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AMENDMENTS

6 - 65

Draft opinion

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Interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (recast)

Proposal for a directive

(COM(2017)0280 – C8-0173/2017 – 2017/0128(COD))

Amendment 6
Kostas Chrysogonos

Proposal for a directive
Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) All EU citizens have the right to liberty and security of person (Article 6 of the Charter of Fundamental Rights of the European Union ('the Charter')), the right to respect for private and family life (Article 7 of the Charter), the right to protection of their personal data (Article 8 of the Charter).

Or. en

Justification

The protection of the above mentioned rights shall be explicitly highlighted, as cross-border exchange of information through the interoperability of electronic road toll systems could threaten these rights. This amendment is inextricably linked to other admissible amendments.

Amendment 7
Kostas Chrysogonos

Proposal for a directive
Recital 2

Text proposed by the Commission

Amendment

(2) It is necessary to provide for the widespread deployment of electronic toll systems in the Member States and neighbouring countries, and to have interoperable systems suited to the future development of road-charging policy at Union level and to future technical developments.

(2) It is necessary to provide for the widespread deployment of electronic toll systems in the Member States and neighbouring countries, and to have, **as far as possible, reliable, user friendly, cost-efficient**, interoperable systems suited to the future development of road-charging policy at Union level and to future technical developments.

Justification

The Electronic toll systems should be as far as possible reliable, user friendly and cost-efficient. This will favour the EU citizens. This amendment is inextricably linked to other admissible amendments.

Amendment 8
Nadine Morano

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) The proliferation of specifications imposed by the Member States and neighbouring countries for their electronic toll systems may compromise both the smooth operation of the internal market and transport policy objectives. Such a situation is liable to lead to the proliferation of incompatible and expensive electronic boxes in the driving cabs of heavy duty vehicles, and to drivers making mistakes when using them with the result, for example, of unintentionally avoiding payment. Such a proliferation is unacceptable to users and to manufacturers of vehicles for cost, safety and legal reasons.

Amendment

(4) The proliferation of specifications imposed by the Member States and neighbouring countries for their electronic toll systems may compromise both the smooth operation of the internal market, ***the principle of free movement*** and transport policy objectives. Such a situation is liable to lead to the proliferation of incompatible and expensive electronic boxes in the driving cabs of heavy duty vehicles, and to drivers making mistakes when using them with the result, for example, of unintentionally avoiding payment. Such a proliferation is unacceptable to users and to manufacturers of vehicles for cost, safety and legal reasons.

Or. xm

Justification

This amendment is necessary for pressing reasons relating to the internal logic of the text in order to strengthen the proposal by indicating that multiplicity of eTolls system affect the principle of free movement.

Amendment 9
Kostas Chrysogonos

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Artificial barriers to the operation of the internal market should be removed, while still allowing the Member States and the Union to implement a variety of road-charging policies for all types of vehicles at local, national or international level. The equipment installed in vehicles should allow such road-charging policies to be implemented in accordance with the principles of non-discrimination between the citizens of all Member States. **The** interoperability of electronic toll systems at Union level therefore **needs to** be ensured as soon as possible.

Amendment

(5) Artificial barriers to the operation of the internal market should be removed, while still allowing the Member States and the Union to implement a variety of road-charging policies for all types of vehicles at local, national or international level. The equipment installed in vehicles should allow such road-charging policies to be implemented in accordance with the principles of non-discrimination between the citizens of all Member States, **while fully respecting all fundamental rights.** **The reliable** interoperability of electronic toll systems at Union level **based on the respect of fundamental rights should** therefore be ensured as soon as possible.

Or. en

Justification

It is necessary to safeguard the full respect of fundamental rights of people while implementing the interoperability of electronic road toll systems. This amendment is inextricably linked to other admissible amendments.

Amendment 10
Kostas Chrysogonos

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) It should be confirmed that the European Electronic Toll Service (EETS) is provided by EETS providers, as specified in Commission Decision 2009/750/EC¹⁷.

Amendment

(8) It should be confirmed that the European Electronic Toll Service (EETS) is **legally** provided by EETS providers, as specified in Commission Decision 2009/750/EC¹⁷ **and in full compliance with fundamental rights.**

¹⁷ Commission Decision 2009/750/EC of 6 October 2009 on the definition of the European Electronic Toll Service and its

¹⁷ Commission Decision 2009/750/EC of 6 October 2009 on the definition of the European Electronic Toll Service and its

technical elements (OJ L 268, 13.10.2009, p. 11).

technical elements (OJ L 268, 13.10.2009, p. 11).

Or. en

Amendment 11
Maria Grapini

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Electronic tolling and co-operative ITS (C-ITS) applications use similar technologies and neighbouring frequency bands for short range vehicle-to-vehicle and vehicle-to-infrastructure communication. In the future, the potential for merging electronic tolling with C-ITS in the 5.9 GHz band, currently used by C-ITS, should be explored, after a thorough assessment of the costs, benefits, technical barriers and possible solutions thereto.

