

COMMISSION IMPLEMENTING REGULATION (EU) 2020/204**of 28 November 2019****on detailed obligations of European Electronic Toll Service providers, minimum content of the European Electronic Toll Service domain statement, electronic interfaces, requirements for interoperability constituents and repealing Decision 2009/750/EC**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union ⁽¹⁾, and in particular Articles 5(11), 6(9), 14(3), 15(6) and 15(7) thereof,

After consulting the Electronic Toll Committee,

Whereas:

- (1) In order to complete the legislative framework for ensuring the interoperability of electronic road toll systems, it is necessary to lay down detailed requirements in respect of obligations of European Electronic Toll Service (EETS) providers, the content of the EETS domain statement, electronic interfaces and requirements for interoperability constituents.
- (2) In order to avoid performance problems of the EETS system, EETS providers, should be required to monitor their service and collaborate with the toll charger when performing toll system tests.
- (3) EETS providers should provide specific data to the toll charger so that the verification of the calculation of the toll applied can take place.
- (4) To ensure smooth functioning of the EETS system, EETS providers should provide technical support for the identification of the on-board-equipment.
- (5) Where the measures provided for in this Regulation entail the processing of personal data, they should be carried out in accordance with Union law on the protection of personal data and privacy, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽²⁾, and, where applicable, Directive 2002/58/EC of the European Parliament and of the Council ⁽³⁾. To this end, EETS providers should not be required to provide more client data to the toll chargers than is necessary to ensure the correct functioning of the EETS.
- (6) In order to provide appropriate information to the users, invoicing should reflect the various service and toll price components in a transparent manner.
- (7) The minimum content of an EETS domain statement should be specified to give EETS providers sufficient clarity regarding the conditions for providing EETS in the corresponding toll domain.
- (8) Seamless functioning of the EETS requires a minimum level of harmonisation of the electronic interfaces, and of the functioning of the interfaces between parties, in particular, between the toll chargers and the EETS providers.
- (9) Specific infrastructure requirements should be laid down to allow for the correct communication and functioning of the equipment of the parties involved and to achieve a smooth and secure functioning of the EETS interoperability and enforcement.
- (10) To make the process of accrediting EETS providers more effective, some harmonisation of the procedure for assessment of conformity to specifications and suitability for use of interoperability constituents across the different EETS domains is needed. Therefore, it is necessary to lay down such a procedure, including the content and format of the EC declarations.

⁽¹⁾ OJ L 91, 29.3.2019, p. 45.

⁽²⁾ 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, OJ L 119, 4.5.2016, p. 1.

⁽³⁾ 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.

- (11) In order to ensure the coherence of the legal framework and the proper functioning of the EETS system, Commission Decision 2009/750/EC (*) should be repealed from the date by which Directive (EU) 2019/520 must be transposed in all Member States, which is the date on which this Regulation and the delegated acts referred to in that Directive will start to apply.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Electronic Toll Committee, referred to in Article 31(1) of Directive (EU) 2019/520.

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down detailed obligations for EETS providers, information on the minimum content of the EETS domain statement, specifications for the electronic interfaces between the interoperability constituents, requirements for these constituents, and the procedure to be applied by Member States to assess conformity to specifications and suitability for use of interoperability constituents.

Article 2

Detailed obligations of EETS providers

1. For monitoring the performance of their services, EETS providers shall put in place audited operational processes that provide for appropriate measures when performance problems or integrity breaches are detected.
2. In Global Navigation Satellite System based systems, EETS providers shall monitor the availability of navigation and positioning satellite localisation data. They shall inform toll chargers of any difficulties they may have in establishing toll declaration data that relate to the reception of satellite signals.
3. A toll charger may require the cooperation of an EETS provider to perform unannounced and detailed toll system tests involving vehicles circulating or having recently circulated on the toll charger's EETS domain(s). The number of vehicles submitted to such tests over a year for a particular EETS provider shall be commensurate with the average annual traffic or traffic projections of that EETS provider on the toll charger's EETS domain(s).
4. Unless otherwise agreed, the EETS provider shall provide the toll charger with the following information, which is needed to apply the toll to EETS users' vehicles, or to allow the toll charger to verify the calculation of the toll applied to EETS users' vehicles by the EETS providers:
 - (a) the licence plate number of the EETS user's vehicle, including the international licence plate country code;
 - (b) an identifier of the EETS user's account;
 - (c) an identifier of the OBE, if used in an EETS domain;
 - (d) the vehicle classification parameters necessary to establish the applicable tariff.

