

Directive (EU) 2019/520 of the European Parliament and of the Council
of 19 March 2019 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)

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and scope

- 1 This Directive lays down the conditions necessary for the following purposes:
- a to ensure the interoperability of electronic road toll systems on the entire Union road network, urban and interurban motorways, major and minor roads, and various structures, such as tunnels or bridges, and ferries; and
 - b to facilitate the cross-border exchange of vehicle registration data regarding the vehicles and the owners or holders of vehicles for which there was a failure to pay road fees of any kind in the Union.

In order to respect the principle of subsidiarity, this Directive shall apply without prejudice to the decisions taken by Member States to levy road fees on particular types of vehicles, and to determine the level of those fees and the purpose for which such fees are levied.

- 2 Articles 3 to 22 do not apply to:
- a road toll systems which are not electronic within the meaning of point 10 of Article 2; and
 - b small, strictly local road toll systems for which the costs of compliance with the requirements of Articles 3 to 22 would be disproportionate to the benefits.

3 This Directive does not apply to parking fees.

4 The objective of the interoperability of electronic road toll systems in the Union shall be achieved by means of the European Electronic Toll Service (EETS) which shall be complementary to the national electronic toll services of the Member States.

5 Where the national law requires a notification to the user of the obligation to pay before a failure to pay a road fee can be established, Member States may also apply this Directive to identify the owner or the holder of the vehicle and the vehicle itself for notification purposes, only if all the following conditions are fulfilled:

- a there are no other means to identify the owner or holder of the vehicle; and
- b the notification to the owner or holder of the vehicle of the obligation to pay is a compulsory stage of the road fee payment procedure under national law.

6 Where a Member State applies paragraph 5, it shall take the measures necessary to ensure that any follow-up proceedings in relation to the obligation to pay the road fee are pursued by public authorities. References to failure to pay a road fee in this Directive shall include cases covered by paragraph 5 if the Member State where the failure to pay takes place, applies that paragraph.

Article 2

Definitions

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

- (1) ‘toll service’ means the service that enables users to use a vehicle in one or more EETS domains under a single contract and, where necessary, with one piece of on-board equipment (OBE), and which includes:
 - (a) where necessary, providing a customised OBE to users and maintaining its functionality;
 - (b) guaranteeing that the toll charger is paid the toll due by the user;
 - (c) providing to the user the means by which the payment is to be made or accepting an existing one;
 - (d) collecting the toll from the user;
 - (e) managing customer relations with the user; and
 - (f) implementing and adhering to the security and privacy policies for the road toll systems;
- (2) ‘toll service provider’ means a legal entity providing toll services on one or more EETS domains for one or more classes of vehicles;
- (3) ‘toll charger’ means a public or private entity which levies tolls for the circulation of vehicles in an EETS domain;
- (4) ‘designated toll charger’ means a public or private entity which has been appointed as the toll charger in a future EETS domain;
- (5) ‘European Electronic Toll Service (EETS)’ means the toll service provided under a contract on one or more EETS domains by an EETS provider to an EETS user;
- (6) ‘EETS provider’ means an entity which, under a separate contract, grants access to EETS to an EETS user, transfers the tolls to the relevant toll charger, and which is registered by its Member State of establishment;
- (7) ‘EETS user’ means a natural or legal person who has a contract with an EETS provider in order to have access to the EETS;
- (8) ‘EETS domain’ means a road, a road network, a structure, such as a bridge or a tunnel, or a ferry, where tolls are collected using an electronic road toll system;
- (9) ‘EETS compliant system’ means the set of elements of an electronic road toll system which are specifically needed for the integration of EETS providers in the system and for the operation of EETS;
- (10) ‘electronic road toll system’ means a toll collection system in which the obligation, for the user, to pay the toll is exclusively triggered by and linked to the automatic detection of the presence of the vehicle in a certain location through remote communication with OBE in the vehicle or automatic number plate recognition;

