



www.cesareiv.eu

report

D 3.3

February 17, 2010 | Version 1.0

Final IM operational functions and procedures

**Report on IM functions and procedures
applied in operational systems**

Table of contents

SUMMARY	4
1. INTRODUCTION	7
1.1. Background	7
1.2. Purpose of document	7
2. CRUCIAL ISSUES FROM THE DECISION	9
2.1. Introduction	9
2.2. Involved Actors	10
2.3. Proposed Functions	11
2.4. Validation of the IM related procedures and functions	12
3. THE ROLE MODELS IN EASYGO AND TIS-PL	14
3.1. The EasyGo roles	14
3.2. The TIS PL roles	16
4. EETS REGULATION	18
4.1. Develop and maintain the core service definition and the procedures for technical, functional and contractual interoperability, the quality of service, the adhesion and withdrawal of TC and EP and handling of complaints	18
4.2. Develop / maintain forum for EPs and TCs involvement in the definition of EETS core rules and regulations	23
4.3. Develop/maintain the procedures for monitoring the operation of the TC and EP and for registration of EETS stakeholders	25
4.4. Develop and update an EETS security policy framework	27
4.5. Management of security protocols	30
5. MONITORING	32
5.1. Monitor security lists	32
5.2. Monitor that the security policy is properly implemented and adhered to by EPs and TCs	33
5.3. Monitor and audit the operation of the TC and EP	35
5.4. Monitor the adhesion and withdrawal of EP and TC to the service (list-keeping)	38

6.	PROCEDURES LEADING TO EETS STATUS	41
6.1.	Notified Body appointment	41
6.2.	Equipments certification	44
6.3.	Toll Charger qualification	46
6.4.	EETS Provider approval	50
7.	SETTLEMENT OF DISPUTES	56
7.1.	Investigation in case of dispute or risk of dispute (requested by a single party)	56
7.2.	Existing schemes for judicial settlement of disputes (requested by a single party)	58
7.3.	Existing schemes for arbitration in case of amicable settlement of dispute (requested by both parties)	60
7.4.	Clarification of the EETS rules (on request of the parties or a jurisdiction or an arbitrator)	63
8.	DOCUMENT REVISION HISTORY	64
ANNEX 1:	GLOSSARY AND ABBREVIATIONS	64
	Glossary	64
	Abbreviations	66
ANNEX 2:	OVERVIEW OF EASYGO	67
ANNEX 3:	OVERVIEW OF TIS PL	70
ANNEX 4:	VALIDATION OF THE IM RELATED PROCEDURES AND FUNCTIONS	73

Summary

The overall purpose of WP03 in CESARE IV is to develop proposals for the Interoperability Management of the European Electronic Tolling Service (EETS). This document describes how EETS IM functions and procedures could be implemented in two individually interoperable EFC systems, - EasyGo in Denmark, Sweden and Norway and TIS-PL in France, using the existing EasyGo service and TIS-PL service as starting points¹. In order to do so, the functions and procedures described in CESARE IV Report D 2.2 IM are theoretically implemented in the two systems. In addition, D 3.3 aims to build a bridge between the results of the CESARE IV reports issued before the EETS Decision was voted on by the Member States in March 2009 and the text of the EETS Decision that entered into force in October 2009.

The following questions are the background for the WP3 Task 3.3 results presented in this report:

- How does the CESARE IV WP02 results relate to the Decision and vice versa?
- What happens if one takes the WP2 results, i.e. the IM role and its functions and procedures, and theoretically implement them in two real life EFC systems?
- Has the Decision introduced other IM functions or procedures than those defined in WP1 and WP2?

When the work plan of CESARE IV was originally drafted, it was intended that the CESARE IV reports would become an input to the preparation of the Commission Decision on the definition of the EETS and its technical elements. With the beginning of Work Package 2 in July 2008, deliberations on the Decision in the Comité Télépéage (CtTp) became more detailed and the wording of the Decision was completed in parallel with the WP2 reports D 2.1 and D 2.2. Some input of CESARE IV was included in the Decision and the activities of the CtTp influenced to a degree the preparation of the WP2 reports. Still some inconsistencies in the use of vocabulary and in the description and allocation of tasks remained after the adoption of the Decision by the CtTp in March 2009 which are analysed in this report.

WP02 allocated the IM responsibilities to several actors both on European and national level. Some of those actors are mentioned in the Decision, some of them are not. Please refer to the table below:

WP02 Actor	Decision
European Commission	Mentioned (i.e. Articles 14, 15, 17, 20, 21, Annex VI)
Comité Télépéage (CtTp)	Mentioned (i.e. Articles 17, 18, Annex VI)
European and national Courts of Justice	Mentioned indirectly in Recital 9
National Legal Authorities (NLA)	Not explicitly mentioned
Coordination Group of EETS Legal Authorities (CGLA)	Not explicitly mentioned
Notified Bodies (NB)	Mentioned (i.e. Articles 5, 17, Annex IV)
Coordination Group of Notified Bodies (CGNB)	Mentioned (Article 18)
EETS Providers Advisory Forum (EPAF)	Not explicitly mentioned
Toll Chargers Advisory Forum (TCAF)	Not explicitly mentioned

¹ EasyGo and TIS-PL are not so far interoperable

The fact that some of the IM actors that WP2 regarded as necessary to define the IM framework are not specifically mentioned in the Decision, does not mean that those organisations may not exist when EETS is implemented. Member States or stakeholders can establish such actors or associations if they find it to be necessary.

The Decision introduces an IM actor that was not explicitly mentioned in the CESARE IV reports so far – the Conciliation Body (CB). It is designed as mediator between Toll Chargers and EETS Providers on a national level. As it is shown in this report, the bodies² function – with a focus on dispute settling – is covered by the proposals of CESARE IV WP2 reports D 2.1 and D 2.2.

WP2 has categorized the main IM functions and procedures into four classes:

- # 1: EETS Regulation
- # 2: Monitoring
- # 3: Procedures leading to EETS Status
- # 4: Settlement of Disputes

Concerning the two first classes of functions and procedures (EETS Regulation and Monitoring) there are minor deviations between the high level principles in the Decision and the CESARE IV WP2 results. While high level decisions are made by the EC, operational tasks are assigned to the Member States, each Member State being responsible for EETS domains located on its territory. In regards to monitoring procedures, close cooperation between Toll Chargers and EETS Providers will be a crucial issue on an operational level.

As for the third class of functions and procedures (Procedures leading to EETS Status) there are some deviations between the proposal of report D 2.2 and the text of the decision, including:

- the procedure for ensuring that the Toll Charger is EETS compliant which is not explicitly described in the Decision
- conformity assessment, where the Decision provides the possibility of self-assessment as an alternative to assessment by a NB to manufacturers
- the description of the EETS Provider approval. Here it has to be noted that the WP2 reports and the Decision include mainly the same elements, but have different approaches regarding the procedure itself. CESARE IV describes a two-step approach while the Decision has reduced it to a less comprehensive one-step approach.

One of the prerequisites of report D 2.2 procedures for the ‘Settlement of Disputes’ is that National Legal Authorities are created within each Member State. They should, inter alia, be responsible to investigate in case of a dispute between Toll Chargers and EETS Providers and issue a recommendation based on the results of the investigation in a certain period of time. The Decision introduces Conciliation Bodies as mediators for Toll Chargers and EETS Providers. They shall ensure that contractual conditions are non-discriminatory and a fair reflection of costs and risks of the contract parties.

The second question to be answered in this report was ‘What happens if one takes the WP 02 results, i.e. the IM role and its functions and procedures, and theoretically implement them in two real life interoperable EFC systems?’. Each of the 4 main functions listed above were analyzed by investigating how the functions/procedures would have been theoretically implemented in the EasyGo and TIS-PL interoperability management. The results of these analyses showed that the WP 02 functions and procedures could easily have been

² Decision, Chapter III Conciliation body, Article 10 Establishment and functions: Each Member State with at least one EETS domain shall designate or establish a Conciliation body in order to mediate between Toll Chargers with a toll domain located within its territory and EETS providers which have contracts or are in contractual negotiations with those Toll Chargers.

implemented in both Interoperability Management bodies which could be seen as a kind of quality assurance of the work done in WP 02 as well as the completeness of the functions and procedures defined in WP 02.

Task 3.3 in WP 03 also includes a validation of the IM related functions and procedures defined in the previous CESARE IV reports, checking if there are vital procedures (related to the IM) missing. The result of this evaluation, based on two independent reviews done by two task 3.3 members, was that no vital procedures were missing. This could also be seen as a kind of quality assurance of the work done in WP 02 as well as the completeness of the functions and procedures defined in WP 02.

The CESARE IV results reflect the competence and experience of all the European EFC experts and organisations that have been involved so far in the project. There are issues where this competence and experience have caused differences between the CESARE IV results and the Decision. It has, however, been a major goal of the partners of the CESARE IV to provide the best possible expert advice to the European Commission independently of the parallel political process of agreeing on the Decision.

1. Introduction

1.1. Background

CESARE is a suite of projects promoted by ASECAP, the ASECAP associated organizations and the road administrations of several European countries known as “the Stockholm Group” (SG). CESARE is co-financed by the European Commission. CESARE has been divided into several phases, whereby the previous phase called CESARE III has been completed in October 2006. The results of CESARE III showed that there was a need for further actions in a next project phase (CESARE IV) in order to realize the interoperability objectives. The main goal of CESARE IV is to define a framework for establishing an interoperable European Electronic Tolling Service, functioning in a coordinated way at the European level, while allowing the Member States to fasten the pace of their national implementation plans for EETS. In this way CESARE IV will contribute to the implementation of the Directive 2004/52/EC.

1.2. Purpose of document

The overall purpose of WP03 in CESARE IV is to develop proposals for Interoperability Management.

The task of D3.3 was during the course of the project changed to the following:

Activity ID	Activity description	Start	End	Description, comments and dependencies
3.3.1	IM functions and procedures applied in real life systems	2009-06-10	2009-09-30	Examples on how the main operational procedures defined in report D 2.2 could be implemented in real life systems (also taking into account the final version of the Decision). Possible real life systems: TIS-PL, Toll Collect and EasyGo Could start after End Task 3.1 and before End Task 3.2
3.3.2	Analyses of report D 2.2	2009-10-01	2009-10-15	Analyses of the D 2.2 procedures checking whether there are procedures missing taking into account the final version of the Decision and work done in Tasks 3.1 and 3.2. If there are missing procedures, this activity will provide a description of these missing operational procedures. Start after End Task 3.3.1

Consequently this document describes how EETS IM functions and procedures could be implemented in two individually interoperable EFC systems, - EasyGo in Denmark, Sweden and Norway and TIS-PL in France, using the existing EasyGo service and TIS-PL service as starting points. The functions and procedures in CESARE IV report D 2.2 IM functions and procedures are theoretically implemented in the two systems just as an example on how it could be done.

These examples have neither been discussed with nor approved by the transport and legal authorities in the four countries involved. Hence, the examples are only indicating how it could be done based on the experience and knowledge of the Scandinavian and French EFC experts in CESARE IV.

The following questions are the background for the WP 03 Task 3.3 results presented in this report:

- How does the CESARE IV WP 02 results relate to the Decision and vice versa?
- What happens if one takes the WP 02 results, i.e. the IM role and its functions and procedures, and theoretically implement them in two real life interoperable EFC systems?
- Has the Decision introduced other IM functions or procedures than those defined in WP 01 and WP 02?

The answers to the first question are given in Chapter 2.2 Involved Actors and Chapter 2.3 Proposed Functions. These answers build a bridge between the EFC Directive Decision and CESARE IV project with focus on the involved actors and the proposed functions.

The answers to the second question are given in the following chapters (being compliant with the WP 02 reports):

- Chapter 4 - EETS regulation
- Chapter 5 - Monitoring
- Chapter 6 - Procedures leading to EETS status
- Chapter 7 - Settlement of disputes

Finally the answer to the last question is given in Chapter 2.4 Validation of the IM related procedures and functions.

This document only deals with the IM role and its EETS related functions and procedures. It does not touch upon the roles of the Toll Chargers and EETS Providers. Hence, the focus is on quality assurance of the IM role and responsibilities as defined in CESARE IV WP 02 by theoretically implementing them in two existing individually interoperable EFC system, i.e. EasyGo (Denmark, Sweden and Norway) and TIS-PL (France).

The reader of this report should also have access to the reports from CESARE IV WP 02 to fully understand what has been done in WP 03 as well as a useful introduction to the terminology used in this report.

The CESARE IV results reflect the competence and experience of all the European EFC experts and organisations that have been involved so far in the project. There are issues where this competence and experience have caused differences between the CESARE IV results and the Decision. It has, however, been a major goal of the partners of the CESARE IV to provide the best possible expert advice to the European Commission independently of the parallel political process of agreeing the Decision.

2. Crucial issues from the decision

2.1. Introduction

When the work plan of CESARE IV was originally drafted, it was intended that the CESARE IV reports would become an input to the preparation of the Commission Decision on the definition of the EETS and its technical elements. With the beginning of Work Package 2 in July 2008, deliberations on the Decision in the Comité Télépéage (CtTp) became more detailed and – aiming at a finalisation in March 2009 – the wording of the Decision was completed in parallel with the WP2 reports D 2.1 and D 2.2. Some input of CESARE IV was included in the Decision and the activities of the CtTp influenced to a degree the preparation of the WP2 reports. Still some inconsistencies in the use of vocabulary and in the description and allocation of tasks remained after the adoption of the Decision by the CtTp in March 2009.

In order to provide valuable input for the implementation of the EETS, report D 3.3 has taken into account the above mentioned differences resulting from the development of the final version of the Decision and adapt its work to what has been confirmed by the CtTp. Report D 3.3 has also taken into account the results of reports D 3.1 (Implementation plan for the interoperability management) and D 3.2 (EETS roadmap).

Report D 3.3 is based on the results of WP1 and WP2 (report D 2.2 especially) which have been approved by the members of the Work Packages, the Project Management Team and the CESARE IV Steering Committee. The report D 3.3 focuses on the question how IM functions and procedures described in report D 2.2 can be applied in real life systems such as the EasyGo and the TIS-PL system. It should be noted that what is described in this report is just what could be the result if one takes the results from WP 02 (i.e. the roles and functions and procedures) and theoretically implement them in two existing systems. The report does not describe how things are done today in the real operation of the systems (which was already described in WP 01). The result of the theoretical implementation of the CESARE IV IM functions and procedures described in the following chapters shows that the functions and procedures could have been implemented in both systems without any major problems or obstacles which again proves the quality and realism of the work done in WP 01 and WP 02.

Chapters 2.2 and 2.3 aim at highlighting the main differences between the present results of CESARE IV (especially report D 2.2) and the Decision to provide a common foundation and understanding of the structure of report D 3.3.

