

Revision of Directive 2004/52/EC and Decision 2009/750/EC on the European Electronic Toll Service

Fields marked with * are mandatory.

Section A: Respondent Details

*1. Are you replying as/on behalf of:

- as a citizen
- on behalf of a public authority
- on behalf of an industry association or a non-governmental organisation (NGO)
- on behalf of a company
- other (please specify)

2. Please provide your full name and the name of the entity on whose behalf you are replying

100 character(s) maximum

The Norwegian Ministry of Transport and Communications

*3. Is the entity on whose behalf you are replying registered in the EU Transparency Register?

- Yes
- No

5. Please give your email address in case we have questions about your reply and need to ask for clarifications

vivi.natvig@sd.dep.no

6. Please indicate the country where you live or, if you reply on behalf of an entity, the country where it has its headquarters/place of establishment. International and/or European organisations please choose 'international'

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Iceland
- Norway
- Switzerland
- other European non-EU
- non-European
- international

*7. Please specify which interests you (the organisation on behalf of which you respond) represent:

- road infrastructure operator
- road freight transport
- professional road passenger transport (i.e. coach, bus or taxi)
- private car or motorbike use
- rail transport
- intermodal transport
- other/many mode(s) of transport (please specify)
- pedestrian/public transport use
- other (please specify)

*8. Please indicate whether you agree to the publication of your response.

- Under the name indicated – I agree to the publication of all information in my response, except for my email address
- Anonymously – I agree to the publication of all information in my response, except the replies to question 2 (name), question 4 (registration number) and question 5 (email address)

Section B: Questionnaire

Completion of the internal market for electronic toll services

The European rules on EETS say that road operators "shall accept on a non-discriminatory basis any EETS provider (The EETS provider is a legal entity providing the European Electronic Toll Service to the road user) requesting to provide EETS on the[ir] EETS domain". However, the practical meaning of "non-discriminatory basis" is not defined in the legislation, leading to reported misunderstandings in the framework of contractual negotiations between toll chargers and toll service providers.

Some Member States prefer to tender out to the same one company the operation of the electronic tolling system, enforcements and/or the collection of tolls. In such a situation, it is difficult to dissociate the part of the remuneration of this company which corresponds to the collection of tolls alone – activity in which the company competes against the EETS providers. Hence, it is difficult to compare the treatment of EETS providers with that of the incumbent, and to establish whether the EETS provider is discriminated against.

Current rules on EETS provide for the establishment, in each Member State, of a Conciliation Body entitled to mediate in case of dispute between the road operator and the EETS provider relating to their contractual relations or negotiations. The conciliation body doesn't however have the powers to enforce the outcome of its mediation.

*9. Do you think that the EU legislation should provide for the separation of accounts between the toll-charger and toll-service-provider activities, when they are both performed by the same company?

- Yes
- No
- I don't know

Comments

1000 character(s) maximum

Separation of toll charging and toll service activities leads to clear and defined roles and responsibilities and a more professionalised toll operation. Further, anonymity as regards the toll user, is enhanced.

*10. Should the powers of the conciliation bodies be increased so that they can enforce the respect of the outcome of the mediation procedure upon the parties to the dispute?

- Yes
- No
- I don't know

Comments

1000 character(s) maximum

We have no experience on the matter and choose not to reply.

Organisation of the market

The current EETS legislation imposes upon EETS providers the obligation to offer their service across all tolled roads in the EU within 24 months from the moment of their registration.

Many industry players indicated this as one of the blocking factors for the roll out of the service. There are well more than a hundred electronic toll domains in the EU, and before being allowed to offer its services in any of them, the EETS provider must go through a complex technical accreditation procedure and contractual negotiations, which can easily take a year. Conducting this exercise in all toll domains in parallel is close to impossible.

Accreditation to a toll domain can be very costly – 100-200 thousand euros on average – and technically challenging. Only a few companies specialised in toll collection have the necessary resources to successfully go through this process in all EU toll domains. Some stakeholders therefore point out that, by maintaining the obligation of full European coverage, the EU legislator de facto creates the conditions for a monopolistic or oligopolistic market.

The removal of the requirement to cover all EU toll domains will probably allow more companies to enter the market (and thus make the latter more competitive); the downside of it is that EETS providers might decide not to cover peripheral toll domains, where business opportunities are less attractive.

