

ASECAP feedback to the consultation on the taxonomy on the environment delegated act and changes to the climate delegated act

ASECAP welcomes the possibility to comment on the proposed environment delegated act under taxonomy regulation 2020/853.

ASECAP welcomes the ongoing efforts to complete the taxonomy framework. The taxonomy regulation already in its recital 49 referred to the necessity to address road transport in a more appropriate manner. Transport policy is about mobility behavior, amongst many other things such as territorial planning, urbanism and technological progress of electric vehicles deployment. It is difficult to grasp for the taxonomy, since it addresses economic activity and not behavioral change of end-users. In its current shape, as of April 2023, the taxonomy regulation and its delegated act would question public investment in the European Commission's 'Vision Zero' road safety and traffic management as soon as it would gain relevance to green public procurement. These are serious shortcomings.

Ideally road operation ought to be treated similar to power transmission grids in section 4.9 'transmission and distribution of electricity', management and smart metering are clearly part of the substantial contribution to climate mitigation, same should apply to traffic management and road tolling.

Road operators play a key role making taxonomy happen. They implement the TFEU's 'polluter pays' principle by charging for the external costs for road transport, namely: a.) CO2 emissions, enabling the zero tailpipe emission vehicles, which are covered by delegated act 2021/2139 and should be considered under section 6.15; b.) air and noise pollution and congestion, which should be covered the Annex III of the now proposed environmental delegated act. Road operators also use toll revenue for: c.) the maintenance of motorways, which the European Commission proposes to cover in Annex II section 4.1 of the environment delegated act. All aforementioned points are regulated by the Eurovignette Directive 1999/62/EC.

ASECAP welcomes the European Commission's FAQ on the taxonomy, underlines at the same time that an FAQ is a guideline and carries no legal force. The points made in the FAQ ought to be integrated into the delegated acts to create legal certainty and a harmonized approach to the taxonomy across the internal market.

ASECAP welcomes that the proposed documents, they start to address afore-mentioned concerns. We believe we have proposals how to address the shortcomings highlighted in recital 49 of the Regulation 2020/853.

Environment delegated act – Annex II - 3.4 Maintenance of roads and motorways: Road maintenance is key to making Europe's roads the safest in the world. The broad approach to this topic is welcome, it covers infrastructure for vulnerable road users and is inclusive. For many years motorways concessionaires have developed their expertise on the reuse of materials in the context of a circular economy. Based on this expertise, we note that the criteria proposed are not in line with the solutions already developed in this fields and we make ourselves available to share our expertise with the aim of further protecting natural resources. ASECAP regrets that the economic activity seems to exclude road furniture, such as crash barriers, road markings, traffic signs or variable message signs that play a key role for passive safety. It also excludes protective measures for road maintenance workers and ASECAP urges their inclusion, since safety equipment may be at disadvantage in public procurement if it has no chance to align with the taxonomy and the social taxonomy is not there yet.

Annex III of the Eurovignette Directive 1999/62/EC gives a definition of infrastructure maintenance and could be referred to for the sake of coherence between different pieces of EU legislation. It further also highlights the key importance of road charging for road maintenance, since it is the preferred instrument to implement the 'user pays' and 'polluter pays' principles on Europe's roads.

Road tolling ought to be recognized as an enabler to road maintenance, in line with the Eurovignette Directive's 1999/62/EC recognition as such or as income generated through road maintenance.

Environment delegated act – Annex III 'pollution prevention and control' – NEW IT/OT data driven solutions: The European Commission's 'Strategy on Low Emission Mobility' COM (2016) 501 states '*Emissions of air pollutants from transport that harm our health need to be drastically reduced without delay.*' The strategy promises '*To facilitate the transition to low-emission mobility and provide certainty for investors, the EU regulatory framework needs to change.*' Transport is currently not considered for technical contribution criteria under the pollution prevention and control.