The data exchange shall be compliant with the provisions of Annex I of this Implementing Regulation.

5. EETS providers shall provide appropriate service and technical support to ensure correct setting-up of the on-board equipment. EETS providers shall be responsible for fixed vehicle classification parameters stored in on-board equipment or in their back office. Variable vehicle classification parameters, which can vary from trip to trip or within a trip, and are intended to be introduced by in-vehicle intervention shall be configurable through an appropriate human-machine interface.
6. Where applicable, invoicing of individual EETS users by EETS providers shall clearly separate the service charges of the EETS provider from the tolls incurred, and shall at a minimum specify — unless the user decides otherwise — the time and the location of the tolls incurred, and the user-relevant composition of specific tolls.

(*) 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.

7. EETS providers shall inform EETS users immediately of any non-declaration of tolls in relation to their account, offering, the opportunity to regularise the account before any enforcement action is taken, where this is possible under national legislation.

Article 3

EETS domain statement

The EETS domain statement referred to in Article 6(2) of Directive (EU) 2019/520 shall as a minimum contain the elements listed in Annex II of this Implementing Regulation, and shall comply with the requirements provided for in that Annex.

Article 4

EETS stakeholder roles and interfaces

1. Toll chargers and EETS providers shall put in place common interfaces and implement communication protocols in conformity with the requirements of Annex I of this Implementing Regulation. Through interoperable communication channels, EETS providers shall provide toll chargers with secure information relative to tolling operations and control/enforcement in conformity with applicable technical specifications.
2. EETS providers shall ensure that toll chargers are able to easily and unambiguously detect whether a vehicle circulating on their EETS domain requiring the use of an OBE and allegedly using EETS is actually equipped with a validated and properly functioning EETS OBE that provides correct information.
3. EETS OBE shall provide a human-machine interface, that indicates to the user that the OBE is functioning properly, and an interface for declaring variable toll parameters and for indicating the settings of those parameters.

Article 5

Conformity to specifications and suitability for use

Conformity to specification and suitability for use of interoperability constituents shall be assessed in compliance with Annex III of this Implementing Regulation.

Article 6

Repeal

Decision 2009/750/EC is repealed with effect from 19 October 2021.

Article 7

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 19 October 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

EUROPEAN ELECTRONIC TOLL SERVICE INTERFACES

European Electronic Toll Service (EETS) providers and toll chargers shall use the following electronic interfaces:

1. Electronic radio interfaces at the roadside between the EETS provider's on-board equipment (OBE) and the toll charger's fixed or mobile equipment. As a minimum, standardised roadside interfaces between OBE and toll chargers' fixed and mobile roadside equipment shall support:
 - (a) Dedicated Short-Range Communication (DSRC) charging transactions, complying with the following requirements:
 - (i) EETS providers' OBE shall support EN 15509:2014 ⁽¹⁾ as well as those clauses of ETSI ES 200674-1 V2.4.1 ⁽²⁾ that relate to interoperability;
 - (ii) toll chargers' fixed and mobile roadside equipment shall support EN 15509:2014. Within Italy, toll chargers' fixed and mobile roadside equipment may support instead those clauses of ETSI ES 200674-1 V2.4.1 that relate to interoperability;
 - (b) real-time compliance checking transactions compliant to EN ISO 12813:2015 ⁽³⁾;
 - (c) localisation augmentation (where applicable) compliant to EN ISO 13141:2015 ⁽⁴⁾.

EETS OBEs shall comply with points 1(a), 1(b) and 1(c). EETS OBEs provided for users of light-duty vehicles must comply with the provisions referred to in point 1(a) as referred to in Article 3(6) of Directive (EU) 2019/520.

Toll chargers may implement any of the provisions referred to in points 1(a), 1(b) 1(c) and 2 in their fixed or mobile roadside equipment according to their requirements.

