Interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union. Recast

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The Committee on Transport and Tourism adopted the report by Massimiliano SALINI (EPP, IT) on the proposal for a Directive of the European Parliament and of the Council on the interoperability of electronic road toll systems and facilitating cross border exchange of information on the failure to pay road fees in the Union (recast).

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows:

Subject matter and scope: the Directive shall lay down the necessary conditions in order to:

ensure the interoperability of electronic road toll systems on the entire road network, urban and interurban motorways, major and minor roads, and various structures such as tunnels, bridges and ferries;

facilitate the cross-border exchange of information on the failure to pay road fees in the Union, including on the failure to pay those fees to be collected manually on infrastructures to which this Directive applies, as well as those fees charged in urban areas as referred to in Directive 2008/50/EC of the European Parliament and of the Council, or those fines for infringements concerning the payment of fees.

The Directive shall not prevent Member States from levying charges on particular types of vehicles, or from determining the level of such fees and their purpose.

Technological solutions: Members proposed to specify in the Directive (instead of an annex) that all new electronic toll systems which require the installation or use of on-board equipment shall, for carrying out electronic toll transactions, use one or more of the following technologies: (a) **satellite positioning**; (b) **mobile communications**; (c) **5.8 GHz microwave technology**.

Each vehicle shall have only one on-board unit, and that on-board unit may be linked to only one vehicle

Characteristics of the European Electronic Toll Service (EETS): the term 'EETS' means the toll service provided, under a contract, by an EETS provider to an EETS user.

The EETS shall allow for contracts to be concluded irrespective of the place of registration of the vehicle, the nationality of the parties to the contract, and the zone or section on the road network in respect of which the road fee is due, taking into account the means of payment valid in that Member State.

The EETS shall be **provided through contractual agreements** between the service providers and the toll collectors which guarantee that tolls are paid correctly. It shall allow intermodality to develop whilst guaranteeing compliance with the 'user and polluter pays principle' and developing advantages for other and more sustainable modes of transport.

Requirements for EETS providers: these providers shall seek **registration** in a Member State where they are established and meet certain requirements such as certification, proof of technical equipment and EC declaration, proof of competence, appropriate financial standing, implementation of a risk management plan subject to audit at least every two years.

Rights and obligations of EETS providers: such providers should (i) conclude contracts covering all EETS domains on the territory of at least four Member States within 36 months of their registration; (ii) conclude contracts covering all EETS domains in a given Member State **within 24 months** of the conclusion of the first contract in that Member State, unless otherwise agreed. Once contracts have been concluded, EETS providers shall ensure coverage of all EETS domains at all times.

EETS providers shall **cooperate with toll chargers in their enforcement efforts**. Where a failure by a road user to pay a road fee is suspected, the toll charger may request that the EETS provider provide it with data relating to the vehicle involved in the suspected failure to pay a road fee. The EETS provider shall ensure that such data is instantly available.

A decision by the competent authority of the Member State in whose territory a failure to pay a road fee has been established should **automatically be recognised** in the Member State of the owner or the holder of the vehicle.

Rights and obligations of the toll charger: toll chargers shall accept on a non-discriminatory basis any EETS provider requesting to provide EETS on the EETS domain(s) under the toll charger's responsibility. Each toll charger shall develop and maintain an EETS domain statement setting out the general conditions for EETS providers for accessing their toll domains. The toll charger shall be bound to respect its side of the planning. Each Member State with at least two EETS sectors on its territory should designate a single contact office for EETS providers. The toll shall be determined by the toll charger according, *inter alia,* to the vehicle's classification. The toll charged by toll chargers to EETS users shall **not exceed the corresponding national/local toll**. All on-board-equipment user rebates or discounts on tolls offered by a Member State or by a toll charger should be available under the same conditions to clients of EETS providers.

EETS providers shall be entitled to remuneration by the toll charger.

Conciliation body: Members proposed to ensure a conciliation procedure in view to settle disputes between toll chargers and EETS providers during contract negotiations and in their contractual relationships. National conciliation bodies should be consulted by toll chargers and EETS providers in search of a dispute settlement relating to non-discriminatory access to EETS domains.

The conciliation bodies shall be empowered to verify that the contractual conditions imposed on any EETS provider are non-discriminatory.

Pilot toll systems: pilot toll systems incorporating new technologies which do not comply with one or more of the provisions of the Directive could be authorised for an initial period not exceeding three years subject to prior agreement by the Commission.

Data protection: the processing of personal data shall be carried out in accordance with EU standards. Where non-payment of a road user charge is considered a criminal offence by the Member State where the payment is due, Directive (EU) 2016/680 of the European Parliament and of the Council shall apply.

Personal data shall only be processed in order to facilitate the cross-border exchange of information on failures to pay road fees. Member States shall also ensure that data subjects have the right to **update, rectify and erase without delay**, in case of inaccuracy, their processed personal data.