*11. Should the European Union:

- Maintain the obligation for EETS providers to cover all toll domains in the EU;
- Leave it to the EETS providers to decide which toll domains they want to cover by their services.
- Other (please specify)

Please specify "Other"

1000 character(s) maximum

Having regarded

- the fact that to cover all toll domains in the EU within 24 months is impossible
- the fact that the EETS aims at using market forces in order to ensure interoperability between the toll charging systems
- the possibility that leaving it to the EETS provider to decide which toll domains they want to cover by their services might lead to imbalances in the market with (too) many providers where there are many costumers and (too) few providers where there are few costumers

We recommend that the time limit of 24 months is more flexibly expressed in the legislation. EETS providers should f.i. be obliged to cover all toll domains needed by its customer.

Comments

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Coverage of the service

The EETS legislation, as it stands today, applies to all electronic tolling systems, urban or interurban, for any types of vehicles, which require the installation of on-board equipment. In other terms, the EETS does not need to cover systems using automatic number plate recognition (ANPR) as primary vehicle recognition system, such as the London Congestion Charge or 'electronic vignettes'. (Like their paper equivalent, electronic vignettes give access to a defined network for a certain period of time against a lump sum payment. The user typically enters his/her number plate in the system and indicates the period when he/she intends to use the roads, and is invoiced accordingly.)

By definition, ANPR-based systems are not concerned by the problem of lack of interoperability of on-board equipment, since they do not require such equipment to be installed in the vehicle. However, the fact that they are not covered by the EETS implies that users receive separate invoices, and must pay separately for the use of roads covered by these systems. Maybe more importantly, the mushrooming of new city tolls (and other ANPR based systems) may leave some users unaware of the obligation to pay. In such a case, drivers may be fined for inadvertently omitting payment. EETS, and automatic deduction of the toll due from the account of the user, may help avoid such problems.

It is often highlighted that pan-European interoperability of tolls is really required only by commercial vehicles (trucks and buses), which – if engaged in international transport – cross State borders on a daily basis. This is not the case for passenger cars, typically used within the borders of one Member State, and only occasionally crossing one or two borders. For these users, operators of roads situated in border areas typically negotiate local interoperability agreements, e.g. interoperability between motorway concessions located on both sides of the Pyrenees in France and Spain.

Some automobile clubs have indicated, on behalf of their members – car drivers – their lack of interest in the topic. In light of this, the question arises if the cost of EETS for passenger cars does not exceed the potential social benefits. Of course, the situation might change in the future if electronic tolling for cars becomes more widespread than today.

- *12. Do you think the scope of EETS should be extended to systems based on automatic number plate recognition, such as e-vignettes or the London congestion charge?
- Yes
 - No
 - I don't know

Comments

1000 character(s) maximum

The ANPR-technology does not provide the toll collector with secure identification information. The number plate can f.i. be manipulated by the user. We recommend ANPR to be used as back up information to OBEs and to be used for identification of users without OBE.

***13.** Do you think that the EU should continue regulating how to achieve interoperability between electronic tolls applying to passenger cars, or should this be left for the Member States to achieve?

- We need EU rules
- This matter should be left to the Member States
- Other (please specify)

Please specify "Other"

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In order to achieve interoperability between the European toll charging systems, there is a need for common requirements. The requirements should be less technical and detailed and more functional and dynamical since there is a continuous development of new technologies. On the other hand it is very important to state clear objectives and interfaces.

We recognise however, that it is challenging to strike the right balance between functional and technical rules and requirements. Too detailed rules leads to rigidity and unforeseen implementation obstacles whilst too functional requirements leads to, worst case, a lack of interoperability between the charging systems and thus undermining the aim of the legislation itself. The EU Commission should cooperate closely with toll chargers and toll service providers in order to balance the two.

Furthermore it could be useful to co-operate with relevant groups and organisations like the Stockholm Group, ASECAP and different ITS communities.

