



EUROPEAN COMMISSION

*Brussels, 24.7.2018
C(2018) 4901 final*

Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the proposal for a Directive of the European Parliament and of the Council amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles {COM(2017) 653 final}.

The proposal intends to stimulate the public procurement of clean vehicles, as part of a broader effort to decarbonise transport, and ensure that the European Union remains at the forefront of innovation and competitiveness in the transport sector, while leading the fight against climate change.

The Commission takes seriously the concerns expressed by the Bundesrat in relation to different aspects of the proposal, and is pleased to have this opportunity to provide a number of clarifications.

In particular, the Commission would like to clarify that targets are set for buses, but not for coaches. The Commission would also like to recall that the proposal does not set targets for electric vehicles, but for vehicles falling within the definition of “clean vehicle”, which in the case of heavy-duty vehicles includes hydrogen and natural gas vehicles as well as battery electric vehicles. Vehicles meeting the proposed clean vehicle definitions are available on the market for all categories of vehicles covered by the Directive.

The Commission would also like to recall that the proposal sets national minimum procurement targets for each Member State, but leaves Member States the flexibility – following the responsibilities as enshrined in their institutional and constitutional framework – to share the effort between contracting authorities and entities. The Impact Assessment accompanying the proposal underlined that the setting of minimum national procurement targets is the best option and that it is necessary to ensure a consistent approach, provide clear market signals and certainty to investors, and accelerate the uptake of low- and zero-emission vehicles.

*Mr Reinhard TODT
President of the Bundesrat
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The Commission notes the Bundesrat's concerns about the proposed empowerment to modify table 3 in the Annex with emission thresholds for heavy-duty vehicles. The issue of the proposed empowerment and the way it would be exercised has been raised during initial discussions in the Council and will be further assessed in the course of negotiations.

With regard to the Bundesrat's concerns on the proposed delegation of powers, the Commission would like to recall that delegated powers are an integral tool of better law-making, contributing to simple and up-to-date legislation and its efficient and swift implementation. The Commission would only propose empowerments for delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union where this is justified, namely when it is not possible or less efficient or effective to include the relevant elements directly in the basic legislative act. In this particular case, it is necessary for the Commission to be able to update table 3 in the Annex with respect to emission thresholds for heavy-duty vehicles. Nevertheless, the final decision on the nature and the contents of the empowerment is to be taken by the legislator.

The Bundesrat's Opinion has been made available to the Commission's representatives in the ongoing negotiations with the co-legislators and will inform these discussions.

The Commission hopes that these clarifications address the issues raised by the Bundesrat and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Violeta Bulc
Member of the Commission*