



# report

D 2.2

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## **Interoperability Management functions and procedures**

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# Introduction and reader's guide

## Introduction

### Explanatory note (2009.06.12)

*The Project Plan for the CESARE IV project was prepared early 2007 and finalised in autumn 2007. The main objective of CESARE IV as defined in the project plan was to provide input to the European Commission and their work with the definition of EETS. At the same time as the CESARE IV was defined, the European Commission by DGTREN started the work with their EETS Decision linked to the EFC Directive. Hence, there were two parallel tracks that in principle had more or less the same goal but were driven by different forces and were subject to different impacts from different environments. Even if there were procedures for mutual information (both formal and informal) during the preparation of the Decision and the CESARE IV project reports, the two parallel tracks have resulted in some differences, both concerning concept, terminology and administrative/legal solutions. This is first of all relevant for the CESARE IV Work packages 01 EETS Basic Guidelines and 02 IM framework, functions and procedures. As the Decision was voted upon before WP 03 IM preparation and implementation was started, this will be a premise that has to be taken into account in WP 03.*

*The main reasons for the differences between the results of WP 01 and WP 02 of CESARE IV and the Decision are first of all:*

- The CESARE IV project builds on the CESARE I - III projects and keeping consistency between these four projects has been an important issue;*
- WP02 builds on the reports from WP 01 and consistency between these two work packages has been a constraint for the work done in WP 02;*
- The Decision was subject to several major changes in its lifetime from start to the voted March 2009 version. A continuous adoption of these changes was not possible within the well defined CESARE IV project plan including the time schedule;*
- The CESARE IV results reflect the competence and experience of all the European EFC experts and organisations that have been involved so far in the project. There are issues where this competence and experience have caused differences between the CESARE IV results and the Decision. It has, however, been a major goal of the partners of the CESARE IV to provide the best possible advice to the European Commission and to act as independent experts.*

CESARE is a suite of projects promoted by ASECAP, the ASECAP associated organizations and the road administrations of several European countries known as “the Stockholm Group” (SG). CESARE is co-financed by the European Commission, with the objective to help specifying, designing, developing, promoting and implementing a common Interoperable European Electronic Toll Collection System (EETS) on the European road network. CESARE has been divided into several phases, whereby the previous phase called CESARE III has been completed in October 2006. The results of CESARE III showed that there was a need for further actions in a next project phase (CESARE IV) in order to realize the interoperability objectives. The main goal of CESARE IV is to define a framework for establishing an interoperable European Electronic Tolling Service (from now on, EETS), functioning in a coordinated way at the European level, and allowing the Member States to fasten the pace of their national implementation plans for EETS. In this way CESARE IV will contribute to the implementation of the Directive 2004/52/EC.

This document is part of the reporting of the CESARE IV Work Package 2 IM framework, functions and procedures. The Report D2.2 includes the Interoperability Management (IM) functions and procedures. The purpose of this document is to explain how stakeholders play the roles introduced in the previous reports D2.1 IM Framework.

Report D2.2 IM Functions and procedures is consequently a high level description of the main procedures related with each IM function. It includes details on how IM should perform the daily operation of EETS as well as the interfaces between IM and other external entities linked to IM as sources or sinks for information flows. Even more details will be further developed in WP3 reports IM preparation and implementation.

The work in WP2 is performed by a group of about 20 experts with a wide range of expertise within legal, organisational and operational issues regarding Electronic Fee Collection (EFC). These 20 experts represent 13 European countries most of them have many years of experience in interoperable EFC systems.

Disclaimer:

This work was initiated to become an input to the EC decision. In practice, both documents (the decision report and the WP2 reports) have been written in parallel with each other. That is the reason why some inconsistencies (in vocabulary, but also in the processes) can be noted between these documents.

## Readers guide

The IM procedures can be classified in 4 major IM functions (identified in D2.1):

- EETS Regulation
- Monitoring
- Procedures leading to EETS Status
- Settlement of disputes

These four functions and their procedures are described in the four chapters of this report.

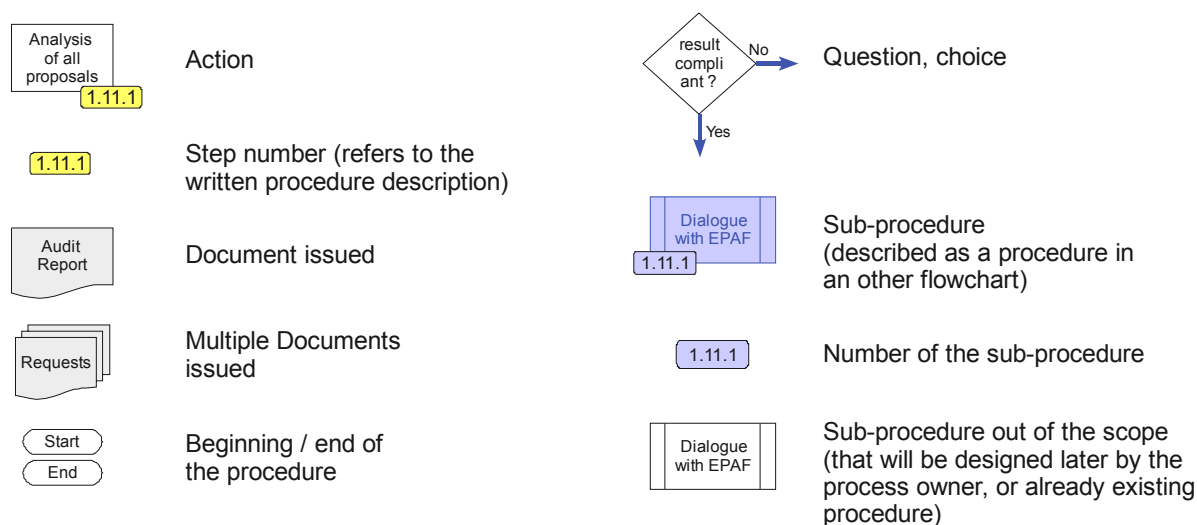
Each procedure is detailed in a dedicated subchapter.

It can happen in certain cases that some parts of the procedures (called “sub-procedures”) have not to be described in this report, because of three major reasons:

- The procedure already exists outside the EETS context (and can moreover be different depending of the Member State): e.g. the judicial decision procedures.
- The procedure needs to be defined later by some IM stakeholders (after IM implementation)
- The procedure is mainly related to IM implementation and is in the scope of the WP3 reports

To facilitate the reader’s understanding, each procedure is illustrated by a flowchart, providing a global overview in a single figure. (For more detail, please refer to the template and the written description.)

### Key of the flowcharts



## 0. Sub Procedures

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In this preliminary chapter are described some common “sub-procedures” that can be found as components of different procedures (eg: sub-procedure 0.1, describing the dialogue between CGLA and some other stakeholders before CGLA issues a document, is a part of procedures 1.1, 1.5, 2.1, 2.2, 2.3 and 2.4).

These sub-procedures, if described many times in different chapters, would have made the explanations and figures too heavy to read and to understand. They are consequently detailed once here, and then simply presented as “sub-procedures 0.x” in the relevant chapters.

### List of the sub-procedures:

0.1 “CGLA prepares a document with relevant EETS stakeholders” (here “relevant stakeholders” are TCs, EPs, NBs. This list can vary)

#### 0.1. CGLA prepares a document with relevant EETS stakeholders (“relevant stakeholders” can vary)

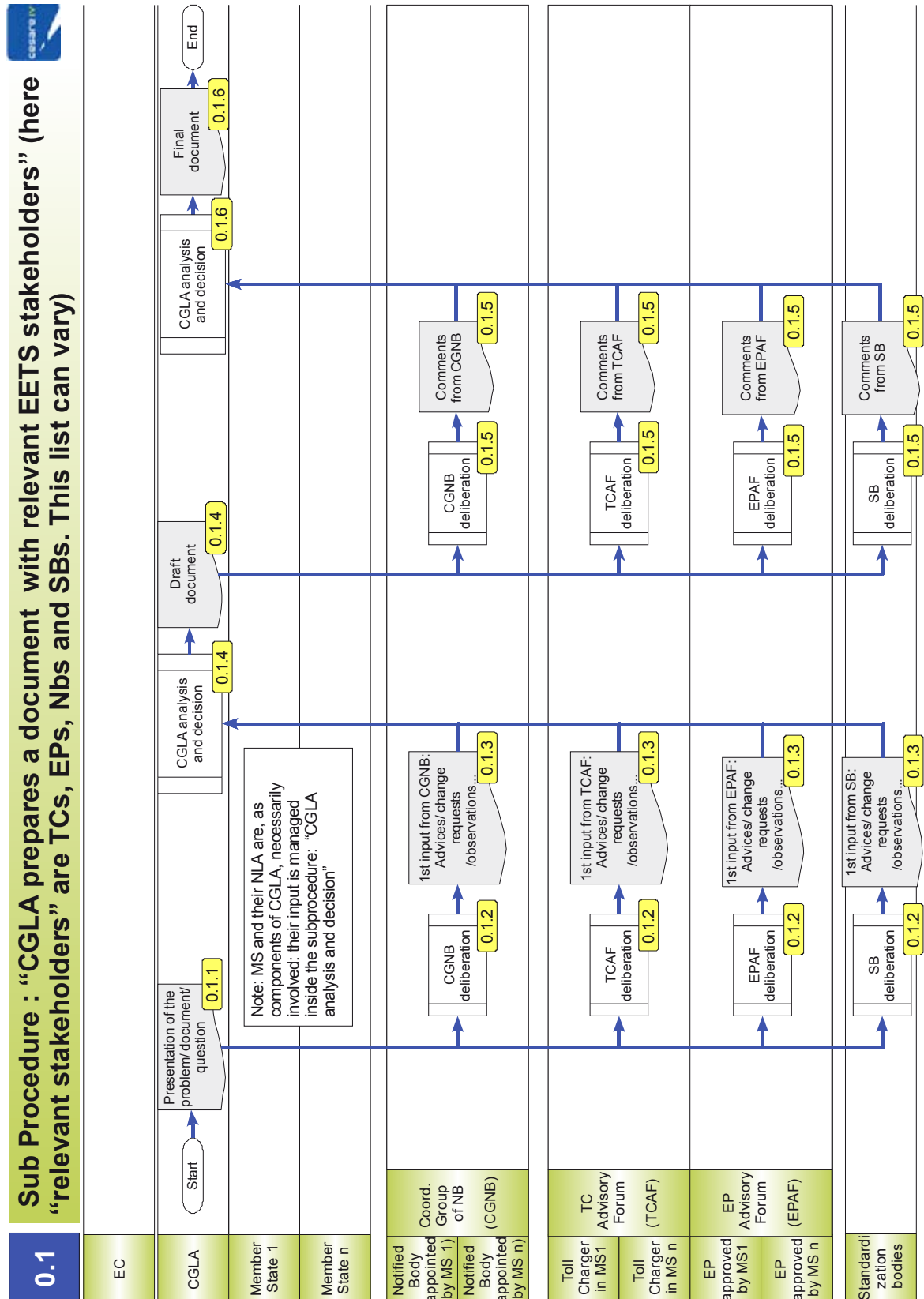
The sub-procedure described below shows a dialogue with EPAF, TCAF, CGNB and SB before CGLA issues a document. All these stakeholders are not always consulted in every case. The relevant stakeholders are specified in each procedure.