2.2. Involved Actors

WP2 allocated the IM responsibilities to several actors both on European and national level. Some of those actors are mentioned in the Decision, some of them are not. Please refer to the table below:

WP02 Actor	Decision
European Commission	Mentioned (i.e. Articles 14, 15, 17, 20, 21, Annex VI)
Comité Télépéage (CtTp)	Mentioned (i.e. Articles 17, 18, Annex VI)
European and national Courts of Justice	Mentioned indirectly in Recital 9
National Legal Authorities (NLA)	Not explicitly mentioned
Coordination Group of EETS Legal Authorities (CGLA)	Not explicitly mentioned
Notified Bodies (NB)	Mentioned (i.e. Articles 5, 17, Annex IV)
Coordination Group of Notified Bodies (CGNB)	Mentioned (Article 18)
EETS Providers Advisory Forum (EPAF)	Not explicitly mentioned
Toll Chargers Advisory Forum (TCAF)	Not explicitly mentioned

The fact that some of the IM actors that WP2 regarded as necessary to define the IM framework are not specifically mentioned in the Decision, does not mean that those organisations will not exist when EETS is implemented. According to the subsidiarity principle Member States are free to establish entities in order to fulfil their tasks in regard to the EETS in line with European law. Stakeholders like Toll Chargers and EETS Providers may create associations (called “Advisory Forums” in report D 2.2) in accordance with European and (if applicable) national law. Coordination Groups on European level for existing national bodies can be established in a formal or informal way and it will be up to the initiative of the involved stakeholders to assess the necessity of such coordination groups.

The Decision does not request Member States to establish specific regulatory bodies, e. g. National Legal Authorities as recommended in report D 2.1. When tasks are allocated to a national level in the Decision, they are allocated to the Member States themselves. As a consequence, it is recommended to follow the example of the flowcharts used for report D 2.2 and refer to the Member States as actors in regard to tasks performed on a national level.

With respect to the sovereignty of Members States, WP2 has identified the need for National Legal Authorities (NLA), in charge of the task “regulation”, as a key condition of EETS implementation. In order to perform these tasks, report D 2.1 outlined the need for NLA *“to be fitted with the power to make binding and executable decisions towards all parties involved in the interoperable service”*. Currently, most of the interoperable tolling services offered throughout Europe (EasyGo, TIS-PL) are based on contractual agreements. The terms of these agreements determine the extent of the obligations created. As a general rule, an agreement cannot impose obligations to a third party, in reference to the principle of privity of contract. That means that the bodies in charge of regulation (Commission de Télépéage in TIS-PL / Steering Committee in EasyGo) result from a contractual joint venture and can impose obligations arising under the joint venture agreement only to the EETS stakeholders that are parties to this agreement(s)³; they could not enforce EETS regulation to an EETS stakeholder who is not a party to the joint venture agreement. Therefore, the organisation in charge of IM regulation (at a national level), as designed in reports D 2.1 and D 2.2, should be entitled with mandatory powers, vested in national law.

³ For EasyGo: Issuers are not included in the joint venture agreement. Issuers are connected to the EasyGo service via the Issuer Agreement forming a contractual relation between the individual issuer and all toll chargers.

The need for pan-European cooperation of Member States activities regarding the EETS is also addressed in the Decision without explicitly requesting to create a coordination group as proposed in report D 2.1 (CGLA). The question whether the CGLA should have a formal or rather informal character was left open in WP02. Consequently, the CGLA might not be addressed as an IM actor, but there is a general consensus at the need for cooperation between Member States especially in consideration of cross-border activities.

The Decision introduces an IM actor that was not explicitly mentioned in the CESARE IV reports so far – the Conciliation Body (CB). It is designed as mediator between Toll Chargers and EETS Providers on a national level. As it will be shown in the subsequent chapter, the bodies' function – with a focus on dispute settling – is covered by the proposals of reports D 2.1 and D 2.2. Therefore, it might be useful to adapt to the new terminology, but it cannot be expected that there are important functions and procedures missing in report D 2.2 in regard to the Conciliation Bodies.

Article 9 of the Decision states rights and obligations of the EETS User. The User however is not an actor that was addressed in the WP02 reports. The reason for this is that the EETS User does not have an active part in the Interoperability Management and was therefore out of scope of the WP02 work. The EETS User gains access to the EETS by concluding an agreement with an EETS Provider who has the obligation of non-discriminatory treatment of the EETS. However, indirectly Users may contribute to the IM individually or – more likely – through their respective representation groups, e.g. consumers' associations or professional institutions.

In addition to allocating tasks to certain IM actors, WP02 also recommended a couple of principles that should be taken into account, when establishing such bodies. Especially with regard to the Notified Bodies and NLA it was concluded that independence from the interests of Toll Chargers and EETS Providers is a vital prerequisite for the bodies' work. Additionally, the bodies' staff must provide appropriate expertise to perform their tasks. Those same principles can be found in the Decision with Annex V providing minimum criteria to be taken into account by Member States when notifying bodies and with Article 10, Section 2 with regard to the Conciliation Bodies.

2.3. Proposed Functions

WP2 has categorized the main IM functions and procedures into four classes:

- # 1: EETS Regulation
- # 2: Monitoring
- # 3: Procedures leading to EETS Status
- # 4: Settlement of Disputes

Procedures in the category 'EETS Regulation' include the NLA and the CGLA as important IM actors. As those actors are not mandatory to be established in the Decision, their functions should be addressed by the Member States or – if necessary – in close cooperation of the Member States. This will not mean a major difference to the IM framework as proposed in report D 2.2, as, according to the report, binding decisions on the EETS core service definitions and its procedures are finally taken by the European Commission (with support of the CtTp). This recommendation is in line with the Decision which in Article 14 entitles the EC to update relevant technical specifications in accordance with the procedure referred to in Article 5, Section 2 of the EFC Directive 2004/52/EC. The regular task of checking compliance of stakeholders with the EETS rules and regulations is performed by the Member States and their designated authorities respectively. Additionally, CESARE IV has identified the involvement of Toll Chargers and EETS Providers as an important issue. WP02 has made suggestions on how to include stakeholders in the decision-making process and – as mentioned in Chapter 2 – the Decision does

not exclude this involvement in the future.

The same conclusion can be drawn for the procedure category 'Monitoring'. While high level decisions are made by the EC, operational tasks are assigned to the Member States, each Member State being responsible for EETS domains located on its territory. In regards to monitoring procedures, close cooperation between Toll Chargers and EETS Providers will be crucial on an operational level.

For the 'Procedures leading to EETS Status' (NB appointment, equipment certification, Toll Charger Qualification, EETS Provider approval there are some deviations between the proposal of report D 2.2 and the text of the Decision:

- According to the Decision, Toll Chargers are not subject to a formal qualification procedure. They must, however, still comply with the EETS rules and regulations and have the duty to assess their systems to ensure EETS interoperability, if necessary (Article 5). However, Road Side Equipment used by the Toll Charger may also be subject to the conformity to specifications procedure in Annex IV 1.
- Regarding conformity assessment, the Decision provides the possibility of self-assessment as an alternative to assessment of manufacturers by a NB.
- WP2 describes the EETS Provider approval as a two-step process. The first step (pre-approval) consists of checking the use of a certified OBU, service approval and financial and administrative ability approval. In the Decision, the OBU is subject to conformity assessment in order to ensure compliance with EETS requirements while service approval seems to be part of the suitability for use examination. The approval of financial and administrative ability is performed by the Member States as part of the registration process outlined in Article 3. Step two of the EETS Provider approval in WP02 (suitability for use) consists of technical and contractual suitability of use checking. In the Decision suitability for use checking is limited to the technical aspects. The contractual side however is not totally missing, as EETS Providers are obliged to enter into contracts with all EETS domains within 24 months after their registration (Article 4).

One of the prerequisites of the report D 2.2 procedures for the 'Settlement of Disputes' is that NLAs are created within each Member State. They should, inter alia, be responsible to investigate in case of a dispute between Toll Chargers and EETS Providers and issue a recommendation based on the results of the investigation in a certain period of time. Those recommendations are non-binding opinions. As mentioned in Chapter 2, the Decision introduces Conciliation Bodies as mediators between Toll Chargers and EETS Providers. They shall ensure that contractual conditions are non-discriminatory and a fair reflection of costs and risks of the contract parties. The result of the mediation procedure is also an opinion of the CB. Arbitration, as a form of alternative dispute resolution, is not addressed in the Decision (opposed to report D 2.2), but contract parties are free to agree on such dispute resolution schemes in their bilateral contracts. Finally, CESARE IV reports and the Decision do not touch or amend the responsibilities of national or European Courts in regards of disputes between Toll Chargers and EETS Providers. Those existing schemes for settlement of disputes remain applicable for the EETS according to the general rules.

2.4. Validation of the IM related procedures and functions

The work plan of Task 3.3 included an activity dedicated to the validation of the IM related procedures and functions defined in WP 01 and WP 02, checking whether there are procedures missing regarding IM taking into account the final version of the Decision and work done in Tasks 3.1 and 3.2. In case some missing procedures regarding IM were identified, this activity should provide a description of these missing operational procedures.

The evaluation was performed by two Task 3.3 members, working in parallel in order to have two different points of view.

Taking into account the work plan, the different evaluation subtasks can be grouped in two major activities:

- **Evaluation of the reports D 3.1 and D 3.2, the outcomes of Tasks 3.1 and 3.2, respectively.**

No new procedures were identified, what confirms the logical work sequence and coherence of the CESARE IV Work Packages. Nevertheless, it was questioned whether performance indicators are conveniently covered by the IM procedures as described in report D 2.2, since they have a substantial influence on income and costs. Therefore, the contractual relationship and contractual negotiations between Toll Chargers and EETS Providers concerning performance indicators could be a crucial issue within negotiations.

This issue was discussed by the Task 3.3 members and it was decided that it should be addressed in more detail by report D 3.2 because key performance indicators should be developed as part of the service and not by the IM.

- **Validate report D 2.2 IM procedures against the Commission Decision.**

Despite the cooperation between CESARE IV and the Comité Télépéage (CtTp), where there was a mutual influence, there are inconsistencies between report D 2.2 and the Commission Decision in vocabulary and in the description and allocation of tasks. Therefore, it was necessary to make a deep analysis of the final version of the Decision in order to check whether it contains IM procedures not described in report D 2.2. This was made by cross-checking the different Articles and Annexes of the Decision with the functions and procedures described in report D 2.2. The details can be found in the table in Annex 4, which reflects the opinion of the members of Task 3.3 not excluding that there may be other opinions on this matter. Conclusions:

- in general, the Commission Decision is supported by the D 2.2 procedures to a good extent.
- the scope of the D 2.2 procedures is broader than the contents of the Commission Decision which does not mention important actors, like EPAF and TCAF, for instance.
- the Commission Decision describes several obligations and rights for the role of Service User (Articles 4 and 9, for instance) that are not covered by report D 2.2. This issue was discussed by the Task 3.3 members and it was decided that this does not configure a missing report D 2.2 IM procedure because the Service User doesn't take part directly in IM definition. However, the Service Users can contribute through their representation groups, e.g. consumers' associations or professional institutions.

It should be noted the requirement of the Decision defining the Member State responsibility to establish a Conciliation Body has not its direct equivalent in the CESARE IV results. However, the CESARE IV function Settlement of disputes covers the tasks of the Conciliation Body.

As a general conclusion, the activities described in chapter 2.4 concluded that no IM procedures are missing in the work done in WP 02, i.e. there were no IM functions described in the Decision that were not covered by IM functions and procedures defined by WP 02.

3. The role models in EasyGo and TIS-PL

3.1. The EasyGo roles

Within WP 1 in CESARE III, a basic model was designed in order to give a general overview of the EETS. In this basic model, four Roles are identified as being part of an interoperable EETS service. The same roles are found in the EasyGo EFC service. A short summary of the EasyGo service is given in Annex 2.

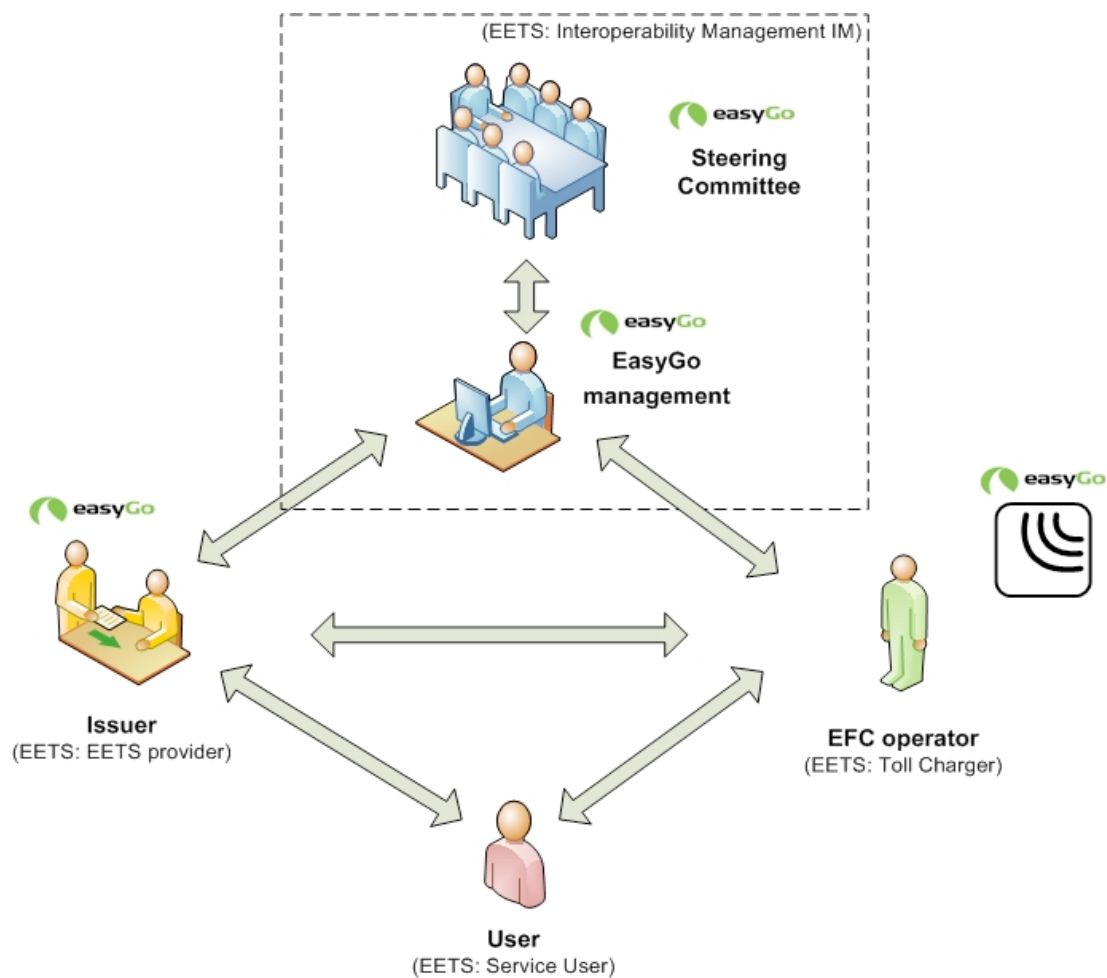


Figure 1: The role model for the EasyGo service

The Interoperability Management in EasyGo is organised as shown in Figure 2.

