

Directive 2009/33/EC of the European Parliament and of the Council
of 23 April 2009 on the promotion of clean road transport vehicles
in support of low-emission mobility (Text with EEA relevance)

[^{F1}DIRECTIVE 2009/33/EC OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

of 23 April 2009

on the promotion of clean road transport
vehicles in support of low-emission mobility]

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

Having regard to the opinion of the Committee of the Regions⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽³⁾,

Whereas:

- (1) Natural resources, the pursuit of prudent and rational utilisation of which Article 174(1) of the Treaty requires, include oil, which is the principal energy source in the European Union but is also a major source of pollutant emissions.
- (2) The Commission Communication of 15 May 2001 entitled ‘A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development’, presented to the Gothenburg European Council of 15 and 16 June 2001, identified greenhouse gas emissions and pollution caused by transport among the main obstacles to sustainable development.
- (3) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme⁽⁴⁾ acknowledged the need for specific measures to enhance energy efficiency and energy saving and for the integration of climate change objectives into transport and energy policies as well as the need for specific measures in the transport sector to address energy use and greenhouse gas emissions.
- (4) The Commission Communication of 10 January 2007 entitled ‘An energy policy for Europe’ proposed a commitment on the part of the European Union to achieve at least a 20 % reduction of greenhouse gases by 2020 compared to 1990. In addition, binding targets for further improvement of energy efficiency by 20 %, a level of 20 % of renewable energy and a 10 % share of renewable energy in transport in the Community

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by 2020 have been proposed, inter alia, to improve security of energy supply by diversifying the fuel mix.

- (5) The Commission Communication of 19 October 2006 entitled ‘Action Plan for Energy Efficiency: Realising the Potential’ announced that the Commission will continue its efforts to develop markets for cleaner, smarter, safer and energy-efficient vehicles through public procurement and awareness-raising.
- (6) The mid-term review of the Commission’s 2001 Transport White Paper entitled ‘Keep Europe moving – Sustainable mobility for our continent’, of 22 June 2006, announced that the Union will stimulate environmentally-friendly innovation in particular by successive European emission standards (Euro Norms) and by the promotion of clean vehicles on the basis of public procurement.
- (7) In its Communication of 7 February 2007 entitled ‘Results of the review of the Community Strategy to reduce CO₂ emissions from passenger cars and light-commercial vehicles’, the Commission presented a comprehensive new strategy to enable the Union to reach its 120 g/km objective for CO₂ emissions from new passenger cars by 2012. A legislative framework was proposed to ensure vehicle technology improvements. Complementary measures should promote the procurement of fuel-efficient vehicles.
- (8) The Commission Green Paper on Urban Transport of 25 September 2007 entitled ‘Towards a new culture for urban mobility’ notes the support of stakeholders for promoting the market introduction of clean and energy-efficient vehicles through green public procurement. It proposes that a possible approach could be based on the internalisation of external costs by using lifetime costs for energy consumption, CO₂ emissions, and pollutant emissions linked to the operation of the vehicles to be procured as award criteria, in addition to the vehicle price. In addition, public procurement could give preference to new Euro standards. The earlier use of cleaner vehicles could then improve air quality in urban areas.
- (9) The CARS 21 High Level Group report of 12 December 2005 supported the Commission’s initiative on the promotion of clean and energy-efficient vehicles, on condition that a technology-neutral and performance-based integrated approach involving vehicle manufacturers, oil or fuel suppliers, repairers, customers or drivers and public authorities is taken.
- (10) The High Level Group on competitiveness, energy and the environment, in its report of 27 February 2007, recommended that private and public procurement should take account of full lifetime costs with emphasis on energy efficiency. Member States and the Community should develop and publish public purchasing guidance on how to move beyond lowest price tendering to procurement of more sustainable intermediate goods in line with Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors⁽⁵⁾ and Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts⁽⁶⁾.