Amendment

(10) Electronic tolling and co-operative ITS (C-ITS) applications use similar technologies and neighbouring frequency bands for short range vehicle-to-vehicle and vehicle-to-infrastructure communication. In the future, the potential for merging electronic tolling with C-ITS in the 5.9 GHz band, currently used by C-ITS, should be explored, after a thorough assessment of the costs, benefits, technical barriers and possible solutions thereto, ***so that this does not constitute a barrier, especially for SMEs.***

Or. ro

Amendment 12
Ska Keller

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Electronic tolling and co-operative ITS (C-ITS) applications use similar technologies and neighbouring frequency bands for short range vehicle-to-vehicle and vehicle-to-infrastructure communication. In the future, the potential for merging electronic tolling with C-ITS

Amendment

(10) Electronic tolling and co-operative ITS (C-ITS) applications use similar technologies and neighbouring frequency bands for short range vehicle-to-vehicle and vehicle-to-infrastructure communication. In the future, the potential for merging electronic tolling with C-ITS

in the 5.9 GHz band, currently used by C-ITS, should be explored, after a thorough assessment of the costs, benefits, technical barriers and possible solutions thereto.

in the 5.9 GHz band, currently used by C-ITS, should be explored, after a thorough assessment of the ***possible impact on privacy and data protection and of the*** costs, benefits, technical barriers and possible solutions thereto.

Or. en

Justification

In line with the adopted LIBE opinion on Cooperative Intelligent Transport Systems (Grapini)

Amendment 13 **Kostas Chrysogonos**

Proposal for a directive **Recital 11**

Text proposed by the Commission

(11) The specific characteristics of electronic tolling systems which are today applied to light-duty vehicles should be taken into account. ***Since no such electronic tolling systems currently use satellite positioning or mobile communications, EETS providers should be allowed, for a limited period of time, to provide light-duty vehicles with on-board equipment suitable for use with the 5.8 GHz technology only.***

Amendment

(11) The specific characteristics of electronic tolling systems which are today applied to light-duty vehicles should be taken into account.

Or. en

Amendment 14 **Maria Grapini**

Proposal for a directive **Recital 12**

Text proposed by the Commission

(12) When standards relevant for the EETS are reviewed by the European

Amendment

(12) When standards relevant for the EETS are reviewed by the European

standardisation bodies, there should be appropriate transition arrangements to ensure the continuity of the EETS and the compatibility, with the tolling systems, of interoperability constituents already in use at the moment of the revision of the standards.

standardisation bodies, there should be **optimally** appropriate transition arrangements to ensure the continuity of the EETS and the compatibility, with the tolling systems, of interoperability constituents already in use at the moment of the revision of the standards.

Or. ro

Amendment 15
Maria Grapini

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Problems with identifying non-resident offenders to electronic tolling systems hamper further deployment of such systems and the wider application of the 'user pays' and 'polluter pays' principles on Union roads.

Amendment

(13) Problems with identifying non-resident offenders to electronic tolling systems hamper further deployment of such systems and the wider application of the 'user pays' and 'polluter pays' principles on Union roads, **and there is therefore a need to find a way to identify such persons.**

Or. ro

Amendment 16
Birgit Sippel

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Member States should be required to provide the Commission information and data necessary to evaluate the effectiveness and efficiency of the system for exchanging information on those who fail to pay a road fee. The Commission should be required to assess the data and

Amendment

(16) Member States should be required to provide the Commission information and data necessary to evaluate the effectiveness and efficiency of the system for exchanging information on those who fail to pay a road fee. The Commission should be required to assess the data and

information obtained, and to propose, if necessary, amendments to the legislation.

information obtained, and to propose, if necessary, amendments to the legislation.
No personal data should be transmitted to or shared with the Commission.

Or. en

Justification

This amendment seeks to ensure legal consistency with EU data protection law.

Amendment 17
Morten Helveg Petersen

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Member States should be required to provide the Commission information and data necessary to evaluate the effectiveness and efficiency of the system for exchanging information on those who fail to pay a road fee. The Commission should be required to assess the data and information obtained, and to propose, if necessary, amendments to the legislation.

Amendment

(16) Member States should be required to provide the Commission information and data necessary to evaluate the effectiveness and efficiency of the system for exchanging information on those who fail to pay a road fee. The Commission should be required to assess the data and information obtained, and to propose, if necessary, amendments to the legislation.
No personal data should be transmitted to the Commission.

Or. en

Amendment 18
Kostas Chrysogonos

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Member States should be required to provide the Commission information and data necessary to evaluate the effectiveness and efficiency of the system

Amendment

(16) Member States should be required to provide the Commission information and data necessary to evaluate the effectiveness and efficiency of the system

for exchanging information on those who fail to pay a road fee. The Commission should be required to assess the data and information obtained, and to propose, if necessary, amendments to the legislation.

for exchanging information on those who fail to pay a road fee ***with full respect for protection of personal data***. The Commission should be required to assess the data and information obtained, and to propose, if necessary, amendments to the legislation.

Or. en

Justification

It shall be explicitly stressed that the provision of relevant information from Member States to EU institutions shall fully respect the right to protection of personal data.

