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## INFORMATION NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/33/EU on the promotion of clean and energy-efficient road transport vehicles  
- Outcome of the European Parliament's proceedings  
(Strasbourg, 22 to 25 October 2018)

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### I. INTRODUCTION

The rapporteur, Andrzej GRZYB (EPP, PL), presented a report consisting of 77 amendments (amendments number 1-76 and 86) to the proposal for a Directive on behalf of the Committee on the Environment, Public Health and Food Safety.

In addition, the S&D group tabled 1 amendment (amendment number 77), the Greens/EFA group tabled 2 amendments (amendments number 78-79) and the ECR group tabled 1 amendment (amendment number 80). The EPP group tabled 4 amendments (amendments number 82-85).

## II. VOTE

When it voted on 25 October 2018, the plenary adopted amendments 1-74, 75 (Annex I Directive 2009/33/EC Annex, table 4 and footnote - 1 [targets]), 79, 85 and 86 to the proposal for a Directive. The amendments adopted are set out in the annex.

At the end of the vote, the proposal was referred back to the Committee, pursuant to Rule 59(4)(4) of the European Parliament's Rules of Procedure, thereby not bringing the Parliament's first reading to a close and opening the negotiations with the Council.

## Promotion of clean and energy-efficient road transport vehicles \*\*\*I

Amendments adopted by the European Parliament on 25 October 2018 on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/33/EU on the promotion of clean and energy-efficient road transport vehicles (COM(2017)0653 – C8-0393/2017 – 2017/0291(COD))<sup>1</sup>

(Ordinary legislative procedure: first reading)

### Amendment 1

#### Proposal for a directive Recital 2

*Text proposed by the Commission*

(2) In its European Strategy for Low-Emission Mobility<sup>21</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.

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<sup>21</sup> COM(2016)0501.

*Amendment*

(2) In its European Strategy for Low-Emission Mobility<sup>21</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 **and the environment** need to be significantly reduced without delay. This can be achieved by an array of policy initiatives, including **measures that support a modal shift towards public transport, and** the use of public procurement of clean vehicles.

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<sup>21</sup> COM(2016)0501.

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1 The matter was referred back for interinstitutional negotiations to the committee responsible pursuant to Rule 59(4), fourth subparagraph (A8-0321/2018).

## Amendment 2

### Proposal for a directive Recital 4

#### *Text proposed by the Commission*

(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>23</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.

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<sup>23</sup> COM(2017)0283.

#### *Amendment*

(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>23</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. ***The promotion of sustainable vehicles should be done in parallel with the further development of public transport, as the fastest and most cost-efficient way to reduce the number of vehicles on the road and consequently to improve air quality and reduce emissions.***

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<sup>23</sup> COM(2017)0283.

## Amendment 3

### Proposal for a directive Recital 5

*Text proposed by the Commission*

(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.

*Amendment*

(5) Innovation of new technologies helps to lower vehicle emissions, **and reducing noise pollution while** supporting the decarbonisation of the transport sector. An increased uptake of low- and zero-emission road vehicles **will** reduce emissions of CO<sub>2</sub> and certain pollutant emissions (particulate matter, nitrogen oxides and non-methane hydrocarbons) and **thus improve the air quality in cities and other polluted areas, while contributing** to competitiveness and growth of the European industry in the increasing global markets for low- and zero-emission vehicles **and ensuring the development of alternative fuel infrastructures. Moreover, the principle of technological neutrality has to be the very basic principle of any effort in order to ensure and stimulate a competitive environment and encourage further research and innovation in this field. In order to reduce air and noise pollution and meet the Union Air Quality standards in urban and rural areas, concrete and ambitious policies and measures, including the use of public procurement of clean emission vehicles, are needed.**

**Amendment 4**

**Proposal for a directive  
Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**(5a) Estimates for when price parity between internal combustion engine vehicles (ICEVs) and battery electric vehicles (BEVs) will occur range between 2020 and 2028. Moreover, several original equipment manufacturers (OEMs) have stated examples of price parity for some new models in 2020. Based on the lower operational costs of BEVs, the point of**

*total cost of ownership (TCO) parity will come before the purchase price parity year, typically by 2 to 6 years.*

## **Amendment 5**

### **Proposal for a directive Recital 5 b (new)**

*Text proposed by the Commission*

*Amendment*

*(5b) Market forecasts estimate that clean vehicles, such as fully electric cars, will drop in price substantially and become highly competitive and even cheaper to run than conventional vehicles in the 2020s, in particular when taking into account the total cost of ownership, due to reduced cost of batteries but also other cost reductions that will transpire as a result of lower fuel costs and lower maintenance costs associated with running an electric vehicle.*

## **Amendment 6**

### **Proposal for a directive Recital 5 c (new)**

*Text proposed by the Commission*

*Amendment*

*(5c) While the Union is one of the leading regions for research and high value eco-innovation, the Asia-Pacific Region is hosting the largest producers of buses and batteries. Similarly, global market developments in battery electric vehicles are driven by markets in China and the United States, which together account for approximately 60 % of the global market, in comparison with 28 % held by the Union. An ambitious Union policy framework is thus needed to*

*stimulate innovation and further promote competitiveness and growth of the European industry in the increasing global markets for clean vehicles and associated technology infrastructure.*

## **Amendment 7**

### **Proposal for a directive Recital 5 d (new)**

*Text proposed by the Commission*

*Amendment*

*(5d) The Union needs to increase incentives that support the technological development of sustainable and recyclable batteries, which should be produced having in mind the need to minimise their environmental footprint.*

## **Amendment 8**

### **Proposal for a directive Recital 5 e (new)**

*Text proposed by the Commission*

*Amendment*

*(5e) In order to be consistent with the objectives of sustainability, batteries should be produced with the minimum environmental impacts inside and outside the Union, especially regarding the process of extraction of material used for the building of the batteries. The greenhouse gas emissions during all the production process should be taken into account. The Commission should come forward, in line with the revision of Directive 2006/66/EC, with ambitious objectives of recyclability of batteries.*

## **Amendment 9**

**Proposal for a directive**  
**Recital 6**

*Text proposed by the Commission*

(6) Public authorities, through their procurement policy, can establish and support markets for innovative goods and services. Directives 2014/24/EU<sup>24</sup> and 2014/25/EU<sup>25</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>24</sup> OJ L 94, 28.3.2014, p. 65.

<sup>25</sup> OJ L 94, 28.3.2014, p. 243.

*Amendment*

(6) ***Taking into account that government expenditure on goods, works and services represents around 14 % of GDP, accounting for roughly €1,8 trillion annually***, public authorities, through their procurement policy, can establish and support markets for innovative goods and services. Directives 2014/24/EU<sup>24</sup> and 2014/25/EU<sup>25</sup> set out minimum harmonised public procurement rules harmonising the way public authorities and certain public utility operators purchase goods, works and services ***in compliance with the environmental requirements of purchased goods (including vehicles)***. 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. ***In order to achieve this goal, the Directive should set out clear and transparent requirements and a simple calculation method for procurement objectives.***

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<sup>24</sup> OJ L 94, 28.3.2014, p. 65.

<sup>25</sup> OJ L 94, 28.3.2014, p. 243.

**Amendment 10**

**Proposal for a directive**  
**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6a) The availability of charging and refuelling infrastructure is a prerequisite for any transport operation with alternative fuelled vehicles, including for public transport. Therefore, the aspects of fostering alternative fuels infrastructure for public transport should be***



*strengthened in Directive 2014/94/EU. In the absence of a revision, the Commission should establish an action plan for public transport infrastructure.*

## **Amendment 11**

### **Proposal for a directive Recital 6 b (new)**

*Text proposed by the Commission*

*Amendment*

*(6b) Member States should be allowed to mandate distributions system operators (DSOs) to own, develop, manage and operate a minimal critical mass of charging stations in the public domain with free access to all electricity suppliers, to ensure sufficient availability of charging points.*

## **Amendment 12**

### **Proposal for a directive Recital 6 c (new)**

*Text proposed by the Commission*

*Amendment*

*(6c) Member States should be encouraged to explore possibilities to support the operation and reduce the costs of operating ultra-low emission vehicles in public services, for example by granting exemptions or reductions from energy taxes for ultra-low emission vehicles.*

## **Amendment 13**

### **Proposal for a directive Recital 8**

*Text proposed by the Commission*

(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.

*Amendment*

(8) The Impact Assessment carried out underlines the benefits of changing the overall governance approach to clean **and energy-efficient** 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.

## **Amendment 14**

### **Proposal for a directive**

#### **Recital 9**

*Text proposed by the Commission*

(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.

*Amendment*

(9) Extending the scope of the Directive by including practices such as lease, rental and hire-purchase **and retrofitting** 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, **while existing contracts should not be retroactively affected by this Directive. Moreover, the Commission should examine the feasibility of clean procurement in other modes of transport.**

## Amendment 15

### Proposal for a directive Recital 10

*Text proposed by the Commission*

(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>26</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.

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<sup>26</sup> COM(2017)0676.

*Amendment*

(10) ***The amended Directive should contribute to the*** reduction of greenhouse gases and air pollutant emissions from light- and heavy-duty vehicles. To ensure that there are adequate incentives to supporting market-uptake of ***zero- and low-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>26</sup>. Action carried out ***in accordance with this Directive*** will ***also*** contribute to compliance with the requirements of these standards ***and will facilitate the deployment of the associated recharging infrastructure***. A more ambitious approach for public procurement ***will*** provide an important additional market stimulus.

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<sup>26</sup> COM(2017)0676.

## Amendment 16

### Proposal for a directive Recital 10 a (new)

*Text proposed by the Commission*

***(10a) In order to achieve an improvement of air quality in municipalities, it is crucial to renew the transport fleet to clean vehicle standard. Furthermore, the principles of the circular economy require the extension of product life. Therefore, the vehicles retrofitted to clean vehicle standard should also be counted towards achievement of the minimum***

*Amendment*

*procurement targets set out in Tables 4 and 5 in the Annex.*

## **Amendment 17**

### **Proposal for a directive Recital 10 b (new)**

*Text proposed by the Commission*

*Amendment*

*(10b) Vehicles with zero emissions at the tail-pipe can also leave a significant environmental footprint due to the process of manufacture of the components and the level of recyclability or efficiency of production of fuel. Therefore, technologies that address this challenge, such as sustainable and recyclable batteries, should receive a higher level of support in terms of achieving the minimum procurement targets set out in Tables 4 and 5 in the Annex. Research and development of those technologies should also be promoted in other policies of the Union.*

## **Amendment 18**

### **Proposal for a directive Recital 10 c (new)**

*Text proposed by the Commission*

*Amendment*

*(10c) The accounting of CO<sub>2</sub> emissions should be based on a well-to-wheel approach in order to do justice to the entire fuel supply chain from the extraction phase to the tailpipe. This will provide a more accurate account of the overall emissions of a particular vehicle. Therefore, the Commission should establish the methodology for recording well-to-wheel emissions no later than 31 December 2022.*

## Amendment 19

### Proposal for a directive Recital 11

#### *Text proposed by the Commission*

(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.

#### *Amendment*

(11) ***Two- and three-wheel***, 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. ***It should be*** further recognised that markets for low- and zero-emission urban buses are characterised by ***recent progression***, whereas markets for low- and zero-emission trucks are at an ***incipient*** stage of market development.

## Amendment 20

### Proposal for a directive Recital 11 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(11a) The potential of reducing emissions via public procurement alone is limited and public transport only contributes a small share of the emissions originating from the transport sector. Member States should therefore be encouraged to regulate the purchase of clean vehicles by other fleet owners, such as taxi, car rental and ride-pooling companies.***

## Amendment 21

### Proposal for a directive

#### Recital 12

##### *Text proposed by the Commission*

(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.

##### *Amendment*

(12) Setting minimum targets for clean vehicle procurement **to be met** 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.

## Amendment 22

### Proposal for a directive

#### Recital 12 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(12a) In its recommendation of 4 April 2017 to the Council and the Commission following the inquiry into emission***

*measurements in the automotive sector<sup>10a</sup>, the European Parliament called for on Member States to foster green public procurement policies through the purchasing of zero-emission vehicles (ZEVs) and ultra-low emission vehicles (ULEVs) by public authorities for their own fleets or for (semi-)public car-sharing programmes and for the phasing out new CO<sub>2</sub>-emitting cars by 2035.*

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<sup>10a</sup> OJ C 298, 23.8.2018, p. 140.

## Amendment 23

### Proposal for a directive Recital 13

#### *Text proposed by the Commission*

(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.

#### *Amendment*

(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 **and noise** 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. ***In order to avoid disproportionate burden and optimise the potential results of this Directive, appropriate technical assistance should be provided to the public authorities.***

## Amendment 24

### Proposal for a directive Recital 13 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*(13a) The amended Directive should contribute to a reduction of greenhouse gas and air pollutant emissions, and to the promotion of clean public road transport. It should avoid discouraging the development of non-road clean transport such as trams and metro trains.*

## **Amendment 25**

### **Proposal for a directive Recital 13 b (new)**

*Text proposed by the Commission*

*Amendment*

*(13b) The thresholds laid down in this Directive are hard to implement without the development of marketable and technically mature products. To ensure that information regarding progress is regularly updated, the Commission should submit a report every two years assessing whether marketable solutions for clean vehicles exist. In addition, the Commission and the Member States should make greater financial and non-financial contributions to bringing such clean vehicles to market more rapidly.*

## **Amendment 26**

### **Proposal for a directive Recital 13 c (new)**

*Text proposed by the Commission*

*Amendment*

*(13c) Having in mind the significant difference in financial leeway of private transport operators for the uptake of potentially more expensive alternatively fuelled vehicles, mechanisms should be made available in order to ensure a level playing field between public and private*



*transport operators in bidding and tendering processes and that the costs of compliance with the minimum procurement targets established in this Directive are not passed on to local authorities, in particular for smaller municipalities, or lead to externalisation of occurring higher costs through higher ticket prices, higher local taxes or reduction of public transport services.*

## Amendment 27

### Proposal for a directive Recital 15

#### *Text proposed by the Commission*

(15) Reporting on public procurement under this amended Directive should provide a clear market overview to enable effective monitoring of *the* implementation. It should start with *an intermediate* report in 2023 and continue with a first full report on the implementation of the minimum targets in 2026 and thereafter every three years. To minimise administrative burden on single public bodies and establish an effective market overview, simple reporting should be facilitated. *The Commission 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.*

#### *Amendment*

(15) Reporting on public procurement under this amended Directive should provide a clear market overview to enable effective monitoring of implementation. It should start with *a preliminary* report by *Member States to the Commission* in 2023, *submitted within the framework of reports under Union legislative acts on public procurement and on procurement by entities operating in the water, energy, transport and postal services sectors*, and continue with a first full report on the implementation of the minimum targets in 2026 and thereafter every three years. To minimise administrative burden on single public bodies and establish an effective market overview, simple reporting should be facilitated. *Those reports should contain information on the steps undertaken to implement Directive 2009/33/EC and comply with the categories contained in the Common Procurement Vocabulary of the Union. The Commission should submit regular reports to the European Parliament and the Council on the implementation of Directive 2009/33/EC. The Commission should also assess whether construction site machinery could be included in the*

*scope of Directive 2009/33/EC, and if so, work on a methodology to define “clean construction site machinery”.*

## Amendment 28

### Proposal for a directive Recital 15 a (new)

*Text proposed by the Commission*

*Amendment*

***(15a) In order to better inform future policy making in the sector by providing a more accurate account of the overall emissions of a particular vehicle, capturing the entire value chain, the Commission should propose a methodology of counting life-cycle CO<sub>2</sub> emissions and of well-to-wheel CO<sub>2</sub> emissions of vehicles. Those emissions should be taken into account when the Commission carries out a review of Directive 2009/36/EC and of any other relevant legislation related to alternative fuel.***

## Amendment 29

### Proposal for a directive Recital 16

*Text proposed by the Commission*

*Amendment*

(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

(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. ***Regional pilot projects should also be encouraged, particularly in places where rural and urban areas interconnect.*** The possibility of public

recognised in the Guidelines on State aid for environmental protection and energy 2014-2020<sup>27</sup>. However, the rules of the Treaty, and in particular Articles 107 and 108 thereof, will continue to apply to such public support.

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<sup>27</sup> OJ C 200, 28.6.2014, p. 1.

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>27</sup>. However, the rules of the Treaty, and in particular Articles 107 and 108 thereof, will continue to apply to such public support.

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<sup>27</sup> OJ C 200, 28.6.2014, p. 1.

### **Amendment 30**

#### **Proposal for a directive Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) In order to achieve further reductions of emissions and air pollutants Member States should be encouraged, where appropriate, to applied different incentives and mechanisms for fleet development in other sectors than those regulated in the amended directive.***

### **Amendment 31**

#### **Proposal for a directive Recital 16 b (new)**

*Text proposed by the Commission*

*Amendment*

***(16b) Member States should ensure that the cost of compliance with the minimum procurement targets established in this Directive are not passed on to local authorities and that sufficient financial resources are made available to contracting authorities and contracting entities.***

### **Amendment 32**

**Proposal for a directive  
Recital 16 c (new)**

*Text proposed by the Commission*

*Amendment*

***(16c) Targeted support measures for the procurement of clean vehicles are indispensable. In order to help achieve the objectives of this Directive, Member States shall expand their financial and non-financial incentives in order to speed up the market uptake of clean vehicles.***

**Amendment 33**

**Proposal for a directive  
Recital 16 d (new)**

*Text proposed by the Commission*

*Amendment*

***(16d) The imposition of minimum procurement targets for light- and heavy-duty vehicles by this Directive will require additional financial resources for contracting authorities and contracting entities. Therefore, Union budgetary and financial policy after 2020 should take it into consideration to provide sufficient financial support for contracting authorities and contracting entities. That should be reflected in the future Multiannual Financial Framework and in the rules regarding sustainable finance and Union financial institutions.***

**Amendment 34**

**Proposal for a directive  
Recital 16 e (new)**

*Text proposed by the Commission*

*Amendment*

***(16e) To ensure that public authorities are***

*incentivised to purchase clean vehicles and Member States invest in the deployment of the alternative fuels infrastructure, but also to avoid the risk of such purchases leading to higher prices for passengers, the Union's budgetary and financial policy after 2020 should provide support for contracting entities. That should be reflected in the future Multiannual Financial Framework and the rules regarding sustainable finance and Union financial institutions. Additionally, Member States should expand the financial and non-financial incentives, and envisage environmental audits, in order to speed up the market uptake of clean vehicles. These efforts will reduce the initial high investment for the infrastructural changes and support the decarbonisation of transport.*

## Amendment 35

### Proposal for a directive Recital 16 f (new)

*Text proposed by the Commission*

*Amendment*

*(16f) Under the current Multiannual Financial Framework (MFF), the Union possesses an array of different funds to support Member States, local authorities and concerned operators in their transition to sustainable mobility. Over the 2014-2020 period the Union has earmarked EUR 13,7 billion from the European Structural and Investment Funds for financing urban mobility. Horizon 2020, the Union's research programme, will provide around EUR 200 million for urban mobility and EUR 650 million for smart cities, and the Connecting Europe Facility will devote around EUR 200 million for calls for proposals for urban nodes. Under the next MFF, the Commission and the Member States should continue to support sustainable urban mobility projects and*

*strengthen necessary synergies between the various funding sources and programmes. In particular, links between urban mobility, the new Digital Agenda and the Energy Union need to be reinforced, such as the possibility for the Connecting Europe Facility (CEF) to finance synergy projects with an extra co-financing rate for transport projects with energy and telecommunications elements entailing enormous potential for urban projects.*

### **Amendment 36**

#### **Proposal for a directive Recital 16 g (new)**

*Text proposed by the Commission*

*Amendment*

*(16g) A more targeted use of Union financial instruments, such as the European Fund for Strategic Investments or the Cleaner Transport Facility by the European Investment Bank, which can help finance fleets and equipment, should be promoted. To this end, the availability of technical and financial advisory services to local authorities and operators, such as through the European Investment Advisory Hub, JASPERS, JESSICA, or Financial Instrument (FI) - Compass, should be enhanced in order to strengthen their institutional capacity, the preparation and implementation of projects and achieve an optimised use of Union funds and financial instruments including the de-risking of innovative tenders.*

### **Amendment 37**

#### **Proposal for a directive Recital 16 h (new)**

***(16h) Public authorities should be also encouraged to procure vehicles following the most economically advantageous tender ('MEAT') criteria as described in Article 82 of Directive 2014/25/EU, taking into account cost-effectiveness over the lifetime of the vehicle, as well as environmental, and social aspects.***

### **Amendment 38**

#### **Proposal for a directive Recital 16 i (new)**

***(16i) In order to maximise the impact of investments, mobility and urban planning need to be better coordinated, such as through the use of sustainable urban mobility plans (SUMPs). SUMPs are plans that are developed across individual policy areas and in cooperation with different levels of governance combining different transport modes, road safety, freight delivery, mobility management and intelligent transport systems. SUMPs can play an important role in achieving the Union's targets regarding CO<sub>2</sub> emissions, noise and air pollution reduction. Thus, the application of SUMPs should be an important element to be considered in financing Union projects in the area of urban transport, including in the implementation of this amended Directive. In this context, the Commission should provide the competent authorities with the necessary advisory and technical support in the development of SUMPs, taking full account of the principle of subsidiarity.***

### **Amendment 39**

#### **Proposal for a directive**

## Recital 16 j (new)

*Text proposed by the Commission*

*Amendment*

***(16j) In addition to supporting the uptake of clean vehicles, public procurements are drivers of new forms of mobility. While clean vehicles will be incentivised and lead to accelerated infrastructure deployment in urban areas, digitalisation will optimise passenger and freight transport efficiency. Multimodal and shared mobility, as well as integrated ticketing solutions are instrumental in the transition to Mobility as a Service.***

## Amendment 40

### Proposal for a directive Recital 17

*Text proposed by the Commission*

*Amendment*

***(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.***

*deleted*



## Amendment 41

### Proposal for a directive Recital 18 a (new)

*Text proposed by the Commission*

*Amendment*

**(18 a)** *In accordance with the Interinstitutional Agreement of 13 April 2016 on Better Law Making<sup>1a</sup>, special focus should be given to the follow-up of the effects of Union legislation. The evaluation of Directive 2009/33/EC should provide the basis for impact assessment of options for further action. Therefore, the Commission, based on the best and latest available scientific evidence, should assess the need to review that Directive taking into account life cycle CO<sub>2</sub> emissions and well-to-wheel CO<sub>2</sub> emissions of vehicles in order to ensure the transparency and accountability regarding the fulfilment of policy objectives and should propose necessary improvement, if needed. If appropriate, the Commission should, in that regard, also review other relevant legislation related to alternative fuels.*

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<sup>1a</sup> *OJ L 123, 12.5.2016, p. 1.*

## Amendment 42

### Proposal for a directive Recital 18 b (new)

*Text proposed by the Commission*

*Amendment*

**(18b)** *A major share of public transport procurement is related to local public transport bodies that are generally in the hands of local authorities with limited financial means. Rules on the*

*procurement of clean vehicles should therefore neither create a significant additional financial burden nor lead to externalisation of occurring higher costs through higher ticket prices, higher local taxes or reduction of public transport.*

#### Amendment 43

##### Proposal for a directive Recital 18 c (new)

*Text proposed by the Commission*

*Amendment*

*(18c) The Union needs to protect Union manufacturers from unfair competition in third countries, where Union manufacturers do not have access to public procurement tenders for the purchase, leasing, rental or hire-purchase of road transport vehicles. Therefore, the Commission should analyse unfair competition practices in third countries and take the appropriate measures to ensure the protection of European industry.*

#### Amendment 44

##### Proposal for a directive Article 1 – paragraph 1 – point 1

Directive 2009/33/EC

Title

*Text proposed by the Commission*

*Amendment*

Directive 2009/33/EU on the promotion of clean road transport vehicles in support of low-emission mobility

Directive 2009/33/EC on the promotion of clean road transport vehicles in **public procurement**, in support of low-emission mobility

## Amendment 45

### Proposal for a directive

#### Article 1 – paragraph 1 – point 1 a (new)

Directive 2009/33/EC

#### Article 1 – paragraph 1

##### *Present text*

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 purchasing 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*.

##### *Amendment*

***(1a) Article 1(1) is replaced by the following:***

"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 purchasing, ***leasing, renting or hire-purchasing*** 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 *Union*".

## Amendment 46

### Proposal for a directive

#### Article 1 – paragraph 1 – point 1 b (new)

Directive 2009/33/EC

#### Article 2 – paragraph 1

##### *Present text*

Member States may exempt from the requirements laid down in this Directive contracts for the purchase of vehicles referred to in Article 2(3) of Directive 2007/46/EC, which are not subject to type

##### *Amendment*

***(1b) in Article 2, paragraph 1 is replaced by the following:***

"Member States may exempt from the requirements laid down in this Directive contracts for the purchase, ***lease, rent, hire-purchasing*** of vehicles referred to in Article 2(3) of Directive 2007/46/EC,

approval or individual approval on their territory

which are not subject to type approval or individual approval on their territory.”.

#### **Amendment 47**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 2**

Directive [2009/33/EC](#)

Article 3 – paragraph 1 – introductory part

##### *Text proposed by the Commission*

This Directive shall apply to contracts for the purchase, lease, rent or hire-purchase of road transport vehicles by:

##### *Amendment*

This Directive shall apply to contracts for the purchase, lease, rent or hire-purchase ***or retrofitting*** of road transport vehicles by:

#### **Amendment 48**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 2**

Directive [2009/33/EC](#)

Article 3 – paragraph 1 – point c a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(ca) European Union Institutions, Agencies and Bodies.***

## Amendment 49

### Proposal for a directive Article 1 – paragraph 1 – point 3

Directive 2009/33/EC

### Article 4 – paragraph 1 – point 4

*Text proposed by the Commission*

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;*

*(b) a vehicle of category N1 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;*

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

*Amendment*

4. ‘clean vehicle’ means a vehicle, *irrespective of category, that is powered by alternative fuels as defined in point (1) of the first paragraph of Article 2 of Directive 2014/94/EU, excluding biofuels that are not produced from feedstocks listed in part A of Annex IX of Directive 2018/... (RED II) or that are produced from palm oil\**, and including hybrid vehicles in which electricity is used only for part of the operational use of the vehicle, low-emission vehicles and zero-emission vehicles. For vehicles with internal combustion engine, real driving emissions (RDE)\*\* as percentage of emission limits\*\*\* cannot exceed 80 %.

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\* *This shall be demonstrated by a contract to procure the biofuel or other means of accessing the biofuel.*

**\*\* RDE of ultrafine particles in #/km (PN) nitrogen oxides in mg/km (NOx) measured in accordance with the applicable version of Annex IIIA to Regulation 2017/1151.**

**\*\*\* The applicable emission limit as referred to in Annex I to Regulation (EC) 715/2007.**

## **Amendment 50**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**  
Directive 2009/33/EC

Article 4 – paragraph 1 – point 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. ‘zero-emission vehicle’ means a vehicle with zero CO<sub>2</sub>, NO<sub>x</sub> and fine particles tail-pipe emissions.**

## **Amendment 51**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**  
Directive 2009/33/EC

Article 4 – paragraph 1 – point 4 b (new)

*Text proposed by the Commission*

*Amendment*

**4b. ‘low-emission vehicle’ means a vehicle with maximum levels of emissions as referred to in Table 2 in the Annex.**

## Amendment 52

### Proposal for a directive Article 1 – paragraph 1 – point 3

Directive 2009/33/EC

Article 4 – paragraph 1 – point 4 c (new)

*Text proposed by the Commission*

*Amendment*

**4c. 'vehicle retrofitted to clean vehicle standard' means a vehicle with an engine retrofitted to the standard of a clean vehicle as defined in point 4 of the first paragraph of this Article. In the case of a retrofitted engine using biofuels as defined in point (i) of Article 2 of the second paragraph of Directive 2009/28/EC, synthetic fuels or paraffinic fuels, the vehicle has to fulfil the most recent Euro standards or successor standards.**

## Amendment 53

### Proposal for a directive Article 1 – paragraph 1 – point 4

Directive 2009/33/EC

Article 4a

*Text proposed by the Commission*

*Amendment*

**(4) The following Article 4a is inserted: deleted**

**'Article 4a**

***Delegation of powers***

***The Commission shall be empowered to adopt delegated acts in accordance with Article 8a in order to update Table 3 in the Annex with 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 are in force at Union level.'*

## Amendment 54

### Proposal for a directive Article 1 – paragraph 1 – point 5

Directive 2009/33/EC

Article 5 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that purchase, lease, rent *or* hire-purchase of road transport vehicles, and public service contracts on public passenger transport by road and rail and public service contracts as referred to in Article 3 of this Directive comply 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.

#### *Amendment*

1. Member States shall ensure that purchase, lease, rent, hire-purchase *or retrofitting to clean vehicle standard* of road transport vehicles, and public service contracts on public passenger transport by road and rail and public service contracts as referred to in Article 3 of this Directive comply with the minimum procurement targets for *clean* light-duty vehicles referred to in table 4 of the Annex and for heavy-duty vehicles referred to in Table 5 in the Annex.

