Basic information

2017/0128(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union. Recast Repealing Directive 2004/52/EC 2003/0081(COD) **Subject** 3.20.05 Road transport: passengers and freight 3.20.11 Trans-European transport networks 3.30.03.06 Communications by satellite 3.30.06 Information and communication technologies, digital technologies 3.30.20 Trans-European communications networks	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	SALINI Massimiliano (PPE)	30/06/2017
	Shadow rapporteur SEHNALOVÁ Olga (S&D) TOŠENOVSKÝ Evžen (ECR) VAN MILTENBURG Matthijs (ALDE) DALUNDE Jakop G. (Verts /ALE) PAKSAS Rolandas (EFDD)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	ŠKRIPEK Branislav (ECR)	31/08/2017

Committee for opinion on the recast technique	Rapporteur for opinion	Appointed
JURI Legal Affairs	MAŠTÁLKA Jiří (GUE/NGL)	26/07/2017

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Transport, Telecommunications and Energy	3623	2018-06-07

European Commission	**Commission DG**	**Commissioner**
	Mobility and Transport	BULC Violeta

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
31/05/2017	Legislative proposal published	COM(2017)0280	Summary
15/06/2017	Committee referral announced in Parliament, 1st reading		
24/05/2018	Vote in committee, 1st reading		
24/05/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
05/06/2018	Committee report tabled for plenary, 1st reading	A8-0199/2018	Summary
11/06/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
13/06/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
03/12/2018	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2019)004224	
13/02/2019	Debate in Parliament		
14/02/2019	Decision by Parliament, 1st reading	T8-0122/2019	Summary
14/02/2019	Results of vote in Parliament		
04/03/2019	Act adopted by Council after Parliament's 1st reading		
19/03/2019	Final act signed		
19/03/2019	End of procedure in Parliament		
29/03/2019	Final act published in Official Journal		

Technical information

Procedure reference	2017/0128(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive

Amendments and repeals	Repealing Directive 2004/52/EC 2003/0081(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 091-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/10071

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE609.385	30/08/2017	
Committee draft report		PE615.481	19/12/2017	
Amendments tabled in committee		PE618.183	21/02/2018	
Committee opinion	LIBE	PE616.760	28/03/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0199/2018	05/06/2018	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0122/2019	14/02/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2019)004224	28/11/2018	
Draft final act	00069/2018/LEX	13/03/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2017)0280	31/05/2017	Summary
Document attached to the procedure	SWD(2017)0190	31/05/2017	
Document attached to the procedure	SWD(2017)0191	31/05/2017	
Document attached to the procedure	SWD(2017)0192	31/05/2017	
Document attached to the procedure	SWD(2017)0193	31/05/2017	
Commission response to text adopted in plenary	SP(2019)354	16/04/2019	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	NL_CHAMBER	COM(2017)0280	13/07/2017	
Contribution	IT_SENATE	COM(2017)0280	04/08/2017	
Contribution	RO_SENATE	COM(2017)0280	26/09/2017	
Contribution	CZ_SENATE	COM(2017)0280	23/10/2017	
Contribution	FR_ASSEMBLY	COM(2017)0280	13/03/2018	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2887/2017	18/10/2017	
CofR	Committee of the Regions: opinion	CDR3560/2017	01/02/2018	

Additional information

Source	Document	Date
European Parliament	Briefing	
European Commission	EUR-Lex	

Final act

Directive 2019/0520
OJ L 091 29.03.2019, p. 0045 Summary

Delegated acts

Reference	Subject
2019/2955(DEA)	Examination of delegated act

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) - 31/05/2017 - Legislative proposal

PURPOSE: to ensure the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: interoperability is lacking in the current European electronic toll systems (EETS), which is a particular problem for cross-border traffic. At present, several "**on-board units**" on board vehicles are required to travel unhindered in different countries.

The costs are estimated at **EUR 334 million a year** currently and are expected to fall just below EUR 300 million a year by 2025 (without further EU action).

To address these issues, a Directive on the interoperability of electronic road toll systems was adopted in 2004. Some cross-border interoperability has been achieved, but in a number of countries it is still the case that only national 'on-board units' can be used to pay tolls.

EETS providers face **considerable barriers to entry**, such as discriminatory treatment by authorities (including protection of incumbents); long and changing acceptance procedures; and technical specificities in local systems that do not comply with established standards.

Another problem relates to the difficulty to identify the offender on the basis of the licence plate number when the vehicle is registered abroad. There is no legal basis at EU level for the exchange of vehicle registration data between Member States for the purpose of toll enforcement. The resulting revenue leakage for national, regional and local tolling schemes amounts to some EUR 300 million a year.

In this context, the Commission considers it necessary to provide for the **widespread deployment of electronic toll systems** in the Member States and neighbouring countries. These systems should be interoperable and based on open and public standards, available on a non-discriminatory basis to all system suppliers.

IMPACT ASSESSMENT: the preferred option aims to address all problems through legislation, keeping the 'market-based' approach taken in Decision 2009/750/EC on the definition of the European Electronic Toll Service and its technical elements.