- (11) ‘on-board equipment (OBE)’, means the complete set of hardware and software components to be used as part of the toll service which is installed or carried on board a vehicle in order to collect, store, process and remotely receive/transmit data, either as a separate device or embedded in the vehicle;
- (12) ‘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;
- (13) ‘interoperability constituent’ 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;
- (14) ‘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;
- (15) ‘toll context data’ means the information defined by the responsible toll charger as necessary to establish the toll due for circulating a vehicle on a particular toll domain and conclude the toll transaction;
- (16) ‘toll declaration’ means a statement to a toll charger that confirms the presence of a vehicle in an EETS domain in a format agreed between the toll service provider and the toll charger;
- (17) ‘vehicle classification parameters’ means the vehicle related information in accordance with which tolls are calculated based on the toll context data;
- (18) ‘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 an electronic road toll system;
- (19) ‘substantially modified system’ means an existing electronic road toll 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 adapting the interfaces of their back office, to such an extent that re-accreditation is required;
- (20) ‘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;
- (21) ‘toll’ or ‘road fee’ means the fee which must be paid by the road user for circulating on a given road, a road network, a structure, such as a bridge or a tunnel, or a ferry;
- (22) ‘failure to pay a road fee’ means the offence consisting of the failure by a road user to pay a road fee in a Member State, defined by the relevant national provisions of that Member State;
- (23) ‘Member State of registration’ means the Member State where the vehicle which is subject to the payment of the road fee is registered;
- (24) ‘national contact point’ means a designated competent authority of a Member State for the cross-border exchange of vehicle registration data;

- (25) ‘automated search’ means an online access procedure for consulting the databases of one, more than one, or all of the Member States;
- (26) ‘vehicle’ means a motor vehicle, or articulated vehicle combination intended or used for the carriage by road of passengers or goods;
- (27) ‘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;
- (28) ‘heavy-duty vehicle’ means a vehicle having a maximum permissible mass exceeding 3,5 tonnes;
- (29) ‘light-duty vehicle’ means a vehicle having a maximum permissible mass not exceeding 3,5 tonnes.

Article 3

Technological solutions

1 All new electronic road toll systems which require the installation or use of OBE shall, for carrying out electronic toll transactions, use one or more of the following technologies:

- a satellite positioning;
- b mobile communications;
- c 5,8 GHz microwave technology.

Existing electronic road toll systems which require the installation or use of OBE and use other technologies shall comply with the requirements set out in the first subparagraph of this paragraph if substantial technological improvements are carried out.

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

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

4 Without prejudice to paragraph 6, EETS providers shall make available to EETS users OBE which is suitable for use, interoperable and capable of communicating with the relevant electronic road toll systems in service in the Member States using the technologies listed in the first subparagraph of paragraph 1.

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

EETS OBE is allowed to facilitate services other than tolling, provided that the operation of such services does not interfere with the toll services in any EETS domain.

6 Without prejudice to the right of Member States to introduce electronic road toll systems for light-duty vehicles based on satellite positioning or mobile communications, EETS

providers may until 31 December 2027 provide users of light-duty vehicles with OBE suitable for use with 5,8 GHz microwave technology only, to be used in EETS domains which do not require satellite positioning or mobile communications technologies.

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 that they fulfil the following requirements:

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

Article 5

Rights and obligations of EETS providers

1 Member States shall take the measures necessary to ensure that EETS providers whom they have registered conclude EETS contracts covering all EETS domains on the territories of at least four Member States within the 36 months following their registration in accordance with Article 4. They shall take the measures necessary to ensure that those EETS providers conclude contracts covering all EETS domains in a given Member State within the 24 months following the conclusion of the first contract in that Member State, except for those EETS domains in which the responsible toll chargers do not comply with Article 6(3).

2 Member States shall take the measures necessary to ensure that EETS providers whom they have registered maintain at all times the coverage of all EETS domains once they have concluded contracts therefor. They shall take the measures necessary to ensure that, where an EETS provider is not able to maintain coverage of an EETS domain because the toll charger does not comply with this Directive, it re-establishes the coverage of the concerned domain as soon as possible.

