

EN
E-002426/2019
Answer given by Ms Bulc
on behalf of the European Commission
(16.10.2019)

Portugal has opted for a distance based charging system for cars, light-duty vehicles and heavy goods vehicles. It has introduced also an electronic tolling system, although, on most motorways manual payment remains possible. Unlike the time-based charging (vignettes) still present in some other EU Members States, this type of road charging represents in the view of the Commission the right basis for ensuring that principles of proportionality and non-discrimination are respected.

Without prejudice of the specific rights and obligations of European Electronic Toll Service (EETS) providers and users pursuant to Directive 2019/520/EU, if the provider of the toll system can be qualified as a trader under EU consumer law¹, the provider is obliged to provide clear and comprehensible information before the payment is made, for instance on the main characteristics of the service, the total price and the arrangements for payment and performance. If the trader uses unfair contract terms within the meaning of Directive 93/13/EEC² which do not reflect national legislation, those contract terms will not be valid. In the event of breaches of consumer legislation, affected consumers may contact the competent national authorities and use the remedies available under national law.

So far, the Commission has not received any complaints in relation to the way electronic tolling is being implemented in Portugal. If necessary, the Commission will contact the Portuguese authorities in order to obtain all available information on the matter described.

The recently adopted recast Directive³ on electronic tolling will start to apply in all Member States as of 19 October 2021. The main objective of this legislation is to achieve EU wide interoperability while increasing the efficiency of operations. Ultimately users of both trucks and cars should be able to pay tolls wherever they go in Europe with one single on-board unit.

¹ In particular, Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council, OJ L 149, 11.6.2005, p. 22–39.

² Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, OJ L 95, 21.4.1993, p. 29–34

³ Directive (EU) 2019/520 of the European Parliament and of the Council on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees