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*Plenary sitting*

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**A8-9999/2018**

5.6.2018

**\*\*\*I**  
**REPORT**

on the 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)0280 – C8-0173/2017 – 2017/0128(COD))

Committee on Transport and Tourism

Rapporteur: Massimiliano Salini

(Recast – Rule 104 of the Rules of Procedure)

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	50
ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS.....	51
ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION .....	53
OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS .....	55
PROCEDURE – COMMITTEE RESPONSIBLE.....	75
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE.....	76



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the 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)0280 – C8-0173/2017 – 2017/0128(COD))**

**(Ordinary legislative procedure – recast)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0280),
  - having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0173/2017),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 18 October 2017<sup>1</sup>,
  - after consulting the Committee of the Regions,
  - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts<sup>2</sup>,
  - having regard to the letter of 24 July 2017 from the Committee on Legal Affairs to the Committee on Transport and Tourism in accordance with Rule 104(3) of its Rules of Procedure,
  - having regard to Rules 104 and 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0000/2018),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal, and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

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<sup>1</sup> Not yet published in the Official Journal.

<sup>2</sup> OJ C 77, 28.3.2002, p. 1.

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## Amendment 1

### Proposal for a directive

#### Recital 2

*Text proposed by the Commission*

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

*Amendment*

(2) It is necessary to provide for the widespread deployment of electronic toll systems in the Member States and neighbouring countries, and to have, *as far as possible, reliable, user friendly, cost-efficient*, interoperable systems suited to the future development of road-charging policy at Union level and to future technical developments.

## Amendment 2

### Proposal for a directive

#### Recital 4

*Text proposed by the Commission*

(4) 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 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.

*Amendment*

(4) 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, *the principle of free movement* 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 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.

## Amendment 3

### Proposal for a directive

#### Recital 5

*Text proposed by the Commission*

(5) Artificial barriers to the operation of the internal market should be removed, while still allowing the Member States and the 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 Union level therefore *needs to* be ensured as soon as possible.

*Amendment*

(5) Artificial barriers to the operation of the internal market should be removed, while still allowing the Member States and the 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. ***It should be possible to use single on-board equipment in all Member States so that it is no longer necessary to acquire separate short-term vignettes to travel in the Union.*** The reliable interoperability of electronic toll systems at Union level ***in accordance with the General Data Protection Regulation, should*** therefore be ensured as soon as possible, ***without imposing an administrative burden and limiting as far as possible additional costs for the electronic toll services, and for the equipment installed and operated by the road operators.***

**Amendment 4**

**Proposal for a directive  
Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) Toll chargers should be obliged to give access to their EETS domain to EETS providers on a non-discriminatory basis.***

**Amendment 5**

**Proposal for a directive  
Recital 5 b (new)**

*Text proposed by the Commission*

*Amendment*

***(5b) To ensure transparency and non-discriminatory access to EETS domains for all EETS providers, toll chargers should publish all the necessary information relative to access rights in an EETS domain statement.***

## **Amendment 6**

### **Proposal for a directive Recital 5 c (new)**

*Text proposed by the Commission*

*Amendment*

***(5c) The EETS being a market-based service, EETS providers should not be forced to provide the service all at once across the Union. However, in the interest of the users, EETS providers should be required to cover all EETS domains in any country in which they decide to provide their services. Furthermore, the Commission should ensure that the flexibility given to EETS providers does not lead to the exclusion from EETS of small or peripheral EETS domains.***

## **Amendment 7**

### **Proposal for a directive Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6a) The EETS domain statement should describe in detail the framework commercial conditions for EETS providers' operations in the EETS domain in question. In particular, it should describe the methodology used for calculating the remuneration of EETS providers.***

## **Amendment 8**

### **Proposal for a directive Recital 6 b (new)**

*Text proposed by the Commission*

*Amendment*

***(6b) EETS providers should be entitled to fair remuneration, calculated based on a transparent and non-discriminatory methodology.***

## **Amendment 9**

### **Proposal for a directive Recital 6 c (new)**

*Text proposed by the Commission*

*Amendment*

***(6c) EETS users should not pay more toll than they would for the corresponding national/local toll. All On Board Equipment (OBE) user rebates or discounts on tolls offered by a Member State or by a toll charger should be available under the same conditions to clients of EETS Providers.***

## **Amendment 10**

### **Proposal for a directive Recital 6 d (new)**

*Text proposed by the Commission*

*Amendment*

***(6d) Where a new electronic toll collection system is being launched or an existing system is being substantially modified, the toll charger should be required to publish the new or updated EETS domain statements with sufficient notice to allow EETS providers to be accredited or re-accredited to the system at the latest one month before the day of its operational launch. The toll charger should be required to design and follow the procedure for, respectively, the***

*accreditation or re-accreditation of EETS providers in such a way that the procedure can be concluded at the latest one month before the operational launch of the new or substantially amended system. Toll chargers should be bound to respect their part of the planned procedure as defined in the EETS domain statement.*

## **Amendment 11**

### **Proposal for a directive Recital 6 e (new)**

*Text proposed by the Commission*

*Amendment*

*(6e) The EETS domain statement should set out in detail the procedure of accreditation of an EETS provider to the EETS domain, in particular the procedure for checking conformity to specifications and suitability for use of interoperability constituents. The procedure should be the same for all EETS providers.*

## **Amendment 12**

### **Proposal for a directive Recital 6 f (new)**

*Text proposed by the Commission*

*Amendment*

*(6f) Toll chargers should not be permitted to request or require from EETS providers any specific technical solutions which could jeopardise interoperability with other toll domains and with the existing interoperability constituents of the EETS provider.*

## Amendment 13

### Proposal for a directive Recital 7 a (new)

*Text proposed by the Commission*

*Amendment*

**(7a) EETS providers should be allowed to issue invoices to the users. However, toll chargers should be allowed to request that invoices are sent on their behalf and in their name, as invoicing directly in the name of the EETS provider can in certain toll domains have adverse administrative and tax implications.**

## Amendment 14

### Proposal for a directive Recital 7 b (new)

*Text proposed by the Commission*

*Amendment*

**(7b) If a legal entity that is a toll service provider also plays other roles in an electronic toll collection system, or has other activities not directly related with electronic toll collection, it should be required to keep separate profit and loss accounts for each type of its activities. Cross subsidies between these different activities should be excluded.**

## Amendment 15

### Proposal for a directive Recital 8

*Text proposed by the Commission*

*Amendment*

(8) It should be confirmed that the European Electronic Toll Service (EETS) is provided by EETS providers, as specified in Commission Decision 2009/750/EC<sup>17</sup>.

(8) It should be confirmed that the European Electronic Toll Service (EETS) is **legally** provided by EETS providers, as specified in Commission Decision

2009/750/EC<sup>17</sup> *and in full compliance with fundamental rights.*

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<sup>17</sup> 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).

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<sup>17</sup> 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).

## **Amendment 16**

### **Proposal for a directive Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**(8a) Each Member State with at least two EETS domains should designate a contact office in the national administration for EETS Providers wishing to provide the EETS in its territory in order to facilitate their contacts with the Toll Chargers.**

## **Amendment 17**

### **Proposal for a directive Recital 10**

*Text proposed by the Commission*

*Amendment*

(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.***

(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 feasibility of new solutions and possible synergies between the ***electronic tolling*** platform and cooperative intelligent transport systems should be explored, taking into account a detailed cost-benefit analysis and potential impacts on privacy and data protection.

## Amendment 18

### Proposal for a directive Recital 11

*Text proposed by the Commission*

(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.