3 Member States shall take the measures necessary to ensure that EETS providers whom they have registered publish information on their EETS domains coverage and any changes thereto, as well as, within one month of registration, detailed plans regarding any extension of their service to further EETS domains, with annual updates.

4 Member States shall take the measures necessary to ensure that, where necessary, EETS providers whom they have registered, or who provide the EETS on their territory, provide EETS users with OBE which fulfils the requirements set out in this Directive, as well as in Directives 2014/53/EU⁽²⁾ and 2014/30/EU⁽³⁾ 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 take the measures necessary to ensure that EETS providers who provide the EETS on their territory keep lists of invalidated OBE related to their EETS contracts with the EETS users. They shall take the measures necessary to 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.

6 Member States shall take the measures necessary to ensure that EETS providers whom they registered make public their contracting policy towards EETS users.

7 Member States shall take the measures necessary to 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 information necessary to allow them to verify the calculation of applied toll on the vehicles of EETS users by the EETS providers.

8 Member States shall take the measures necessary to ensure that EETS providers who provide the EETS on their territory cooperate with toll chargers in their efforts to identify suspected offenders. Member States shall take the measures necessary to ensure that, where a failure 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 the EETS provider. Such data shall be made available instantly by the EETS provider.

Member States shall take the measures necessary to ensure that the toll charger does not disclose such data to any other toll service provider. They shall take the measures necessary to ensure that, where the toll charger is integrated with a toll service provider in one entity, the data are used for the sole purpose of identifying suspected offenders, or in accordance with Article 27(3).

9 Member States shall take the measures necessary to 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 EETS 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, provided that the toll charger needs this data to comply with its obligations to tax authorities. Member States shall take the measures necessary to ensure that the EETS provider provides the requested data no later than two days after receiving the request. They shall take the measures necessary to ensure that the toll charger does not disclose such data to any other toll service provider. They shall take the measures necessary to ensure that, where the toll charger is integrated with a toll service provider in one entity, the data are used for the sole purpose of compliance by the toll charger with its obligations to tax authorities.

10 The data provided by EETS providers to toll chargers shall be processed in compliance with Union rules on the protection of personal data as set out in Regulation (EU) 2016/679, as well as with the national laws, regulations or administrative provisions transposing Directives 2002/58/EC and (EU) 2016/680.

11 The Commission shall adopt implementing acts, at the latest by 19 October 2019, to further define the obligations of the EETS providers regarding:

- a monitoring the performance of their service level, and cooperation with toll chargers in verification audits;
- b cooperation with toll chargers in the performance of toll chargers' systems' tests;
- c service and technical support to EETS users and personalisation of OBE;
- d the invoicing of EETS users;
- e the information which EETS providers must provide to toll chargers and which is referred to in paragraph 7; and
- f informing the EETS user of a detected toll non-declaration situation.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).

Article 6

Rights and obligations of toll chargers

1 Where an EETS domain does not comply with the technical and procedural EETS interoperability conditions provided for in this Directive, the Member State on whose territory the EETS domain lies shall take the measures necessary to ensure that the responsible toll charger assesses the problem with the stakeholders concerned and, if within its sphere of responsibilities, takes remedial actions with a view to ensuring EETS interoperability of the toll system. Where necessary, the Member State shall update the register referred to in Article 21(1) in respect of the information referred to in point (a) thereof.

2 Each Member State shall take the measures necessary to 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 implementing acts referred to in paragraph 9.

Where a new electronic road toll system is created on the territory of a Member State, that Member State shall take the measures necessary to ensure that the designated toll charger responsible for the system publishes the EETS domain statement with sufficient notice to allow for an accreditation of interested EETS providers 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 conformity to specifications and of the suitability for use of interoperability constituents referred to in Article 15(1).

Where an electronic road toll system on the territory of a Member State is substantially modified, that Member State shall take the measures necessary to ensure that the toll charger responsible for the system publishes the updated EETS domain statement with sufficient notice to allow already accredited EETS providers to adapt their interoperability constituents to the new requirements and to obtain re-accreditation at the latest one month before the operational launch of the modified system, giving 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 15(1).