For pressing reasons related to the internal logic of the text and the link with other admissible amendments, it is necessary to table this amendment.

Amendment 19 **Morten Helveg Petersen**

Proposal for a directive **Recital 17**

Text proposed by the Commission

(17) The introduction of electronic toll systems ***will entail*** the processing of personal data. Such processing needs to be carried out in accordance with Union rules, as set out, inter alia, in Regulation (EU) 2016/679 of the European Parliament and of the Council¹⁹, Directive (EU) 2016/680 of the European Parliament and of the Council²⁰ ***and Directive 2002/58/EC of the European Parliament and of the Council***²¹. ***The right to protection of personal data is explicitly recognised by Article 8 of the Charter of Fundamental Rights of the European Union.***

¹⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of

Amendment

(17) The introduction of electronic toll systems ***entails*** the processing of ***personal data***. ***Article 8 of the Charter of Fundamental Rights and Article 16 TEU explicitly recognise the right to the protection*** of personal data. Such processing needs to be carried out in accordance with Union rules, as set out, inter alia, in Regulation (EU) 2016/679 of the European Parliament and of the Council¹⁹, ***Directive 2002/58/EC of the European Parliament and of the Council***²¹ ***and Directive (EU) 2016/680 of the European Parliament and of the Council***²⁰ ***when the failure to pay a road fee is considered a criminal offence in the Member State where the payment is due.***

¹⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of

27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p.1),

²⁰ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

²¹ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ L 201, 31.7.2002, p. 37).

27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p.1),

²⁰ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

²¹ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ L 201, 31.7.2002, p. 37).

Or. en

Justification

This amendment is considered necessary for pressing reasons relating to the internal logic of the text. The proposal implies a substantial change of the text in force to ensure interoperability of EETS, payment of fees and new rules on cooperation and enforcement as regards unpaid fees. This entails a major interference with the right to data protection not addressed by the proposal. Hence, it is necessary to ensure compliance and consistency with EU data protection law.

Amendment 20 **Csaba Sógor**

Proposal for a directive **Recital 18**

Text proposed by the Commission

(18) This Directive does not affect the

Amendment

(18) This Directive does not affect the

Member States' freedom to lay down rules governing road infrastructure charging and taxation matters.

Member States' freedom to lay down rules governing road infrastructure charging and taxation matters. ***Nonetheless, by making electronic tolling systems inside the Union interoperable it would contribute to the objectives laid down by Union legislation on road tolls while fully respecting the data protection safeguards laid down in Union law.***

Or. en

Justification

The AM is necessary to maintain the internal logic of the text. Since the proposal will create a legal basis for the exchange of vehicle registration data between Member States for the purpose of toll enforcement, it is necessary to stress the importance of data protection and the need for full compliance with European data protection law.

Amendment 21 **Kostas Chrysogonos**

Proposal for a directive **Recital 19**

Text proposed by the Commission

(19) In order to ensure the interoperability of electronic road toll systems and to facilitate the cross-border exchange of information on the failure to pay road fees, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adapting to technological progress of the list of technologies which can be used for carrying out electronic toll transactions in electronic toll systems which require the installation or use of on-board equipment. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down

Amendment

(19) In order to ensure the interoperability of electronic road toll systems and to ***legally*** facilitate the cross-border exchange of information on the failure to pay road fees, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adapting to technological progress of the list of technologies which can be used for carrying out electronic toll transactions in electronic toll systems which require the installation or use of on-board equipment. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance

in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Amendment 22
Maria Grapini

Proposal for a directive
Article 1 – paragraph 1 – subparagraph 2

Text proposed by the Commission

This Directive shall apply without prejudice to the decisions taken by Member States to levy fees on particular types of vehicles, to determine the level of those fees and the purpose for which such fees are levied.

Amendment

This Directive shall apply without prejudice to the decisions taken by Member States to levy fees on particular types of vehicles, **and** to determine the level of those fees and the purpose for which such fees are levied, **hence respecting subsidiarity**.

Or. ro

Amendment 23
Csaba Sógor

Proposal for a directive
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) 'electronic toll domain' means a road, a road network, a structure such as a bridge or a tunnel, or ferry, where road fees are collected using, exclusively or partially,

Amendment

(e) 'electronic toll domain' means a road, a road network, a structure such as a bridge or a tunnel, or ferry, where road fees are collected using, exclusively or partially,

automatic detection mechanisms such as communication with on-board equipment inside the vehicle *or* automatic number plate recognition;

automatic detection mechanisms such as communication with on-board equipment inside the vehicle, *possibly supplemented by* automatic number plate recognition;

Or. en

Justification

Due to the low degree of standardisation of number plates and recognition systems inside the Union, exclusive reliance on number plate recognition could lead to wrong results. For this reason, automatic number plate recognition should only be used as a supplementary tool for toll collection.