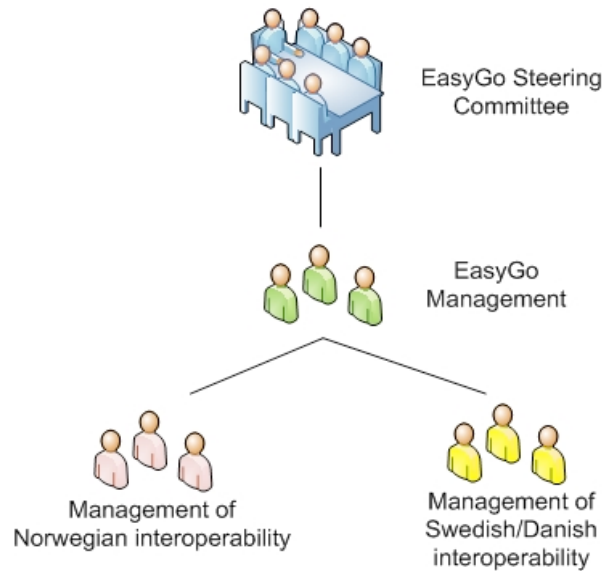


Figure 2: EasyGo Interoperability Management

The EasyGo Steering Committee consists of members from the four EasyGo owners/partners: Sund & Bælt Holding, Øresund Bridge Konsortiet, Norwegian Public Roads Administration (NPRA) and Swedish Roads Administration (SRA). Each partner may in turn appoint one extra representative in addition to the representative from their own organisation. The steering committee (5 members in 2009) elects its own chairman. The position as chairman should circulate between the four partners. The EasyGo management is the secretariat for the Steering Committee and is also responsible for the operation of the EasyGo Collection and Forwarding Central which handles EasyGo cross-regional transactions between the EasyGo issuers and toll chargers. There is also a third level of management as there is a Norwegian EasyGo management and a Swedish/Danish EasyGo management. The first one is responsible for the Norwegian EasyGo Collection and Forwarding Central and the latter is responsible for the Swedish/Danish EasyGo Collection and Forwarding Central.

The EasyGo management handles the day-to-day business as well as the development of EasyGo within the framework given by the steering committee. Ad hoc experts or expert groups are used for handling matters like technology, legal matters, marketing/information, customer handling etc.

The table below shows the terms that are used in the EasyGo descriptions, i.e. the terms that would replace the terms used in CESARE IV WP 02 reports in case the EETS IM functions and procedures are theoretically implemented in the EasyGo system:

The terms used in CESARE IV WP 02 deliverableswould in case the EETS IM functions are theoretically implemented in the EasyGo system be:
EC Commission	EasyGo Steering Committee
EETS National Legal Authorities (NLA)	The Scandinavian Ministries of Transport and Road Administrations, e.g. the Norwegian Public Roads Administration and Swedish National Roads Administration/Swedish Transport Agency. These entities are described as EasyGo partners in this document as they are either authorities or mandated by authorities.
Coordination Group of EETS Legal Authorities (CGLA)	Not existing but in real life the role is fulfilled by the EasyGo Steering Committee
EETS Provider (EP)	EasyGo Issuer
EP Advisory Forum (EPAF)	Not existing as used in CESARE IV but regional forum has been established.
Toll Charger (TC)	EasyGo Toll Charger
TC Advisory Forum (TCAF)	Not existing as used in CESARE IV but regional forum has been established.
Notified Bodies (NB)	Not existing but the role is so far fulfilled by the regional EasyGo management who is responsible for the function of new TC/EP and that new equipment are according to agreed specifications.
Coordination Group of Notified Bodies (CGNB)	Not existing but the role is so far filled by the central EasyGo management
Standardisation Body (SB)	Standardisation body (mostly CEN TC 278 standards)

3.2. The TIS PL roles

Within WP 01 in CESARE III, a basic model was designed in order to give a general overview of the EETS. In this basic model, four Roles are identified as being part of an interoperable EETS service. The same roles are found in the TIS PL EFC service. A short summary of the TIS PL service is given in Annex 3.

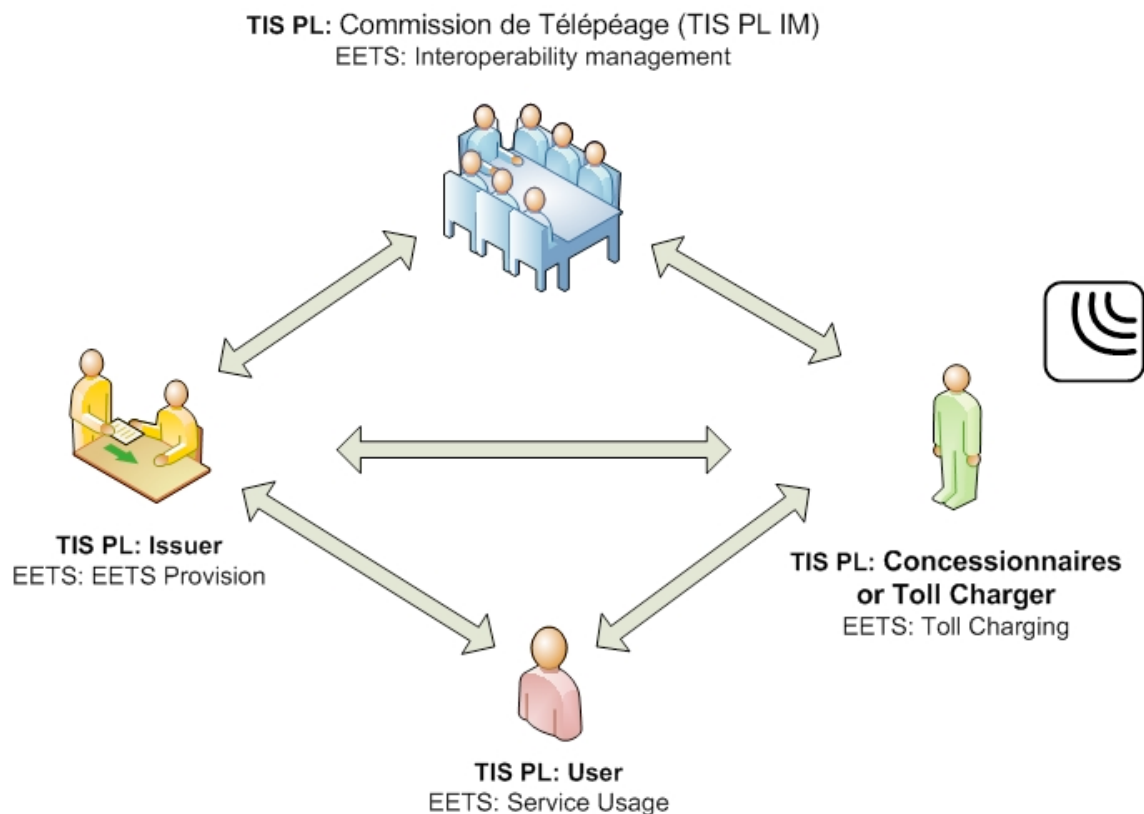


Figure 3: The role model for the TIS-PL service

The terms used in CESARE IV WP 02 reports...	...would in case the EETS IM functions are theoretically implemented in the TIS-PL system be:
EC Commission	Commission de Télépéage
EETS National Legal Authorities (NLA)	Commission de Télépéage
Coordination Group of EETS Legal Authorities (CGLA)	Not existing
EETS Provider (EP)	TIS PL Issuer
EP Advisory Forum (EPAF)	Comité Consultatif (joined Issuers and Toll Chargers Advisory Forum)
Toll Charger (TC)	Concessionnaires
TC Advisory Forum (TCAF)	Comité Consultatif
Notified Bodies (NB)	Not existing (certification process performed by the Commission de Télépéage)
Coordination Group of Notified Bodies (CGNB)	Not existing
Standardisation Body (SB)	No specific body for TIS PL

4. EETS regulation

4.1. Develop and maintain the core service definition and the procedures for technical, functional and contractual interoperability, the quality of service, the adhesion and withdrawal of TC and EP and handling of complaints

4.1.1. Summary of the CESARE IV report D 2.2

This procedure covers the development and maintenance of the core rules and regulations for EETS.

The starting point for this procedure is the Directive, the Decision and the outcome of CESARE IV. The trigger for the development of these rules and regulations will be the EC Commission. Several actors will be involved in the procedure and the most important ones will be the Coordination Group of EETS Legal Authorities (CGLA) and the EC Commission. The first one will prepare the core rules and regulations and the latter one will approve them. There are strong CESARE IV conditions requiring the involvement of the TCs and EPs via their Advisory Forums. Hence, this procedure will not be possible to start before the most important actors are established and/or appointed. The list of important actors includes the CGLA, the EP Advisory Forum, the TC Advisory Forum and the Coordination Group for Notified Bodies.

It is assumed that a request coming from a TC, an EP or a Notified Body (NB) has to be forwarded to the CGLA via their Advisory Forums or Coordination Group. Individual and not coordinated requests from an EP, a TC or an NB could cause conflicts between for instance the EPs having different opinions than the one forwarding the request. Although coordinated comments seem to be preferable from a practical point of view, TCs and EPs should be able to comment / request individually. Especially EPs will be competitors on the EETS market and might not always come to a common view.

The development and maintenance of the rules and regulations for the adhesion and withdrawal of EPs and TCs have a strong link to the procedures leading to EETS status and should be coordinated with these latter procedures.

Procedure triggered by:	Development: EC Commission Maintenance: EC Commission, Coordination Group of EETS Legal Authorities (CGLA) on its own or other associated parties request, e.g. the EP Advisory Forum, a MS...
Involved parties:	EC Commission, Coordination Group for EETS Legal Authorities (CGLA), TC Advisory forum (TCAF), EP Advisory forum (EPAF), EETS National Legal Authorities (NLA), EP, TC, Standardisation bodies (SB), Notified Bodies (NB), Coordination Group of Notified Bodies (CGNB)

Short description of the procedure (actions in chronological order)

WP 02 ID	Simple step or Sub-Procedure?	Short description
1.1.1	Step	EC prepares a plan for the development of the baseline EETS core service definition and procedures and forwards the plan to the CGLA.
1.1.2	Sub-Procedure 0.1	CGLA prepares the draft EETS core service definition and procedures (baseline or maintained) with CGNB , EPAF/ TCAF
1.1.3	Step	CGLA forwards the draft to the EC
1.1.4	Step	EC (with the advice of the CtTp) decides on the EETS core service definition and procedures (baseline or maintained)
1.1.5	Step	Each MS transposes the EETS core service definition and procedures for technical and functional interoperability (baseline or maintained) to their respective national legislation (if necessary according to the national law)
1.1.6	Sub-procedure	CGLA informs TCAF, EPAF and CGNB
1.1.7	Sub-procedure	MS informs NB and makes publicly available the EETS core service definition and procedures for technical and functional interoperability (baseline or maintained) – End of development procedure.
1.1.8	Step	After EETS implementation, one of the parties entitled to do so addresses a maintenance request to the Co-ordination Group of EETS Regulatory Authorities. If the request is admissible, jump to 1.1.2.

4.1.2. Crucial issues from the Decision

The Decision does not include a body similar to the Coordination Group for Legal Authorities. The (National) Legal Authorities are not defined in the Decision but the term Member State will in most cases cover the term Legal Authority used in the CESARE IV report D 2.2. The Decision refers several times to the obligation a Member State has in relation to informing other member states about its decisions but there are no obligations related to co-operation with other member states. This may indicate that the co-operation between the Legal Authorities described in report D 2.2 is supposed to be carried out by the Electronic Toll Committee or by its sub-groups.

The Decision does not define or describe the EETS Provider Advisory Forum (EPAF) or the Toll Charger Advisory Forum (TCAF). The CESARE IV project assumed that these bodies should be information hubs between the EC and the EETS Providers and Toll Chargers avoiding a 1:1 relationship between the EC and all the European EETS providers and Toll Chargers. Not having this hub implies that there has to be a 1:1 link between EC and each of the EPs and TCs or that the Member States will have to act as the information hubs.

Moreover, the Decision does not define or describe any procedure for the adhesion or withdrawal of a TC. Although a TC has to be registered by the Member State and although a TC has to fulfil a number of requirements, its adhesion and withdrawal itself are outside the scope of the Decision (but governed by local legislation in the Member State).

Furthermore, the Decision does not establish any procedure notably for developing and maintaining the core service definition. It can be assumed that the Application Guide could be considered as the core service definition, even if it is a non binding document. If necessary, parts of the core service definition which appear to have to be mandatory shall be included in a subsequent Decision by the EC to make it binding for all MS.

Short description of the procedure (actions in chronological order)		
WP 02 ID	Simple step or Sub-Procedure?	Short description
1.1.1	Step	EasyGo Steering Committee (SC) prepares a plan for the development of the baseline EasyGo core service definition and procedures and forwards the plan to the EasyGo management ¹ .
1.1.2	Sub-Procedure 0.1	EasyGo management prepares the draft EasyGo core service definition and procedures (baseline or maintained) in co-operation with the four EasyGo partners organisations using experts groups for a suite of crucial matters (both the EasyGo Issuers and EFC operators were involved in this work when it was done in EasyGo).
1.1.3	Step	EasyGo management forwards the draft to the EasyGo SC
1.1.4	Step	EasyGo SC (with the advice of the EasyGo management) decides on the EasyGo core service definition and procedures (baseline or maintained)
1.1.5	Step	Each EasyGo partner transposes the EasyGo core service definition and procedures for technical and functional interoperability (baseline or maintained) to their respective national legislation (if necessary according to the national law)
1.1.6	Sub-procedure	The EasyGo management informs the issuers and operators (there is no body in EasyGo which is similar to the CGNB).
1.1.7	Sub-procedure	As there is no NB's in EasyGo so far this sub-procedure has been performed in EasyGo by the regional EasyGo management.. Today the EasyGo procedures are available on request to the EasyGo management if new TC or EP applies for membership.
1.1.8	Step	After EasyGo implementation, one of the parties entitled to do so may address a maintenance request to the EasyGo management. If the request is admissible, jump to 1.1.2.

¹ The terms 'baseline' and 'maintained' are described in CESARE IV report D 2.2

The EasyGo plan for the development and implementation, the extensive work on the legal, functional and technical matters and the commitments from the EasyGo partners have been crucial for the success of the EasyGo implementation and operation.

More information about the EasyGo service and the different functions and procedures may be retrieved from the EasyGo management c/o Sund & Bælt Holding, Vester Søgade 10, 1601 Copenhagen V, Denmark, phone +45 33 93 52 00 or e-mail: info@sbf.dk.

4.1.4. How would this procedure be implemented in the TIS PL system

In TIS PL system, the interoperability management role is handled by the Commission de Télépéage defined within the Joint Venture Agreement (JVA) between Toll Chargers. The Commission de Télépéage is in charge of:

- certification of new equipments;
- agreement of new Issuers or extension of agreement for agreed Issuers using new equipments;
- examination of application for membership to the contractual joint venture coming from new Toll Chargers;
- on a general point of view, examination of any subject related to TIS-PL (contractual or technical).

The core service definition and the procedures for technical, functional and contractual interoperability, the quality of service, the adhesion and withdrawal of TC and EP and handling of complaints have been defined in the JVA signed by Toll Chargers.

