

ASECAP's reaction to the ST 9056/23 proposal to amend Directive 1999/37 and Directive 2019/520

The Commission has published a proposal with the aims to take account of trailer performance when calculating emissions from heavy goods vehicles.

ASECAP would like to draw attention on the following points:

- The operational implementation of this measure seems particularly complex and its impact highly uncertain.
- It will also exacerbate the already glaring lack of clarity in pricing arrangements under Directive 1999/62, as revised by Directive 2022/362 of 24 February 2022. Yet the clarity and relative simplicity of tariffs are essential to their acceptability. The predictability of these charges does not also seem to be guaranteed, even though it is also an essential element in the effectiveness of any incentive measure, as called for by the reform of the Eurovignette Directive.
- The authors of the text state that they have consulted the industry on the draft proposal, which does not seem to have been the case for toll operators / collectors. Indeed, while they rely on the information provided by service providers, it is not clear how that information is read but also they are required to verify this information in order to ensure that the vehicle is paying the right tariff. Information provided via on-board equipment must be verifiable by other means. As the Interoperability Directive states, in case of divergency of the vehicle classification the one determined by the toll charger is to prevail (article 8/1).
- It is not clear in the text which document is legally valid (or enforceable) to ensure the classification of the trailer, and what will be the means of accessing, consulting and verifying this information. If a trailer weighs more than 750 kg, it will have a vehicle registration document, so by querying the vehicles national register, the motorway companies will be able to collect information from the owner of the vehicle registration document. With the Eucaris system, the process will be the same if, and only if, the States have the same regulations regarding the obligation to hold a vehicle registration document for trailers. And even in this case, the proposed text for the amendment of Annex I of the Directive (UE) 2019/520 identifies as optional the information regarding CO2 classification, efficiency ratios and others. However, it seems unlikely that the vehicles national register and/or Eucaris will have the information needed to classify trailers in terms of CO2 emissions, at least for the oldest trailers and it is also not clear how can the operators process automatically these new sets of data. This also means that it is not clear the effort necessary to adjust the systems that process this information.
- The trailer used must be identified individually and not just by its category, in order to limit the risk of fraud. This means adding the trailer licence plate to the encoded information or equipping it with its own on-board equipment. For toll collectors, this would mean scanning the front and rear plates of the combination to distinguish the tractor from the trailer, provided that this is physically possible, given the length of HGVs with trailers, and without the protection of the canopies traditionally used in the conventional toll system still deployed in many European countries. Also this introduces new processes in the current toll operations that may lead to new problems by reducing current redundancies of the existing information.

- Furthermore, the responsibility for determining the right tariff remains with the toll operator / collector, who is the only economic player to ultimately bear the financial consequences. The toll operator / collector must therefore be able to ensure, ideally in real time or, if not possible, in deferred time, that the appropriate reduction is applied. In traditional toll collection, it is extremely complex to read the rear plate because of the length of the vehicle in the toll lane. As a result, it will not be possible to determine the appropriate tariff without extensive adaptation of the current existing toll systems.
- Given the volume of transactions to be managed and the absence of automatic and secure devices available on the market able to determine the type of trailer, this additional control will necessarily entail significant management costs. Toll operator / collectors will have to be able to apply the lowest reduction if it is not possible to determine and verify the class of the trailer in a simple (preferably, automatic) manner.
- Finally, the criteria for classifying the basis for modulation will have to be verifiable by simple and certifiable physical measurements in order to enable them to be determined quickly and with certainty, and not be based on a prior complex assessment that cannot be verified on the road (presence or absence of deflector, etc.).
- Furthermore, although it is conceivable that future on-board equipment will allow the tractor-trailer pairing to be specified, it has to be said that the vast majority of current generations of equipment do not allow this. This measure would therefore lead to the early replacement of on-board equipment.
- As no study has been carried out on the impact on toll systems of the new charging system provided for in Directive 2022/362 of 24 February 2022, on the associated costs, or even on its feasibility, this new measure will make the operational implementation of charging more complex and more costly.
- The document states that the proposal has no impact on the EU budget, but this assertion cannot be extended to toll operators / collectors or Member States that decide to implement the measure. The costs of implementing this verification for toll operators / collectors or service providers do not appear to have been assessed, nor their ability to pass them on.
- **About ASECAP:**
ASECAP is the European Association of Operators of Toll Road Infrastructures across 18 member countries representing 125 companies employing more than 44.000 direct jobs and 200.000 indirect jobs. They operate, maintain, manage a network of more than 82.200 km with a long-term vision that ensures highest quality standards to make the road infrastructure safest thank to the user/payer principle providing sustainable financing.

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