## Amendment 55

### Proposal for a directive Article 1 – paragraph 1 – point 5

Directive 2009/33/EC

Article 5 – paragraph 1 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*1a. For the purpose of calculating the minimum procurement targets, the date of*



*the public procurement to be taken into account is the date of completion of the public procurement procedure, by way of signature of the contract.*

*The minimum procurement targets shall be calculated as an average of all contracts signed between the day after the date of transposition of this Directive and 31 December 2024 for the first reference period, and from 1 January 2025 and 31 December 2029 for the second reference period.*

*In case new targets for the reference period after 1 January 2030 are not adopted in time, the targets set for 2030 shall continue to apply.*

## **Amendment 56**

### **Proposal for a directive Article 1 – paragraph 1 – point 5**

Directive [2009/33/EC](#)

Article 5 – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

***1b. To reach the procurement targets, contracting entities shall base the award of contracts on the most economically advantageous tender ("MEAT") as described in Article 82 of Directive [2014/25/EU](#). Tender specifications shall be defined not only with focus on Total Cost of Ownership (TCO) but also on other vehicle characteristics, such as accessibility, insertion in urban landscape, noise levels, energy efficiency, recyclability of batteries and vehicle components.***

## Amendment 57

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5 a (new)

Directive 2009/33/EC

Article 5 a (new)

*Text proposed by the Commission*

*Amendment*

**(5a) The following Article is inserted:**

**"Article 5a**

***Financial resources***

***1. Member States shall make available sufficient funding instruments for the procurement of clean vehicles and the installation of their related infrastructure in their territory. The establishment of the funds shall follow a thorough evaluation of the financial needs of public authorities and contracting entities linked to the procurement targets set at national level.***

***2. The Union shall make available additional funding instruments to support the uptake of clean vehicles and the installation of their related infrastructure in the Member States."***

## Amendment 58

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5 b (new)

Directive 2009/33/EC

Article 5 b (new)

*Text proposed by the Commission*

*Amendment*

**(5b) The following Article is inserted:**

**"Article 5b**

*Alternative fuels action plan for public transport*

**1. By 31 December 2020, the European Commission shall present to the European Parliament and to the Council an action plan to accelerate the set-up of charging and refuelling infrastructure for HDVs owned by transport companies in their own depots and maintenance areas as well as in the public space.**

**2. This action plan shall include information on available Union funding instruments and set out clearly the procedures, how such a support can be given, including its relation to existing European state aid rules.**

**3. The report shall also contain an assessment on how Union funding instruments could be revised to give funding priority to public transport companies of all sizes to replace their vehicles."**

**Amendment 59**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 c (new)**

Directive [2009/33/EC](#)

Article 5 c (new)

*Text proposed by the Commission*

*Amendment*

**(5c) The following Article is inserted:**

**"Article 5c**

**Union platform for cross-border and joint procurement of low emission and energy-efficient road transport vehicles**

**In order to facilitate the achievement of the targets set out in the Annex to this Directive and to achieve economies of scale, the Commission shall set up a Union platform for cross-border and joint**

*procurement of low emission and energy-efficient road transport vehicles. Contracting authorities, entities and operators referred to in Article 3 may participate in this platform for jointly procuring vehicles. The Commission shall ensure that the platform is publicly accessible and brings together in an effective manner all parties interested in pooling their resources. In order to facilitate the setting up and realisation of such joint procurements, the Commission shall provide technical assistance and develop templates for cooperation agreements. The Commission shall be empowered to adopt a delegated act in accordance with Article 8a for the establishment of the Union platform for joint procurement of low emission and energy efficient road transport vehicles."*

## Amendment 60

### Proposal for a directive Article 1 – paragraph 1 – point 7

Directive 2009/33/EC

#### Article 8a

*Text proposed by the Commission*

*Amendment*

**(7) A new article 8a is inserted:** **deleted**

**‘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.'*

## Amendment 61

### Proposal for a directive

#### Article 1 – paragraph 1 – point 8

Directive 2009/33/EC

#### Article 9

*Text proposed by the Commission*

*Amendment*

(8) Article 9 is *replaced by the following*:

(8) Article 9 is *deleted*

*"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."*

## Amendment 62

### Proposal for a directive

#### Article 1 – paragraph 1 – point 9 – point a

Directive 2009/33/EC

#### Article 10 – paragraph 1

*Text proposed by the Commission*

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.

*Amendment*

1. **Member States shall submit to** the Commission a report on the implementation of this Directive **as part of the reports provided for in Article 83, paragraph 3, second subparagraph of Directive 2014/24/EU and Article 99, paragraph 3, second subparagraph of Directive 2014/25/EU by 18 April 2026, and every three years thereafter.** Member States **shall submit to the Commission a preliminary report by 18 April 2023.**

**These reports 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 the dialogue carried out between the different levels of governance, information on Member States' intentions regarding the above reporting activities, as well as any other valuable information.**

**Information shall comply with the categories contained in Regulation No 2195/2002 on the Common Procurement Vocabulary (CPV) listed in Table 1 of the Annex.**

**Amendment 63**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 9 – point a a (new)**

Directive 2009/33/EC

Article 10 – paragraph 2

*Present text*

*Amendment*

**(aa) paragraph 2 is replaced by the following:**

2. *Those reports shall assess the effects of this Directive, especially of the options referred to in Article 5(3), and the need for further action, and include proposals, as appropriate.*

*In those reports, the Commission shall compare the nominal and relative numbers of vehicles purchased corresponding to the best market alternative in terms of lifetime energy and environmental impacts, within each of the categories of vehicles listed in Table 3 of the Annex, to the overall market for these vehicles and estimate how the options referred to in Article 5(3) have affected the market. The Commission shall assess the need for further action and include proposals, as appropriate.*

“2. *The Commission shall, no later than 31 December 2022, propose a methodology of counting life-cycle CO<sub>2</sub> emissions and of well-to-wheel CO<sub>2</sub> emissions of vehicles.*

*No later than 18 April 2027, the Commission shall review Directive 2009/33/EC and any other relevant legislation related to alternative fuel, taking into consideration life cycle CO<sub>2</sub> emissions and of well-to-wheel CO<sub>2</sub> emissions of vehicles.”*

## Amendment 64

### Proposal for a directive

#### Article 1 – paragraph 1 – point 9 – a b (new)

Directive 2009/33/EC

#### Article 10 – paragraph 3

##### *Present text*

3. *No later than the date of the first report, the Commission shall examine the options referred to in Article 5(3), present an evaluation of the methodology set out in Article 6 and propose appropriate adjustments, if necessary.*

##### *Amendment*

*(ab) paragraph 3 is replaced by the following:*

“3. *By 18 April 2024, and every three years thereafter, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive specifying the actions taken by individual Member States in this regard, and assess the need for further action and where appropriate, be accompanied by a proposal for amending this Directive.”*



## Amendment 65

### Proposal for a directive

#### Article 1 – paragraph 1 – point 9 – point b

Directive 2009/33/EC

Article 10 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**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. Member States shall submit to the Commission an intermediate report by 1 January 2023. 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 the dialogue carried out between the different levels of governance, information on Member States' intentions regarding the above reporting activities, as well as any other valuable information. Information's should follow the categories contained in Regulation No 2195/2002 on the Common Procurement Vocabulary (CPV)<sup>31</sup> as noted in the Annex.** *deleted*

## Amendment 66

### Proposal for a directive

#### Article 1 – paragraph 1 – point 9 – point b

Directive 2009/33/EC

Article 10 – paragraph 5

*Text proposed by the Commission*

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**.

