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European Union

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**NOTE**

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 15946/17 TRANS 580 CODEC 2127
No. Cion doc.:	ST 9673/17 TRANS 217 CODEC 928
Subject:	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) (Text with EEA relevance) – Presidency compromise draft

Delegates will find, attached, a revised Presidency compromise draft in view of the Land Transport Working Party on 15 March 2018. This draft includes the provisions to be incorporated following the work carried out at the *Committee for the interoperability of electronic road toll systems*.

Where Presidency modifications are proposed, they are flagged by the marking "👤 Council" or "👤 Council" in the commentary box before the modified paragraph. Deletions are marked as "👤 [...] 🗑" and added text is underlined and highlighted grey.

2017/0128 (COD)

**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 ~~Community~~ ☒ Union ☒**  
**(recast)**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the ☒ Treaty on the Functioning of the European Union ☒ ~~Treaty establishing the European Community~~, and in particular Article 7 ☒ 91 ☒ (1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

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↓ new

- (1) Directive 2004/52/EC of the European Parliament and of the Council<sup>1</sup> has been substantially amended. Since further amendments are to be made, that Directive should be recast in the interests of clarity.

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🗳 Council

- (1a) It is necessary to make electronic tolls interoperable to reduce the cost and burden, for the users, linked to the payment of tolls across the Union.
- (1b) Interoperability of electronic tolling systems requires a level of harmonisation of the technology used and of the interfaces between interoperability constituents.
- (1c) The harmonisation of technologies and interfaces should be supported by the development and maintenance of appropriate open and public standards, available on a non-discriminatory basis to all system suppliers.
- (1d) For the purpose of covering, with their on-board equipment, the required communication technologies, EETS providers should be allowed to make use of and link to other hardware and software systems already present in the vehicle such as satellite navigation systems or smartphones.

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<sup>1</sup> Directive 2004/52/EC of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community (OJ L 166, 30.4.2004, p. 124).

- (1e) The specific characteristics of electronic tolling systems which are today applied to light-duty vehicles should be taken into account. Since no such electronic tolling systems currently use satellite positioning or mobile communications, EETS providers should be allowed, for a limited period of time, to provide light-duty vehicles with on-board equipment suitable for use with the 5.8 GHz technology only.
- (1f) Tolling systems based on automatic number plate reading (ANPR) require more manual checks of toll transactions in the back office than systems using on-board equipment; systems with on-board equipment are more efficient for large electronic toll domains, and use of ANPR systems for small domains, such as city tolls, where the use of on-board equipment would generate disproportionate costs or administrative burden.
- (1g) In consideration of the technical developments of the solutions based on automatic number plate reading (ANPR) it is important that the Commission encourage the standardisation bodies to define the necessary technical norms.
- (1h) The specific rights and obligations of EETS providers should apply to companies which prove the fulfillment of certain requirements and obtain registration as EETS providers in their Member State of establishment.
- (1i) The rights and obligations of the main EETS actors, i.e. EETS providers, Toll Chargers and EETS users, should be clearly defined to ensure that the market functions in a fair and efficient manner.
- (1j) It is particularly important to safeguard certain rights of the EETS providers, such as the right to the protection of commercially sensitive data, without negatively impacting the quality of the services provided to the toll chargers and EETS users.
- (1k) EETS providers should be required to fully cooperate with Toll Chargers in their enforcement efforts, so as to increase the overall efficiency of electronic tolling systems.

- (1l) In order to allow EETS providers to compete, in an undiscriminatory manner, for all clients in a given EETS domain, it is important that the possibility is given to them to become accredited to that domain sufficiently early to be able to offer services to the users as of the first day of operation of the tolling system.
- (1m) Toll Chargers should be explicitly required to give access to their EETS domain to EETS Providers on a non-discriminatory basis.
- (1n) To ensure transparency and non-discriminatory access to EETS domains for all EETS Providers, Toll Chargers should be required to publish all the necessary information relative to access rights in an EETS domain statement.
- (1o) All OBE 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.
- (1p) EETS providers should be entitled to fair remuneration, calculated based on a transparent and non-discriminatory methodology.
- (1q) EETS providers should be required to pay to the Toll Charger all the toll due by their clients; EETS providers should however not be liable for tolls not paid by their clients, when the latter are equipped with on-board equipment declared to the toll charger as invalidated.
- (1r) If a legal entity being a toll service provider also plays other roles in an electronic toll collection system, or has other activities not directly related with electronic toll collection, it should be required to keep separate profit and loss accounts for each type of its activities or to keep accounting systems so that a clear evaluation can be made of the costs, benefits, profits and losses related to the toll service provision. Cross subsidies between these different activities should be excluded.
- (1s) Users should have the possibility to subscribe to EETS through any EETS provider, regardless of nationality, State of residence or State of registration of the vehicle.

- (1t) To avoid double payment and to give users legal certainty, the payment of a toll to an EETS provider should be considered as fulfilling the user's obligations towards the relevant Toll Charger.
- (1u) The Conciliation Bodies should be empowered to verify that the contractual conditions imposed on any EETS provider are non-discriminatory. In particular, they should be empowered to verify that the remuneration offered by the Toll Charger to the EETS providers respects the principles of this Directive.
- (1v) Traffic data of EETS users constitutes essential input for enhancing transport policies of the Member States. Member States and toll chargers should therefore have the possibility to request such data from EETS providers for the purpose of designing traffic policies and enhancing traffic management, in compliance with applicable data protection rules.
- (1w) There is need to define a framework for the procedures for accrediting EETS providers to a toll domain, which ensure fair access to the market while safeguarding the correct level of service.
- (1x) The procedures governing the assessment of conformity to specifications and of suitability for use of EETS interoperability constituents should be based on the use of the modules covered by Decision No 768/2008/EC of the European Parliament and of the Council. As far as possible and in order to promote industrial development, it is appropriate to draw up procedures involving a system of quality assurance. These procedures should enable the bodies notified to assess the conformity to specifications and suitability for use of EETS interoperability constituents to be certain that, at the design, construction, putting into service stages and during operation, the result is in line with the regulations and technical and operational provisions in force. It must also enable manufacturers to be able to count upon equality of treatment whatever the country.
- (1y) These notified bodies should be required to coordinate their decisions as closely as possible.

(1z) To ensure easy access to information by EETS market actors, Member States should be required to compile and publish all important data regarding EETS in publicly available national registers.

(1za) To allow technological progress, it is important that Toll Chargers have the possibility to test new tolling technologies or concepts. Such tests should however be limited, and EETS providers should not be required to take part in them.

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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50, recital 1 (adapted)

~~By its Resolution of 17 June 1997 on the development of telematics in road transport, in particular with respect to electronic fee collection (EFC)<sup>1</sup>, the Council called on the Commission and Member States to develop a strategy for the convergence of EFC systems in order to achieve an appropriate level of interoperability at a European level. The communication of the Commission on interoperable electronic fee collection systems in Europe was the first stage of this strategy.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50, recital 2 (adapted)

~~The majority of Member States which have installed electronic toll systems to finance road infrastructure costs or to collect road usage fees (jointly referred to hereinafter as ‘electronic toll systems’) use short-range microwave technology and frequencies close to 5,8 GHz, but these systems are currently not totally compatible. The work on microwave technology undertaken by the European Committee for Standardisation (CEN) resulted in January 2003 in the preparation of technical standards making for the compatibility of 5,8 GHz microwave electronic toll systems, following the adoption of technical pre-standards in 1997.~~

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<sup>1</sup> ~~OJ C 194, 25.6.1997, p. 5.~~

~~However, these pre-standards do not cover all the dedicated short-range communications (DSRC) 5,8 GHz systems in operation in the Community and encompass two variants which are not totally compatible. They are based on the open systems interconnection model defined by the International Standardisation Organisation for communication between computer systems.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50, recital 3 (adapted)

~~Manufacturers of equipment and infrastructure managers have nonetheless agreed, within the Community, to develop interoperable products based on existing DSRC 5,8 GHz systems. The equipment that will need to be made available to users should accordingly be capable of communicating with the technologies that may only be used in new electronic toll systems to be deployed in the Community after 1 January 2007, namely satellite positioning technology, mobile communications technology using the GSM-GPRS standard and 5,8 GHz microwave technology.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50, recital 4 (adapted)

~~It is essential that the standardisation work 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.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50, recital 5 (adapted)  
↻ Council

↻ [...] ↻



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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 6  
↻ Council

↻ [...] ↻

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 7

~~In introducing new electronic toll systems, sufficient equipment should be made available to avoid discrimination between the undertakings concerned.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 8

~~In particular, owing to their great flexibility and versatility, application of the new satellite positioning (GNSS) and mobile communications (GSM/GPRS) technologies to electronic toll systems may serve to meet the requirements of the new road charging policies planned at Community and Member State level. These technologies enable the number of kilometres covered per category of road to be counted without requiring costly investment in infrastructure. They also open the door to additional new safety and information services for travellers, such as the automatic alarm triggered by a vehicle involved in an accident and indicating its position, and real-time information on traffic conditions, traffic levels and journey times.~~

