

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

2017/0128(COD) - 14/02/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 536 votes to 53, with 17 abstentions, a legislative resolution 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 position of the European Parliament adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

## ***Subject matter and scope***

The directive would lay down the necessary conditions to ensure the interoperability of electronic road toll systems on the entire EU road network and to facilitate the cross-border sharing of registration data concerning vehicles and owners or keepers of vehicles that do not pay road charges even when their vehicles are registered in another EU country.

The directive would 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***

The amended directive provides that all new electronic road toll systems that require the installation or use of on-board equipment will have to use one or more of the following technologies to carry out electronic toll transactions: (a) satellite positioning; (b) mobile communications; (c) 5.8 GHz microwave technology.

Existing electronic road toll systems that require the installation or use of on-board equipment and other technologies should comply with these requirements in the event of significant technological progress.

## ***Characteristics of the European Electronic Toll Service (EETS)***

The concept of 'EETS' would cover toll services provided by an EETS provider to an EETS user under contract in one or more EETS sectors, namely a road, road network, bridge, tunnel or ferry, at the level of which tolls are collected by means of an electronic road toll system.

EETS should make it possible to develop intermodality while ensuring that the user-pays and polluter-pays principles are respected.

## ***Requirements for EETS providers***

The providers would 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 would ensure coverage of all EETS domains at all times.

EETS providers would 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.

### ***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.

They should publish all necessary information concerning access rights in an EETS domain statement.

Each Member State with at least two EETS sectors on its territory should designate a single contact office for EETS providers. The toll would be determined by the toll charger according, *inter alia*, to the vehicle's classification. The toll charged by toll chargers to EETS users should 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***

Each Member State with at least one EETS domain shall designate or establish a Conciliation Body in order to facilitate mediation between toll chargers with an EETS domain located within its territory and EETS providers that have contracts or are in contractual negotiations with those toll chargers.

Each Member State with at least one EETS domain shall lay down a mediation procedure in order to enable a toll charger or an EETS provider to request the relevant Conciliation Body to intervene in any dispute relating to their contractual relations or negotiations.

### ***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 General Data Protection Regulation (EU Regulation 2016/679) and national laws, regulations and administrative provisions transposing Directives 2002/58/EC and (EU) 2016/680 would apply to personal data processed under the directive.

Personal data should only be processed in order to facilitate the cross-border exchange of information on defaults on road user charges. Member States should also ensure that data subjects have the right to update, rectify and delete their processed personal data without delay in case of inaccuracy.