Actually TIS PL conforms to the CESARE IV model concerning the fact that the Commission de Télépéage is in charge of the main part of IM role (regulation, certification, for part settlement of disputes). With regard with "tax PL" project which is about to be defined and implemented, the combine system TIS PL and tax PL require the following items to be implemented in order to be CESARE IV "compatible":

- a) the interoperability management role in TIS PL has to be transferred from the Commission de Télépéage to a body created or designated by the French government owing notably to the regulatory tasks allocated to this role (hereinafter called the 'TIS-PL management').
Indeed regarding this issue, it has been stated in Report D 2.1, that IM should have "the power to make binding and executable decision towards all parties involved in the interoperable service". Therefore, the Commission de Télépéage which is a contractual body (but it has no juristic person) cannot assumed or be in charge of such mandatory power. The Commission de Télépéage can only represent the interests of Toll Chargers who are party of the TIS PL Joint Venture Agreement. Moreover, only Toll Chargers are represented in the Commission de Télépéage. This fact decreases the legitimacy of this body and do not guarantee the independence required in Report D 2.1.
- b) The appointment of a Notified Body (not existing in TIS PL ; certification tasks are performed by the Commission de Télépéage - see § 3.2)
- c) The creation of a Providers/issuers forum (in TIS PL performed by the Comité Consultatif - see § 3.2)

Short description of the procedure (actions in chronological order)		
WP 02 ID	Simple step or Sub-Procedure	Short description
1.1.1	Step	The TIS PL management (currently the Commission de Télépéage) prepares a plan for the development of the baseline TIS PL core service definition and procedures and forwards the plan to the TIS PL stakeholders'.
1.1.2	Sub-Procedure 0.1	The Commission de Télépéage experts' groups prepares the draft TIS PL core service definition and procedures (baseline or maintained) with Providers and NB.
1.1.3	Step	The TIS PL stakeholders forwards the draft to the TIS-PL management
1.1.4	Step	The TIS-PL management decides on the TIS-PL core service definition and procedures (baseline or maintained)
1.1.5	Sub-procedure	Since currently TIS PL is solely implemented in France and based on contractual agreement (no mandatory rules), there is no need to transpose it in different national law or regulation. Consequently, this sub-procedure has not been implemented in TIS PL.
1.1.6	Sub-procedure	The TIS PL management inform the TIS PL issuers and toll chargers, and make publicly available the TIS PL core service definition and procedures for technical and functional interoperability on a website. – End of development procedure
1.1.7	Step	After TIS PL implementation, one of the parties entitled to do so may address a maintenance request to the TIS-PL management. If the request is admissible, jump to 1.1.2.

4.2. Develop / maintain forum for EPs and TCs involvement in the definition of EETS core rules and regulations

4.2.1. Summary of the CESARE IV report D 2.2

The procedure of EP or TC involvement as described in this chapter does not specify the involvement of an EP/TC as a subject to a decision of the EETS Regulatory Authorities. (If a decision of the NLA tangles the rights of an EP/TC (i.e. as a contract party), the respective EP/TC has the right to be heard in advance of a decision and make a statement on his behalf and will be involved in the regulatory process led by the NLA.).

The decision to establish a forum is up to TCs / EPs.

Procedure triggered by:		EPs and TCs
Involved parties:		EC Commission, EP, TC
Short description of the procedure (actions in chronological order) Note: The steps of the procedure are hereafter described for EP. For TCs, the procedure is the same.		
WP 02 ID	Simple step or Sub-Procedure	Short description
1.2.1	Step	Potential / future EPs decide on establishing an EPAF and inform the EC of the legal basis (i.e. contract, statutes) and the members of this organization
1.2.2	Step	EC reviews the legal basis of EPAF and confirms that the organization represents all relevant (future) EP stakeholders and that the decision-making process within the organization is organized in a democratic way.

4.2.2. Crucial issues from the Decision

The Decision does not define or describe the EETS Provider Advisory Forum (EPAF) or the Toll Charger Advisory Forum (TCAF).

4.2.3. How would this procedure be implemented in the EasyGo system

In principle, and as defined in the Joint Venture Agreement, it is only the toll chargers that are involved in the EasyGo management. However, the EasyGo Issuers are implicitly involved as the Sund & Bælt Holding, Øresund Bridge Konsortiet and Norvegfinans are all acting as or representing issuers in addition to toll chargers.

4.2.4. How would this procedure be implemented in the TIS PL system

In TIS PL, both issuers and operators are in the TIS-PL management as members of the Comité Consultatif, which could be considered as a joined TCs and EPs forum. Representatives of the Commission de Télépéage also attend to these meetings.

4.3. Develop/maintain the procedures for monitoring the operation of the TC and EP and for registration of EETS stakeholders

4.3.1. Summary of the CESARE IV report D 2.2

This procedure covers the development and maintenance of the procedures for monitoring the operation of TC and EP as well as the registration of appointed NBs, approved EPs and qualified TCs.

The procedure is very similar to the procedure 1.1 but in this case the EC Commission is not involved and there is no EC decision. The document issued by the CGLA is a recommendation to MS. Each MS has to implement a monitoring procedure at national level, but this procedure can be different from the recommendation.

The procedure covering the development and maintenance of procedures is the responsibility of the Coordination Group of the Legal Authorities and is done in cooperation with the TC and EP Advisory Forum and the Coordination Group of Notified Bodies.

Procedure triggered by:		Coordination Group for EETS National Legal Authorities (CGLA)
Involved parties:		CGLA, EPAF, TCAF, CGNB, NLAs, EPs and TCs
Short description of the procedure (actions in chronological order)		
WP 02 ID	Simple step or Sub-Procedure	Short description
1.3.1	Step	CGLA prepares a plan for the development/maintenance of the procedures
1.3.2	Sub-Procedure 0.1	CGLA prepares the recommendations for the procedures with EPAF and TCAF (according to sub-procedure 0.1)
1.3.3	Step	Each NLA implement its own procedure(s) (baseline or maintained) with the help of the recommendations of CGLA. (shall cover Condition G-N007)
1.3.4	Sub-procedure	One or more of the NLAs addresses a maintenance request to the Co-ordination Group of EETS Regulatory Authorities. The request may also come from the CGLA itself. Jump to 1.3.2

4.3.2. Crucial issues from the Decision

See chapters 4.1.2 and 4.2.2 concerning Coordination Group of Legal Authorities (CGLA), EETS providers Advisory Forum (EPAF), Toll Chargers Advisory Forum (TCAF).

4.3.3. How would this procedure be implemented in the EasyGo system

The table below shows how this report D 2.2 procedure is/could be implemented in the EasyGo.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
1.3.1	Step	EasyGo management prepares a plan for the development/maintenance of the procedures
1.3.2	Sub-Procedure 0.1	EasyGo management prepares the recommendations for the procedures with representatives from the Danish, Swedish and Norwegian issuers and operators as there are no EPAF and TCAF yet.
1.3.3	Step	Each EasyGo partner implement its own procedure(s) (baseline or maintained) with the help of the recommendations of EasyGo management (in the 'real world EasyGo' there already exist such procedures).
1.3.4	Sub-procedure	One or more of the EasyGo partners addresses a maintenance request to the EasyGo management. The request may also come from the EasyGo management. Jump to 1.3.2

4.3.4. How would this procedure be implemented in the TIS PL system

The table below shows how this report D 2.2 procedure is/could be implemented in the TIS PL.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
1.3.1	Step	The TIS-PL management prepares a plan for the development/maintenance of the procedures
1.3.2	Sub-Procedure 0.1	The TIS-PL management prepares the recommendations for the procedures with the Comité Consultatif.
1.3.3	Step	Each TIS PL partner implements its own procedure(s) (baseline or maintained) with the help of the recommendations of the TIS-PL management.
1.3.4	Sub-procedure	One or more of the TIS PL partners addresses a maintenance request to the TIS-PL management. Jump to 1.3.2

4.4. Develop and update an EETS security policy framework

4.4.1. Summary of the CESARE IV report D 2.2

Procedure triggered by:		EC Commission and/or Coordination Group
Involved parties:		EC Commission, CGLA, TC Advisory Forum (TCAF), EP Advisory Forum (EPAF), NLAs), EP, TC, Standardisation Bodies (SB), Notified Bodies (NB), Coordination Group of Notified Bodies (CGNB)
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
1.4.1	Step	High level policy framework established in Commission Decision, with support of Comité Télépéage.
1.4.2	Sub-Procedure 0.1	CGLA establishes a dialogue with EPAF, TCAF, CGNB and SB and prepares recommendations with them, according to sub-procedure 0.1
1.4.3	Step	CGLA issues recommendations on the policy
1.4.4	Step	Standards bodies incorporate security requirements into the relevant standards (EN15509 for DSRC – already complete – and ISO 12855 for back office communication between the roles Toll Charging and EETS Provision). These requirements include testing specifications <i>(Note: The EETS Security Framework needs to profile the existing standards. 15509 has done this for DSRC based transactions between OBU and RSE. 12855 will define general security attributes, but not how to use them. An EFC or profiled EETS security architecture is needed. This topic will be subject of discussion on the next CEN WG1 meeting in April.</i>
1.4.5	Step	The EC analyses the new standards and decides that they are applicable for EETS provision.
1.4.6	Step	MS inform the relevant stakeholders

4.4.2. Crucial issues from the Decision

The Decision states the following in Annex III, Article 1.5:

- 1. EETS shall provide means to protect Toll Chargers, EETS Providers and EETS Users against fraud/abuse.*
- 2. EETS shall provide security features relative to the protection of data stored, handled and transferred between stakeholders in the EETS environment. The security features shall protect the interests of EETS stakeholders from harm or damage caused by lack of availability, confidentiality, integrity, authentication, non-repudiation and access protection of sensitive user data appropriate to a European multi-user environment.*

The Decision also clearly states in other paragraphs that privacy is a crucial issue and that EETS shall be compliant with:

- Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L281, 23.11.1995, p. 31) as amended by Regulation (EC) No 1882/2003 (OJ L284, 31.10.2003, p. 1).
- 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 L201, 31.7.2002, p. 37).

Annex II of the Decision describes the use of standardised interfaces also for the exchange of trust objects. Basic security implementations need to be developed and have to be made binding for the stakeholders by a subsequent decision.

4.4.3. How would this procedure be implemented in the EasyGo system

The table below shows how this report D 2.2 procedure is/could be implemented in the EasyGo.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
1.4.1	Step	High level security policy established in EasyGo SC with support of EasyGo management
1.4.2	Sub-Procedure 0.1	EasyGo management establishes a dialogue with the issuers and operators (as EPAF and TCAF do not exist yet) and prepares recommendations with them. Coordination Group for Notified Bodies does not exist yet. The standardisation bodies will be contacted if relevant via the national standardisation bodies in any of the three countries.
1.4.3	Step	EasyGo management issues recommendations on the policy and request the approval of the EasyGo Steering Committee
1.4.4	Step	Standardisation bodies incorporate security requirements into the relevant standards
1.4.5	Step	The EasyGo management analyses the new standards and decides that they are applicable for EasyGo provision.
1.4.6	Step	The EasyGo partners inform the relevant stakeholders

4.4.4. How would this procedure be implemented in the TIS PL system

The table below shows how this report D 2.2 procedure is/could be implemented in the TIS PL.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
1.4.1	Step	High level security policy established in the TIS-PL management with support of experts' groups.
1.4.2	Sub-Procedure 0.1	The TIS-PL management establishes a dialogue with the Comité Consultatif and prepares recommendations. Notified Bodies do not exist yet. The standardisation bodies will be contacted via the national standardisation bodies in France.
1.4.3	Step	The TIS-PL management issues recommendations on the policy.
1.4.4	Step	Standardisation bodies incorporate security requirements into the relevant standards
1.4.5	Step	The TIS-PL management analyses the new standards and decides that they are applicable for TIS PL provision.
1.4.6	Step	The TIS-PL management inform the relevant stakeholders

4.5. Management of security protocols

4.5.1. Summary of the CESARE IV report D 2.2

Procedure triggered by:		EETS providers
Involved parties:		CGLA, TC Advisory Forum (TCAF), EP Advisory Forum (EPAF), EP, TC, NBs
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
1.5.1	Sub-Procedure 0.1	Dialogue between CGLA, EPAF and TCAF on agreed service levels for circulating security lists, leading to agreement
1.5.2	Step	CGLA issues recommendations on agreed service levels
1.5.3	Sub-Procedure 0.1	CGLA establishes a dialogue with EPAF, TCAF, CGNB and SB as part of the wider dialogue on defining an EETS service.
1.5.4	Step	<i>CGLA issues the final recommendations on service levels</i>
1.5.5	Step	<i>Standardization bodies include the recommendations in the relevant standards</i>

4.5.2. Crucial issues from the Decision

See previous comments on CGLA, EPAF and TCAF. Otherwise there are apparently no conflicts with the Decision. The further implementation of EETS may lead to a number of definitions which need to be made binding for the stakeholders.

4.5.3. How would this procedure be implemented in the EasyGo system

The table below shows how this report D 2.2 procedure is/could be implemented in the EasyGo.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
1.5.1	Sub-Procedure 0.1	Dialogue between EasyGo management and the EasyGo issuers and operators on agreed service levels for circulating security lists, leading to agreement
1.5.2	Step	EasyGo management issues recommendations on agreed service levels
1.5.3	Sub-Procedure 0.1	EasyGo management establishes a dialogue with the EasyGo issuers and operators on the recommended service levels.
1.5.4	Step	EasyGo management issues the final recommendations on service levels
1.5.5	Step	Standardization bodies include the recommendations in the relevant standards

4.5.4. How would this procedure be implemented in the TIS PL system

The table below shows how this report D 2.2 procedure is/could be implemented in the TIS PL.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
1.5.1	Sub-Procedure 0.1	Dialogue between the TIS-PL management and the Comité Consultatif on agreed service levels for circulating security lists, leading to agreement
1.5.2	Step	The NLA issues recommendations on agreed service levels
1.5.3	Sub-Procedure 0.1	The TIS-PL management establishes a dialogue with the Comité Consultatif and Standardization bodies on the recommended service levels.
1.5.4	Step	The TIS-PL management issues the final recommendations on service levels
1.5.5	Step	Standardization bodies include the recommendations in the relevant standards

5. Monitoring

5.1. Monitor security lists

5.1.1. Summary of the CESARE IV report D 2.2

This procedure covers the IM monitoring of that appropriate security lists (e.g. hot lists, black lists, white lists) are distributed according to proper standards.

Procedure triggered by:		Coordination Group
Involved parties:		CGLA TC Advisory Forum (TCAF), EP Advisory Forum (EPAF), NLAs, EP, TC, NBs
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
2.1.1	Step	High level policy framework established in Commission Decision, with support of Comité Télépéage
2.1.2	Sub-Procedure	CGLA Informs the relevant stakeholders

5.1.2. Crucial issues from the Decision

See previous comments on CGLA, EPAF and TCAF. Otherwise there are apparently no conflicts with the Decision. The further implementation of EETS may lead to a number of definitions which need to be made binding for the stakeholders.

5.1.3. How would this procedure be implemented in the EasyGo system

The table below shows how this report D 2.2 procedure is/could be implemented in the EasyGo.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
2.1.1	Step	High level policy framework established in EasyGo SC with support of EasyGo management
2.1.2	Sub-Procedure	EasyGo management Informs the relevant stakeholders

5.1.4. How would this procedure be implemented in the TIS PL system

The table below shows how this report D 2.2 procedure is/could be implemented in the TIS PL.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
2.1.1	Step	High level policy framework established in the TIS-PL management with support of experts' groups
2.1.2	Sub-Procedure	The TIS-PL management informs the relevant stakeholders

5.2. Monitor that the security policy is properly implemented and adhered to by EPs and TCs

5.2.1. Summary of the CESARE IV report D 2.2

This procedure covers the IM monitoring that the security policy is properly implemented and adhered to by the EPs and TC.

