Basic information

2003/0081(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Trans-European transport network: electronic road toll systems, widespread introduction and interoperability Repealed by 2017/0128(COD) **Subject** 3.20.05 Road transport: passengers and freight 3.20.11 Trans-European transport networks 3.30.03.06 Communications by satellite 3.30.05 Electronic and mobile communications, personal communications 3.30.06 Information and communication technologies, digital technologies	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	SOMMER Renate (PPE-DE)	21/05/2003

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	SOMMER Renate (PPE-DE)	21/05/2003

Former committee for opinion	Former rapporteur for opinion	Appointed
ITRE Industry, External Trade, Research, Energy	TURMES Claude (V/ALE)	11/06/2003

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2515	2003-06-05
Agriculture and Fisheries	2573	2004-03-22

European Commission

Commission DG	Commissioner
Energy and Transport	

Key events

Date	Event	Reference	Summary
23/04/2003	Legislative proposal published	COM(2003)0132	Summary
12/05/2003	Committee referral announced in Parliament, 1st reading		
05/06/2003	Debate in Council		
25/11/2003	Vote in committee, 1st reading		Summary
25/11/2003	Committee report tabled for plenary, 1st reading	A5-0435/2003	
17/12/2003	Debate in Parliament		
18/12/2003	Decision by Parliament, 1st reading	T5-0594/2003	Summary
22/03/2004	Council position published	06277/1/2004	Summary
31/03/2004	Committee referral announced in Parliament, 2nd reading		
06/04/2004	Vote in committee, 2nd reading		Summary
06/04/2004	Committee recommendation tabled for plenary, 2nd reading	A5-0246/2004	
20/04/2004	Decision by Parliament, 2nd reading	T5-0280/2004	Summary
29/04/2004	End of procedure in Parliament		
30/04/2004	Final act signed		
30/04/2004	Final act published in Official Journal		

Technical information

Procedure reference	2003/0081(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2017/0128(COD)
Legal basis	EC Treaty (after Amsterdam) EC 071-p1
Stage reached in procedure	Procedure completed
Committee dossier	RETT/5/20844

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0435/2003	25/11/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0594/2003 OJ C 091 15.04.2004, p. 0525-0649 E	18/12/2003	Summary
Committee recommendation tabled for plenary, 2nd				

reading		A5-0246/2004	06/04/2004	
Text adopted by Parliament, 2nd reading		T5-0280/2004 OJ C 104 30.04.2004, p. 0030-0128 E	20/04/2004	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	07353/2004	15/03/2004	
Council position	06277/1/2004 OJ C 095 20.04.2004, p. 0053-0061 E	22/03/2004	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0132	23/04/2003	Summary
Commission communication on Council's position	COM(2004)0222	26/03/2004	Summary
Non-legislative basic document	COM(2012)0474	30/08/2012	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	CZ_SENATE	COM(2012)0474	16/04/2013	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1389/2003 OJ C 032 05.02.2004, p. 0036-0038	29/10/2003	
CofR	Committee of the Regions: opinion	CDR0185/2003 OJ C 073 23.03.2004, p. 0054-0063	19/11/2003	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2004/0052
OJ L 200 07.06.2004, p. 0050-0057

Trans-European transport network: electronic road toll systems, widespread introduction and interoperability

2003/0081(COD) - 26/03/2004 - Commission communication on Council's position

The Commission considers that the common position proposed is faithful to the aims and spirit of the Commission's proposal. The Commission can therefore approve the common position. The common position includes, either in letter or spirit, virtually all the amendments adopted by the European Parliament at first reading. There is consequently a high level of agreement between the Council, Parliament and the Commission on the key aspects of the proposal. These three institutions have worked very actively throughout the procedure and have ultimately succeeded in producing a text that strikes a very good balance. Accordingly, the Commission invites the European Parliament to approve the common position. The work which the experts from the Member States and the neighbouring countries will need to accomplish in order to set up the European Electronic Road Toll System in the context of the Regulatory Committee will take a long time, and it is important for this work to be carried out through the Regulatory Committee responsible for governing this sector in the years to come.

Trans-European transport network: electronic road toll systems, widespread introduction and interoperability

2003/0081(COD) - 29/04/2004 - Final act

PURPOSE : to ensure the interoperability of electronic road toll systems in the Community.

LEGISLATIVE ACT : Directive 2004/52/EC of the European Parliament and of the Council on the interoperability of electronic road toll systems in the Community.

CONTENT : This Directive lays down the conditions necessary to ensure the interoperability of electronic road toll systems in the Community. It applies to the electronic collection of all types of road fees, on the entire Community road network, urban and interurban, motorways, major and minor roads, and various structures such as tunnels, bridges and ferries.

The Directive does not apply to road toll systems for which no electronic means of toll collection exists; electronic road toll systems which do not need the installation of on-board equipment; small, strictly local road toll systems for which the costs of compliance with the requirements of this Directive would be disproportionate to the benefits.

The directive provides that a European electronic toll service shall be created. This service, which is complementary to the national electronic toll services of the Member States, will ensure the interoperability throughout the Community, for users, of the electronic toll systems that have already been introduced in the Member States and of those to be introduced in the future in the framework of this directive. Standardisation work must be completed as quickly as possible to establish technical standards ensuring technical compatibility among electronic toll systems based on 5,8 GHz microwave technology and on satellite positioning and mobile communications technologies, in order to avoid further fragmentation of the market.

All new electronic toll systems brought into service after 1 January 2007 must, for carrying out electronic toll transactions, use one or more of the following technologies:

- satellite positioning;

- mobile communications using the GSM-GPRS standard (reference GSM TS 03.60/23.060);

- 5,8 GHz microwave technology.

The Directive recommends that new electronic toll systems brought into service after the adoption of the Directive use satellite positioning and mobile communications technologies. In respect of the possible migration to systems using such technologies by systems using other technologies, the Commission, in liaison with the Electronic Toll Committee must draw up a report by 31 December 2009. This report will include a study of use of each of the technologies, as well as a cost-benefit analysis.

Where Member States have toll systems, they need to increase the use of electronic toll systems. They must endeavour to ensure that, by 1 January 2007 at the latest, at least 50% of traffic flow in each toll station can use electronic toll systems.

The decisions relating to the definition of the European electronic toll service must be taken by the Commission by 1 July 2006. If these decisions are not taken by 1 July 2006 for reasons set out in the directive, the Commission set a new date in accordance with the prescribed procedure.

Where Member States have national systems of electronic toll collection, they must ensure that operators and/or issuers offer the European electronic toll service to their customers in accordance with the following timetable:

- for all vehicles exceeding 3.5 tonnes and for all vehicles which are allowed to carry more than nine passengers (driver + 8), at the latest three years after the decisions on the definition of the European electronic toll service have been taken;

- for all other types of vehicle, at the latest five years after the decisions on the definition of the European electronic toll service have been taken.

ENTRY INTO FORCE : 20/05/04.

Trans-European transport network: electronic road toll systems, widespread introduction and interoperability

2003/0081(COD) - 23/04/2003 - Legislative proposal

PURPOSE : to present a proposal for a Directive on the widespread introduction and operability of electronic road toll systems in the Community. CONTENT : this Directive was announced in the White Paper European transport policy for 2010: time to decide. It lays down the conditions necessary for a European electronic toll service to be put in place as soon as possible on all parts of the road network subject to tolls. This service will be based on the principle of "one contract per customer, one box per vehicle". The Directive does not deal with road-charging policy as such and does not prejudge possible future road-charging policy options. On the contrary, the technical solutions adopted mean that all the policies currently planned at EU and Member State level can be implemented. And by ensuring the interoperability of toll systems in the internal market, the Directive will facilitate the implementation of a Europewide infrastructure-charging policy. The recommended technologies can cover all types of infrastructure (motorways, roads, bridges, tunnels, etc.) and vehicles (HGV, light vehicles, motorbikes, etc.). In order to achieve this objective, a European electronic toll service is to be created. This service must ensure the interoperability, for users, of the electronic toll systems that have already been introduced at national and regional level by the Member States and of those to be introduced in the future throughout the EU's territory. The service will be independent of the level of charges and their purpose. It concerns only the method of collecting tolls or fees. The benefits will be: reduced congestion, increased traffic flow and a reduced number of cash transactions at toll posts. The proposals will aid the development of the information society by linking microwave, GNSS satellite location and GSM/GPRS mobile phone technologies. A single European electronic toll service is proposed. This will enable users to subscribe through the operators of any parts of the networks. Operators of charging systems must be able to provide the service from 1 January 2005 to all vehicles over 3.5 tonnes or carrying over 9 people and from 2010 for all other classes of vehicle. The service will include agreement amongst the operators and provide for service functions, quality and quantity, and eventual technical harmonisation. It will mean a guarantee of interoperability and will take account of technological advances. There will be special provision for occasional users and other eventualities. A regulatory committee will assist the Commission. It will handle all the necessary details to launch the service, including the choice of the technologies on which the service will be based. In addition: - the new electronic toll systems must use one of the following technologies: satellite positioning; mobile communications using GSM-GPRS standard; 5.8 GHz microwave technology. - after 01/01/08, all new systems brought into service as part of the European electronic toll service will only use satellite positioning and mobile communications technologies; - the 5.8 GHz technology must have been abandoned by 01/01/12.

Trans-European transport network: electronic road toll systems, widespread introduction and interoperability

2003/0081(COD) - 22/03/2004 - Council position

The Council states that the text of its common position is appropriate and balanced. With respect to the amendments proposed by the European Parliament in first reading, the Council observes that almost all amendments have been integrated to the letter or in spirit, partially or in full in the common position. The Council holds therefore that the text of its common position ensures that the aim sought by the amendments of Parliament is achieved. The common position differs from the initial proposal put forward by the Commission in the following two respects: - the common position proposes that steps be taken to maintain the coexistence of the 5.8 GHz microwave technology alongside the satellite technology, whereas the Commission's initial proposal advocated the imposition of satellite technology as a single solution for the future. Since the tabling of the original proposal, the position with regard to microwave technologies has been clarified, and the industry has made significant progress towards achieving standardisation and guaranteeing compliance with the Single Market's rules on open competition. In the light of progress to date, this technology can now be usefully retained; - the common position alters the Commission's initial timetable. It represents a compromise between Parliament's position and the position expressed by the majority of the Council. Henceforth the European Electronic Road Toll System will be deployed in accordance with the following timetable: 1) all the components making up this service will need to be defined by 1 July 2006 (Parliament would have preferred 1 January 2007); 2) the obligation to provide the service will apply to lorries and coaches no later than 3 years after the date mentioned in point 1 below, i. e. 1 July 2009 (Parliament would have preferred a time limit of 2 years beyond the date indicated in point 1, i.e. 1 January 2009); 3) this obligation will apply to the other types of vehicle 5 years after the date mentioned in point 1, i.e. 1 July 2011 (Parliament would have preferred a time limit of five years beyond the date indicated in point 1, i.e. 1 January 2011). Other modifications concern the following: - the Council underscored that the Directive does not affect the freedom of Member States to lay down rules governing road infrastructure charging and taxation matters; - the Council recalled that the Directive does not apply a) to road toll systems for which no electronic means of toll collection exists, and provided moreover that the Directive does not apply b) to electronic road toll systems which do not need the installation of equipment on board vehicles, and c) to small, strictly local road toll systems for which the costs of compliance with the requirements of the Directive would be disproportionate to the benefits; - The Council confirmed that Member States which have toll systems should take the necessary measures to increase the use of electronic toll systems, but provided that Member States only need to endeavour to ensure that by 1 January 2007 at the latest, at least 50% of traffic flow in each toll station can use electronic toll systems; - as regards the definition of the European electronic tollservice, the Council provided not only that the decisions relating thereto should be taken by the Commission at the latest by 1 July 2006, but also that such decisions should only be taken if all the conditions, evaluated on the basis of appropriate studies, are in place to enable interoperability to work from all points of view, including the technical, legal and commercial points of view.

In case the decisions are not taken before 1 July 2006, the Commission should set a new date by which such decisions are to be taken in accordance with the regulatory comitology procedure; - in order to enhance the readability of the text, the Council decided to transfer the items whereupon the European electronic tolls service should be based from Article 4 to a newly attached Annex to the Directive (Article 4, paragraph 1 and Annex).

Trans-European transport network: electronic road toll systems, widespread introduction and interoperability

2003/0081(COD) - 18/12/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution based on the draft by Renate SOMMER (EPP-ED, D), making several amendments to the Commission's proposals. (Please see the summary of 25/11/03.) However, Parliament stipulated that the decisions relating to the definition of the European electronic toll service should be taken by the Commission at the latest by 1 January 2007. Such decisions should only be taken if all the conditions, evaluated on the basis of appropriate studies, are in place to enable interoperability to work from all points of view, including the technical, legal and commercial points of view. In addition, the system should allow an intermodal toll service to develop without creating disadvantages for more sustainable modes of transport. The date of transposition should be 30 June 2005, rather than 2004.

Trans-European transport network: electronic road toll systems, widespread introduction and interoperability

2003/0081(COD) - 20/04/2004 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Renate SOMMER (EPP-ED, D) and approved the Council's common position.