3 Member States shall take the measures necessary to 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 domains.

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

Member States shall take the measures necessary to ensure that toll chargers do not require EETS providers to use specific technical solutions, or processes, that hinder the interoperability of an EETS provider's interoperability constituents with electronic road toll 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 take the measures necessary to 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 the invoice for the toll to be issued to the EETS user directly by the EETS provider.

The toll charger may require that the EETS provider invoices the user in the name and on behalf of the toll charger, and the EETS provider shall comply with that request.

5 The toll charged by toll chargers to EETS users shall not exceed the corresponding national or local toll. This is without prejudice to the right of Member States to introduce rebates or discounts to promote the use of electronic toll payments. All OBE user rebates or discounts on tolls offered by a Member State or by a toll charger shall be transparent, publicly announced and available under the same conditions to clients of EETS providers.

6 Member States shall take the measures necessary to ensure that toll chargers accept on their EETS domains any operational OBE from EETS providers with whom they have contractual relationships which have been certified in accordance with the procedure defined in the implementing acts referred to in Article 15(7) and which do not appear on a list of invalidated OBE referred to in Article 5(5).

7 In the event of an EETS dysfunction attributable to the toll charger, the toll charger shall provide for a degraded mode of service enabling vehicles with the equipment referred to in paragraph 6 to circulate safely with a minimum of delay and without being suspected of a failure to pay a road fee.

8 Member States shall take the measures necessary to 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 EETS domains.

9 The Commission shall adopt implementing acts, at the latest by 19 October 2019, to lay down the minimum content of the EETS domain statement, including:

- a the requirements for EETS providers;
- b the procedural conditions, including commercial conditions;
- c the procedure of accreditation of EETS providers; and
- d the toll context data.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).

Article 7

Remuneration

1 Member States shall take the measures necessary to ensure that EETS providers are entitled to be remunerated by the toll charger.

2 Member States shall take the measures necessary to ensure that the methodology for defining the remuneration of the EETS providers is transparent, non-discriminatory and identical for all EETS providers accredited to a given EETS domain. They shall take the measures necessary to ensure that the methodology is published as part of the commercial conditions in the EETS domain statement.

3 Member States shall take the measures necessary to ensure that in EETS domains with a main service provider, the methodology for calculating the remuneration of EETS providers follows 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 provided that it is justified by:

- a the cost of specific requirements and obligations of the main service provider and not of the EETS providers; and
- 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, of providing, operating and maintaining an EETS compliant system in its toll domain, including the costs of accreditation, where such costs are not included in the toll.

Article 8

Tolls

1 Member States shall take the measures necessary to ensure that where, for the purpose of establishing the toll tariff applicable to a given vehicle, there is discrepancy between the vehicle classification used by the EETS provider and the toll charger, the toll charger's classification prevails, unless an error can be demonstrated.

2 Member States shall take the measures necessary to ensure that the toll charger is entitled to require, from an EETS provider, payment for any substantiated toll declaration and any substantiated toll non-declaration relating to any EETS user account managed by that EETS provider.

3 Member States shall take the measures necessary to ensure that, where an EETS provider has sent to a toll charger a list of invalidated OBE referred to in Article 5(5), the EETS provider shall not be held liable for any further toll incurred through the use of such invalidated OBE. 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 take the measures necessary to ensure that, in microwave-based toll systems, toll chargers communicate to EETS providers substantiated toll declarations for tolls incurred by their respective EETS users.

5 The Commission shall adopt delegated acts in accordance with Article 30, at the latest by 19 October 2019, 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. The set of vehicle classification parameters to be supported by EETS shall not restrict the choice of tariff schemes by toll chargers. The Commission shall ensure sufficient flexibility to allow the set of classification parameters to be supported by EETS to evolve according to foreseeable future needs. Those acts shall be without prejudice to the definition, in Directive 1999/62/EC of the European Parliament and of the Council⁽⁴⁾, of the parameters according to which tolls shall vary.

