

Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures

CHAPTER IV

**Final provisions**

*Article 9*

1 [F1This Directive shall not prevent the non-discriminatory application by Member States of:

- a specific taxes or charges:
  - levied upon registration of the vehicle, or
  - imposed on vehicles or loads of abnormal weights or dimensions;
- b parking fees and specific urban traffic charges.]

[F21a This Directive shall not prevent the non-discriminatory application by Member States of regulatory charges specifically designed to reduce traffic congestion or combat environmental impacts, including poor air quality, on any roads located in an urban area, including trans-European network roads crossing urban areas.

2 Member States shall determine the use of revenues generated by this Directive. To enable the transport network to be developed as a whole, revenues generated from infrastructure and external costs charges, or the equivalent in financial value of these revenues, should be used to benefit the transport sector, and optimise the entire transport system. In particular, revenues generated from external cost charges, or the equivalent in financial value of these revenues, should be used to make transport more sustainable, including one or more of the following:

- a facilitating efficient pricing;
- b reducing road transport pollution at source;
- c mitigating the effects of road transport pollution at source;
- d improving the CO<sub>2</sub> and energy performance of vehicles;
- e developing alternative infrastructure for transport users and/or expanding current capacity;
- f supporting the trans-European transport network;
- g optimising logistics;
- h improving road safety; and
- i providing secure parking places.

This paragraph shall be deemed to be applied by Member States, if they have in place and implement fiscal and financial support policies which leverage financial support to the trans-European network and which have an equivalent value of at least 15 % of the revenues generated from infrastructure and external cost charges in each Member State.]

---

**Textual Amendments**

- F1** Substituted by [Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures.](#)

---

*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

---

- F2** Substituted by [Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures \(Text with EEA relevance\).](#)

*[<sup>F3</sup> Article 9a*

Member States shall establish appropriate controls and determine the system of penalties applicable to infringements of the national provisions adopted under this Directive. They shall take all necessary measures to ensure that they are implemented. The penalties established shall be effective, proportionate and dissuasive.]

**Textual Amendments**

- F3** Inserted by [Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures.](#)

*[<sup>F2</sup> Article 9b*

The Commission shall facilitate dialogue and the exchange of technical know-how between Member States in relation to the implementation of this Directive and in particular the Annexes.

**Textual Amendments**

- F2** Substituted by [Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures \(Text with EEA relevance\).](#)

*Article 9c*

1 The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>(1)</sup>.

2 Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

**Textual Amendments**

- F2** Substituted by [Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures \(Text with EEA relevance\).](#)

*Article 9d*

The Commission shall adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union as regards:

- the adaptation of Annex 0 to the Union *acquis*,

---

*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

---

- the adaptation of the formulas of sections 4.1 and 4.2 of Annex IIIa to scientific and technical progress.

The procedures set out in Articles 9e, 9f and 9g shall apply to the delegated acts referred to in this Article.

---

**Textual Amendments**

- F2** Substituted by [Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures \(Text with EEA relevance\)](#).

*Article 9e*

- 1 The power to adopt the delegated acts referred to in Article 9d shall be conferred on the Commission for an indeterminate period of time.
- 2 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and the Council.
- 3 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 9f and 9g.

---

**Textual Amendments**

- F2** Substituted by [Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures \(Text with EEA relevance\)](#).

*Article 9f*

- 1 The delegation of power referred to in Article 9d may be revoked by the European Parliament or by the Council.
- 2 The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated power which could be subject to revocation and possible reasons for a revocation.
- 3 The decision of revocation shall put an end to the delegation of the power specified in that decision and shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the *Official Journal of the European Union*.

---

**Textual Amendments**

- F2** Substituted by [Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures \(Text with EEA relevance\)](#).

*Article 9g*

- 1 The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification.

---

*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

---

At the initiative of the European Parliament or the Council this period shall be extended by two months.

2 If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the *Official Journal of the European Union* and shall enter into force at the date stated therein.

The delegated act may be published in the *Official Journal of the European Union* and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3 If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.]

**Textual Amendments**

**F2** Substituted by [Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures \(Text with EEA relevance\).](#)

*Article 10*

1 For the purpose of this Directive, the rates of exchange between the euro and the national currencies of the Member States which have not adopted the euro shall be those in force on the first working day of October and published in the *Official Journal of the [F<sup>2</sup>European Union]*; they shall have effect from 1 January of the following calendar year.

2 Member States which have not adopted the euro may maintain the amounts in force at the time of the annual adjustment made pursuant to paragraph 1 if the conversion of the amounts expressed in euro would result in a change of less than 5 % when expressed in national currencies.

**Textual Amendments**

**F2** Substituted by [Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures \(Text with EEA relevance\).](#)

*[F<sup>4</sup>Article 10a*

1 The amounts in euro as laid down in Annex II and the amounts in cent as laid down in Tables 1 and 2 in Annex IIIb shall be reviewed every two years starting on 1 January 2013, in order to take account of changes in the EU-wide Harmonised Index of Consumer Prices excluding energy and unprocessed food (as published by the Commission (Eurostat)).

The amounts shall be adapted automatically, by increasing the base amount in euro or cent by the percentage change in that index. The resulting amounts shall be rounded up to the nearest euro with regard to Annex II, rounded up to the nearest tenth of a cent with regard to Table 1 in Annex IIIb and rounded up to the nearest hundredth of a cent with regard to Table 2 in Annex IIIb.

2 The Commission shall publish in the *Official Journal of the European Union* the adapted amounts referred to in paragraph 1. Those adapted amounts shall enter into force on the first day of the month following publication.]

*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

### Textual Amendments

- F4** Inserted by [Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures \(Text with EEA relevance\)](#).

### *[<sup>F2</sup>Article 11*

1 By 16 October 2014, and every four years thereafter, Member States which levy an external-cost charge and/or an infrastructure charge shall draw up a report on tolls, including concession tolls, levied on their territory and shall forward it to the Commission which shall make it available to the other Member States. That report may exclude tolling arrangements that were already in place on 10 June 2008 and which do not include external-cost charges, as long as those arrangements remain in force and provided that they are not substantially amended. That report shall comprise information on:

- a the weighted average external-cost charge and the specific amounts levied for each combination of class of vehicle, type of road and period of time;
- b the variation of infrastructure charges according to the type of vehicles and time;
- c the weighted average infrastructure cost charge and total revenue raised through the infrastructure charge;
- d the total revenue raised through external cost charges; and
- e the actions taken pursuant to Article 9(2).

2 By 16 October 2015, the Commission, assisted by the Committee referred to in Article 9c, shall present a report to the European Parliament and the Council on the implementation and effects of this Directive, in particular as regards the effectiveness of the provisions on the recovery of the costs related to traffic-based pollution, and on the inclusion of vehicles of more than 3,5 and less than 12 tonnes. The report shall also analyse, based on continuous monitoring, and assess, amongst others:

- a the effectiveness of the measures foreseen in this Directive in order to tackle negative impacts caused by road transport taking also into account, in particular, the impact on geographically isolated and peripheral Member States;
- b the effect of the implementation of this Directive to direct users toward the most environmentally friendly and efficient transport solutions and shall include information on the introduction of distance-based charges;
- c the implementation and effect of the variation of infrastructure charges as referred to in Article 7g on the reduction of local air pollution and congestion. The report shall also evaluate whether the maximum variation and peak period as referred to in Article 7g are sufficient to enable a proper functioning of the variation mechanism;
- d scientific progress in estimating external costs of transport for the purpose of internalising them; and
- e progress towards applying charges to road users and ways of gradually harmonising the charging systems that are applied to commercial vehicles.

The report shall also evaluate the use of electronic systems to levy and collect infrastructure and external-cost charges and their degree of interoperability pursuant to Directive 2004/52/EC.

3 The report shall be accompanied, if appropriate, by a proposal to the European Parliament and the Council for further revision of this Directive.

---

*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

---

4 By 16 October 2012, the Commission shall present a report that summarises the other measures, such as regulatory policies, taken to internalise or reduce the external costs related to environment, noise and health from all transport modes, including the legal basis and maximum values used.

In order to ensure fair intermodal competition while gradually charging the external costs of all transport modes, it shall include a timetable of the measures which remain to be taken to address other modes or vehicles and/or the external-cost elements not taken into account yet, taking into account progress in revising Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity<sup>(2)</sup>.]

#### **Textual Amendments**

- F2** Substituted by [Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures \(Text with EEA relevance\)](#).

#### *Article 12*

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 July 2000. They shall forthwith inform the Commission thereof.

When Member States adopt such measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such a reference shall be adopted by Member States.

2 Member States shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field covered by this Directive. The Commission shall inform the other Member States thereof.

#### *Article 13*

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

#### *Article 14*

This Directive is addressed to the Member States.

---

**Status:** EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

---

- (1) [<sup>F2</sup>OJ L 55, 28.2.2011, p. 13.]
- (2) [<sup>F2</sup>OJ L 283, 31.10.2003, p. 51.]

---

**Textual Amendments**

- F2** Substituted by [Directive 2011/76/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures \(Text with EEA relevance\).](#)