

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 (recast) (Text with EEA relevance)

CHAPTER VIII

EXCHANGE OF INFORMATION ON THE FAILURE TO PAY ROAD FEES

Article 23

Procedure for the exchange of information between Member States

1 In order to allow the identification of the vehicle, and the owner or holder of that vehicle, for which a failure to pay a road fee has been established, each Member State shall grant access only to other Member States' national contact points to the following national vehicle registration data, with the power to conduct automated searches thereon:

- a data relating to vehicles; and
- b data relating to the owners or holders of the vehicle.

The data elements referred to in points (a) and (b) which are necessary in order to conduct an automated search shall comply with Annex I.

2 For the purposes of the exchange of data referred to in paragraph 1, each Member State shall designate a national contact point. Member States shall take the measures necessary to ensure that the exchange of information between Member States takes place only between the national contact points. The powers of the national contact points shall be governed by the applicable law of the Member State concerned. In that data exchange process, particular attention shall be paid to the proper protection of personal data.

3 When conducting an automated search in the form of an outgoing request, the national contact point of the Member State in whose territory there was a failure to pay a road fee shall use a full registration number.

Those automated searches shall be conducted in compliance with the procedures referred to in points 2 and 3 of Chapter 3 of the Annex to Council Decision 2008/616/JHA⁽¹⁾ and with the requirements of Annex I to this Directive.

The Member State in whose territory there was a failure to pay a road fee shall use the data obtained in order to establish who is liable for the failure to pay that fee.

4 Member States shall take the measures necessary to ensure that the exchange of information is carried out using the European Vehicle and Driving Licence Information System (Eucaris) software application and amended versions of this software, in compliance with Annex I to this Directive and with points 2 and 3 of Chapter 3 of the Annex to Decision 2008/616/JHA.

5 Each Member State shall bear its own costs arising from the administration, use and maintenance of the software applications referred to in paragraph 4.

Article 24

Information letter on the failure to pay a road fee

1 The Member State in whose territory there was a failure to pay a road fee shall decide whether or not to initiate follow-up proceedings in relation to the failure to pay a road fee.

Where the Member State in whose territory there was a failure to pay a road fee decides to initiate such proceedings, that Member State shall, in accordance with its national law, inform the owner, the holder of the vehicle or the otherwise identified person suspected of failing to pay the road fee.

This information shall, as applicable under national law, include the legal consequences thereof within the territory of the Member State in which there was a failure to pay a road fee under the law of that Member State.

2 When sending the information letter to the owner, the holder of the vehicle or to the otherwise identified person suspected of failing to pay the road fee, the Member State in whose territory there was a failure to pay a road fee shall, in accordance with its national law, include any relevant information, notably the nature of the failure to pay the road fee, the place, date and time of the failure to pay the road fee, the title of the texts of the national law infringed, the right to appeal and to have access to information, and the sanction and, where appropriate, data concerning the device used for detecting the failure to pay a road fee. For that purpose, the Member State in whose territory there was a failure to pay a road fee shall base the information letter on the template set out in Annex II.

3 Where the Member State in whose territory there was a failure to pay a road fee decides to initiate follow-up proceedings in relation to the failure to pay a road fee, it shall, for the purpose of ensuring the respect of fundamental rights, send the information letter in the language of the registration document of the vehicle, if available, or in one of the official languages of the Member State of registration.

Article 25

Follow-up proceedings by the levying entities

1 The Member State on whose territory there was a failure to pay a road fee may provide to the entity responsible for levying the road fee the data obtained through the procedure referred to in Article 23(1) only if the following conditions are met:

- a the data transferred is limited to what is needed by that entity to obtain the road fee due;
- b the procedure for obtaining the road fee due complies with the procedure provided for in Article 24;
- c the entity concerned is responsible for carrying out this procedure; and
- d compliance with the payment order issued by the entity receiving the data puts an end to the failure to pay a road fee.

2 Member States shall ensure that the data provided to the responsible entity are used solely for the purpose of obtaining the road fee due and is immediately deleted once the road fee is paid or, if the failure to pay persists, within a reasonable period after the transfer of the data, to be set by the Member State.

Article 26

Reporting by Member States to the Commission

Each Member State shall send a comprehensive report to the Commission by 19 April 2023 and every three years thereafter.

The comprehensive report shall indicate the number of automated searches conducted by the Member State in whose territory there was a failure to pay a road fee addressed to the national contact point of the Member State of registration, following failures to pay road fees that occurred on its territory, together with the number of failed requests.

The comprehensive report shall also include a description of the situation at national level in relation to the follow-up concerning the failures to pay road fees, based on the proportion of such failures to pay road fees which have been followed up by information letters.

Article 27

Data protection

1 Regulation (EU) 2016/679 and the national laws, regulations or administrative provisions transposing Directives 2002/58/EC and (EU) 2016/680 shall apply to personal data processed under this Directive.

2 Member States shall, in accordance with applicable data protection legislation, take the measures necessary, to ensure that:

- a the processing of personal data for the purposes of Articles 23, 24 and 25 is limited to the types of data listed in Annex I to this Directive;
- b personal data are accurate, kept up-to date and requests for rectification or erasure are handled without undue delay; and
- c a time limit is established for the storage of personal data.

Member States shall take the measures necessary to ensure that personal data processed under this Directive are used only for the purposes of:

- (a) identification of suspected offenders in view of the obligation to pay road fees within the scope of Article 5(8);
- (b) ensuring the compliance of the toll charger as regards its obligations to tax authorities within the scope of Article 5(9); and
- (c) identification of the vehicle and the owner or holder of the vehicle for which a failure to pay a road fee has been established within the scope of Articles 23 and 24.

Member States shall also take the measures necessary to ensure that the data subjects have the same rights of information, access, rectification, erasure and restriction of processing, and to lodge a complaint with a data protection supervisory authority, compensation and an effective judicial remedy as provided for in Regulation (EU) 2016/679 or, where applicable, Directive (EU) 2016/680.

Status: This is the original version (as it was originally adopted).

3 This Article shall not affect the possibility of Member States to restrict the scope of the obligations and rights provided for in certain provisions of Regulation (EU) 2016/679 in accordance with Article 23 of that Regulation for the purposes listed in the first paragraph of that Article.

4 Any person concerned shall have the right to obtain, without undue delay, information on which personal data recorded in the Member State of registration were transmitted to the Member State in which there was a failure to pay a road fee, including the date of the request and the competent authority of the Member State in whose territory there was a failure to pay a road fee.

- (1) Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ([OJ L 210, 6.8.2008, p. 12](#)).