

Mrs. Adina Vălean
European Commissioner for Transport
European Commission
Rue de la Loi 200
1040 Brussels
BELGIUM



By email

AD/BR1049458/RMA

Brussels, 4 October 2021

The operation of the Polish e-TOLL road user charging system

Dear Commissioner Vălean,

On 1 October 2021, the new Polish e-TOLL Collection System became the only toll system in operation in Poland although the e-TOLL System is not ready to be largely deployed.

IRU is deeply concerned that tens of thousands of EU and non-EU transport operators will be penalised without a chance to comply with the new system. Imposing a dysfunctional toll system hinders transport operators' freedom to provide services and move goods. We call for your immediate support and dialogue with the Polish Government to suspend the application of the e-TOLL System until dysfunctions are remedied.

Over the last few months, IRU and its member associations across Europe have been actively informing road transport operators about what is required to make the switch from the incumbent toll system in Poland, ViaTOLL, to the e-TOLL System. Despite these efforts, IRU's member associations from EU and third countries, i.e., from Germany, the Czech Republic, Estonia, Hungary, Romania, the Netherlands, Russia, Ukraine and Belarus, have reported a great number of complaints from hauliers which were unable to make the switch due to e-TOLL System dysfunctions. The main challenges or dysfunctions are the following:

- *Difficulty to access the online portal.* Setting up an account on an online portal is one of the three possibilities to register to the e-TOLL System. According to the official e-TOLL information, it should be possible for transport operators to activate accounts remotely. Our member associations have received numerous complaints because of transport operators' impossibility to activate accounts remotely.
- *Insufficient Customer Service Points.* Registration at Customer Service Points is the second of the three possibilities to register to the e-TOLL System. However, hauliers from several European countries, and in particular from non-EU countries, have reported an insufficient number of Customer Service Points. For example, IRU has been informed that there is not one single Customer Service Point at the Polish-Belarusian border.
- *Registration via fleet card companies remains challenging.* Very recently this was announced as a third possibility to register. However, a great number of transport

operators have tried this option but had to acknowledge that this option has only been activated at a very late stage.

- *Insufficient on-board units to connect with and make payments in the e-TOLL System.* Even where companies have successfully managed to complete the registration process, serious challenges are encountered due to the lack of availability of in-vehicle equipment necessary to pay the toll. On-board units in the vehicle are one of the two options that the e-TOLL System provides to make toll payments. However, this possibility is largely theoretical since hundreds of European hauliers have complained to IRU member associations about the lack of availability of on-board units with the listed providers. Lead times of up to two months are given before on-board units can be delivered. Complaints about the high costs of such units have also been received. Fleet card companies have informed the IRU that only 100 on-board units can be activated per hour by the e-TOLL System with a current waiting list of 50,000 units. IRU notes that all EU Member States using electronic tolling systems work with on-board units for transport companies because this is still the most practical way to pay for tolls. Hence, availability of on-board units is critical for a functional e-TOLL System.
- *Payments via smartphone applications are not adequate and do not work.* As an alternative payment to the on-board units, the Polish e-TOLL System provides the possibility for professional drivers to pay the toll with a smartphone application available on Apple and Android. Regarding this payment method, firstly please note that Directive (EU) 2015/413 on facilitating cross-border exchange of information on road-safety-related traffic offences considers the use of mobile phone devices while driving a road safety-related traffic offence. In addition, please note that not all drivers have smart phones and often drivers' smart phones are personal. The payment due by a transport operator should not be dependent on drivers' personal belongings and personal space.
- *Deferred payment through fleet card operators has been rendered impossible.* Deferred payment through the fleet card system was transferred to one entity. This has negative consequences for users because the use of the deferred payment channel through fleet card operators, which is widely used in many toll systems in Europe, has been blocked.

The challenges above did not allow a great number of European transport operators to be ready for the end of the ViaTOLL system on 1 October 2021. This will cause widespread unintended failures to register and make payments in the e-TOLL System. Consequently, it will expose transport operators to undeserved sanctions and hinder their freedom to provide services and move goods.

The Polish Chief Tax-Customs Service acknowledged some of the issues in a [letter sent to the Polish Ombudsman for Small and Medium-sized Enterprises](#) on 1 October 2021. The letter comprises a statement according to which fines will not be imposed for some infringements during an (undefined) "initial" period. The letter remains vague and leaves massive concerns on the actual practicality of a "penalty waver". To our knowledge, the letter has not materialised in any official instruction to enforcement authorities, which perpetuates legal uncertainty and concerns for undeserved sanctions.

IRU calls on your intervention to persuade the Polish Government to suspend the e-TOLL System until dysfunctionalities are remedied. IRU remains available to discuss this issue with you and your competent services and is prepared to continue to provide support in keeping transport operators informed on how to prepare to comply with the e-TOLL system.

Yours sincerely,



Raluca Marian
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