The expected benefits are as follows:

- for road users – cumulated savings of EUR 370 million (net present value – NPV) until 2025;
- for road network managers – savings of EUR 48 million (NPV) until 2025;
- for EETS providers – a reduction in regulatory burden linked to entering national markets and market expansion, with additional revenues of EUR 700 million a year.

Overall, the net cumulated benefit of the preferred policy option (benefits minus costs) is **EUR 254 million (NPV) until 2025.**

CONTENT: this proposal is a recast of an existing legal act (Directive 2004/52/EC).

Subject matter and scope: the proposed Directive lays down the conditions necessary to ensure the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union.

It shall apply to the electronic collection of all types of road fees on the entire Union road network, urban and inter-urban motorways, minor and major roads and various structures such as tunnels, bridges and ferries.

Technological solutions: all new electronic toll systems that require the installation or use of on-board equipment should use one or more of the technologies listed in Annex IV to the Directive to carry out electronic toll transactions.

The proposal provides that on-board equipment which uses satellite positioning technology is compatible with the positioning services provided by the **Galileo** and the European Geostationary Navigation Overlay Service (**'EGNOS'**) systems and may be compatible with other satellite navigation systems.

EETS on-board equipment can link to other devices installed or present in the vehicle, such as satellite navigation systems or smartphones. It also clarifies that communication between the on-board equipment and such other devices may use technologies **not listed in Annex IV** (for example, Bluetooth).

Until 31 December 2027, EETS providers may provide users of light-duty vehicles with on-board equipment suitable for use only with the **5.8 GHz** microwave technology.

Procedure for the cross-border exchange of information on road-safety-related traffic offences: for the investigation of the failure to pay road fees, the Member State shall grant other Member States' national contact points access to the following national vehicle registration data, with the power to conduct automated searches.

The system for exchanging information on those who fail to pay a road fee should use the same tools as the system used for exchanging information on road-safety-related traffic offenses provided for in Directive (EU) 2015/413 of the European Parliament and of the Council.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

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.

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) - 05/06/2018 - Committee report tabled for plenary, 1st reading/single reading

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.

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) - 29/03/2019 - Final act

PURPOSE: to ensure the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union.

LEGISLATIVE ACT: Directive (EU) 2019/520 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.

CONTENT: the Directive lays down the conditions necessary to:

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

- facilitate the cross-border exchange of vehicle registration data regarding the vehicles and the owners or holders of vehicles for which there was a failure to pay road fees of any kind in the Union.

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

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.

European Electronic Toll Service (EETS) providers shall make available to EETS users on-board equipment suitable for use with the relevant electronic road toll systems in service in the Member States and using the above-mentioned technologies and that is interoperable and capable of communicating with all these systems.

The on-board equipment (OBE) may use its own hardware and software, use elements of other hardware and software present in the vehicle, or both. For the purpose of communicating with other hardware systems present in the vehicle, the OBE may use technologies other than those listed in the first subparagraph of paragraph 1, provided that security, quality of service and privacy are ensured.

On-board equipment which uses satellite positioning technology and is placed on the market after 19 October 2021 shall be compatible with the positioning services provided by the Galileo and the European Geostationary Navigation Overlay Service (‘EGNOS’) systems.

Interoperability

The new rules shall make electronic toll systems more interoperable and therefore more cost-effective and user-friendly. They shall remove administrative barriers, such as cumbersome authorisation procedures and non-standard local technical specifications. As a result, electronic toll service providers shall be able to access the toll collection market more easily.

General principles of the European Electronic Toll Service (EETS)

Each Member State shall establish a procedure for registering EETS providers. It shall grant the registration to entities which are established on its territory, which request registration and which can demonstrate that they fulfil a number of requirements.

Toll chargers should give access to their EETS domain to EETS providers on a non-discriminatory basis. To ensure transparency and non-discriminatory access to EETS domains for all EETS providers, toll chargers shall publish all the necessary information relating to access rights in an EETS domain statement.

All OBE user rebates or discounts on tolls offered by a Member State or by a toll charger should be transparent, publicly announced and available under the same conditions to clients of EETS providers.

EETS providers shall be entitled to fair remuneration, calculated based on a transparent, non-discriminatory and identical methodology.

Conciliation Bodies shall have the power to verify that the contractual conditions imposed on any EETS provider are non-discriminatory.

Procedure for the exchange of information between Member States

In order to allow the identification of the vehicle, and the owner or holder of that vehicle, for which a failure to pay a road fee has been established, each Member State shall grant access only to other Member States' national contact points to the following national vehicle registration data, with the power to conduct automated searches.

Member States shall take the measures necessary to ensure that the exchange of information between Member States takes place only between the national contact points. In the context of this data exchange, particular attention shall be paid to the adequate protection of personal data.

Where the Member State in whose territory there was a failure to pay a road fee decides to initiate follow-up proceedings in relation to the failure to pay a road fee, it shall, for the purpose of ensuring the respect of fundamental rights, send the information letter in the language of the registration document of the vehicle, if available, or in one of the official languages of the Member State of registration.

ENTRY INTO FORCE: 18.4.2019.

TRANSPOSITION: no later than 19.10.2021.