignment of procurement to enable actions at a scale great enough for cost reductions and market impact. The possibility of public support in favour of promoting development of infrastructures necessary for the distribution of alternative fuels is recognised in the Guidelines on State aid for environmental protection and energy 2014-2020¹³. However, the rules of the Treaty, and in particular Articles 107 and 108 thereof, will continue to apply to such public support.
- (17) In order to achieve the objectives of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to update provisions in respect of CO₂ emission standards of heavy duty vehicles for a period of five years starting from *[Please insert the date of entry into force]*. This period should be tacitly extended for periods of the same duration, unless the European Parliament or the Council oppose such an extension. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (18) Since the objectives of this Directive, namely to provide a demand-side stimulus for clean vehicles in support of a low-emission mobility transition, cannot be sufficiently achieved by the Member States alone, but can rather, by reason of a common and long-term policy framework and for reasons of scale be better achieved at Union level the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve those objectives.
- (19) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹⁴, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a Directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.

¹³ OJ C 200, 28.6.2014, p. 1.

¹⁴ OJ C 369, 17.12.2011, p. 14.

(20) Directive 2009/33/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter and objectives

This Directive requires contracting authorities, contracting entities as well as certain operators to take into account lifetime energy and environmental impacts, including energy consumption and emissions of CO₂ and of certain pollutants, when procuring road transport vehicles with the objectives of promoting and stimulating the market for clean and energy-efficient vehicles and improving the contribution of the transport sector to the environment, climate and energy policies of the Community.

Article 2

Exemptions

Member States may exempt from the requirements laid down in this Directive contracts for the procurement of vehicles referred to in Article 2(3) of Directive 2007/46/EC¹⁵.

Article 3

Scope

This Directive shall apply to procurement through:

1. contracts for the purchase, lease, rent or hire-purchase of road transport vehicles [...] **whose tender notice is published** after [insert date, 24 months following the date of entry into force of this directive] by:
 - (a) contracting authorities or contracting entities in so far as they are under an obligation to apply the procurement procedures set out in Directives 2014/24/EU and 2014/25/EU;

¹⁵ Reference to be updated to reflect changes following revision of Directive 2007/46/EC.

- (b) operators for the discharge of public service obligations under a public service contract within the meaning of Regulation (EC) No 1370/2007 of the European Parliament and of the Council¹⁶ in excess of a threshold which shall be defined by Member States not exceeding the applicable threshold value set out in Article 4 of Directive 2014/24/EU and Article 15 of Directive 2014/25/EU;
2. public service contracts [...] **whose tender notice is published** after [insert date, 24 months following the date of entry into force of this directive] covering services as set out in Table 1 of the Annex in excess of a threshold which shall be defined by Member States not exceeding the applicable threshold value as set out in Article 4 of Directive 2014/24/EU and Article 15 of Directive 2014/25/EU.

Article 4
Definitions

For the purpose of this Directive:

1. 'contracting authorities' means contracting authorities as defined in Article 2(1)(1) of Directive 2014/24/EU and in Article 3 of Directive 2014/25/EU;
2. 'contracting entities' means contracting entities as referred to in Article [...] of Directive 2014/25/EU;
3. 'road transport vehicle' means a vehicle of category M or N, as defined in Annex II, Part A, point 1 of Directive 2007/46/EC¹⁷, **excluding special purpose vehicles as defined in points 5.2. to 5.5. and 5.7¹⁸.**

[4. 'clean vehicle' means

(a) a vehicle of category M1 or M2 with a maximum tail-pipe emission expressed in CO₂/km and real driving pollutant emissions below a percentage of the applicable emission limits as referred to in Table 2 in the Annex , or;

¹⁶ Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport by road and rail (OJ L 315, 3.12.2007, p. 1).

¹⁷ OJ L 263, 9.10.2007, p.1.

¹⁸ Reference to be updated to reflect changes following revision of Directive 2007/46/EC.

(b) a vehicle of category N1 with a maximum tail-pipe emission expressed in CO₂/km and real driving pollutant emissions below a percentage of the applicable emission limits as referred to in Table 2 in the Annex, or;

(c) a vehicle of category M3, N2 or N3 as defined in Table 3 in the Annex.]

[[...]]