Where the toll charger implements a new version of a standard for an interface between the roadside equipment and the OBE, the interface shall continue to support the previous version of the standard for a limited period to allow for the continued compatibility of its electronic toll collection system with the OBEs in operation. The duration of this period shall be published by the toll charger in its EETS domain statement and may not be shorter than two years.

2. Electro-optical imaging systems at the toll charger's fixed or mobile equipment at the roadside, providing means for automatic number plate recognition (ANPR), in toll systems where the installation and use of an OBE is not required.
3. Electronic interfaces between the respective back office systems.

Toll chargers shall only implement those aspects of the interface that are linked to the technology used on the EETS domain under their responsibility (GNSS, DSRC and/or ANPR).

- 3.1. The following back office interfaces shall be implemented by both EETS providers and toll chargers independently of the technology used in the EETS toll domain:
 - (a) exchange of information to support exception handling from toll chargers to EETS providers.
 - (b) exchange of EETS user-related lists from EETS providers and toll chargers.
 - (c) exchange of trust objects.
 - (d) exchange of toll context data.
 - (e) optionally, exchange of payment claims according to the adopted business model.
- 3.2. The following back office interfaces shall be additionally implemented by both EETS providers and toll chargers for EETS domains, which implement the GNSS technology:
 - (a) submission and validation of global navigation satellite system (GNSS) toll declarations.
 - (b) optionally, exchange of payment announcements according to the adopted business model.
 - (c) optionally, exchange of billing details according to the adopted business model.

⁽¹⁾ Electronic fee collection — Interoperability application profile for DSRC.

⁽²⁾ Intelligent Transport Systems (ITS); Road Transport and Traffic Telematics (RTTT); Dedicated Short Range Communications (DSRC); Part 1: Technical characteristics and test methods for High Data Rate (HDR) data transmission equipment operating in the 5,8 GHz Industrial, Scientific and Medical (ISM) band.

⁽³⁾ Electronic fee collection — Compliance check communication for autonomous systems.

⁽⁴⁾ Electronic fee collection — Localisation augmentation communication for autonomous systems.

- 3.3. The following back office interfaces shall be additionally implemented by both EETS providers and toll chargers for EETS domains that implement the DSRC technology:
- (a) exchange of billing details.
 - (b) optionally, exchange of payment claims based on dedicated short-range communication (DSRC) charging transactions.
- 3.4. The following back office interfaces shall be additionally implemented by both EETS providers and toll chargers for EETS domains that implement the ANPR technology:
- (a) optionally, exchange of billing details.
 - (b) optionally, exchange of payment claims based on ANPR charging transactions.

The electronic interfaces for DSRC- and GNSS-based schemes between the respective back office systems of the toll charger and those of the EETS provider shall comply with CEN/TS 16986:2016 ^(?), as corrected by CEN/TS 16986:2016/AC:2017, at the latest five years from date of applicability of this Implementing Regulation. Where the toll charger or EETS provider implements a new version of a standard, it shall continue to support, for a limited period, lasting not less than two years, data exchange compatible with the previous version of the standard to ensure the continuous compatibility of the back offices.

^(?) Electronic Fee Collection — Interoperable application profiles for information exchange between Service Provision and Toll Charging.

ANNEX II

MINIMUM CONTENTS OF A EUROPEAN ELECTRONIC TOLL SERVICE DOMAIN STATEMENT

A European Electronic Tolling Service (EETS) domain statement shall contain the following information:

