

REASONED OPINION

of the European Affairs Committee of the Federal Council

of 5 July 2017

pursuant to Article 23g (1) of the Austrian Constitution in conjunction with Article 6 of Protocol No.2 on the application of the principles of subsidiarity and proportionality

COM (2017) 275 final

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

A. Reasoned Opinion

The project under consideration is incompatible with the principle of subsidiarity.

B. Grounds for Reasoned Opinion

On 31 May 2017, the Commission presented the proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (text with EEA relevance) and the proposal for a Directive of the Council amending Directive 1999/62/EC on the charging of heavy vehicles for the use of certain infrastructures regarding certain provisions on vehicle taxes.

The objective of the two proposals is to fundamentally revise Directive 1999/62/EC (“Eurovignette Directive”) in order to eliminate the distortion of competition between transport operators through the step-by-step harmonization of vehicle taxes and the introduction of equitable mechanisms for the collection of infrastructure charges.

The proposal tabled by the Commission provides for a fundamental revision of this Directive. The proposal aims to achieve progress in the application of the “polluter pays” and the “user pays”

principles in order to foster financially and ecologically sustainable as well as socially equitable road transport.

The most important amendments to the Directive include, in particular, the extension of its scope to buses/coaches, light-duty vehicles and passenger cars. Moreover, the current variation of toll according to Euro emission classes is to be phased out, as the variation of charges on this basis is expected to become obsolete by the end of 2020 with the renewal of vehicle fleets in the inter-urban network. Instead, a system of variation of charges according to CO₂ emissions is proposed. Time-based user charges (vignettes) are to be phased out first for heavy goods vehicles and buses/coaches and, at a later stage, for passenger cars and vans on the networks used by international transport and gradually replaced by distance-based charges. Moreover, congestion charges should be allowed, in addition to infrastructure charges.

Pursuant to Article 4 paragraph 2 point g TFEU, the Union shares competence with the Member States in the area of transport. The extension of the scope of the Directive to vehicles or vehicle combinations that are not intended or used for the carriage of goods and have a maximum permissible mass not exceeding 3.5 tonnes, significantly restricts the competence of Member States to adopt national regulations. According to the principle of subsidiarity, the Union may only intervene if it is able to act more effectively than the Member States themselves. In view of the fact that the Eurovignette Directive primarily serves to eliminate distortions of competition for economic operators within the Union, the Federal Council considers it inappropriate that, in particular, passenger cars are to be included in the scope of the Directive. In a regulation governing the use of roads by private individuals, be it as employees or as consumers, national and regional aspects must be taken into consideration, a requirement which can be met more efficiently by the Member States, given their greater familiarity with local conditions. From the Federal Council's point of view, the proposal is therefore incompatible with the principle of subsidiarity.

Finally, the Federal Council has come to the conclusion that the proposed provision of the Directive obliging the Member States, after the expiry of a transitional period, to replace existing systems of time-based road charging by systems of distance-based charging is incompatible with the principle of proportionality.