Procedure triggered by:		CGLA
Involved parties:		CGLA, TC Advisory Forum (TCAF), EP Advisory Forum (EPAF), NLAs, EP, TC, NBs
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
2.2.1	Step	High level policy framework established in Commission Decision, with support of Comité Télépéage
2.2.2	Step	Standards bodies incorporate security requirements into the relevant standards (EN15509 for DSRC – already complete – and ISO 12855 for back office communication between the roles Toll Charging and EETS Provision). These requirements include testing specifications
2.2.3	Sub-Procedure	CGLA establishes a dialogue with EPAF, TCAF, CGNB and SB (according to sub-procedure 0.1) as part of the wider dialogue on defining an EETS service, and informs the relevant stakeholders
2.2.4	Sub-Procedure	Each MS monitors its stakeholders

5.2.2. Crucial issues from the Decision

See previous comments on CGLA, EPAF and TCAF. Otherwise there are apparently no conflicts with the Decision. The further implementation of EETS may lead to a number of definitions which need to be made binding for the stakeholders.

5.2.3. How would this procedure be implemented in the EasyGo system

The table below shows how this report D 2.2 procedure is/could be implemented in the EasyGo.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
2.2.1	Step	High level policy framework established in EasyGo SC with support of EasyGo management
2.2.2	Step	Standards bodies incorporate security requirements into the relevant standards. These requirements include testing specifications.
2.2.3	Sub-Procedure	EasyGo management establishes a dialogue with the EasyGo issuers and operators as part of the wider dialogue on defining an EasyGo, and informs the relevant stakeholders
2.2.4	Sub-Procedure	Each EasyGo partner monitors its stakeholders

5.2.4. How would this procedure be implemented in the TIS PL system

The table below shows how this report D 2.2 procedure is/could be implemented in the TIS PL.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
2.2.1	Step	High level policy framework established in the TIS-PL management with support of experts' groups
2.2.2	Step	Standards bodies incorporate security requirements into the relevant standards. These requirements include testing specifications.
2.2.3	Sub-Procedure	The TIS-PL management establishes a dialogue with the Comité Consultatif as part of the wider dialogue on defining an TIS PL, and informs the relevant stakeholders
2.2.4	Sub-Procedure	The TIS-PL management monitors its stakeholders

5.3. Monitor and audit the operation of the TC and EP

5.3.1. Summary of the CESARE IV report D 2.2

This procedure covers the monitoring of the operation of TC and EP.

It is assumed that the procedures includes requirements on when and how the monitoring and auditing shall be done as well as some Key Performance Indicators (KPI) ensuring the same level of monitoring and auditing in all Member States.

Procedure triggered by:		EETS National Legal Authorities
Involved parties:		EETS National Legal Authorities (NLA), EP, TC , NB
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
2.3.1	Sub- Procedure	NLA decides to monitor or audit an EP or TC based on: a) a scheduled monitoring or auditing case or b) a EP or TC event that necessitates a monitoring or auditing case
2.3.2	Sub-Procedure	NLA establishes a dialogue with the TC or EP and requests regular reports, special reports and/or specific information or data related to the monitoring or auditing case.
2.3.3	Sub-Procedure	NLA evaluates the received report(s), information and/or data in relation to the TC or EP operational procedures and certification conditions.
2.3.4	Step	NLA decides whether the auditing or monitoring results are: a). compliant with the operational procedures and certification conditions or b) non-compliant with the operational procedures and certification conditions
2.3.5	Step	If the result of 2.3.4 is a) the NLA reports to the TC or EP that the monitoring or auditing case is closed. If the result of 2.3.4 is b) NLA reports to the TC or EP the reason(s) for the non-compliance and gives the TC or EP a deadline for amending the matters that led to the non-compliance. Jump to 2.3.1

5.3.2. Crucial issues from the Decision

The Decision does not describe any obligations to monitor the daily operation of the EPs and TCs. The further implementation of EETS may lead to a number of definitions which need to be made binding for the stakeholders.

5.3.3. How would this procedure be implemented in the EasyGo system

The table below shows how this report D 2.2 procedure could be implemented in the EasyGo (in the 'real world EasyGo' there already exist such procedures):

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
2.3.1	Sub- Procedure	The EasyGo management decides to monitor or audit an EasyGo issuer or operator based on: a) a scheduled monitoring or auditing case or b) an issuer or operator event that necessitates a monitoring or auditing case
2.3.2	Sub-Procedure	The EasyGo management establishes a dialogue with the issuer or operator and requests regular reports, special reports and/or specific information or data related to the monitoring or auditing case.
2.3.3	Sub-Procedure	The EasyGo management evaluates the received report(s), information and/or data in relation to the issuer or operator operational procedures and certification conditions. An alternative to this scenario is that the EasyGo management enters into a contract with a Notified Body to have the NB to carry out the monitoring.
2.3.4	Step	The EasyGo management decides whether the auditing or monitoring results are: a) compliant with the operational procedures and certification conditions or b) non-compliant with the operational procedures and certification conditions
2.3.5	Step	If the result of 2.3.4 is a) the EasyGo management reports to the issuer or operator that the monitoring or auditing case is closed. If the result of 2.3.4 is b) the EasyGo management reports to the issuer or operator the reason(s) for the non-compliance and gives the issuer or operator a deadline for amending the matters that led to the non-compliance. Jump to 2.3.1

5.3.4. How would this procedure be implemented in the TIS PL system

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
2.3.1	Sub- Procedure	The TIS-PL management decides to monitor or audit an TIS PL issuer or operator based on: a) a scheduled monitoring or auditing case or b) an issuer or operator event that necessitates a monitoring or auditing case
2.3.2	Sub-Procedure	The TIS-PL management establishes a dialogue with the issuer or operator and requests regular reports, special reports and/or specific information or data related to the monitoring or auditing case.
2.3.3	Sub-Procedure	The TIS-PL management evaluates the received report(s), information and/or data in relation to the issuer or operator operational procedures and certification conditions. An alternative to this scenario is that the TIS-PL management enter into a contract with a Notified Body to have the NB to carry out the monitoring.
2.3.4	Step	The TIS-PL management decides whether the auditing or monitoring results are: a). compliant with the operational procedures and certification conditions or b) non-compliant with the operational procedures and certification conditions
2.3.5	Step	If the result of 2.3.4 is a) the TIS-PL management reports to the issuer or operator that the monitoring or auditing case is closed. If the result of 2.3.4 is b) the TIS-PL management reports to the issuer or operator the reason(s) for the non-compliance and gives the issuer or operator a deadline for amending the matters that led to the non-compliance. Jump to 2.3.1

5.4. Monitor the adhesion and withdrawal of EP and TC to the service (list-keeping)

5.4.1. Summary of the CESARE IV report D 2.2

This procedure covers the monitoring of the adhesion and withdrawal of EP and TC service procedure, auditing previous process, verifying the no existence of mistakes or discriminatory actions and acting over them if any exists.

It is assumed that the incorporation, maintenance and withdrawal criteria have to be established.

Procedure triggered by:		NLA
Involved parties:		NLA CGLA, EP/TC, stakeholder involved in Adhesion and withdrawal of EP and TC procedures, Legal Authorities and European Court of Justice.
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
2.4.1	Step	NLA chooses periodically Approved and Rejected adhesion and withdrawal requests
2.4.2	Sub-Procedure	NLA audits the processes chosen according to the criteria of incorporation, maintenance and withdrawal established [Described in WP 01 G-N017 and G-N018]
2.4.3	Step	If the process is compliant, the audit (and the procedure) finishes. If not, the NLA writes a report with the mistakes and/or anomalies detected in the process (to avoid discriminatory actions)
2.4.4	Step	NLA sends the report to CGLA.
2.4.5	Step	CGLA studies the report and takes a (non binding) decision.
2.4.6	Step	CGLA notifies the stakeholders involved in its decision what must be solved. 2.4.6.1: The problem could be a mistake; the CGLA notifies to stakeholder(s) involved that it/they have to resolve it. 2.4.6.2: The problem could be a discriminatory action and then could have a sanction or fine.
2.4.7	Sub-Procedure	If 2.4.62 occurs the CGLA sends the report and conclusions to Legal Authorities or the European Court of Justice.
2.4.8	Step	The problem/mistake is solved.

5.4.2. Crucial issues from the Decision

The Decision does not describe any obligations to monitor the Approved and Rejected adhesion and withdrawal requests.

5.4.3. How would this procedure be implemented in the EasyGo system

The table below shows how this report D 2.2 procedure is/could be implemented in the EasyGo.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
2.4.1	Step	The EasyGo management or national roads and transport authorities chooses periodically Approved and Rejected adhesion and withdrawal requests
2.4.2	Sub-Procedure	The national roads and transport authorities audits the processes chosen according to the criteria of incorporation, maintenance and withdrawal established.
2.4.3	Step	If the process is compliant, the audit (and the procedure) finishes. If not, the national roads and transport authorities writes a report with the mistakes and/or anomalies detected in the process (to avoid discriminatory actions)
2.4.4	Step	The national roads and authorities sends the report to EasyGo Steering Committee.
2.4.5	Step	EasyGo SC studies the report and takes a (non binding) decision.
2.4.6	Step	EasyGo SC notifies the stakeholders involved in its decision what must be solved. 2.4.6.1: The problem could be a mistake; the EasyGo SC notifies to stakeholder involved/s that it/they have to resolve it. 2.4.6.2: The problem could be a discriminatory action and then could have a sanction or fine.
2.4.7	Sub-Procedure	If 2.4.6.2 occurs the EasyGo SC sends the report and conclusions to Legal Authorities or the European Court of Justice.
2.4.8	Step	The problem/mistake is solved.

5.4.4. How would this procedure be implemented in the TIS PL system

The table below shows how this report D 2.2 procedure is/could be implemented in the TIS PL.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
2.4.1	Step	The TIS-PL management chooses periodically Approved and Rejected adhesion and withdrawal requests
2.4.2	Sub-Procedure	the TIS-PL management audits the processes chosen according to the criteria of incorporation, maintenance and withdrawal established.
2.4.3	Step	If the process is compliant, the audit (and the procedure) finishes. If not, the TIS-PL management writes a report with the mistakes and/or anomalies detected in the process (to avoid discriminatory actions)
2.4.4	Step	Not relevant in TIS PL
2.4.5	Step	Not relevant in TIS PL
2.4.6	Step	Not relevant in TIS PL
2.4.7	Sub-Procedure	Not relevant in TIS PL.
2.4.8	Step	The problem/mistake is solved.

6. Procedures leading to EETS status

6.1. Notified Body appointment

6.1.1. Summary of the CESARE IV report D 2.2

According to Report D 2.1 Interoperability Management Framework, the decision to appoint a Notified Body should rely on the Member States' responsibility since:

- there is no obligation to appoint Notified Bodies (Chapter VII of the EC draft Decision only states that MS "shall notify to the Commission and the other Member States any bodies entitled to carry out or supervise the procedure for the assessment of conformity to specifications or suitability for use[...]");
- Notified Bodies may, depending on the case, not cover all the checks that are needed (for instance, some Notified Bodies may not be entitled to perform required administrative and financial checks applied to applicants to EETS Provider status);
- Furthermore, the EC draft Decision clearly states that there is an alternative procedure for Suitability for use (sect. 2 of Annex IV) which could be performed either by the EP with direct collaboration with the TC or by a Notified Body.

Notified Bodies are created for checking the compliance of equipment, processes or service with technical specifications. Notified Bodies can also be asked to check the suitability for use of equipment, processes and services in operation, to confirm the compliance in specific toll domains.

Notified Bodies may also be responsible for a continuous monitoring of the compliance of EETS stakeholders against specifications and service level agreements. However, this is not addressed by the Decision.

A Member State does not have the obligation to appoint a Notified Body. Certifications or checks performed by a Notified Body are valid in all Member States.

Procedure triggered by:		Notified Body
Involved parties:		Legal Authorities of MS (NLA), Notified Bodies (NB)
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
3.1.1	Step	An applicant sends a request to any MS to reach the EETS status of Notified Body, or answers a call for tender.
3.1.2	Step	The NLA analyses the request and can ask for more detailed explanation to the applicant
3.1.3	Step	The NLA (within 4 months), gives a ruling on the request and issues a decision
3.1.4	Sub Procedure	The list of NBs is updated (if necessary) by the NLA ("list keeping procedure")

6.1.2. Crucial issues from the Decision

Apparently there are no crucial issues in the Decision that will affect the procedure as it was defined by report D 2.2.

6.1.3. How would this procedure be implemented in the EasyGo system

The table below shows how this report D 2.2 procedure is/could be implemented in the EasyGo.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
3.1.1	Step	An applicant sends a request to any of the EasyGo partners or to the EasyGo management to reach the EasyGo status of Notified Body, or answers a call for tender issued by any of the EasyGo partners or the EasyGo management on behalf of all EasyGo partners.
3.1.2	Step	The EasyGo partner or the EasyGo management analyses the request and can ask for more detailed explanation to the applicant
3.1.3	Step	The EasyGo partner or the EasyGo management (within 4 months), gives a ruling on the request and issues a decision
3.1.4	Sub Procedure	The list of NBs is updated (if necessary) by the EasyGo partner or the EasyGo management ("list keeping procedure")

6.1.4. How would this procedure be implemented in the TIS PL system

The table below shows how report D 2.2 procedure is/could be implemented in the EasyGo.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
3.1.1	Step	An applicant sends a request to any of the TIS PL partners or the TIS-PL management to reach the TIS PL status of Notified Body, or answers a call for tender issued by any of the TIS PL partners or the TIS-PL management on behalf of all TIS PL partners.
3.1.2	Step	The TIS PL partners or the TIS-PL management analyses the request and can ask for more detailed explanation to the applicant
3.1.3	Step	The TIS PL partners or the TIS-PL management (within 4 months), gives a ruling on the request and issues a decision
3.1.4	Sub Procedure	The list of NBs is updated (if necessary) by the TIS PL partners or the TIS-PL management ("list keeping procedure")

6.2. Equipments certification

6.2.1. Summary of the CESARE IV report D 2.2

The procedure describes the certification of equipment (or services), which is requested by manufacturers and performed by Notified Bodies. At this stage, the process is independent from the usage in an EETS Providers or Toll Chargers system. The certification only proves that a certain equipment complies with a well-defined number of technical specifications. This includes, but is not limited to, OBE and RSE equipment. Equipment can also include central systems, in particular with respect to the certification of back office interfaces, or complete solutions, consisting of OBE and corresponding central systems (proxies). In the future such an equipment certification could also apply to a complete service, which is provided by independent service providers and can be used by EETS Providers or Toll Chargers in their process chain.

The certification process here does not involve the Member States or their NLAs, but only the appointed Notified Bodies. A list of certified equipment should be maintained by the Notified Bodies, but not necessarily by the MS or the NLAs. A certification by any Notified Body is valid in all European Countries. This is in line with the current EETS Decision and the already existing certification schemes like Common Criteria.

The certification process can be also done without the help of a NB, in case of “self declaration” by the manufacturer. This kind of certification is very simple and consequently will not be described in this chapter (it will concentrate on certification by NBs).

The certification of equipment gives proof to the EETS Providers and the Toll Chargers, that this equipment can be integrated into their system and processes and complies with the necessary specifications. This will be a substantial benefit for the both sides: manufacturers can show that their equipment can be used for EETS, the EETS Providers and Toll Chargers can rely on the proper certification and can focus on integrating the equipment and showing the proper implementation of the whole service.

Procedure triggered by:		Manufacturer
Involved parties:		Notified Bodies (NB), Equipment Manufacturers
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
3.2.1	Step	The manufacturer asks a Notified Body to check the compliance of its equipments to all standards and other interoperability technical rules and to establish a report
3.2.2	Step	The Notified Body sends the report to the Manufacturer (if necessary the process 3.2.1 is iterated, if any problems arise).
		The Notified Body issues the certificate of compliance with the applicable specifications
3.2.3	Sub Procedure	The lists of certified equipments is updated (if necessary) by the Notified Body (“list keeping procedure”)

6.2.2. Crucial issues from the Decision

This procedure seems to be more or less in line with what has been described in Annex IV, 1 Conformity to specifications in the Decision. The Decision refers to the 'Decision 768/2008/EC on a common framework for the marketing of products, and repealing 'Council Decision 93/465/EEC' as for enabling the manufacturer of the equipment to choose between a suite of modules for verification of an EC declaration of conformity issued by the manufacturer. There are 16 different modules to choose between. This freedom of the manufacturers to choose between these 16 modules may cause differences between the different manufacturers concerning the level of details and quality for an EC declaration for the same type of equipment.

It should be noted that Annex IV in the Decision also includes an evaluation in operation of the OBE and the other interoperability constituents in paragraph 2 Suitability for use (Interoperability of service). The Decision defines two types of EC declarations:

- 'EC declaration of conformity to specifications' which shall be issued for all types of equipment and interfaces used for EETS. The declaration may be issued by the manufacturer himself (self-assessment) or by a Notified Body or bodies.
- 'EC declaration of suitability for use' related to operation of the interoperability constituents in service in one or more defined Toll Charger domain(s). The manufacturer, the EETS Provider or an authorised representative may either collaborate directly with the Toll Charger(s) or apply to a Notified Body.

6.2.3. How would this procedure be implemented in the EasyGo system

As this procedure only involves the manufacturer and the Notified Body it will be exactly the same in EasyGo as described in chapter 6.2.1. Instead of EC declarations there will be 'EasyGo declarations'.

6.2.4. How would this procedure be implemented in the TIS PL system

Currently, in TIS PL system, this procedure is led by the Commission Télépéage which is in charge of certification of equipments. For each certification of new equipments (especially OBE and corresponding central systems), Toll Chargers and issuers may have to amend their contract.

To be in line with Report D.2.2, this procedure should involve solely the Notified Body and the manufacturer. A 'TIS PL declarations' should then be issued.

6.3. Toll Charger qualification

6.3.1. Summary of the CESARE IV report D 2.2

Regarding TC qualification, a specific comment was inserted in Report D 2.1 to take into consideration the difference between DSRC system and autonomous system. Main content is as follows:

The detailed procedure for TC qualification has not yet been specified. However, it seems evident that there will be a difference between the qualification of a TC operating a DSRC based system and a TC operating an autonomous system. (...)

The positioning and communication systems used for the toll charging is not in the scope of TC responsibility. Hence, there will not be a need for qualification D11 for TCs operating autonomous systems. However, the D21 will still be relevant to ensure that a TC provides the EETS compliant services.

TCs are usually bound by national law or contracts, where the MS have the responsibility to force TCs to be compliant with EETS. Each TC can be qualified with the assistance of a Notified Body, or can choose the way of the "self declaration".

The qualification of a TC comprises administrative issues like the publication of a Toll Domain Statement and a compliance of the used technical equipment, processes or services.

From a technical point of view, the back-office interfaces which are required for interoperability in an EETS scenario and, if applicable, RSE for DSRC-based or charging or localization augmentation beacons, need to be qualified.

Procedure triggered by:		Toll Charger
Involved parties:		Legal Authorities of MS (NLA), Notified Bodies (NB), Toll Chargers, already approved EETS Providers in case of new Toll Charger
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
3.3.1	Step	The applicant asks a Notified Body to guarantee its equipments are certified, and to check the compliance of its Toll Domain to all standards and other interoperability rules and to establish a report.
3.3.2	Step	The Notified Body sends the report to the applicant
3.3.3	Step	The applicant sends a request to the MS where its Toll Domain is located to reach the EETS status of Qualified Toll Charger
3.3.4	Step	The NLA analyses the request on the basis of the report of Notified Body, (and can ask for more detailed explanation to the Toll Charger) and has to inform the Toll Charger in case an Interoperability constituent appears to be non compliant to EETS specifications
3.3.5	Step	The NLA (within 4 months) answers the request and issue a decision
3.3.6	Sub Procedure	The list of Qualified TCs is updated (if necessary) by the NLA ("list keeping" procedure)

6.3.2. Crucial issues from the Decision

The Decision defines requirements for the Toll Charger approval or qualification in a different way than for the EETS Provider (Article 3 Requirements to be fulfilled by the EETS providers in Chapter II).

This issue is important to ensure (a) that equipments installed throughout European's networks are at high level of quality and (b) that the back office interfaces, which are required for interoperability in an EETS scenario, work properly.

6.3.3. How would this procedure be implemented in the EasyGo system

The table below shows how this report D 2.2 procedure is/could be implemented in the EasyGo (in the 'real world EasyGo' there already exist such procedures).

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
3.3.1	Step	The applicant (potential EasyGo Toll Charger) asks a Notified Body to guarantee its equipments are certified, and to check the compliance of its Toll Domain to all standards and other interoperability rules and to establish a report.
3.3.2	Step	The Notified Body sends the report to the applicant
3.3.3	Step	The applicant sends a request to the EasyGo management where its Toll Domain is located to reach the EasyGo status of Qualified Toll Charger
3.3.4	Step	The EasyGo management analyses the request on the basis of the report of Notified Body, (and can ask for more detailed explanation to the Toll Charger) and has to inform the Toll Charger in case an Interoperability constituent appears to be non compliant to EasyGo specifications
3.3.5	Step	The EasyGo management (within 4 months) answers the request and issue a decision
3.3.6	Sub Procedure	The list of Qualified EasyGo TCs is updated (if necessary) by the EasyGo management ("list keeping" procedure)

6.3.4. How would this procedure be implemented in the TIS PL system

In TIS PL system, the Commission Télépéage is in charge of the examination of application for membership to the contractual joint venture coming from new Toll Chargers.

The table below shows how this report D 2.2 procedure is/could be implemented in the TIS PL

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
3.3.1	Step	The applicant (potential TIS PL Toll Charger) asks a Notified Body to guarantee that its equipments are certified, and to check the compliance of its Toll Domain to all standards and other interoperability rules and to establish a report.
3.3.2	Step	The Notified Body sends the report to the applicant
3.3.3	Step	The applicant sends a request to the TIS-PL management where its Toll Domain is located to reach the TIS PL status of Qualified Toll Charger
3.3.4	Step	The TIS-PL management analyses the request on the basis of the report of Notified Body, (and can ask for more detailed explanation to the Toll Charger) and has to inform the Toll Charger in case an Interoperability constituent appears to be non compliant to TIS PL specifications
3.3.5	Step	The TIS-PL management (within 4 months) answers the request and issues a decision
3.3.6	Sub Procedure	The list of Qualified TIS PL TCs is updated (if necessary) by the TIS-PL management ("list keeping" procedure)

6.4. EETS Provider approval

6.4.1. Summary of the CESARE IV report D 2.2

As designed in Report D 2.1 Interoperability Management Framework, this procedure leading to the status of EETS Provider is aimed to attest both the financial, administrative and technical compliance to EETS specifications and that the service is provided with a full-coverage of the EETS domain, i.e. has a European scope.

Therefore EETS Providers Approval procedure is based on two sub steps:

- “Pre-approval” acknowledges that the Provider uses certified equipment within an EETS compliant system and its processes and services. It guarantees its financial and administrative ability. The Pre-approval is the prerequisite for entering into the suitability for use (both contractual and technical) with Toll Chargers,
- “Suitability for use” (both technical suitability for use and contractual suitability for use) proves that the EP is technically compatible with all Toll Domains, and that the EP has a contract with all TC within a predefined time frame (and in case of a new EETS domain, within a specific timeframe to perform both contractual and technical procedures of suitability for use).

Important note: An applicant EP can obviously start operating on any Toll Domain since it has achieved the mandatory tests and signed the contract with the TC of the domain, but this applicant EP will not obtain the official EETS status of “Approved EETS Provider” before being able to provide the service on all Toll Domains.

Procedure triggered by:		EETS Provider
Involved parties:		Legal Authorities of MS (NLA), Notified Bodies (NB), EETS Providers, Toll Chargers
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
3.4.1	Step	The applicant asks a Notified Body to perform the checks required for EP Pre-approval
3.4.2	Step	Pre-approval procedure
3.4.2.1	Step	Pre-approval checks performed by the Notified Body (or directly by a MS when no NB is able to perform certain checks like the compliance with financial and administrative requirements) <ul style="list-style-type: none"> • use of certified equipment (including OBEs); • compliance of processes and services used by the provider with EETS referential;
3.4.2.2	Step	The Notified Body sends the report to the applicant
3.4.2.3	Step	The applicant sends a request to any MS to reach the EETS status of pre-approved EETS Provider
3.4.2.4	Sub-Procedure	The NLA shall analyze the request on the basis of the report of Notified Body, can ask for more detailed explanation to the provider and has to inform the provider in case of any issue.

3.4.2.5	Step	MS issues the Pre-approval decision within a 4-month delay (starting from the transmission of Notified Body's report)
3.4.3	Step	Suitability for use procedure
3.4.3.1	Step	<p>Suitability for use checks performed by the Notified Body (or the Toll Charger of the affected Toll Domain for the first of the following checks)</p> <ul style="list-style-type: none"> • technical suitability for use checked in each Toll Domain (in order to demonstrate that the complete service of the provider works properly in each Toll Domain) (in any case, the success of suitability tests is assessed by TCs). • contractual suitability for use with each toll Charger (in order to attest a full-coverage service, which implies that the provider has enter into bilateral agreements with all Toll Chargers in the EETS domain)
3.4.3.2	Step	The Notified Body and/or the Toll Charger sends the report to the applicant
3.4.3.3	Step	The applicant sends a request (including all the necessary reports) to any MS to reach the EETS status of approved EETS Provider (this status results from the addition of both pre-approval procedure and suitability for use procedure)
3.4.3.4	Sub-Procedure	The NLA analyses the request on the basis of the reports provided, (and can ask for more detailed explanation to the provider) and has to inform the provider if anything appears to be non compliant to EETS specifications
3.4.3.5	Step	MS issues the Suitability for use decision within a 4-month delay (starting from the transmission of Notified Body's report)
3.4.4	Step	MS issues, without any delay, the complete Approval decision
3.4.5	Sub Procedure	The list of approved EPs is updated (if necessary) by the NLA ("list keeping" procedure)

6.4.2. Crucial issues from the Decision

The Decision describes the requirements for the approval of the EETS Provider in Article 3 in Chapter II and in Annex IV. In contents the Decision requirements and the CESARE IV requirements are slightly different although the objectives are very similar.

- The Decision requirements include in letter b) both the 'EC declaration of conformity to specifications' and the 'EC declaration of suitability for use'. The declarations are in both cases related to equipment, related interfaces and services.
- The CESARE IV requirements are wider in scope as they do not only focus on equipment and interfaces but also on functional and contractual compliance with the EETS specifications.

6.4.3. How would this procedure be implemented in the EasyGo system

The table below shows how this report D 2.2 procedure could be implemented in the EasyGo (in the 'real world EasyGo' there already exist such procedures).

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
3.4.1	Step	The applicant (the potential EasyGo issuer/provider) asks a Notified Body to perform the checks required for EP Pre-approval
3.4.2	Step	Pre-approval procedure
3.4.2.1	Step	Pre-approval checks performed by the Notified Body (or directly by an EasyGo partner when no NB is able to perform certain checks like the compliance with financial and administrative requirements) <ul style="list-style-type: none"> • use of certified equipment (including OBEs); • compliance of processes and services used by the provider with EasyGo referential;
3.4.2.2	Step	The Notified Body sends the report to the applicant
3.4.2.3	Step	The applicant sends a request to any EasyGo management to reach the EasyGo status of pre-approved EasyGo Provider (issuer)
3.4.2.4	Sub-Procedure	The EasyGo management shall analyse the request on the basis of the report of Notified Body, can ask for more detailed explanation to the provider and has to inform the applicant in case of any issue.
3.4.2.5	Step	The EasyGo management issues the Pre-approval decision within a 4-month delay (starting from the transmission of Notified Body's report)
3.4.3	Step	Suitability for use procedure
3.4.3.1	Step	Suitability for use checks performed by the Notified Body (or the EasyGo management of the affected Toll Domain for the first of the following checks) <ul style="list-style-type: none"> • technical suitability for use checked in each Toll Domain (in order to demonstrate that the complete service of the provider works properly in each Toll Domain).(in any case, the success of suitability tests is assessed by TCs) • contractual suitability for use with each EasyGo Toll Charger (in order to attest a full-coverage service, which implies that the EasyGo provider has enter into an Issuer Agreement (ref CESARE II project) with all Toll Chargers in the EasyGo domain)

3.4.3.3	Step	The applicant sends a request (including all the necessary reports) to the EasyGo management to reach the EasyGo status of approved EasyGo Provider (issuer). This status results from the addition of both pre-approval procedure and suitability for use procedure.
3.4.3.4	Sub-Procedure	The EasyGo management analyses the request on the basis of the reports provided, (and can ask for more detailed explanation to the provider) and has to inform the applicant if anything appears to be non compliant to EasyGo specifications
3.4.3.5	Step	The EasyGo management issues the Suitability for use decision within a 4-month delay (starting from the transmission of Notified Body's report)
3.4.4	Step	MS issues, without any delay, the complete Approval decision
3.4.5	Sub Procedure	The list of approved EasyGo Issuers (providers) is updated (if necessary) by the EasyGo management ("list keeping" procedure)

6.4.4. How would this procedure be implemented in the TIS PL system

The table below shows how this report D 2.2 procedure is/could be implemented in the TIS PL.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
3.4.1	Step	The applicant (the potential TIS PL issuer/provider) asks a Notified Body (currently the Commission Télépéage) to perform the checks required for EP Pre-approval
3.4.2	Step	<i>Pre-approval procedure</i>
3.4.2.1	Step	<i>Pre-approval</i> checks performed by the Notified Body (or directly by an TIS PL partner when no NB is able to perform certain checks like the compliance with financial and administrative requirements) <ul style="list-style-type: none"> • use of certified equipment (including OBEs); • compliance of processes and services used by the provider with TIS PL referential;
3.4.2.2	Step	The Notified Body sends the report to the applicant
3.4.2.3	Step	The applicant sends a request to any TIS PL partner to reach the TIS PL status of pre-approved TIS PL Provider (issuer)
3.4.2.4	Sub-Procedure	The TIS PL partner shall analyse the request on the basis of the report of Notified Body, can ask for more detailed explanation to the provider and has to inform the applicant in case of any issue.
3.4.2.5	Step	The TIS PL partner issues the Pre-approval decision within a 4-month delay (starting from the transmission of Notified Body's report)
3.4.3	Step	<i>Suitability</i> for use procedure
3.4.3.1	Step	<i>Suitability</i> for use checks performed by the Notified Body (or the TIS PL Toll Charger of the affected Toll Domain for the first of the following checks) <ul style="list-style-type: none"> • technical suitability for use checked in each Toll Domain (in order to demonstrate that the complete service of the provider works properly in each Toll Domain).(in any case, the success of suitability tests is assessed by TCs) • contractual suitability for use with each TIS PL Toll Charger (in order to attest a full-coverage service, which implies that the TIS PL provider has enter into an Issuer Agreement with all Toll Chargers in the TIS PL domain)
3.4.3.2	Step	The Notified Body and/or the TIS PL Toll Charger sends the report to the applicant

3.4.3.3	Step	The applicant sends a request (including all the necessary reports) to the TIS-PL management to reach the TIS PL status of <i>approved TIS PL Provider</i> (issuer). This status results from the addition of both <i>pre-approval</i> procedure and <i>suitability</i> for use procedure.
3.4.3.4	Sub-Procedure	The TIS-PL management analyses the request on the basis of the reports provided, (and can ask for more detailed explanation to the provider) and has to inform the applicant if anything appears to be non compliant to TIS PL specifications
3.4.3.5	Step	The TIS-PL management issues the <i>Suitability</i> for use decision within a 4-month delay (starting from the transmission of Notified Body's report)
3.4.4	Step	The TIS-PL management issues, without any delay, the complete <i>Approval</i> decision
3.4.5	Sub Procedure	The list of approved TIS PL Issuers (providers) is updated (if necessary) by the TIS-PL management ("list keeping" procedure)

7. Settlement of disputes

7.1. Investigation in case of dispute or risk of dispute (requested by a single party)

7.1.1. Summary of the CESARE IV report D 2.2

In case of a dispute, any EETS stakeholder who suffers the consequences of a non compliant behaviour regarding EETS rules and common practices is offered the opportunity to require an investigation from the relevant Member State (generally performed by its EETS Legal Authorities) in order to ease and accelerate an agreement between the parties

This investigation procedure does not lead to any binding decision. The recommendations issued are consequently not subject to judicial review.

Procedure triggered by:		Any EETS stakeholder (mainly EETS Provider or Toll Charger)
Involved parties:		EP, TC, Notified Bodies (NB), NLA, Member State (MS)
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
4.1.1	Step	Request of an EETS stakeholder (Stakeholder 1) to Legal Authority to investigate on a non compliant behaviour of another stakeholder (Stakeholder 2) regarding EETS rules and common practices. (Stakeholder 1 sends this request to the NLA of Stakeholder 2). The plaintiff addresses a request to the NLA to implement the investigation procedure (the evidences must be attached to the request)
4.1.2	Step	The NLA analyses the evidences of the complaint and can ask for more detailed explanation to the plaintiff
4.1.3	Step	The NLA requests the Stakeholder 2, which non compliant behaviour has been underlined, to explain/justify his action/negligence and what kind of measure it would take to end the dispute or to avoid the risk of creating a dispute
4.1.4	Step	The EETS stakeholder 2 has one month to provide a satisfactory answer to the NLA.
4.1.5	Step	The NLA shall inform both stakeholders about its investigation and gives its opinion about Stakeholder 2 behaviour.

7.1.2. Crucial issues from the Decision

The Decision sets out in Chapter III Conciliation body how disputes between a Toll Charger and an EETS Provider should be handled. It is given that each member state with at least one EETS domain shall designate or establish a Conciliation Body in order to facilitate mediation between Toll Chargers with a toll domain located within its territory and EETS Providers which have contracts or are in contractual negotiations with those Toll Chargers. The Conciliation body shall 'issue its opinion on a dispute no later than six months after receipt for it to intervene'.

The CESARE IV report D 2.2 procedure Investigation in case of dispute or risk of dispute (requested by a single party) has a different scope than the mediation described in the Decision. The investigation procedure is triggered by any EETS stakeholder that requests an objective investigation from a National Legal Authority (NLA) concerning a non compliant behaviour of another EETS stakeholder. In this case it is not the service of mediation that has been requested but just a service of investigation or a third party viewpoint on the matter. The matter subject to investigation could be related to a TC – EP relationship, a TC – TC or EP – EP relationship or any other EETS stakeholders. Hence, this procedure is different in scope than the mediation described in the Decision and it may involve other actors than just one Toll Charger and one EETS provider.

7.1.3. How would this procedure be implemented in the EasyGo system

The table below shows how this report D 2.2 procedure is/could be implemented in the EasyGo. It should be noted that both the EasyGo Joint Venture Agreement and the EasyGo Issuer Agreement have defined how disputes shall be handled. However, the kind of investigation described in the CESARE IV procedure called investigation is apparently not covered by these agreements.

Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
4.1.1	Step	Request of an EasyGo stakeholder (Stakeholder 1) to an EasyGo management to investigate on a non compliant behaviour of another stakeholder (Stakeholder 2) regarding EasyGo rules and common practices. (Stakeholder 1 sends this request to the EasyGo management in the domain of Stakeholder 2). The plaintiff addresses a request to the EasyGo management to implement the investigation procedure (the evidences must be attached to the request).
4.1.2	Step	The EasyGo management analyses the evidences of the complaint and can ask for more detailed explanation to the plaintiff
4.1.3	Step	The EasyGo management requests the Stakeholder 2, which non compliant behaviour has been underlined, to explain/ justify his action/negligence and what kind of measure it would take to end the dispute or to avoid the risk of creating a dispute
4.1.4	Step	The EETS stakeholder 2 has one month to provide a satisfactory answer to the EasyGo management.
4.1.5	Step	The EasyGo management shall inform both stakeholders about its investigation and gives its opinion about Stakeholder 2 behaviour.

7.1.4. How would this procedure be implemented in the TIS PL system

It should be noted that the TIS PL Agreement and the Toll Charger / Issuer Agreement have defined how disputes shall be handled.

This procedure described in the CESARE IV report D 2.2 called “investigation” can be managed by the TIS-PL management which can ask a stakeholder to explain its position or action.

7.2. Existing schemes for judicial settlement of disputes (requested by a single party)

7.2.1. Summary of the CESARE IV report D 2.2

As part of IM role, existing schemes for judicial settlement of disputes are herein described, even if there aren't specific ones for EETS.

Indeed, WP02 has come to the conclusion that regarding Settlement of disputes, there was no need for a specific set of rules and institutions and that existing schemes are suitable for disputes related to EETS as they are for any other industry or sector.

Consequently, in case of a dispute which can't be solved by amicable settlement, any EETS stakeholder can bring proceedings against another EETS stakeholder before national or European courts, depending on the case, to seek a legal or equitable remedy.

In case of a contractual dispute, if anything is mentioned in the agreement, the law which will govern the dispute is defined by national law and by the international treaties and conventions (Brussels 1968, Roma 1980, etc.).

Procedure triggered by:		A request of any EETS stakeholder (mainly EETS Provider or Toll Charger)
Involved parties:		EP, TC, Notified Bodies
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
4.2.1	Step	Two EETS stakeholders have been unable to reach a common point of view (contractual or non contractual issue) (EP, TC, Notified Bodies). One of these stakeholders initiates proceedings against the other one in front of the relevant Court of Justice (national or European depending on the case)
4.2.2	Step	The court of Justice shall analyze the evidences of both parties and can ask for more detailed explanation to both parties
4.2.3	Step	Decision of the Court of Justice <ul style="list-style-type: none"> • in case of a prejudice, this procedure may lead to allocation of damages to the victim • in case of emergency, summary judgements are already included in the procedures before national courts of justice • experts and assessors may be appointed by the court of justice
4.2.4	Step	The legal remedy can include : <ul style="list-style-type: none"> • award of damages against a party • payment of a sum of money (conventional damages) • injunctive relief : order a party to do or refrain from doing something • rectification, setting aside or cancellation of a deed or other document.
4.2.5	Step	The decision of the court of justice binds the parties

7.2.2. Crucial issues from the Decision

The Decision holds no information on which procedures that should be followed in case the mediation procedure described in Article 11, Chapter III, fails.

However any stockholder should be entitled, pursuant to the European Convention on Human Rights, to sue any person who has caused it damage.

7.2.3. How would this procedure be implemented in the EasyGo system

The way to implement it in the EasyGo system will be the same as the one described in chapter 7.2.1.

7.2.4. How would this procedure be implemented in the TIS PL system

As mentioned herein above for EasyGo, the way to implement it in the TIS PL system will be the same as the one described in chapter 7.2.1.

7.3. Existing schemes for arbitration in case of amicable settlement of dispute (requested by both parties)

7.3.1. Summary of the CESARE IV report D 2.2

As part of IM role, existing schemes for arbitration in case of amicable settlement of dispute are herein described, even if there aren't specific for EETS.

Indeed, WP2 has come to the conclusion that regarding Settlement of disputes, there was no need for a specific set of rules and institutions and that existing schemes are suitable for disputes related to EETS as they are for any other industry or sector.

Arbitration, a form of alternative dispute resolution (ADR), is a legal technique for the resolution of disputes outside the courts, wherein the parties to a dispute refer it to one or more persons by whose decision (the "award") they agree to be bound. It is a settlement technique in which a third party reviews the case and imposes a decision that is legally binding for both sides.

Procedure triggered by:		Any “couple” of EETS stakeholders
Involved parties:		EP, TC, Notified Bodies (+NLA at case the arbitrator decision is subject to confirmation by a national court of justice in order to be enforced)
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
4.3.1	Step	Request to an arbitrator to act as an arbitrary of two or more EETS stakeholders who have been unable to reach a common point of view (contractual or non contractual issue). In case of cross border disputes, the arbitration procedure is the existing procedure in the MS where the dispute has to be solved according to the international law or as agreed by parties
4.3.2	Step	One or more arbitrator are designated by the parties and inform them on procedural matters : <ul style="list-style-type: none"> • mode of submitting (and challenging) evidence • time and place of any hearings • language and translations • disclosure of documents and other evidence • use of pleadings and/or interrogatories • the appointment of experts and assessors
4.3.3	Step	The arbitrator(s) shall analyze the evidences of both parties and can ask for more detailed explanation to the plaintiff
4.3.4	Step	The arbitrator(s) issue(s) its decision within a period of four (4) months; this period may be extended to six (6) months under exceptional circumstances or as agreed by parties. The arbitration decision can include: <ul style="list-style-type: none"> • award of damages against a party • payment of a sum of money (conventional damages) • the making of a “declaration” as to any matter to be determined in the proceedings • injunctive relief : order a party to do or refrain from doing something • specific performance of a contract • rectification, setting aside or cancellation of a deed or other document

7.3.2. Crucial issues from the Decision

The Decision holds no information on which procedures that should be followed in case the mediation procedure described in Article 11, Chapter III, fails.

7.3.3. How would this procedure be implemented in the EasyGo system

The way to implement it in the EasyGo system will be the same as the one described in chapter 7.3.1.

Settling of disputes between EasyGo stakeholders having signed the EasyGo Joint Venture Agreement (JVA) follows the Section 13 and 14 in the JVA (similar to Section 15 and 16 in the Issuer Agreement):

Section 13 – Governing Law

The JVA shall be construed in accordance with and shall be governed by the laws of Sweden.

Section 14 – Disputes

14.1 *Any controversy which may arise between one or more Parties towards one or more other Parties relating to the interpretation, validity, enforceability, performance or termination of this JVA (including, without limitation, any and all of the obligation provided herein) shall be submitted to arbitration pursuant to the rules of the Stockholm Chamber of Commerce. The arbitration proceedings shall take place in Stockholm, Sweden.*

14.2 *Before entering into the procedure indicated in the precedent sub-Section, each Party undertakes to give prompt notice to the other Party/ies of the claim, dispute or other matter in question arising out of, or relating to, the present JVA or a breach thereof and within thirty (30) calendar days following such notice, to conduct with all the Parties involved in the matter good faith negotiations with the aim of jointly and mutually settling the matter in ways that are reasonably satisfactory for all the Parties involved.*

7.3.4. How would this procedure be implemented in the TIS PL system

The way to implement it in the TIS PL system will be the same as the one described in chapter 7.3.1.

Settling of disputes between TIS PL stakeholders having adhered to the TIS PL Joint Venture Agreement (JVA) follows the Section 13 and 14 in the JVA.

Section 13 – Governing Law

The JVA shall be construed in accordance with and shall be governed by the French law.

Section 14 – Disputes

14.1 *Any dispute which may arise between one or more Parties towards one or more other Parties relating to the interpretation, performance or termination of this JVA, those Parties undertake to meet themselves within 2 months following a prior written notice issued by one of the Party to the others.*

14.2 *In case of failure of this conciliation procedure, Parties may submit the litigation/dispute to the Commission Télépéage.*

14.3. *In case of failure of this conciliation procedure, Parties may submit the litigation/dispute to the board of director of ASFA.*

14.4. *In the absence thereof amicable settlement within 12 months after receipt of written notice provided in section 14.1, the dispute shall then be submitted to the Commercial Court of Paris.*

7.4. Clarification of the EETS rules (on request of the parties or a jurisdiction or an arbitrator)

7.4.1. Summary of the CESARE IV report D 2.2

The clarification procedure is a mechanism aimed at enabling EETS stakeholders, arbitral tribunal or jurisdictions (national and European courts) to ensure uniform interpretation and application of that EETS rules in all the Member States

Procedure triggered by:		EETS stakeholder (EP, TC, MS) or a jurisdiction or an arbitrator
Involved parties:		EC Commission, CGLA, TC Advisory forum (TCAF), EP Advisory forum (EPAF), NLAs, EP, TC, Standardisation bodies (SB), Notified Bodies (NB), Coordination Group of Notified Bodies (CGNB)
Short description of the procedure (actions in chronological order)		
ID	Simple step or Sub-Procedure	Short description
4.4.1	Sub-Procedure	The EETS stakeholder or court of justice (in case of judicial settlement) or arbitrator puts the need of clarification of EETS rules to its NLA
4.4.2	Step	The NLA analyses the request and can ask for more detailed explanation to the plaintiff and can establish a dialogue mainly with CGLA, and if necessary with CGNB and SB and EPAF/TCAF
4.4.3	Step	The NLA within 2 months, gives its recommendation and make it public available

7.4.2. Crucial issues from the Decision

There is an obligation in the Decision that 'The national Conciliation Bodies shall exchange information about their work, guiding principles and practices' (paragraph 5. in Article 11 in Chapter III).

7.4.3. How would this procedure be implemented in the EasyGo system

The procedure is not so relevant for the EasyGo system since all stakeholders are bound to the EasyGo service via the Joint Venture Agreement and Issuer Agreement ensuring uniform interpretation and application of the EasyGo rules in Sweden, Denmark and Norway. The daily operation of EasyGo as well as the EasyGo management also ensures uniform interpretation and application of the EasyGo rules. However, it could also be implemented as described in chapter 7.4.1 by replacing the NLA with the relevant EasyGo Partner and the CGLA with the EasyGo management and in special cases, the EasyGo Steering Committee.

7.4.4. How would this procedure be implemented in the TIS PL system

Since TIS PL concerns solely the French motorway network, this procedure is not so relevant.

ANNEX 1: Glossary and abbreviations

Glossary

The following Terms are used in the document:

Term	Definition
Certification	<p>In the directive and the draft decision this word refers to all compliance checks with EETS rules, for all stakeholders and equipments. Regarding the vocabulary, the present report is more specific:</p> <ul style="list-style-type: none"> • Equipments (including OBE and RSE) are “Certified” • EETS Providers are “Approved” • Toll Chargers are “Qualified” • Notified Bodies are “Appointed”
Coordination Group of EETS National Legal Authorities	An (unofficial) group that gathers the authorities in charge of EETS in each MS.
EETS Service Provider (EP)	A legal entity (or group of legal entities) providing the European Electronic Toll Services (EETS) on one or more toll domains to Service Users, for one or more categories of vehicles.
Enforcement	The process of compelling observance of a law, regulation, etc. (EN ISO 17573).
EETS toll transaction	The data describing the charged road use concluded by the Toll Charger according to national and local law taking into account the toll declarations.
Interoperability	The ability of systems to provide services to and accept services from other systems and to use the services so exchanged to enable them to operate effectively together (EN ISO 17573).
Notified Body	Body in charge of certain parts of the equipments and stakeholders certification/qualification/approval
National Legal Authorities	(Refer to D2.1) The government of each MS, its national court of justices, and any kind of legal national power. These authorities are in charge of implementing the EETS rules in the MS. Each MS sends representatives to the CGLA
On-Board Equipment (OBE)	Equipment fitted within or on the outside of a vehicle and used for toll purposes.
Role	<p>Identifier for a behaviour, which may appear as a parameter in a template for a composite object, and which is associated with one of the component objects of the composite object.</p> <p>Roles defined in the European Electronic Service: Interoperability Manager (IM), Toll Charger (TC), EETS Provider (EP) and Service User (SU).</p>

Term	Definition
Service User (SU)	A generic term used for the customer of an EETS Provider, one liable for toll, the owner of the vehicle, a fleet operator, a driver etc. depending on the context (EN ISO 17573).
Toll	A charge, a tax, a fee, or a duty in connection with using a vehicle within a toll domain (EN ISO 17573).
Toll Charger (TC)	A legal entity (or group of legal entities) in charge of the Toll Charging role, including amongst others, the operation of toll domains, collection of tolls and enforcement tasks.
Toll Context Data	The information defined by the responsible Toll Charger necessary to establish the toll due for circulating a vehicle on a particular toll domain and conclude the toll transaction. Toll Context Data have to be provided in case of both DSRC and GNSS based systems
Toll Domain	An area or part of a road network where a toll regime is applied (EN ISO 17573).

Abbreviations

The following abbreviations can be used in this document.

CEN	Comité Européen de Normalisation
CESARE	Common Electronic Fee Collection System for a Road Tolling European Service
CGLA	Coordination Group of EETS Legal Authorities
CGNB	Coordination Group of Notified Bodies
CtTp	Comité Télépéage
DSRC	Dedicated Short Range Communications
EFC	Electronic Fee Collection
EETS	European Electronic Tolling Service
EP	EETS Provider
EPAF	EETS Providers Advisory Forum
ETC	Electronic Toll Collection
ETSI	European Telecommunication Standardization Institute
GNSS	Global Navigation Satellite Systems
GPS	Global Positioning System
GSM	Global System for Mobile Communications
HGV	Heavy Goods Vehicle
IM	Interoperability Manager (EETS Interoperability Manager)
ISO	International Organization for Standards
NB	Notified Body
NLA	National Legal Authorities
OBE	On-Board Equipment
RSE	Road Side Equipment
SU	Service User (EETS Service User)
SB	Standardization Bodies
TC	Toll Charger (EETS Toll Charger)
TCAF	Toll Chargers Advisory Forum
UMTS	Universal Mobile Telecommunications System

ANNEX 2: Overview of EasyGo

Background

The NORITS project was initiated by the Nordic Road and Transport Authorities⁵ and some of the main regional EFC operators. There was a feasibility study in early 2004 and as the study concluded with that there was a need for Nordic EFC interoperability the project NORITS was formally launched in 2004. The following four main partners signed an agreement to carry out the NORITS project:

- Norwegian Public Roads Administration (NPRA)
- Swedish Road Administration (SRA)
- Sund & Bælt Holding AS (S&B)
- Øresundsbrosortiet (ØK)

There was also a link between the NORITS project and ASECAP as Sund & Bælt is a member of ASECAP and the Norwegian tolling umbrella organisation Norvegfinans, being a member of ASECAP, also takes a seat in the NORITS Steering Committee. Hence, there was a close link between the NORITS project and ASECAP already from the start of the project.

The project has been active since 2004 with specification work, implementation and testing. In March 2007 year the project achieved its first main goal and an interoperable Nordic EFC toll service was offered to the EFC users of Denmark, Sweden and Norway – the EasyGo service.

The vision of the NORITS project was:

One Contract - one OBE - one invoice - multiple transport services across border

The vision is very close to the vision of the EU Commission Directive on interoperable EFC service or European Electronic Tolling Service (EETS) as it is now being called.

The User is in the focus having one contract, one OBE and one invoice from the Issuer. This enables the User to benefit from several transport services and only receiving one invoice.

The interoperable EFC service

A new Nordic EFC tolling service has so far been the main outcome of the NORITS project. The new interoperable EFC service has been called EasyGo. From March 2007 it has been offered in the EFC systems shown in on the map in Figure 4.



5 Sweden, Denmark and Norway

The transport services implemented so far are tolling of infrastructure like roads, tunnels, bridges and road network in urban areas as well as ferries. In the future one expects additional services to join the project, e.g. Parking, Access control and Road User Charging. It is also foreseen that IC-cards used for tolling may also be used for Public Transport where the IC-card is just a payment medium like an OBE linked to a central account, - for example a Travel account.



Figure 4: The EasyGo domain

The EasyGo service covers the following main issues:

- Any customer using an OBE issued by a EasyGo issuer can use it to pay at any operator offering the EasyGo service
- EasyGo will from the start include toll roads, parking and ferries
- The service is automatically available to all present and new users
- The development of EasyGo service has been done in accordance with the EU Directive on EFC and coordinated with on-going European Research & Development and standardization work.

The EasyGo service is based on a fundament of experience from many years of EFC operation as well as results from European EFC projects:

- Agreements, contracts and architecture are based on CESARE II principles
- EasyGo is developed without changes to legislation in any of the three countries
- Different EFC transaction protocols are used, i.e. AutoPASS and PISTA I
- It is possible to establish regional systems that may be integrated later (also in a European context)
- Local transactions are handled within each region
- The concept allows a dynamic growth across geographical borders and modes of transport

The EasyGo roles

Within WP 1 in CESARE III, a basic model was designed in order to give a general overview of the EETS. In this basic model, four Roles are identified as being part of an interoperable EETS service. The same roles are found in the EasyGo EFC service.

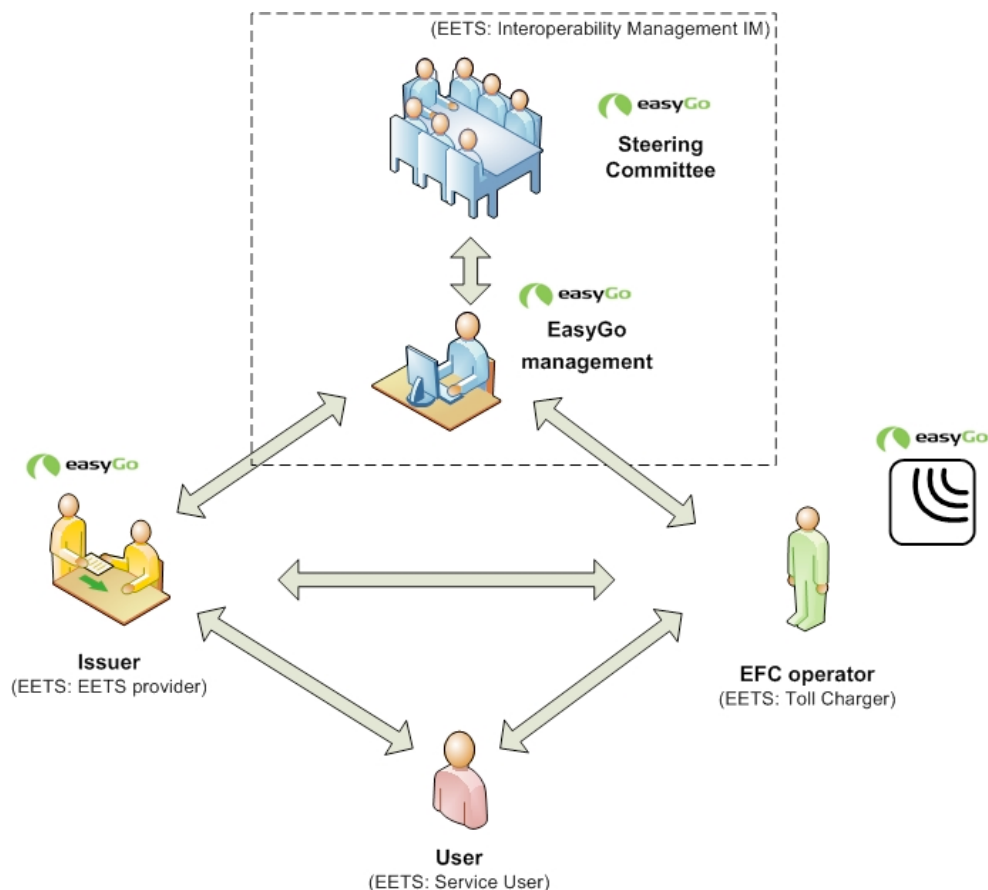


Figure 5: The role model for the EasyGo service

ANNEX 3: Overview of TIS PL

Background

The TIS-PL project was initiated by the French motorway concessionaires in order to implement an interoperable system dedicated to HGVs. The main landmarks are:

- the TIS-PL project was officially launched in September 2004;
- the MoU defining the main principles, contractual rules and requirements of the TIS-PL system was signed by the French motorway concessionaires in November 2005;
- the TIS-PL service is offered to the EFC users since January 2007.

The TIS-PL project comes within the scope of the EC Directive n°2004/52/CE of 29 April 2004 which lays the basis of a European electronic toll collection system.

The TIS-PL principles are closely related to the CESARE II key rules and conform to the CESARE III model.

The interoperable EFC service

The interoperable EFC service offered to the Users can be defined with the following items:

- a single OBU which can be used as a mean for the payment of tolls in the EFC lanes of the TIS-PL concessionaires;
- a single contract for the TIS-PL service, signed with an agreed Issuer (the agreement is delivered to the Issuer after verifying his financial and technical ability to operate as a TIS-PL Issuer);
- a single invoicing process for several motorway services having different TIS-PL concessionaires charging the toll (for the TIS-PL is a national EFC system, a single invoice meets the objective of an easy invoicing process to the Users. If TIS-PL services subject to VAT should be provided in other countries they would then be taxable in these other countries and one invoice per country should be issued in order to make the VAT recovery process easier).

At the moment, the domain of the TIS-PL service is national. However, it is not limited to France provided that all rights and duties coming within the Contractual Joint Venture agreement between concessionaires are fully accepted.

Considering how the business is operated at the moment only motorway services can be paid with a TIS-PL OBU, but any issuer is allowed to increase the scope of its OBUs to the payment of other services (like HGVs parking areas for example), provided that the TIS-PL data will suffer no damage from the non TIS-PL data registered in the OBU or from the non TIS-PL data exchanges.

The TIS PL roles

The four Roles identified within CESARE III as being part of an interoperable EETS are also used in the TIS-PL.

a. The Toll Charging Role handled by the TIS-PL concessionaires (Toll Chargers).

The key step to an interoperable EETS is the signature of a contractual joint venture agreement between the Toll Chargers.

According to this agreement, the TIS-PL Toll Chargers commit themselves to install interoperable equipments on their network, in order to be able to accept and recognize clients from any agreed issuer (i.e. an issuer whose financial ability complies with the financial TIS-PL requirements and who issues OBUs meeting the technical TIS-PL specifications).

To the EETS Users, TIS-PL Toll Chargers provide the motorway service and are responsible for the provision and the quality of the motorway services. The Toll Chargers also hold all responsibilities regarding the toll rate fixing and the definition of reduced prices programs (see infra for the role of issuers regarding reduced prices programs).

b. The EETS Provision Role handled by the agreed issuers (EETS Providers).

The first step to become a TIS-PL issuer is to be agreed by the Commission de Télépéage. The agreement procedure is devoted to verify that:

- the OBUs proposed by the issuer are certified (i.e. comply with the TIS-PL technical requirements);
- the registration and exchange of data conforms to the TIS-PL technical requirements;
- the financial ability of the issuer meets the TIS-PL financial requirements (i.e. the issuer must be able to take in charge the insolvency risk (in case of non payment of tolls)).

Therefore, to be allowed to offer the clients the TIS-PL service, the issuer has to conclude bilateral contracts with each TIS-PL Toll Charger. According to these contracts, the Toll Chargers will accept on their networks the OBUs issued by the Issuer and will empower the Issuer to invoice the clients for the tolls and to collect the tolls from the clients. The Issuer is in charge of collecting:

- on the account of the operator the tolls for the motorway service provided by the Toll Chargers (and it must be underlined that the Issuer is in charge of the insolvency risk (in case of non payment of tolls);
- on its own account: the price for the interoperability service it provides to the clients

In case reduced prices programs depend on a special subscription, any Issuer may be empowered by the Toll Chargers to propose this subscription to its clients, in order they can benefit from reduced prices for the motorway services. But this subscription is only proposed by the Issuer to its clients in the name and on behalf of the Toll Chargers (the Issuer is never allowed to propose these reduced prices programs in its own name). For the services provided to the Toll Charger and to the clients, the contribution due to the Issuer is:

- partly paid by the Toll Charger (as a fee due for the invoicing process managed on its behalf and for the payment guarantee, i.e. the insolvency risk);
- partly paid by the clients for the provision of the interoperable service

c. The Service Usage Role given to the TIS-PL clients (Service User).

Each TIS-PL client has to sign a contract with the Issuer in order to be provided with the interoperable service. At the same time, the client may also have the opportunity to subscribe to a reduced prices program proposed by the Toll Charger through the Issuer. Therefore, as well as the client is provided by the Toll Charger with the motorway service, he may also contract:

- with the Issuer for the interoperable service;
- with the Toll Charger (through the Issuer) for the reduced prices program

d. The Interoperability Management Role handled by the Commission de Télépéage

The Commission de Télépéage is in charge of:

- certification of new equipment, both road-side equipment and on-board units;
- agreement of new Issuers or extension of agreement for agreed Issuers using new equipment;
- examination of application for membership to the contractual joint venture coming from new Toll Chargers;-
- general examination of any subject related to TIS-PL (contractual or technical)

ANNEX 4: Validation of the IM related procedures and functions

The following table is part of the activity dedicated to the validation of the IM related procedures and functions defined in WP 01 and WP 02. It cross-checks the Articles and Annexes from the Commission Decision with the functions and procedures described on D2.2.

n. a.: not applicable



www.cesareiv.eu

Concept & Design
www.McGRAPHIS.it - Roma