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From REETS to EETS: Evaluation of the regulatory framework

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Commission

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Why is EETS so important?

- Electronic tolling is a key enabler for the wide application of the **'user pays' and polluter pays' principles**
- Today, **setup and operation costs** of electronic tolling are a significant obstacle to the deployment of new charging schemes
- Interoperability could:
 - **bring costs of e-tolling significantly down**
 - **Reduce costs of compliance for the users**
 - Enhance users' experience and their level of acceptance of road charging.

Initial objectives of EETS

- Specific objectives:
 - Reduce system costs for toll chargers;
 - Reduce compliance costs and hassle for users
- Operational objectives (how to achieve the specific obj?):
 - Ensure interoperability at technical, contractual and procedural levels;
 - Ensure that OBUs can be integrated with other vehicle equipment (tachograph, etc.)

EETS legislation – how were the objectives to be achieved?

- Directive 2004/52/EC:
 - Mandated EETS deployment by 2012 (HDV) and 2014 (light vehicles);
 - Specified allowed tolling technologies
- Decision 2009/750/EC:
 - Defined EETS architecture (new actor: EETS provider);
 - Specified the rights and obligations of each category of actors
 - Established 'conciliation bodies' to supervise the correct functioning of the market

Results (as of October 2015)

- One **EETS provider** registered, but not yet operational
 - **National interoperability** largely achieved
 - **Few**, limited **cross-border interoperability** agreements
 - After successful analytical phase, **REETS** experiences problems, deployment delayed or put on halt in certain States because of legal issues and lack of commitment of crucial decision makers
 - **Setup and initial operation costs** for new schemes have not significantly evolved in 10 years, despite falling equipment costs.
 - **Costs and burden for users has increased** proportionately to the number of new tolling schemes
- In 2015, the European Commission decided to launch an **ex-post evaluation of the EETS legislation.**

Preliminary findings of the ex-post evaluation (1)

- Lack of commitment of Member States
 - **Eight infringement procedures** launched for non-compliance with the EETS Decision;
 - Member States slow and/or unwilling to change their legislation and the characteristics of their tolling schemes to facilitate EETS.
 - In many cases contracts **guarantee to incumbent monopolists privileged treatment**
- EETS legislation: who is responsible for EETS?
 - Directive says: Member States and Toll Chargers;
 - Decision says: EETS providers
 - ▶ Result: No strong commitment from any group of stakeholders to the success of EETS.

Preliminary findings of the ex-post evaluation (2)

- The Directive harmonises, for the purpose of interoperability, the communication between OBUs and roadside equipment in a DSRC environment.
 - ▶ **No reference to standards in GNSS schemes**
 - ▶ **No reference to standards governing other processes**
- Some of the existing standards are toolboxes, and therefore not suitable for enabling interoperability in Europe.
 - ▶ **Each tolling scheme in the EU is different from a technological and procedural point of view.**

Today, EETS is being built on a partly incomplete and largely voluntary standardisation framework.

Preliminary findings of the ex-post evaluation (3)

- The framework conditions set up by the EETS Decision are not fair for the EETS providers:
 - obligation to cover **all** EETS domains within 24 months (Art. 4.1) is unrealistic;
 - Despite provisions on non-discrimination, practice shows that new entrants are discriminated against
 - ▶ opportunity for Member States to promote incumbent monopolists to the detriment of EETS providers
 - Toll chargers decide on the level and kind of guarantees requested from EETS providers
 - Rules on registration of EETS providers give scope for abuse by the registering authorities
 - Conciliation Bodies are not given the independence and implementing powers to effectively regulate the market.

Preliminary findings of the ex-post evaluation (4)

- Miscellaneous:
 - The choice of **two technologies** in the Directive is largely adequate, but the evolution of the technology and specific local requirements should be taken into account;
 - Recognition of a **national standard** (ETSI DSRC in Italy) in the legislation does not help interoperability
 - **Cross-border enforcement** remains one of the crucial problems in (free flow) electronic tolling.
 - There is more urgent need for- and interest in EETS for heavy duty vehicles (lorries and buses). **For light vehicles, the lack of interoperability is less pressing.**
 - Full EU coverage is not necessarily required. **EETS should be offered where significant demand for interoperability exists.** Division into central/peripheral Europe is too simplistic a divide.

What comes next?

Oct 2015: The draft ex-post evaluation is finished

Oct/Nov 2015: Decision on the possible launch of the process to revise the legislation

The steps below will only materialise if the decision is taken to undertake a revision of the EETS legislation:

Dec? 2015: Public consultation

June 2016: impact assessment finished

Q4 2016: Proposal to revise the Directive and/or the Decision



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Thank you!

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