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- (11) This Directive aims to stimulate the market for clean and energy-efficient road transport vehicles, and especially – since this would have a substantial environmental impact – to influence the market for standardised vehicles produced in larger quantities such as passenger cars, buses, coaches and trucks, by ensuring a level of demand for clean and energy-efficient road transport vehicles which is sufficiently substantial to encourage manufacturers and the industry to invest in and further develop vehicles with low energy consumption, CO₂ emissions, and pollutant emissions.
- (12) Member States should inform national, regional or local contracting authorities and contracting entities and operators which provide public passenger transport services of the provisions relating to the purchase of clean and energy-efficient road transport vehicles.
- (13) Clean and energy-efficient vehicles initially have a higher price than conventional ones. Creating sufficient demand for such vehicles could ensure that economies of scale lead to cost reductions.
- (14) This Directive addresses the need to provide support for Member States through facilitating and structuring the exchange of knowledge and best practices for promoting the purchase of clean and energy-efficient vehicles.
- (15) Procurement of vehicles for public transport services can make a significant impact on the market if harmonised criteria are applied at Community level.
- (16) The biggest impact on the market, together with the best cost/benefit result, is obtained through mandatory inclusion of lifetime costs for energy consumption, CO₂ emissions, and pollutant emissions as award criteria in the procurement of vehicles for public transport services.
- (17) In line with the scope of Directive 2004/17/EC and Directive 2004/18/EC and whilst fully respecting the implementation in national law of those directives, this Directive should cover road transport vehicles purchased by contracting authorities and contracting entities, irrespective of whether such authorities and entities are public or private. Furthermore, this Directive should cover the purchase of road transport vehicles used for performing public passenger transport services under a public service contract, leaving to Member States the freedom to exclude minor purchases with a view to avoiding an unnecessary administrative burden.
- (18) In line with Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)⁽⁷⁾ and with a view to avoiding an undue administrative burden, Member States should be able to exempt authorities and operators from the requirements laid down in this Directive when purchasing vehicles designed and constructed for special use.
- (19) This Directive should provide for a set of options for taking into account energy and environmental impacts. This would enable authorities and operators that have already

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developed methods tailored to meeting local needs and conditions to continue applying these methods.

- (20) Including energy consumption, CO₂ emissions, and pollutant emissions in the award criteria does not impose higher total costs but rather anticipates operational lifetime costs in the procurement decision. Complementary to the legislation on Euro Norms, which sets maximum emission limits, this approach monetises the actual pollutant emission and does not require any additional standard setting.
- (21) When fulfilling the requirement to take energy and environmental impacts into account by setting technical specifications, contracting authorities, contracting entities and operators are encouraged to set specifications of a higher level of energy and environmental performance than laid down in Community legislation, taking into account, for example, Euro Norms which are already adopted but have not yet become obligatory.
- (22) The ExterneE Study⁽⁸⁾, the Commission Clean Air for Europe (CAFE)⁽⁹⁾ Programme and the HEATCO Study⁽¹⁰⁾ have provided information on the costs of CO₂, oxides of nitrogen (NO_x), non-methane hydrocarbons (NMHC) and particulate matter emissions. Costs are taken at present value to keep the award procedure simple.
- (23) This Directive should define a range for the costs of CO₂ and pollutant emissions which, on the one hand, enables flexibility for contracting authorities, contracting entities and operators to take account of their local situation, and, on the other hand, ensures an appropriate degree of harmonisation.
- (24) Mandatory application of criteria for the procurement of clean and energy-efficient vehicles does not preclude the inclusion of other relevant award criteria. It also does not prevent the choice of retro-fitted vehicles upgraded for higher environmental performance. Such other relevant award criteria may also be included in procurements subject to Directives 2004/17/EC or 2004/18/EC, provided they are linked to the subject-matter of the contract, do not confer an unrestricted freedom of choice on the contracting authority or contracting entity, are expressly mentioned and comply with the fundamental principles of the Treaty.
- (25) The method of calculating operational lifetime costs for pollutant emissions for the purpose of vehicle procurement decisions, including the numerical values defined in this Directive, does not prejudice other Community legislation addressing external costs.
- (26) Reviews and revisions of the calculation method defined in this Directive should consider relevant related Community legislative measures and should aim for consistency with them.
- (27) The energy and environmental award criteria should be among the various award criteria taken into consideration by contracting authorities or contracting entities when they are called upon to take a decision on the procurement of clean and energy-efficient road transport vehicles.
- (28) This Directive should not prevent contracting authorities and contracting entities from giving preference to the latest Euro Norms in the purchase of vehicles for public

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transport services before those standards become obligatory. It should also not prevent contracting authorities and contracting entities from giving preference to alternative fuels, for example hydrogen, Liquefied Petroleum Gas (LPG), Compressed Natural Gas (CNG) and biofuels, provided the lifetime energy and environmental impacts are taken into account.

