

Strategy for an electronic toll service and a vignette system on light private vehicles in Europe

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The Commission presents a Communication on the application of national road infrastructure charges levied on light private vehicles.

It begins by noting that the [White Paper on Transport](#) (Roadmap to a Single European Transport Area – Towards a competitive and resource-efficient transport system) outlines the Commission's intention to propose mandatory measures to achieve the internalisation of the main external costs of transport covering noise, local pollution and congestion in 2020 horizon. While there are EU secondary rules concerning road charges levied on heavy goods vehicles (see [the "Eurovignette" Directive](#)), the only rules concerning the charging of light private vehicles stem directly from the Treaty on the Functioning of the

European Union. As a part of the broader strategy on road charging outlined in the White Paper, the Communication aims to **clarify the Commission's understanding of how the general principles of non-discrimination and proportionality of the Treaty are to be applied to a vignette system for light private vehicles**. It also provides guidance on the application of such vignette system. The Commission underlines that the Communication does not create new legislative rules.

The current situation: until now, seven EU Member States have taken the advantage of the freedom to put in place a vignette system for light private vehicles. These are Austria, Bulgaria, Czech Republic, Hungary, Slovakia, Slovenia and Romania. Other Member States (e.g. Belgium) are planning to implement such systems.

The current levies applied on light private vehicles reflect a **wide variety of approaches between Member States**. Some countries rely on a mix of different taxation instruments (fuel and vehicle taxes). In others, the mix of instruments is more diverse and includes road user charges to recover infrastructure costs from motorists using motorways. User charges take the form of time-based charges (vignettes) often levied on the full primary network, or distance-based charges (tolls) levied on individual road sections frequently equipped by toll barriers. National vignettes are paid by light private vehicles in return for the right to use the main road network for a certain period.

Nevertheless, the **numerous complaints** that the Commission keeps receiving show that the implementation of vignette systems for light private vehicles, if not designed carefully, may raise practical problems, including: (i) hindrance to the free flow of traffic, especially in cross-border regions, (ii) inadequate enforcement practices, (iii) risks of potential discrimination of occasional users, mainly motorists coming from other Member States, who may not be offered shorter-term vignettes or may be offered shorter-term vignettes at an equivalent daily rate substantially higher than the rate applied to annual vignettes which are mainly used by resident users. This may be seen as disproportionate.

The application of the vignette systems varies between Member States and these variations may give rise to potential shortcomings. On the other hand, **tolling systems for light private vehicles do not entail the same problems as vignette systems**, as tolls are distance-based charges, directly linked to the use of infrastructure and therefore less likely to be discriminatory. Moreover, electronic tolling systems allow for the free-flow of traffic, without users having to stop at toll barriers.

Applicable provisions of the TFEU: the Commission looks at the Treaty provisions that apply in this field, these being **non-discrimination on grounds of nationality, and proportionality**. It notes that any

vignette system applied by a Member State would operate to the detriment of nationals of the other Member States, if it penalised non-resident drivers who use its road network only on an occasional basis, by failing to provide a charge for short-term usage or transit of the road infrastructure.

A national measure that is equally applicable to nationals or residents and non-nationals or

non-residents may also constitute a discriminatory measure (indirect discrimination). Such discrimination might nevertheless be justified by an overriding reason of general interest e.g. the improvement of traffic flows and/or reduction of environmental costs/damage. However, it has to be emphasised that such measures should constitute a proportionate means of achieving the objectives of general interest, meaning in particular that the objective pursued by the measure cannot be achieved by other measures that are less onerous.

Guidance: on the basis of the received complaints and analytical studies, the Commission proposes guidance on the following points: (a) the availability of proportionately-priced vignettes; (b) proper access to information; (c) the collection of fees and their payment; (d) an appropriate enforcement practice.

These rules should be non-discriminatory and proportionate to the infringements committed, and enable citizens to effectively implement their procedural rights. In particular, **enforcement practices which could give rise to indirect discrimination against non-resident occasional users must be avoided.**

Accordingly, the Commission advises that in order to provide for a non-discriminatory vignette system for light private vehicles, **Member States must establish vignette systems that offer, in addition to annual and monthly vignettes, a weekly (or shorter period) vignette.**

Furthermore, it would be advisable that:

- **short-term and long-term vignettes are provided at a proportionate price;**
- non-resident occasional users have **proper access to information** concerning vehicles subject to charging, road infrastructure subject to charging, types of vignettes, their validity and the rates, sales points and penalties applied;
- non-resident occasional road users are provided with a **wide range of options** to pay for a vignette;
- **enforcement is focussed** on locations where the likeliness of non-compliance with rules is relatively high and not mainly at border locations on non-residents who are often first time offenders, so that both residents and non-residents are treated equally;
- **penalties are proportionate** to other traffic offenses and reasonably reflect the sanction element.

As vignette systems mainly implement the "user-pays" principle, the Commission advocates a **transparent use of their revenue** which would ideally be applied only on roads for which a proper maintenance programme exists, in order to offer users a minimum level of service in return of their payment. The Commission invites Member States which have a vignette system for light private vehicles, or intend to introduce such a system, to assess their systems in the light of the Communication. **In the light of the experience, the Commission may consider an initiative** to further clarify the rules applicable to road charges applied to light private vehicles.