## Steps of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
0.1.1	Step	CGLA prepares a description of the problem to deal with.
0.1.2	Sub-Procedure	EPAF, TCAF, CGNB, SB deliberate on the proposal for the issues addressed in the draft plan and decide on concrete proposals.
0.1.3	Step	EPAF, TCAF, CGNB, SB deliver a statement to the CGLA.
0.1.4	Step	CGLA analyses the statements and prepares a first draft of the document and sends it to the stakeholders
0.1.5	Step	EPAF, TCAF, CGNB, SB deliberate on the document and make their last comments.
0.1.6	Step	CGLA takes (or not...) the comments into account and issues the final version of the document.
<b>Crucial prerequisites/ Requirements/ Comments</b>		<ul style="list-style-type: none"> <li>Existing and future TCs can be involved as individual parties or their interest can be represented in a TC Advisory Forum (TCAF)</li> <li>Future) EPs can be involved as individual parties or their interest can be represented in an EP Advisory Forum (EPAF)MS have established EETS national functions</li> </ul>



The flowchart below illustrates this sub-procedure



# 1. EETS regulation

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## List of EETS regulation procedures:

- 1.1** Develop and maintain the core service definition and the procedures for technical, functional and contractual interoperability, the quality of service, the adhesion and withdrawal of TC and EP and handling of complaints
- 1.2** Develop / maintain forum for EPs and TCs involvement in the definition of EETS core rules and regulations
- 1.3** Develop/maintain the procedures for monitoring the operation of the TC and EP and for registration of EETS stakeholders
- 1.4** Develop and update an EETS security policy framework
- 1.5** Management of security protocols

**Note:** The term Develop/maintain includes create, modify and delete. Develop/maintain has been combined to ensure that development and maintenance follow the same procedure(s) and that develop is not a non-recurrent function.

## **1.1. Develop and maintain the core service definition and the procedures for technical, functional and contractual interoperability, the quality of service, the adhesion and withdrawal of TC and EP and handling of complaints**

### **1.1.1. Introduction**

This procedure covers the development and maintenance of the core rules and regulations for EETS.

The starting point for this procedure is the Directive, the Decision and the outcome of CESARE IV. The trigger for the development of these rules and regulations will be the EC Commission. Several actors will be involved in the procedure and the most important ones will be the Coordination Group of EETS Legal Authorities (CGLA) and the EC Commission. The first one will prepare the core rules and regulations and the latter one will approve them. There are strong CESARE IV conditions requiring the involvement of the TCs and EPs via their Advisory Forums. Hence, this procedure will not be possible to start before the most important actors are established and/or appointed. The list of important actors includes the CGLA, the EP Advisory Forum, the TC Advisory Forum and the Coordination Group for Notified Bodies.

It is assumed that a request coming from a TC, an EP or a Notified Body (NB) has to be forwarded to the CGLA via their Advisory Forums or Coordination Group. Individual and not coordinated requests from an EP, a TC or an NB could cause conflicts between for instance the EPs having different opinions than the one forwarding the request. Although coordinated comments seem to be preferable from a practical point of view, TCs and EPs should be able to comment / request individually. Especially EPs will be competitors on the EETS market and might not always come to a common view.

The development and maintenance of the rules and regulations for the adhesion and withdrawal of EPs and TCs have a strong link to the procedures leading to EETS status and should be coordinated with these latter procedures

### 1.1.2. Template

Procedure ID	1.1
Procedure name:	Develop and maintain: the core service definition, the procedures for technical, functional and contractual interoperability, the quality of service, the adhesion and withdrawal of TC and EP
Short name:	Develop/maintain EETS general rules
Condition(s) reference:	<p>G-N002: IM shall develop and continuously update the EETS core service definition and procedures for interoperability from a technical, functional, contractual and service quality perspective.</p> <p>G-N003: IM shall provide a set of standard EETS terms and conditions to be taken into account by the EETS actors in their respective contractual relationship.</p> <p>G-N005: IM shall base the technical and functional requirements on international and European standards for the EFC application and different types of communication used by the EETS</p> <p>G-N017: IM shall develop procedures and monitor the adhesion and withdrawal of EPs to the service on non-discriminatory basis</p> <p>G-N018: IM shall develop procedures for and assist in the adhesion of new TCs to the service. The criteria for the incorporation, maintenance and withdrawal of TCs shall also be established and managed by IM</p>
D 2.1 Reference:	2.3
Start state:	EFC directive, Decision, CESARE IV reports
Procedure triggered by:	<p>Development: EC Commission</p> <p>Maintenance: EC Commission, Coordination Group of EETS Legal Authorities (CGLA) on its own or other associated parties request, e.g. the EP Advisory Forum, a MS...</p>
End state:	EETS core service definition and its procedures are implemented or updated.
Involved parties:	EC Commission, Coordination Group for EETS Legal Authorities (CGLA), TC Advisory forum (TCAF), EP Advisory forum (EPAF), EETS National Legal Authorities (NLA), EP, TC, Standardisation bodies (SB), Notified Bodies (NB), Coordination Group of Notified Bodies (CGNB)
Repetitive:	Partly

## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
1.1.1	Step	EC prepares a plan for the development of the baseline EETS core service definition and procedures and forwards the plan to the CGLA.
1.1.2	Sub-Procedure 0.1	CGLA prepares the draft EETS core service definition and procedures (baseline or maintained) with CGNB , EPAF/TCAF
1.1.3	Step	CGLA forwards the draft to the EC
1.1.4	Step	EC (with the advice of the CtTp) decides on the EETS core service definition and procedures (baseline or maintained)
1.1.5	Step	Each MS transposes the EETS core service definition and procedures for technical and functional interoperability (baseline or maintained) to their respective national legislation (if necessary according to the national law)
1.1.6	Sub-procedure	CGLA informs TCAF, EPAF and CGNB
1.1.7	Sub-procedure	MS informs NB and makes publicly available the EETS core service definition and procedures for technical and functional interoperability (baseline or maintained) – End of development procedure.
1.1.8	Step	After EETS implementation, one of the parties entitled to do so addresses a maintenance request to the Co-ordination Group of EETS Regulatory Authorities. If the request is admissible, jump to 1.1.2.
<b>Crucial prerequisites/ Requirements/ Comments</b>		<ul style="list-style-type: none"> <li>• MS have established EETS national functions</li> <li>• Coordination Group for NLA has been established.</li> <li>• MS have appointed Notified Bodies</li> <li>• NBs have established Coordination Group for NBs</li> <li>• EPs have established EP Advisory Forum (EPAF)</li> <li>• TCs have established TC Advisory Forum</li> </ul>

The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).

## 1.2. Develop / maintain forum for EPs and TCs involvement in the definition of EETS core rules and regulations

### 1.2.1. Introduction

The procedure of EP or TC involvement as described in this chapter does not specify the involvement of an EP/TC as a subject to a decision of the EETS Regulatory Authorities. (If a decision of the NLA tangles the rights of an EP/TC (i.e. as a contract party), the respective EP/TC has the right to be heard in advance of a decision and make a statement on his behalf and will be involved in the regulatory process led by the NLA.). The decision to establish a forum is up to TCs / EPs.

### 1.2.2. Template

Procedure ID	1.2
Procedure name:	Develop / maintain a forum for EP or TC involvement in the definition of EETS core rules and regulations
Short name:	EP or TC involvement
Condition(s) reference:	G-N004
D 2.1 Reference:	-
Start state:	EFC directive, Decision, CESARE IV reports
Procedure triggered by:	EPs and TCs
End state:	TC Advisory Forum and EP Advisory Forum created with functioning rules
Involved parties:	EC Commission, EP, TC
Repetitive:	No

### Short description of the procedure (actions in chronological order)

**Note:** The steps of the procedure are hereafter described for EP. For TCs, the procedure is the same.

ID	Simple step or Sub-Procedure?	Short description
1.2.1	Step	Potential / future EPs decide on establishing an EPAF and inform the EC of the legal basis (i.e. contract, statutes) and the members of this organization
1.2.2	Step	EC reviews the legal basis of EPAF and confirms that the organization represents all relevant (future) EP stakeholders and that the decision-making process within the organization is organized in a democratic way.

<b>Crucial prerequisites/ Requirements/ Comments</b>	<ul style="list-style-type: none"> <li>• If (future) EPs form an EPAF to represent their interests in the definition of EETS core rules and regulations, certain minimum criteria apply to this organization: <ul style="list-style-type: none"> <li>• Representatives from all major potential EETS Providers must be invited to be members (similar to Cesare IV Advisory Forum)</li> <li>• EPAF must be open for new members, who have a legitimate interest in being represented</li> <li>• EPAF must be based on a legal basis (i. e. contract, statutes) that guarantees decisions being taken in a democratic way (i. e. majority rule, possibility to express dissenting opinions)</li> <li>• Decisions / information of EPAF must be transparent and should be issued on an EPAF website.</li> </ul> </li> <li>• Consultations have to be completed in a defined time frame</li> <li>• Costs for EPs involvement should be covered by EPs</li> <li>• If TCs form a TCAF to represent their interests in the definition of EETS core rules and regulations, certain minimum criteria apply to this organization: <ul style="list-style-type: none"> <li>• All TCs must be invited to be members</li> <li>• TCAF must be open for new members ( i. e. new TCs)</li> <li>• TCAF must be based on a legal basis (i. e. contract, statutes) that guarantees decisions being taken in a democratic way (i. e. majority rule, possibility to express dissenting opinions)</li> <li>• Decisions / information of TCAF must be transparent and should be issued on a TCAF website</li> </ul> </li> <li>• Consultations have to be completed in a defined time frame</li> <li>• Costs for TCs involvement should be covered by TCs</li> </ul>
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The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).

## 1.3. Develop/maintain the procedures for monitoring the operation of the TC and EP and for registration of EETS stakeholders

### 1.3.1. Introduction

This procedure covers the development and maintenance of the procedures for monitoring the operation of TC and EP as well as the registration of appointed NBs, approved EPs and qualified TCs.

The procedure is very similar to the procedure 1.1 but in this case the EC Commission is not involved and there is no EC decision. The document issued by the CGLA is a recommendation to MS. Each MS has to implement a monitoring procedure at national level, but this procedure can be different from the recommendation.

The procedure covering the development and maintenance of procedures is the responsibility of the Coordination Group of the Legal Authorities and is done in cooperation with the TC and EP Advisory Forum and the Coordination Group of Notified Bodies.

