



Council of the
European Union

Brussels, 3 January 2018
(OR. en)

15946/17

Interinstitutional File:
2017/0128 (COD)

TRANS 580
CODEC 2127

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	9673/17 TRANS 580 CODEC 2127
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 first Presidency compromise draft in view of the Land Transport Working Party on 8 January 2018.

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 in **bold**.

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 Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

¹ OJ C , , p. .

² OJ C , , p. .

↓ new

(1) Directive 2004/52/EC of the European Parliament and of the Council¹ has been substantially amended. Since further amendments are to be made, that Directive should be recast in the interests of clarity.

↓ 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)², 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.~~

↓ 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.~~

¹ 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).

² ~~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.~~

↓ 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.~~

↓ 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.~~

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

- (2) It is necessary to provide for the widespread deployment of electronic toll systems in the Member States and neighbouring countries, and ~~the need is arising~~ to have interoperable systems suited to the future development of road-charging policy at ~~Community~~ Union level and to future technical developments.

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

- (3) The electronic toll systems should be interoperable and based on open and public standards, available on a non-discriminatory basis to all system suppliers.

↓ 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.~~

↓ 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.~~

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

- (4) ~~The proliferation of technologies for electronic toll systems already in use or planned in the coming years (mainly 5,8 GHz microwave, satellite positioning and mobile communications) and the proliferation of specifications imposed by the Member States and neighbouring countries for their electronic toll systems may compromise both the smooth operation of the internal market and transport policy objectives. Such a situation is liable to lead to the proliferation of incompatible and expensive electronic boxes in the driving cabs of heavy goods duty vehicles, and to drivers making mistakes when using them with the result, for example, of unintentionally avoiding payment. Such a proliferation is unacceptable to users and to manufacturers of vehicles for cost, safety and legal reasons.~~

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

- (5) Artificial barriers to the operation of the internal market should be removed, while still allowing the Member States and the ~~Community~~ ☒ Union ☒ to implement a variety of road-charging policies for all types of vehicles at local, national or international level. The equipment installed in vehicles should allow such road-charging policies to be implemented in accordance with the principles of non-discrimination between the citizens of all Member States. The interoperability of electronic toll systems at ~~Community~~ ☒ Union ☒ level therefore needs to be ensured as soon as possible.

↓ 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.~~

↓ 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.~~

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

- (6) A European electronic toll service should provide interoperability at technical, contractual and procedural level, covering:
- (a) a single contract between the clients and the operators offering the service, complying with a contractual set of rules allowing all operators and/or issuers to provide the service, giving access to the whole network;
 - (b) a set of technical standards and requirements allowing the industry to provide the necessary equipment for the provision of the service.

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

- (7) Contractual interoperability provides the potential for important facilitation to some road users and for significant economies in administration for commercial road users.

↓ new

- (8) It should be confirmed that the European Electronic Toll Service (EETS) is provided by EETS providers, as specified in Commission Decision 2009/750/EC¹.
- (9) 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.

¹ Commission Decision 2009/750/EC of 6 October 2009 on the definition of the European Electronic Toll Service and its technical elements (OJ L 268, 13.10.2009, p. 11).

- (10) Electronic tolling and co-operative ITS (C-ITS) applications use similar technologies and neighbouring frequency bands for short range vehicle-to-vehicle and vehicle-to-infrastructure communication. In the future, the potential for merging electronic tolling with C-ITS in the 5.9 GHz band, currently used by C-ITS, should be explored, after a thorough assessment of the costs, benefits, technical barriers and possible solutions thereto.
- (11) 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.
- (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 ¹.
- (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.

¹ 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).

(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.

↓ 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.~~

↓ 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.~~

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

- (17) The introduction of electronic toll systems will 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~~¹ Regulation (EU) 2016/679 of the European Parliament and of the Council², Directive (EU) 2016/680 of the European Parliament and of the Council³ 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 sector⁴. The right to protection of personal data is explicitly recognised by Article 8 of the Charter of Fundamental Rights of the European Union.

¹ ~~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).~~

² 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).

