# Commission Implementing Regulation (EU) 2020/204 of 28 November 2019 on detailed obligations of European Electronic Toll Service providers, minimum content of the European Electronic Toll Service domain statement, electronic interfaces, requirements for interoperability constituents and repealing Decision 2009/750/EC

## COMMISSION IMPLEMENTING REGULATION (EU) 2020/204

## of 28 November 2019

## on detailed obligations of European Electronic Toll Service providers, minimum content of the European Electronic Toll Service domain statement, electronic interfaces, requirements for interoperability constituents and repealing Decision 2009/750/EC

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 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[(1)], and in particular Articles 5(11), 6(9), 14(3), 15(6) and 15(7) thereof,

After consulting the Electronic Toll Committee,

Whereas:

(1) In order to complete the legislative framework for ensuring the interoperability of electronic road toll systems, it is necessary to lay down detailed requirements in respect of obligations of European Electronic Toll Service (EETS) providers, the content of the EETS domain statement, electronic interfaces and requirements for interoperability constituents.

(2) In order to avoid performance problems of the EETS system, EETS providers, should be required to monitor their service and collaborate with the toll charger when performing toll system tests.

(3) EETS providers should provide specific data to the toll charger so that the verification of the calculation of the toll applied can take place.

(4) To ensure smooth functioning of the EETS system, EETS providers should provide technical support for the identification of the on-board-equipment.

(5) Where the measures provided for in this Regulation entail the processing of personal data, they should be carried out in accordance with Union law on the protection of personal data and privacy, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council[(2)], and, where applicable, Directive 2002/58/EC of the European Parliament and of the Council[(3)]. To this end, EETS providers should not be required to provide more client data to the toll chargers than is necessary to ensure the correct functioning of the EETS.

(6) In order to provide appropriate information to the users, invoicing should reflect the various service and toll price components in a transparent manner.

(7) The minimum content of an EETS domain statement should be specified to give EETS providers sufficient clarity regarding the conditions for providing EETS in the corresponding toll domain.

(8) Seamless functioning of the EETS requires a minimum level of harmonisation of the electronic interfaces, and of the functioning of the interfaces between parties, in particular, between the toll chargers and the EETS providers.

(9) Specific infrastructure requirements should be laid down to allow for the correct communication and functioning of the equipment of the parties involved and to achieve a smooth and secure functioning of the EETS interoperability and enforcement.

(10) To make the process of accrediting EETS providers more effective, some harmonisation of the procedure for assessment of conformity to specifications and suitability for use of interoperability constituents across the different EETS domains is needed. Therefore, it is necessary to lay down such a procedure, including the content and format of the EC declarations.

(11) In order to ensure the coherence of the legal framework and the proper functioning of the EETS system, Commission Decision 2009/750/EC[4] should be repealed from the date by which Directive (EU) 2019/520 must be transposed in all Member States, which is the date on which this Regulation and the delegated acts referred to in that Directive will start to apply.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Electronic Toll Committee, referred to in Article 31(1) of Directive (EU) 2019/520.

HAS ADOPTED THIS REGULATION:

*Article 1*

**Scope**

This Regulation lays down detailed obligations for EETS providers, information on the minimum content of the EETS domain statement, specifications for the electronic interfaces between the interoperability constituents, requirements for these constituents, and the procedure to be applied by Member States to assess conformity to specifications and suitability for use of interoperability constituents.

*Article 2*

**Detailed obligations of EETS providers**

1 For monitoring the performance of their services, EETS providers shall put in place audited operational processes that provide for appropriate measures when performance problems or integrity breaches are detected.

2 In Global Navigation Satellite System based systems, EETS providers shall monitor the availability of navigation and positioning satellite localisation data. They shall inform toll chargers of any difficulties they may have in establishing toll declaration data that relate to the reception of satellite signals.

3 A toll charger may require the cooperation of an EETS provider to perform unannounced and detailed toll system tests involving vehicles circulating or having recently circulated on the toll charger's EETS domain(s). The number of vehicles submitted to such tests over a year for a particular EETS provider shall be commensurate with the average annual traffic or traffic projections of that EETS provider on the toll charger's EETS domain(s).

4 Unless otherwise agreed, the EETS provider shall provide the toll charger with the following information, which is needed to apply the toll to EETS users' vehicles, or to allow the toll charger to verify the calculation of the toll applied to EETS users' vehicles by the EETS providers:

a the licence plate number of the EETS user's vehicle, including the international licence plate country code;

b an identifier of the EETS user's account;

c an identifier of the OBE, if used in an EETS domain;

d the vehicle classification parameters necessary to establish the applicable tariff.

The data exchange shall be compliant with the provisions of Annex I of this Implementing Regulation.

5 EETS providers shall provide appropriate service and technical support to ensure correct setting-up of the on-board equipment. EETS providers shall be responsible for fixed vehicle classification parameters stored in on-board equipment or in their back office. Variable vehicle classification parameters, which can vary from trip to trip or within a trip, and are intended to be introduced by in-vehicle intervention shall be configurable through an appropriate human-machine interface.

6 Where applicable, invoicing of individual EETS users by EETS providers shall clearly separate the service charges of the EETS provider from the tolls incurred, and shall at a minimum specify — unless the user decides otherwise — the time and the location of the tolls incurred, and the user-relevant composition of specific tolls.

7 EETS providers shall inform EETS users immediately of any non-declaration of tolls in relation to their account, offering, the opportunity to regularise the account before any enforcement action is taken, where this is possible under national legislation.

*Article 3*

**EETS domain statement**

The EETS domain statement referred to in Article 6(2) of Directive (EU) 2019/520 shall as a minimum contain the elements listed in Annex II of this Implementing Regulation, and shall comply with the requirements provided for in that Annex.

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/204. (See end of Document for details)*

*Article 4*

**EETS stakeholder roles and interfaces**

1 Toll chargers and EETS providers shall put in place common interfaces and implement communication protocols in conformity with the requirements of Annex I of this Implementing Regulation. Through interoperable communication channels, EETS providers shall provide toll chargers with secure information relative to tolling operations and control/enforcement in conformity with applicable technical specifications.

2 EETS providers shall ensure that toll chargers are able to easily and unambiguously detect whether a vehicle circulating on their EETS domain requiring the use of an OBE and allegedly using EETS is actually equipped with a validated and properly functioning EETS OBE that provides correct information.

3 EETS OBE shall provide a human-machine interface, that indicates to the user that the OBE is functioning properly, and an interface for declaring variable toll parameters and for indicating the settings of those parameters.

*Article 5*

**Conformity to specifications and suitability for use**

Conformity to specification and suitability for use of interoperability constituents shall be assessed in compliance with Annex III of this Implementing Regulation.

*Article 6*

**Repeal**

Decision 2009/750/EC is repealed with effect from 19 October 2021.

*Article 7*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 19 October 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 November 2019.

*For the Commission*

*The President*

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/204. (See end of Document for details)*