### 1.3.2. Template

Procedure ID	1.3
Procedure name:	Develop/maintain the procedures for monitoring the operation of the TC and EP, and for registration of authorised EP and TC
Short name:	Develop/maintain monitor/audit and registration procedures
Condition(s) reference:	G-N021: IM shall audit the operation of EP and TC and the status of their EETS related equipment for the purpose of ensuring compliance with the EETS requirements. G-N007: IM shall ensure that common rules and procedures for data exchange between EP and TC are established, as necessary to operate the service
D 2.1 Reference:	2.5
Start state:	EETS core service definition for technical, functional and contractual interoperability are implemented by EPs and TCs
Procedure triggered by:	Coordination Group for EETS National Legal Authorities (CGLA)
End state:	Procedures are implemented by NLAs
Involved parties:	CGLA, EPAF, TCAF, CGNB, NLAs, EPs and TCs
Repetitive:	Partly (for each update)

## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
1.3.1	Step	CGLA prepares a plan for the development/maintenance the procedures
1.3.2	Sub-Procedure 0.1	CGLA prepares the recommendations for the procedures with EPAF and TCAF (according to sub-procedure 0.1)
1.3.3	Step	Each NLA implement its own procedure(s) (baseline or maintained) with the help of the recommendations of CGLA. (shall cover Condition G-N007)
1.3.4	Sub-procedure	One or more of the NLAss addresses a maintenance request to the Co-ordination Group of EETS Regulatory Authorities. The request may also come from the CGLA itself. Jump to 1.3.2
<b>Crucial prerequisites/ Requirements/ Comments</b>		<ul style="list-style-type: none"> <li>• Coordination Group for NLA has been established</li> <li>• MS have established EETS national functions</li> <li>• EPs have established EP Advisory Forum (EPAF)</li> <li>• TCs have established TC Advisory Forum (TCAF)</li> </ul>



## 1.4. Develop and update an EETS security policy framework

### 1.4.1. Template

Procedure ID	1.4
Procedure name:	Develop and continuously update an EETS security policy framework to secure the interest of the EETS users as well as assisting EPs and TCs in their efforts to avoid any economical loss and/or loss of credibility the EETS core service definition and procedures for interoperability
Short name:	Develop and update an EETS security policy framework
Condition(s) reference:	G-N23
D 2.1 Reference:	2.6
Start state:	EFC directive, Decision, CESARE IV reports
Procedure triggered by:	EC Commission and/or Coordination Group
End state:	Policy framework developed
Involved parties:	EC Commission, CGLA, TC Advisory forum (TCAF), EP Advisory forum (EPAF), NLAs), EP, TC, Standardisation bodies (SB), Notified Bodies (NB), Coordination Group of Notified Bodies (CGNB)
Repetitive:	No

## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
1.4.1	Step	High level policy framework established in Commission Decision, with support of Comité Télépéage.
1.4.2	Sub-Procedure 0.1	CGLA establishes a dialogue with EPAF, TCAF, CGNB and SB and prepares recommendations with them, according to sub-procedure 0.1
1.4.3	Step	CGLA issues recommendations on the policy
1.4.4	Step	<ul style="list-style-type: none"> <li>Standards bodies incorporate security requirements into the relevant standards (EN15509 for DSRC – already complete – and ISO 12855 for back office communication between the roles Toll Charging and EETS Provision). These requirements include testing specifications</li> </ul> <p><b>Note:</b> The EETS Security Framework needs to profile the existing standards. 15509 has done this for DSRC based transactions between OBU and RSE. 12855 will define general security attributes, but not how to use them. An EFC or profiled EETS security architecture is needed. This topic will be subject of discussion on the next CEN WG1 meeting in April.</p>
1.4.5	Step	The EC analyses the new standards and decides that they are applicable for EETS provision.
1.4.6	Step	MS inform the relevant stakeholders
<b>Crucial prerequisites/ Requirements/ Comments</b>		<ul style="list-style-type: none"> <li>MS have established EETS national functions</li> <li>Coordination Group for NLA has been established</li> <li>EPs have established EP Advisory Forum (EPAF)</li> <li>TC s have established TC Advisory Forum</li> </ul>



## 1.5. Management of security protocols

### 1.5.1. Template

Procedure ID	1.5
Procedure name:	Management of security protocols
Short name:	Management of security protocols
Condition(s) reference:	ES-N007
D 2.1 Reference:	2.6
Start state:	CESARE IV reports
Procedure triggered by:	EETS providers
End state:	Effective and accurate security lists provided by EETS providers
Involved parties:	CGLA, TC Advisory forum (TCAF), EP Advisory forum (EPAF), EP, TC, NBs
Repetitive:	Yes

### Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
1.5.1	Sub-Procedure 0.1	Dialogue between CGLA, EPAF and TCAF on agreed service levels for circulating security lists, leading to agreement
1.5.2	Step	CGLA issues recommendations on agreed service levels
1.5.3	Sub-Procedure 0.1	CGLA establishes a dialogue with EPAF, TCAF, CGNB and SB as part of the wider dialogue on defining an EETS service.
1.5.4	Step	CGLA issues the final recommendations on service levels
1.5.5	Step	Standardization bodies include the recommendations in the relevant standards

<b>Crucial prerequisites/ Requirements/ Comments</b>	<ul style="list-style-type: none"> <li>• Coordination Group for NLA has been established</li> <li>• MS have established EETS national functions</li> <li>• EPs have established EP Advisory Forum (EPAF)</li> <li>• TC s have established TC Advisory Forum</li> <li>• Procedure 1.4 “Develop and update an EETS security policy framework” has been defined</li> </ul>
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The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).



## 2. Monitoring

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### List of procedures relating to security and data protection:

- 2.1 Monitoring security lists
- 2.2 Monitoring that the security policy is properly implemented and adhered to by EPs and TCs
- 2.3 Monitoring and auditing the operation of the TC and EP
- 2.4 Monitoring the adhesion and withdrawal of EP and TC to the service (list-keeping)

## 2.1. Monitoring security lists

### 2.1.1. Template

Procedure ID	2.1
Procedure name:	Monitor that appropriate security lists (e.g. hot lists, black lists, white lists) are distributed according to proper standards.
Short name:	Monitoring security lists
Condition(s) reference:	G-N24
D 2.1 Reference:	2.6
Start state:	CESARE IV reports
Procedure triggered by:	Coordination Group
End state:	Effective mechanism for circulating security lists
Involved parties:	CGLA TC Advisory forum (TCAF), EP Advisory forum (EPAF), NLAs, EP, TC, NBs
Repetitive:	Yes

### Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
2.1.1	Step	High level policy framework established in Commission Decision, with support of Comité Télépéage
2.1.2	Sub-Procedure	CGLA Informs the relevant stakeholders

<b>Crucial prerequisites/ Requirements/ Comments</b>	<ul style="list-style-type: none"> <li>• Coordination Group for NLA has been established</li> <li>• MS have established EETS national functions</li> <li>• EPs have established EP Advisory Forum (EPAF)</li> <li>• TC s have established TC Advisory Forum</li> <li>• Procedure 1.4 “Develop and update an EETS security policy framework” has been defined</li> </ul>
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The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).

## 2.2. Monitoring that the security policy is properly implemented and adhered to by EPs and TCs

### 2.2.1. Template

Procedure ID	2.2
Procedure name:	Monitoring that the security policy is properly implemented and adhered to by EPs and TCs
Short name:	Monitor compliance with security policy
Condition(s) reference:	G-N25
D 2.1 Reference:	2.6
Start state:	CESARE IV reports
Procedure triggered by:	CGLA
End state:	Effective monitoring of security policy
Involved parties:	CGLA, TC Advisory forum (TCAF), EP Advisory forum (EPAF), NLAs, EP, TC, NBs
Repetitive:	Yes

## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
2.2.1	Step	High level policy framework established in Commission Decision, with support of Comité Télépéage
2.2.2	Step	Standards bodies incorporate security requirements into the relevant standards (EN15509 for DSRC – already complete – and ISO 12855 for back office communication between the roles Toll Charging and EETS Provision). These requirements include testing specifications
2.2.3	Sub-Procedure	CGLA establishes a dialogue with EPAF, TCAF, CGNB and SB (according to sub-procedure 0.1) as part of the wider dialogue on defining an EETS service, and informs the relevant stakeholders
2.2.4	Sub-Procedure	Each MS monitors its stakeholders
<b>Crucial prerequisites/ Requirements/ Comments</b>		<ul style="list-style-type: none"> <li>• Coordination Group for NLA has been established</li> <li>• MS have established EETS national functions</li> <li>• EPs have established EP Advisory Forum (EPAF)</li> <li>• TC s have established TC Advisory Forum</li> </ul>

The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).



## 2.3. Monitoring and auditing the operation of the TC and EP

### 2.3.1. Introduction

This procedure covers the monitoring of the operation of TC and EP.

It is assumed that the procedures includes requirements on when and how the monitoring and auditing shall be done as well as some Key Performance Indicators (KPI) ensuring the same level of monitoring and auditing in all Member States.

### 2.3.2. Template

Procedure ID	2.3
Procedure name:	Monitoring and auditing the operation of the TC and EP
Short name:	Monitor/audit TC/EP operation
Condition(s) reference:	G-N021
D 2.1 Reference:	2.5
Start state:	There is a scheduled monitoring or auditing case or a TC or EP event necessitate a monitoring or auditing case
Procedure triggered by:	EETS National Legal Authorities
End state:	The monitoring or auditing case is closed
Involved parties:	EETS National Legal Authorities (NLA), EP, TC , NB
Repetitive:	Yes

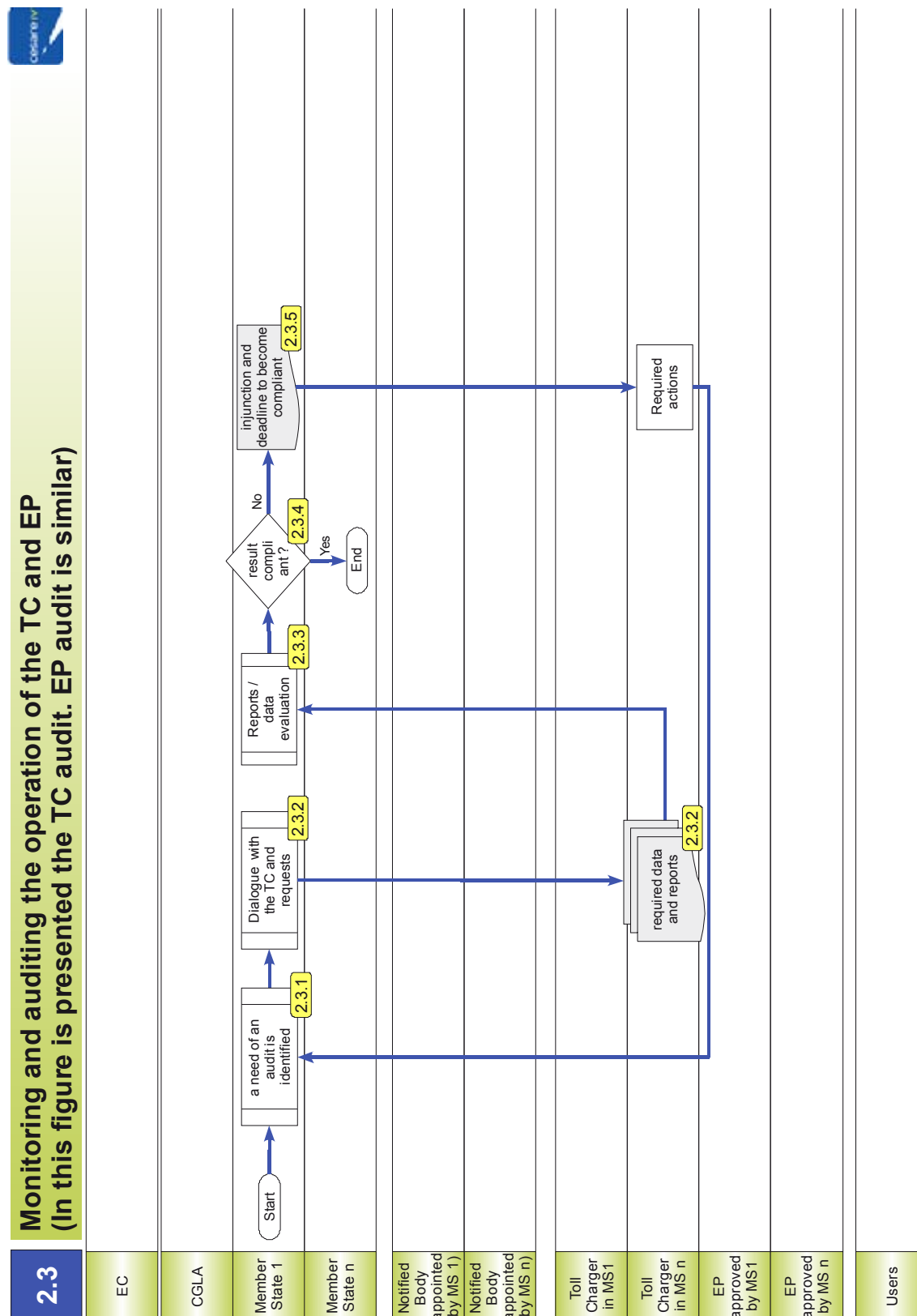


## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
2.3.1	Sub- Procedure	NLA decides to monitor or audit an EP or TC based on: a) a scheduled monitoring or auditing case or b) a EP or TC event that necessitates a monitoring or auditing case
2.3.2	Sub-Procedure	NLA establishes a dialogue with the TC or EP and requests regular reports, special reports and/or specific information or data related to the monitoring or auditing case.
2.3.3	Sub-Procedure	NLA evaluates the received report(s), information and/or data in relation to the TC or EP operational procedures and certification conditions.
2.3.4	Step	NLA decides whether the auditing or monitoring results are: a). compliant with the operational procedures and certification conditions or b) non-compliant with the operational procedures and certification conditions
2.3.5	Step	If the result of 2.3.4 is a) the NLA reports to the TC or EP that the monitoring or auditing case is closed. If the result of 2.3.4 is b) NLA reports to the TC or EP the reason(s) for the non-compliance and gives the TC or EP a deadline for amending the matters that led to the non-compliance. Jump to 2.3.1
<b>Crucial prerequisites/ Requirements/ Comments</b>		Procedures for monitoring and auditing EPs and TCs are implemented by the NLA and known to the EPs and TCs

### 2.3.3. Flowchart

The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).



## 2.4. Monitoring the adhesion and withdrawal of EP and TC to the service (list-keeping)

### 2.4.1. Introduction

This procedure covers the monitoring of the adhesion and withdrawal of EP and TC service procedure, auditing previous process, verifying the no existence of mistakes or discriminatory actions and acting over them if any exists.

It is assumed that the incorporation, maintenance and withdrawal criteria have to be established.

### 2.4.2. Template

Procedure ID	2.4
Procedure name:	Monitoring the adhesion and withdrawal of EP and TC to the service
Short name:	Monitor adhesion and withdrawal of EP and TC
Condition(s) reference:	G-N017: IM shall develop procedures and monitor the adhesion and withdrawal of EPs to the service on non-discriminatory basis G-N018: IM shall develop procedures for and assist in the adhesion of new TCs to the service. The criteria for the incorporation, maintenance and withdrawal of TCs shall also be established and managed by IM
D 2.1 Reference:	2.5
Start state:	Each NLA has implemented/updated the adhesion and withdrawal to EETS service procedures (sub-procedure 1.1.7)
Procedure triggered by:	NLA
End state:	Audit realized. Mistake solved. Discriminatory procedures sanctioned or fined.
Involved parties:	NLA CGLA, EP/TC, stakeholder involved in Adhesion and withdrawal of EP and TC procedures, Legal Authorities and European Court of Justice.
Repetitive:	Yes (periodically)

## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
2.4.1	Step	NLA chooses periodically Approved and Rejected adhesion and withdrawal requests
2.4.2	Sub-Procedure	NLA audits the processes chosen according to the criteria of incorporation, maintenance and withdrawal established [Described in G-N017 and G-N018]
2.4.3	Step	If the process is compliant, the audit (and the procedure) finishes. If not, the NLA writes a report with the mistakes and/or anomalies detected in the process (to avoid discriminatory actions)
2.4.4	Step	NLA sends the report to CGLA.
2.4.5	Step	CGLA studies the report and takes a (non binding) decision.
2.4.6	Step	CGLA notifies the stakeholders involved in its decision what must be solved. 2.4.6.1: The problem could be a mistake; the CGLA notifies to stakeholder involved/s that it/they have to resolve it. 2.4.6.2: The problem could be a discriminatory action and then could have a sanction or fine.
2.4.7	Sub-Procedure	If 2.4.62 occurs the CGLA sends the report and conclusions to Legal Authorities or the European Court of Justice.
2.4.8	Step	The problem/mistake is solved.

<b>Crucial prerequisites/ Requirements/ Comments</b>	<ul style="list-style-type: none"> <li>• Coordination Group for NLA has been established (CGLA)</li> <li>• MS have established EETS national functions</li> <li>• The incorporation, maintenance and withdrawal criteria has to be established [Described in G-N017 and G-N018]</li> <li>• Regarding domestic issues, CGLA has not to be necessarily involved (the issue can be managed at national level) but must always be informed, to ensure consistency of interpretation of EETS regulation.</li> </ul>
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The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).

## 3. Procedures leading to EETS status

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### List of procedures leading to EETS status:

- 3.1 Notified Body appointment
- 3.2 Equipments certification
- 3.3 Toll Charger qualification
- 3.4 EETS Provider approval

## 3.1. Notified Body appointment

### 3.1.1. Introduction

According to Report D2.1 Interoperability Management Framework, the decision to appoint a Notified Body should rely on the Member States' responsibility since:

- there is no obligation to appoint Notified Bodies (Chapter VII of the EC draft Decision only states that MS "shall notify to the Commission and the other Member States any bodies entitled to carry out or supervise the procedure for the assessment of conformity to specifications or suitability for use[...]");
- Notified Bodies may, depending on the case, not cover all the checks that are needed (for instance, some Notified Bodies may not be entitled to perform required administrative and financial checks applied to applicants to EETS Provider status);
- Furthermore, the EC draft Decision clearly states that there is an alternative procedure for Suitability for use (sect. 2 of Annex IV) which could be performed either by the EP with direct collaboration with the TC or by a Notified Body.

Notified Bodies are created for checking the compliance of equipment, processes or service with technical specifications. Notified Bodies can also be asked to check the suitability for use of equipment, processes and services in operation, to confirm the compliance in specific toll domains.

Notified Bodies may also be responsible for a continuous monitoring of the compliance of EETS stakeholders against specifications and service level agreements.

Not every Member State has the obligation to appoint a Notified Body. Certifications or checks performed by a Notified Body shall be valid in all Member States.

### 3.1.2. Template

Procedure ID	3.1
Procedure name:	Procedure leading to allocation of EETS status to a Notified Body
Short name:	Notified Body Appointment
Condition(s) reference:	GC-N006
D 2.1 Reference:	2.5
Start state:	CESARE IV WP2 – Report D2.1
Procedure triggered by:	Notified Body
End state:	Decision of appointment
Involved parties:	Legal Authorities of MS (NLA), Notified Bodies (NB)
Repetitive:	Yes

## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
3.1.0	Sub-Procedure	Optional: if there is no applicant for the role of NB in a MS, and if the MS needs one, the MS can proceed to a call for tender to find applicants.
3.1.1	Step	An applicant sends a request to any MS to reach the EETS status of Notified Body, or answers a call for tender.
3.1.2	Step	The NLA analyses the request and can ask for more detailed explanation to the applicant
3.1.3	Step	The NLA (within 4 months), gives a ruling on the request and issues a decision
3.1.4	Sub Procedure	The list of NBs is updated (if necessary) by the NLA ("list keeping procedure)
<b>Crucial prerequisites/ Requirements/ Comments</b>		<ul style="list-style-type: none"> <li>• EC has established Coordination Group for National Legal Authorities (CGNLA)</li> <li>• MS have established EETS national functions</li> <li>• Procedure for appointment of Notified Bodies has been defined (guidelines at European level, completed with national regulation)</li> </ul>





## 3.2. Equipments certification

### 3.2.1. Introduction

The procedure describes the certification of equipment (or services), which is requested by manufacturers and performed by Notified Bodies. At this stage, the process is independent from the usage in an EETS Providers or Toll Chargers system. The certification only proves, that a certain equipment complies with a well-defined number of technical specifications. This includes, but is not limited to, OBE and RSE equipment. Equipment can also include central systems, in particular with respect to the certification of backoffice interfaces, or complete solutions, consisting of OBE and corresponding central systems (proxies). In the future such an equipment certification could also apply to a complete service, which is provided by independent service providers and can be used by EETS Providers or Toll Chargers in their process chain.

The certification process here does not involve the Member States or their NLAs, but only the appointed Notified Bodies... A list of certified equipment should be maintained by the Notified Bodies, but not necessarily by the MS or the NLAs. A certification by a Notified Body of one country is valid in all other European Countries. This is fully in line with the current EETS decision and the already existing certification schemes like Common Criteria.

The certification process can be also done without the help of a NB, in case of “self declaration” by the manufacturer. This kind of certification is very simple and consequently will not be described in this chapter (it will concentrate on certification by NBs).

The certification of equipment gives proof to the EETS Providers and the Toll Chargers, that this equipment can be integrated into their system and processes and complies with the necessary specifications. This will be a substantial benefit for the both sides: manufacturers can show that their equipment can be used for EETS, the EETS Providers and Toll Chargers can rely on the proper certification and can focus on integrating the equipment and showing the proper implementation of the whole service.

