

**EUROPEAN ECONOMIC AREA**  
**STANDING COMMITTEE**  
**OF THE EFTA STATES**

**Brussels, 30 September 2004**  
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**SUBCOMMITTEE II ON THE FREE MOVEMENT OF CAPITAL AND SERVICES**

**EEA EFTA COMMENTS ON THE PROPOSAL FOR A DIRECTIVE ON THE CHARGING OF HEAVY GOODS VEHICLES FOR THE USE OF CERTAIN INFRASTRUCTURES (COM(2003) 448 final)**

**EXECUTIVE SUMMARY**

The EEA EFTA side supports the intentions of the proposed Directive, which aims at sustainable mobility, through the establishment of a fair and transparent charging system for the use of infrastructure. It also acknowledges the need to improve the efficiency and productivity of the road transport sector as a whole.

The EEA EFTA States are of the opinion that the most important measure in the achievement of this aim is to “get the prices right”. In other words, the charges should reflect the effective costs of road transport by heavy goods vehicles in order to grant effective competition between different trans-European transport systems.

Although interoperability requires common rules for the charging systems of the Member States, the proposal should aim for a regulation taking more into account existing charging systems. It is important to maintain the principle of the Member States’ freedom to apply infrastructure charges and external costs also to private cars as well as to leave it to Member States to decide whether they want to introduce tolls on the TEN as a whole or only on parts of it. The common calculation methodology should also take into account special geographical features in the Member States and toll variation should not be made compulsory but an option from 2008 on. The 25% mark up should be extended to sensitive regions other than those to be found in the mountains. Finally, the EEA EFTA States believe that the creation of an independent infrastructure supervision authority should not be mandatory.

The actual proposal represents a first step towards sustainability to be continued in the future: enhancing the polluters paying principle could lead to more environment-oriented transport charging including not only congestion and accident risk costs but also environmental damage such as air pollution, health damage, noise, climate change, crop damage, etc.

## **I INTRODUCTION**

1. Iceland and Norway have since long established systems of earmarked toll-financing. In Norway, the revenues ensuing from the tolls are primarily used in the construction of new roads while in Iceland they are used in the repayment of certain infrastructure. Liechtenstein, by virtue of its Customs Union Treaty with Switzerland, has no border posts at its border with Switzerland. To be in a position to keep the common border open, Liechtenstein introduced on 1 January 2001 on its territory, a Heavy Vehicle Fee (toll) on all roads. This toll is based on a bilateral agreement between Liechtenstein and Switzerland and on Liechtenstein law and is equal to the Swiss Heavy Vehicle Fee. This fee is used for transport infrastructure in general. This setup was accepted by the European Commission in connection with Directive 1999/62/EC as well (Joint Committee Decision No 5/2002 of February 1). It is beyond doubt that the (widely used) toll road financing has contributed significantly to a higher standard of many parts of the road network.

2. With the aim of reaching the objectives of the Directive efficiently, the EEA EFTA States take the opportunity to indicate certain amendments to the proposal.

## **II AMENDMENTS PROPOSED BY THE EEA EFTA STATES**

### **A) IN GENERAL**

3. With reference to the "White Paper: European transport policy for 2010: Time to decide"<sup>1</sup>, the EEA EFTA States support a policy that contributes to reducing the road sector's share of the transport growth (return to the 1998 modal split by 2010). If this is to be implemented efficiently, one of the most important measures would be to "get the prices right". In other words, a policy on effective charging for transport, whose aim is to establish a fair and transparent infrastructure charging system, must be adopted throughout the European Economic Area.

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<sup>1</sup> COM (2001)370

## **B) ARTICLE 1 OF THE PROPOSAL FOR A DIRECTIVE**

### **The proposal should aim for a regulation taking into account existing charging systems**

(Article 1, point 3a of the proposal for a directive regarding Article 7 paragraph 1 of Directive 1999/62/EC)

4. The EEA EFTA States suggest adding the following sentence to paragraph 1:
 

“Member States may maintain *existing* or introduce *new* tolls and/or user charges under the conditions set out in paragraph 2 to 12.”
5. EEA EFTA States feel that the proposal is too indistinct regarding already existing systems and taxes in the Member States. The proposed Directive is closely connected to the public duty systems in the Member States. It is therefore important to create solutions that are flexible so that they can be adjusted to different systems in the different countries. According more time to the improvement of the proposal on this point could facilitate implementation of the proposed Directive in the Member States.

### **Maintaining the principle of the Member States’ freedom to apply infrastructure charges and external costs also to private cars**

(Article 1, point 3a of the proposal for a directive regarding Article 7 paragraph 2 of Directive 1999/62/EC)

6. The EEA EFTA States suggest adding the following sentence to paragraph 2:
 

”The directive shall be without prejudice to the right of Member States to apply tolls and user charges on roads other than those of the main network, *or to other vehicle categories than stipulated in article 2 point (d)*, in compliance with the rules of the treaty.”
7. Private cars pose problems that are different from those posed by heavy trucks and are primarily of a local/national character. Congestion generated by private cars may be considerable, particularly in urban areas. Nevertheless, the EEA EFTA side believes it is positive that this traffic is considered to be of a national character and that Member States have the opportunity to develop their own approach to this problem.

### **Right of Member States to introduce tolls on the TEN as a whole or on parts of it**

(Article 1, point 3a of the proposal for a directive regarding Article 7 paragraph 2 of Directive 1999/62/EC)

8. The EEA EFTA States propose to change the proposed text of Article 7 paragraph 1 and 2, and amend it with the following wording:
 

“Member States may maintain existing or introduce new tolls and/or user charges on the trans-European network *or on parts of this network*, under the conditions set out in paragraphs 2 to 12.”

*Delete* first sentence in paragraph 2.

9. The EEA EFTA side agrees that Member States may maintain or introduce tolls on the TEN-network. However, as a further incentive to the roll out of user charging, Article 7 (1) and (2) should be amended in order to give the Member States the right to introduce tolls on the trans-European road network as a whole, or on parts of this network. The geographical scope of the tolling regime is significant to the Member States: it can prevent the creation of disincentives to introduce tolls and prevent those Member States with only minimal tolling at present from excluding tolling altogether.

**The common calculation methodology should take into account special geographical features in the Member States**

(Article 1, point 3g of the proposal for a directive regarding Article 7 paragraph 10 a-c of Directive 1999/62/EC)

10. In general, the EEA EFTA States agree to the proposal introducing a common methodology for calculating the various cost constituents. This supports the aim of creating fair conditions of competition between operators. The level of the rates is important to the funding of the toll projects in general. We would like to call attention to the fact that the cost constituents such as accident, environmental and maintaining costs vary a lot on the different parts of the TEN road network. Due to the different geographical features in the Member States, the common methodology is significant - especially to the rural parts in the different countries.

**Deletion of compulsory variation of tolls as from July 2008**

(Article 1, point 3g of the proposal for a directive regarding Article 7 paragraph 10, last sentence, of Directive 1999/62/EC)

11. The EEA EFTA States propose that the last sentence of Article 7 paragraph 10 be *deleted*.

12. From 2008, the proposal requires Member States to vary tolls according to the particular road in the network, the environmental sensitivity of the area, population density and accident risks. The EEA EFTA States are of the opinion that progressive implementation of tolls on the TEN-network in the Member States would be encouraged if differentiation is not a requirement, but an option. Freedom to vary the toll rates according to a number of factors would also contribute to avoidance of unnecessary administrative costs and negative cost-efficiency impacts of the specific requirements proposed.

**Extension of the 25% mark up to other sensitive regions**

(Article 1 of the proposal for a directive, point 3h regarding Article 7 paragraph 11 of Directive 1999/62/EC)

13. The EEA EFTA States propose to change the proposed text of Article 7 paragraph 11 first sentence and amend it with the following wording:

“In exceptional cases concerning infrastructure in particular sensitive regions, in particular mountainous *or costal regions*, (...)”

14. The possibility to add a maximum mark up of 25% to the tolls of infrastructure charging, in particularly sensitive areas such as mountainous regions, is to be seen as a positive element and could be extended to other sensitive regions. Furthermore, a differentiated system according to emission standards constitutes an incentive, as experience shows in the different countries applying this system, for renewing vehicle fleets.

**The independent infrastructure supervision authority should not be mandatory**

(Article 1 of the proposal for a directive, point 6 regarding new Article 8a of Directive 1999/62/EC)

15. The EEA EFTA States propose to change the proposed text of Article 8a 1. and amend it with the following wording:

“The Members States may designate an independent infrastructure supervision authority.”

16. The EEA EFTA States believe that the creation of an independent infrastructure supervision authority should not be mandatory. The experience shows that the parliamentary monitoring systems in place in the EEA EFTA Member States are to be considered largely satisfactory. New road toll projects need to be approved by Parliament. In the approval, the specific terms for the toll project are set, including the level of tolls, vehicle categories, the time limitation of the project, and the use of the revenue. In the annual state budget, which is approved by Parliament, the use of the toll revenue is mentioned. In this way, the authorities closely monitor all aspects of the toll projects. Therefore, the terms of the creation of an independent supervision authority should be handled in a flexible way to allow an open system of monitoring.

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