*Amendment*

(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. ***In order to avoid interference from Wi-Fi in vehicles and C-ITS devices, the 5.8 GHz band should be protected for the use in tolling systems.***

## Amendment 19

### Proposal for a directive Recital 13 a (new)

*Text proposed by the Commission*

*Amendment*

***(13a) Cross-border enforcement of road fees, including fees charged in urban areas, and of fines for infringements require an arrangement for mutual assistance between Member States. To deal with the problem of cross-border enforcement of toll evasions legal agreements, involving also local authorities, should be implemented, using a simple automatic mechanism for the exchange of information between Member States.***

## Amendment 20

### Proposal for a directive Recital 15 a (new)

***(15a) Toll chargers should be allowed to request from the EETS provider, within the framework of toll enforcement activities and where it is presumed that the driver of a vehicle has failed to pay a road fee data relating to the vehicles and to the owners or holders of vehicles who are the EETS provider's clients. The toll charger should prevent this data, which can be commercially sensitive, from being used for any purpose other than enforcement. In particular, the toll charger should be required not to disclose the data to any of the EETS provider's competitors. The amount and type of data which EETS providers communicate to toll chargers, for the purpose of calculating and applying tolls or to verify the calculation of applied toll on the vehicles of EETS users by the EETS providers, should be limited to a strict minimum.***

## **Amendment 21**

### **Proposal for a directive Recital 16 a (new)**

***(16a) A conciliation procedure should be ensured in view to settle disputes between toll chargers and EETS providers during contract negotiations and in their contractual relationships. National Conciliation Bodies should be consulted by toll chargers and EETS providers in search of a dispute settlement relating to non-discriminatory access to EETS domains.***

## **Amendment 22**

**Proposal for a directive**  
**Recital 16 b (new)**

*Text proposed by the Commission*

*Amendment*

***(16b) The Conciliation Bodies should be empowered to verify that the contractual conditions imposed on any EETS provider are non-discriminatory. In particular, they should be empowered to verify that the remuneration offered by the toll charger to the EETS providers respects the principles of this Directive.***

**Amendment 23**

**Proposal for a directive**  
**Recital 17**

*Text proposed by the Commission*

*Amendment*

(17) The introduction of electronic toll systems ***will entail*** the processing of personal data. Such processing needs to be carried out in accordance with Union rules, as set out, inter alia, in Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>19</sup>, ***Directive (EU) 2016/680 of the European Parliament and of the Council***<sup>20</sup> and Directive 2002/58/EC of the European Parliament and of the Council<sup>21</sup>. ***The right to protection of personal data is explicitly recognised by Article 8 of the Charter of Fundamental Rights of the European Union.***

(17) The introduction of electronic toll systems ***entails*** the processing of personal data, ***on the basis of which movements can be comprehensively profiled. To safeguard privacy, Member States should, accordingly, allow for anonymous and encrypted advance-payment options for EETS. The right to protection of personal data is explicitly recognised by Article 8 of the Charter of Fundamental Rights of the Union and Article 16 of the Treaty on the Functioning of the European Union. Processing of personal data*** needs to be carried out in accordance with Union rules, as set out, inter alia, in Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>19</sup>, and Directive 2002/58/EC of the European Parliament and of the Council<sup>20</sup>, ***and, where the failure to pay a road fee is a criminal offence in the Member State where the payment is due, by Directive (EU) 2016/680 of the European Parliament and of the Council.***<sup>21</sup>

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<sup>19</sup> 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

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<sup>19</sup> 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),

<sup>20</sup> *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).*

<sup>21</sup> *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).*

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),

<sup>20</sup> *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).*

<sup>21</sup> *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).*

## Amendment 24

### Proposal for a directive Recital 17 a (new)

*Text proposed by the Commission*

*Amendment*

***(17a) EETS providers should be made responsible for providing to toll chargers and/or toll operators correct data regarding their clients, as this data is essential for correct toll collection and effective enforcement.***

## Amendment 25

### Proposal for a directive Recital 18

#### *Text proposed by the Commission*

(18) This Directive does not affect the Member States' freedom to lay down rules governing road infrastructure charging and taxation matters.

#### *Amendment*

(18) This Directive does not affect the Member States' freedom to lay down rules governing road infrastructure charging and taxation matters. ***Nonetheless, it does state that an interoperable electronic tolling system would help to achieve the objectives laid down by Union legislation on road tolls. The provisions of this Directive are compatible with those of Directive .../... of the European Parliament and of the Council<sup>22</sup>.***

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<sup>22</sup> ***Directive .../... of the European Parliament and of the Council of ... amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures [procedure 2017/0114 COD]***

## Amendment 26

### Proposal for a directive Recital 19

#### *Text proposed by the Commission*

(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 of the list of technologies which can be used for carrying out electronic toll transactions in electronic toll systems which require the installation or use of on-board equipment. It is of particular

#### *Amendment*

(19) In order to ensure the interoperability of electronic road toll systems and to facilitate by legal means 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 of the list of technologies which can be used for carrying out electronic toll transactions in electronic toll systems which require the installation or use of on-board

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.

equipment. 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.

## Amendment 27

### Proposal for a directive

#### Article 1 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

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 ***Union. It applies to the electronic collection of all types of road fees***, on the entire Union road network, urban and interurban, motorways, major and minor roads, and various structures such as tunnels, bridges and ferries.

##### *Amendment*

This Directive lays down the conditions ***necessary for the following purposes:***

(a) to ensure the interoperability of electronic road toll systems on the entire road network, urban and interurban motorways, major and minor roads, and various structures such as tunnels, bridges and ferries, ***and***

(b) to facilitate the cross-border exchange of information on the failure to pay road fees in the Union, ***including on the failure to pay those fees to be collected manually on infrastructures to which this Directive applies, as well as those fees charged in urban areas as referred to in***

*Directive 2008/50/EC of the European Parliament and of the Council<sup>23</sup>, or those fines for infringements concerning the payment of fees.*

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<sup>23</sup>*Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1).*

## **Amendment 28**

### **Proposal for a directive Article 1 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

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.

*Amendment*

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

## **Amendment 29**

### **Proposal for a directive Article 2 – paragraph 1 – point -a (new)**

*Text proposed by the Commission*

*Amendment*

*(-a) 'toll service' means the service enabling users having one contract and one set of OBE to use a vehicle in one or more toll domains; it includes, notably:*

- i) providing a customised OBE to the users and maintaining its functionality;*
- ii) guaranteeing that the toll charger is paid the toll due by the user;*
- iii) providing the payment means to the user or accepting an existing one;*
- iv) collecting the toll from the user;*

- v) *managing the customer relations with the user;*
- vi) *implementing and adhering to the security and privacy policies for the toll systems;*

## **Amendment 30**

### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

(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 electronic toll 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;*

*Amendment*

(a) 'European Electronic Toll Service (EETS)' means the *toll service* provided, under a contract, by an EETS provider to an EETS user;

## **Amendment 31**

### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

(aa) *'toll' means a charge or duty levied in relation with circulating a vehicle in a toll domain;*

## **Amendment 32**

### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

**(ab) 'toll service provider' means a legal entity providing customer toll services on one or more toll domains for one or more classes of vehicles."**

### **Amendment 33**

**Proposal for a directive**

**Article 2 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) 'toll operator' means a private entity to which the toll charger delegates the task of collecting road fees on behalf of and for the benefit of the toll charger;**

### **Amendment 34**

**Proposal for a directive**

**Article 2 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(c a) 'national toll service provider' means an entity providing the toll services developed and operated by the toll operator, to the end-users. It is appointed by a Member State and it is entrusted with the public service obligation to provide On-Board-Unit's to all users of toll services and provide toll services the whole territory of the respective Member State;**

### **Amendment 35**

**Proposal for a directive**

**Article 2 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

**(cb) 'main service provider' means a toll service provider on which the toll charger puts specific obligations (such as the obligation to sign contracts with all interested users) or grants specific rights**

*(such as specific remuneration or a guaranteed long term contract) different from the rights and obligations of other service providers;*

## **Amendment 36**

### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) 'electronic toll 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;

*Amendment*

(e) 'electronic toll domain' means a road, a road network, a structure such as a bridge, a tunnel, or **a** ferry, where road fees are collected using, **either** exclusively or partially, automatic detection mechanisms such as communication with on-board equipment inside the vehicle or automatic number plate recognition;

## **Amendment 37**

### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(ea) 'toll context data' means the information defined by the responsible toll charger necessary to establish the toll due for circulating a vehicle on a particular toll domain and conclude the toll transaction;**

## **Amendment 38**

### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point e b (new)**

*Text proposed by the Commission*

*Amendment*

**(eb) 'toll declaration' means a statement to a toll charger that confirms the presence of a vehicle in a toll domain in a format agreed between the toll service provider and the toll charger;**

## **Amendment 39**

### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

*(fa) ‘interoperability constituents’ 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;*