### 3.2.2. Template

Procedure ID	3.2
Procedure name:	Procedure leading to allocation of EETS status to equipments
Short name:	Equipment Certification
Condition(s) reference:	C-N001; G-N21
D 2.1 Reference:	2.5
Start state:	CESARE IV WP1 and WP2 – Report D2.1
Procedure triggered by:	Manufacturer
End state:	Certificate of compliance obtained
Involved parties:	Notified Bodies (NB), Equipment Manufacturers
Repetitive:	Yes

## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
3.2.1	Step	The manufacturer asks a Notified Body to check the compliance of its equipments to all standards and other interoperability technical rules and to establish a report
3.2.2	Step	The Notified Body sends the report to the Manufacturer. (if necessary the process 3.2.1 is iterated, if any problems arise) The Notified Body issues the certificate of compliance with the applicable specifications
3.2.3	Sub Procedure	The lists of certified equipments is updated (if necessary) by the Notified Body ("list keeping procedure")
<b>Crucial prerequisites/ Requirements/ Comments</b>		<ul style="list-style-type: none"> <li>• Procedures for certification of EETS equipments have been defined</li> <li>• MS have established EETS national functions</li> <li>• Notified Body has been appointed</li> </ul>

The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).

### 3.3. Toll Charger qualification

#### 3.3.1. Introduction

Regarding TCs qualification, a specific comment was inserted in Report D2.1 to take into consideration the difference between DSRC system and autonomous system. Main content is as follows:

The detailed procedure for TC qualification has not yet been specified. However, it seems evident that there will be a difference between the qualification of a TC operating a DSRC based system and a TC operating an autonomous system. (...)

The positioning and communication systems used for the toll charging is not in the scope of TC responsibility, Hence, there will not be a need for qualification D11 for TCs collecting tolls by means of autonomous systems. However, the D21 will still be relevant to ensure that a TC provides the EETS compliant services.

TCs are usually bound by national law or contracts, where the MS have the responsibility to force TCs to be compliant with EETS , Each TC can be qualified with the assistance of a Notified Body, or can choose the way of the “self declaration” .

The qualification of a TC comprises administrative issues like the publication of a Toll Domain Statement and a compliance of the used technical equipment, processes or services.

From a technical point of view, the backoffice interfaces which are required for interoperability in an EETS scenario and, if applicable, RSE for DSRC-based or charging or localization augmentation beacons, need to be qualified.

#### 3.3.2. Template

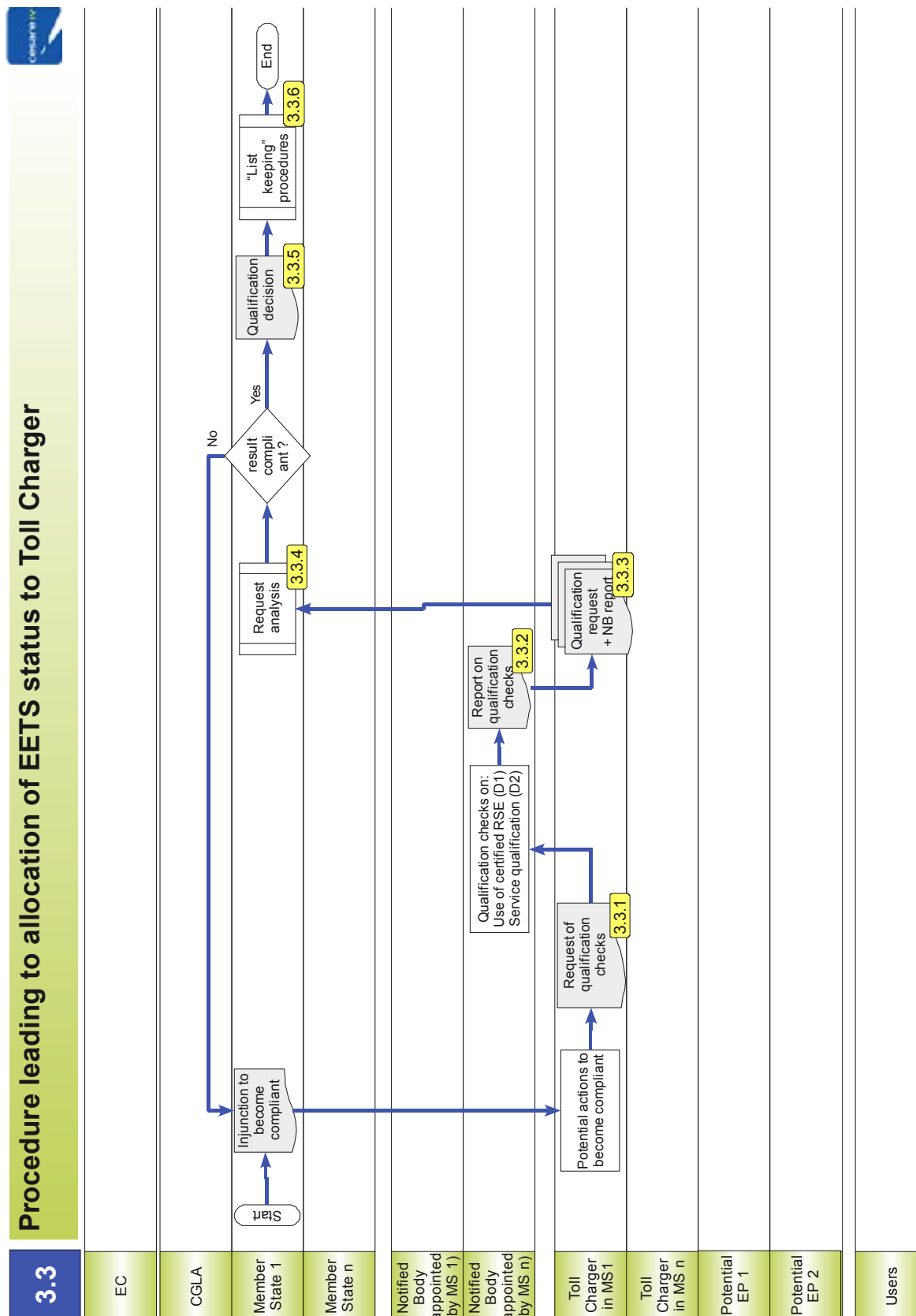
Procedure ID	3.3
Procedure name:	Procedure leading to allocation of EETS status to Toll Charger
Short name:	Toll Charger qualification
Condition(s) reference:	GN-018; C-N001; C-N004; C-N005
D 2.1 Reference:	2.5
Start state:	CESARE IV WP1 and WP2 – Report D2.1
Procedure triggered by:	Toll Charger
End state:	Decision of qualification
Involved parties:	Legal Authorities of MS (NLA), Notified Bodies (NB), Toll Chargers, already approved EETS Providers in case of new Toll Charger
Repetitive:	Yes

## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
3.3.1	Step	The applicant asks a Notified Body to guarantee its equipments are certified, and to check the compliance of its Toll Domain to all standards and other interoperability rules and to establish a report.
3.3.2	Step	The Notified Body sends the report to the applicant
3.3.3	Step	The applicant sends a request to the MS where its Toll Domain is located to reach the EETS status of Qualified Toll Charger
3.3.4	Step	The NLA analyses the request on the basis of the report of Notified Body, (and can ask for more detailed explanation to the Toll Charger) and has to inform the Toll Charger in case an Interoperability constituent appears to be non compliant to EETS specifications
3.3.5	Step	The NLA ( within 4 months) answers the request and issue a decision
3.3.6	Sub Procedure	The list of Qualified TCs is updated (if necessary) by the NLA ("list keeping" procedure)
<b>Crucial prerequisites/ Requirements/ Comments</b>		<ul style="list-style-type: none"> <li>• MS have established EETS national functions</li> <li>• Procedure for qualification of Toll Chargers have been defined</li> <li>• Notified Body has been appointed</li> </ul>

### 3.3.3. Flowchart

The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).



## 3.4. EETS Provider approval

### 3.4.1. Introduction

As designed in Report D2.1 Interoperability Management Framework, this procedure leading to the status of EETS Provider is aimed to attest both the financial, administrative and technical compliance to EETS specifications and that the service is provided with a full-coverage of the EETS domain, i.e. has a European scope. Therefore EETS Providers Approval procedure is based on two sub steps:

- o “pre approval” acknowledges that the Provider uses certified equipment within an EETS compliant system and its processes and services. It guarantees its financial and administrative ability. The pre-approval is the prerequisite for entering into the suitability for use (both contractual and technical) with Toll Chargers,
- o “suitability for use” (both technical suitability for use and contractual suitability for use) proves that the EP is technically compatible with all Toll Domains, and that the EP has a contract with all TC within a predefined time frame. (and in case of a new EETS domain, within a specific timeframe to perform both contractual and technical procedures of suitability for use).

Important note: An applicant EP can obviously start operating on any toll domain since it has achieved the mandatory tests and signed the contract with the TC of the domain, but this applicant EP will not obtain the official EETS status of “Approved EETS Provider” before being able to provide the service on all Toll Domains.

### 3.4.2. Template

Procedure ID	3.4
Procedure name:	Procedure leading to allocation of EETS status to Providers
Short name:	EETS Providers approval
Condition(s) reference:	GN-017; GN-018; C-N001; C-N004; C-N005
D 2.1 Reference:	2.5
Start state:	CESARE IV WP1 and WP2 – Report D2.1
Procedure triggered by:	EETS Provider
End state:	Decision of approval
Involved parties:	Legal Authorities of MS (NLA), Notified Bodies (NB), EETS Providers, Toll Chargers
Repetitive:	Yes



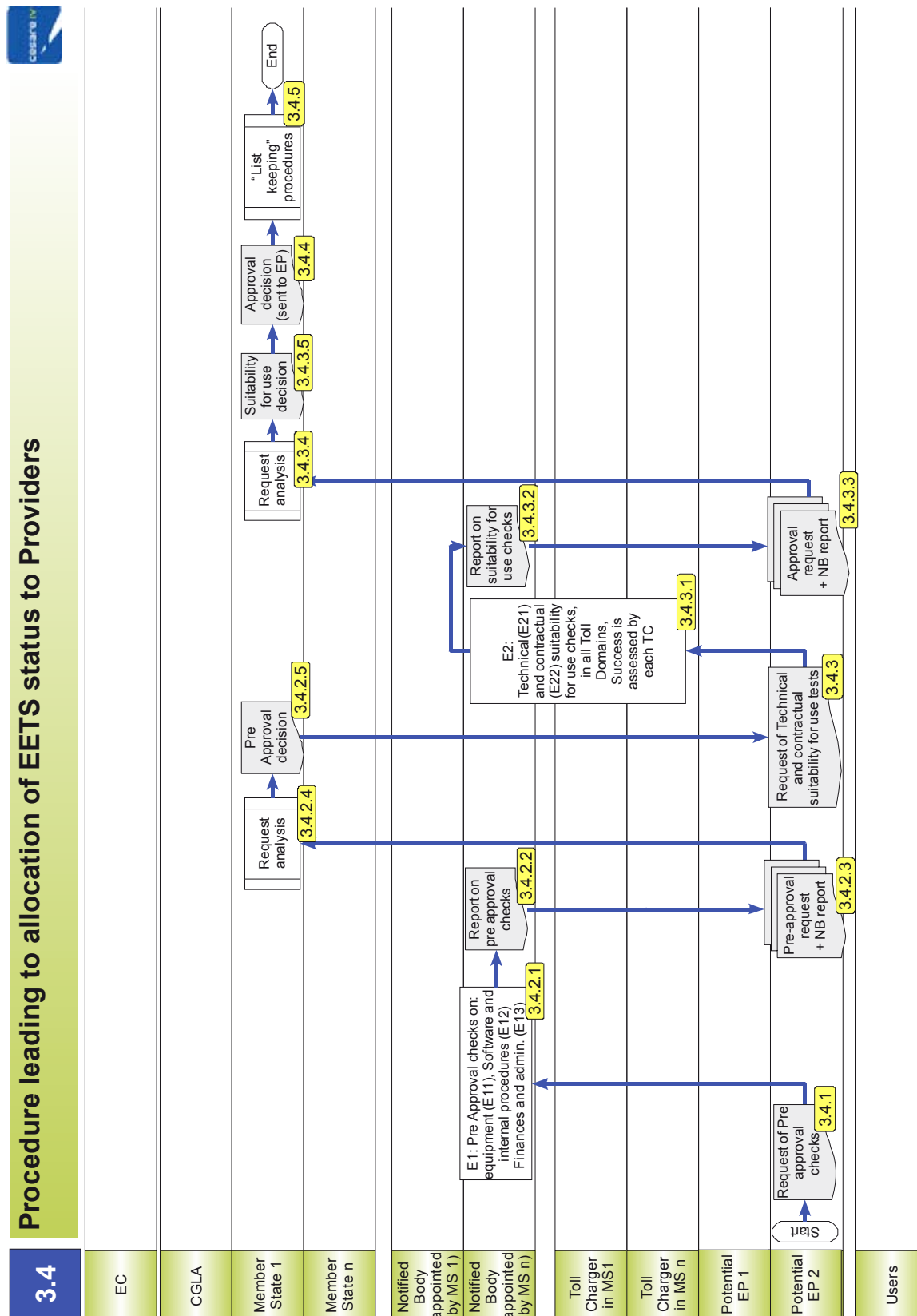
## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
3.4.1	Step	The applicant asks a Notified Body to perform the checks required for EP Pre-approval
3.4.2	Step	Pre-approval procedure
3.4.2.1	Step	Pre-approval checks performed by the Notified Body (or directly by a MS when no NB is able to perform certain checks like the compliance with financial and administrative requirements) <ul style="list-style-type: none"> <li>• use of certified equipment (including OBEs);</li> <li>• compliance of processes and services used by the provider with EETS referential;</li> </ul>
3.4.2.2	Step	The Notified Body sends the report to the applicant
3.4.2.3	Step	The applicant sends a request to any MS to reach the EETS status of pre-approved EETS Provider
3.4.2.4	Sub-Procedure	The NLA shall analyze the request on the basis of the report of Notified Body and ask for more detailed explanation to the provider and has to inform the provider in case of any issue.
3.4.2.5	Step	MS issues the Pre-approval decision within a 4-month delay (starting from the transmission of Notified Body's report)
3.4.3	Step	Suitability for use procedure
3.4.3.1	Step	Suitability for use checks performed by the Notified Body (or the Toll Charger of the affected Toll Domain for the first of the following checks) <ul style="list-style-type: none"> <li>• technical suitability for use checked in each Toll Domain (in order to demonstrate that the complete service of the provider works properly in each Toll Domain).(in any case, the success of suitability tests is assessed by TCs)</li> <li>• contractual suitability for use with each toll Charger (in order to attest a full-coverage service, which implies that the provider has entered into bilateral agreements with all Toll Chargers in the EETS domain)</li> </ul>
3.4.3.2	Step	The Notified Body and/or the Toll Charger sends the report to the applicant

ID	Simple step or Sub-Procedure?	Short description
3.4.3.3	Step	The applicant sends a request (including all the necessary reports) to any MS to reach the EETS status of approved EETS Provider (this status results from the addition of both pre-approval procedure and suitability for use procedure)
3.4.3.4	Sub-Procedure	The NLA analyses the request on the basis of the reports provided, (and can ask for more detailed explanation to the provider) and has to inform the provider if anything appears to be non compliant to EETS specifications
3.4.3.5	Step	MS issues the Suitability for use decision within a 4-month delay (starting from the transmission of Notified Body's report)
3.4.4	Step	MS issues, without any delay, the complete Approval decision
3.4.5	Sub Procedure	The list of approved EPs is updated (if necessary) by the NLA ("list keeping" procedure)
<b>Crucial prerequisites/ Requirements/ Comments</b>		<ul style="list-style-type: none"> <li>• Procedures for approval of EETS Providers have been defined</li> <li>• MS have established EETS national functions</li> <li>• Notified Body has been appointed</li> </ul>

### 3.4.3. Flowchart

The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).



## 4. Settlement of disputes

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### List of EETS settlement of disputes:

- 4.1 Investigation in case of dispute or risk of dispute (requested by a single party)
- 4.2 Existing schemes for judicial settlement of disputes (requested by a single party)
- 4.3 Existing schemes for arbitration in case of amicable settlement of dispute (requested by both parties)
- 4.4 Clarification of the EETS rules (on request of the parties or a jurisdiction or an arbitrator)

## 4.1. Investigation in case of dispute or risk of dispute (requested by a single party)

### 4.1.1. Introduction

In case of a dispute, any EETS stakeholder who suffers the consequences of a non compliant behaviour regarding EETS rules and common practices is offered the opportunity to require an investigation from the relevant Member State (generally performed by its EETS Legal Authorities) in order to ease and accelerate an agreement between the parties

This investigation procedure does not lead to any binding decision. The recommendations issued are consequently not subject to judicial review.

### 4.1.2. Template

Procedure ID	4.1
Procedure name:	Investigation in case of dispute or risk of dispute (requested by a single party)
Short name:	Investigation
Condition(s) reference:	n/a
D 2.1 Reference:	2.8
Start state:	CESARE IV – WP2 – Report D2.1
Procedure triggered by:	Any EETS stakeholder (mainly EETS Provider or Toll Charger)
End state:	Information given by the National Legal Authority (NLA) to both stakeholders (information is not a binding decision)
Involved parties:	EP, TC, Notified Bodies (NB), NLA, Member State (MS)
Repetitive:	Yes

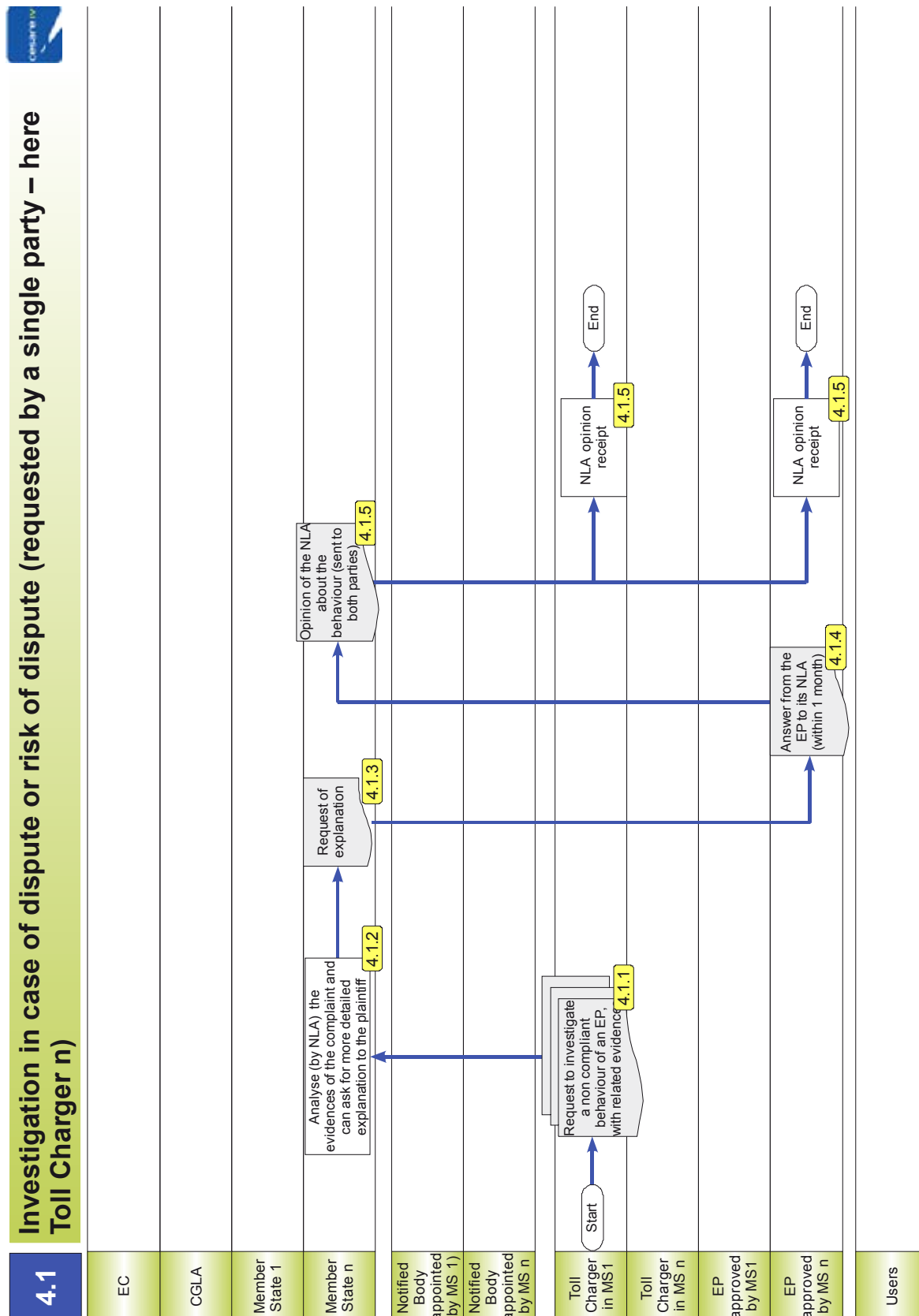
## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
4.1.1	Step	Request of an EETS stakeholder (Stakeholder 1) to Legal Authority to investigate on a non compliant behaviour of another stakeholder (Stakeholder 2) regarding EETS rules and common practices. (Stakeholder 1 sends this request to the NLA of Stakeholder 2). The plaintiff addresses a request to the NLA to implement the investigation procedure (the evidences must be attached to the request)
4.1.2	Step	The NLA analyses the evidences of the complaint and can ask for more detailed explanation to the plaintiff
4.1.3	Step	The NLA requests the Stakeholder 2, which non compliant behaviour has been underlined, to explain/justify his action/negligence and what kind of measure it would take to end the dispute or to avoid the risk of creating a dispute
4.1.4	Step	The EETS stakeholder 2 has one month to provide a satisfactory answer to the NLA.
4.1.5	Step	The NLA shall inform both stakeholders about its investigation and gives its opinion about Stakeholder 2 behaviour.

