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REPORT

From: General Secretariat of the 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

I. INTRODUCTION

On 8 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 the time periods between the end of the transposition period and the end of 2025 and between 2026 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 was adopted by the EP Plenary on 25 October 2018. The committee on Industry, Research and Energy (ITRE) and the committee on Transport and Tourism (TRAN) adopted 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 adopted an opinion on 5 July 2018.

III. WORK AT THE COUNCIL PREPARATORY BODIES

The proposal was presented to the Working Party on Transport - Intermodal Questions and Networks in November 2017 and it was studied by the same Working Party between March and May 2018, resulting in progress reports presented to the Council on 7 June 2018.¹

The Presidency has dedicated three meetings to the detailed examination of the file between July and November 2018.

¹ doc. 8916/18.

On the basis of the comments and suggestions made by the delegations, the Presidency tabled two compromise texts which proposed solutions and clarifications on the majority of articles, the main ones being the following:

- Articles 2 to 3: widened exemptions and clarified the scope, in particular as regards the services covered by the Directive listed in Table 1 and in the recital 11 and 11(a);
- Article 4: broadened the definition of 'clean vehicle' and introduced ambitious sub-targets for zero emission buses;
- Article 5: clarified the counting methods for the different types of contracts covered by the Directive. The corresponding tables 4 and 5 containing the targets for Member States and the calculation method regarding zero emission vehicles were simplified and as regards buses, the national targets have been lowered;
- Article 9: deleted the provision related to the Committee procedure;
- Article 10: simplified and clarified the reporting obligations for Member States and introduced a new obligation for the Commission to support Member States by collating and publishing relevant data.

IV. OUTSTANDING ISSUES

(a) Exemptions (Article 2)

The latest Presidency compromise on Article 2 was supported by most delegations. However, one delegation, supported by another, would like to exempt special transport services, for example for elderly or persons with disabilities, from the scope of the Directive. A number of other MS stressed that exemptions should be kept to a minimum.

(b) Scope (Article 3)

Several delegations wished to reintroduce in the scope of the Directive refuse collection services covered by Table 1 of the Annex, which were deleted from the scope of the Directive because they do not concern passenger transport services and require special purpose vehicles.

Coaches were deleted from the scope of the Directive at the request of some delegations, the reason being that the use of coaches for long distance passenger transport represents technical problems as regards zero emission vehicles as well as regarding the necessary recharging infrastructure, especially in cross-border use. One delegation, supported by several others, would like to reintroduce the procurement of coaches in the scope of the Directive because of their similarity to trucks.

(c) Definitions (Article 4)

Numerous delegations supported the Presidency's latest compromise proposal and were opposing a reference to the RED 2 Directive put forward by one delegation.

Some delegations advocated a technologically neutral, outcome-focused approach as regards the definition of a 'clean vehicle'.

Some delegations are not in favour of including fossil gases such as CNG and LNG in the list of alternative fuels , whereas others stressed the necessity to include those as they provide a good transition towards low- and zero emission vehicles.

(d) Minimum procurement targets (Article 5 and Tables 4 and 5 of the Annex):

The Presidency compromise on Article 5 was generally supported by the delegations. However, the minimum procurement targets in Tables 4 and 5 still have to be further discussed.

There is a wide variety regarding the level of ambition as expressed by the quota per Member State.

(e) Transposition period

Some delegations were in favour of extending the transposition deadline to between 30 and 36 months, whereas others supported a shorter period of 24 months and linked the transposition deadline to the overall progress made with the dossier.

V. CONCLUSIONS

In the course of the examination of the proposal, there was overall support for the Presidency's final compromise text set out in the annex of document 14230/18. However, the definition of a 'clean vehicle' and the level and implementation of the procurement targets remain the open key issues which will need to be discussed further alongside with a few other issues, as explained above, under the following Presidency in order to reach agreement on this file.

The Council is invited to take note of the progress made on the examination of the proposed Directive.