## **Amendment 40**

### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point f b (new)**

*Text proposed by the Commission*

*Amendment*

*(fb) ‘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;*

## **Amendment 41**

### **Proposal for a directive**

#### **Article 2 – paragraph 1 – point f c (new)**

*Text proposed by the Commission*

*Amendment*

*(fc) ‘substantially modified system’ means an existing electronic toll collection 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 retesting OBE or*

*adapting the interfaces of their back office;*

#### **Amendment 42**

##### **Proposal for a directive**

##### **Article 2 – paragraph 1 – point f d (new)**

*Text proposed by the Commission*

*Amendment*

*(fd) '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 electronic toll collection;*

#### **Amendment 43**

##### **Proposal for a directive**

##### **Article 2 – paragraph 1 – point f e (new)**

*Text proposed by the Commission*

*Amendment*

*(fe) '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;*

#### **Amendment 44**

##### **Proposal for a directive**

##### **Article 2 – paragraph 1 – point i**

*Text proposed by the Commission*

*Amendment*

(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;

(i) 'Member State of registration' means the Member State *where* the vehicle with which the offence of failing to pay a road fee was committed *is registered*;

#### **Amendment 45**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point l a (new)**

*Text proposed by the Commission*

*Amendment*

**(la)** ‘*vehicle classification parameters*’  
*means the vehicle related information*  
*according to which tolls are calculated*  
*based on the toll context data;*

**Amendment 46**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point o**

*Text proposed by the Commission*

*Amendment*

o) ‘light-duty vehicle’ means *any*  
*vehicle which is not a heavy-duty vehicle.*

(o) ‘light-duty vehicle’ means *a car, a*  
*minibus or a van.*

**Amendment 47**

**Proposal for a directive**  
**Article 3 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

All new electronic toll systems which require the installation or use of on-board equipment shall, for carrying out electronic toll transactions, use one or more of the technologies *listed in Annex IV.*

All new electronic toll systems which require the installation or use of on-board equipment 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.*

**Amendment 48**

**Proposal for a directive**  
**Article 3 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Existing electronic toll systems which use technologies other than those *listed in Annex IV* shall **comply** with those technologies if substantial technological improvements are carried out.

*Amendment*

Existing electronic toll systems which use technologies other than those listed **in the first subparagraph** shall **be compatible with** those technologies if substantial technological improvements are carried out.

**Amendment 49**

**Proposal for a directive  
Article 3 – paragraph 3**

*Text proposed by the Commission*

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 *Annex IV*.

*Amendment*

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**.

**Amendment 50**

**Proposal for a directive  
Article 3 – paragraph 4**

*Text proposed by the Commission*

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 *Annex IV*.

*Amendment*

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**. **Each vehicle shall have only one on-board unit, and that on-board unit may be linked to only one vehicle.**

## Amendment 51

### Proposal for a directive Article 3 – paragraph 5

*Text proposed by the Commission*

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.

*Amendment*

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 ***to be used in the EETS domains which do not require satellite positioning or mobile communications technologies.***

## Amendment 52

### Proposal for a directive Article 3 – paragraph 6

*Text proposed by the Commission*

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

*Amendment*

6. Member States shall ensure that processing of personal data necessary for the operation of the EETS is carried out in accordance with the Union rules protecting the freedoms and fundamental rights of individuals, including their privacy, and that, in particular, the provisions of Regulation (EU) 2016/679, Directive (EU) 2016/680 and of Directive 2002/58/EC are complied with. ***At the same time, Member States shall allow the exchange of information with the other Member States in duly justified cases, such as failure to pay a road fee.***

## Amendment 53

### Proposal for a directive Article 4 – paragraph 2

*Text proposed by the Commission*

2. The **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 section on the road network in respect of which the road fee is due.

*Amendment*

2. The **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 section on the road network in respect of which the road fee is due, **taking into account the means of payment valid in that Member State.**

**Amendment 54**

**Proposal for a directive  
Article 4 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The EETS is provided through contractual agreements between the service providers and the toll collectors which guarantee that tolls are paid correctly.**

**Amendment 55**

**Proposal for a directive  
Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

3. The EETS shall allow intermodality to develop **whilst guaranteeing compliance with the “user and polluter pays principle” and developing advantages** for other **and more sustainable** modes of transport.

**Amendment 56**

**Proposal for a directive  
Article 4 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The Commission shall request the relevant standardisation bodies, in particular

5. The Commission shall 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 Council<sup>23</sup> to swiftly adopt standards applicable to electronic toll systems with regard to the technologies listed in *Annex IV*, and to update them where necessary. The Commission shall request that the standardisation bodies ensure the continual compatibility of interoperability constituents.

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<sup>23</sup> 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).

## **Amendment 57**

### **Proposal for a directive Article 4 a (new)**

*Text proposed by the Commission*

the CEN, in accordance with the procedure laid down by Directive 2015/1535/EU of the European Parliament and of the Council<sup>23</sup> to swiftly adopt standards applicable to electronic toll systems with regard to the technologies listed in *Article 3*, and to update them where necessary. The Commission shall request that the standardisation bodies ensure the continual compatibility of interoperability constituents.

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<sup>23</sup> 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).

*Amendment*

#### **Article 4a**

***Requirements to be fulfilled by the EETS providers***

***EETS providers shall seek registration in a Member State where they are established. Such registration shall be granted if the EETS providers fulfil the following requirements:***

- (a) hold EN ISO 9001 certification or equivalent;***
- (b) demonstrate having the technical equipment and the EC declaration or certificate attesting the conformity of the interoperability constituents to specifications;***
- (c) demonstrate competence in the provision of electronic tolling services or in relevant domains;***
- (d) have appropriate financial standing;***
- (e) maintain a global risk management***

*plan, which is audited at least every 2 years;*

*(f) be of good repute.*

*The Commission is empowered to adopt delegated acts in accordance with Article 11 laying down the specifications referred to in point (b) of the first paragraph.*

## **Amendment 58**

### **Proposal for a directive Article 4 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 4b**

##### ***Rights and obligations of EETS Providers***

***1. EETS providers shall conclude EETS contracts covering all EETS domains on the territories of at least 4 Member States within 36 months following their registration in accordance with Article 4a.***

***They shall conclude contracts covering all EETS domain in a given Member State within 24 months from concluding the first contract in that Member State, except for those EETS domains in which the responsible toll chargers do not comply with the provisions of Article 4d.***

***2. EETS providers shall maintain at all times the coverage of all EETS domains once they have concluded contracts therefor. Where an EETS provider is not able to maintain coverage of an EETS domain because the toll charger does not comply with its obligations, it shall re-establish the coverage of the concerned domain as soon as possible.***

***3. EETS providers shall cooperate with toll chargers in their enforcement efforts. Where a failure by a road user to pay a road fee is suspected, the toll charger may request that the EETS provider provide it with 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. The EETS***

*provider shall ensure that such data is instantly available.*

*The toll charger shall ensure that such data is not disclosed to any other toll service provider. If the toll charger is integrated with a toll service provider in one entity, it shall put in place appropriate measures and procedures to ensure that the data is used for the sole purpose of enforcement.*

## **Amendment 59**

### **Proposal for a directive Article 4 c (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 4c*

##### *Rights and obligations of the Toll Charger*

*1. Each toll charger shall develop and maintain an EETS domain statement setting out the general conditions for EETS providers for accessing their toll domains.*

*2. Where a new electronic toll collection system is created, the future toll charger responsible for this system shall publish the EETS domain statement with sufficient notice to allow for an accreditation of interested EETS providers to conclude at the latest one month before the operational launch of the new system, having due regard to the length of the process of assessment of the conformity to specifications and of the suitability for use of interoperability constituents.*

*3. Where an electronic toll collection system is substantially modified, the toll charger shall publish the revised EETS domain statement with sufficient notice to allow already accredited EETS providers to adapt their interoperability constituents to the new requirements and obtain re-accreditation where required at the latest one month before the operational launch of the modified system, with due regard to the length of the process of assessment of the*

*conformity to specifications and of the suitability for use of interoperability constituents.*

*The toll charger shall establish and publish in the EETS domain statement the detailed planning of the process of assessment or reassessment of the conformity to specifications and of the suitability for use of interoperability constituents, which allows for the accreditation or reaccreditation of interested EETS providers at the latest one month before the operational launch of the new or substantially modified system. The toll charger shall be bound to respect its side of the planning.*

