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## REPORT

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1) / Council
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Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/33/EC on the promotion of clean and energy-efficient vehicles - Progress report

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### I. INTRODUCTION

On 9 November 2017, the Commission presented the above-mentioned proposal to the European Parliament and the Council, as part of the 'Europe on the Move' Mobility Package, as one of the Commission's initiatives related to low-emission mobility.

The proposal's main objective is to increase the market uptake of clean, i.e. low- and zero-emission vehicles in public procurement and hence contribute to the reduction of overall transport emissions and the competitiveness and growth in the transport sector. The evaluation of Directive 2009/33/EC revealed that the Directive did not trigger sufficient market uptake of clean vehicles across the Union, and the impact on reducing greenhouse gas and air pollutant emissions was found to have been very limited.

The proposal aims to reach its main objective by:

- extending the scope of the existing directive to cover all relevant procurement practices;
- introducing a definition of a 'clean vehicle';
- setting minimum procurement targets for clean vehicles for 2025 and 2030.

## **II. WORK AT OTHER INSTITUTIONS**

The European Parliament has designated the committee on the Environment, Public Health and Food Safety (ENVI) as the responsible committee on this proposal and Mr Andrzej GRZYB (EPP, PL) as the rapporteur. The report is expected to be adopted in the autumn. The committee on Industry, Research and Energy (ITRE) and the committee on Transport and Tourism (TRAN) will adopt an opinion on the proposal.

The European Economic and Social Committee adopted an opinion at the plenary session on 19 April 2018. The European Committee of the Regions is expected to adopt an opinion in July 2018.

## **III. WORK AT THE COUNCIL PREPARATORY BODIES**

The Working Party on Transport, Intermodal Questions and Networks started the work on the proposal on 27 November 2017 with a general presentation and an exchange of views. On 9 March 2018, the impact assessment was examined in detail. The first examination article-by-article of the proposal took place on 16 March and 25 April 2018 and the first Presidency compromise proposals were presented to the Working Party on 17 and 24 May 2018. They primarily sought to provide clarification on several aspects of the proposal and the changes were generally supported by the delegations.

However, given that in some Member States the coordination of the position is complex and involves more than one ministry, the analysis of the file at national level is still ongoing. Therefore, no definite conclusions can be drawn on the positions of the Member States at this stage and a scrutiny reservation on some or on all articles of the proposal and the latest Presidency compromise text set out in the Annex to this report is assumed for all delegations.

This report highlights the main issues identified during the examination of the proposal so far. The aim is to inform the Permanent Representatives Committee and the Council about the state of play of the work done and draw attention to the issues that will necessitate further discussions.

#### **IV. OBSERVATIONS OF THE FIRST EXAMINATION**

##### **General comments**

In general, delegations welcomed the main objective of the proposal, notably, to increase the market uptake of clean vehicles in public procurement. There was also general support regarding the overall principles of the proposal to achieve this objective, which include the extension the scope of the existing directive, the introduction of a 'clean vehicle' definition and the setting of minimum procurement targets.

During the examination of the impact assessment, the main issue that emerged was related to the content of the definition of a 'clean vehicle'; a large number of delegations emphasised that a harmonised EU-level approach towards the deployment of alternative fuels should be followed which took account of existing provisions. In this respect, many delegations sought clarity whether the proposal was consistent with other existing legislation on alternative fuels, in particular with the Action Plan on alternative fuels<sup>1</sup> and the alternative fuels infrastructure Directive (2014/94/EU)<sup>2</sup>. Some considered that the proposed, more restrictive definition could jeopardise national public procurement plans already in progress in some Member States. A few delegations on the other hand would prefer a stricter definition of a 'clean vehicle' with a focus on zero emissions.

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<sup>1</sup> 14333/1/18 REV 1 + ADD 1 - ADD 3.

<sup>2</sup> Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L OJ L 307, 28.10.2014, p. 1–20).

Many delegations expressed concern regarding the expected increase in up-front investments in clean vehicles, as well as the cost for public authorities for building new infrastructure. Some delegations also wondered whether EU manufacturers would be ready to deliver a sufficient number of low- and zero emission 'clean vehicles', in particular in the heavy-duty segment, in a worldwide competitive market.

Finally, delegations had questions regarding the practical implementation of the directive as well as the tasks linked to monitoring and reporting which could result in additional cost and increased bureaucracy.