Article 9

Accounting

Member States shall take the measures necessary to ensure that legal entities which provide toll services keep accounting records which make a clear distinction possible between the costs and revenues related to the provision of toll services and the costs and revenues related to other activities. The information on the costs and revenues related to the toll service provision shall be provided, upon request, to the relevant Conciliation Body or judicial body. Member States shall also take the measures necessary to ensure that cross subsidies between the activities performed in the role of toll service provider and other activities are not allowed.

Article 10

Rights and obligations of EETS users

1 Member States shall take the measures necessary to allow EETS users to subscribe to EETS through any EETS provider, regardless of their nationality, Member State of residence or the Member State in which the vehicle is registered. When entering into a contract, EETS users shall be duly informed about valid means of payment and, in accordance with Regulation (EU) 2016/679, about the processing of their personal data and the rights stemming from applicable legislation on the protection of personal data.

2 The payment of a toll by an EETS user to its EETS provider shall be deemed to fulfil the EETS user's payment obligations to the relevant toll charger.

If two or more OBE are installed or carried on-board a vehicle, it is the responsibility of the EETS user to use or activate the relevant OBE for the specific EETS domain.

3 The Commission shall adopt delegated acts in accordance with Article 30, at the latest by 19 October 2019, to further define the obligations of the EETS users regarding:

- a the provision of data to the EETS provider; and
- b the use and handling of the OBE.

CHAPTER III

CONCILIATION BODY

Article 11

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 that 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 providers are remunerated in accordance with the principles provided for in Article 7.

3 The Member States referred to in paragraph 1 shall take the measures necessary to ensure that their Conciliation Body is independent, in its organisation and legal structure, from the commercial interests of toll chargers and toll service providers.

Article 12

Mediation procedure

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

2 The mediation procedure referred to in paragraph 1 shall require that the Conciliation Body states, within a period of one month following the receipt of a request for it to intervene, whether all documents necessary for the mediation are in its possession.

3 The mediation procedure referred to in paragraph 1 shall require that the Conciliation Body issues its opinion on a dispute no later than six months after receipt of the request for it to intervene.

4 In order to facilitate its tasks, Member States shall give the Conciliation Body the power to request relevant information from toll chargers, EETS providers and any third parties active in the provision of EETS within the Member State concerned.

5 The Member States with at least one EETS domain and the Commission shall take the measures necessary to ensure the exchange of information between the Conciliation Bodies concerning their work, guiding principles and practices.

CHAPTER IV

TECHNICAL PROVISIONS

Article 13

Single continuous service

Member States shall take the measures necessary to ensure that EETS is provided to EETS users as a single continuous service.

This means that:

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

Article 14

Additional elements regarding EETS

1 Member States shall take the measures necessary to ensure that the interaction of EETS users with toll chargers as part of EETS is limited, where applicable, to the invoicing process in accordance with Article 6(4) and to enforcement processes. Interactions between EETS users and EETS providers, or their OBE, may be specific to each EETS provider, without compromising EETS interoperability.

2 Member States may require that toll service providers, including EETS providers, at the request of the Member States authorities, provide traffic data in respect of their clients, subject to compliance with the applicable data protection rules. Such data shall only be used by the Member States for the purpose of traffic policies and enhancing traffic management and the data shall not be used to identify the clients.

3 The Commission shall adopt, at the latest by 19 October 2019, implementing acts laying down the specifications of electronic interfaces between the interoperability constituents of toll chargers, EETS providers and EETS users, including, where applicable, the content of the messages exchanged between the actors through those interfaces. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).

Article 15

Interoperability constituents

1 Where a new electronic road toll system is created on the territory of a Member State, that Member State shall take the measures necessary to ensure that the designated toll charger responsible for the system establishes and publishes in the EETS domain statement the detailed planning of the process of assessment of 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 road toll system on the territory of a Member State is substantially modified, that Member State shall take the measures necessary to ensure that the toll charger responsible for the system establishes and publishes in the EETS domain statement, in addition to the elements referred to in the first subparagraph, the detailed planning of the re-assessment of 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 respect that planning.

