

# UNIFORM CAR TOLL RULES FOR THE SINGLE EUROPEAN TRANSPORT AREA

EAC POSITION PAPER



**GARUNYA WIECZOREK**  
POLICY OFFICER – BRUSSELS | BERLIN  
[www.eaclubs.org](http://www.eaclubs.org)

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Four summers have now passed since EAC welcomed EU Transport Commissioner Violeta Bulc's proposal to introduce uniform criteria for collecting passenger car tolls across Europe (see EAC Position Paper 2015).<sup>1</sup> However, this hot summer too shall not spare the motorists in Europe from the patchwork of toll roads creating a traffic mayhem. Each and every border crossing will remain a modular guessing game with a variety of basic components: time-based or distance-related and paper vignette or electronic license plate recognition.

On top of that, even within the highest judicial body of the EU the subject of car tolls remains highly controversial opening up diametrically opposed fronts. The discrepancy between the Opinion of the well-known Advocate General Nils Wahl<sup>2</sup> at the beginning of the year and the recent judgment of the Grand Chamber in Case C-59/17 *Austria/Germany*<sup>3</sup> highlights the present regulatory gibberish.

However, the European Automobile Clubs asbl clearly recognises the persisting obstacle to mobility and demands to abolish it through the harmonisation of the tolling system in Europe. Today EAC comprises a total of six clubs with a strong member base from Austria, Germany, Slovakia as well as Bosnia and Herzegovina, thus representing the joint interest of well over 3 million motorists in Europe.

Signaling the urgent need for action, the European Automobile Clubs asbl appeals to the European policy makers in charge of the road transport sector advocating for the following key demands undoing barriers and promoting the cross-border experience of free mobility in Europe:

### 1. *Optional Introduction of the National Passenger Car Toll System*

The individual EU Member States should preserve their sovereignty as concerns the introduction of road charges for passenger cars. They alone decide on national measures

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<sup>1</sup> EAC position paper 2015, available at <<https://www.eaclubs.org/european-passenger-car-tolls-1>>.

<sup>2</sup> C-591/17 Austria/Germany, Opinion of 6 February 2019, available at <<http://curia.europa.eu/juris/celex.jsf?celex=62017CC0591&lang1=de&type=TEXT&ancre=>>>.

<sup>3</sup> C-591/17 Austria/Germany, Judgment of 18 June 2019, available at <<http://curia.europa.eu/juris/celex.jsf?celex=62017CJ0591&lang1=de&type=TEXT&ancre=>>>.

that finance their infrastructure. EAC therefore rejects European rules and regulations requiring the mandatory introduction of any national passenger car toll system.

## *2. Common Regulatory Criteria for the National Passenger Car Toll System*

According to the EU White Paper on Transport, now international hauliers need for the effective use of Europe's tolled roads "the Eurovignette, five national vignettes and eight different tags and [various] tolling contracts."<sup>4</sup> Such requirements are however unreasonable vis-à-vis private car drivers. From the outset, we therefore need uniform, transparent and easily enforceable criteria that apply in the Member States opting for tolls. As a consequence, they strengthen the legal certainty and legitimate expectations of all motorists in Europe.

In principle, these criteria should take due account of the polluter pays principle. In this sense, lorries that load and burden the infrastructure considerably more often (up to 100,000 times) than cars must always pay proportionally more road charges. Conversely, the introduction of a car toll system must not be accompanied by a reduction in truck toll rates, ultimately encumbering the passenger transport sector for the benefit of the freight transport sector.

The passenger car toll policy based on mileage and driving performance should be drafted and shaped with special regard to the distinct mobility conditions in rural and suburban areas, where public transport is notoriously less developed than in urban centers, i.e. commuters regularly tend to depend on their cars. The car thus remains an important guarantor of individual mobility in these regions. It should therefore be borne in mind that, within the framework of a two-track financing structure, which includes not only the toll as a basic financing instrument, but also the revenues from the mineral oil tax for the internalisation of external costs such as CO<sub>2</sub> emissions, the polluter pays principle is already respected. So, this group of people with a higher driving performance and accordingly higher tax expenditure eventually contribute comparatively more to the financing of road infrastructure.

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<sup>4</sup> EU Transport White Paper 2011, p. 16, available at [https://ec.europa.eu/transport/sites/transport/files/themes/strategies/doc/2011\\_white\\_paper/white-paper-illustrated-brochure\\_en.pdf](https://ec.europa.eu/transport/sites/transport/files/themes/strategies/doc/2011_white_paper/white-paper-illustrated-brochure_en.pdf).

### *3. Passenger Car Toll Revenues for Road Infrastructure Financing*

The envisaged uniform European car toll system must meet the requirement of maximum transparency, which includes the principle of earmarking as concerns the road charges. The paying motorists should be able to rely on the fact that the toll remunerations are solely destined for the consistent financing of the national road infrastructure without reducing the cash outflows by dispensing them for extraneous purposes.

### *4. Passenger Car Toll: Affordable, Flexible and Safe*

Electronic systems collect large amounts of data to identify and locate vehicles that could be used to create movement and behavioural profiles of the vehicle and driver. Strict rules are therefore required on the use and storage of vehicle data, moreover appropriate technical specifications such as safe encryption become indispensable.

As long as these concerns persist, the beneficial qualities of the existing vignette systems cannot be denied nor neglected: They are less intricate and more affordable; more flexible and less hazardous under the data protection law, which is particularly important in the case of extensive and comprehensive data collection in the future.