

Commission Decision of 6 October 2009 on the definition of the European Electronic Toll Service and its technical elements (notified under document C(2009) 7547) (Text with EEA relevance) (2009/750/EC)

CHAPTER II

GENERAL PRINCIPLES

Article 5

Rights and obligations of Toll Chargers

1 Where an EETS domain does not comply with the technical and procedural EETS interoperability conditions set by Directive 2004/52/EC and this Decision, the responsible Toll Charger shall assess the problem with the involved stakeholders and, if within its sphere of responsibilities, take remedial actions in view to ensure EETS interoperability of the toll system. If the case arises, the Toll Charger shall inform the Member State in order to update the register referred to under Article 19(1)(a).

2 Each Toll Charger shall develop and maintain an EETS domain statement setting out the general conditions for EETS Providers for accessing their toll domains, in accordance with Annex I.

3 Toll Chargers shall accept on a non-discriminatory basis any EETS Provider requesting to provide EETS on the EETS domain(s) under the Toll Charger's responsibility.

Acceptance of an EETS Provider in a toll domain shall be governed by compliance with the general conditions set out in the EETS domain statement with the objective to complete negotiations within the timeframe indicated in Article 4(1) and may also be subject to specific contractual conditions.

If a Toll Charger and an EETS Provider cannot reach an agreement, the matter may be referred to the Conciliation Body responsible for the relevant toll domain.

4 The toll charged by Toll Chargers to EETS Users shall not exceed the corresponding national/local toll.

5 Toll Chargers shall accept on their EETS domains any operational on-board equipment from EETS Providers with whom they have contractual relationships which have been certified in accordance with Annex IV and which do not appear on a list of invalidated on-board equipment referred to in Article 7(3).

Toll Chargers shall keep on their website an easily accessible public list of all EETS Providers with whom they have a contract.

6 A Toll Charger may require an EETS Provider's collaboration 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 yearly average traffic or traffic projections of the EETS Provider on the Toll Charger's EETS domain(s).

Changes to legislation: There are currently no known outstanding effects for the Commission Decision of 6 October 2009 on the definition of the European Electronic Toll Service and its technical elements (notified under document C(2009) 7547) (Text with EEA relevance) (2009/750/EC), Article 5. (See end of Document for details)

7 In the event of an EETS dysfunction attributable to the Toll Charger, the Toll Charger shall provide for a degraded mode of service enabling vehicles with the equipment referred to in paragraph 5 to circulate safely with a minimum of delay and without being considered as toll evaders.

8 Toll Chargers shall collaborate in a non-discriminatory way with EETS Providers and/or manufacturer and/or notified body with a view to assessing the suitability for use of interoperability constituents on their toll domains.

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