1. A section on procedural conditions, which shall be non-discriminatory and shall include at least:
 - (a) the toll transaction policy (including authorisation parameters, toll context data, black lists);
 - (b) the procedures and Service Level Agreement, including the format for communicating toll declaration data or billing data, times and frequency for the transfer of toll declaration data, accepted percentage of missed/erroneous tolls, accuracy of toll declaration data, operational availability performance;
 - (c) the invoicing policy;
 - (d) the payment policy;
 - (e) a reference to the relevant conciliation body and its competences related to disputes concerning the remuneration of EETS-providers and of the main service provider;
 - (f) the commercial conditions.
- 1.1. The section on the commercial conditions shall include at least the following elements applicable to the EETS providers:
 - (a) any applicable fixed charge based on the costs incurred by the toll charger, for providing, operating and maintaining an EETS compliant system. The toll charger may not impose on EETS providers the fixed charge based on these costs if the costs of providing, operating and maintaining an EETS compliant system are included in the toll;
 - (b) any applicable fixed charge to be paid by EETS providers based on the cost of the accreditation procedure, as referred to in Article 2(20) of Directive (EU) 2019/520, including the cost of the assessment of conformity to specifications or suitability for use of interoperability constituents;
 - (c) any applicable requirements for a bank guarantee or equivalent financial instrument, which may not exceed the average monthly toll transaction amount paid by the EETS provider for this toll domain. This amount shall be determined based on the total toll transaction amount paid by the EETS provider for this toll domain in the previous year. For new EETS providers and for new toll domains, the amount shall be based on the expected average toll transactions payable by the EETS provider for this toll domain within the invoicing period based on the number of contracts and average toll per contract estimated in the EETS provider's business plan for the specific toll domain.
- 1.2. The commercial conditions shall also include, as a minimum, a description of the elements used to define the fixed and/or variable remuneration paid by the toll charger to the EETS provider. The remuneration may vary according to the following elements:
 - (a) the amount of the toll collected by the EETS provider on behalf of the toll charger;
 - (b) the number of active pieces of on-board-equipment (OBE) provided by the EETS provider, which are in use in the EETS domain of the toll charger concerned;
 - (c) where applicable, the number of toll transactions, or another indication of the cost of mobile communications between the OBE and the back office of the EETS provider;
 - (d) the invoices issued by the EETS provider to EETS users for tolls due for the use of the EETS domain concerned;
 - (e) the nature of other services outsourced by the toll charger to the EETS provider.
- 1.3. The domain statement shall also include a description of the specific requirements and obligations of the main service provider, which differ from the ones of the EETS providers and, which justify any differences in the remuneration of the main service provider compared to that of the EETS providers.
2. A section defining *ex ante* the steps of the accreditation of an EETS provider to the EETS domain and an indicative duration of the accreditation procedure. This section shall set out the complete procedure for the assessment of the conformity to specifications and the suitability for use of interoperability constituents. It shall include a list of required certificates, laboratory and field tests and their indicative costs, and measurable criteria or parameters indicating conformity to specifications.

The section shall contain references to all applicable international or European standards related to electronic tolling and exceptions to their application in the EETS domain. It shall also specify all technical requirements that are specific to the EETS domain and not covered by the international or European standards.

The same acceptance procedure shall apply to all EETS providers.

3. A section on the toll context data.
-

ANNEX III

CONFORMITY TO SPECIFICATIONS AND SUITABILITY FOR USE OF INTEROPERABILITY CONSTITUENTS

CONFORMITY TO SPECIFICATIONS

Compliance of interoperability constituents (including road side equipment and interfaces) with the requirements referred to in Article 15(4) and 15(5) of Directive (EU) 2019/520 and with all relevant technical specifications and standards shall, prior to their placing on the market, be demonstrated by means of either of the following conformity assessment procedures, adapted to the specificity of the sector based on the modules provided by Decision No 768/2008/EC ⁽¹⁾:

- (a) internal production control as set out in section I (module A);
- (b) EU type examination as set out in section II (Module B) which is followed by Conformity to type based on internal production control set out in section III (Module C).

I. Module A — Internal production control

Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points (a), (b) and (c), and ensures and declares on his sole responsibility that the interoperability constituents concerned satisfy the requirements referred to in Article 15(4) and 15(5) of Directive (EU) 2019/520.

(a) Technical documentation

The manufacturer shall prepare the technical documentation. The documentation shall make it possible to assess the interoperability constituent's conformity to the relevant requirements, and shall include an adequate analysis and assessment of the risk(s). The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the interoperability constituent. The technical documentation shall, wherever applicable, contain at least the following elements:

- (i) a general description of the interoperability constituent,
- (ii) conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.
- (iii) descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the interoperability constituent,
- (iv) reference to the category of interfaces as set out in Annex I,
- (v) a list of the standards and/or other relevant technical specifications, applied in full or in part, and descriptions of the solutions adopted to meet the requirements referred to in Section I,
- (vi) results of design calculations made, examinations carried out, etc., and
- (vii) test reports.