Amendment 24 **Csaba Sógor**

Proposal for a directive **Article 2 – paragraph 1 – point i**

Text proposed by the Commission

(i) ‘Member State of registration’ means the Member State *of registration of* the vehicle with which the offence of failing to pay a road fee was committed;

Amendment

(i) ‘Member State of registration’ means the Member State *where* the vehicle with which the offence of failing to pay a road fee was committed *is registered*;

Or. en

Amendment 25 **Csaba Sógor**

Proposal for a directive **Article 3 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

All new electronic toll systems which require the installation or use of on-board equipment shall, for carrying out electronic toll transactions, use one or more of the technologies *listed in Annex IV*.

Amendment

All new electronic toll systems which require the installation or use of on-board equipment shall, for carrying out electronic toll transactions, use one or more of the *following* technologies:
(a) satellite positioning;
(b) mobile communications using the GSM-GPRS standard (reference GSM TS

03.60/23.00);
(c) 5.8 GHz microwave technology.

Or. en

Justification

Technological solutions a key determinant of interoperability, one of the main objectives of this re-cast. For this reason, the list of eligible technological solutions should be left for co-legislator rather than the Commission to decide.

Amendment 26
Csaba Sógor

Proposal for a directive
Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Existing electronic toll systems which use technologies other than those listed in **Annex IV** shall comply with those technologies if substantial technological improvements are carried out

Amendment

Existing electronic toll systems which use technologies other than those listed in **subparagraph 1** shall comply with those technologies if substantial technological improvements are carried out

Or. en

Justification

Consistent with the amendment deleting Annex IV and moving the list of eligible technologies to article 3(1) subparagraph 1.

Amendment 27
Maria Grapini

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

(2) On-board equipment which uses satellite positioning technology **shall** be compatible with the positioning services provided by the Galileo and the European Geostationary Navigation Overlay Service

Amendment

(2) On-board equipment which uses satellite positioning technology **needs to** be compatible with the positioning services provided by the Galileo and the European Geostationary Navigation Overlay Service

('EGNOS') systems and *may be compatible* with other satellite navigation systems.

('EGNOS') systems and *also* with other satellite navigation systems.

Or. ro

Amendment 28
Kostas Chrysogonos

Proposal for a directive
Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

EETS providers shall make available to users on-board equipment which is suitable for use, *interoperable and capable of communicating with all electronic toll systems in service in the Member States using the technologies listed in Annex IV.*

Amendment

EETS providers shall make available to users on-board equipment which is suitable for use.

Or. en

Amendment 29
Csaba Sógor

Proposal for a directive
Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

EETS providers shall make available to users on-board equipment which is suitable for use, interoperable and capable of communicating with all electronic toll systems in service in the Member States using the technologies listed in *Annex IV.*

Amendment

EETS providers shall make available to users on-board equipment which is suitable for use, interoperable and capable of communicating with all electronic toll systems in service in the Member States using the technologies listed in *paragraph 1.*

Or. en

Justification

Consistent with the amendment deleting Annex IV and moving the list of eligible technologies to article 3(1) subparagraph 1.

Amendment 30
Csaba Sógor

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

4. The on-board equipment may use its own hardware and software, use elements of other hardware and software present in the vehicle, or both. For the purpose of communicating with other hardware systems present in the vehicle, the on-board equipment may use technologies other than those listed in **Annex IV**.

Amendment

4. The on-board equipment may use its own hardware and software, use elements of other hardware and software present in the vehicle, or both. For the purpose of communicating with other hardware systems present in the vehicle, the on-board equipment may use technologies other than those listed in **paragraph 1**.

Or. en

Justification

Consistent with the amendment deleting Annex IV and moving the list of eligible technologies to article 3(1) subparagraph 1.

Amendment 31
Kostas Chrysogonos

Proposal for a directive
Article 3 – paragraph 5

Text proposed by the Commission

5. Until 31 December 2027, EETS providers may provide users of light-duty vehicles with on-board equipment suitable for use **only with the 5.8 GHz microwave technology**.

Amendment

5. Until 31 December 2027, EETS providers may provide users of light-duty vehicles with on-board equipment suitable for use.

Or. en

Amendment 32
Morten Helveg Petersen

Proposal for a directive
Article 3 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that processing of personal data necessary for the operation of the EETS is carried out in accordance with the Union rules protecting the freedoms and fundamental rights of individuals, including their privacy, and that, in particular, the provisions of Regulation (EU) 2016/679, **Directive (EU) 2016/680** and of Directive 2002/58/EC are complied with.

Amendment

6. Member States shall ensure that processing of personal data **that are** necessary for the operation of the EETS is carried out in accordance with the Union rules protecting the freedoms and fundamental rights of individuals, including their privacy, and that, in particular, the provisions of Regulation (EU) 2016/679, and of Directive 2002/58/EC are complied with. **Personal data processed under this Directive shall not be further processed for other purposes and shall be deleted as soon as they are no longer necessary for the purpose for which they were processed.**

Or. en

Justification

This amendment is necessary for pressing reasons relating to the internal logic of the text in order to ensure the protection of personal data and consistency with EU law and it is inextricably linked to other amendments tabled.