Comments

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Cross-border recovery and enforcement of tolls

Currently, no harmonised rules exist at EU level governing the recovery of unpaid tolls from users of vehicles registered in another Member State. To tackle this issue, road operators opt for one of three approaches:

1. Accept it that once the user left the country (and does not return), the amount of the unpaid toll is lost.
2. Sign bilateral agreements with neighbouring countries on the exchange of vehicle registration data. This way, the number plate of the offender registered by enforcement devices can be matched with a name and address to which the payment recall/fine can be sent. So far, only a few such bilateral agreements have been signed.
3. Use the services of a professional debt recovery company.

On average, losses from foreigners not paying their tolls amount to a small proportion of the road operator's revenues from tolls, but not chasing foreign registered offenders (solution 1 above) can be seen as unfair to compliant users. Furthermore, the problem can become significant on certain roads and toll domains, notably in vicinity of State borders and in free flow systems (where no barriers stop the vehicle until payment has been made).

The use of debt recovery companies (solution 3.) is expensive: it can typically 'eat' 10-20% of the recovered toll/fine. Exchange of vehicle registration data directly between national administrations could be more efficient. In principle, this can be done on a bilateral basis (solution 2 above), but the result is patchy: typically, each Member State will sign agreements with a few other States only. Ready technical solutions exist and could be used for the purpose of an EU-wide exchange of vehicle registration data, such as the system currently used for the cross-border enforcement of road safety related offenses.

- *14. Should the European Union establish a mandatory mechanism for the exchange of data on toll offenders to facilitate recovery of unpaid tolls, or should Member States be left to decide if they wish to participate in such exchanges on a bilateral basis?
- The EU should establish a mandatory mechanism
 - Member States should be left to find bi- or multilateral solutions
 - Other (please specify)

Comments

1000 character(s) maximum

A mandatory mechanism would make it easier to do the necessary steps to get hold of unpaid tolls. Today, procedures are complicated and time consuming; thus leading to inefficient tolling and loss of income.

How much should the EU get involved in the setup and operation of national systems

Most of the big electronic tolling systems for trucks, which were put in place in the Member States over the last 13 years, cost around 600-800 million euros to set up. Furthermore, yearly operation and maintenance costs consume up to 15% of the toll revenues. At the same time, a few examples (e.g. Hungary) show that by re-using, for the purpose of tolling, existing intelligent transport systems (e.g. commercial tracking and tracing devices), it is possible to reduce the setup and operation costs of tolling systems to a fraction of the former figures.

On-board units are one of the main cost items for new satellite-based electronic tolling systems. By making a new national system technically compatible with those which already exist in neighbouring countries, the road operator can make important savings on on-board equipment and thus considerably reduce the final bill. Yet, so far, this tendency has not prevailed in the EU.

Finally, mutual recognition of elements of the procedure of accreditation of EETS providers to different toll domains could reduce complexity and costs. Again, such co-operation so far exists at the national level (between road concessionaires in the same country), but not between Member States.

It may seem warranted for the EU to provide for greater harmonisation of national systems and procedures, and promote certain solutions to reduce the cost of electronic tolling for the road operators and, ultimately, for the society. On the other hand, this might be seen as restricting the margin available to Member States to decide on the most appropriate technical solutions for electronic tolling on their territories.

*15. Should the European Commission be given the right to scrutinise the planned architecture of new electronic tolling systems (including tender specifications for the contract to set up and operate the tolling scheme) and take a position, before they are put in practice?

- Yes
 No
 I don't know

Comments

1000 character(s) maximum

There is high degree of complexity in the systems which requires a thorough understanding. One needs a lot of time to dig into the matter and there is a strong need for competency. One has to decide which objective criteria to use. The main focus should rather be on making good interfaces between the different national toll systems.

*17. Should the European Commission harmonise the procedures for accrediting an EETS provider to a toll domain, with the aim to reduce the cost and burden associated to it?

- Yes
 No

Comments

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Harmonised procedures would lead to more efficient handling and less complaints.

Attachments

Please upload any documents (supporting documents, positions papers) which you would like to attach to your reply.

[462ab068-4aad-4110-bb85-e90d0a9f5bdf/Complementary_remarks_to_the_public_hearing_about_the_revi](#)

Useful links

[About this consultation \(http://ec.europa.eu/transport/modes/road/consultations/2016-eets_en.htm\)](http://ec.europa.eu/transport/modes/road/consultations/2016-eets_en.htm)

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