2 Member States shall take the measures necessary to 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 can 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. Member States shall take the measures necessary to allow toll chargers to set up a single test environment for more than one EETS domain, and to allow one authorised representative to check the suitability for use of one type of OBE on behalf of more than one EETS provider.

Member States shall take the measures necessary to allow toll chargers to require EETS providers or their authorised representatives to cover the cost of the respective tests.

3 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 either a declaration of conformity to specifications or a declaration of suitability for use, or both. In particular, Member States shall not require checks which have already been carried out as part of the procedure for checking conformity to specifications or suitability for use, or both.

4 The Commission shall adopt delegated acts in accordance with Article 30, at the latest by 19 October 2019, to lay down the requirements for interoperability constituents regarding safety and health, reliability and availability, environment protection, technical compatibility, security and privacy and operation and management.

5 The Commission shall also adopt delegated acts in accordance with Article 30, at the latest by 19 October 2019, to lay down the general infrastructure requirements regarding:

- a the accuracy of toll declaration data with a view to guaranteeing equality of treatment between EETS users in respect of tolls and charges;
- b the identification, through the OBE, of the responsible EETS provider;
- c the use of open standards for the interoperability constituents of the EETS equipment;
- d the integration of the OBE in the vehicle; and
- e the signalisation, to the driver, of the requirement to pay a road fee.

6 The Commission shall adopt implementing acts, at the latest by 19 October 2019, to lay down the following specific infrastructure requirements:

- a requirements on common communication protocols between toll chargers and EETS providers equipment;
- b requirements on mechanisms for toll chargers to detect whether a vehicle circulating on their EETS domain is equipped with a valid and functioning OBE;
- c requirements on the human-machine interface in the OBE;
- d requirements applying specifically to interoperability constituents in microwave technologies-based toll systems; and

- e requirements applying specifically in Global Navigation Satellite System (GNSS)-based toll systems.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).

7 The Commission shall adopt implementing acts, at the latest by 19 October 2019, 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 and format of the EC declarations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).

CHAPTER V

SAFEGUARD CLAUSES

Article 16

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 relevant 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 immediately 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; or
- b inadequacy of technical specifications.

2 The Commission shall consult the concerned Member State, manufacturer, EETS provider or their authorised representatives established within the Union as quickly as possible. Where, following that consultation, the Commission establishes that the measure is justified, it shall immediately inform the Member State concerned as well as the other Member States. However, where, following that consultation, the Commission establishes that the measure is unjustified, it shall immediately 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 or suitability for use, or both, under the conditions laid down by that Member State and shall inform the Commission and the other Member States thereof.

Article 17

Transparency of assessments

Any decision taken by a Member State or a toll charger concerning the assessment of conformity to specifications or suitability for use of interoperability constituents and any decision taken pursuant to Article 16 shall set out in detail the reasons on which it is based. It shall be notified as soon as possible to the concerned manufacturer, EETS

provider or their authorised representatives, 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 18

Single contact office

Each Member State with at least two EETS domains on its territory shall designate a single contact office for EETS providers. The Member State shall make public the contact details of that office, and provide them, upon request, to interested EETS providers. The Member State shall take the measures necessary to ensure that, upon request of the EETS provider, the contact office facilitates and coordinates 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 natural person or a public or a private body.

Article 19

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 implementing acts referred to in Article 15(7), 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 delegated acts referred to in paragraph 5 of this Article 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 provided for in the delegated acts referred to in paragraph 5 of this Article. It shall immediately 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 criteria provided for in the delegated acts referred to in paragraph 5 of this Article, the matter shall be referred to the Electronic Toll Committee referred to in Article 31(1), which shall deliver its opinion within three months. In the light of the opinion of that Committee, the Commission shall inform the Member State which notified the body in question of any changes that are necessary for the notified body to retain the status conferred upon it.

5 The Commission shall adopt delegated acts in accordance with Article 30, at the latest by 19 October 2019, to lay down the minimum criteria of eligibility for notified bodies.

Article 20

Coordination Group

A Coordination Group of the bodies notified under Article 19(1) (the ‘Coordination Group’) shall be set up as a working group of the Electronic Toll Committee referred to in Article 31(1), in accordance with that Committee's Rules of Procedure.

Article 21

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:
 - (i) the corresponding toll chargers;
 - (ii) the tolling technologies employed;
 - (iii) the toll context data;
 - (iv) the EETS domain statement; and
 - (v) the EETS providers having EETS contracts with the toll chargers active in the territory of that Member State;
- b the EETS providers to whom it has granted registration in accordance with Article 4; and
- c the details of the single contact office referred to in Article 18 for EETS including a contact email address and telephone number.

Unless otherwise specified, Member States shall verify at least once a year that the requirements set out in points (a), (d), (e) and (f) of Article 4 are still met, and shall update the register accordingly. The register shall also contain the conclusions of the audit provided for 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 take the measures necessary to ensure that all the data contained in the national electronic register are kept up-to-date and are accurate.

3 The registers shall be electronically accessible to the public.

4 These registers shall be available as of 19 October 2021.

5 At the end of each calendar year, the Member States authorities in charge of the registers shall communicate, to the Commission, by electronic means, the registers of EETS domains and EETS providers. The Commission shall make the information available to the other Member States. 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 22

Pilot toll systems

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

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

3 Before starting a pilot toll system, the Member State concerned shall request the authorisation of the Commission. The Commission shall issue the authorisation or refuse it, in the form of a Decision, within six months from the moment it received the request. The Commission may refuse the authorisation if the pilot toll system could prejudice the correct functioning of the regular electronic road toll system or of the EETS. The initial period of such authorisation shall not exceed three years.

CHAPTER VIII

EXCHANGE OF INFORMATION ON THE FAILURE TO PAY ROAD FEES

Article 23

Procedure for the exchange of information between Member States

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

- 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 in order to conduct an automated search shall comply with Annex I.

2 For the purposes of the exchange of data referred to in paragraph 1, each Member State shall designate a national contact point. Member States shall take the measures necessary to ensure that the exchange of information between Member States takes place only between the national contact points. The powers of the national contact points shall be governed by the applicable law of the Member State concerned. In that data exchange process, particular attention shall be paid to the proper protection of personal data.

3 When conducting an automated search in the form of an outgoing request, the national contact point of the Member State in whose territory there was a failure to pay a road fee shall use a full registration number.

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⁽⁵⁾ and with the requirements of Annex I to this Directive.

The Member State in whose territory 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.

4 Member States shall take the measures necessary to ensure that the exchange of information is carried out using the European Vehicle and Driving Licence Information System (Eucaris) software application and amended versions of this software, in compliance with Annex I to this Directive and with points 2 and 3 of Chapter 3 of the Annex to Decision 2008/616/JHA.

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.

Article 24

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.

2 When sending the information letter to the owner, 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 national 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, the right to appeal and to have access to information, and the sanction and, where appropriate, data concerning the device used for detecting the failure to pay a road fee. For that purpose, the Member State in whose territory there was a failure to pay a road fee shall base the information letter on the template set out in Annex II.

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 25

Follow-up proceedings by the levying entities

1 The Member State on whose territory there was a failure to pay a road fee may provide to the entity responsible for levying the road fee the data obtained through the procedure referred to in Article 23(1) only if the following conditions are met:

- a the data transferred is limited to what is needed by that entity to obtain the road fee due;
- b the procedure for obtaining the road fee due complies with the procedure provided for in Article 24;
- c the entity concerned is responsible for carrying out this procedure; and
- d compliance with the payment order issued by the entity receiving the data puts an end to the failure to pay a road fee.

2 Member States shall ensure that the data provided to the responsible entity are used solely for the purpose of obtaining the road fee due and is immediately deleted once the road fee is paid or, if the failure to pay persists, within a reasonable period after the transfer of the data, to be set by the Member State.