Article 5

Minimum procurement targets

1. Member States shall ensure that public procurement of vehicles and services through contracts referred to in Article 3 of this Directive complies with the minimum procurement targets for light-duty vehicles referred to in table 4 of the Annex and for heavy-duty vehicles referred to in Table 5 in the Annex. Those targets are expressed as minimum percentages of clean vehicles in the total number of road transport vehicles covered by the contracts referred to in Article 3, signed **during the respective periods referred to in the Annex** [...].

- 1a. Vehicles that meet the definition of clean vehicle under Article 4(4) as a result of retrofitting may be counted as clean vehicles for the purpose of compliance with the minimum procurement targets.
- 1b. In the case of contracts referred to in Article 3(1), the number of road transport vehicles purchased, leased, rented or hire-purchased under each contract should be taken into account for the purpose of assessing compliance with the minimum targets.**
- 1c. In the case of contracts referred to in Article 3(2), the number of road transport vehicles used for the provision of services covered by each contract should be taken into account for the purpose of assessing compliance with the minimum targets.**
2. Member States may apply or authorise their contracting authorities to apply higher national targets or more stringent requirements than those referred to in the Annex of this Directive.

Article 6

[deleted]

Article 7

[deleted]

Article 8

Best practice exchange

The Commission shall facilitate and structure the exchange of knowledge and best practices between Member States on practices for promoting the purchase of clean and energy-efficient road transport vehicles by contracting authorities, contracting entities and operators referred to in Article 3.

[[...]]

Article 9
Committee procedure

1. The Commission shall be assisted by a Committee.

That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.
3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.

Article 10
Reporting and review

1. The Commission shall submit a report on the application of this Directive and on the actions taken by individual Member States for the effective implementation of this Directive to the European Parliament and to the Council every three years starting on 1 January 2027, following the reporting from Member States.
2. [Deleted]
3. [Deleted]

4. Member States shall submit to the Commission a report on the implementation of this Directive by 1 January 2026, and every three years thereafter. That report shall contain information on the steps undertaken to implement this Directive, including on the number and the categories of vehicles procured by authorities and entities on Member States' intentions regarding the above reporting activities, as well as any other **relevant** [...] information. Information should follow the categories contained in Regulation No 2195/2002 on the Common Procurement Vocabulary (CPV)¹⁹ as noted in the Annex.

4a. Member States shall inform the Commission by [insert date 36 months following the entry into force of the Directive] on the steps undertaken to implement this Directive, on the dialogue carried out between the different levels of governance, on Member States' intentions regarding the above activities, as well as on any other relevant information.

5. The Commission shall be empowered to adopt, by means of implementing acts, guidance on the contents of Member States' reports referred to in paragraph 4. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 9(2).

Article 11

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 4 December 2010. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive, or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States

¹⁹ OJ L 340, 16.12.2002, p. 1,

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 12

Entry into force

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

Article 13

Addressees

This Directive is addressed to the Member States.

For the European Parliament

The President

For the Council

The President

Final provisions:

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by XXXX [*Please insert the date 24 months following the date of entry into force*] at the latest. They shall immediately 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 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

Information for the implementation of minimum procurement targets for clean road transport vehicles in support of low-emission mobility in Member States

Table 1: Common Procurement Vocabulary codes referred to in Article 3

<i>CPV Code</i>	<i>Description</i>
60112000-6	Public road transport services
60130000-8	Special-purpose road passenger-transport services
60140000-1	Non-scheduled passenger transport
60172000-3	Hire of buses and coaches with driver
90511000-2	Refuse collection services
60160000-7	Mail transport by road
60161000-4	Parcel transport services

Table 2: Emission-thresholds for light-duty vehicles

Vehicle categories	Until 31 December 2025		From 1 January 2026 [...]	
	<i>CO₂ g/km</i>	<i>RDE air pollutant emissions* as percentage of emission limits**</i>	<i>CO₂ g/km</i>	<i>RDE air pollutant emissions* as percentage of emission limits</i>
M1 vehicles	25	80%	0	n.a.
M2 vehicles	25	80%	0	n.a.
N1 vehicles	40	80%	0	n.a.

