

## **ASECAP Position on the Revision of the EU Taxonomy Technical Screening Criteria**

### **1. Introduction**

ASECAP welcomes the European Commission's initiative to review the EU Taxonomy framework under the EU Taxonomy Regulation.

This revision represents an important opportunity to address practical challenges identified since the initial implementation of the framework, notably the complexity of certain technical screening criteria, inconsistencies between legal provisions and interpretative guidance, and the resulting difficulties in application. The Commission has clearly identified these issues as key barriers to usability, legal certainty, and effective market uptake of the Taxonomy.

ASECAP strongly supports the objective of improving clarity, proportionality, and operational applicability.

Road infrastructure and tolling activities should in this context be recognised as economically relevant for the transition, given their role in enabling mobility, supporting decarbonisation pathways, internalising external costs and strengthening the resilience and adaptation capacity of the transport system.

The Eurovignette Directive 1999/62/EC recognises that road charging can play a role in addressing congestion and transport externalities, including CO<sub>2</sub> emissions, air pollution, and noise. In that sense, tolling is not merely a financing mechanism, but also a policy tool contributing to climate mitigation, adaptation, pollution prevention, and more efficient use of infrastructure.

Recent EU policy developments, including in the field of intelligent transport systems, further highlight the importance of digital solutions in enabling more efficient and sustainable mobility. In practical terms, the issue addressed in this contribution is straightforward. The current Taxonomy framework recognises certain types of physical road infrastructure as eligible under Activity 6.15, such as charging infrastructure or hydrogen refuelling stations. At the same time, existing Commission guidance indicates that certain digital solutions, including intelligent transport systems, traffic optimisation, and electronic tolling, may also fall within the scope of this activity when they contribute to emission reductions and energy efficiency. The current draft revision does not reflect this clarification, resulting in a lack of alignment within the framework.

Beyond this specific case, ASECAP considers that the current revision presents an opportunity to ensure that the Taxonomy reflects how the transition to low-carbon mobility is effectively taking place in practice, where both physical and digital solutions play a complementary role. Ensuring that the framework reflects both physical infrastructure and system-level solutions is essential to maintain its relevance, credibility, and effectiveness in supporting the transition to sustainable mobility.

## **2. A structural inconsistency within CCM 6.15**

ASECAP would like to draw attention to a structural issue that directly reflects the challenges identified by the Commission in the current review. The framework presents a misalignment across three levels: the binding legal provisions, the Commission's interpretative guidance, and the current draft revision of the criteria.

The legal wording of Activity CCM 6.15 in Delegated Regulation (EU) 2021/2139 is based on a closed and enumerative definition of infrastructure, focused on specific physical assets such as electric charging points, hydrogen refuelling stations or electric road systems.

By contrast, FAQ C/2023/267 explicitly recognises that intelligent transport systems, traffic flow optimisation solutions and electronic tolling systems may also fall within the scope of this activity, provided they contribute to congestion reduction, improved energy efficiency, and lower emissions. However, the current draft revision maintains the original structure and does not incorporate this broader interpretation. This also leaves unresolved a second question of practical importance: even where ITS-related solutions are understood to be potentially eligible, the framework does not yet provide sufficient clarity on the technical criteria and compliance pathway that should apply to such systems.

This inconsistency has direct practical consequences. It creates legal uncertainty for operators, auditors and investors, leads to divergent interpretations across the market, and complicates the practical application of the framework. It also risks limiting the recognition of digital solutions that are already recognised in Commission guidance, thereby reducing the effectiveness and credibility of the Taxonomy.

The issue identified in CCM 6.15 therefore goes beyond a drafting inconsistency and illustrates a structural gap between the current framework and the evolving nature of the mobility system.

## **3. Towards a system-level approach to sustainable mobility**

ASECAP considers that the decarbonisation of road transport is no longer driven solely by the deployment of physical infrastructure, but increasingly by the optimisation of the transport system.

Physical infrastructure such as charging networks or hydrogen refuelling stations enables the transition to zero-emission vehicles. In parallel, digital solutions, including intelligent transport systems, dynamic traffic management, congestion optimisation and electronic tolling, improve the efficiency of the network, reduce congestion, lower fuel consumption, and support behavioural change.

These two dimensions are complementary and mutually reinforcing. However, while the current framework clearly recognises the physical dimension, the digital and operational dimension remains insufficiently reflected in the legal criteria, despite being acknowledged in Commission guidance.

As a result, the Taxonomy risks only partially capturing how emissions reductions are achieved in practice in the road sector and may unintentionally favour clearly enumerated physical infrastructure over digital solutions that deliver comparable environmental benefits.

#### **4. Broader implementation challenges**

ASECAP also notes that the issue identified in CCM 6.15 reflects a broader set of challenges in the application of the EU Taxonomy.

Stakeholders have highlighted difficulties related to inconsistencies between legal provisions and guidance, lack of clarity on how to demonstrate compliance, and the excessive granularity of certain technical screening criteria, in the 'Do No Significant Harm' requirements. In some cases, such granularity may create disproportionate barriers to application, for example where technical requirements do not fully reflect current market availability or technological maturity. ASECAP therefore encourages the Commission to review criteria whose practical applicability may currently be constrained by market realities, such as highly demanding tyre-class requirements for heavy-duty vehicles.