Amendment 33
Birgit Sippel

Proposal for a directive
Article 3 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that processing of personal data necessary for the operation of the EETS is carried out in accordance with the Union rules protecting the freedoms and fundamental rights of individuals, including their privacy, and that, in particular, the provisions of Regulation (EU) 2016/679, **Directive (EU) 2016/680** and of Directive 2002/58/EC are

Amendment

6. Member States shall ensure that processing of personal data necessary for the operation of the EETS is carried out in accordance with the Union rules protecting the freedoms and fundamental rights of individuals, including their privacy, and that, in particular, the provisions of Regulation (EU) 2016/679, and of Directive 2002/58/EC are complied with.

complied with.

Personal data processed under this Directive shall not be further processed for other purposes and shall be deleted as soon as they are no longer necessary for the purpose for which they were processed.

Or. en

Justification

As the proposal will provide for a substantial change of the current text in force in order to ensure interoperability of EETS, payment of fees and new rules on cooperation and enforcement between Member States regarding unpaid fees, the proposal implies a major interference with the right to data protection which is not addressed by the proposal. Hence, it is necessary to table this amendment in order to ensure the protection of personal data and consistency with EU law.

**Amendment 34
Birgit Sippel**

**Proposal for a directive
Article 5 – paragraph 1 – subparagraph 1 – introductory part**

Text proposed by the Commission

Amendment

For the investigation of the failure to pay road fees, the Member State shall grant other Member States' national contact points access to the following national vehicle registration data, with the power to conduct automated searches thereon:

For ***the sole purpose of*** the investigation of the failure to pay road fees, the Member State shall grant other Member States' national contact points access to the following national vehicle registration data, with the power to conduct automated searches thereon:

Or. en

Justification

This amendment seeks to ensure legal consistency with EU data protection law.

**Amendment 35
Morten Helveg Petersen**

**Proposal for a directive
Article 5 – paragraph 1 – subparagraph 1 – point a**

Text proposed by the Commission

Amendment

(a) data *relating to vehicles*; and

(a) data *necessary to identify a specific vehicle*; and

Or. en

Amendment 36
Morten Helveg Petersen

Proposal for a directive
Article 5 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) data *relating* to the owners or holders of the vehicle.

(b) data *necessary to identify and contact* to the owners or holders of the vehicle.

Or. en

Amendment 37
Kostas Chrysogonos

Proposal for a directive
Article 5 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

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/JHA²⁶ and with the requirements of Annex II to this Directive.

Those automated searches shall be conducted in *full* compliance with the procedures referred to in points 2 and 3 of Chapter 3 of the Annex to Council Decision 2008/616/JHA²⁶ and with the requirements of Annex II to this Directive *as well as in full compliance with all fundamental rights*.

²⁶ 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

²⁶ 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).

crime (OJ L 210, 6.8.2008, p. 12).

Or. en

Amendment 38
Csaba Sógor

Proposal for a directive
Article 5 – paragraph 3 – subparagraph 3

Text proposed by the Commission

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.

Amendment

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

Or. en

Justification

The exchange of data should be limited to the purpose of toll enforcement.

Amendment 39
Kostas Chrysogonos

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

4. Member States shall take all necessary measures to ensure that the exchange of information is carried out by interoperable electronic means without exchange of data involving other databases which are not used for the purposes of this Directive. Member States shall ensure that such exchange of information is conducted in a cost-efficient and secure manner. Member States shall ***ensure*** the security and protection of the data transmitted, as far as possible using existing software applications such as the one referred to in

Amendment

4. Member States shall take all necessary measures to ensure that the exchange of information is carried out by interoperable electronic means without exchange of data involving other databases which are not used for the purposes of this Directive. Member States shall ensure that such exchange of information is conducted in a cost-efficient and secure manner. Member States shall ***firmly commit to ensuring*** the security and protection of the data transmitted, as far as possible using existing software applications such as the

Article 15 of Decision 2008/616/JHA and amended versions of those software applications, in compliance with Annex II to this Directive and with points 2 and 3 of Chapter 3 of the Annex to Decision 2008/616/JHA. The amended versions of the software applications shall provide for both online real-time exchange mode and batch exchange mode, the latter allowing for the exchange of multiple requests or responses within one message.

one referred to in Article 15 of Decision 2008/616/JHA and amended versions of those software applications, in compliance with Annex II to this Directive and with points 2 and 3 of Chapter 3 of the Annex to Decision 2008/616/JHA. The amended versions of the software applications shall provide for both online real-time exchange mode and batch exchange mode, the latter allowing for the exchange of multiple requests or responses within one message.

Or. en

Amendment 40
Kostas Chrysogonos

Proposal for a directive
Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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.

Amendment

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 *validly and in due time* 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.

Or. en

Amendment 41
Maria Grapini

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

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 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 and the sanction and, **where appropriate**, data concerning the device used for detecting the offence. For that purpose, the Member State in whose territory there was a failure to pay a road fee may use the template set out in Annex III.

Amendment

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 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 and the sanction and data concerning the device used for detecting the offence. For that purpose, the Member State in whose territory there was a failure to pay a road fee may use the template set out in Annex III.

