



**DET KONGELIGE
SAMFERDSELSDEPARTEMENT**

Ministry of Transport and Communications

EFTA Surveillance Authority (ESA)
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Your ref

Our ref
06/550- KKO

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Complaint regarding the Finnfast road and toll project - Norwegian comments

With reference to letter dated 20 July 2006 from the ESA (Case No: 59390; Event No: 380072). The Norwegian authorities are invited to comment the content of the letter.

Firstly we would like to inform the ESA that the toll collection at the Sokn toll station came to an end on 28 July 2006 at 12 a.m.

Norway is still of the opinion that the collection of toll at the Sokn toll station has taken place in accordance with the intentions of Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (hereinafter "the Directive") Article 2(b) and 7.9, as we pointed out in our letter dated 29 March 2006.

As to ESAs reference to the Brenner motorway case, we can not see that this has any relevance for the Finnfast case. Norway has exclusively linked the toll collection at Sokn toll station to the construction of a continuous infrastructure network in Ryfylke which has been defined through the Rogaland county municipality's preparation of the Ryfylke transport plan. This plan describes a development in stages of a continuous infrastructure network in Ryfylke, and has formed the basis for the specific road toll cases that have been submitted to the Norwegian Parliament for evaluation. On this basis the Parliament has granted part financing of the construction of specified stages in a continuous infrastructure network in Ryfylke by road toll. Thus it is not the case that the infrastructure network concerned in this case refers to the remaining road network in Norway.

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With a view to an efficient toll collection and to ensure that the collection takes place with a minimum delay in the traffic flow with respect to Article 7.5 of the Directive, it is more expedient that the toll collection takes place at a specific point on the infrastructure network concerned. This type of toll collection is common in Norway. The particular road structure in Norway makes it both technically difficult and unduly expensive to establish a charging system which complies with the demand that the toll fee payment shall be based on the distance travelled (ref Article 2b).

In this connection we refer to the EEA Agreement by Joint Committee Decision No. 5/2002 where the particular road structure in Norway is pointed out. Further, it should be remembered that point 8 in Directive 2006/38/EC of the European Parliament and of the Council, amending Directive 1999/62/EC, states that the Member States may choose to implement this Directive through the use of tolls at only a particular point on the infrastructure to which the toll relates.

It is in the light of the above that the Norwegian Parliament's evaluation of the toll projects in Ryfylke must be assessed. The Parliament granted permission to collect toll at a specific point (Sokn toll station) on the infrastructure network concerned in order to part finance a section of a continuous infrastructure network development in Ryfylke (Rennfast). When the Parliament evaluated the Finnfast case a decision was reached to collect toll at several points on the infrastructure (Sokn toll station, the ferry between Finnøy and Talgje, and new toll station at Finnfast) to part finance another section (Finnfast) of the continuous infrastructure development in Ryfylke.

As we pointed out in our letter of 29 March 2006, the statistical basis available does not provide a basis for differentiation between vehicles with permitted total weight above and below 12 tons.

Nor can we see that the traffic statistics ESA refers to in its letter has any relevance for the assessment of the facts in the case. As long as the Norwegian road toll regulations are based on toll collection at specific points, the road users will always, to a greater or lesser degree, make use of the road sections that are being financed by toll.

Yours sincerely,


Tore Raasok


Ola Brattgard