

## **COMMUNICATION**

**from the European Affairs Committee of the Federal Council  
to the European Parliament, the Council and the European Commission  
pursuant to Article 23f para. 4 of the Austrian Constitution  
25 April 2018**

**COM (2017) 653 final**

**Proposal for a Regulation of the European Parliament and of the Council  
amending Directive 2009/33/EC on the promotion of clean and energy-efficient  
road transport vehicles**

On 8 November 2017, the European Commission submitted a proposal to amend the Directive on the promotion of clean and energy-efficient road vehicles, the objective being to achieve a sustainable, competitive and secure energy system for the European Union. With this goal in mind, the Commission proposed a whole package of legislation aimed at reducing CO<sub>2</sub> emissions.

The proposal lists a number of minimum procurement targets for light-duty and heavy-duty vehicles. In the Federal Council's opinion, these targets are overreaching, especially for buses and coaches used for regular passenger transport service. Moreover, as far as buses and coaches as well as heavy-duty vehicles are concerned, the choice of electric models is extremely limited, with only prototypes available in the market in some cases, which would make compliance with the provisions of the proposal even more difficult. Given the absence of an adequate offer of vehicles in the market, CO<sub>2</sub> thresholds for heavy-duty vehicles, buses and coaches need to be set at a highly ambitious level. Furthermore, the procurement costs incurred in meeting the percentages required would be out of proportion with the targets to be achieved. In general, the Member States must be allowed a certain degree of freedom in defining the

targets of the mobility package.

Reiterating its general position expressed in numerous earlier communications and reasoned opinions, the Federal Council once again refers to the overreaching power of the Commission to adopt delegated legal act. In the proposal tabled by the Commission, considering (17) mentions the updating of provisions in respect of CO<sub>2</sub> emission standards within the framework of the procedure provided for in Article 290 TFEU. The Federal Council is concerned about possible modifications of procurement conditions on a relatively short-term basis through delegated legal acts adopted by the Commission.

The Federal Council therefore wishes to voice its general concerns regarding the principles of subsidiarity and proportionality.