Or. ro

Amendment 42
Birgit Sippel

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

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.

Amendment

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. ***In that letter the Member State shall inform the recipient about the mechanisms available to the owner of the vehicle in order to challenge the alleged***

offence and in particular the right of appeal and legal redress as well as the authority before which such rights may be exercised.

Or. en

Justification

This amendment seeks to ensure legal consistency with EU data protection law.

Amendment 43
Csaba Sógor

Proposal for a directive
Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Without prejudice to Article 8, the national contact point may provide the toll charger affected by the failure to pay road fees the information necessary to recover the unpaid fees.

Or. en

Justification

The follow up procedure set out in this Directive only refers to Member States. However, according to the definition set out in article 2(b), a 'toll charger' may also be a private entity. To ensure the effective enforcement of road tolls, the right to obtain the necessary information for the recovery of the toll from the national contact point should also be given to the toll charger.

Amendment 44
Birgit Sippel

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. The provisions of Regulation (EU) 2016/679 and *the national laws*,

1. The provisions of Regulation (EU) 2016/679 and Directive **2002/58/EC** shall

regulations or administrative provisions transposing Directive (EU) 2016/680 shall apply to personal data processed under this Directive.

apply to personal data processed under this Directive.

The provisions transposing Directive (EU) 2016/680 shall only apply to personal data processed under this Directive when the failure to pay a road fee is considered a criminal offence in the Member State where the payment is due.

Or. en

Justification

This amendment seeks to ensure legal consistency with EU data protection law.

Amendment 45
Morten Helveg Petersen

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The provisions of Regulation (EU) 2016/679 and Directive ***2002/58/EC*** shall apply to personal data processed under this Directive. ***The provisions transposing Directive (EU) 2016/680 shall only apply to personal data processed under this Directive when the failure to pay a road fee is considered a criminal offence in the Member State where the payment is due.***

Or. en

Justification

This amendment is tabled as it is necessary to ensure compliance and consistency with EU data protection law.

Amendment 46
Csaba Sógor

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The provisions of Regulation (EU) 2016/679 and, ***where the national law of the Member State in which the payment is due classifies the failure to pay a road fee as constituting a criminal offence***, the national laws, regulations or administrative provisions transposing Directive (EU) 2016/680 shall apply to personal data processed under this Directive.

Or. en

Justification

The addition should take account of the different treatment of the 'failure to pay road fees' in different member states (administrative vs. criminal offence).

Amendment 47
Ska Keller

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Regulation (EU) 2016/679 and ***Directive 2002/58/EC shall apply to personal data processed under this Directive***. Directive (EU) 2016/680 shall apply to personal data processed under this Directive ***when the failure to pay a road fee is considered a criminal offence in the Member State where the payment is due***.

Or. en

Justification

Similar to the AM 3 by the Rapporteur but with an improved language deleting the reference to “provisions” as it is not necessary and also not mentioned in the SIS, EES and ETIAS texts.

Amendment 48

Kostas Chrysogonos

**Proposal for a directive
Article 8 – paragraph 1**

Text proposed by the Commission

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

Amendment

1. The provisions of Regulation (EU) 2016/679 and the national laws, regulations or administrative provisions transposing Directive (EU) 2016/680 shall apply to personal data processed under this Directive. ***The processing of personal data shall be in full compliance with all fundamental rights.***

Or. en

**Amendment 49
Ska Keller**

**Proposal for a directive
Article 8 – paragraph 2 – subparagraph 1**

Text proposed by the Commission

Member States shall ensure that personal data processed under this Directive are, within an appropriate time period, rectified if inaccurate, or erased or restricted, and that a time limit for the storage of data is established in accordance with Regulation (EU) 2016/679 and the national laws, regulations or administrative provisions transposing Directive (EU) 2016/680.

Amendment

deleted

Or. en

Justification

This paragraph is not necessary as all the rules for rectification and erasure as well as time limits are anyway foreseen in the GDPR and the Police Directive.

Amendment 50

Birgit Sippel

Proposal for a directive

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that personal data processed under this Directive **are, within an appropriate time period, rectified if inaccurate, or erased or restricted, and that a time limit for the storage of data is established in accordance with Regulation (EU) 2016/679 and the national laws, regulations or administrative provisions transposing Directive (EU) 2016/680.**

Amendment

Member States shall ensure that **data subjects have the right for their** personal data processed under this Directive **to be kept up to date and rectified without undue delay** if inaccurate. **Member States shall ensure that the national contact point of the Member State of registration deletes the personal data no later than 30 days after their entry into its system, except in cases of a procedure pursuant to Article 5 of this Directive. Member States shall ensure that the national contact point of the Member state asking the Member State of registration for information pursuant to Article 5 deletes the personal data without any delay after establishing who is liable for the failure to pay a fee and following the settlement of any possible claims resulting from this.**

Or. en

Amendment 51

Morten Helveg Petersen

Proposal for a directive

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that personal data processed under this Directive are, **within an appropriate time period, rectified if inaccurate, or erased or restricted, and that a time limit for the storage of data is established in accordance with Regulation (EU) 2016/679 and the national laws, regulations or administrative**

Amendment

Member States shall ensure that personal data processed under this Directive **for the purposes of Article 1(1a) are processed for the sole purpose of facilitating the cross-border exchange of information on failures to pay road fees and shall not be further processed for any other purpose. Only personal data that are necessary to**

provisions transposing Directive (EU) 2016/680.

fulfill the purposes referred to in this Directive shall be processed. Member States shall also ensure that a time limit for the storage of data is established in accordance with Regulation (EU) 2016/679 and the national laws, regulations or *where applicable, national* provisions transposing Directive (EU) 2016/680.