(b) Manufacturing

The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the manufactured interoperability constituents with the technical documentation referred to in point (a) and with the requirements of the legislative instruments that apply to them.

(c) 'EC' declaration of conformity

The manufacturer shall draw up a written 'EC' declaration of conformity for an interoperability constituent model and keep it together with the technical documentation at the disposal of the national authorities for 10 years after the interoperability constituent has been placed on the market. The 'EC' declaration of conformity shall identify the interoperability constituent for which it has been drawn up.

A copy of the 'EC' declaration of conformity shall be made available to the relevant authorities upon request.

(d) Authorised representative

The manufacturer's obligations set out in point (b) may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

⁽¹⁾ Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products and repealing Council Decision 93/465/EEC (Text with EEA relevance).

II. Module B — EU-type examination

1. EU-type examination is the part of a conformity assessment procedure in which a notified body examines the technical design of an interoperability constituent and verifies and attests that the technical design of the interoperability constituent meets the requirements of the legislative instrument that apply to it.
2. EU-type examination may be carried out in one of the following ways:
 - examination of a specimen, representative of the production envisaged, of the complete interoperability constituent (production type),
 - assessment of the adequacy of the technical design of the interoperability constituent through examination of the technical documentation and supporting evidence referred to in point 3, plus examination of specimens, representative of the production envisaged, of one or more critical parts of the interoperability constituent (combination of production type and design type),
 - assessment of the adequacy of the technical design of the interoperability constituent through examination of the technical documentation and supporting evidence referred to in point 3, without examination of a specimen (design type).
3. The manufacturer shall lodge an application for EU-type examination with a single notified body of his choice.

The application shall include:

 - (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well,
 - (b) a written declaration that the same application has not been lodged with any other notified body,
 - (c) the technical documentation, which shall make it possible to assess the interoperability constituent's conformity with the applicable requirements of the legislative instrument and shall include an adequate analysis and assessment of the risk(s). The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the interoperability constituent. The technical documentation shall contain, wherever applicable, at least the following elements:
 - (i) a general description of the interoperability constituent,
 - (ii) conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.,
 - (iii) descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the interoperability constituent,
 - (iv) a list of the harmonised standards and/or other relevant technical specifications the references of which have been published in the *Official Journal of the European Union*, applied in full or in part, and descriptions of the solutions adopted to meet the essential requirements of the legislative instrument where those harmonised standards have not been applied. In the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied,
 - (v) results of design calculations made, examinations carried out, etc., and
 - (vi) test reports,
 - (d) the specimens representative of the production envisaged. The notified body may request further specimens if needed for carrying out the test programme,
 - (e) the supporting evidence for the adequacy of the technical design solution. This supporting evidence shall mention any documents that have been used, in particular where the relevant harmonised standards and/or technical specifications have not been applied in full. The supporting evidence shall include, where necessary, the results of tests carried out by the appropriate laboratory of the manufacturer, or by another testing laboratory on his behalf and under his responsibility.
4. The notified body shall:

With regard to the interoperability constituent:

 - 4.1. examine the technical documentation and supporting evidence to assess the adequacy of the technical design of the interoperability constituent;

With regard to the specimen(s):

- 4.2. verify that the specimen(s) have been manufactured in conformity with the technical documentation, and identify the elements which have been designed in accordance with the applicable provisions of the relevant harmonised standards and/or technical specifications, as well as the elements which have been designed without applying the relevant provisions of those standards;
- 4.3. carry out appropriate examinations and tests, or have them carried out, to check whether, where the manufacturer has chosen to apply the solutions in the relevant harmonised standards and/or technical specifications, these have been applied correctly;
- 4.4. carry out appropriate examinations and tests, or have them carried out, to check whether, where the solutions in the relevant harmonised standards and/or technical specifications have not been applied, the solutions adopted by the manufacturer meet the corresponding essential requirements of the legislative instrument;
- 4.5. agree with the manufacturer on a location where the examinations and tests will be carried out.