These issues increase administrative burden, create compliance risks, and may discourage investment in sustainable solutions, which runs counter to the objectives of the framework.

Addressing these broader implementation challenges is essential to ensure that the Taxonomy is not only robust, but also practical, proportionate, and aligned with real-world applications.

Similar clarification efforts would also be beneficial in other road-related activities, including the articulation between technical screening criteria and national regulatory frameworks for road and motorway maintenance activities.

In addition to mitigation-related aspects, ASECAP notes that similar challenges arise in the context of climate change adaptation.

#### **5. Uncertainties in the application of 6.15 CCA to motorway infrastructure management activities**

ASECAP would also like to draw attention to interpretative uncertainties affecting the application of Activity 6.15 under the climate change adaptation objective, which are further amplified by the revised structure introduced through Appendix A of the draft Delegated Act.

With specific reference to Annex II – Climate Change Adaptation, the draft restructures the substantial contribution criteria by consolidating them within Appendix A ("Generic Criteria for Substantial Contribution to Climate Change Adaptation"), removing activity-specific requirements previously applicable across activities. In this context, it becomes unclear how Activity 6.15 CCA should be interpreted for motorway operators and concessionaires whose core mandate is to ensure the safety, operability, and resilience of road infrastructure, including in relation to climate change impacts.

ASECAP therefore encourages the Commission to provide targeted clarification on the application of CCA 6.15 to road infrastructure management activities, including the treatment of adaptation-related services and system-wide resilience measures, to ensure consistency, legal certainty, and practical applicability.

## **6. Recommendation to the Commission**

ASECAP considers that the revision of CCM 6.15 provides an opportunity not only to resolve an existing inconsistency, but also to better align the Taxonomy framework with the evolving nature of sustainable mobility systems.

The preferred approach would be to amend the technical screening criterion so that digital and system-level solutions, such as intelligent transport systems, traffic flow optimisation technologies and electronic tolling and interoperability systems make a significant contribution to climate change mitigation. Such digital and system-level solutions should be explicitly recognised as contributing to climate change mitigation, with a clear pathway to alignment under the Taxonomy framework.

If a revision of the legal text is not considered feasible at this stage, a clear and authoritative clarification should at a minimum be provided to ensure full alignment between the Regulation, existing guidance, and the revised criteria. In addition, ASECAP would welcome clearer guidance on how the generic criteria set out in the relevant Appendices are expected to apply in practice to Activities CCM 6.15 and CCA 6.15, to promote a more consistent interpretation among peers and a more direct link between the activity and the applicable compliance requirements.

More broadly, ASECAP encourages the Commission to ensure that the Taxonomy framework progressively reflects both the physical and digital layers of infrastructure that jointly enable the transition to low-carbon mobility. ASECAP also encourages the Commission to clarify, where relevant, the eligibility of complementary decarbonisation investments linked to transport infrastructure, including photovoltaic installations along motorway corridors, where these support renewable energy generation and the low-carbon operation of the transport system.

In line with the need to better reflect system-level contributions, ASECAP also notes that certain energy-efficiency measures relevant to road infrastructure, such as public road lighting, are currently not explicitly reflected within the Taxonomy framework. Given the significant contribution that energy-efficient lighting systems can provide in reducing energy consumption and emissions across motorway networks, ASECAP encourages the Commission to consider how such measures could be more consistently reflected within the framework.

ASECAP also notes the importance of ensuring sufficient clarity, in the broader Taxonomy framework, as regards the treatment of concession-based models and the recognition of their specific accounting features in Taxonomy KPIs such as turnover, CapEx and OpEx.

## 7. Consistency with ASECAP's established positions

This position is consistent with ASECAP's longstanding contributions to European mobility policy, which emphasise the role of interoperability, digitalisation, and operational efficiency in achieving sustainable transport systems.

It is aligned with the broader evolution of EU mobility policy, which increasingly recognises the importance of combining infrastructure deployment with system optimisation to achieve effective emissions reductions.

## 8. Conclusion

ASECAP supports the Commission's efforts to improve the usability, clarity, and coherence of the EU Taxonomy framework.

Addressing the inconsistency identified in CCM 6.15 would represent a concrete and proportionate improvement, directly aligned with the objectives of the current review. It would enhance legal certainty, facilitate consistent application across the market, and ensure that the framework better reflects both the physical and digital dimensions of low-carbon road mobility. More broadly, this case illustrates the importance of ensuring that the Taxonomy evolves in line with technological progress and real-world implementation of sustainable transport solutions. Ensuring this alignment will be key to enabling the Taxonomy to effectively guide investment towards solutions that deliver real-world emissions reductions. This is particularly important to ensure that the framework effectively captures both infrastructure and operational contributions to decarbonisation.

ASECAP remains fully available to support the Commission in this process.

### **About ASECAP:**

***ASECAP is the European Association of Operators of Toll Road Infrastructures across 18 member countries representing 128 companies employing more than 47.400 direct jobs and 200.000 indirect jobs. They operate, maintain, manage a network of more than 83.300 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.***

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