Or. en

Justification

This amendment is tabled as it is necessary to ensure compliance and consistency with EU data protection law.

Amendment 52
Csaba Sógor

Proposal for a directive
Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that personal data *processed* under this Directive *are, within an appropriate time period, rectified if inaccurate, or erased or restricted, and that a time limit for the storage* of data *is established* in accordance with Regulation (EU) 2016/679 and the national laws, regulations or administrative provisions transposing Directive (EU) 2016/680.

Amendment

Member States shall ensure that *the processing of* personal data under this Directive *is limited to the types* of data *listed in Annex II*. In accordance with Regulation (EU) 2016/679 and, *where applicable*, the national laws, regulations or administrative provisions transposing Directive (EU) 2016/680, *Member States shall establish a time limit for the storage of personal data and ensure that inaccurate personal data are rectified or erased within an appropriate time period.*

Or. en

Justification

The addition of 'where applicable' takes account of the different treatment of the failure to pay road fees in different member states (administrative vs. criminal offence).

Amendment 53

Kostas Chrysogonos

Proposal for a directive

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall *ensure* that personal data processed under this Directive are, within an appropriate time period, rectified if inaccurate, or erased or restricted, and that a time limit for the storage of data is established in accordance with Regulation (EU) 2016/679 and the national laws, regulations or administrative provisions transposing Directive (EU) 2016/680.

Amendment

Member States shall ***firmly commit to ensuring*** that personal data processed under this Directive are, within an appropriate time period, rectified if inaccurate, or erased or restricted, and that a time limit for the storage of data is established in accordance with Regulation (EU) 2016/679 and the national laws, regulations or administrative provisions transposing Directive (EU) 2016/680.

Or. en

Amendment 54

Birgit Sippel

Proposal for a directive

Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that all personal data processed under this Directive are only used for the purpose of facilitating the cross-border exchange of information on failures to pay road fees, and that the data subjects have the same rights *to* information, access, rectification, erasure and ***blocking***, compensation and judicial ***redress*** as provided for in Regulation (EU) 2016/679 and the national laws, ***regulations or administrative provisions*** transposing Directive (EU) 2016/680.

Amendment

Member States shall ensure that all personal data processed under this Directive are only used for the purpose of facilitating the cross-border exchange of information on failures to pay road fees, and that the data subjects have the same rights ***of*** information, access, rectification, erasure and ***restriction of processing, to lodge a complaint with a data protection supervisory authority***, compensation and ***an effective*** judicial ***remedy*** as provided for in Regulation (EU) 2016/679 and, ***where applicable***, the national laws transposing Directive (EU) 2016/680. ***Member States shall ensure that access to personal data is only granted to the designated competent authorities for the exchange of vehicle registration***

data under this Directive.

Or. en

Justification

This amendment seeks to ensure legal consistency with EU data protection law.

Amendment 55
Morten Helveg Petersen

Proposal for a directive
Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall ensure *that all personal data processed under this Directive are only used for the purpose of facilitating the cross-border exchange of information on failures to pay road fees, and* that the data subjects have the same rights *to* information, access, rectification, erasure and *blocking*, compensation *and* judicial *redress* as provided for in Regulation (EU) 2016/679 and the national laws, *regulations or administrative provisions* transposing Directive (EU) 2016/680.

Amendment

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

Or. en

Justification

This amendment is tabled as it is necessary to ensure compliance and consistency with EU data protection law.

Amendment 56
Kostas Chrysogonos

Proposal for a directive
Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Member States shall *ensure* that all personal data processed under this Directive are only used for the purpose of facilitating the cross-border exchange of information on failures to pay road fees, and that the data subjects have the same rights to information, access, rectification, erasure and blocking, compensation and judicial redress as provided for in Regulation (EU) 2016/679 and the national laws, regulations or administrative provisions transposing Directive (EU) 2016/680.

Member States shall *firmly commit to ensuring* that all personal data processed under this Directive are only used for the purpose of facilitating the cross-border exchange of information on failures to pay road fees, and that the data subjects have the same rights to information, access, rectification, erasure and blocking, compensation and judicial redress as provided for in Regulation (EU) 2016/679 and the national laws, regulations or administrative provisions transposing Directive (EU) 2016/680.