### **Comments on specific issues**

- a) **Exemptions (Article 2):** The proposal links the exemption requirements for the purchase of vehicles with Article 2(3) of Directive 2007/46/EC. Some delegations considered that the exemption of special purpose vehicles and vehicles for military and hospital use and use by police forces should be spelt out more clearly in this Article.
  
- b) **Scope (Article 3):** The revision widens the scope of the Directive to include vehicle lease, rent and hire- purchase of vehicles. Delegations in general welcomed the widening of the scope. A few delegations considered, however, that rented vehicles should not be included in the scope of the Directive, as this type of procurement generally occurs for short periods and does not typically exceed the *de minimis* thresholds.

Regarding the types of contracts, operators covered and the applicable thresholds mentioned in this Article, the Working Party has discussed ways to improve the clarity of the provision, including the fact that this directive should not apply to tenders launched before the transposition of the directive into national law has been concluded.

- c) **Definitions (Article 4 and tables 2 and 3 of the Annex):** The proposal provides a definition of clean vehicles based on CO<sub>2</sub> and air pollutant emission standards for light-duty vehicles, while for heavy-duty vehicles, it uses a definition based on alternative fuels.

In the discussions, the majority of delegations underlined that existing definitions in EU legislation and also the principle of technology neutrality should be taken into account when determining the definition of a 'clean vehicle'. In this regard, the vast majority of delegations noted with concern that the proposed definition of a 'clean heavy-duty vehicle' as currently formulated in Article 4(4)(c) and the corresponding table 3 in the Annex excludes a range of alternative fuels and technologies that are listed in the alternative fuels infrastructure Directive 2014/94/EU. Delegations therefore called for the alignment of this definition with that foreseen in Directive 2014/94/EU. They stressed that natural gases (in particular CNG, LNG) and biomethane should continue to qualify as requirements for heavy-duty vehicles, while advanced biofuels should also be added in order to reflect technology neutrality and create greater flexibility for the Member States to reach their national procurement targets. A few delegations did not support the inclusion of CNG and LNG in table 3 of the Annex as they considered that these did not contribute to reaching zero or low-emission targets. A few other Member States considered that there should be more flexibility towards hybrid vehicles as well.

- d) **Delegation of powers (Articles 4a and 8a):** The proposal allows for the adoption of delegated acts to adjust emission thresholds for heavy-duty vehicles (table 3 of the Annex) after the future adoption of CO<sub>2</sub> emission standards for such vehicles. Delegations almost unanimously considered that the establishment of these requirements should remain the prerogative of the co-legislators. They could therefore not support the delegation of powers to the Commission as formulated in Articles 4a and 8a.

- e) **Minimum procurement targets (Article 5):** The proposal sets minimum targets for each category of vehicle and each Member State (tables 4 and 5 of the Annex). The majority of delegations did not question the principle of setting minimum procurement targets. Many, however, considered that the level of the proposed procurement targets is far too ambitious, in particular what concerns the heavy-duty segment, more specifically buses. Some delegations were concerned that as a result of the upfront investment required to reach the procurement targets, the quality of the public transport service could be jeopardised.

Furthermore, those Member States, which carry out national procurement and budgetary processes in a highly decentralised manner based on their federal system, pointed out that there was no national-level oversight mechanism for vehicle procurement currently in place. Therefore, in order to reach the proposed targets they would first need to establish a national oversight mechanism to satisfy the reporting obligation to the Commission, which would require a significant intervention on their part.

- f) **Reporting and review (Article 10):** The proposal introduces reporting and monitoring obligations for the Member States. It provides for intermediate reporting in 2023 and full reporting in 2026 on the implementation of the targets for 2025, followed by further reporting every three years after.

During the examination of the proposal, an important number of delegations raised concerns regarding the submission of an interim report on the implementation of the Directive. They argued that the interim report was premature and represented a considerable administrative burden which did not commensurate with the knowledge gained from the interim report. In order to respond to this concern, the Presidency proposed that instead of a fully-fledged interim report, Member States shall provide information to the Commission on the progress made with the implementation of the Directive in a less bureaucratic and burdensome way.

Regarding the regular reporting, the Working Party has discussed ways to clarify aspects such as timing, format and content of the reporting with the aim to simplify the procedure and lower administrative burden for the Member States.