## **Amendment 60**

### **Proposal for a directive Article 4 d (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 4d*

*Toll chargers shall accept on a non-discriminatory basis any EETS provider requesting to provide EETS on the EETS domain(s) under the toll charger's responsibility.*

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

*Toll chargers shall not require the EETS provider to use any specific technical solutions or processes which hinder the interoperability of an EETS provider's interoperability constituents with electronic toll collection 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.*

## **Amendment 61**

### **Proposal for a directive Article 4 e (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 4e*

*Each Member State shall 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 that the invoice for the toll is 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.*

## **Amendment 62**

### **Proposal for a directive Article 4 f (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 4f*

*Each Member State with at least two EETS domains on its territory shall designate a single contact office for EETS providers. At the request of the EETS provider, the contact office shall facilitate and coordinate early 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 person or a public or private body.*

## **Amendment 63**

### **Proposal for a directive Article 4 g (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 4g*

*The toll charged by toll chargers to EETS users shall not exceed the corresponding national/local toll. All on-board-equipment user rebates or discounts on tolls offered by a Member State or by a toll charger should be available under the same conditions to clients of EETS providers.*

## **Amendment 64**

### **Proposal for a directive Article 4 h (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 4h*

##### *Remuneration*

- 1. EETS providers shall be entitled to remuneration by the toll charger.*
- 2. The methodology for defining the remuneration of the EETS providers shall be transparent, non-discriminatory and the same for all EETS providers accredited to a given EETS domain.*

## **Amendment 65**

### **Proposal for a directive Article 4 i (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 4i*

- 1. The toll shall be determined by the toll charger according inter alia to the vehicle's classification. A vehicle's classification shall be determined on the basis of the vehicle classification parameters. In the event of a discrepancy between the vehicle classification used by the EETS provider and the toll charger, the toll charger's classification shall prevail, unless an error can be demonstrated.*
- 2. In addition to requiring payment from an EETS provider for any substantiated toll declaration, a toll charger*

*may require payment from an EETS provider for any substantiated toll non-declaration relative to any user account managed by that EETS provider.*

*3. Where an EETS provider has sent a toll charger a list of invalidated on-board equipment, the EETS provider shall not be held liable for any further toll incurred through the use of such invalidated on-board equipment. 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. In microwave-based toll systems toll chargers shall communicate substantiated toll declarations to EETS providers for tolls incurred by their respective EETS users.*

## **Amendment 66**

### **Proposal for a directive Article 4 j (new)**

*Text proposed by the Commission*

*Amendment*

*Article 4j*

*Accounting*

*1. Member States shall take the necessary measures to ensure that legal entities which are toll service providers keep separate profit and loss accounts and balance sheets for activities performed in the role related to the provision of the toll service, as defined in standard ISO 17573:2010 and all other activities. Member States shall also take the necessary measures to ensure that these accounts and balance sheets are published separately for each type of activity and that cross subsidies between the activities performed in the role related to the provision of the toll service and other activities are excluded.*

*2. The accounting systems for the activities performed in a role related to the provision of the toll service and other activities shall be kept separate from accounts relating to any other type of*

*activities so that a clear evaluation can be made of the costs and benefits related to activities performed in the role related to the provision of the toll service.*

## **Amendment 67**

### **Proposal for a directive Article 4 k (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 4k*

##### *Conciliation Body*

*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 which 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. That body shall be empowered to verify that the EETS is remunerated in line with the principles provided in this Directive.*

*3. The Member States referred to in paragraph 1 shall take the necessary measures to ensure that their conciliation bodies are independent in their organisation and legal structure from the commercial interests of toll chargers and toll service providers.*

## **Amendment 68**

### **Proposal for a directive Article 4 l (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 4l*

## **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,**
    - v) the EETS providers having EETS contracts with the toll chargers active in their area of competence.**
  - (b) the EETS providers to whom it has granted registration.**
  - (c) the details of a contact office referred to in Article 4f for EETS including a contact e-mail address and telephone number.**

**Unless otherwise specified, Member States shall verify at least once a year that the requirements in points (a), (d), (e) and (f) of Article 4a are still met and update the register accordingly. The register shall also contain the conclusions of the audit provided for in Article 4a(e). A Member State shall not be held liable for the actions of the EETS providers mentioned in its register.**

- 2. Member States shall take all necessary measures to ensure that all the data contained in the national electronic register is kept up-to-date and is accurate.**
- 3. The registers shall be electronically accessible to the public.**
- 4. These registers shall be available as of the day of entry into force of this Directive.**
- 5. The Member States authorities in charge of the registers shall communicate by electronic means to their counterparts in the other Member States and the Commission the registers of EETS domains and EETS providers at the end of each**

*calendar year. 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.*

## **Amendment 69**

### **Proposal for a directive Article 4 m (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 4m**

##### ***Pilot toll systems***

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

*Such authorisation shall be subject to the prior approval of the Commission.*

*The initial period of such authorisation shall not exceed three years. EETS providers shall not be required to participate in pilot toll systems.*

## **Amendment 70**

### **Proposal for a directive Article 5 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

*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:*

*The Member State shall grant, only to other Member States' national contact points and solely for the purpose of investigations into failure to pay road fees, access to the following national vehicle registration data, with the power to conduct automated searches thereon, :*

## Amendment 71

### Proposal for a directive

#### Article 5 – paragraph 1 – subparagraph 1 – point a

*Text proposed by the Commission*

(a) data *relating to vehicles*; and

*Amendment*

(a) data *necessary to identify a specific vehicle*; and

## Amendment 72

### Proposal for a directive

#### Article 5 – paragraph 1 – subparagraph 1 – point b

*Text proposed by the Commission*

(b) data *relating* to the owners or holders of the vehicle.

*Amendment*

(b) data *necessary to identify and contact* to the owners or holders of the vehicle.

## Amendment 73

### Proposal for a directive

#### Article 5 – paragraph 2

*Text proposed by the Commission*

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.

*Amendment*

(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. *In this process, particular attention should be paid to the proper protection of personal data necessary for the operation of the EETS.*

## Amendment 74

### Proposal for a directive

#### Article 5 – paragraph 4

*Text proposed by the Commission*

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.

*Amendment*

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 ***and that authorities not empowered under this Directive are not given access to data.*** 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.

**Amendment 75**

**Proposal for a directive  
Article 5 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Under no circumstances shall Member States' contact points allow private firms or individuals access to the data referred to in paragraph 1 of this Article.***

**Amendment 76**

**Proposal for a directive  
Article 6 – title**

*Text proposed by the Commission*

Information letter on the failure to pay a road fee

*Amendment*

Information letter **and follow-up proceedings** on the failure to pay a road fee

**Amendment 77**

**Proposal for a directive**

**Article 6 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*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.

*Amendment*

**The competent domestic authority in the** Member State in whose territory there was a failure to pay a road fee shall **initiate proceedings for the offence of failing to pay tolls when it establishes that there has been a** failure to pay a toll, in accordance with the tools provided for in Directive (EU) 2015/413 of the European Parliament and of the Council<sup>24</sup>.

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<sup>24</sup> 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).

**Amendment 78**

**Proposal for a directive**

**Article 6 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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.

law infringed, **the right to object and be given information**, and the sanction and 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 **shall** use the template set out in Annex III.

## **Amendment 79**

### **Proposal for a directive**

#### **Article 6 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The decision by the competent body in the Member State in whose territory there was a failure to pay a road fee, taken in accordance with its national law, shall be automatically recognised by the Member State of the owner, the holder of the vehicle or the otherwise identified person suspected of failing to pay the road fee.**

## **Amendment 80**

### **Proposal for a directive**

#### **Article 6 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. If necessary for the purposes of following up unpaid road tolls, the national contact point may provide the toll collector affected by the unpaid toll with the information necessary for its recovery.**

## **Amendment 81**

### **Proposal for a directive**

#### **Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

## Article 6a

### *Arrangements for mutual assistance*

*From 2021, in order to enforce payment of road fees in the Union across borders, an arrangement for mutual assistance shall apply under which the Member State of registration will assist the Member State in whose territory there has been a failure to pay a road fee in the recovery of road fees and fines. The Commission shall adopt implementing acts laying down detailed arrangements for such mutual assistance. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a.*

## Amendment 82

### Proposal for a directive Article 8

*Text proposed by the Commission*

#### 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.

*Amendment*

#### Article 8

##### Data protection

1. Regulation (EU) 2016/679 **and Directive 2002/58/EC** shall apply to personal data processed under this Directive. **Directive (EU) 2016/680 shall only apply to personal data processed under this Directive when the failure to pay a road fee is a criminal offence in the Member State where the payment is due.**

2. Member States shall ensure that **the processing of personal data for the purposes of Article 5 is limited to the types of data listed in Annex II. Member States shall also ensure that data subjects have the right to update, rectify or erase** personal data processed **without undue delay** if inaccurate. **Member States shall establish a time limit for the storage of personal data** in accordance with Regulation (EU) 2016/679 and, **where applicable,** 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.