* Real driving emissions of ultrafine particles in #/km (PN) nitrogen oxides in mg/km (NO_x) measured according to the applicable version of Annex IIIA, Regulation 2017/1151.

** The applicable emission limit found in Annex I of Regulation (EC) 715/2007, or its successors.

Table 3: Requirements for heavy-duty vehicles

Vehicle categories	Alternative fuels
M3, N2, N3 vehicles	Electricity*, hydrogen, natural gas including biomethane, in gaseous form (compressed natural gas (CNG)) and liquefied form (liquefied natural gas (LNG))

*For use in a vehicle as defined in Art. 2 (2) of Directive 2014/94/EU, provided that electricity is used for a relevant part of the operational use of the vehicle.

Table 4: Minimum target for the share of light-duty vehicles in accordance with table 2 in the total number of light-duty vehicles covered by contracts referred to in Article 3 at Member State level*

Member State	<u>From (insert date 24 months following the date of entry into force of this Directive) to 31 December 2025</u>	<u>From 1 January 2026 to 31 December 2030</u>
Luxembourg	35%	35%
Sweden	35%	35%
Denmark	34%	34%
Finland	35%	35%
Germany	35%	35%
France	34%	34%
United Kingdom	35%	35%
Netherlands	35%	35%
Austria	35%	35%
Belgium	35%	35%
Italy	35%	35%
Ireland	35%	35%
Spain	33%	33%
Cyprus	29%	29%
Malta	35%	35%
Portugal	27%	27%
Greece	23%	23%
Slovenia	20%	20%
Czech Republic	27%	27%
Estonia	21%	21%
Slovakia	20%	20%
Lithuania	19%	19%
Poland	20%	20%
Croatia	17%	17%
Hungary	21%	21%
Latvia	20%	20%
Romania	17%	17%
Bulgaria	16%	16%

*Vehicles with zero-emissions at tailpipe shall be counted as 1 vehicle contributing to the mandate. All other vehicles that meet the requirements of Table 2 in this annex shall be counted as 0.5 vehicle contributing.

Table 5: Minimum target for the share of heavy-duty vehicles in accordance with table 3 in the total number of heavy-duty vehicles covered by contracts referred to in Article 3 at Member State level*

Member State	Trucks		Buses	
	From (insert date 24 months following the date of entry into force of this Directive) to 31 December 2025	From 1 January 2026 to 31 December 2030	From (insert date 24 months following the date of entry into force of this Directive) to 31 December 2025	From 1 January 2026 to 31 December 2030
Luxembourg	10%	15%	50%	75%
Sweden	10%	15%	50%	75%
Denmark	10%	15%	50%	75%
Finland	9%	15%	46%	69%
Germany	10%	15%	50%	75%
France	10%	15%	48%	71%
United Kingdom	10%	15%	50%	75%
Netherlands	10%	15%	50%	75%
Austria	10%	15%	50%	75%
Belgium	10%	15%	50%	75%
Italy	10%	15%	50%	75%
Ireland	10%	15%	50%	75%
Spain	10%	14%	50%	75%
Cyprus	10%	13%	50%	75%
Malta	10%	15%	50%	75%
Portugal	8%	12%	40%	61%
Greece	8%	10%	38%	57%
Slovenia	7%	9%	33%	50%
Czech Republic	9%	11%	46%	70%
Estonia	7%	9%	36%	53%
Slovakia	8%	9%	39%	58%
Lithuania	8%	9%	47%	70%
Poland	7%	9%	37%	56%
Croatia	6%	7%	32%	48%
Hungary	8%	9%	42%	63%
Latvia	8%	9%	40%	60%
Romania	6%	7%	29%	43%
Bulgaria	7%	8%	39%	58%

* Vehicles with zero-emissions at tailpipe or vehicles using natural gas provided they are fully operated on bio-methane, which should be demonstrated by a contract to procure bio-methane or other means of accessing bio-methane, shall be counted as 1 vehicle contributing to the mandate. All other vehicles that meet the requirements of Table 3 in this annex shall be counted as 0.5 vehicle contributing. This counting is abandoned in case of those Member States

where the minimum procurement mandate [...] is 50% **or more** of the overall volume of public procurement [...]; in this case all vehicles that meet the requirements in Table 3 of this Annex shall be counted as one vehicle contributing.