5. The notified body shall draw up an evaluation report that records the activities undertaken in accordance with point 4 and their outcomes. Without prejudice to its obligations vis-à-vis the notifying authorities, the notified body shall release the content of that report, in full or in part, only with the agreement of the manufacturer.
6. Where the type meets the requirements of the specific legislative instrument that apply to the interoperability constituent concerned, the notified body shall issue an EU-type examination certificate to the manufacturer. The certificate shall contain the name and address of the manufacturer, the conclusions of the examination, the conditions (if any) for its validity and the necessary data for identification of the approved type. The certificate may have one or more annexes attached.

The certificate and its annexes shall contain all relevant information to allow the conformity of manufactured interoperability constituents with the examined type to be evaluated and to allow for in-service control.

Where the type does not satisfy the applicable requirements of the legislative instrument, the notified body shall refuse to issue an EU-type examination certificate and shall inform the applicant accordingly, giving detailed reasons for its refusal.

7. The notified body shall keep itself apprised of any changes in the generally acknowledged state of the art which indicate that the approved type may no longer comply with the applicable requirements of the legislative instrument, and shall determine whether such changes require further investigation. If so, the notified body shall inform the manufacturer accordingly.

The manufacturer shall inform the notified body that holds the technical documentation relating to the EU-type examination certificate of all modifications to the approved type that may affect the conformity of the interoperability constituent with the essential requirements of the legislative instrument or the conditions for validity of the certificate. Such modifications shall require additional approval in the form of an addition to the original EU-type examination certificate.

8. Each notified body shall inform its notifying authorities concerning the EU-type examination certificates and/or any additions thereto which it has issued or withdrawn, and shall, periodically or upon request, make available to its notifying authorities the list of certificates and/or any additions thereto refused, suspended or otherwise restricted.

Each notified body shall inform the other notified bodies concerning the EU-type examination certificates and/or any additions thereto, which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, concerning the certificates and/or additions thereto which it has issued.

The Commission, the Member States and the other notified bodies may, on request, obtain a copy of the EU-type examination certificates and/or additions thereto. On request, the Commission and the Member States may obtain a copy of the technical documentation and the results of the examinations carried out by the notified body. The notified body shall keep a copy of the EU-type examination certificate, its annexes and additions, as well as the technical file including the documentation submitted by the manufacturer, until the expiry of the validity of the certificate.

9. The manufacturer shall keep a copy of the EU-type examination certificate, its annexes and additions together with the technical documentation at the disposal of the national authorities for 10 years after the interoperability constituent has been placed on the market.

10. The manufacturer's authorised representative may lodge the application referred to in point 3 and fulfil the obligations set out in points 7 and 9, provided that they are specified in the mandate.

III. Module C — Conformity to type based on internal production control

1. Conformity to type based on internal production control is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2 and 3, and ensures and declares that the interoperability constituents concerned are in conformity with the type described in the EU-type examination certificate and satisfy the requirements of the legislative instrument that apply to them.

2. Manufacturing

The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured interoperability constituents with the approved type described in the EU-type examination certificate and with the requirements of the legislative instrument that apply to them.

3. Conformity marking and declaration of conformity

- 3.1. The manufacturer shall affix the required conformity marking set out in the legislative instrument to each individual interoperability constituent that is in conformity with the type described in the EC-type examination certificate and satisfies the applicable requirements of the legislative instrument.

- 3.2. The manufacturer shall draw up a written declaration of conformity for a interoperability constituent model and keep it at the disposal of the national authorities for 10 years after the interoperability constituent has been placed on the market. The declaration of conformity shall identify the interoperability constituent model for which it has been drawn up.

A copy of the declaration of conformity shall be made available to the relevant authorities upon request.

