

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

(Text with EEA relevance)

...underlined = **NEW**

Article 1

Subject matter and objectives

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 CO₂ 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.

Article 2

Exemptions

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 approval or individual approval on their territory.

Article 3

Scope

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

(a) 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 and 2014/25/EU;

(b) operators for the discharge of public service obligations under a public service contract within the meaning of Regulation (EC) No 1370/2007 of the European Parliament and of the Council;

(c) to public service contracts covering transport services as set out in Table 1 of the Annex in excess of a threshold which shall be defined by Member States not exceeding the threshold values as set out in Article 4 of Directive 2014/24/EU and Article 15 of Directive 2014/25/EU.

Article 4

Definitions

For the purpose of this Directive:

1. 'contracting authorities' means contracting authorities as defined in Article 2(1)(1) of Directive 2014/24/EU and in Article 3 of Directive 2014/25/EU.

2. 'contracting entities' means contracting entities as referred to in Article 4 of Directive 2014/25/EU.

3. 'road transport vehicle' means a vehicle covered by Annex II, letter A, points 1 and 2 of Directive 2007/46/EC.

4. 'clean vehicle' means

(a) a vehicle of category M1 or M2 with a maximum tail-pipe emission expressed in CO₂g/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 CO₂g/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.

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 CO₂ tail-pipe emission and air pollutants thresholds for heavy duty vehicles once the related heavy-duty CO₂ emission performance standards are in force at Union level

Article 5

Minimum procurement targets

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 .

2. Member State authorities may apply higher minimum mandates than those referred to in the Annex of this Directive.

Article 6

deleted

Article 7

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Article 8

Best practice exchange

The Commission shall facilitate and structure the exchange of knowledge and best practices between Member States on practices for promoting the purchase of clean and energy-efficient road transport vehicles by contracting authorities, contracting entities and operators referred to in Article 3.

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

Article 9

Committee procedure

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.

Article 10

Reporting and review

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.

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.

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.

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) as noted in the Annex.

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.

Article X (new Directive)

1. 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.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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 Y

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

Article Z

This Directive is addressed to the Member States.

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 codes referred to in Article 3

<i>CPV Code</i>	<i>Description</i>
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

Table 2: Emission-thresholds for light-duty vehicles

Vehicle categories	2025		2030	
	<i>CO₂ g/km</i>	<i>RDE air pollutant emissions* as percentage of emission limits**</i>	<i>CO₂ g/km</i>	<i>RDE air pollutant emissions* as percentage of emission limits</i>
M1 vehicles	25	80%	0	n.a.
M2 vehicles	25	80%	0	n.a.
N1 vehicles	40	80%	0	n.a.

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

Table 3: Alternative fuel requirements for heavy-duty vehicles

Vehicle categories	Alternative fuels
M3, N2, N3 vehicles	Electricity*, hydrogen, natural gas including biomethane, in gaseous form (compressed natural gas (CNG)) and liquefied form (liquefied natural gas (LNG))

*For use in a vehicle as defined in Art. 2 (2) of Directive 2014/94/EU, provided that electricity is used for a relevant part of the operational use of the vehicle.

*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	35%	35%
Italy	35%	35%
Ireland	35%	35%
Spain	33%	33%
Cyprus	29%	29%
Malta	35%	35%
Portugal	27%	27%
Greece	23%	23%
Slovenia	20%	20%
Czech Republic	27%	27%
Estonia	21%	21%
Slovakia	20%	20%
Lithuania	19%	19%
Poland	20%	20%
Croatia	17%	17%
Hungary	21%	21%
Latvia	20%	20%
Romania	17%	17%
Bulgaria	16%	16%

*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.

*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	
	2015	2030	2015	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.