Or. en

Amendment 57 **Ska Keller**

Proposal for a directive **Article 8 – paragraph 2 – subparagraph 2**

Text proposed by the Commission

Member States shall ensure that all personal data processed under this Directive are only used for the purpose of facilitating the cross-border exchange of information on failures to pay road fees, and that the data subjects have the same rights to information, access, rectification, erasure and blocking, compensation and judicial redress as provided for in Regulation (EU) 2016/679 and *the national laws, regulations or administrative provisions transposing* Directive (EU) 2016/680.

Amendment

Member States shall ensure that all personal data processed under this Directive are only used for the *sole* purpose of facilitating the cross-border exchange of information on failures to pay road fees *and shall not be further processed for any other purpose*, and that the data subjects have the same rights to information, access, rectification, erasure and blocking, compensation and judicial redress as provided for in Regulation (EU) 2016/679 and, *where applicable*, Directive (EU) 2016/680.

Or. en

Justification

Similar to AM 4 by the Rapporteur, but applied to the second sub-paragraph of Article 8 para 2.

Amendment 58
Kostas Chrysogonos

Proposal for a directive
Article 8 – paragraph 3

Text proposed by the Commission

3. Any person concerned shall have the right to obtain 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.

Amendment

3. Any person concerned shall have the right to obtain *without hindrance* 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.

Or. en

Amendment 59
Maria Grapini

Proposal for a directive
Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission shall, by [5 years after the entry into force of this Directive], submit a report to the European Parliament and to the Council on the application of Articles 6 and 7 of this Directive by the Member States. In its report, the Commission shall focus in particular on, and shall, as appropriate, make proposals to cover, the following aspects:

Amendment

The Commission shall, by [4 years after the entry into force of this Directive], submit a report to the European Parliament and to the Council on the application of Articles 6 and 7 of this Directive by the Member States. In its report, the Commission shall focus in particular on, and shall, as appropriate, make proposals to cover, the following aspects:

Or. ro

Amendment 60
Ska Keller

Proposal for a directive
Article 9 – paragraph 1 – indent 1 a (new)

Text proposed by the Commission

Amendment

- *an analysis of the impact of the application of Articles 6 and 7 of this Directive on fundamental rights, in particular the right to privacy and protection of personal data,*

Or. en

Amendment 61
Csaba Sógor

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 11 amending *Annexes I and IV* in order to adapt *them* to technical progress.

1. The Commission is empowered to adopt delegated acts in accordance with Article 11 amending *Annex I* in order to adapt *it* to technical progress.

Or. en

Justification

Consistent with the amendment deleting Annex IV and moving the list of eligible technologies to article 3(1) subparagraph 1.

Amendment 62
Csaba Sógor

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for *an indeterminate* period of *time* from [the entry into force of this Directive].

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for *a* period of *five years* from [the entry into force of this Directive]. *The Commission shall draw up a report in respect of the delegation of*

power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Or. en

Justification

Although the delegation of powers to the Commission should be limited in time, the Directive should provide for the possibility of a tacit extension of that period.

Amendment 63
Ska Keller

Proposal for a directive
Annex I – paragraph 1 – subparagraph 3 – point k

Text proposed by the Commission

(k) validation of the chosen technical solutions vis-à-vis the Union rules protecting the freedoms and fundamental rights of individuals, including their privacy and protection of personal data . In particular, it will be necessary to ensure compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC;

Amendment

(k) validation of the chosen technical solutions vis-à-vis the Union rules protecting the freedoms and fundamental rights of individuals, including their privacy and protection of personal data . In particular, it will be necessary to ensure compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC *as well as, where applicable, Directive (EU) 2016/680;*

Or. en

Justification

This amendment is necessary because it is inextricably linked to other admissible amendments which insert the reference to Directive 2016/680 in the text.

Amendment 64
Ska Keller

Proposal for a directive
Annex III – paragraph 26 a (new)

Text proposed by the Commission

Amendment

Data protection disclaimer:

In accordance with Regulation (EU) 2016/679, you have the right to request access to and rectification or erasure of personal data or restriction of processing of your personal data or to object to the processing as well as the right to data portability. You also have the right to lodge a complaint with [name and address of the relevant supervisory authority].

[If the failure to pay a road fee is considered as a criminal offence under national law:

In accordance with [name of the national law applying Directive (EU) 2016/680], you have the right to request from the controller access to and rectification or erasure of personal data and restriction of processing of your personal data. You also have the right to lodge a complaint with [name and address of the relevant supervisory authority].]

Or. en

Justification

In line with GDPR, or Police Directive where applicable, the letter should mention the basic data protection rights available to all citizens and the name and address of the authority where they can lodge a complaint. This amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 65
Csaba Sógor

Proposal for a directive
Annex IV

Text proposed by the Commission

Amendment

*List of technologies allowed for use in
electronic road toll systems for carrying
out electronic toll transactions*

deleted

- 1. satellite positioning;*
 - 2. mobile communications;*
 - 3. 5.8 GHz microwave technology.*
-

Or. en

Justification

The list of technologies should be subject to co-decision by the legislator. This amendment is necessary for pressing reasons relating to the internal logic of the text.