³ 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).

⁴ 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).

↓ 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.~~

↓ 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.~~

↓ 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.~~

↓ 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.~~

↓ 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.~~

↓ 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.

↓ 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 Commission¹;~~

¹ ~~OJ L 184, 17.7.1999, p. 23.~~

↓ new

👤 Council

👤 Council

- (19) In order 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, 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 to technological progress  [...]  Annex I, the definition of technical specifications and requirements of the EETS and the contractual rules relating to its provision, including rights and obligations of EETS providers, toll chargers and EETS users, administrative arrangements, safeguard clauses and a conciliation procedure between toll chargers and EETS providers, as well as adapting Annex II to changes to relevant pieces of the EU acquis . 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.

↓ new

- (20) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.

(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.

(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.¹

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

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objective Subject-matter and scope

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.

⇒ 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. ⇐

¹ 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).

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.~~

↓ new

↻ Council





↻ Council

Article 2

Definitions

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

(a) 'European Electronic Toll Service (EETS)' means the services provided, under a contract, by an EETS provider to an EETS user. Those services shall include making available and guaranteeing the correct parametrisation and functioning of on-board equipment necessary to pay road fees in all ~~[...]~~ ~~EETS~~ domains agreed upon in the contract, processing the payment of road fees due by the user to the toll charger on behalf of the user, and providing other services and assistance required for the user in order to comply with the obligations imposed by the toll chargers in the toll domains agreed upon in the contract;

- (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 under a contract 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;
- (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' means the complete set of hardware and software components required for providing EETS which is installed or carried on board a vehicle in order to collect, store, process and remotely receive/transmit data;
- (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 in 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;
- (i) 'Member State of registration' means the Member State of registration of the vehicle with which the offence of failing to pay a road fee was committed;
- (j) 'national contact point' means a designated competent authority for the exchange of vehicle registration data;
- (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;

(l) 'vehicle' means any power-driven vehicle, including motorcycles, which is normally used for carrying persons or goods by road;

(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;

(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 \Rightarrow [...] \Leftarrow **having a maximum permissible mass exceeding 3.5t**;

(o) 'light-duty vehicle' means any vehicle which is not a heavy-duty vehicle.

↓ Corrigendum, OJ L 200, 7.6.2004, p.
50 (adapted)
 \Rightarrow new
 \Leftarrow Council

Article ~~2~~ 3

Technological solutions

1. All new electronic toll systems \Rightarrow which require the installation or use of on-board equipment \Leftarrow ~~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 \Rightarrow [...] \Leftarrow :

(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~~

↓ 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.

3. EETS providers shall make available to users on-board equipment which is suitable for use, interoperable and capable of communicating with all electronic toll systems in service in the Member States using the technologies listed in ~~☞ [...]~~ **☞ paragraph 1.**

↓ 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.~~

~~7. Member States shall ensure that processing of personal data necessary for the operation of the European electronic toll service~~ EETS is carried out in accordance with the ~~Community~~ Union rules protecting the freedoms and fundamental rights of individuals, including their privacy, and that, in particular, the provisions of ~~Directives 95/46/EC~~ Regulation (EU) 2016/679, Directive (EU) 2016/680 and of Directive 2002/58/EC are complied with.

~~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.~~

Article 4

Features of the ~~European electronic toll service~~ ☒ EETS ☒

1. The ~~European electronic toll service~~ ☒ EETS ☒ shall be based on the items listed in ~~the Annex I to this Directive.~~

↓ 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).~~

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

~~2. The European electronic toll service shall be independent of the fundamental decisions taken by Member States to levy tolls on particular types of vehicles, of the level of charges and of the purpose for which such charges are levied. It shall concern only the method of collecting tolls or fees.~~ The ~~service~~ ☒ EETS ☒ shall allow for contracts to be concluded irrespective of the place of registration of the vehicle, the nationality of the parties to the contract, and the zone or ~~point~~ ☒ section ☒ on the road network in respect of which the ~~toll~~ ☒ road fee ☒ is due.

3. The ~~system~~ ☒ EETS ☒ shall allow intermodality to develop without creating disadvantages for other modes of transport.

~~34.~~ The ~~European electronic toll service~~ EETS shall ~~employ~~ use the technological solutions referred to in Article ~~23,~~ using and the technical specifications referred to in Article 10(2) ~~which shall be publicly available.~~

↓ 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).~~

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

75. The Commission shall ~~ask~~ ☒ 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 Council¹ ~~Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations²~~; to ~~make every necessary effort rapidly~~ to ☒ swiftly ☒ adopt standards applicable to electronic toll systems with regard to the technologies listed in ~~Article 2(1)~~ ☐ [...] ☐ **Article 3(1)** ⇒ , and to update them where necessary ⇐. ⇒ The Commission shall request that the standardisation bodies ensure the continual compatibility of interoperability constituents. ⇐

86. ☒ On-board ☒ ~~Equipment for the European electronic toll service~~ ☒ EETS ☒ shall comply ~~in particular~~ with the requirements of ~~Directives 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity²~~ Directive 2014/53/EU of the European Parliament and of the Council⁴ and ~~Council Directive 89/336/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to electromagnetic compatibility⁵~~ Directive 2014/30/EU of the European Parliament and of the Council⁶.

1 Directive 2015/1535/EU 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 OJ L 204, 21.7.1998, p. 37. Directive as last amended by the 2003 Act of Accession.

3 OJ L 91, 7.4.1999, p. 10. Directive as amended by Regulation (EC) No 1882/2003.

4 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 (OJ L 153, 22.5.2014, p. 62).

5 OJ L 139, 23.5.1989, p. 19. Directive as last amended by Directive 93/68/EEC (OJ L 220, 30.8.1993, p. 1).

6 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).

↓ new

↻ Council

Article 5

Procedure for the exchange of information between Member States

1. For the investigation of the failure to pay road fees, 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:
 - (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.
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/JHA¹ and with the requirements of Annex II to this Directive.

¹ 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).

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 all necessary measures to 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.

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.

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 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 offence. 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.
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

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

Member States shall ensure that all personal data processed under this Directive are only used for the purpose of facilitating the cross-border exchange of information on failures to pay road fees, and 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.

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.

Article 9





Report

The Commission shall, by [5 years after the entry into force of this Directive], submit a report to the European Parliament and to the Council on the application of Articles 6 and 7 of this Directive by the Member States. In its report, the Commission shall focus in particular on, and shall, as appropriate, make proposals to cover, the following aspects:

- an assessment of the effectiveness of Articles 6 and 7 on the reduction in the number of failures to pay road fees in the Union,
- an assessment of the need to further facilitate the cross-border enforcement of the payment of road fees in the Union by establishing 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 and fines."

Article 10

Delegated acts

1. The Commission is empowered to adopt delegated acts in accordance with Article 11 amending  [...]  Annex I  [...]  in order to adapt them to technical progress.
2. The Commission is empowered to adopt delegated acts in accordance with Article 11 concerning the definition of technical specifications and requirements of the EETS and the contractual rules relating to its provision, including rights and obligations of EETS providers, toll chargers and EETS users.
3. The Commission is empowered to adopt delegated acts in accordance with Article 11 concerning administrative arrangements, safeguard clauses and a conciliation procedure between toll chargers and EETS providers.

4. 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/JHA¹ and 2008/616/JHA or where this is required by any other relevant Union acts.

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 2016.²
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

¹ 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).

² OJ L 123, 12.5.2016, p. 1

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.

↓ 219/2009 Art. 1 and Annex .7(7)

~~Article 5~~

~~Committee procedure~~

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

~~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.~~

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

~~Article 6~~ 12

~~Implementation~~ ☒ ~~Transposition~~ ☒

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with ~~this Directive~~ ☒ Articles 1 and 3 to 8 and Annexes II and III by [18 months after the entry into force of this Directive] ☒ ~~before 20 November 2005~~. They shall immediately ~~forward~~ ☒ communicate the text of those measures ☒ to the Commission ~~the text of those provisions, together with a table correlating those provisions with this Directive~~.

When Member States adopt ~~these~~ those measures, they shall contain a reference to this Directive or 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. ~~The methods of making~~ Member States shall determine how such reference is to be made and how that statement is to be formulated ~~shall be laid down by Member States.~~

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.

↓ 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.

↓ 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*.

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

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

Items required for the definition and deployment of the ~~European electronic toll service~~

⊗ EETS ⊗

The matters listed below are essential for the definition and deployment of the ~~European electronic toll service~~ ⊗ EETS ⊗ set up under the Directive. These matters are distinguished between technical, procedural and legal issues:

Technical issues:

- (a) operational procedures for the service: subscription, instructions for use, installation and attachment of on-board equipment in vehicles, processing of transactions at toll stations or for continuous charging, procedures for recovering transaction data in the event of equipment breakdown or malfunction, control systems, invoicing and collection of sums due, after-sales service, customer assistance, definition of the level of service offered to customers; when establishing such operational procedures, the existing procedures in the Member States shall be taken into account;
- (b) functional specifications of the service: description of the functions of on-board equipment and ground-based equipment;
- (c) technical specifications of ground-based and on-board equipment supporting the service, and the standards, certification procedures and constraints to be observed;
- (d) launching and following up work involving relevant standardisation bodies, and any technical additions to the standards or pre-standards used, in order to ensure interoperability,
- (e) specifications for installing on-board equipment;

(f) transactional models: precise definition of transactional algorithms for each different type of toll (fixed-point tolls or continuous charging), and definition of the data exchanged between on-board and ground-based equipment and of the data formats;

(g) arrangements for the availability of on-board equipment to meet the demand of all interested users;

Procedural issues:

(h) procedures for verification of technical performance of on-board equipment, roadside equipment and the way equipment is installed in vehicles;

(i) parameters for vehicle classification: validation of a ~~Community~~ Union list of technical parameters from which each Member State will select those it wishes to use for its charging policy. The parameters will represent vehicles' physical, engine and environmental characteristics. Establishment of vehicle classes based on those parameters will be a matter for Member States;

(j) implementation of procedures for dealing with particular cases, such as any type of malfunction. This relates in particular to cases in which the road toll operators and the customer come from different countries;

Legal issues:

(k) validation of the chosen technical solutions vis-à-vis the ~~Community~~ Union rules protecting the freedoms and fundamental rights of individuals, including their privacy and protection of personal data . In particular, it will be necessary to ensure compliance with Directive 95/46/EC Regulation (EU) 2016/679 and Directive 2002/58/EC;

(l) setting non-discriminatory common rules and minimum requirements which potential service providers should respect when providing the service;

(m) assessment of the possibility of harmonising the rules of enforcement relating to electronic road tolls;

(n) a memorandum of understanding between road toll operators, enabling the ~~European electronic toll service~~ EETS to be implemented, including conflict resolution procedures.

↓ new

ANNEX II

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

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

¹ M = mandatory when available in national register, O = optional.

² 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).

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 ¹	Remarks
Registration number	M	
Chassis number/VIN	M	
Member State of registration	M	
Make	M	(D.1 ²) 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
EURO emissions class	M	e.g. Euro 4, EURO 6

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

Item	M/O ³	Remarks
Data relating to holders of the vehicle		(C.1 ⁴) 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.
First name	M	(C.1.2)

¹ M = mandatory when available in national register, O = optional.

² Harmonised code, see Directive 1999/37/EC.

³ M = mandatory when available in national register, O = optional.

⁴ Harmonised code, see Directive 1999/37/EC.

		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.

↓ 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]

Ona 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](¹)

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

[Option 2] (¹)

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 ⁽²⁾:

Specification of the device:

[Redacted area with dotted lines]

Identification number of the device:

[Redacted area with dotted lines]

Expiry date for the last gauging:

[Redacted area with dotted lines]

(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.

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

↻ [...] ↻



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

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 I
—	Annex II
—	Annex III
—	Annex IV
—	Annex V
—	Annex VI