Trans-European transport network: electronic road toll systems, widespread introduction and interoperability

2003/0081(COD) - 30/08/2012

In accordance with the requirements of Decision 2009/750/EC, the Commission presents a report on the state of advancement of European Electronic Toll Service (EETS) deployment. After putting the EETS in the broader context of European transport policy, the report presents the progress achieved and gives the Commission’s assessment of the next steps to be taken for making the EETS operational. European industry is at present a global front-runner in road charging and tolling equipment. EETS can facilitate the introduction and roll-out on a global scale of new products such as interoperable on-board units, combining the digital tachograph and tolling with other intelligent transport systems applications. This in turn may give rise to completely new services and applications, again with a potentially global market, which will contribute to the creation of growth and jobs in the European economy.

To recall, Decision 2009/750/EC establishes the essential requirements of this service valid over the entire EU and sets the mandatory standards, technical specifications and operational rules. In its 2011 White Paper “Roadmap to a Single European Transport Area” the Commission stressed that the EETS can be instrumental in the promotion of road charging strategies that contribute to a sustainable transport system and in facilitating road charging acceptance by users. Similarly on the occasion of the recent amendment of Directive 1999/62/EC (Eurovignette Directive), the European Parliament and the Council have asked the Commission to monitor progress made to implement within the agreed dates a genuine European Electronic Toll Service and to promote cooperation between Member States that may prove necessary to ensure the interoperability of electronic toll collection systems at European level.

The report states that **progress achieved in the advancement of EETS deployment is disappointing.** Despite the efforts of the Commission and the maturity of tolling technologies, the EETS is not yet a reality in everyday life of road users. This failure to implement EETS and to do it in the timescale provided is **not due to technical reasons**. It is not more complicated technically to implement pan-European interoperability of electronic road toll systems than pan-European roaming of mobile phones or worldwide interoperability of credit cards. The report examines a number of possible explanations for the delays:

- EETS implementation is still hampered by a **lack of cooperation** between different stakeholders groups, and eforts by Member States have been limited to the level of separate national interoperability, which is now implemented in most countries with electronic tolling systems;
- most Member States still have to complete the national framework so that potential EETS providers know how to register in practice;
- some Toll Chargers are proposing a **contractual clause which automatically ends the contract** if the EETS provider has not reached full European coverage within 24 months. Such a clause sets a considerable business risk and discourages potential EETS providers.

Next steps: in order to facilitate the timely introduction of EETS by Member States and industry and to promote the necessary cooperation as requested by the European Parliament and the Council, certain actions are necessary.

Accelerate a uniform implementation of the decision:

- intensify the work of the Toll Committee set up by Directive 2004/52/EC. Member States should fulfil their obligations in Decision 2009/750 /EC regarding the **designation of their national Conciliation Body**. The Commission will launch infringement procedures where appropriate;

- Members States shall see to it that contractual clauses automatically ending the contract if an EETS Provider does not reach full European coverage within 24 months are **not allowed**. If this practice is kept, the Commission will launch infringement proceedings;

- the Commission will **develop a uniform set of protocols for "suitability for use" tests**, including on the security aspects, in order to limit the discrepancy of these protocols between toll chargers, which would in turn contribute to reducing the costs charged to EETS providers;

- the Commission will set-up a **comprehensive information sharing resource platform**.

A stepwise approach

- as a first step towards full European interoperability, Member States with significant volume of traffic on the trans-European network should encourage the cross-border interoperability of their electronic road toll systems;

- attention should be paid to the involvement of a **sufficiently wide set of toll chargers and Member States to ensure these projects may be applied across the entire Union**. The knowledge gained in implementing these regional projects fully complying with the single contract /single on-board unit principle should be shared effectively across all the stakeholders;

- the Commission is **willing to provide a technical assistance** to such regional initiatives and is ready to examine the provision of **possible financial support to large scale regional projects in the context of the TEN-T programme;**

Closely monitor development and take new initiatives:

- Member States when starting new projects or renewing concessions should systematically check and ensure compliance with EETS requirements. When adopting its opinion on new tolling arrangements which are notified in the framework of Article 7h of Directive 1999/62 /EC (Eurovignette), the Commission will issue a negative opinion if they do not include a fully EETS compatible system;

- if disputes between toll chargers and EETS providers cannot be solved by the Conciliation Body, the Commission will examine the points of contention and whether the arrangements between toll chargers and their existing local/national service providers are discriminatory in comparison with those proposed to EETS providers;

- the Commission reserves its right to present a new initiative to the European Parliament and the Council. It reaffirms its commitment to take all the necessary measures to facilitate the establishment of full technical and operational interoperability of European electronic road tolling systems.