Member States shall ensure that personal data processed under this Directive are *processed for the sole purpose of facilitating the cross-border exchange of information on failures to pay road fees and shall not be further processed for any other purpose. Member States shall also ensure* that the data subjects have the same rights *of* information, access, rectification, erasure and *restriction of processing, to lodge a complaint with a data protection supervisory authority*, compensation and *an effective* judicial *remedy* as provided for in Regulation (EU) 2016/679 and, *where applicable*, Directive (EU) 2016/680. *Member States shall ensure that access to personal data is only granted to the designated competent authorities for the exchange of vehicle registration.*

3. 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.

## Amendment 83

### Proposal for a directive Article 9

*Text proposed by the Commission*

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,***

*Amendment*

Article 9

Report

*1. By [4 years after the entry into force of this Directive], 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***

*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.*

*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 the provisions of Article 4b 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 6 and 7 on the reduction in the number of failures to pay road fees in the Union;*

(c) *the progress made on interoperability aspects between satellite and conventional toll systems;*

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) *a mechanism of assistance by the Member State of registration to the Member State in whose territory there was a failure to pay in order to further facilitate the cross-border enforcement of the payment of road fees in the Union, particularly where automatic debit systems are in use.*

## **Amendment 84**

### **Proposal for a directive Article 10 - paragraph 1**

#### *Text proposed by the Commission*

1. The Commission is empowered to adopt delegated acts in accordance with Article 11 amending Annexes I and IV in

#### *Amendment*

1. The Commission is empowered to adopt delegated acts in accordance with Article 11 amending *Annex* I in order to

order to adapt them to technical progress.

adapt *it* to technical progress.

## **Amendment 85**

### **Proposal for a directive Article 11 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 11 a**

##### **Committee procedure**

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

***That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council(\*\*).***

**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.**

## **Amendment 86**

### **Proposal for a directive Article 12 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 1 and 3 to 8 and Annexes II and III by [18 months after the entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 1 and 3 to 8 and Annexes II and III by [30 months after the entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission.

## Amendment 87

### Proposal for a directive

#### Annex I – paragraph 1 – subparagraph 3 – point k

*Text proposed by the Commission*

(k) validation of the chosen technical solutions vis-à-vis the 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 Regulation (EU) 2016/679 and Directive 2002/58/EC;

*Amendment*

(k) validation of the chosen technical solutions vis-à-vis the 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 Regulation (EU) 2016/679 and Directive 2002/58/EC, **as well as, where applicable, Directive (EU) 2016/680;**

## Amendment 88

### Proposal for a directive

#### Annex III – paragraph 26 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Data protection disclaimer***

***In accordance with Regulation (EU) 2016/679, you have the right to request access to, and rectification or erasure of, personal data or restriction of processing of your personal data or to object to the processing, as well as the right to data portability. You also have the right to lodge a complaint with [name and address of the relevant supervisory authority].***

***[If the failure to pay a road fee is considered as a criminal offence under national law:***

***In accordance with [name of the national law applying Directive (EU) 2016/680], you have the right to request from the controller access to and rectification or erasure of personal data and restriction of processing of your personal data. You also have the right to lodge a complaint with [name and address of the relevant supervisory authority]. ]***

## **Amendment 89**

### **Proposal for a directive Annex IV**

*Text proposed by the Commission*

*Amendment*

*Annex IV*

*deleted*

*List of technologies allowed for use in  
electronic road toll systems for carrying out  
electronic toll transactions*

- 1. satellite positioning;*
- 2. mobile communications;*
- 3. 5.8 GHz microwave technology*

## EXPLANATORY STATEMENT

### *Commission proposal*

The Commission proposal aims to overcome the shortcomings of current legislation governing the European Electronic Toll Service (EETS), establishing the necessary conditions for guaranteeing the interoperability of electronic road toll systems, and to facilitate the cross-border exchange of information on violations caused by unpaid tolls in the EU Member States.

The current legislation in force, including Directive 2004/52/EC on the interoperability of electronic road toll systems and Commission Decision 2009/750/EC on the definition of the European Electronic Toll Service and its technical elements, was drawn up with the aim of improving the functioning of the market through the introduction of a service based on an on-board device capable of communicating with the infrastructure of the countries crossed by the user, thus facilitating the creation of an interoperable electronic toll system at Union level.

Nevertheless, the Commission maintains that the current legislation has not made it possible to achieve the objectives set regarding the automatic collection of tolls. In the case in point, the Commission identified certain limitations in the legislation currently in force, including barriers to market access for EETS providers, which were burdened with excessive obligations. Technologically speaking, satellite devices are still more expensive than on-board units that use microwave technology, although the ongoing development of Intelligent Transport Systems (ITS) should prompt consideration of potential synergies between these systems and electronic toll systems. Furthermore, the Commission notes that there is no legal basis at EU level for the exchange of vehicle registration data between Member States for the purpose of toll enforcement.

### *The rapporteur's position*

- The rapporteur welcomes and supports the Commission proposal as a significant improvement to the current legislation governing the EETS. The rapporteur proposes a series of amendments which, in his opinion, give added value to the proposal, to promote the interoperable nature of the EETS and make the enforcement procedure more effective.
- The rapporteur agrees on the need to clearly and objectively define the various EETS operators, currently only defined in Decision 2009/750/EC, and recognises the need for consistency with Directive 2017/0114(COD).
- The rapporteur considers the technological aspects to be of great importance for creating a truly interoperable electronic toll system. For this reason, amendments have been tabled that highlight the need to give priority to codecision, so as to involve all stakeholders in the decision-making process.
- In reference to the procedure for enforcing tolls, the rapporteur acknowledges the limits of the intergovernmental approach, which is indeed not capable of guaranteeing the coercive payment of cross-border tolls. With regard to enforcement, the rapporteur would simply like to introduce some clarifications into the text, aimed at making the procedure more effective.

## ANNEX: LETTER FROM THE **COMMITTEE** ON LEGAL AFFAIRS

D(2017)36120

Karima Delli  
Chair, Committee on Transport and Tourism  
ASP 04F155  
Brussels

**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)**  
**(COM(2017)0280 – C8-0173/2017 – 2017/0128(COD))**

Dear Chair,

The Committee on Legal Affairs has examined the proposal referred to above, pursuant to Rule 104 on Recasting, as introduced into the Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

*“If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible for the subject matter thereof.*

*In such a case, over and above the conditions laid down in Rules 169 and 170, amendments shall be admissible within the committee responsible for the subject-matter only if they concern those parts of the proposal which contain changes.*

*However, amendments to parts of the proposal which remain unchanged may, by way of exception and on a case-by-case basis, be accepted by the Chair of the committee responsible for the subject matter if he or she considers that this is necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments. Such reasons must be stated in a written justification to the amendments.”*

Following the opinion of the Consultative Working Party of the legal services of the Parliament, the Council and the Commission, which has examined the recast proposal, and in keeping with the recommendations of the rapporteur, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such in the proposal and by the Consultative Working Party and that, as

regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

In conclusion, at its meeting of 7 September 2017, the Committee on Legal Affairs, unanimously<sup>1</sup>, recommends that the Committee on Transport and Tourism, as the committee responsible, can proceed to examine the above proposal in accordance with Rule 104.

Yours sincerely,

Pavel Svoboda

*Encl.: Report signed by the President of the Consultative Working Party.*

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<sup>1</sup> The following Members were present: Isabella Adinolfi, Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Sergio Gaetano Cofferati, Angel Dzhambazki, Lidia Joanna Geringer de Oedenberg, Mary Honeyball, Sylvia-Yvonne Kaufmann, Gilles Lebreton, António Marinho e Pinto, Gabriel Mato, Andrey Novakov, Julia Reda, Evelyn Regner, Axel Voss, Rainer Wieland, Tiemo Wölken, Tadeusz Zwiefka.

**ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION**



CONSULTATIVE WORKING PARTY  
OF THE LEGAL SERVICES

Brussels, 24 July 2017

**OPINION**

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT  
THE COUNCIL  
THE COMMISSION**

**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)0280 of 31.5.2017 – 2017/0128(COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 21 June 2017 for the purpose of examining the aforementioned proposal submitted by the Commission.

An examination<sup>1</sup> of the proposal for a Directive of the European Parliament and of the Council recasting 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 resulted in the Consultative Working Party's establishing, by common accord, that the following should have been marked with the grey-shaded type generally used for identifying substantive changes:

- in recital 4, the replacement of the words '*motor vehicles*' with the word '*vehicles*';
- the deletion of recital 20 of Directive 2004/52/EC;
- in Article 4(6), the adding of the words '*on-board*'.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, by common accord, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

F. DREXLER  
Jurisconsult

H. LEGAL  
Jurisconsult

L. ROMERO REQUENA  
Director General

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<sup>1</sup> The Consultative Working Party worked on the basis of the English-language version of the proposal, being the master-copy language version of the text under discussion.



28.3.2018

## OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

for the Committee on Transport and Tourism

on the 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)0280 – C8-0173/2017 – 2017/0128(COD))

Rapporteur: Branislav Škripek

### AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendments:

#### Amendment 1

##### Proposal for a directive Recital -1 (new)

*Text proposed by the Commission*

*Amendment*

***(-1) All EU citizens have the right to liberty and security of person under Article 6 of the Charter of Fundamental Rights of the European Union ('the Charter'), the right to respect for private and family life under Article 7 of the Charter, and the right to protection of their personal data under***

## *Article 8 of the Charter.*

### *Justification*

*The protection of the above mentioned rights shall be explicitly highlighted, as cross-border exchange of information through the interoperability of electronic road toll systems could threaten these rights. This amendment is inextricably linked to other admissible amendments.*

## **Amendment 2**

### **Proposal for a directive**

#### **Recital 2**

##### *Text proposed by the Commission*

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

##### *Amendment*

(2) It is necessary to provide for the widespread deployment of electronic toll systems in the Member States and neighbouring countries, and to have, ***as far as possible, reliable, user friendly, cost-efficient***, interoperable systems suited to the future development of road-charging policy at Union level and to future technical developments.

### *Justification*

*The Electronic toll systems should be as far as possible reliable, user friendly and cost-efficient. This will favour the EU citizens. This amendment is inextricably linked to other admissible amendments.*

## **Amendment 3**

### **Proposal for a directive**

#### **Recital 4**

##### *Text proposed by the Commission*

(4) 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 duty vehicles, and to drivers making mistakes when using

##### *Amendment*

(4) 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, ***the principle of free movement*** 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 duty vehicles, and to drivers

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.

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.

#### *Justification*

*This amendment is necessary for pressing reasons relating to the internal logic of the text in order to strengthen the proposal by indicating that multiplicity of eTolls system affect the principle of free movement.*

### **Amendment 4**

#### **Proposal for a directive**

##### **Recital 5**

###### *Text proposed by the Commission*

(5) Artificial barriers to the operation of the internal market should be removed, while still allowing the Member States and the 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 Union level therefore *needs to* be ensured as soon as possible.

###### *Amendment*

(5) Artificial barriers to the operation of the internal market should be removed, while still allowing the Member States and the 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, *while fully respecting all fundamental rights. The reliable* interoperability of electronic toll systems at Union level *based on the respect of fundamental rights should* therefore be ensured as soon as possible.

#### *Justification*

*It is necessary to safeguard the full respect of fundamental rights of people while implementing the interoperability of electronic road toll systems. This amendment is inextricably linked to other admissible amendments.*

### **Amendment 5**

#### **Proposal for a directive**

##### **Recital 8**

*Text proposed by the Commission*

(8) It should be confirmed that the European Electronic Toll Service (EETS) is provided by EETS providers, as specified in Commission Decision 2009/750/EC<sup>17</sup>.

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<sup>17</sup> 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).

*Amendment*

(8) It should be confirmed that the European Electronic Toll Service (EETS) is ***legally*** provided by EETS providers, as specified in Commission Decision 2009/750/EC<sup>17</sup> ***and in full compliance with fundamental rights.***

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<sup>17</sup> 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).

## **Amendment 6**

### **Proposal for a directive**

#### **Recital 10**

*Text proposed by the Commission*

(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.

*Amendment*

(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 ***possible impact on privacy and data protection and of the*** costs, benefits, technical barriers and possible solutions thereto, ***so that this does not constitute a barrier, especially for SMEs.***

*Justification*

*In line with the adopted LIBE opinion on Cooperative Intelligent Transport Systems (Grapini)*

## **Amendment 7**

### **Proposal for a directive**

#### **Recital 13**

*Text proposed by the Commission*

*Amendment*

(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.

(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, ***and there is therefore a need to find a way to identify such persons.***

## **Amendment 8**

### **Proposal for a directive Recital 16**

#### *Text proposed by the Commission*

(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.

#### *Amendment*

(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, ***while fully respecting the protection of personal data.*** The Commission should be required to assess the data and information obtained, and to propose, if necessary, amendments to the legislation. ***No personal data should be transmitted to, or shared with, the Commission.***

#### *Justification*

*This amendment seeks to ensure legal consistency with EU data protection law.*

*It shall be explicitly stressed that the provision of relevant information from Member States to EU institutions shall fully respect the right to protection of personal data.*

*For pressing reasons related to the internal logic of the text and the link with other admissible amendments, it is necessary to table this amendment.*

## **Amendment 9**

### **Proposal for a directive Recital 17**

(17) The introduction of electronic toll systems **will entail** the processing of personal data. Such processing needs to be carried out in accordance with Union rules, as set out, inter alia, in Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>19</sup>, **Directive (EU) 2016/680 of the European Parliament and of the Council**<sup>20</sup> and Directive 2002/58/EC of the European Parliament and of the Council<sup>21</sup>. **The right to protection of personal data is explicitly recognised by Article 8 of the Charter of Fundamental Rights of the European Union.**

(17) The introduction of electronic toll systems **entails** the processing of personal data. **The right to protection of personal data is explicitly recognised by Article 8 of the Charter and Article 16 of the Treaty on the Functioning of the European Union.** Such processing needs to be carried out in accordance with Union rules, as set out, inter alia, in Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>19</sup>, and Directive 2002/58/EC of the European Parliament and of the Council<sup>20</sup>, **and, where the failure to pay a road fee is a criminal offence in the Member State where the payment is due, by Directive (EU) 2016/680 of the European Parliament and of the Council.**<sup>21</sup>

<sup>19</sup> 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),

<sup>20</sup> **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).**

<sup>21</sup> **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).**

<sup>19</sup> 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),

<sup>20</sup> **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).**

<sup>21</sup> **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).*

### *Justification*

*The proposal applies the GDPR and the Police Directive (2016/680) to the processing of personal data. It is important to differentiate between Member States where the failure to pay such fees is an administrative issue or where it is a criminal offence. The amendment is inextricably linked to the other amendments by the rapporteur.*

## **Amendment 10**

### **Proposal for a directive**

#### **Recital 19**

##### *Text proposed by the Commission*

(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 of the list of technologies which can be used for carrying out electronic toll transactions in electronic toll systems which require the installation or use of on-board equipment. 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.

##### *Amendment*

(19) In order to ensure the interoperability of electronic road toll systems and to **legally** 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 of the list of technologies which can be used for carrying out electronic toll transactions in electronic toll systems which require the installation or use of on-board equipment. 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.

## Amendment 11

### Proposal for a directive

#### Article 1 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

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.