~~With regard to satellite positioning, the Galileo project launched by the Community in 2002 is designed to provide, as of 2008, information services of higher quality than that provided by the current satellite navigation systems and which are optimal for road telematic services. The European geostationary navigation overlay service (EGNOS) precursor system will already be operational in 2004, providing similar results. However, these innovative systems could raise problems concerning the reliability of checks and with regard to fraud prevention. However, owing to the considerable advantages referred to above, the application of satellite positioning and mobile communications technologies is in principle to be recommended in introducing new electronic toll systems.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 9 (adapted)  
↻ Council

↻ [...] ↻

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 10 (adapted)  
↻ Council

↻ [...] ↻

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 11

~~Drivers are legitimately concerned to see improved quality of service on the road infrastructure, in particular in terms of safety, as well as a substantial reduction in congestion at toll plazas, especially on busy days and at certain particularly congested points in the road network. The definition of the European electronic toll service needs to address that concern. Provision should, moreover, be made to ensure that the technologies and components provided for can, as far as technically possible, also be combined with other vehicle components, in particular the electronic tachograph and emergency call capabilities. Intermodal systems should not be excluded at a later stage.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 12

~~The option of accessing other, future applications in addition to toll collection should be ensured by fitting appropriate equipment.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 13  
↻ Council

↻ [...] ↻

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 14  
↻ Council

↻ [...] ↻

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↓ new

➡ Council

➡ [...] ➡

➡ [...] ➡

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➡ Council

(10) ➡ [...] ➡ In the future, the potential for ➡ applying other emerging technologies to ➡  
➡ [...] ➡ electronic tolling ➡ [...] ➡ ➡ merit exploration ➡ , after a thorough assessment  
of the costs, benefits, technical barriers and possible solutions thereto. ➡ It is important that  
measures are implemented to protect existing investments in the 5.8 GHz technology from  
negative influence of other technologies. ➡

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👤 Council

(10a) Without prejudice to state aid and competition law, it is important that the Member States  
can develop arrangements to promote electronic toll collection and billing.

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↓ new

👤 Council

➡ [...] ➡

- (12) When standards relevant for the EETS are reviewed by the European standardisation bodies, there should be appropriate transition arrangements to ensure the continuity of the EETS and the compatibility, with the tolling systems, of interoperability constituents already in use at the moment of the revision of the standards.
- (13) Problems with identifying non-resident offenders to electronic tolling systems hamper further deployment of such systems and the wider application of the 'user pays' and 'polluter pays' principles on Union roads.
- (14) For reasons of consistency and efficient use of resources, 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 <sup>1</sup>.
- (15) Cross-border exchange of information on those who fail to pay a road fee should be made possible to Member States independently of the technology which is used for carrying out electronic toll transactions.

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👤 Council

👤 Council

- (16) Member States should be required to provide the Commission information and data necessary to evaluate the effectiveness and efficiency of the system for exchanging information on those who fail to pay a road fee. The Commission should be required to assess the data and information obtained, and to propose, if necessary, amendments to the legislation. ➡ The Commission should also assess the impact of such amendments on the market of EETS provision, including small and remote EETS domains, and propose further measures if necessary. 🔄

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<sup>1</sup> Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences (OJ L 68, 13.3.2015, p. 9).

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 15

~~Electronic toll systems contribute significantly to reducing the risk of accidents, thus increasing road safety, to reducing the number of cash transactions and to reducing congestion at toll plazas, especially on busy days. They also reduce the negative environmental impact of waiting and restarting vehicles and congestion, as well as the environmental impact related to the installation of new toll gates or expansion of existing toll stations.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 16 (adapted)

~~The White Paper on European Transport Policy for 2010 contains objectives of safety and fluidity of road traffic. Interoperable intelligent transport services and systems are a key tool in the achievement of these objectives.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50, recital 17 (adapted)  
↻ Council

- (17) The ↻ [...] ↻ operation ↻ of electronic toll systems ↻ and the cross-border exchange of information on the failure to pay road fees ↻ ↻ [...] ↻ entail the processing of personal data. Such processing needs to be carried out in accordance with ~~Community~~ ☒ Union ☒ rules, as set out, *inter alia*, in ~~Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data~~<sup>1</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>2</sup>, Directive (EU) 2016/680 of the European Parliament and of the Council<sup>3</sup> and Directive 2002/58/EC of the European Parliament and of the Council ~~of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector~~<sup>4</sup>. The right to protection of personal data is explicitly recognised by Article 8 of the Charter of Fundamental Rights of the European Union.

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<sup>1</sup> ~~OJ L 281, 23.11.1995, p. 31. Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).~~

<sup>2</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>3</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

<sup>4</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ L 201, 31.7.2002, p. 37).

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 18

~~Automatic debiting of toll charges to bank accounts or credit/debit card accounts which are domiciled anywhere, in the Community and beyond, is conditional on a fully operational Community payments area with non-discriminatory service charges.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 19

~~Systems of electronic toll collection which are put in place in the Member States should meet the following fundamental criteria: the system should be amenable to ready incorporation of future technological and systems improvements and developments without costly redundancy of older models and methods, the costs of its adoption by commercial and private road users should be insignificant compared with the benefits to those road users as well as to society as a whole, and its implementation in any Member State should be non-discriminatory in all respects between domestic road users and road users from other Member States.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50, recital 20 (adapted)

~~Since the objectives of this Directive, in particular, the interoperability of electronic toll systems in the internal market and the introduction of a European electronic toll service covering the entire Community road network on which tolls are charged, cannot be sufficiently achieved by the Member States and can therefore, by reason of their European dimension, be better achieved at Community level, the Community may take measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.~~



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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50, recital 21 (adapted)

~~The inclusion of interested parties (such as toll service operators, infrastructure managers, electronics and motor industries and users) in Commission consultations on technical and contractual aspects of creating the European electronic toll service should be provided for. Where appropriate, the Commission should also consult non-governmental organisations active in the field of privacy protection, road safety and the environment.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50, recital 22 (adapted)

~~To set up the European electronic toll service it will first be necessary to establish guidelines to be laid down by the Electronic Toll Committee established by this Directive.~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50, recital 23

(18) This Directive does not affect the Member States' freedom to lay down rules governing road infrastructure charging and taxation matters.

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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50, recital 24

~~The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup>;~~

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<sup>1</sup> ~~OJ L 184, 17.7.1999, p. 23.~~

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↓ new

☞ Council

(19) In order to ☞ [...] ☞ facilitate the cross-border exchange of information on the failure to pay road fees, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the ☞ [...] ☞ ☞ adapting of Annex II to changes in the Union legislation ☞. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

☞ (19a) The implementation of this Directive requires uniform conditions for the application of technical and administrative specifications for the deployment, in the Member States, of procedures and interfaces between EETS actors, so as to facilitate interoperability and ensure that national toll collection markets are governed by equivalent rules. Implementing powers should be therefore conferred to the Commission to define these technical and administrative conditions. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup>. ☞

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↓ new

☞ Council

☞ [...] ☞

(21) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for the transposition into national law of the Directive set out in Annex V, Part B.

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<sup>1</sup> OJ L 55, 28.2.2011, p. 13–18.

(22) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council.<sup>1</sup>

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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50 (adapted)  
⇒ new  
⇒ Council

HAVE ADOPTED THIS DIRECTIVE:

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### *Article 1*

#### **~~Objective~~ ⊗ Subject-matter ⊗ and scope**

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⇒ Council

1. This Directive lays down the conditions necessary to ensure the interoperability of electronic road toll systems ⇒ and to facilitate the cross-border exchange of information on the failure to pay road fees ◀ in the ~~Community~~ ⊗ Union ⊗. It applies to the electronic collection of all types of road fees, on the entire ~~Community~~ ⊗ Union ⊗ road network, urban and interurban, motorways, major and minor roads, and various structures such as tunnels, bridges and ferries.

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<sup>1</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50 (adapted)  
⇒ new

⇒ This Directive shall apply without prejudice to the decisions taken by Member States to levy fees on particular types of vehicles, to determine the level of those fees and the purpose for which such fees are levied. ⇐

2. This Directive does not apply to:

(a) road toll systems for which no electronic means of toll collection exists;

~~(b) electronic road toll systems which do not need the installation of on-board equipment;~~

~~(eb)~~ small, strictly local road toll systems for which the costs of compliance with the requirements of this Directive would be disproportionate to the benefits;

⇒ (c) parking fees. ⇐

3. ~~To achieve~~ The objective set in paragraph 1, ~~of the interoperability of~~ ~~a European~~ electronic ~~road~~ ~~toll service~~ systems in the Union shall be ~~created~~ achieved by means of the European Electronic Toll Service (EETS) which shall ~~be~~. This service, which is complementary to the national electronic toll services of the Member States, shall 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.~~

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↓ new

→ Council

→ Council

## Article 2

### Definitions

For the purposes of this Directive, the following definitions shall apply:

(a) → [...] → 'toll service' means the service enabling users having one contract and one set of OBE to use a vehicle in one or more toll domains. It includes notably:

- providing a customised OBE to users and maintaining its functionality;

- guaranteeing that the toll charger is paid the toll due by the user;

- providing the payment means to the user or accepting an existing one;

- collecting the toll from the user;

- managing customer relations with the user;

- implementing and adhering to the security and privacy policies for the toll systems. →

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→ Council

(aa) 'toll service provider' means a legal entity providing toll services on one or more toll domains for one or more classes of vehicles;

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↓ new

Council

→ Council

(b) 'toll charger' means a public or private entity which levies road fees for the circulation of vehicles in an → [...] ← → EETS ← domain;

(c) 'EETS provider' means an entity which grants access to EETS to an EETS user → [...] ← and which is registered by its Member State of establishment ;

(d) 'EETS user' means a natural or legal person who has a contract with an EETS provider in order to have access to the EETS;

→ (da) 'EETS' means the toll service provided under a contract by an EETS provider to an EETS user;

(db) 'electronic collection of road fees' and 'electronic collection of tolls' mean the collection of road fees using, exclusively or partially, automatic vehicle detection mechanisms such as communication with on-board equipment inside the vehicle or automatic number plate recognition; ←

(e) ' → [...] ← → EETS ← domain' means a road, a road network, a structure such as a bridge or a tunnel, or ferry, where road fees are collected using, exclusively or partially, automatic detection mechanisms such as communication with on-board equipment inside the vehicle or automatic number plate recognition;

(f) 'on-board equipment' →, (OBE), ← means the complete set of hardware and software components required for providing → [...] ← → the toll service ← which is installed or carried on board a vehicle in order to collect, store, process and remotely receive/transmit data. → OBE may be a single device or an integrated system ← ;

- ➡ (fa) 'Main service provider' means a toll service provider with specific obligations, such as the obligation to sign contracts with all interested users, or specific rights, such as specific remuneration or a guaranteed long term contract, different from the rights and obligations of other service providers;
- (fb) 'interoperability constituents' means any elementary component, group of components, subassembly or complete assembly of equipment incorporated or intended to be incorporated into EETS upon which the interoperability of the service depends directly or indirectly, including both tangible objects and intangible objects such as software;
- (fc) 'suitability for use' means the ability of an interoperability constituent to achieve and maintain a specified performance when in service, integrated representatively into EETS in relation with a Toll Charger's system;
- (fd) 'toll' means a charge or duty levied in relation with circulating a vehicle in a toll domain;
- (fe) 'Toll Context Data' means the information defined by the responsible Toll Charger necessary to establish the toll due for circulating a vehicle on a particular toll domain and conclude the toll transaction;
- (ff) 'toll declaration' means a statement to a Toll Charger that confirms the presence of a vehicle in a toll domain in a format agreed between the toll service provider and the Toll Charger;
- (fg) 'vehicle classification parameters' means the vehicle related information according to which tolls are calculated based on the Toll Context Data;
- (fh) 'back office' means the central electronic system used by the Toll Charger, a group of toll chargers who have created an interoperability hub, or by the EETS Provider to collect, process and send information in the framework of electronic toll collection;
- (fi) 'substantially modified system' means an existing electronic toll collection system that has undergone or undergoes a change which requires EETS Providers to make modifications to the interoperability constituents that are in operation, such as reprogramming or retesting OBE or adapting the interfaces of their back office, and requires re-accreditation;

- (f) 'accreditation' means the process defined and managed by the toll charger, which an EETS provider must undergo before it is authorised to provide the EETS in an EETS domain. ☹
- (g) 'road fee' means the fee which must be paid by the road user for circulating on a given road, road network, structure such as a bridge or tunnel, or ferry;
- (h) 'failure to pay a road fee' means the commission of an offence resulting ➡ [...] ☹ ➡ from ☹ the failure by a road user to pay, **or to fully pay**, a road fee in a Member State, as defined by the relevant laws of that Member State;

⬇ new

➡ Council

- (i) 'Member State of registration' means the Member State ➡ [...] ☹ ➡ where ☹ the vehicle ➡ [...] ☹ which ➡ [...] ☹ ➡ is subject to the payment of the road fee is registered ☹ ;

⬇ new

➡ Council

- (j) 'national contact point' means a designated competent authority ➡ of a Member State ☹ for the ➡ cross-border ☹ exchange of vehicle registration data;

⬇ new

- (k) 'automated search' means an online access procedure for consulting the databases of one, more than one, or all of the Member States or of the participating countries;



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⇒ Council

(l) 'vehicle' means ⇒ [...] ⇄ a motor ⇄ vehicle, ⇒ or articulated vehicle combination intended or ⇄ [...] ⇄ used for ⇒ [...] ⇄ the carriage by road of passengers ⇄ or goods ⇒ [...] ⇄ ;

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↓ new

(m) 'holder of the vehicle' means the person in whose name the vehicle is registered, as defined in the law of the Member State of registration;

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⇒ Council

⇒ Council

(n) 'heavy-duty vehicle' means a vehicle intended for the carriage of goods and having a maximum permissible mass exceeding 3.5 tonnes, or a vehicle intended for the carriage of ⇒ more than eight ⇄ passengers ⇒ in addition to the driver ⇄ and ⇒ [...] ⇄ ⇒ having a maximum permissible mass exceeding 3.5 tonnes ⇄ ;

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↓ new

⇒ Council

(o) 'light-duty vehicle' means ⇒ a passenger car, a minibus, or a van ⇄ ⇒ [...] ⇄ .

↓ Corrigendum, OJ L 200, 7.6.2004, p. 50 (adapted)

⇒ new

⇒ Council

*Article ~~2~~ 3*

**Technological solutions**

1. All new electronic toll systems ⇒ which require the installation or use of on-board equipment ⇐ ~~brought into service on or after 1 January 2007~~ shall, for carrying out electronic toll transactions, use one or more of the ~~following~~ **following** technologies ⇒ [...] ⇐ :

**(a) satellite positioning;**

**(b) mobile communications;**

**(c) 5.8 GHz microwave technology.**


⇒ Existing electronic toll systems which ⇐ [...] ⇐ **require the installation or use of on-board equipment and use other** technologies ⇐ [...] ⇐ shall comply with ⇐ [...] ⇐ **the requirements of paragraph 1** if substantial technological improvements are carried out ⇐

~~(a) satellite positioning;~~

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

~~(c) 5,8 GHz microwave technology~~

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 Council (adapted)



1a. The Commission shall request the relevant standardisation bodies, in particular the CEN, in accordance with the procedure laid down by Directive 2015/1535/EU of the European Parliament and of the Council to swiftly adopt standards applicable to electronic toll systems with regard to the technologies listed in paragraph 1, and to update them where necessary. The Commission shall request that the standardisation bodies ensure the continual compatibility of interoperability constituents.

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 new

 Council

2. On-board equipment which uses satellite positioning technology shall be 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.

 [...] 

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 Corrigendum, OJ L 200, 7.6.2004, p. 50

~~2. The European electronic toll service shall be brought into service pursuant to Article 3 (1). Operators shall make available to interested users on-board equipment which is suitable for use with all electronic toll systems in service in the Member States using the technologies referred to in paragraph 1 and which is suitable for use in all types of vehicle, in accordance with the timetable set out in Article 3(4). This equipment shall at least be interoperable and capable of communicating with all the systems operating in the Member States using one or more of the technologies listed in paragraph 1 Annex IV.~~

~~The detailed arrangements in this respect shall be determined by the Committee referred to in Article 5(1), including arrangements for the availability of on-board equipment to meet the demand of interested users.~~

↓ new

→ Council

4. The on-board equipment 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 on-board equipment may use technologies other than those listed in → [...] ← **paragraph 1.**

5. 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.

↓ Corrigendum, OJ L 200, 7.6.2004, p. 50 (adapted)


⇒ new

~~3. — It is recommended that new electronic toll systems brought into service after the adoption of this Directive use the satellite positioning and mobile communications technologies listed in paragraph 1. In respect of the possible migration to systems using such technologies by systems using other technologies, the Commission, in liaison with the Committee referred to in Article 5(1), shall draw up a report by 31 December 2009. This report shall include a study of use of each of the technologies referred to in paragraph 1, as well as a cost-benefit analysis. If appropriate, the Commission shall accompany the report with a proposal to the European Parliament and the Council for a migration strategy.~~

~~4. Without prejudice to paragraph 1, on-board equipment may also be suitable for other technologies, on condition that this does not lead to an additional burden for users or create discrimination between them. Where relevant, on-board equipment may also be linked to the vehicle's electronic tachograph.~~

~~5. Where Member States have toll systems, they shall take the necessary measures to increase the use of electronic toll systems. They shall 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. Lanes used for electronic toll collection may also be used for toll collection by other means, with due regard to safety.~~

~~6. Interoperability work on existing toll technologies undertaken in connection with the European electronic toll service shall ensure the full compatibility and interfacing of those technologies with the technologies referred to in paragraph 1 and of their equipment with each other.~~

 Council (adapted)



