EUROPEAN
COMMISSION

Brussels, 31.5.2017
SWD(2017) 193 final

COMMISSION STAFF WORKING DOCUMENT

Ex-Post Evaluation of 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 and of Commission Decision 2009/750/EC of 6 October 2009 on the definition of the European Electronic Toll Service and its technical elements
EXECUTIVE SUMMARY

Accompanying the document

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)

{COM(2017) 280 final}
{SWD(2017) 190 final}
{SWD(2017) 191 final}
{SWD(2017) 192 final}

EXECUTIVE SUMMARY

Directive 2004/52/EC mandates the deployment of a European Electronic Toll Service (EETS) that would enable road users to subscribe to a single contract and use a single on-board unit (OBU) to pay electronic road tolls EU-wide. To ensure that the various toll systems are technologically compatible and can thus be linked up to this single toll service, the Directive specifies the three technologies that may be used to collect tolls by electronic means.

Decision 2009/750/EC further defines the EETS. It defines the role of third-party 'EETS providers', and provides for the rights and obligations of all parties involved: the governments of EU countries, toll chargers, EETS providers, and road users.

It was decided in 2015 to evaluate the impact of these two legal acts. The ex-post evaluation summarised here therefore analyses whether:

- the Directive and Decision have been effective and efficient in attaining their objectives;
- it is still appropriate to have EU-level instruments in this area;
- these legal acts are consistent with other EU policies.

The evaluation covers the whole EU from 2004 to 2014, and significant developments up to the end of 2016. It is supported by an external study conducted for the Commission in 2015[1] and regular contacts with interested parties, as well as by Commission policy documents and other literature.

Overall, the two legal acts have fallen short of most of their objectives:

- The costs of electronic tolling (for toll chargers and road users) have fallen very little.
- There is still no EETS, and very little progress has been made towards interoperability.
- With a few exceptions, OBUs have not been integrated with other devices.

There is little interoperability of electronic tolls beyond national level. Only a few limited agreements involving more than one EU country have been signed. The main reasons for the relatively low level of interoperability between countries are as follows:

- Many national markets have an uncompetitive structure, with the authorities giving a privileged market position to the tolling system's single operator.
- EETS legislation imposes hurdles; in particular, EETS providers have to be able to offer EU-wide services within 24 months.
- It is difficult and costly to achieve cross-border interoperability because national tolling schemes apply the three technologies allowed under EETS legislation in significantly different ways.
- EETS legislation lacks effective provisions on enforcing tolls on vehicles registered in another EU country.

Although the cost of tolling equipment has more or less halved since 2004, this has not translated into a significant fall in the cost of electronic tolling for toll chargers and road users. In fact, the overall costs and the burden of having to pay tolls have actually increased,

[1] 4icom, *Expert Review of the EETS Legislative Acts*, 2015, http://ec.europa.eu/transport/modes/road/studies/doc/2015-09-ex-post-evaluation-eets-4icom.pdf.

as many new schemes now exist in countries that previously had no system of electronic tolling.

One of the EETS legislation's aims was to enable OBUs to be integrated with other devices inside vehicles, especially digital tachographs. Integration with tachographs has not proved promising. However, several toll service providers offer integrated packages – for toll collection and fleet management, for instance — with a single OBU.

EETS legislation goes too far; coverage of all vehicle types and all toll domains in Europe, mandatory for all EETS providers, is considered an excessive requirement. It would be more efficient if EETS providers were free to respond to their clients' requirements, instead of having to impose a full but costly service on them.

Potentially, EETS legislation could have considerable EU-added value, as experience shows that voluntary cooperation agreements between countries would not result in substantial EETS coverage of the single market. However, as noted above, EETS legislation is a very long way from reaching this potential.

The EETS Directive and Decision are inconsistent with one another. Each imposes different requirements on the parties responsible for deploying EETS, both individually and as a group. The Directive assigns responsibility to national governments and toll chargers, whereas the Decision assigns it to EETS providers.

On the basis of the above analysis, the ex-post evaluation summarised here concludes that EETS legislation has met its original objectives to a very limited extent only.