



2017/0128(COD)

28.3.2018

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council
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)
(COM(2017)0280 – C8-0173/2017 – 2017/0128(COD))

Rapporteur: Branislav Škripek

PA_Legam

AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendments:

Amendment 1

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 under Article 6 of the Charter of Fundamental Rights of the European Union ('the Charter'), the right to respect for private and family life under Article 7 of the Charter, and the right to protection of their personal data under Article 8 of the Charter.

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 2

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

(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-***

development of road-charging policy at Union level and to future technical developments.

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 3

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.

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 4

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.

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 5

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

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).

Amendment 6

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 ***possible impact on privacy and data protection and of the*** costs, benefits, technical barriers and possible solutions thereto, ***so that this does not constitute a barrier, especially for SMEs.***

Justification

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

Amendment 7

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.***

Amendment 8

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, **while fully respecting the 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. **No personal data should be transmitted to, or shared with, the Commission.**

Justification

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

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 9

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 Council²¹. **The right to protection of personal data is**

Amendment

(17) The introduction of electronic toll systems **entails** the processing of personal data. **The right to protection of personal data is explicitly recognised by Article 8 of the Charter and Article 16 of the Treaty on the Functioning of the European Union**. 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, and Directive

explicitly recognised by Article 8 of the Charter of Fundamental Rights of the European Union.

2002/58/EC of the European Parliament and of the Council²⁰, *and, where the failure to pay a road fee is a criminal offence in the Member State where the payment is due, by Directive (EU) 2016/680 of the European Parliament and of the Council.*²¹

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).*

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 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).*

²¹ *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).*

Justification

The proposal applies the GDPR and the Police Directive (2016/680) to the processing of personal data. It is important to differentiate between Member States where the failure to pay

such fees is an administrative issue or where it is a criminal offence. The amendment is inextricably linked to the other amendments by the rapporteur.

Amendment 10

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 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.

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 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.

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

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.

In order to respect the principle of subsidiarity, 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.

Amendment 12

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

Text proposed by the Commission

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;

(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, ***possibly supplemented by*** automatic number plate recognition;

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 13

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

Text proposed by the Commission

Amendment

(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;

(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***;

Amendment 14

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.**

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 15

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 **the first subparagraph** shall comply with those technologies if substantial technological improvements are carried out.

Justification

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

Amendment 16

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**.

Justification

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

Amendment 17

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**.

Justification

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

Amendment 18

Proposal for a directive Article 3 – paragraph 6

Text proposed by the Commission

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, **Directive (EU) 2016/680** and of Directive 2002/58/EC are complied with.

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. ***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.***

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 19

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

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:

Justification

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

Amendment 20

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

Text proposed by the Commission

(a) data *relating to vehicles*; and

Amendment

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

Amendment 21

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

Text proposed by the Commission

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

Amendment

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

Amendment 22

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

Text proposed by the Commission

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.

Amendment

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

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).

Amendment 23

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.

Amendment 24

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. ***By 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.***

Justification

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

Amendment 25

Proposal for a directive

Article 8

Text proposed by the Commission

Article 8

Data protection

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.
2. 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.**

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**

Amendment

Article 8

Data protection

1. Regulation (EU) 2016/679 **and Directive 2002/58/EC** shall apply to personal data processed under this Directive. **Directive (EU) 2016/680 shall only apply to personal data processed under this Directive when the failure to pay a road fee is a criminal offence in the Member State where the payment is due.**
2. Member States shall ensure that **the processing of personal data for the purposes of Article 5 is limited to the types of data listed in Annex II. Member States shall also ensure that data subjects have the right to update, rectify or erase** personal data processed **without undue delay** if inaccurate. **Member States shall establish a time limit for the storage of personal data** in accordance with Regulation (EU) 2016/679 and, **where applicable,** Directive (EU) 2016/680.)

Member States shall ensure that personal data processed under this Directive 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. Member States shall also 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 and **an effective** judicial **remedy** as provided

Directive (EU) 2016/680.

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 26

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 27

Proposal for a directive

Article 9 – paragraph 1 – indent 1 a (new)

Text proposed by the Commission

for in Regulation (EU) 2016/679 and, **where applicable**, 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.**

3. 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.

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:

- **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,

Amendment 28

Proposal for a directive Article 10 – paragraph 1

Text proposed by the Commission

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.

Amendment

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.

Justification

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

Amendment 29

Proposal for a directive Article 11 – paragraph 2

Text proposed by the Commission

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].

Amendment

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.**

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 30

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**;

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 31

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].]

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 32

**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.***

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.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (recast)		
References	COM(2017)0280 – C8-0173/2017 – 2017/0128(COD)		
Committee responsible Date announced in plenary	TRAN 15.6.2017		
Opinion by Date announced in plenary	LIBE 15.6.2017		
Rapporteur Date appointed	Branislav Škripek 31.8.2017		
Discussed in committee	20.2.2018	20.3.2018	27.3.2018
Date adopted	27.3.2018		
Result of final vote	+: 48	–: 2	0: 4
Members present for the final vote	Asim Ademov, Jan Philipp Albrecht, Heinz K. Becker, Monika Beňová, Caterina Chinnici, Rachida Dati, Agustín Díaz de Mera García Consuegra, Tanja Fajon, Laura Ferrara, Kinga Gál, Ana Gomes, Sylvie Guillaume, Jussi Halla-aho, Eva Joly, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Monica Macovei, Roberta Metsola, Claude Moraes, Ivari Padar, Judith Sargentini, Branislav Škripek, Csaba Sógor, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Harald Vilimsky, Udo Voigt, Josef Weidenholzer, Cecilia Wikström		
Substitutes present for the final vote	Carlos Coelho, Anna Maria Corazza Bildt, Ignazio Corrao, Gérard Deprez, Maria Grapini, Marek Jurek, Miltiadis Kyrkos, Nuno Melo, Angelika Mlinar, Nadine Morano, Maite Pagazaurtundúa Ruiz, Emilian Pavel, Morten Helveg Petersen, Petri Sarvamaa, Elly Schlein, Barbara Spinelli		
Substitutes under Rule 200(2) present for the final vote	André Elissen, Marc Joulaud, Christelle Lechevalier, Martina Michels, Liadh Ní Riada, Anna Záborská		

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

48	+
ALDE	Gérard Deprez, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Cecilia Wikström
ECR	Jussi Halla-aho, Marek Jurek, Monica Macovei, Branislav Škripek, Helga Stevens
EFDD	Ignazio Corrao, Laura Ferrara
ENF	Christelle Lechevalier, Harald Vilimsky
PPE	Asim Ademov, Heinz K. Becker, Carlos Coelho, Anna Maria Corazza Bildt, Rachida Dati, Agustín Díaz de Mera García Consuegra, Kinga Gál, Marc Joulaud, Nuno Melo, Roberta Metsola, Nadine Morano, Petri Sarvamaa, Csaba Sógor, Traian Ungureanu, Anna Záborská
S&D	Monika Beňová, Caterina Chinnici, Tanja Fajon, Ana Gomes, Maria Grapini, Sylvie Guillaume, Cécile Kashetu Kyenge, Miltiadis Kyrkos, Juan Fernando López Aguilar, Claude Moraes, Ivari Padar, Emilian Pavel, Elly Schlein, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Jan Philipp Albrecht, Eva Joly, Judith Sargentini, Bodil Valero

2	-
ENF	André Elissen
NI	Udo Voigt

4	0
GUE/NGL	Martina Michels, Liadh Ní Riada, Barbara Spinelli, Marie-Christine Vergiat

Key to symbols:

+ : in favour

- : against

0 : abstention