Article 26

Reporting by Member States to the Commission

Each Member State shall send a comprehensive report to the Commission by 19 April 2023 and every three 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 that occurred on its territory, together with 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 27

Data protection

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

2 Member States shall, in accordance with applicable data protection legislation, take the measures necessary, to ensure that:

- a the processing of personal data for the purposes of Articles 23, 24 and 25 is limited to the types of data listed in Annex I to this Directive;
- b personal data are accurate, kept up-to date and requests for rectification or erasure are handled without undue delay; and
- c a time limit is established for the storage of personal data.

Member States shall take the measures necessary to ensure that personal data processed under this Directive are used only for the purposes of:

- (a) identification of suspected offenders in view of the obligation to pay road fees within the scope of Article 5(8);
- (b) ensuring the compliance of the toll charger as regards its obligations to tax authorities within the scope of Article 5(9); and

- (c) identification of the vehicle and the owner or holder of the vehicle for which a failure to pay a road fee has been established within the scope of Articles 23 and 24.

Member States shall also take the measures necessary to ensure that the data subjects have the same rights of information, access, rectification, erasure and restriction of processing, and to lodge a complaint with a data protection supervisory authority, compensation and an effective judicial remedy as provided for in Regulation (EU) 2016/679 or, where applicable, Directive (EU) 2016/680.

3 This Article shall not affect the possibility of Member States to restrict the scope of the obligations and rights provided for in certain provisions of Regulation (EU) 2016/679 in accordance with Article 23 of that Regulation for the purposes listed in the first paragraph of that Article.

4 Any person concerned shall have the right to obtain, without undue delay, 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.

CHAPTER IX

FINAL PROVISIONS

Article 28

Report

1 By 19 April 2023, 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 Article 5(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 23, 24 and 25 on the reduction in the number of failures to pay road fees in the Union; and
- c the progress made on interoperability aspects between electronic road toll systems using satellite positioning and 5,8 GHz microwave technology.

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 measures to further facilitate the cross-border enforcement of the obligation to pay road fees in the Union, including mutual assistance arrangements; and

- c the extension of the provisions facilitating cross-border enforcement to low emission zones, restricted access zones or other urban vehicle access regulation schemes.

Article 29

Delegated acts

The Commission is empowered to adopt delegated acts, in accordance with Article 30, updating Annex I to take into account any relevant amendments to be made to Council Decisions 2008/615/JHA⁽⁶⁾ and 2008/616/JHA or where this is required by any other relevant legal acts of the Union.

Article 30

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 8(5), Article 10(3), Article 15(4) and (5), Article 19(5) and Article 29 shall be conferred on the Commission for a period of five years from 18 April 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 8(5), Article 10(3), Article 15(4) and (5), Article 19(5) and Article 29 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 of 13 April 2016 on Better Law-Making.

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 8(5), Article 10(3), Article 15(4) and (5), Article 19(5) and Article 29 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.

Article 31

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 When reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

Article 32

Transposition

- 1 Member States shall adopt and publish, by 19 October 2021, the laws, regulations and administrative provisions necessary to comply with Articles 1 to 27 and Annexes I and II. They shall immediately communicate the text of those measures to the Commission.

They shall apply those measures from 19 October 2021.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.
- 2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 33

Repeal

Directive 2004/52/EC is repealed with effect from 20 October 2021, 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 III, 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 set out in Annex IV.

Article 34

Entry into force

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

Article 35

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 19 March 2019.

For the European Parliament

The President

A. TAJANI

For the Council

The President

G. CIAMBA

- (1) Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services ([OJ L 241, 17.9.2015, p. 1](#)).
- (2) Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC ([OJ L 153, 22.5.2014, p. 62](#)).
- (3) Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility ([OJ L 96, 29.3.2014, p. 79](#)).
- (4) Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures ([OJ L 187, 20.7.1999, p. 42](#)).
- (5) 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](#)).
- (6) Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ([OJ L 210, 6.8.2008, p. 1](#)).