Commission Delegated Regulation (EU) 2020/203 of 28 November 2019 on classification of vehicles, obligations of European Electronic Toll Service users, requirements for interoperability constituents and minimum eligibility criteria for notified bodies (Text with EEA relevance)

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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 8(5), 10(3), 15(4),15(5), and 19(5) thereof,

Whereas:

(1) To ensure that the European Electronic Toll Service (EETS) works well, EETS users need to provide correct data and are responsible for the status of the on-board equipment, if an on-board equipment is used.

(2) In order to increase interoperability of the electronic road toll systems and ensure compatibility with general requirements stemming from EU legislation, as for example data protection, EETS providers and toll chargers need to comply with a minimum set of procedural, technical and operational requirements.

(3) General infrastructure requirements should be established to ensure that the interoperability constituents provide for accurate data, correct identification of the EETS providers, proper installation of the on board equipment, if one is used, and correct information for the drivers on road fees obligations.

(4) Standard criteria for nominating the bodies responsible for the assessment of conformity of specifications and suitability for use of interoperability constituents need to be defined so that a minimum level of expertise is ensured and manufacturers can rely on equal treatment in all Member States.

(5) To ensure consistent application between this Regulation and Directive (EU) 2019/520, it should apply from the date referred to in the Article 32(1) of Directive (EU) 2019/520.

HAS ADOPTED THIS REGULATION:

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/203. (See end of Document for details)

Article 1

Scope

This Delegated Regulation lays down requirements for:

(1) the classification of vehicles,

(2) the detailed obligations of EETS users,

(3) interoperability constituents,

(4) the minimum criteria of eligibility for notified bodies.

Article 2

Vehicle classification

1 The parameters used to classify vehicles for determining tolls shall comply with the requirements provided for in Annex I of this Delegated Regulation.

2 Without prejudice to Article 6(2) of Directive (EU) 2019/520, where a toll charger intends to introduce new vehicle classification parameters, the Member State where it is registered must inform the Commission, the other Member States and EETS providers in operation in the EETS domain thereof six months before the new classification parameters are introduced.

Article 3

EETS users' obligations

1 EETS users shall ensure that all user and vehicle data they provide to the EETS providers and the declaration of variable parameters are correct.

2 EETS users shall take all possible measures to ensure that the on-board equipment is operational whilst the vehicle is circulating within an EETS domain requiring on-board equipment.

3 EETS users shall operate on-board equipment in accordance with the EETS provider's instructions, in particular where these apply to the declaration of variable vehicle classification parameters.

Article 4

Interoperability constituents' requirements

Interoperability constituents and roadside infrastructure shall comply with the requirements provided for in Annex II of this Delegated Regulation.

Article 5

Minimum eligibility criteria for notified bodies

The notified bodies referred to in Article 19(1) of Directive (EU) 2019/520 shall comply with the minimum criteria provided for in Annex III of this Delegated Regulation.

Article 6

Entry into force

This Delegated 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 Delegated 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 Delegated Regulation (EU) 2020/203. (See end of Document for details)*

ANNEX I

PROVISIONS ON VEHICLE CLASSIFICATION

1. **General provisions**

1.1. A toll charger must publish the correspondence between the set of vehicle classification parameters used and its vehicle tariff classes for each tariff scheme applied in an EETS domain under its responsibility at least three months before the use of the tariff scheme. This obligation does not refer to any changes made by the toll charger to specific tariffs within a tariff scheme.

1.2. A toll charger must publish the correspondence of its vehicle tariff classes with its tariffs structure for each tariff scheme applied in an EETS domain under its responsibility. It must update the publication immediately when that correspondence changes.

2. **Vehicle classification parameters**

2.1. A toll charger may use vehicle classification parameters according to at least one of the following provisions:

(a) any vehicle classification parameter that can be measured by its roadside equipment

(b) the vehicle parameters that are listed in vehicles registration documents[(2)] and standardised in clause 8.4 of EN ISO 14906:2018[(3)];

If an OBE is used, the OBE is required only to support storage and transmission of possible vehicle classification parameters that can be retrieved from the OBE using dedicated short-range communication at 5,8 GHz as defined by standards EN 15509:2014[(4)] and ETSI ES 200674-1 V2.4.1[(5)]; for GNSS based schemes, in addition, any vehicle parameter may be retrieved from the OBE using CEN-DSRC as defined by EN ISO 12813:2019[(6)].

2.2. When circulating in a toll domain, vehicle on-board equipment must be able to communicate the on-board equipment status information and, where applicable, its vehicle classification parameters to the toll declaration monitoring equipment of the toll charger, as defined in Annex I of Commission Implementing Regulation (EU) 2020/204[(7)].

3. **New tariff schemes**

3.1. Where a newly introduced tariff scheme is based on vehicle classification parameters already in use in at least one EETS domain, EETS providers must implement the new tariff scheme as of the date of its entry into force.

3.2. Where a new tariff scheme introduces one or more new vehicle classification parameters, the procedure under Article 2.2 of the Delegated Regulation must be followed.

ANNEX II

REQUIREMENTS FOR INTEROPERABILITY CONSTITUENTS

1. GENERAL REQUIREMENTS

1.1. **Reliability and availability**

1.1.1. The monitoring and maintenance of fixed or movable components that are used in EETS must be organised, carried out and quantified in such a manner as to maintain their operation under the intended conditions.

1.1.2. EETS design should enable the system to continue working if the components malfunction or fail, possibly in a degraded mode, but with the least disruption for EETS users.

1.2. **Technical compatibility**

Where they are interfacing, the technical characteristics of the equipment of EETS providers and toll chargers must be compatible and in line with the provisions laid down in Annex I of the Implementing Regulation (EU) 2020/204.

1.3. **Security/privacy and protection of personal data**

1.3.1. EETS must provide security features relative to the protection of data stored, handled and transferred between stakeholders in the EETS environment. The security features shall integrate the necessary safeguards into the processing in order to protect the rights and interests of EETS stakeholders, in particular protect them from risks or damage caused by lack of availability, confidentiality, integrity, authentication, non-repudiation and protection from unauthorised access to user data in a European multi-user environment, in compliance with the relevant legislation on the protection of individuals with regard to the processing of personal data.

1.3.2. EETS must comply with EU data protection legislation. In particular, compliance with Regulation (EU) 2016/679 and the national laws, regulations or administrative provisions turning Directive 2002/58/EC into national law must be ensured.

2. SPECIFIC REQUIREMENTS

2.1. **Infrastructure requirements**

2.1.1. EETS infrastructure must allow for the accuracy of toll declaration data to correspond with the toll regime requirements to guarantee equal and fair treatment between EETS users in respect of tolls and charges.

2.1.2. The on-board equipment must enable toll chargers to identify the responsible EETS provider. The on-board equipment must regularly monitor this information, invalidate itself if an irregularity is detected and, where possible, inform the EETS provider of the anomaly.

2.1.3. Where applicable, EETS equipment must be designed so that its interoperability constituents use standards issued by European Standardisation Organisations.

2.1.4. On-board equipment must be integrated in a safe and secure way. Its fitment will be compliant with requirements for vehicles forward vision.[(8)]

2.1.5. Toll chargers must inform drivers, through signalisation or other means chosen by Member States,, of the requirement to pay a toll or charge for driving a vehicle in an EETS domain, and of the roads covered by an EETS domain.

2.2. **Operation and management requirements**

2.2.1. Toll chargers and EETS providers must determine contingency plans in order to avoid major traffic flow disruptions if the EETS is unavailable.