*Amendment*

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

## Amendment 12

### Proposal for a directive

#### Article 2 – paragraph 1 – point e

*Text proposed by the Commission*

(e) 'electronic toll 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;

*Amendment*

(e) 'electronic toll 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, ***possibly supplemented by*** automatic number plate recognition;

#### *Justification*

*Due to the low degree of standardisation of number plates and recognition systems inside the Union, exclusive reliance on number plate recognition could lead to wrong results. For this reason, automatic number plate recognition should only be used as a supplementary tool for toll collection.*

## Amendment 13

### Proposal for a directive

#### Article 2 – paragraph 1 – point i

*Text proposed by the Commission*

(i) 'Member State of registration' means

*Amendment*

(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;

the Member State *where* the vehicle with which the offence of failing to pay a road fee was committed *is registered*;

## Amendment 14

### Proposal for a directive

#### Article 3 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

All new electronic toll systems which require the installation or use of on-board equipment shall, for carrying out electronic toll transactions, use one or more of the technologies *listed in Annex IV*.

##### *Amendment*

All new electronic toll systems which require the installation or use of on-board equipment shall, for carrying out electronic toll transactions, use one or more of the *following* technologies:

- (a) *satellite positioning*;
- (b) *mobile communications using the GSM-GPRS standard (reference GSM TS 03.60/23.00)*;
- (c) *5.8 GHz microwave technology*.

##### *Justification*

*Technological solutions a key determinant of interoperability, one of the main objectives of this re-cast. For this reason, the list of eligible technological solutions should be left for co-legislator rather than the Commission to decide.*

## Amendment 15

### Proposal for a directive

#### Article 3 – paragraph 1 – subparagraph 2

##### *Text proposed by the Commission*

Existing electronic toll systems which use technologies other than those listed in *Annex IV* shall comply with those technologies if substantial technological improvements are carried out

##### *Amendment*

Existing electronic toll systems which use technologies other than those listed in *the first subparagraph* shall comply with those technologies if substantial technological improvements are carried out.

##### *Justification*

*Consistent with the amendment deleting Annex IV and moving the list of eligible technologies to article 3(1) subparagraph 1.*

## Amendment 16

### Proposal for a directive

#### Article 3 – paragraph 3 – subparagraph 1

##### *Text proposed by the Commission*

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 *Annex IV*.

##### *Amendment*

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*.

##### *Justification*

*Consistent with the amendment deleting Annex IV and moving the list of eligible technologies to article 3(1) subparagraph 1.*

## Amendment 17

### Proposal for a directive

#### Article 3 – paragraph 4

##### *Text proposed by the Commission*

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 *Annex IV*.

##### *Amendment*

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*.

##### *Justification*

*Consistent with the amendment deleting Annex IV and moving the list of eligible technologies to article 3(1) subparagraph 1.*

## Amendment 18

### Proposal for a directive

#### Article 3 – paragraph 6

##### *Text proposed by the Commission*

6. Member States shall ensure that processing of personal data necessary for the

##### *Amendment*

6. Member States shall ensure that processing of personal data necessary for the

operation of the EETS is carried out in accordance with the Union rules protecting the freedoms and fundamental rights of individuals, including their privacy, and that, in particular, the provisions of Regulation (EU) 2016/679, **Directive (EU) 2016/680** and of Directive 2002/58/EC are complied with.

operation of the EETS is carried out in accordance with the Union rules protecting the freedoms and fundamental rights of individuals, including their privacy, and that, in particular, the provisions of Regulation (EU) 2016/679, and of Directive 2002/58/EC are complied with. ***Personal data processed under this Directive shall not be further processed for other purposes and shall be deleted as soon as they are no longer necessary for the purpose for which they were processed.***

#### *Justification*

*As the proposal will provide for a substantial change of the current text in force in order to ensure interoperability of EETS, payment of fees and new rules on cooperation and enforcement between Member States regarding unpaid fees, the proposal implies a major interference with the right to data protection which is not addressed by the proposal. Hence, it is necessary to table this amendment in order to ensure the protection of personal data and consistency with EU law.*

### **Amendment 19**

#### **Proposal for a directive**

#### **Article 5 – paragraph 1 – subparagraph 1 – introductory part**

##### *Text proposed by the Commission*

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:

##### *Amendment*

For ***the sole purpose of*** 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:

#### *Justification*

*This amendment seeks to ensure legal consistency with EU data protection law.*

### **Amendment 20**

#### **Proposal for a directive**

#### **Article 5 – paragraph 1 – subparagraph 1 – point a**

##### *Text proposed by the Commission*

##### *Amendment*

(a) data *relating to vehicles*; and

(a) data *necessary to identify a specific vehicle*; and

## Amendment 21

### Proposal for a directive

#### Article 5 – paragraph 1 – subparagraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) data *relating* to the owners or holders of the vehicle.

(b) data *necessary to identify and contact* to the owners or holders of the vehicle.

## Amendment 22

### Proposal for a directive

#### Article 5 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

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<sup>26</sup> and with the requirements of Annex II to this Directive.

Those automated searches shall be conducted in *full* compliance with the procedures referred to in points 2 and 3 of Chapter 3 of the Annex to Council Decision 2008/616/JHA<sup>26</sup> and with the requirements of Annex II to this Directive, *as well as in full compliance with all fundamental rights*.

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<sup>26</sup> 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).

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<sup>26</sup> 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).

## Amendment 23

### Proposal for a directive

#### Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. When sending the information letter to the owner, the holder of the vehicle or to the otherwise identified person suspected of

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.

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 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.

## Amendment 24

### Proposal for a directive Article 6 – paragraph 3

#### *Text proposed by the Commission*

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.

#### *Amendment*

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. ***By that letter, the Member State shall inform the recipient about the mechanisms available to the owner of the vehicle in order to challenge the alleged offence and in particular the right of appeal and legal redress, as well as the authority before which such rights may be exercised.***

#### *Justification*

*This amendment seeks to ensure legal consistency with EU data protection law.*

## Amendment 25

### Proposal for a directive Article 8

## Article 8

## Article 8

## Data protection

## 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.

1. Regulation (EU) 2016/679 **and Directive 2002/58/EC** shall apply to personal data processed under this Directive. **Directive (EU) 2016/680 shall only apply to personal data processed under this Directive when the failure to pay a road fee is a criminal offence in the Member State where the payment is due.**

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.

2. Member States shall ensure that **the processing of personal data for the purposes of Article 5 is limited to the types of data listed in Annex II. Member States shall also ensure that data subjects have the right to update, rectify or erase** personal data processed **without undue delay** if inaccurate. **Member States shall establish a time limit for the storage of personal data** in accordance with Regulation (EU) 2016/679 and, **where applicable**, 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.

Member States shall ensure that personal data processed under this Directive are **processed for the sole purpose of facilitating the cross-border exchange of information on failures to pay road fees and shall not be further processed for any other purpose. Member States shall also ensure** that the data subjects have the same rights **of** information, access, rectification, erasure and **restriction of processing, to lodge a complaint with a data protection supervisory authority**, compensation and **an effective judicial remedy** as provided for in Regulation (EU) 2016/679 and, **where applicable**, Directive (EU) 2016/680. **Member States shall ensure that access to personal data is only granted to the designated competent authorities for the exchange of vehicle registration.**

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

3. 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,

and the competent authority of the Member State in whose territory 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.

## **Amendment 26**

### **Proposal for a directive**

#### **Article 9 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

The Commission shall, by [4 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:

## **Amendment 27**

### **Proposal for a directive**

#### **Article 9 – paragraph 1 – indent 1 a (new)**

*Text proposed by the Commission*

*Amendment*

- *an analysis of the impact of the application of Articles 6 and 7 of this Directive on fundamental rights, in particular the right to privacy and protection of personal data,*

## **Amendment 28**

### **Proposal for a directive**

#### **Article 10 – paragraph 1**

*Text proposed by the Commission*

1. The Commission is empowered to adopt delegated acts in accordance with Article 11 amending *Annexes I and IV* in order to adapt *them* to technical progress.

*Amendment*

1. The Commission is empowered to adopt delegated acts in accordance with Article 11 amending *Annex I* in order to adapt *it* to technical progress.

### *Justification*

*Consistent with the amendment deleting Annex IV and moving the list of eligible technologies to article 3(1) subparagraph 1.*

## **Amendment 29**

### **Proposal for a directive Article 11 – paragraph 2**

#### *Text proposed by the Commission*

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].