In its' FAQ of December 2022 the European Commission has made it clear the operation of ITS to facilitate traffic flow optimization and traffic management would count as taxonomy eligible. In its proposed changes for the ITS Directive COM (2021) 813 improved traffic flow is recognized for its contribution to sustainable mobility. The reduction of congestion a recurring topic in various policy documents, from the smart and sustainable mobility strategy COM (2020) 789 to the new urban mobility framework COM (2021) 811.

Adding IT/OT data driven solutions applied to transport infrastructure to Annex III would offer a simple way forward to comply with the 'Strategy on Low Emission Mobility', which explicitly foresees digital solutions to improve air quality in transport. It would also make taxonomy coherent with the Eurovignette Directive 1999/62/EC. This would be coherent with the approach adopted for the technical screening applied to water resources in Annex I point 4.1, which explicitly mentions IT/OT data driven solutions as criteria to be taken into account in order to assess the alignment.

The economic activity described in Annex II should be included in to the proposed technical contribution criteria related to pollution prevention and control in Annex III. IT/OT data driven solutions have potential beyond the transition to a circular economy. The efficient use of road infrastructure improves air quality and helps address particulate matter, an issue that electric vehicles alone will not solve.

Again the Eurovignette Directive 1999/62/EC is instructive, noise and air pollution are considered both 'external costs' (together with CO₂ emissions) and road tolling systems are considered the instrument to implement the 'polluter pays' principle. Hence the 'provision of IT/OT data driven solutions' should be considered in Annex III for contribution criteria on pollution prevention as well.

Furthermore adding 'IT/OT data driven solutions' to Annex III would also recognise the role of traffic management for the improvement of air quality and hence be coherent with EU transport policy goals and would ease the CEF funding of the implementation of sustainable urban mobility plans (SUMP), which are foreseen as part of the TEN-T.

Environment delegated act – Annex III 'pollution prevention and control' – NEW Noise barriers: According to the World Health Organisation, noise from road traffic alone ranks second among the most harmful environmental stressors in Europe, exceeded only by air pollution. At least 9000 premature deaths a year can be attributed to heart disease caused by traffic noise. The Eurovignette Directive 1999/62/EC classifies noise as an external cost of road transport and infrastructure for noise reduction a part of infrastructure costs.



The construction and maintenance of noise barriers and other infrastructure should be included into the Annex III 'pollution prevention and control' through a contribution criterion, to allow the alignment of the mitigation of the external costs of transport.

Climate delegated act – changes to 6.15 Infrastructure enabling low-carbon road transport and public transport: The Eurovignette Directive 1999/62/EC in its latest amendment explicitly recognizes traffic based CO₂ emissions as an external cost and road tolling as a way to facilitate the decarbonization of road transport, using the 'polluter pays principle' and incentivizing the use of cleaner vehicles.

In its' FAQ of December 2022 the European Commission has made it clear the operation of ITS to facilitate traffic flow optimization and traffic management would count as taxonomy eligible, without adapting the corresponding contribution criteria in section 6.15 Infrastructure enabling low-carbon road transport and public transport. In its proposed changes for the ITS Directive COM (2021) 813 improved traffic flow is recognized for its contribution to sustainable mobility. The reduction of congestion a recurring topic in various policy documents, from the smart and sustainable mobility strategy COM (2020) 789 to the new urban mobility framework COM (2021) 811.

The contribution criteria here ought to recognize the role that ITS/road tolling and their associated sub-systems and ancillary equipment play enabling low-carbon road transport via the internalization of external costs, the reduction of congestion and the facilitation of flowing traffic.

About ASECAP:

ASECAP is the European Association of Operators of Toll Road Infrastructures across 19 member countries representing 128 companies employing more than 44.000 direct jobs and 200.000 indirect jobs. They operate, maintain, manage a network of more than 82.200 km with a long-term vision that ensures highest quality standards to make the road infrastructure safest targeting vision zero fatality and moving toward net zero carbon thank to the user/payer principle providing sustainable financing.

Contact persons:

Malika Seddi –Secretary General (m.seddi@asecap.com)

EU transparency register : 76903725494-68