4. Authorised representative

The manufacturer's obligations set out in point 3 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

IV. Tests specifications

The conformity evaluation of implementation to the requirements referred under point 1 of Annex I of this Implementing Regulation and in Article 5(4) of Directive (EU) 2019/520 may be evaluated by applying the following tests specifications:

- Annex I 1(a) of this Implementing Regulation related to the DSRC charging transactions: EN 15876-1:2016 ^(?), ETSI TS 102 708-1-1:2010 ^(?), ETSI TS 102 708-1-2:2010 ^(?), ETSI TS 102 708-2-1:2013 ^(?) and ETSI TS 102 708-2-2:2018 ^(?), respectively;
- Annex I 1(b) of this Implementing Regulation related to the real-time compliance checking transactions: EN ISO 13143-1:2016 ^(?);
- Annex I 1(c) of this Implementing Regulation related to the localisation augmentation: EN ISO 13140-1:2016 ^(?).

^(?) Electronic fee collection — Evaluation of on-board and roadside equipment for conformity to EN 15509

^(?) Intelligent Transport Systems (ITS); RTTT; Test specifications for High Data Rate (HDR) data transmission equipment operating in the 5,8 GHz ISM band; Part 1: Data Link Layer; Sub-Part 1: Protocol Implementation Conformance Statement (PICS) proforma specification.

^(?) Intelligent Transport Systems (ITS); RTTT; Test specifications for High Data Rate (HDR) data transmission equipment operating in the 5,8 GHz ISM band; Part 1: Data Link Layer; Sub-Part 2: Test Suite Structure and Test Purposes (TSS&TP).

^(?) Intelligent Transport Systems (ITS); RTTT; Test specifications for High Data Rate (HDR) data transmission equipment operating in the 5,8 GHz ISM band; Part 2: Application Layer; Sub-part 1: Protocol Implementation Conformance Statement (PICS) proforma specification.

^(?) Intelligent Transport Systems (ITS); RTTT; Test specifications for High Data Rate (HDR) data transmission equipment operating in the 5,8 GHz ISM band; Part 2: Application Layer; Sub-Part 2: Test Suite Structure and Test Purposes (TSS & TP).

^(?) Electronic fee collection — Evaluation of on-board and roadside equipment for conformity to ISO 12813 — Part 1: Test suite structure and test purposes.

^(?) Electronic fee collection — Evaluation of on-board and roadside equipment for conformity to ISO 13141 — Part 1: Test suite structure and test purposes.

V. Suitability for use (interoperability of service)

The suitability for use of interoperability constituents is assessed by operation or use of the constituents in service, integrated representatively into the EETS toll system (including test environments) of the toll charger(s) on whose domain the on-board equipment must circulate over a specified operation time. The assessment of suitability for use may include tests predefined in the EETS domain statement or pilots with real users. The toll charger or its authorised representative as well as the EETS provider, the manufacturer or an authorised representative and the notified body to which the EETS provider applied to, shall comply with each step of the suitability-for-use assessment based on measurable criteria or parameters defined in the EETS domain statement in accordance with Annex II.

To carry out such an assessment by means of in-service experience for demonstrating the in-service interoperability of the constituents, the manufacturer, EETS provider or an authorised representative shall either collaborate directly with the toll charger(s) or apply to a notified body, subject to requirements in points (a) and (b). The relevant toll charger may require that tests and/or pilots are carried out by means of the infrastructure provided for by the toll charger, regardless of whether the EETS provider chooses to directly collaborate with the toll charger or applies to a notified body.

- (a) Where the EETS provider collaborates directly with the toll charger(s) on whose domain the on-board equipment shall circulate:

The manufacturer, EETS provider or an authorised representative shall:

- (1) provide for tests or place in service one or more specimens representative of the interoperability constituent(s), as required by the toll charger(s);
- (2) monitor the in-service behaviour of the interoperability constituent(s) by a procedure agreed and surveyed by the toll charger(s);
- (3) give evidence to the toll charger(s) that the interoperability constituents meet all the interoperability requirements of this (these) Toll Charger(s);
- (4) draw up a declaration of suitability for use, conditional to obtaining a suitability for use attestation delivered by the toll charger(s). The declaration of suitability for use covers the assessment by the toll charger(s) of the suitability for use of the EETS interoperability constituents within the EETS environment of this (these) Toll Charger(s);

The toll charger shall:

- (1) clearly define the programme for validation by in-service experience
- (2) approve the monitoring procedure of the in-service behaviour in its toll domains and carry out specific verifications;
- (3) assess the in-service interoperability with its system;
- (4) attest the suitability for use on its toll domains in cases where the behaviour of the interoperability constituents is successful.