#### *Amendment*

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for *a* period of *five years* from [the entry into force of this Directive]. *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.*

### *Justification*

*Although the delegation of powers to the Commission should be limited in time, the Directive should provide for the possibility of a tacit extension of that period.*

## **Amendment 30**

### **Proposal for a directive Annex I – paragraph 1 – subparagraph 3 – point k**

#### *Text proposed by the Commission*

(k) validation of the chosen technical solutions vis-à-vis the 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 Regulation (EU) 2016/679 and Directive 2002/58/EC;

#### *Amendment*

(k) validation of the chosen technical solutions vis-à-vis the 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 Regulation (EU) 2016/679 and Directive 2002/58/EC *as well as, where applicable, Directive (EU) 2016/680;*

### *Justification*

*This amendment is necessary because it is inextricably linked to other admissible amendments which insert the reference to Directive 2016/680 in the text.*

## **Amendment 31**

### **Proposal for a directive Annex III – paragraph 26 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Data protection disclaimer:***

***In accordance with Regulation (EU) 2016/679, you have the right to request access to and rectification or erasure of personal data or restriction of processing of your personal data or to object to the processing as well as the right to data portability. You also have the right to lodge a complaint with [name and address of the relevant supervisory authority].***

***[If the failure to pay a road fee is considered as a criminal offence under national law:***

***In accordance with [name of the national law applying Directive (EU) 2016/680], you have the right to request from the controller access to and rectification or erasure of personal data and restriction of processing of your personal data. You also have the right to lodge a complaint with [name and address of the relevant supervisory authority]. ]***

### *Justification*

*In line with GDPR, or Police Directive where applicable, the letter should mention the basic data protection rights available to all citizens and the name and address of the authority where they can lodge a complaint. This amendment is necessary for pressing reasons relating to the internal logic of the text.*

## **Amendment 32**

### **Proposal for a directive Annex IV**

*Text proposed by the Commission*

*Amendment*

***List of technologies allowed for use in  
electronic road toll systems for carrying out  
electronic toll transactions*** ***deleted***

- 1. satellite positioning;***
- 2. mobile communications;***
- 3. 5.8 GHz microwave technology.***

*Justification*

*The list of technologies should be subject to co-decision by the legislator. This amendment is necessary for pressing reasons relating to the internal logic of the text.*

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (recast)		
<b>References</b>	COM(2017)0280 – C8-0173/2017 – 2017/0128(COD)		
<b>Committee responsible</b> Date announced in plenary	TRAN 15.6.2017		
<b>Opinion by</b> Date announced in plenary	LIBE 15.6.2017		
<b>Rapporteur</b> Date appointed	Branislav Škripek 31.8.2017		
<b>Discussed in committee</b>	20.2.2018	20.3.2018	27.3.2018
<b>Date adopted</b>	27.3.2018		
<b>Result of final vote</b>	+: -: 0:	48 2 4	
<b>Members present for the final vote</b>	Asim Ademov, Jan Philipp Albrecht, Heinz K. Becker, Monika Beňová, Caterina Chinnici, Rachida Dati, Agustín Díaz de Mera García Consuegra, Tanja Fajon, Laura Ferrara, Kinga Gál, Ana Gomes, Sylvie Guillaume, Jussi Halla-aho, Eva Joly, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Monica Macovei, Roberta Metsola, Claude Moraes, Ivari Padar, Judith Sargentini, Branislav Škripek, Csaba Sógor, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Harald Vilimsky, Udo Voigt, Josef Weidenholzer, Cecilia Wikström		
<b>Substitutes present for the final vote</b>	Carlos Coelho, Anna Maria Corazza Bildt, Ignazio Corrao, Gérard Deprez, Maria Grapini, Marek Jurek, Miltiadis Kyrkos, Nuno Melo, Angelika Mlinar, Nadine Morano, Maite Pagazaurtundúa Ruiz, Emilian Pavel, Morten Helveg Petersen, Petri Sarvamaa, Elly Schlein, Barbara Spinelli		
<b>Substitutes under Rule 200(2) present for the final vote</b>	André Elissen, Marc Joulaud, Christelle Lechevalier, Martina Michels, Liadh Ní Riada, Anna Záborská		

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

48	+
ALDE	Gérard Deprez, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Cecilia Wikström
ECR	Jussi Halla-aho, Marek Jurek, Monica Macovei, Branislav Škripek, Helga Stevens
EFDD	Ignazio Corrao, Laura Ferrara
ENF	Christelle Lechevalier, Harald Vilimsky
PPE	Asim Ademov, Heinz K. Becker, Carlos Coelho, Anna Maria Corazza Bildt, Rachida Dati, Agustín Díaz de Mera García Consuegra, Kinga Gál, Marc Joulaud, Nuno Melo, Roberta Metsola, Nadine Morano, Petri Sarvamaa, Csaba Sógor, Traian Ungureanu, Anna Záborská
S&D	Monika Beňová, Caterina Chinnici, Tanja Fajon, Ana Gomes, Maria Grapini, Sylvie Guillaume, Cécile Kashetu Kyenge, Miltiadis Kyrkos, Juan Fernando López Aguilar, Claude Moraes, Ivari Padar, Emilian Pavel, Elly Schlein, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Jan Philipp Albrecht, Eva Joly, Judith Sargentini, Bodil Valero

2	-
ENF	André Elissen
NI	Udo Voigt

4	0
GUE/NGL	Martina Michels, Liadh Ní Riada, Barbara Spinelli, Marie-Christine Vergiat

Key to symbols:

+ : in favour

- : against

0 : abstention

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (recast)		
<b>References</b>	COM(2017)0280 – C8-0173/2017 – 2017/0128(COD)		
<b>Date submitted to Parliament</b>	31.5.2017		
<b>Committee responsible</b> Date announced in plenary	TRAN 15.6.2017		
<b>Committees asked for opinions</b> Date announced in plenary	ITRE 15.6.2017	LIBE 15.6.2017	
<b>Not delivering opinions</b> Date of decision	ITRE 21.6.2017		
<b>Rapporteurs</b> Date appointed	Massimiliano Salini 30.6.2017		
<b>Discussed in committee</b>	22.1.2018	20.3.2018	14.5.2018
<b>Date adopted</b>	24.5.2018		
<b>Result of final vote</b>	+: –: 0:	40 1 0	
<b>Members present for the final vote</b>	Lucy Anderson, Inés Ayala Sender, Georges Bach, Deirdre Clune, Michael Cramer, Luis de Grandes Pascual, Andor Deli, Karima Delli, Isabella De Monte, Ismail Ertug, Jacqueline Foster, Dieter-Lebrecht Koch, Miltiadis Kyrkos, Bogusław Liberadzki, Cláudia Monteiro de Aguiar, Tomasz Piotr Poręba, Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, David-Maria Sassoli, Claudia Schmidt, Claudia Țapardel, Keith Taylor, Pavel Telička, Wim van de Camp, Marie-Pierre Vieu, Janusz Zemke, Elżbieta Katarzyna Łukacijewska		
<b>Substitutes present for the final vote</b>	Michael Gahler, Maria Grapini, Ramona Nicole Mănescu, Marek Plura, Jozo Radoš, Matthijs van Miltenburg		
<b>Substitutes under Rule 200(2) present for the final vote</b>	Eleonora Evi, Jude Kirton-Darling, José Ignacio Salafranca Sánchez-Neyra, Annie Schreijer-Pierik, Anneleen Van Bossuyt, Marco Zullo		

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

40	+
ALDE	Jozo Radoš, Dominique Riquet, Pavel Telička, Matthijs van Miltenburg
ECR	Tomasz Piotr Poręba, Anneleen Van Bossuyt
EFDD	Eleonora Evi, Marco Zullo
GUE/NGL	Marie-Pierre Vieu
PPE	Georges Bach, Deirdre Clune, Andor Deli, Michael Gahler, Dieter-Lebrecht Koch, Elżbieta Katarzyna Łukacijewska, Ramona Nicole Mănescu, Cláudia Monteiro de Aguiar, Marek Plura, José Ignacio Salafranca Sánchez-Neyra, Massimiliano Salini, Claudia Schmidt, Annie Schreijer-Pierik, Luis de Grandes Pascual, Wim van de Camp
S&D	Lucy Anderson, Inés Ayala Sender, Isabella De Monte, Ismail Ertug, Maria Grapini, Jude Kirton-Darling, Miltiadis Kyrkos, Bogusław Liberadzki, Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, David-Maria Sassoli, Claudia Țapardel, Janusz Zemke
VERTS/ALE	Michael Cramer, Karima Delli, Keith Taylor

1	-
ECR	Jacqueline Foster

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention