



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

EETS

POSITION PAPER

ASECAP is the European Association of Operators of Toll Road Infrastructures, whose members' networks today span more than 50,266 km of motorways, bridges and tunnels across 22 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.



A key priority of the EU policy is the promotion of a sustainable transport environment and the use of tolling/charging is recognized as a main instrument to apply the user pays and polluter pays principles to reach this goal. Tolling is also recognized as an efficient mechanism to provide the appropriate funds necessary to assure the construction of new roads and the adequate maintenance of the existing road network as main contributor towards a smart a green mobility and high road safety in EU.

A precondition for the efficient deployment of realistic national and regional tolling schemes is a reliable and credible legal framework which allows a proper tolling service to the users and guarantees the collection of the toll revenues for the road operators.

The existing theoretical legal framework in EU has been adopted unanimously by the EU institutions without any formal role of the tolling industry. It is:

- **The EETS directive 2004/52/EC** on the interoperability of electronic road toll systems in the Community addressed the interoperability of electronic tolling in EU using specific technologies. It has foreseen that every road user would have access to an electronic tolling, using given technologies, in all EU tolled infrastructure, using one contract and one OBU.
- **The EETS Decision 2009/750** -based on the Directive 2004/52- aiming to set up a fully interoperable tolling system in EU where EETS providers would provide to the road users a complete EETS service on all tolled domains with one OBU and one contract, within a period of 24 months.

After all these years, no interoperable EETS tolling market has been established in EU, as there is no realistic legal environment allowing the industrial stakeholders to act and compete under proper market conditions.

EU Institutions recognized finally that both (the EETS directive and the EETS decision) lack of a realistic market and technology considerations and -as a consequence- they decided that proper action needs to be undertaken to review both of them. The industrial stakeholders, led by ASECAP and its members, accepted the invitation of the E. Commission and carried out REETS, a crucial project scrutinizing all the important economic and market parameters prevailing in the complex tolling industry. The REETS findings were presented to the EU institutions and have been recognized as extremely important for the future steps towards a realistic tolling regime in the various EU regions.

To improve the situation and make the deployment of EETS feasible the E. Commission has presented on May 31st a proposal to amend Decision 2009/750/EC.

ASECAP welcomes this initiative and supports this new and practical approach to offer the service, however we want to express our concerns on the following aspects:

1- ASECAP participation

The proposal of amendment of the Decision 2009/750 EC will be analysed within a circle of discussion, the „Toll Committee“, where only member States are invited to participate. ASECAP is a key stakeholder in the ETC field: its members manage 20,559 ETC lanes and they already operate ETC services for near 32.5 million of ETC subscribers.

There is a clear risk to define European rules without taking into consideration the point of view of the main stakeholders. We urge the EC to invite ASECAP to participate actively in this circle in the modality it may consider more appropriate (observer, member with voice but without vote,...)



2- Enforcement

The lack of harmonized legislation regarding enforcement procedures to persecute local and foreign toll evaders is a clear barrier to improve EU mobility and to deploy a sustainable transport system in Europe.

The proposed text is a good step forward in order to fight against non-toll payments. It allows member States to define a procedure to get the relevant information about foreign users that do not pay the tolls. We believe that the text should be further clarified for the procedure to be valid to any case of toll evasion.

This procedure is an important tool for authorities and concessionaires to start first instance voluntary actions/diligences towards the users who do not pay the tolls. However, if the users does not respond to this voluntary action, there is still no enforcement procedure defined at European level in order to execute and recover the toll. The Decision should go one-step forwards and define a mandatory procedure to guarantee the payment of the toll.

3- Deadline for EETS Provider

ASECAP is in favour of smoothing the current time constraints for EETS providers to cover all European toll domains. However eliminating any time limitation will suppose to remove the obligation to reach agreements with all toll domains. This will de-facto imply that a provider covering one single toll domain can be considered as an EETS provider.

While national and regional ETC providers are not subject to any specific European legislation (for example they have no obligation to be registered), EETS providers are subject to the directive and the decision. This may create confusion about the legislative regime applicable for ETC providers.

4- Standardization

The electronic technologies applied into the tolling fields must respect the approved relevant standards. In the new innovative era of automated and connected vehicles, EC should take action and request the standardization Bodies, in particular CEN and ETSI, to ensure the continual compatibility of all interoperability constituents in accordance with the EU adopted procedures.

5- Commercial conditions

Commercial conditions agreed bilaterally between Toll Chargers and EETS Providers should be non-discriminatory and a fair reflection of the costs and risks borne by the parties. Conciliation Bodies should be empowered to verify it and they can compare them with conditions imposed to national ETC providers.



ASECAP thinks there is a clear legal undefinition (what it is understood as non-discriminatory or fair reflection) and it leaves to much room for interpretation to the Conciliation bodies.

To serve local needs of their customers, Toll chargers have to be authorized to issue specific commercial conditions reserved for local contexts. Targeted at local clients, those special schemes are generally costly to set up, may be the result of a dedicated financial agreement with a local authority and have no reason to be extended for commercialisation by any EETS Providers.

6- Test environment

The article 10 of the new text states that „each toll charger shall set up a test environment in which the manufacturer, the EETS Provider or their respective authorised representatives may check that OBE is suitable for use in the Toll Charger’s EETS domain and obtain the certification“.

ASECAP agrees with this approach, however it must be clearly assumed that the organization and coordination of these tests should be decided by the toll chargers owner of the facility.

7- EETS Platform

The EETS information platform is a important tool, acting as a single point of EETS Information Sharing Resource Platform. The EC should endorse it and assure its proper managed.



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