- (b) Where the EETS provider applies to a notified body, the manufacturer, EETS provider or an authorised representative shall:

- (1) provide for tests or place in service one or more specimens representative of the interoperability constituent(s), as required and specified by the toll charger(s);
- (2) monitor the in-service behaviour of the interoperability constituents using a procedure approved and surveyed by the notified body.
- (3) provide evidence to the notified body that the interoperability constituent(s) meet(s) all the interoperability requirements of the toll charger(s), including the results of in-service experience;
- (4) draw up the 'EC' declaration of suitability-for-use, conditional to obtaining a suitability-for-use certificate delivered by the notified body. The 'EC' declaration of suitability for use covers the assessment/judgement by the notified body of the suitability for use of the EETS interoperability constituents, considered within the EETS domain and environment of the selected toll charger(s) and, particularly in cases where interfaces are involved, in relation to the technical specifications, particularly those of a functional nature, which are to be checked;

The notified body shall:

- (1) take into consideration the 'EC' declaration of conformity to specifications as well as the requirements laid down in the EETS domain statement of the toll charger(s).
- (2) organise collaboration with the relevant toll charger(s);
- (3) verify the technical documentation and the programme for validation by in-service experience;
- (4) approve the monitoring procedure of the in-service behaviour and carry out specific surveillance;
- (5) assess in-service interoperability with toll charger systems and operational processes;
- (6) issue a suitability-for-use certificate in cases where the behaviour of the interoperability constituents is successful;
- (7) issue an explanatory report in case where the behaviour of the interoperability constituent(s) is unsuccessful. The report shall also consider problems that may arise because of non-compliance of a toll charger's systems and processes with relevant standards and technical specifications. If appropriate, the report shall make recommendations with a view to resolving the problems.

VI. Content and format of the declarations of conformity to specifications and declarations of suitability for use

1. Content of the 'EC' Declaration of conformity

The EC declaration of conformity shall state that the fulfilment of requirements set out in Article 15(4), (5) and (6) of Directive (EU) 2019/520 has been demonstrated.

The EC declaration of conformity shall have the model structure set out in point 2 of this Section. It shall contain the elements specified in the relevant modules set out in this Annex and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which market the interoperability constituent is placed or made available.

By drawing up the EC declaration of conformity, the manufacturer shall assume responsibility for the compliance of the interoperability constituent.

2. Model the EC Declaration of conformity

- (1) No (unique identification of the interoperability constituent):
- (2) Name and address of the manufacturer or his authorised representative:
- (3) This declaration of conformity is issued under the sole responsibility of the manufacturer (or installer):
- (4) Object of the declaration (identification of interoperability constituent allowing traceability. It may include a photograph, where appropriate):
- (5) The object of the declaration described above is in conformity with the relevant Union harmonisation legislation:
- (6) References to the relevant harmonised standards used or references to the specifications in relation to which conformity is declared:
- (7) Where applicable, the notified body (name, number) performed (description of intervention) and issued the certificate:
- (8) Additional information:

Signed for and on behalf of:

(place and date of issue):

(name, function) (signature):

'EC' declarations of suitability for use and the accompanying documents must be dated and signed.

The declarations shall be written in the same language as the instructions and must contain the following:

- (a) references to the relevant legislation;
- (b) the name and address of the manufacturer, EETS provider or authorised representative established within the Union (provide the trade name and full address of the authorised representative and the trade name of the manufacturer);
- (c) description of interoperability constituent(s) (make, type, version, etc.);

- (d) description of the procedure followed in order to declare conformity to specifications or suitability for use;
 - (e) all the relevant requirements met by the interoperability constituents and, in particular, their conditions of use;
 - (f) where applicable, name and address of the toll charger(s)/notified body(ies) involved in the procedure followed for the assessment of conformity to specifications or suitability for use;
 - (g) where appropriate, reference to the technical specifications;
 - (h) identification of the signatory empowered to enter into commitments on behalf of the manufacturer or of the manufacturer's authorised representative established within the Union.
-