<b>Crucial prerequisites/ Requirements</b>	<ul style="list-style-type: none"> <li>• MS have appointed Notified Bodies</li> <li>• MS have established EETS national functions</li> <li>• Investigation procedure has been published at the European level of IM as part of common rules defining EETS</li> </ul>
<b>Comments</b>	<ul style="list-style-type: none"> <li>• This investigation procedure does not lead to any binding decision. The recommendations issued are consequently not subject to judicial review</li> <li>• This procedure is specific to the EETS and is performed by IM (NLA are in charge of this task and empowered to investigate and ask for detailed information)</li> </ul>

### 4.1.3. Flowchart

The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).



## 4.2. Existing schemes for judicial settlement of disputes (requested by a single party)

### 4.2.1. Introduction

As part of IM role, existing schemes for judicial settlement of disputes are herein described, even if there aren't specific for EETS.

Indeed, WP2 has come to the conclusion that regarding Settlement of disputes, there was no need for a specific set of rules and institutions and that existing schemes are suitable for disputes related to EETS as they are for any other industry or sector.

Consequently, in case of a dispute which can't be solved by amicable settlement, any EETS stakeholder can bring proceedings against another EETS stakeholder before national or European courts, depending on the case, to seek a legal or equitable remedy.

In case of a contractual dispute, if anything is mentioned in the agreement, the law which will govern the dispute is defined by national law and by the international treaties and conventions (Brussels 1968, Roma 1980, etc.)

### 4.2.2. Template

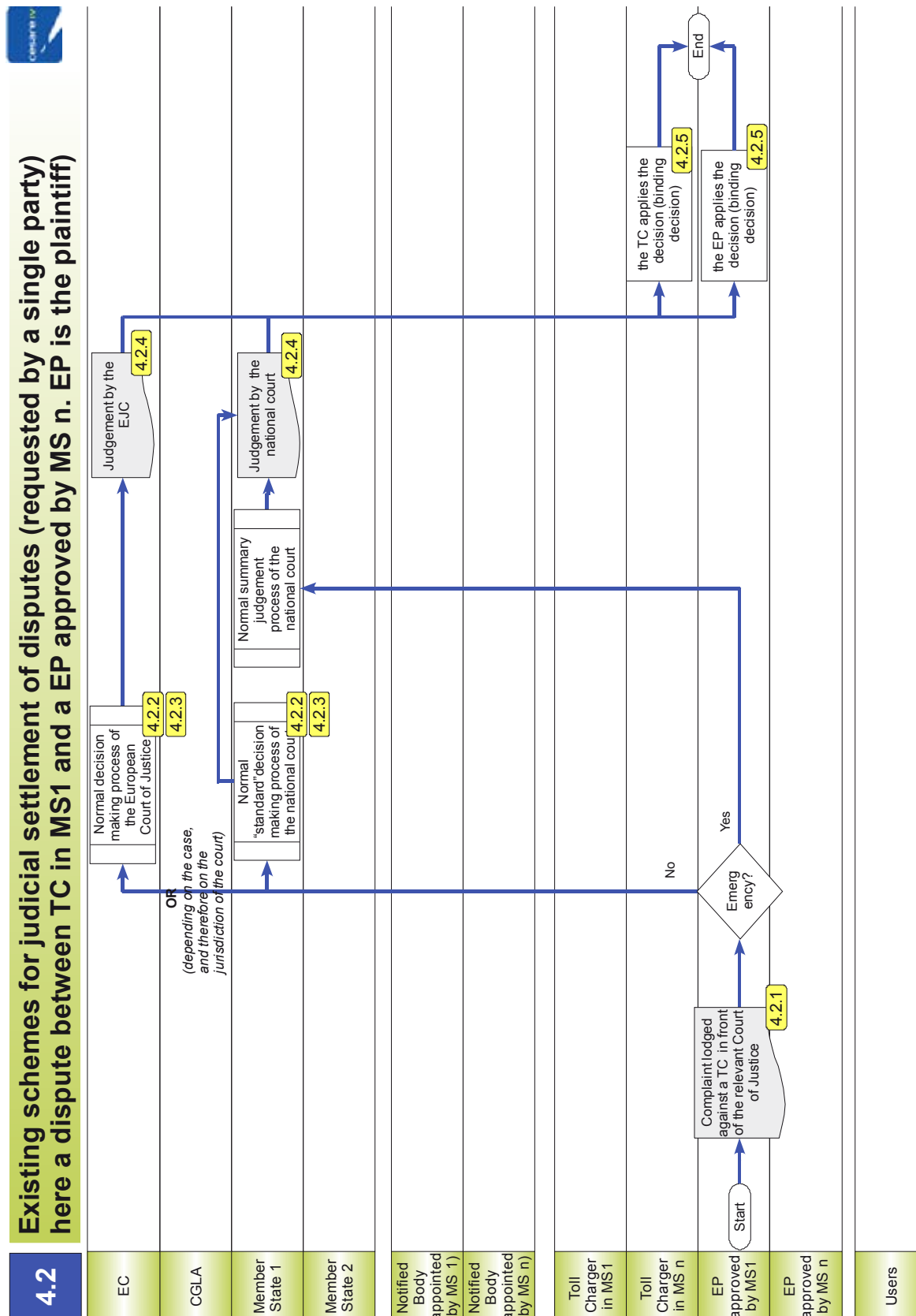
Procedure ID	4.2
Procedure name:	Existing schemes for judicial settlement of disputes (requested by a single party)
Short name:	Judicial settlement of dispute
Condition(s) reference:	G-N019
D 2.1 Reference:	2.8
Start state:	CESARE IV – WP1 and WP2 – Report D2.1
Procedure triggered by:	A request of any EETS stakeholder (mainly EETS Provider or Toll Charger)
End state:	Decision of Court of justice (national or European, depending on the case)
Involved parties:	EP, TC, Notified Bodies
Repetitive:	Yes



## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
4.2.1	Step	Two EETS stakeholders have been unable to reach a common point of view (contractual or non contractual issue) (EP, TC, Notified Bodies). On of these stakeholders initiates proceedings against the other one in front of the relevant Court of Justice (national or European depending on the case)
4.2.2	Step	The court of Justice shall analyze the evidences of both parties and can ask for more detailed explanation to both parties
4.2.3	Step	Decision of the Court of Justice <ul style="list-style-type: none"> <li>• in case of a prejudice, this procedure may lead to allocation of damages to the victim</li> <li>• in case of emergency, summary judgements are already included in the procedures before national courts of justice</li> <li>• experts and assessors may be appointed by the court of justice</li> </ul>
4.2.4	Step	The legal remedy can include : <ul style="list-style-type: none"> <li>• award of damages against a party</li> <li>• payment of a sum of money (conventional damages)</li> <li>• injunctive relief : order a party to do or refrain from doing something</li> <li>• rectification, setting aside or cancellation of a deed or other document.</li> </ul>
4.2.5	Step	The decision of the court of justice binds the parties
<b>Crucial prerequisites/ Requirements</b>		<ul style="list-style-type: none"> <li>• No prerequisites needed</li> </ul>
<b>Comments</b>		<ul style="list-style-type: none"> <li>• This procedure is not specific to EETS but is part of IM</li> </ul>

The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).



## 4.3. Existing schemes for arbitration in case of amicable settlement of dispute (requested by both parties)

### 4.3.1. Introduction

As part of IM role, existing schemes for arbitration in case of amicable settlement of dispute are herein described, even if there aren't specific for EETS.

Indeed, WP2 has come to the conclusion that regarding Settlement of disputes, there was no need for a specific set of rules and institutions and that existing schemes are suitable for disputes related to EETS as they are for any other industry or sector.

Arbitration, a form of alternative dispute resolution (ADR), is a legal technique for the resolution of disputes outside the courts, wherein the parties to a dispute refer it to one or more persons by whose decision (the "award") they agree to be bound. It is a settlement technique in which a third party reviews the case and imposes a decision that is legally binding for both sides.

### 4.3.2. Template

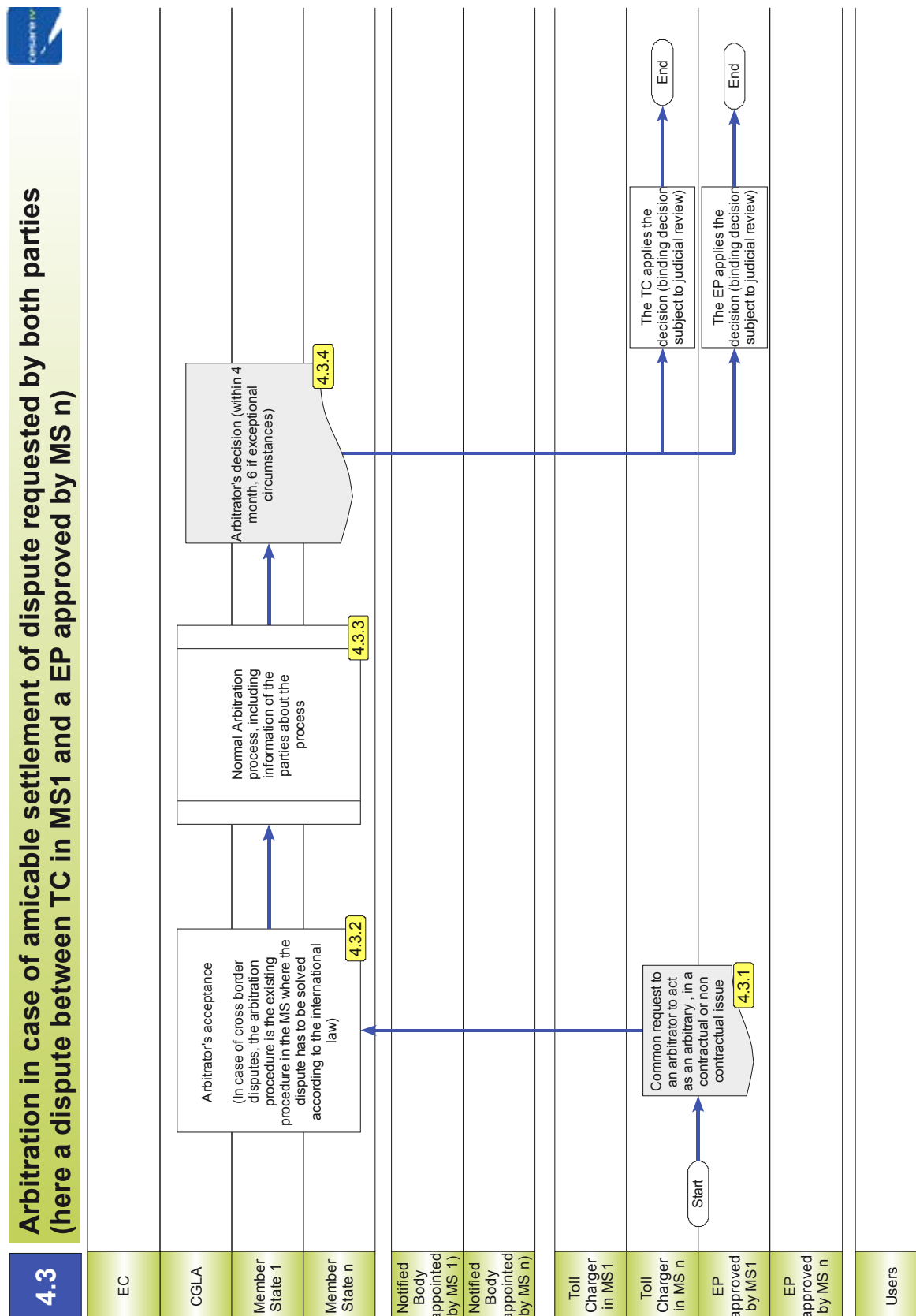
Procedure ID	4.3
Procedure name:	Arbitration in case of amicable settlement of dispute requested by both parties
Short name:	Arbitration
Condition(s) reference:	G-N019
D 2.1 Reference:	2.8
Start state:	CESARE IV – WP1 and WP2 – Report D2.1
Procedure triggered by:	Any "couple" of EETS stakeholders
End state:	Decision of the arbitrator
Involved parties:	EP, TC, Notified Bodies (+NLA at case the arbitrator decision is subject to confirmation by a national court of justice in order to be enforced)
Repetitive:	Yes

## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
4.3.1	Step	Request to an arbitrator to act as an arbitrary of two or more EETS stakeholders who have been unable to reach a common point of view (contractual or non contractual issue). In case of cross border disputes, the arbitration procedure is the existing procedure in the MS where the dispute has to be solved according to the international law or as agreed
4.3.2	Step	One or more arbitrator are designated by the parties and inform them on procedural matters : <ul style="list-style-type: none"> <li>• mode of submitting (and challenging) evidence</li> <li>• time and place of any hearings</li> <li>• language and translations</li> <li>• disclosure of documents and other evidence</li> <li>• use of pleadings and/or interrogatories</li> <li>• the appointment of experts and assessors</li> </ul>
4.3.3	Step	The arbitrator(s) shall analyze the evidences of both parties and can ask for more detailed explanation to the plaintiff
4.3.4	Step	The arbitrator(s) issue(s) its decision within a period of four (4) months; this period may be extended to six (6) months under exceptional circumstances or as agreed by parties. The arbitration decision can include : <ul style="list-style-type: none"> <li>• award of damages against a party</li> <li>• payment of a sum of money (conventional damages)</li> <li>• the making of a “declaration” as to any matter to be determined in the proceedings</li> <li>• injunctive relief : order a party to do or refrain from doing something</li> <li>• specific performance of a contract</li> <li>• rectification, setting aside or cancellation of a deed or other document</li> </ul>
<b>Crucial prerequisites/ Requirements</b>		<ul style="list-style-type: none"> <li>• Arbitration procedure is defined by the parties (included in their decision to enter into an arbitration procedure or, in case the parties are linked together by a contract, the arbitration procedure can also be pre-defined within the provisions set out in the contract)</li> <li>• The decision of the arbitrator binds the parties and can be subject to judicial review</li> </ul>

### 4.3.3. Flowchart

The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).



## 4.4. Clarification of the EETS rules (on request of the parties or a jurisdiction or an arbitrator)

### 4.4.1. Introduction

The clarification procedure is a mechanism aimed at enabling EETS stakeholders, arbitral tribunal or jurisdictions (national and European courts) to ensure uniform interpretation and application of that EETS rules in all the Member States

### 4.4.2. Template

Procedure ID	4.4
Procedure name:	Clarification of the EETS rules on request of the parties or of a jurisdiction
Short name:	Clarification
Condition(s) reference:	G-N011
D 2.1 Reference:	2.8
Start state:	CESARE IV – WP1 and WP2 – Report D2.1
Procedure triggered by:	EETS stakeholder (EP, TC, MS) or a jurisdiction or an arbitrator
End state:	Interpretation/ clarification given to the stakeholder.
Involved parties:	EC Commission, CGLA, TC Advisory forum (TCAF), EP Advisory forum (EPAF), NLAs, EP, TC, Standardisation bodies (SB), Notified Bodies (NB), Coordination Group of Notified Bodies (CGNB)
Repetitive:	Yes

## Short description of the procedure (actions in chronological order)

ID	Simple step or Sub-Procedure?	Short description
4.4.1	Sub-Procedure	The EETS stakeholder or court of justice (in case of judicial settlement) or arbitrator puts the need of clarification of EETS rules to its NLA
4.4.2	Step	The NLA analyses the request and can ask for more detailed explanation to the plaintiff and can establish a dialogue mainly with CGNLA, and if necessary with CGNB and SB and EPAF/TCAF
4.4.3	Step	The NLA within 2 months, gives its recommendation and make it public available

<b>Crucial prerequisites/ Requirements</b>	<ul style="list-style-type: none"> <li>• Coordination group of NLA has been established</li> <li>• MS have established EETS national functions</li> <li>• MS have appointed Notified Bodies</li> <li>• NBs have established Coordination Group for NBs</li> <li>• EPs have established EP Advisory Forum (EPAF)</li> <li>• TCs have established TC Advisory Forum (TCAF)</li> <li>• Clarification procedure has been published</li> </ul>
<b>Comments</b>	This clarification procedure does not lead to any binding decision (neither to the parties nor to the court of justice or arbitrator) since it is not mandatory. The recommendations issued are consequently not subject to judicial review

The following flowchart illustrates the procedure (for the key, please refer to the reader's guide).





## 5. Document revision history

Date	Version	Description
29.01.2009	0.1	R. Tempier
4.II.2009	1.2	V. Dumerc
5.II.2009	1.3	
5.II.2009	1.41	V. Dumerc – revision of Sections 2-3
16.II.2009	1.5	R. Tempier – revision of D2.2
04.III.2009	1.9	Revision after complements of writers and WP2 plenary meeting (24. II.2009)
4.III.2009	2.0	C. Ambrun, V. Dumerc
11.III.2009	3.0	C. Ambrun, V. Dumerc
20.III.2009	3.8	R.Tempier, after review in WP2 plenary meeting (18.III.2009)
23.III.2009	3.9	C. Ambrun , V. Dumerc

# ANNEX 1: Glossary and abbreviations

## Glossary

The following Terms are used in the document.

Term	Definition
Certification	In the directive and the draft decision this word refers to all compliance checks with EETS rules, for all stakeholders and equipments. Regarding the vocabulary, the present report is more specific: <ul style="list-style-type: none"> <li>• Equipments (including OBE and RSE) are “Certified”</li> <li>• EETS Providers are “Approved”</li> <li>• Toll Chargers are “Qualified”</li> <li>• Notified Bodies are “Appointed”</li> </ul>
Coordination Group of EETS National Legal Authorities	An (unofficial) group that gathers the authorities in charge of EETS in each MS.
EETS Service Provider (EP)	A legal entity (or group of legal entities) providing the European Electronic Toll Service (EETS) for all EETS toll domains to Service Users.
Enforcement	The process of compelling observance of a law, regulation, etc. (EN ISO 17573).
EETS toll transaction	The data describing the charged road use concluded by the Toll Charger according to national and local law taking into account the toll declarations.
Interoperability	The ability of systems to provide services to and accept services from other systems and to use the services so exchanged to enable them to operate effectively together (EN ISO 17573).
Interoperability Manager (IM)	In the EETS context, the Interoperability Manager (IM) is an entity or an organisation (i.e. a set of entities), which plays the role of managing the interoperability of the European Electronic Tolling Service, including in their functions the governance and other main components of the Service.
Notified Body	Body in charge of certain parts of the equipments and stakeholders certification/qualification/approval
National Legal Authorities	(Refer to D2.1) The government of each MS, its national court of justices, and any kind of legal national power. These authorities are in charge of implementing the EETS rules in the MS. Each MS sends representatives to the CGLA
On-Board Equipment (OBE)	Equipment fitted within or on the outside of a vehicle and used for toll purposes.

Term	Definition
Role	Identifier for a behaviour, which may appear as a parameter in a template for a composite object, and which is associated with one of the component objects of the composite object. Roles defined in the European Electronic Service: Interoperability Manager (IM), Toll Charger (TC), EETS Provider (EP) and Service User (SU).
Service User (SU)	A generic term used for the customer of an EETS Provider, one liable for toll, the owner of the vehicle, a fleet operator, a driver etc. depending on the context (EN ISO 17573).
Toll	A charge, a tax, a fee, or a duty in connection with using a vehicle within a toll domain (EN ISO 17573).
Toll Charger (TC)	A legal entity (or group of legal entities) in charge of the Toll Charging role, including amongst others, the operation of toll domains, collection of tolls and enforcement tasks.
Toll Context Data	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 Toll Context Data have to be provided in case of both DSRC and GNSS based systems
Toll Domain	An area or part of a road network where a toll regime is applied (EN ISO 17573).

## Abbreviations

The following abbreviations can be used in this document.

CEN	Comité Européen de Normalisation
CESARE	Common Electronic Fee Collection System for a Road Tolling European Service
CGLA	Coordination Group of EETS Legal Authorities
CGNB	Coordination Group of Notified Bodies
CtTp	Comité Télépéage
DSRC	Dedicated Short Range Communications
EFC	Electronic Fee Collection
EETS	European Electronic Toll Service
EP	EETS Provider
EPAF	EETS Providers Advisory Forum
ETC	Electronic Toll Collection
ETSI	European Telecommunication Standardization Institute
GNSS	Global Navigation Satellite Systems
GPS	Global Positioning System
GSM	Global System for Mobile Communications
HGV	Heavy Goods Vehicle
IM	Interoperability Manager (EETS Interoperability Manager)
ISO	International Organization for Standards
NB	Notified Body
NLA	National Legal Authorities
OBE	On-Board Equipment
RSE	Road Side Equipment
SU	Service User (EETS Service User)
SB	Standardization Bodies
TC	Toll Charger (EETS Toll Charger)
TCAF	Toll Chargers Advisory Forum

