



*Association Européenne des Concessionnaires
d'Autoroutes et d'Ouvrages à Péage*

**IMPACT OF THE PROPOSAL OF EUROVIGNETTE
DIRECTIVE MODIFICATION
ON THE EXISTING TOLL CONCESSION CONTRACTS**

Toll concession contracts are performed between the concessionaire and the awarding administration based on a financial and economic plan (FEP). This plan includes the vehicle classification system and the toll tariffs scheme that the concessionaire will apply during the entire life of the concession.

Generally, these two parameters, the initial toll tariffs (at least a maximum level of tariff) and the vehicle classification scheme (that are the basis to define the investments, operational costs and revenues to be included in the FEP) are imposed by the grantor administration in the “terms of reference” when it launches the tender.

When signing a toll concession contract, the parties are assuming the obligation to maintain the economic balance of the concession, according to the approved conditions and the agreed share of risks.

Generally, the concessionaire assumes the risks related to the finance, construction, operation (traffic) of the motorway. Additional risks, especially the ones coming from legislative changes, are not supposed to be assumed by the concessionaire. Thus, a change on the legislation, that supposes a break in the economic balance of the concession, must be compensated according to the different existing mechanisms considered in the law (contract extension, toll tariff increase, direct payment to the concessionaire...)

The proposal of Eurovignette directive modification, which is now under examination, states that toll tariffs may/shall vary according to the air pollution (first Euroclass and then CO2 emissions) and congestion.

This will have direct impact on the existing toll concessions at least at three levels:

- **Revenues:** The new toll tariff scheme will change the revenues forecasts considered in the FEP, not only due to the different level of tariffs to be apply, but also for its impact on traffic (according to its elasticity).
- **Investments:** Initial investments have been made based on the original classification system that now is changing. New road equipment and procedures need to be implemented to perform the new classification.
- **Procedural:** The classification of vehicles according to their air pollution category requires to check the documentation of the vehicle in the toll booth (which it is simply not feasible) or the use of a pre-registration system, that also implies more investments and new procedures, in addition to a new enforcement system.

Thus, the adoption of the new obligations coming from the proposal will necessarily alter the concessionaires economic balance of their contract and will force to open negotiations with the grantor administrations in every country where concessions exist.

The cost of this multiple rebalances will be significant for member States and so for the citizens, and under our point of view, it is not justified as long as toll concessions are already internalizing road external costs.



Furthermore, these new obligations would also impede investments capabilities of concessionaires at a time when investments on existing networks are directly needed to answer growth of mobility demands and to adapt existing infrastructure to the new mobility usages. Existing networks, where toll achieves the user pay and the polluter pay principles, have invested and will continue to invest on projects that lower congestion and reduce pollution.

ASECAP asks to except existing toll concessions from the obligations of varying their toll tariffs as proposed in the proposal of Eurovignette directive modification.



About ASECAP:

ASECAP is the European Association of Operators of Toll Road Infrastructures, whose members' networks today span 51.456,71 km of motorways, bridges and tunnels across 24 countries.

ASECAP's purpose is to defend and develop the system of motorways and road infrastructures in Europe applying tolls as a means to ensure the financing of their construction, maintenance and operation.

ASECAP members are operating the safest category of roads in Europe. A motorway is an infrastructure specially designed and built according to the highest quality and technological standards, in order to guarantee to all drivers 24/7 the best safety conditions, high levels of service and driving comfort in all weather conditions.



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