### ~~Article 3~~

#### ~~Setting up of a European electronic toll service~~

~~1. A European electronic toll service shall be set up which encompasses all the road networks in the Community on which tolls or road usage fees are collected electronically. This electronic toll service will be defined by a contractual set of rules allowing all operators and/or issuers to provide the service, a set of technical standards and requirements and a single subscription contract between the clients and the operators and/or issuers offering the service. This contract shall give access to the service on the whole of the network and subscriptions shall be available from the operator of any part of the network and/or from the issuer.~~

~~4. Where Member States have national systems of electronic toll collection, they shall ensure that operators and/or issuers offer the European electronic toll service to their customers in accordance with the following timetable:~~

~~(a) 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, as referred to in Article 4(4), have been taken;~~

~~(b) for all other types of vehicle, at the latest five years after the decisions on the definition of the European electronic toll service, as referred to in Article 4(4), have been taken.~~

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🔍 Council (adapted)

🔍 [...] 🔍

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↓ 219/2009 Art. 1 and Annex .7(7)

~~2. Where appropriate, the Annex may be adapted for technical reasons. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 5(2).~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50 (adapted)  
🔍 Council (adapted)

🔍 [...] 🔍

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↓ 219/2009 Art. 1 and Annex .7(7)

~~4. The decisions relating to the definition of the European electronic toll service shall be taken by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 5(2). Such decisions shall 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 technical, legal and commercial conditions.~~

~~5. Technical decisions relating to the realisation of the European electronic toll service shall be taken by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 5(2).~~

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↓ Corrigendum, OJ L 200, 7.6.2004, p.

50 (adapted)

⇒ new

⇒ Council

⇒ [...] ⇐

⇒ **CHAPTER II**

**GENERAL PRINCIPLES OF EETS**

**Article 4**

**Registration of EETS Providers**

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 the fulfilment of the following requirements:

- (a) hold EN ISO 9001 certification or equivalent;
- (b) demonstrate having the technical equipment and the EC declaration or certificate attesting the conformity of the interoperability constituents to specifications;
- (c) demonstrate competence in the provision of electronic tolling services or in relevant domains;
- (d) have appropriate financial standing;
- (e) maintain a global risk management plan, which is audited at least every two years;
- (f) be of good repute.



## Article 4a

### **Rights and obligations of EETS Providers**

1. Member States shall take appropriate measures to supervise that EETS Providers whom they have registered conclude EETS contracts covering all EETS domains on the territories of at least four Member States within 36 months following their registration. They shall supervise that those EETS providers conclude contracts covering all EETS domain in a given Member State within 24 months from concluding the first contract in that Member State, except for those EETS domains in which the responsible Toll Chargers do not comply with the provisions of Article 4b(3).
  2. Member States shall take appropriate measures to supervise that EETS providers whom they have registered maintain at all times the coverage of all EETS domains once they have concluded contracts therefor. Where an EETS provider is not able to maintain coverage of an EETS domain because the Toll Charger does not comply with the provisions of Articles 4b(2) or 4j(3), the Member State who registered that EETS provider shall oversee that the provider re-establishes the coverage of the concerned domain as soon as possible.
  3. Member States shall ensure that EETS Providers whom they have registered publicly inform of their EETS domains coverage and any changes thereto. They shall ensure that within one month of their registration, EETS providers publish on their website detailed plans regarding any extension of their service to further EETS domains, and that such plans are updated annually.
- Member States may require from EETS Providers whom they have registered a yearly declaration concerning their EETS domains coverage.

4. Member States shall ensure that, where necessary, EETS Providers whom they registered, or who provide the EETS on their territory, provide EETS Users with OBE which fulfils the relevant technical requirements laid down in this Directive and in the acts referred to in Articles 4i(4) and 4j(7), as well as in Directive 2014/53/EU of the European Parliament and of the Council and Directive 2014/30/EU of the European Parliament and of the Council . They may request from concerned EETS providers evidence that those requirements are fulfilled.
5. Member States shall ensure that EETS Providers who provide the EETS on their territory monitor the performance of their service level and have in place audited operational processes which provide for appropriate measures to be taken where performance problems or integrity breaches are detected.
6. Member States shall supervise that EETS Providers who provide the EETS on their territory provide appropriate service and technical support in order to ensure the correct personalisation of on-board equipment. Those Member States shall ensure the correctness of the fixed vehicle classification parameters stored in on-board equipment or in the information system of the EETS provider. They shall also ensure that variable vehicle classification parameters, which can vary from trip to trip or within a trip and are intended to be introduced by in-vehicle intervention, are configurable through an appropriate human-machine interface.
7. Member States shall ensure that EETS Providers who provide the EETS on their territory keep lists of invalidated on-board equipment related to their EETS contracts with the EETS Users. They shall ensure that such lists are maintained in strict compliance with the Union rules on the protection of personal data as set out, inter alia, in Regulation (EU) 2016/679 and Directive 2002/58/EC.
8. Member States shall ensure that EETS Providers whom they registered make public their contracting policy towards EETS Users.

9. Member States shall ensure that, regarding the use of toll roads on their territory, the invoicing of individual EETS Users by EETS Providers clearly separate the service charges of the EETS Provider and tolls incurred, and specify, unless the user decides otherwise, at least, the time at which and the location where the tolls were incurred and the user-relevant composition of specific tolls.

10. Member States shall ensure that EETS Providers who provide the EETS on their territory provide Toll Chargers with the information they need to calculate and apply the toll on the vehicles of EETS Users or provide Toll Chargers with all necessary information to allow them to verify the calculation of applied toll on the vehicles of EETS users by the EETS providers. Those Member States ensure that, unless otherwise agreed with the Toll Charger, the EETS Provider provide the following information:

(a) the licence plate number of the vehicle of the EETS User, including the international licence plate country code;

(b) an identifier of the EETS User's account;

(c) an identifier of the OBE;

(d) the vehicle classification parameters necessary to establish the applicable tariff.

The Member States referred to in the first sub-paragraph shall ensure that the data exchange is compliant with the provisions of the acts referred to in Article 4i(4).

11. Member States shall ensure that EETS Providers who provide the EETS on their territory inform an EETS User as quickly as practicable of any toll non-declaration situation in relation to its account, offering where possible the opportunity to regularise the account before any enforcement action is taken.

12. Member States shall ensure that EETS Providers who provide the EETS on their territory cooperate with Toll Chargers in their enforcement efforts. They shall ensure that, where a failure by a road user to pay a road fee is suspected, the Toll Charger is able to obtain from the EETS Provider the data relating to the vehicle involved in the suspected failure to pay a road fee and to the owner or holder of that vehicle who is a client of this EETS Provider. Such data shall be made available instantly by the EETS Provider.
- Member States shall ensure that the Toll Charger does not disclose such data to any other toll service provider. Where the Toll Charger is integrated with a toll service provider in one entity, Member States shall ensure that the data is used for the sole purpose of enforcement.
13. Member States shall ensure that a Toll Charger responsible for an EETS domain on their territory is able to obtain from an EETS Provider data relating to all vehicles owned or held by clients of the Provider, which have, in a given period of time, driven on the EETS domain for which the Toll Charger is responsible, as well as data relating to the owners or holders of these vehicles, in as much as the Toll Charger needs this data to comply with its obligations towards tax authorities. Member States shall ensure that the EETS provider provides the requested data no later than two days after receiving the request. They shall ensure that the Toll Charger does not disclose such data to any other toll service provider. Where the Toll Charger is integrated with a toll service provider in one entity, Member States shall ensure that the data is used for the sole purpose of enforcement.
14. The data provided by EETS Providers to Toll Chargers shall be treated in compliance with Union rules on the protection of personal data as set out in Regulation (EU) 2016/679, as well as the national laws, regulations or administrative provisions transposing Directives 2002/58/EC and 2016/680.
15. Member States shall ensure that the data provided by EETS providers to Toll Chargers under paragraphs 10, 12 and 13, is correct.

16. Member States shall ensure that, for verification audits, EETS Providers ensure a complete fulfilment of performant real-time data exchange, which allows a real-time verification of a correct toll payment.

#### Article 4b

### **Rights and obligations of Toll Chargers**

1. Where an EETS domain does not comply with the technical and procedural EETS interoperability conditions set by this Directive, the Member State on whose territory lies the EETS domain shall request the responsible Toll Charger to assess the problem with the involved stakeholders and, if within its sphere of responsibilities, take remedial actions in view to ensure EETS interoperability of the toll system. If the case arises, the Member State shall update the register referred to under Article 4o(1)(a).
2. Each Member States shall ensure that any Toll Charger responsible for an EETS domain on the territory of that Member State develops and maintains an EETS domain statement setting out the general conditions for EETS Providers for accessing their EETS domains, in accordance with the act referred to in paragraph 11.

Where a new electronic toll collection system is created on the territory of a Member State, that Member State shall ensure that the future Toll Charger responsible for the system publishes the EETS domain statement with sufficient notice to allow for an accreditation of interested EETS Providers to conclude at the latest one month before the operational launch of the new system, with due regard to the length of the process of assessment of the conformity to specifications and of the suitability for use of interoperability constituents referred to in Article 4j(3).

Where an electronic toll collection system on the territory of a Member State is substantially modified, that Member State shall ensure that the Toll Charger responsible for the system publishes the revised EETS domain statement with sufficient notice to allow already accredited EETS providers to adapt their interoperability constituents to the new requirements and obtain re-accreditation where required at the latest one month before the operational launch of the modified system, with due regard to the length of the process of assessment of the conformity to specifications and of the suitability for use of interoperability constituents referred to in Article 4j(3).

3. Member States shall ensure that Toll Chargers responsible for EETS domains on their territory accept on a non-discriminatory basis any EETS Provider requesting to provide EETS on the said EETS domain(s).

Acceptance of an EETS Provider in an EETS domain shall be subject to the provider's compliance with the obligations and general conditions set out in the EETS domain statement.

EETS Providers shall not be required to use any specific technical solutions or processes which hinder the interoperability of an EETS provider's interoperability constituents with electronic toll collection systems in other EETS domains.

If a Toll Charger and an EETS Provider cannot reach an agreement, the matter may be referred to the Conciliation Body responsible for the relevant toll domain.

4. Each Member State shall ensure that the contracts between the Toll Charger and the EETS Provider, regarding the provision of EETS on the territory of that Member State, permit that the invoice for the toll is issued to the EETS user directly by the EETS Provider. Member States may allow the Toll Charger to require that the EETS Provider invoices the user in the name and on behalf of the Toll Charger.

5. Each Member State with at least two EETS domains on its territory shall designate a single contact office for EETS providers. It shall publish the contact details of this office on its website, and provide it, upon request, to interested EETS providers. At the request of the EETS provider, the contact office shall facilitate and coordinate early administrative contacts between the EETS provider and the toll chargers responsible for the EETS domains on the territory of the Member State. The contact office may be a person, a public or a private body.
6. The toll charged by Toll Chargers to EETS Users shall not exceed the corresponding national/local toll. All OBE user rebates or discounts on tolls offered by a Member State or by a Toll Charger shall be available under the same conditions to clients of EETS Providers.
7. Member States shall ensure that Toll Chargers accept on their EETS domains any operational on-board equipment from EETS Providers with whom they have contractual relationships which have been certified in accordance with the procedure defined in the act referred to in Article 4j(8) and which do not appear on a list of invalidated on-board equipment referred to in Article 4d(3).
- Member States shall ensure that Toll Chargers responsible for EETS domains on their territory keep on their website an easily accessible public list of all EETS Providers with whom they have a contract.
8. Member States shall ensure that, where requested, EETS Providers collaborate with the Toll Chargers responsible for EETS domains on the territory of the Member State in the performance of unannounced and detailed toll system tests involving vehicles circulating or having recently circulated on the Toll Charger's EETS domain(s). The number of vehicles submitted to such tests over a year for a particular EETS Provider shall be commensurate with the yearly average traffic or traffic projections of the EETS Provider on the Toll Charger's EETS domain(s).

9. Member States shall ensure that, in the event of an EETS dysfunction attributable to the Toll Charger, the Toll Charger provides for a degraded mode of service enabling vehicles with the equipment referred to in paragraph 5 to circulate safely with a minimum of delay and without being considered as toll evaders.

10. Member States shall ensure that Toll Chargers collaborate in a non-discriminatory way with EETS Providers or manufacturers or notified bodies with a view to assessing the suitability for use of interoperability constituents on their toll domains.

11. The Commission shall adopt implementing acts to lay down the minimum content of the EETS domain statement, including:

- the requirements towards EETS providers
- the procedural conditions including commercial conditions
- the procedure of accreditation of EETS providers, and
- the toll context data.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(2).

#### Article 4c

#### **Remuneration**

1. Member States shall ensure that EETS providers are entitled to remuneration by the Toll Charger.

2. The methodology for defining the remuneration of the EETS providers shall be transparent and the same for all EETS providers accredited to a given EETS domain. It shall be published as part of the commercial conditions in the EETS Domain Statement.



3. In EETS domains with a main service provider, the methodology for calculating the remuneration of EETS providers shall follow the same structure as the remuneration of comparable services provided by the main service provider. The amount of remuneration of EETS providers may differ from the remuneration of the main service provider in as much as it is justified by:
- (a) the cost of specific requirements and obligations of the main service provider and not of the EETS providers;
  - (b) the need to deduct from the remuneration of EETS Providers the fixed charges imposed by the Toll Charger based on the costs, for the toll charger, to provide, operate and maintain an EETS compliant system in its toll domain where such costs are not included in the toll.

#### Article 4d

#### **Tolls**

1. The toll shall be determined according inter alia to the vehicle's classification. A vehicle's classification shall be determined on the basis of the vehicle classification parameters such as those defined in the act referred to in paragraph 5. In the event of a discrepancy between the vehicle classification used by the EETS Provider and the Toll Charger, the Toll Charger's classification shall prevail, unless an error can be demonstrated.
2. Member States shall take the necessary measures to allow the Toll Charger to require from an EETS provider payment for any substantiated toll declaration and any substantiated toll non-declaration relative to any user account managed by that EETS Provider.
3. Member States shall ensure that where an EETS Provider has sent a Toll Charger a list of invalidated on-board equipment referred to in Article 4a(7), the EETS Provider shall not be held liable for any further toll incurred through the use of such invalidated on-board equipment. The number of entries in the list of invalidated OBE, the list's format and its updating frequency shall be agreed between Toll Chargers and EETS Providers.

4. Member States shall ensure that in microwave-based toll systems Toll Chargers communicate substantiated toll declarations to EETS Providers for tolls incurred by their respective EETS Users.
5. The Commission shall adopt implementing acts, at the latest by *[12 months after the entry into force of this Directive]*, to lay down the details for the classification of vehicles for the purposes of establishing the applicable tariff schemes, including any procedures necessary for establishing such schemes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(2).

#### Article 4e

#### **Accounting**

Member States shall ensure that legal entities which provide toll services keep separate profit and loss accounts and balance sheets for activities performed in their role of toll service provider and all other activities, or keep accounting systems so that a clear evaluation can be made of the costs, benefits, profits and losses related to the toll service provision. Such profit and loss accounts and balance sheets or details of the costs, benefits, profits and losses related to the toll service provision shall be provided, upon request, to the relevant Conciliation Body or judicial body. Member States shall also ensure that cross subsidies between the activities performed in the role of toll service provider and other activities are excluded.

#### Article 4f

#### **Rights and obligations of EETS Users**

1. Member States shall take the appropriate measures to allow EETS Users to subscribe to EETS through any EETS Provider, regardless of nationality, State of residence or the State in which the vehicle is registered. When entering into a contract, EETS users shall be duly informed about the processing of their personal data and the rights stemming from applicable legislation on the protection of personal data.

2. Member States shall ensure that all user and vehicle data provided by the EETS Users to the EETS Provider is correct.
3. Member States shall ensure that the on-board equipment of EETS users is operational whilst the vehicle is circulating within an EETS domain.
4. If two or more OBE are installed or carried on-board the vehicle, Member States shall take the necessary measures to make it the responsibility of the user to use or activate his preferred OBE for the specific EETS domain.
5. Member States shall take the appropriate measures to oblige EETS Users to operate on-board equipment in accordance with the EETS Provider's instructions, in particular as these apply to the declaration of variable vehicle parameters.
6. The payment of a toll by an EETS User to its EETS Provider shall be deemed to fulfil the EETS User's payment obligations towards the relevant Toll Charger.

### **CHAPTER III**

#### **CONCILIATION BODY**

##### **Article 4g**

#### **Establishment and functions**

1. 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 which have contracts or are in contractual negotiations with those Toll Chargers.
2. The Conciliation Body shall be empowered, in particular, to verify that the contractual conditions imposed by a Toll Charger on EETS Providers are non-discriminatory. It shall be empowered to verify that the EETS is remunerated in line with the principles provided for in Article 4c.
3. The Member States referred to in paragraph 1 shall ensure that their Conciliation Body is independent in its organisation and legal structure from the commercial interests of Toll Chargers and toll service providers.
4. The Commission shall adopt implementing acts to lay down the mediation procedure referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(2).

## **CHAPTER IV**

### **TECHNICAL PROVISIONS**

#### **Article 4h**

##### **Single continuous service**

Member States shall ensure that EETS is provided to EETS Users as a single continuous service, in particular that:

- (a) once the vehicle classification parameters, including the variable ones, have been stored and/or declared no further in-vehicle human intervention is required during a journey unless there is a modification to the vehicle's characteristics;
- (b) human interaction with a particular piece of on-board equipment stays the same whatever the EETS domain.

#### **Article 4i**

##### **Additional requirements to be fulfilled by EETS**

1. EETS shall meet the essential requirements laid down in the act referred to in Article 4j(7).
2. In addition to tolling, the EETS on-board equipment may enable implementation of other location-based services. The use of EETS on-board equipment for the purpose of other services shall not interfere with toll operations on any toll domain.
3. Member States shall ensure that toll service providers, including EETS providers, may be requested by the Member States or toll chargers to provide traffic data of their clients, subject to compliance with the applicable data protection rules. Such data may only be used by the Member States for the purpose of traffic policies and enhancing traffic management.

4. The Commission shall adopt, at the latest by [12 months after the entry into force of this Directive], implementing acts to define the roles and actions to be performed, respectively, by Toll Chargers, EETS Providers and EETS users in the framework of the provision of the EETS.. The Commission shall also adopt, at the latest by [12 months after the entry into force of this Directive], implementing acts regarding the specifications of electronic interfaces between the interoperability constituents of these actors, including where applicable the content of the messages exchanged between the actors through these interfaces . Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(2).

#### Article 4j

#### **Interoperability constituents**

1. Interoperability constituents, including interfaces, shall meet the requirements laid down in the act referred to in Article 4i(4). Member States shall consider as complying with the relevant essential requirements those interoperability constituents which bear the CE marking.
2. Assessment of the conformity to specifications and/or suitability for use of interoperability constituents shall be carried out as set out in the act referred to in paragraph 8. EETS interoperability constituents may bear the CE marking if they are covered by ‘EC’ declarations of conformity to specifications and/or suitability for use.
3. Where a new electronic toll collection system is created on the territory of a Member State, that Member State shall ensure that the future Toll Charger responsible for the system establishes and publishes in the EETS domain statement the detailed planning of the process of assessment of the conformity to specifications and of the suitability for use of interoperability constituents, which allows for the accreditation of interested EETS Providers at the latest one month before the operational launch of the new system.

Where an electronic toll collection system on the territory of a Member State is substantially modified, that Member State shall ensure that the Toll Charger responsible for the establishes and publishes in the domain statement, in addition to the elements described above, the detailed planning of the re-assessment of the conformity to specifications and of the suitability for use of the interoperability constituents of EETS providers already accredited to the system before its substantial modification. The planning shall allow for the re-accreditation of concerned EETS providers at the latest one month before the operational launch of the modified system.

The Toll Charger shall be bound to respect its side of the planning referred to in the above subparagraphs.

4. Member States shall ensure that each Toll Charger responsible for an EETS domain on the territory of that Member States sets up a test environment in which the EETS Provider or its authorised representatives may check that its OBE is suitable for use in the Toll Charger's EETS domain and obtain certification of the successful completion of the respective tests. Toll Chargers may set up a single test environment for more than one EETS domain. Where appropriate, one authorised representative may check the suitability for use of one type of OBE on behalf of more than one EETS provider.

Toll Chargers may require EETS providers or their authorised representatives to cover the cost of the respective tests.

5. Declarations of conformity to specifications and/or suitability for use shall be drawn up by the manufacturer of the interoperability constituents, the EETS Provider or an authorised representative in accordance with the act referred to in paragraph 8.

6. Member States shall not prohibit, restrict or hinder the placing on the market of interoperability constituents for use in EETS where they bear the CE marking or declaration of conformity to specifications and/or suitability for use. In particular, they shall not require checks which have already been carried out as part of the procedure for checking conformity to specifications and/or suitability for use.
7. The Commission shall adopt implementing acts, at the latest by *[12 months after the entry into force of this Directive]*, to lay down the essential requirements for interoperability constituents regarding safety and health, reliability and availability, environment protection, technical compatibility, security and privacy and compatibility with other interoperability constituents in the framework of the toll collection processes and EETS. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(2).
8. The Commission shall adopt implementing acts, at the latest by *[12 months after the entry into force of this Directive]*, to lay down the procedure to be applied by the Member States for assessing the conformity to specifications and suitability for use of interoperability constituents, including the content of the EC declaration.



## **CHAPTER V**

### **SAFEGUARD CLAUSES**

#### **Article 4k**

#### **Safeguard procedure**

1. Where a Member State has reason to believe that interoperability constituents bearing a CE marking and placed on the market are unlikely, when used as intended, to meet the essential requirements, it shall take all necessary steps to restrict their field of application, prohibit their use or withdraw them from the market. The Member State shall forthwith inform the Commission of the measures taken and give the reasons for its decision, stating in particular whether failure to conform is due to:
  - (a) incorrect application of technical specifications;
  - (b) inadequacy of technical specifications.
2. The Commission shall consult the parties concerned as quickly as possible.
  - (a) Where, following that consultation, the Commission establishes that the measure is justified, it shall forthwith inform the Member State concerned as well as the other Member States.
  - (b) Where, following consultation with the parties concerned, the Commission establishes that the measure is unjustified, it shall forthwith inform the Member State concerned, as well as the manufacturer or its authorised representative established within the Union and the other Member States.

3. Where interoperability constituents bearing the CE marking fail to comply with interoperability requirements, the competent Member State shall require the manufacturer or its authorised representative established in the Union to restore the interoperability constituent to a state of conformity to specifications and/or suitability for use under the conditions laid down by that Member State and shall inform the Commission and the other Member States thereof.

#### Article 4l

#### **Transparency of conformity assessments**

Any decision concerning the assessment of conformity to specifications or suitability for use of interoperability constituents and any decision taken pursuant to Article 4k shall set out in detail the reasons on which it is based. It shall be notified as soon as possible to the party concerned, together with an indication of the remedies available under the laws in force in the Member State concerned and of the time limits allowed for the exercise of such remedies.

## **CHAPTER VI**

### **ADMINISTRATIVE ARRANGEMENTS**

#### **Article 4m**

##### **Notified bodies**

1. Member States shall notify to the Commission and the other Member States any bodies entitled to carry out or supervise the procedure for the assessment of conformity to specifications or suitability for use referred to in the act referred to in Article 4j(8), indicating each body's area of competence, and the identification numbers obtained in advance from the Commission. The Commission shall publish in the Official Journal of the European Union the list of bodies, their identification numbers and areas of competence, and shall keep the list updated.
2. Member States shall apply the criteria provided for in the act referred to in paragraph 5 for the assessment of the bodies to be notified. Bodies meeting the assessment criteria provided for in the relevant European standards shall be deemed to meet the said criteria.
3. A Member State shall withdraw approval from a body which no longer meets the criteria referred to in the act referred to in paragraph 5. It shall forthwith inform the Commission and the other Member States thereof.
4. Where a Member State or the Commission considers that a body notified by another Member State does not meet the relevant criteria, the matter shall be referred to the Electronic Toll Committee, which shall deliver its opinion within three months. In the light of the opinion of the Committee, the Commission shall inform the Member State in question of any changes that are necessary for the notified body to retain the status conferred upon it.

5. The Commission shall adopt implementing acts, at the latest by [12 months after the entry into force of this Directive], to lay down the minimum criteria of eligibility for notified bodies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(2).

#### Article 4n

### **Coordination Group**

A Coordination Group (hereinafter the Coordination Group) of the bodies notified under Article 4m(1) shall be set up as a working group of the Electronic Toll Committee, in accordance with the Committee's Rules of Procedure.

The Coordination Group shall compile and maintain a comprehensive list of standards, technical specifications and normative documents against which EETS interoperability constituents' conformity to specifications and suitability for use can be assessed. The Coordination Group shall serve as a forum for discussing any problems that may arise in relation to the conformity to specifications and suitability for use assessment procedures and for proposing solutions to these problems.

In order to streamline to the extent possible the processes of conformity check and of suitability for use, the Coordination Group shall prepare harmonized components of the respective procedures.

#### Article 4o

### **Registers**

1. For the purposes of the implementation of this Directive, each Member State shall keep a national electronic register of the following:

- (a) the EETS domains within their territory, including information relating to:
  - the corresponding Toll Chargers.

- the tolling technologies employed,
- the Toll Context Data,
- the EETS domain statement,
- the EETS Providers having EETS contracts with the Toll Chargers active in their area of competence.

A Member State shall enter modifications to the Toll Chargers register, including where applicable the date of their entry into force, immediately after these modifications have been adopted, taking into account the act referred to in Article 4d(5):

- (b) the EETS Providers to whom it has granted registration according to Article 4.

Unless otherwise specified, Member States shall verify at least once a year that requirements (a), (d), (e) and (f) in Article 4 and Article 4a(3) are still met and update the register accordingly. The register shall also contain the conclusions of the audit foreseen in point (e) of Article 4. A Member State shall not be held liable for the actions of the EETS Providers mentioned in its register.

2. Member States shall ensure that all the data contained in the national electronic register is kept up-to-date and is accurate.
3. The registers shall be electronically accessible to the public.
4. These registers shall be available as of [the entry into force of this Directive].
5. The Member States authorities in charge of the registers shall communicate by electronic means to their counterparts in the other Member States and the Commission the registers of EETS domains and EETS Providers at the end of each calendar year. Any inconsistencies with the situation in a Member State shall be brought to the attention of the Member State of registration and of the Commission.

## **CHAPTER VII**

### **PILOT SYSTEMS**

#### **Article 4p**

##### **Pilot toll systems**

To allow for EETS technical development Member States may temporarily authorise, on limited parts of their toll domain and in parallel to the EETS compliant system, pilot toll systems incorporating new technologies or new concepts which do not comply with one or more provisions of this Directive.

Such authorisation shall be subject to the prior approval of the Commission. The initial period of such authorisation shall not exceed three years.

EETS Providers shall not be required to participate in pilot toll systems.

## **CHAPTER VIII**

### **EXCHANGE OF INFORMATION ON THE FAILURE TO PAY ROAD FEES**





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 new

#### *Article 5*

#### **Procedure for the exchange of information between Member States**

 Council

1.  In order to ensure that a decision according to which a road fee is levied is addressed to the owner or holder of the vehicle or  for the investigation of the failure to pay road fees  and the related fines , 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 thereon:

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 new

- (a) data relating to vehicles; and
- (b) data relating to the owners or holders of the vehicle.

The data elements referred to in points (a) and (b) which are necessary to conduct an automated search shall be in compliance with Annex II.

2. For the purposes of the exchange of data referred to in paragraph 1, each Member State shall designate a national contact point. The powers of the national contact points shall be governed by the applicable law of the Member State concerned.

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➡ Council

3. When conducting an automated search in the form of an outgoing request, the national contact point of the Member State in whose territory ➡ a road fee decision according to paragraph 1 is to be made or where ⬅ there was a failure to pay a road fee shall use a full registration number.
- 

↓ new

Those automated searches shall be conducted in compliance with the procedures referred to in points 2 and 3 of Chapter 3 of the Annex to Council Decision 2008/616/JHA<sup>1</sup> and with the requirements of Annex II to this Directive.

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➡ Council

The Member State in whose territory ➡ a road fee decision according to paragraph 1 is to be made or where ⬅ there was a failure to pay a road fee shall use the data obtained in order to establish who is liable for the failure to pay that fee.

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<sup>1</sup> Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).



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↓ new

4. Member States shall ensure that the exchange of information is carried out by interoperable electronic means without exchange of data involving other databases which are not used for the purposes of this Directive. Member States shall ensure that such exchange of information is conducted in a cost-efficient and secure manner. Member States shall ensure the security and protection of the data transmitted, as far as possible using existing software applications such as the one referred to in Article 15 of Decision 2008/616/JHA and amended versions of those software applications, in compliance with Annex II to this Directive and with points 2 and 3 of Chapter 3 of the Annex to Decision 2008/616/JHA. The amended versions of the software applications shall provide for both online real-time exchange mode and batch exchange mode, the latter allowing for the exchange of multiple requests or responses within one message.
5. Each Member State shall bear its own costs arising from the administration, use and maintenance of the software applications referred to in paragraph 4.

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🔒 Council

6. In order to complete the procedure of recovery of road fees and related fines, the national contact point may make available to the relevant toll charger the identity of the owner or the holder of the vehicle.

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↓ new

## *Article 6*

### **Information letter on the failure to pay a road fee**

1. The Member State in whose territory there was a failure to pay a road fee shall decide whether or not to initiate follow-up proceedings in relation to the failure to pay a road fee.

Where the Member State in whose territory there was a failure to pay a road fee decides to initiate such proceedings, that Member State shall, in accordance with its national law, inform the owner, the holder of the vehicle or the otherwise identified person suspected of failing to pay the road fee. This information shall, as applicable under national law, include the legal consequences thereof within the territory of the Member State in which there was a failure to pay a road fee under the law of that Member State.

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↻ Council

2. When sending the information letter to the owner ↻ [...] ☒ ↻ or ☒ the holder of the vehicle or to the otherwise identified person suspected of failing to pay the road fee, the Member State in whose territory there was a failure to pay a road fee shall, in accordance with its law, include any relevant information, notably the nature of the failure to pay the road fee, the place, date and time of the failure to pay the road fee, the title of the texts of the national law infringed and the sanction and, where appropriate, data concerning the device used for detecting the ↻ [...] ☒ ↻ failure ☒ . For that purpose, the Member State in whose territory there was a failure to pay a road fee may use the template set out in Annex III.
- 

↴ new

3. 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.

## Article 7

### Reporting by Member States to the Commission

Each Member State shall send a comprehensive report to the Commission by [4 years after the entry into force of this Directive] and every two years thereafter.

The comprehensive report shall indicate the number of automated searches conducted by the Member State in whose territory there was a failure to pay a road fee addressed to the national contact point of the Member State of registration, following failures to pay road fees committed on its territory, together with the nature of the failure to pay a road fee for which requests were addressed and the number of failed requests.

The comprehensive report shall also include a description of the situation at national level in relation to the follow-up concerning the failures to pay road fees, based on the proportion of such failures to pay road fees which have been followed up by information letters.

## Article 8

### Data protection

⓪ Council

➡ Council

1. The provisions of Regulation (EU) 2016/679 and the national laws, regulations or administrative provisions transposing ➡ Directives 2002/58/EC and ⓪ (EU) 2016/680 shall apply to personal data processed under this Directive.

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↓ new

2. Member States shall ensure that personal data processed under this Directive are, within an appropriate time period, rectified if inaccurate, or erased or restricted, and that a time limit for the storage of data is established in accordance with Regulation (EU) 2016/679 and the national laws, regulations or administrative provisions transposing Directive (EU) 2016/680.
- 

↻ Council

Member States shall ensure that all personal data processed under this Directive are only used for the purpose of ↻ [...] ↻ ensuring the interoperability of electronic tolls and the correct functioning of the EETS, for the investigation of failures to pay road fees and for the recovery of road fees and related fines. ↻ ↻ Member States shall also ensure ↻ that the data subjects have the same rights to information, access, rectification, erasure and blocking, compensation and judicial redress as provided for in Regulation (EU) 2016/679 and the national laws, regulations or administrative provisions transposing Directive (EU) 2016/680.

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↓ new

3. Any person concerned shall have the right to obtain information on which personal data recorded in the Member State of registration were transmitted to the Member State in which there was a failure to pay a road fee, including the date of the request and the competent authority of the Member State in whose territory there was a failure to pay a road fee.

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U Council

## ➡ CHAPTER IX

### FINAL PROVISIONS ➡

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↓ new

U Council

➡ Council

#### Article 9

#### Report

➡ [...] ➡

➡ 1. By [4 years after the entry into force of this Directive], the Commission shall present a report to the European Parliament and to the Council on the implementation and effects of this Directive, in particular as regards the advancement and deployment of the EETS and the effectiveness and efficiency of the mechanism for the exchange of data in the framework of the investigation of events of failure to pay road fees. The report shall analyse in particular the following:

(a) the effect of the provisions of Article 4a(1) and (2) on the deployment of EETS, with a particular focus on the availability of the service in small or peripheral EETS domains;

(b) the effectiveness of Articles 5 and 6 on the reduction in the number of failures to pay road fees in the Union.

2. The report shall be accompanied, if appropriate, by a proposal to the European Parliament and the Council for further revision of this Directive, regarding notably the following elements:

- (a) additional measures to ensure that the EETS is available in all EETS domains, including small and peripheral ones;
- (b) a mechanism of assistance by the Member State of registration to the Member State in whose territory there was a failure to pay a road fee in the recovery of road fees, to further facilitate the cross-border enforcement of the payment of road fees in the Union. ↻

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↻ Council
↻ Council

#### Article 10

#### Delegated acts

↻ [...] ↻

↻ The Commission is empowered to adopt delegated acts, in accordance with Article 11, updating Annex II to take into account any relevant amendments to be made to Council Decisions 2008/615/JHA and 2008/616/JHA or where this is required by any other relevant Union acts. ↻

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↵ new
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#### Article 11

#### Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for an indeterminate period of time from [the entry into force of this Directive].
3. The delegation of power referred to in Article 10 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.<sup>1</sup>
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 10 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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↓ 219/2009 Art. 1 and Annex .7(7)

#### ~~Article 5~~

#### ~~Committee procedure~~

- ~~1. The Commission shall be assisted by an Electronic Toll Committee.~~

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<sup>1</sup> OJ L 123, 12.5.2016, p. 1

~~2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.~~

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👤 Council

Article 11a

**Committee procedure**

1. The Commission shall be assisted by the Electronic Toll Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
  2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
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↓ 219/2009 Art. 1 and Annex .7(7)



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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50 (adapted) ⤵ Council ⇒ Council
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Article ~~6~~ 12

~~Implementation~~ ☒ Transposition ☒

⇒ [...] ⌚

- ⇒ 1. By [18 months after the entry into force of this Directive], Member States shall adopt and publish the measures necessary to comply with Articles 1 and 3 to 8 and Annexes II and III. They shall immediately inform the Commission thereof.

They shall apply those measures from [18 months after the entry into force of this Directive].

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States. ⌚

⇒ [...] ⌚

- ⇒ 2. As soon as this Directive has entered into force, Member States shall ensure that the Commission is informed, in sufficient time for it to submit its comments, of any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by this Directive. ⌚

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↓ new

## Article 13

### Repeal

Directive 2004/52/EC is repealed with effect from [the day after the date in the first subparagraph of Article 12(1)], without prejudice to the obligations of the Member States relating to the time-limit for the transposition into national law of the Directive set out in Annex V, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex VI.

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↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50 (adapted)

## Article ~~7~~ 14

### Entry into force

This Directive shall enter into force on the ~~20th~~ ☒ twentieth ☒ day following that of its publication in the *Official Journal of the European Union*.