- (29) Standardised Community test procedures should be developed for additional vehicle categories in order to improve comparability and transparency of manufacturer data. Manufacturers should be encouraged to provide data for total lifetime energy consumption, CO₂ emissions and pollutant emissions.
- (30) The possibility of public support for the purchase of clean and energy-efficient road transport vehicles, including the retrofitting of vehicles with engines and replacement parts, which go beyond the mandatory environmental requirements, is recognised in the Community guidelines for State aid for environmental protection⁽¹¹⁾ and Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation)⁽¹²⁾. In this context, the guidelines included in the Commission Communication entitled ‘Community guidelines on State aid for railway undertakings’⁽¹³⁾, in particular footnote 1 to point 34 and footnote 3 to point 36, are also relevant. However, the rules of the Treaty, and in particular Articles 87 and 88 thereof, will continue to apply to such public support.
- (31) The possibility of public support in favour of the promotion of development of infrastructures necessary for the distribution of alternative fuels is recognised in the Community guidelines for State aid for environmental protection. However, the rules of the Treaty, and in particular Articles 87 and 88 thereof, will continue to apply to such public support.
- (32) The purchase of clean and energy-efficient road transport vehicles offers an opportunity to cities wishing to brand themselves as environmentally conscious. In this context, disclosure on the Internet of information on public procurement pursuant to this Directive is important.
- (33) The publication on the Internet of relevant information related to the financial instruments available in the Member States for urban mobility and for the promotion of clean and energy-efficient road transport vehicles should be encouraged.
- (34) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽¹⁴⁾.
- (35) In particular the Commission should be empowered to adapt to inflation and to technical progress the data for the calculation of the operational lifetime costs of road transport vehicles. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (36) Since the objectives of this Directive, namely to promote and stimulate the market for clean and energy-efficient vehicles and to improve the contribution of the transport

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sector to the environment, climate and energy policies of the Community, cannot be sufficiently achieved by the Member States and can therefore, in order to provide a critical mass of vehicles for cost-efficient developments by European industry, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

- (37) The Member States and the Commission should continue to promote clean and energy-efficient road transport vehicles. In this context, national and regional operational programmes, as defined by Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund⁽¹⁵⁾ could play an important role. Furthermore, Community programmes such as Civitas and Intelligent Energy Europe could contribute to improving urban mobility while reducing its adverse effects.
- (38) In accordance with point 34 of the Interinstitutional Agreement on better law-making⁽¹⁶⁾, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public,

HAVE ADOPTED THIS DIRECTIVE:

Textual Amendments

- F1** Substituted by [Directive \(EU\) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles \(Text with EEA relevance\)](#).

[^{F1}Article 1

Subject matter and objectives

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

Textual Amendments

- F1** Substituted by [Directive \(EU\) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles \(Text with EEA relevance\)](#).

f¹ Article 2

Exemptions

Member States may exempt from the requirements laid down in this Directive vehicles referred to in point (d) of Article 2(2) and in points (a) and (b) of Article 2(3) of Regulation (EU) 2018/858 of the European Parliament and of the Council⁽¹⁷⁾ and in points 5.2. to 5.5. and point 5.7. of Part A of Annex I to that Regulation.]

Textual Amendments

- F1** Substituted by [Directive \(EU\) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles \(Text with EEA relevance\).](#)

f¹ Article 3

Scope

- 1 This Directive shall apply to procurement through:
 - a contracts for the purchase, lease, rent or hire-purchase of road transport vehicles awarded by contracting authorities or contracting entities in so far as they are under an obligation to apply the procurement procedures set out in Directives 2014/24/EU⁽¹⁸⁾ and 2014/25/EU⁽¹⁹⁾ of the European Parliament and of the Council;
 - b public service contracts within the meaning of Regulation (EC) No 1370/2007 of the European Parliament and of the Council⁽²⁰⁾ having as their subject matter the provision of passenger road transport services in excess of a threshold which shall be defined by Member States not exceeding the applicable threshold value set in Article 5(4) of that Regulation;
 - c service contracts set out in Table 1 of the Annex to this Directive in so far as the contracting authorities or contracting entities are under an obligation to apply the procurement procedures set out in Directives 2014/24/EU and 2014/25/EU.

This Directive shall only apply to such contracts for which the call for competition has been sent after 2 August 2021 or, in cases where a call for competition is not foreseen, where the contracting authority or contracting entity has commenced the procurement procedure after that date.

- 2 This Directive shall not apply to:
 - a vehicles referred to in points (a), (b) and (c) of Article 2(2) and in point (c) of Article 2(3) of Regulation (EU) 2018/858;
 - b vehicles of category M₃ other than Class I and Class A vehicles as defined in points (2) and (3) of Article 3 of Regulation (EC) No 661/2009 of the European Parliament and of the Council⁽²¹⁾.]

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Textual Amendments

- F1** Substituted by [Directive \(EU\) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles \(Text with EEA relevance\)](#).

F1 Article 4

Definitions

For the purpose of this Directive:

- (1) ‘contracting authorities’ means contracting authorities as defined in point 1 of Article 2(1) of Directive 2014/24/EU and in Article 3 of Directive 2014/25/EU;
- (2) ‘contracting entities’ means contracting entities as defined in Article 4 of Directive 2014/25/EU;
- (3) ‘road transport vehicle’ means a vehicle of category M or N, as defined in points (a) and (b) of Article 4(1) of Regulation (EU) 2018/858;
- (4) ‘clean vehicle’ means:
 - (a) a vehicle of category M₁, M₂ or N₁ with a maximum tail-pipe emission expressed in CO₂ g/km and real driving pollutant emissions below a percentage of the applicable emission limits as laid down in Table 2 of the Annex; or
 - (b) a vehicle of category M₃, N₂ or N₃ using alternative fuels as defined in points (1) and (2) of Article 2 of Directive 2014/94/EU of the European Parliament and of the Council⁽²²⁾, excluding fuels produced from high indirect land-use change-risk feed stock for which a significant expansion of the production area into land with high-carbon stock is observed in accordance with Article 26 of Directive (EU) 2018/2001 of the European Parliament and of the Council⁽²³⁾. In the case of vehicles using liquid biofuels, synthetic and paraffinic fuels, those fuels shall not be blended with conventional fossil fuels;
- (5) ‘zero-emission heavy duty vehicle’ means a clean vehicle as defined in point 4(b) of this Article without an internal combustion engine, or with an internal combustion engine that emits less than 1 g CO₂/kWh as measured in accordance with Regulation (EC) No 595/2009 of the European Parliament and of the Council⁽²⁴⁾ and its implementing measures, or that emits less than 1 g CO₂/km as measured in accordance with Regulation (EC) No 715/2007 of the European Parliament and of the Council⁽²⁵⁾ and its implementing measures.]

Textual Amendments

- F1** Substituted by [Directive \(EU\) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles \(Text with EEA relevance\)](#).

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^{F1}Article 5

Minimum procurement targets

1 Member States shall ensure that the procurement of vehicles and services referred to in Article 3 complies with the minimum procurement targets for clean light-duty vehicles set out in Table 3 of the Annex and for clean heavy-duty vehicles set out in Table 4 of the Annex. Those targets are expressed as minimum percentages of clean vehicles in the total number of road transport vehicles covered by the aggregate of all contracts referred to in Article 3, awarded between 2 August 2021 and 31 December 2025, for the first reference period, and between 1 January 2026 and 31 December 2030, for the second reference period.

2 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 awarding of the contract.

3 Vehicles that meet the definition of clean vehicle under point 4 of Article 4 or of zero-emission heavy-duty vehicle under point 5 of Article 4 as a result of retrofitting may be counted as clean vehicles or zero-emission heavy-duty vehicles, respectively, for the purpose of compliance with the minimum procurement targets.

4 In the case of contracts referred to in point (a) of Article 3(1), the number of road transport vehicles purchased, leased, rented or hire-purchased under each contract shall be taken into account for the purpose of assessing compliance with the minimum procurement targets.

5 In the case of contracts referred to in points (b) and (c) of Article 3(1), the number of road transport vehicles to be used for the provision of the services covered by each contract shall be taken into account for the purpose of assessing compliance with the minimum procurement targets.

6 Where new targets for the period after 1 January 2030 are not adopted, the targets set for the second reference period shall continue to apply, and shall be calculated in accordance with paragraphs 1 to 5, over subsequent five-year periods.

7 Member States may apply or authorise their contracting authorities or contracting entities to apply higher national targets or more stringent requirements than those referred to in the Annex.]

Textual Amendments

- F1** Substituted by [Directive \(EU\) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles \(Text with EEA relevance\)](#).

^{F2}Article 6

^{F2}Methodology for the calculation of operational lifetime costs

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Textual Amendments

- F2** Deleted by [Directive \(EU\) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles \(Text with EEA relevance\)](#).

F2 Article 7

Adaptations to technical progress]

Textual Amendments

- F2** Deleted by [Directive \(EU\) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles \(Text with EEA relevance\)](#).

F1 Article 8

Exchange of knowledge and best practices

The Commission shall facilitate and structure the exchange of knowledge and best practices between Member States on practices for promoting procurement of clean and energy-efficient road transport vehicles by contracting authorities and contracting entities.]

Textual Amendments

- F1** Substituted by [Directive \(EU\) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles \(Text with EEA relevance\)](#).

F1 Article 9

Committee procedure

1 The Commission shall be assisted by the committee established by Article 9 of Directive 2014/94/EU.

That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽²⁶⁾.

2 Where reference is made to this paragraph, Article 5 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

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opinion, the chair of the committee so decides or a simple majority of committee members so request.]

Textual Amendments

- F1** Substituted by [Directive \(EU\) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles \(Text with EEA relevance\)](#).

[^{F1} Article 10

Reporting and review

1 By 2 August 2022 Member States shall inform the Commission of the measures taken to implement this Directive and of the Member States' intentions regarding future implementation activities, including the timing and possible effort-sharing between different levels of governance, as well as on any other information which the Member State considers relevant.

2 By 18 April 2026, and every three years thereafter, Member States shall submit to the Commission a report on the implementation of this Directive. Those reports shall accompany the reports provided for in the second subparagraph of Article 83(3) of Directive 2014/24/EU and the second subparagraph of Article 99(3) of Directive 2014/25/EU, and they shall contain information on the measures taken to implement this Directive, on future implementation activities, as well as any other information which the Member State considers relevant. Those reports shall also include the number and the categories of vehicles covered by the contracts referred to in Article 3(1) of this Directive, based on the data provided by the Commission in accordance with paragraph 3 of this Article. The information shall be presented on the basis of the categories set out in Regulation (EC) No 2195/2002 of the European Parliament and of the Council⁽²⁷⁾.

3 In order to assist the Member States in their reporting obligations, the Commission shall collate and publish the number and the categories of vehicles covered by the contracts referred to in points (a) and (c) of Article 3(1) of this Directive by extracting the relevant data from contract award notices published on the Tenders Electronic Daily (TED) database in accordance with Directives 2014/24/EU and 2014/25/EU.

4 By 18 April 2027, 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 measures taken by Member States in this regard, following the reports referred to in paragraph 2.

5 By 31 December 2027, the Commission shall review the implementation of this Directive and, where appropriate, submit a legislative proposal for its amendment for the period after 2030, including for the setting of new targets and for the inclusion of other categories of vehicles, such as two- and three-wheeled vehicles.

6 The Commission shall adopt implementing acts in accordance with Article 9(2) setting out the format of the reports referred to in paragraph 2 of this Article and their transmission arrangements.]

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Textual Amendments

- F1** Substituted by Directive (EU) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles (Text with EEA relevance).

Article 11

Transposition

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

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

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 12

Entry into force

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 13

Addressees

This Directive is addressed to the Member States.

I^{F1} ANNEX

**INFORMATION FOR THE IMPLEMENTATION OF MINIMUM
PROCUREMENT TARGETS FOR CLEAN ROAD TRANSPORT VEHICLES
IN SUPPORT OF LOW-EMISSION MOBILITY IN MEMBER STATES**

Table 1: Common Procurement Vocabulary (CPV) codes for services referred to in point (c) of Article 3(1)

CPV Code	Description
60112000-6	Public road transport services
60130000-8	Special-purpose road passenger-transport services
60140000-1	Non-scheduled passenger transport
90511000-2	Refuse collection services
60160000-7	Mail transport by road
60161000-4	Parcel transport services
64121100-1	Mail delivery services
64121200-2	Parcel delivery services

Table 2: Emission thresholds for clean light-duty vehicles

Vehicle categories	Until 31 December 2025		From 1 January 2026	
	CO ₂ g/km	RDE air pollutant emissions ^a as a percentage of emission limits ^b	CO ₂ g/km	RDE air pollutant emissions ^a as a percentage of emission limits ^b
M ₁	50	80 %	0	n.a.
M ₂	50	80 %	0	n.a.
N ₁	50	80 %	0	n.a.

a Declared maximum real-driving emission (RDE) values of particles number (PN) in #/km and nitrogen oxides (NOx) in mg/km as reported in point 48.2 of the certificate of conformity, as described in Annex IX to Directive 2007/46/EC of the European Parliament and of the Council (*) for both complete and urban RDE trips.

b The applicable emission limits laid down in Annex I to Regulation (EC) No 715/2007, or its successors.

(*) Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).

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

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Member State	From 2 August 2021 to 31 December 2025	From 1 January 2026 to 31 December 2030
Luxembourg	38,5 %	38,5 %
Sweden	38,5 %	38,5 %
Denmark	37,4 %	37,4 %
Finland	38,5 %	38,5 %
Germany	38,5 %	38,5 %
France	37,4 %	37,4 %
United Kingdom	38,5 %	38,5 %
Netherlands	38,5 %	38,5 %
Austria	38,5 %	38,5 %
Belgium	38,5 %	38,5 %
Italy	38,5 %	38,5 %
Ireland	38,5 %	38,5 %
Spain	36,3 %	36,3 %
Cyprus	31,9 %	31,9 %
Malta	38,5 %	38,5 %
Portugal	29,7 %	29,7 %
Greece	25,3 %	25,3 %
Slovenia	22 %	22 %
Czechia	29,7 %	29,7 %
Estonia	23,1 %	23,1 %
Slovakia	22 %	22 %
Lithuania	20,9 %	20,9 %
Poland	22 %	22 %
Croatia	18,7 %	18,7 %
Hungary	23,1 %	23,1 %
Latvia	22 %	22 %
Romania	18,7 %	18,7 %
Bulgaria	17,6 %	17,6 %

Table 4: Minimum procurement targets for the share of clean heavy-duty vehicles in the total number of heavy-duty vehicles covered by contracts referred to in Article 3 at Member State level ()*

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Member State	Trucks (vehicle category N ₂ and N ₃)		Buses (vehicle category M ₃) ^a	
	From 2 August 2021 to 31 December 2025	From 1 January 2026 to 31 December 2030	From 2 August 2021 to 31 December 2025	From 1 January 2026 to 31 December 2030
Luxembourg	10 %	15 %	45 %	65 %
Sweden	10 %	15 %	45 %	65 %
Denmark	10 %	15 %	45 %	65 %
Finland	9 %	15 %	41 %	59 %
Germany	10 %	15 %	45 %	65 %
France	10 %	15 %	43 %	61 %
United Kingdom	10 %	15 %	45 %	65 %
Netherlands	10 %	15 %	45 %	65 %
Austria	10 %	15 %	45 %	65 %
Belgium	10 %	15 %	45 %	65 %
Italy	10 %	15 %	45 %	65 %
Ireland	10 %	15 %	45 %	65 %
Spain	10 %	14 %	45 %	65 %
Cyprus	10 %	13 %	45 %	65 %
Malta	10 %	15 %	45 %	65 %
Portugal	8 %	12 %	35 %	51 %
Greece	8 %	10 %	33 %	47 %
Slovenia	7 %	9 %	28 %	40 %
Czechia	9 %	11 %	41 %	60 %
Estonia	7 %	9 %	31 %	43 %
Slovakia	8 %	9 %	34 %	48 %
Lithuania	8 %	9 %	42 %	60 %
Poland	7 %	9 %	32 %	46 %
Croatia	6 %	7 %	27 %	38 %
Hungary	8 %	9 %	37 %	53 %
Latvia	8 %	9 %	35 %	50 %
Romania	6 %	7 %	24 %	33 %

^a Half of the minimum target for the share of clean buses has to be fulfilled by procuring zero-emission buses as defined in point 5 of Article 4. This requirement is lowered to one quarter of the minimum target for the first reference period if more than 80 % of the buses covered by the aggregate of all contracts referred to in Article 3, awarded during that period in a Member State, are double-decker buses.]

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Bulgaria	7 %	8 %	34 %	48 %
a	Half of the minimum target for the share of clean buses has to be fulfilled by procuring zero-emission buses as defined in point 5 of Article 4. This requirement is lowered to one quarter of the minimum target for the first reference period if more than 80 % of the buses covered by the aggregate of all contracts referred to in Article 3, awarded during that period in a Member State, are double-decker buses.]			

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- (1) [OJ C 195, 18.8.2006, p. 26.](#)
- (2) [OJ C 229, 22.9.2006, p. 18.](#)
- (3) Opinion of the European Parliament of 22 October 2008 (not yet published in the Official Journal) and Council Decision of 30 March 2009.
- (4) [OJ L 242, 10.9.2002, p. 1.](#)
- (5) [OJ L 134, 30.4.2004, p. 1.](#)
- (6) [OJ L 134, 30.4.2004, p. 114.](#)
- (7) [OJ L 263, 9.10.2007, p. 1.](#)
- (8) Bickel, P., Friedrich, R., ExternE. Externalities of Energy. Methodology 2005, update, European Commission, Publications Office, Luxembourg, 2005.
- (9) Holland, M., et al., (2005a). Methodology for the Cost-Benefit Analysis for CAFE: Volume 1: Overview of Methodology. AEA Technology Environment, Didcot, 2005.
- (10) Bickel, P., et al., HEATCO Deliverable 5. Proposal for Harmonised Guidelines, Stuttgart, 2006.
- (11) [OJ C 82, 1.4.2008, p. 1.](#)
- (12) [OJ L 214, 9.8.2008, p. 3.](#)
- (13) [OJ C 184, 22.7.2008, p. 13.](#)
- (14) [OJ L 184, 17.7.1999, p. 23.](#)
- (15) [OJ L 210, 31.7.2006, p. 25.](#)
- (16) [OJ C 321, 31.12.2003, p. 1.](#)
- (17) [F1Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC ([OJ L 151, 14.6.2018, p. 1.](#))]
- (18) [F1Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC ([OJ L 94, 28.3.2014, p. 65.](#))]
- (19) [F1Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC ([OJ L 94, 28.3.2014, p. 243.](#))]
- (20) [F1Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 ([OJ L 315, 3.12.2007, p. 1.](#))]
- (21) [F1Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor ([OJ L 200, 31.7.2009, p. 1.](#))]
- (22) [F1Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure ([OJ L 307, 28.10.2014, p. 1.](#))]
- (23) [F1Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources ([OJ L 328, 21.12.2018, p. 82.](#))]
- (24) [F1Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC ([OJ L 188, 18.7.2009, p. 1.](#))]
- (25) [F1Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information ([OJ L 171, 29.6.2007, p. 1.](#))]

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- (26) [^{F1}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 (OJ L 55, 28.2.2011, p. 13).]
- (27) [^{F1}Regulation (EC) No 2195/2002 of the European Parliament and of the Council of 5 November 2002 on the Common Procurement Vocabulary (CPV) (OJ L 340, 16.12.2002, p. 1).]

Textual Amendments

- F1** Substituted by [Directive \(EU\) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles \(Text with EEA relevance\).](#)