However, at this stage, many delegations have questions regarding these provisions.

## V. CONCLUSIONS

In the course of the examination of the proposal, the definition of a 'clean vehicle' and the level and implementation of the procurement targets have been identified as the key issues. These, alongside with a number of other issues, as explained above, will need to be addressed under the present and following Presidencies in order to make progress on this file.

The Permanent Representatives Committee and Council are invited to take note of the progress made on the examination of the proposed Directive.

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**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 Committee<sup>3</sup>,  
Having regard to the opinion of the Committee of the Regions<sup>4</sup>,  
Acting in accordance with the ordinary legislative procedure,  
Whereas:

- (1) The Union is committed to a sustainable, competitive, secure and decarbonised energy system<sup>5</sup>. The Energy Union and the Energy and Climate Policy Framework for 2020 to 2030<sup>6</sup> 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.

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<sup>3</sup> OJ C , , p. .

<sup>4</sup> OJ C , , p. .

<sup>5</sup> European Council Conclusions of 24 October 2014.

<sup>6</sup> 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 Mobility<sup>7</sup> the Commission announced that in order to meet the Union's commitments at the 21<sup>st</sup> 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"<sup>8</sup> 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"<sup>9</sup> 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 CO<sub>2</sub> 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/EU<sup>10</sup> and 2014/25/EU<sup>11</sup> 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.

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<sup>7</sup> COM( 2016) 501 final.

<sup>8</sup> COM(2017) 283 final.

<sup>9</sup> COM (2017) 283 final.

<sup>10</sup> OJ L 94, 28.3.2014, p. 65 - 242.

<sup>11</sup> 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 CO<sub>2</sub> emission performance of cars and vans for the post-2020 period<sup>12</sup>. 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 CO<sub>2</sub> 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.

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<sup>12</sup> 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 2014-2020<sup>13</sup>. 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 CO<sub>2</sub> 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 documents<sup>14</sup>, 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.

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<sup>13</sup> OJ C 200, 28.6.2014, p. 1.

<sup>14</sup> 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 CO<sub>2</sub> 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/EC<sup>15</sup>.

#### Article 3

#### *Scope*

This Directive shall apply to procurement through:

1. contracts for the purchase, lease, rent or hire-purchase of road transport vehicles ~~signed~~ **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;

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<sup>15</sup> 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 Council<sup>16</sup> 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 signed **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 4 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/EC<sup>17</sup>, **excluding special purpose vehicles as defined in points 5.2. to 5.5. and 5.7<sup>18</sup>.**

[4. 'clean vehicle' means

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

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<sup>16</sup> 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).

<sup>17</sup> OJ L 263, 9.10.2007, p.1.

<sup>18</sup> 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 CO<sub>2</sub>/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 4a~~

#### ~~Delegation of powers~~

~~The Commission shall be empowered to adopt delegated acts in accordance with Article 8a in order to amend Table 3 in the Annex by adding CO<sub>2</sub> tail pipe emission and air pollutants thresholds for heavy duty vehicles once the related heavy duty CO<sub>2</sub> emission performance standards have entered into force at Union level.]~~

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** after ~~[insert date 24 months following the date of entry into force of this Directive].~~

- 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 8a

Exercise of the delegation

1. ~~The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.~~
2. ~~The power to adopt delegated acts referred to in Article 4a shall be conferred on the Commission for a period of five years from [Please insert the date of entry into force]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.~~
3. ~~The delegation of power referred to in Article 4a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.~~
4. ~~Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016.~~
5. ~~As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.~~
6. ~~A delegated act adopted pursuant to Article 4a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.]~~

*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** ~~valuable~~ information. Information should follow the categories contained in Regulation No 2195/2002 on the Common Procurement Vocabulary (CPV) <sup>19</sup> 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

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<sup>19</sup> 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	<b>Until 31 December 2025</b>		<b>From 1 January 2026 <del>2030</del></b>	
	<i>CO<sub>2</sub> g/km</i>	<i>RDE air pollutant emissions* as percentage of emission limits**</i>	<i>CO<sub>2</sub> 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<sub>x</sub>) 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	
	<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>	<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	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 ~~exceeds~~ **is 50% or more** of the overall volume of public procurement, ~~with a~~



cut off at the 50% mark; in this case all vehicles that meet the requirements in Table 3 of this Annex shall be counted as one vehicle contributing.

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