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↓ Corrigendum, OJ L 200, 7.6.2004, p. 50
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*Article ~~8~~ 15*

### **Addressees**

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

⌵ Council

⌵ Council

⌵ [...] ⌵

⌵ new

**ANNEX II**

**DATA ELEMENTS NECESSARY TO CONDUCT THE AUTOMATED SEARCH REFERRED TO IN ARTICLE 6(1)**

Item	M/O <sup>1</sup>	Remarks
Data relating to the vehicle	M	
Member State of registration	M	
Registration number	M	(A <sup>2</sup> )
Data relating to the failure to pay a road fee	M	

<sup>1</sup> M = mandatory when available in national register, O = optional.  
<sup>2</sup> Harmonised code, see Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).

Member State in whose territory there was a failure to pay a road fee	M	
Reference date of the failure to pay a road fee	M	
Reference time of the failure to pay a road fee	M	

**DATA ELEMENTS PROVIDED AS A RESULT OF THE AUTOMATED SEARCH CONDUCTED PURSUANT TO ARTICLE 6(1)**

**Part I. Data relating to vehicles**

Item	M/O <sup>1</sup>	Remarks
Registration number	M	
Chassis number/VIN	M	
Member State of registration	M	
Make	M	(D.1 <sup>2</sup> ) e.g. Ford, Opel, Renault
Commercial type of the vehicle	M	(D.3) e.g. Focus, Astra, Megane
EU Category Code	M	(J) e.g. mopeds, motorbikes, cars
<b><u>EURO emissions class</u></b>	<b><u>M</u></b>	<b><u>e.g. Euro 4, EURO 6</u></b>

**Part II. Data relating to owners or holders of the vehicles**

Item	M/O <sup>3</sup>	Remarks
Data relating to holders of the vehicle		(C.1 <sup>4</sup> ) The data refer to the holder of the specific registration certificate.
Registration holders' (company) name	M	(C.1.1) Separate fields shall be used for surname, infixes, titles, etc., and the name in printable format shall be communicated.

<sup>1</sup> M = mandatory when available in national register, O = optional.

<sup>2</sup> Harmonised code, see Directive 1999/37/EC.

<sup>3</sup> M = mandatory when available in national register, O = optional.

<sup>4</sup> Harmonised code, see Directive 1999/37/EC.

First name	M	(C.1.2)  Separate fields for first name(s) and initials shall be used, and the name in printable format shall be communicated.
Address	M	(C.1.3)  Separate fields shall be used for street, house number and annex, post code, place of residence, country of residence, etc., and the address in printable format shall be communicated.
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Individual, association, company, firm, etc.
Place of Birth	O	
ID Number	O	An identifier that uniquely identifies the person or the company.
Data relating to owners of the vehicle		(C.2) The data refer to the owner of the vehicle.
Owners' (company) name	M	(C.2.1)
First name	M	(C.2.2)
Address	M	(C.2.3)
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Individual, association, company, firm, etc.
Place of Birth	O	

ID Number	O	An identifier that uniquely identifies the person or the company.
		In case of scrap vehicles, stolen vehicles or number plates, or outdated vehicle registration no owner/holder information shall be provided. Instead, the message 'Information not disclosed' shall be returned.



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↓ new

**ANNEX III**

**TEMPLATE FOR THE INFORMATION LETTER**

referred to in Article 7

[Cover page]

.....  
.....  
[Name, address and telephone number of sender]

.....  
.....  
[Name and address of addressee]

**INFORMATION LETTER**

regarding the failure to pay a road fee committed in

[name of the Member State in whose  
territory there was a failure to pay a road  
fee]

On .....a failure to pay a road fee committed with the vehicle with registration

[date]

number ..... make ..... model .....

was detected by .....

[name of the responsible body]

[Option 1](<sup>1</sup>)

You are registered as the holder of the registration certificate of the abovementioned vehicle.

[Option 2] (<sup>1</sup>)

The holder of the registration certificate of the abovementioned vehicle indicated that you were driving that vehicle when the failure to pay a road fee was committed.

The relevant details of the failure to pay a road fee are described on page 3 below.

The amount of the financial penalty due for the failure to pay a road fee is ..... EUR/national currency.

Deadline for the payment is .....

You are advised to complete the attached reply form (page 4) and send it to the address shown, if you do not pay this financial penalty.

This letter shall be processed in accordance with the national law of .....

[name of the Member State in whose territory there was a failure to pay a road fee].

Relevant details concerning the failure to pay a road fee

(a) Data concerning the vehicle which was used in the failure to pay a road fee:

Registration number: .....  
Member State of registration: .....  
Make and model: .....

(b) Data concerning the failure to pay a road fee:

Place, date and time where the failure to pay a road fee occurred:

.....  
.....  
.....  
.....

Nature and legal classification of the failure to pay a road fee:

.....  
.....  
.....  
.....

Detailed description of the failure to pay a road fee:

.....  
.....  
.....

Reference to the relevant legal provision(s):

.....  
.....  
.....

Description of or reference to the evidence regarding the failure to pay a road fee:

.....  
.....  
.....

(c) Data concerning the device that was used for detecting the failure to pay a road fee <sup>(2)</sup>:

Specification of the device:


Identification number of the device:


Expiry date for the last gauging:


(1) Delete if not applicable.

(2) Not applicable if no device has been used.

(please complete using block capitals)

**A. Identity of the driver:**

— Full name:

.....  
 .....

— Place and date of birth:

.....

— Number of driving licence: ..... delivered (date): ..... and ..... at  
 (place):.....

— Address:.....  
 .....  
 .....  
 .....  
 .....

**B. List of questions:**

1. Is the vehicle, make ..... , registration number ..... , registered in

your name? ..... yes/no (1)

If not, the holder of the registration certificate is: .....

(name, first name, address)

2. Do you acknowledge that you failed to pay a road fee? yes/no (1)

3. If you do not acknowledge this, please explain why:

.....  
 .....  
 .....

Please send the completed form within 60 days from the date of this information letter to the following authority:

at the following address .....

**INFORMATION**

This case will be examined by the competent authority of .....

[name of the Member State in whose territory there was a failure to pay a road fee]

If this case is not pursued, you will be informed within 60 days after receipt of the reply form.

(<sup>1</sup>) Delete if not applicable.

If this case is pursued, the following procedure applies:

This image shows a full page of white paper with horizontal dotted lines, typical of primary school handwriting practice paper. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

[to be filled in by the Member State in whose territory there was a failure to pay a road fee — what the further procedure will be, including details of the possibility and procedure of appeal against the decision to pursue the case. These details shall in any event include: name and address of the authority in charge of pursuing the case; deadline for payment; name and address of the body of appeal concerned; deadline for appeal].

This letter as such does not lead to legal consequences.

↓ Corrigendum, OJ L 200, 7.6.2004, p.  
50 (adapted)

↻ [...] ↻

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↻ Council



**ANNEX V**

Part A

Repealed Directive with the amendment thereto  
(referred to in Article 13)

Directive 2004/52/EC of the European Parliament and of the Council	OJ L 166, 30.4.2004, p. 124
Regulation (EC) No 219/2009 of the European Parliament and of the Council	OJ L 87, 31.3.2009, p. 109

Part B

Time-limit for transposition into national law  
(referred to in Article 13)

Directive	Time-limit for transposition
Directive 2004/52/EC	20 November 2005

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## ANNEX VI

Correlation Table

Directive 2004/52/EC	This Directive
Article 1(1)	Article 1(1), first subparagraph
—	Article 1(1), second subparagraph
Article 1(2), introductory wording	Article 1(2), introductory wording
Article 1(2)(a)	Article 1(2)(a)
Article 1(2)(b)	—
Article 1(2)(c)	Article 1(2)(b)
—	Article 1(2)(c)
Article 1(3)	Article 1(3)
—	Article 2
Article 2(1)	Article 3(1), first subparagraph
—	Article 3(1), second subparagraph
Article 2(2), first sentence	—
—	Article 3(2)
Article 2(2), second and third sentence	Article 3(3)
Article 2(2), fourth sentence	—
—	Article 3(4)
—	Article 3(5)
Article 2(3)	—
Article 2(4)	—
Article 2(5)	—
Article 2(6)	—

Article 2(7)	Article 3(6)
Article 3(1)	—
Article 3(2), first sentence	—
Article 3(2), second sentence	—
Article 3(2), third sentence	Article 4(2)
Article 3(3)	Article 4(3)
Article 3(4)	—
Article 4(1)	Article 4(1)
Article 4(2)	—
Article 4(3)	Article 4(4)
Article 4(4)	—
Article 4(5)	—
Article 4(6)	—
Article 4(7)	Article 4(5)
Article 4(8)	Article 4(6)
Article 5	—
—	Article 5
—	Article 6
—	Article 7
—	Article 8
—	Article 9
—	Article 10
—	Article 11

Article 6	Article 12(1)
—	Article 12(2)
	Article 13
Article 7	Article 14
Article 8	Article 15
Annex	☞ [...] ☞
—	Annex II
—	Annex III
—	Annex IV
—	Annex V
—	Annex VI

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