*Amendment*

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 1**.

**Amendment 67**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 9 – point b – point b a (new)**

Directive 2009/33/EC

Article 10 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**(ba) the following paragraph is added:**

**“5a. Member States may decide to set up mechanisms to regulate the purchase of clean vehicles by other fleet owners, such as taxis, car-sharing and ride-pooling companies.”**

**Amendment 68**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 9 – point b b (new)**

Directive 2009/33/EC

Article 10 – paragraph 5 b (new)

*Text proposed by the Commission*

*Amendment*

**(bb) the following paragraph is added:**

**“5b. By 31 December 2021, the Commission shall present to the European Parliament and to the Council an action plan to accelerate the set-up of**

*charging and refuel-ling infrastructure for HDVs owned by transport companies in their own depots and maintenance areas as well as in the public space. This action plan shall include information on available Union funding instruments and set out how such a support can be given despite European state aid rules.”*

## **Amendment 69**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 9 – point b c (new)**

Directive 2009/33/EC

Article 10 – paragraph 5 c (new)

*Text proposed by the Commission*

*Amendment*

*(bc) the following paragraph is added:*

*“5c. The Commission shall assess the need to review the appropriate legislation related to promotion of clean and energy-efficient road transport with regard to the use of best graded and retreaded tyres, and where appropriate to submit a legislative proposal.”*

## **Amendment 70**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 9 – point b d (new)**

Directive 2009/33/EC

Article 10 – paragraph 5 d (new)

*Text proposed by the Commission*

*Amendment*

*(bd) the following paragraph is added:*  
*“5d. The Commission shall provide guidance to Member States with regard to the different Union funds that might be used for the purposes of this Directive, for example the Connecting Europe Facility supporting the development of high performing, sustainable and efficiently interconnected trans-European networks in the fields of transport and the European Fund for Strategic Investments or the Cleaner Transport Facility supporting the deployment of cleaner transport vehicles and their associated infrastructure needs could be mobilised.”*

## **Amendment 71**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 9 – point b e (new)**

Directive [2009/33/EC](#)

Article 10 – paragraph 5 e (new)

*Text proposed by the Commission*

*Amendment*

*(be) the following paragraph is added:*  
*“5e. Advisory Hubs shall play a key role in this transition by facilitating and promoting investments and supporting institutional capacities. Therefore, the Commission shall substantially reinforce the role and the capacity of the European Investment Advisory Hub, notably through a local presence and a proactive role in the preparation of projects.”*

## **Amendment 72**

### **Proposal for a directive**

#### **Article 2 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

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.

*Amendment*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by XXXX [Please insert the date **18** months following the date of entry into force] at the latest. They shall immediately communicate to the Commission the text of those provisions.

**Amendment 73**

**Proposal for a directive  
Annex I**

Directive 2009/33/EC

Annex – table 1

*Text proposed by the Commission*

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

CPV Code	Description
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

*Amendment*

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

CPV Code	Description
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
<b>64121100-1</b>	<b>Mail delivery services</b>
<b>64121200-2</b>	<b>Parcel delivery services</b>
<b>60170000-0</b>	<b>Hire of passenger transport vehicles with driver</b>
<b>60171000-7</b>	<b>Hire of passenger cars with driver</b>
<b>60181000-0</b>	<b>Hire of trucks with driver</b>
<b>60180000-3</b>	<b>Hire of goods-transport vehicles with driver</b>
<b>90511100-3</b>	<b>Urban solid-refuse collection services</b>
<b>90511200-4</b>	<b>Household-refuse collection services</b>
<b>90511300-5</b>	<b>Litter collection services</b>
<b>90511400-6</b>	<b>Paper collecting services</b>

## Amendment 74

### Proposal for a directive ANNEX I

Directive 2009/33/EC

Annex – table 2

*Text proposed by the Commission*

Table 2: Emission-thresholds for light-duty vehicles

Vehicle categories	2025		2030	
	CO <sub>2</sub> g/km	RDE air pollutant emissions* as percentage of emission limits**	CO <sub>2</sub> g/km	RDE air pollutant emissions* as percentage of emission

				limits
M1 vehicles	<b>25</b>	80%	0	n.a.
M2 vehicles	<b>25</b>	80%	0	n.a.
N1 vehicles	<b>40</b>	80%	0	n.a.

\* Real driving emissions of ultrafine particles in #/km (PN) nitrogen oxides in mg/km (NOx) 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.

### *Amendment*

Table 2: Emission-thresholds for light-duty vehicles

Vehicle categories	2025		2030	
	CO <sub>2</sub> g/km	RDE air pollutant emissions* as percentage of emission limits**	CO <sub>2</sub> g/km	RDE air pollutant emissions* as percentage of emission limits
<b><i>L vehicles</i></b>	<b>25</b>			
M1 vehicles	<b>50</b>	80%	0	n.a.
M2 vehicles	<b>50</b>	80%	0	n.a.
N1 vehicles	<b>50</b>	80%	0	n.a.
<b><i>M3 vehicles</i></b>	<b><i>n.a</i></b>			
<b><i>N2 vehicles</i></b>	<b><i>n.a</i></b>			
<b><i>N3 vehicles</i></b>	<b><i>n.a</i></b>			

\* Real driving emissions of ultrafine particles in #/km (PN) nitrogen oxides in mg/km (NOx) 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.

## Amendment 86

### Proposal for a directive Annex I

Directive 2009/33/EC

Annex – table 3

*Text proposed by the Commission*

*Amendment*

[.....]

*deleted*

Or. en

## Amendments 75 and 85

### Proposal for a directive ANNEX I

Directive 2009/33/EC

Annex – table 4

*Text proposed by the Commission*

Table 4: Minimum target for the share of light-duty vehicles *in accordance with Table 2* in the total public procurement of light-duty vehicles at Member State level\*

Member State	2025	2030
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	<b>35%</b>	<b>35%</b>
Italy	<b>35%</b>	<b>35%</b>
Ireland	<b>35%</b>	<b>35%</b>
Spain	<b>33%</b>	<b>33%</b>
Cyprus	<b>29%</b>	<b>29%</b>
Malta	<b>35%</b>	<b>35%</b>
Portugal	<b>27%</b>	<b>27%</b>
Greece	<b>23%</b>	<b>23%</b>
Slovenia	<b>20%</b>	<b>20%</b>
Czech Republic	<b>27%</b>	<b>27%</b>
Estonia	<b>21%</b>	<b>21%</b>
Slovakia	<b>20%</b>	<b>20%</b>
Lithuania	<b>19%</b>	<b>19%</b>
Poland	<b>20%</b>	<b>20%</b>
Croatia	<b>17%</b>	<b>17%</b>
Hungary	<b>21%</b>	<b>21%</b>
Latvia	<b>20%</b>	<b>20%</b>
Romania	<b>17%</b>	<b>17%</b>
Bulgaria	<b>16%</b>	<b>16%</b>

\*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.

#### *Amendment*

Table 4: Minimum target for the share of light-duty vehicles in the total public procurement of light-duty vehicles at Member State level <sup>1, 2</sup>

Member State	<i>Vehicle category M1, M2, NI</i>		<i>Vehicle category L</i>	
	2025	2030	2025	2030
<b><i>EU Institutions, Agencies and Bodies</i></b>	<b><i>[50%]</i></b>	<b><i>[50%]</i></b>	<b><i>[50%]</i></b>	<b><i>[50%]</i></b>
Luxembourg	<b>50%</b>	<b>50%</b>	<b>50%</b>	<b>50%</b>
Sweden	<b>50%</b>	<b>50%</b>	<b>50%</b>	<b>50%</b>
Denmark	<b>50%</b>	<b>50%</b>	<b>50%</b>	<b>50%</b>
Finland	<b>50%</b>	<b>50%</b>	<b>50%</b>	<b>50%</b>

Germany	50%	50%	50%	50%
France	50%	50%	50%	50%
United Kingdom	50%	50%	50%	50%
Netherlands	50%	50%	50%	50%
Austria	50%	50%	50%	50%
Belgium	50%	50%	50%	50%
Italy	50%	50%	50%	50%
Ireland	50%	50%	50%	50%
Spain	50%	50%	50%	50%
Cyprus	50%	50%	50%	50%
Malta	50%	50%	50%	50%
Portugal	50%	50%	50%	50%
Greece	35%	35%	35%	35%
Slovenia	35%	35%	35%	35%
Czech Republic	50%	50%	50%	50%
Estonia	35%	35%	35%	35%
Slovakia	35%	35%	35%	35%
Lithuania	35%	35%	35%	35%
Poland	35%	35%	35%	35%
Croatia	25%	25%	25%	25%
Hungary	25%	25%	25%	25%
Latvia	25%	25%	25%	25%
Romania	25%	25%	25%	25%
Bulgaria	25%	25%	25%	25%

<sup>1</sup> *At least 70 % of the minimum procurement targets for clean light-duty vehicles in the first reference period (until 2025) shall be met by zero- and low-emission vehicles and in the second (2025-2030) and subsequent reference periods, by zero-emission vehicles.*

<sup>2</sup> *Vehicles with zero-emissions at tailpipe shall be counted as 1 vehicle contributing to the mandate. Low-emission vehicles and vehicles using natural gas provided they are fully operated on bio-methane, which shall be demonstrated by a contract to procure bio-methane or other means of accessing bio-methane shall be counted as 0,66 vehicle contributing to the mandate. All other clean vehicles shall be counted as 0.5 vehicle contributing to the mandate.*

## Amendment 79

### Proposal for a directive

#### Annex I

Directive 2009/33/EC

Annex – Table 5

#### *Text proposed by the Commission*

Table 5: Minimum target for the share of heavy-duty vehicles in accordance with **table 3** in the total public procurement of heavy-duty vehicles at Member State level\*

Member State	Trucks		Buses	
	2025	2030	2025	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	9%	8%	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	8%	7%	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. This counting is abandoned in case of those Member States where the minimum procurement mandate exceeds 50% of the overall volume of public procurement, with a cut-off at the 50% mark. All other vehicles that meet the requirements of Table 2 in this annex shall be counted as 0.5 vehicle contributing.***

#### *Amendment*

Table 5: Minimum target for the share of heavy-duty vehicles in accordance with **Article 4(4)** in the total public procurement of heavy-duty vehicles at Member State level

Member State	Trucks		Buses	
	2025 <sup>1</sup>	2030 <sup>2</sup>	2025 <sup>1</sup>	2030 <sup>2</sup>
<b><i>EU Institutions, Agencies and Bodies</i></b>	<b><i>[10%]</i></b>	<b><i>[15%]</i></b>	<b><i>[50%]</i></b>	<b><i>[75%]</i></b>
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	9%	8%	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	8%	7%	39%	58%

<sup>1</sup> ***At least 66 % of the minimum procurement targets for clean heavy-duty vehicles shall be met by zero-emission vehicles or by vehicles using natural gas provided they are fully operated on bio-methane, which shall be demonstrated by a contract to procure bio-methane or other means of accessing bio-methane. The counting of the share of vehicles operating on bio-methane for the subtarget shall cease at 30 % of the subtarget.***

<sup>2</sup> ***At least 75 % of the minimum procurement targets for clean heavy-duty vehicles shall be met by zero-emission vehicles or by vehicles using natural gas provided they are fully operated on bio-methane, which shall be demonstrated by a contract to procure bio-methane or other means of accessing bio-methane. The counting of the share of vehicles operating on bio-methane for the subtarget shall cease at 30 % of the subtarget.***