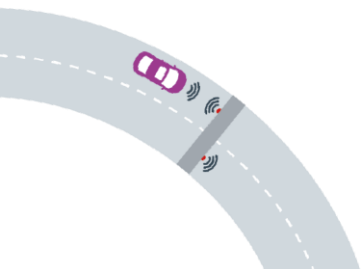


# M50 Toll Domain Statement



# M50 Toll Domain Statement

## 1. GENERAL INTRODUCTION

### 1.1 Introduction

This document is intended solely for European Electronic Toll Service (EETS) Providers in the context of the EETS Decision of the European Commission 2009/750/EC. The purpose of this Toll Domain Statement is to set out the general conditions for EETS Providers for accessing the M50 toll domain. This Toll Domain Statement does not constitute an offer to enter into an agreement. Transport Infrastructure Ireland (TII) reserves the right to make changes to the requirements listed below at any time.

### 1.2 Interoperable Electronic Tolling Collection in Ireland

In conjunction with delivering a state-of-the-art motorway network in Ireland, the National Roads Authority (NRA), operating under the name TII, has supported Electronic Toll Collection (ETC) on all Irish roads and full national interoperability for all ETC Service Users across that network. This proactive approach has benefitted Irish road users by improving traffic flows, reducing congestion and improving road safety across the national road network.

There are currently ten toll roads on the national network and one on the local network. Eight of these toll roads have been funded using Public Private Partnership (PPP) and the associated tolling facilities are maintained and operated by the PPP concessionaires. Two of the facilities, M50 and Dublin-Tunnel, are operated under contract on behalf of TII. In addition, the East-Link bridge is operated by Dublin City Council (DCC). All toll facilities incorporate ETC as a means of toll payment.

In addition, TII established, and continues to manage, the provision of Interoperability Management Services (IMS) as an interoperability hub to facilitate national interoperability. This IMS is operated under contract on behalf of TII by the Interoperability Management Service Provider (IMSP).

The National interoperability stakeholders comprise:

- Environment Management: TII provides this environment management structure by procuring the IMS;
- IMSP: The Interoperability Management Service Provider, providing the IMS under contract to TII;
- Toll Chargers (TCs): entities charged with operating the toll roads and authorised to collect tolls, including the PPP concessionaires, TII and DCC; all accept ETC as a payment method on their facilities. Please note that where the term TC is used in

# M50 Toll Domain Statement

this Toll Domain Statement, this may be taken to mean TII as owner of the M50 toll road or the operator of the M50 toll road as procured by TII;

- Toll Service Providers (TSPs): The entities that issue tags and manage ETC Service User accounts. They consist of PPP concessionaires, TII (via eFlow) and two independent tag service providers (Easytrip and ParkMagic); and
- Service Users: These are the ETC Service Users who have registered for an account with the TSP. There are number of agreements that form part of the Irish interoperability system and that, under normal circumstances<sup>1</sup>, parties are required to sign up to. These agreements are as follows:

<b>Interoperability Framework Agreement (IFA)</b>	Terms and Conditions for entities who register as TSPs and TCs; Data Exchange requirements; Interoperability rules; and New Entrant Suitability for Use Procedures
<b>Toll Collection Agreement (TCA)</b>	Commercial terms between parties, including collection fee; Responsibilities of respective parties; and Arrangements for the administration and settlement of payments between TCs and TSPs.
<b>Supplemental Agreements</b>	Other agreements as may be necessary / advised

Registration as a TSP within this national interoperability scheme is a pre-requisite for any entity who wishes to offer the services of a TSP in Ireland. The terms and conditions for such registrations are provided on a non-discriminatory basis. Further detail of the process for a new TSP entering the Irish national interoperability scheme is described in Section 4.

Further details of the national interoperability agreements are available from:

Transport Infrastructure Ireland,  
Head of Tolling Operations,  
Parkgate Business Centre,  
Parkgate Street,  
Dublin 8,  
D08 DK10

## 2. PROCEDURAL CONDITIONS

### 2.1 Toll Transaction Policy

#### 2.1.1 Geography subject to the toll or charge

# M50 Toll Domain Statement

Section	Notes
<b>The legal basis by which a toll/charge can be levied by the Scheme</b>	Bye-Laws for the M50 (between Junctions 6 and 7) made pursuant to the Roads Act 1993 (as amended). Bye-Laws of the M50 can be found at: <a href="http://tii.ie/roads-tolling/tolling-information/statutorynotices/">tii.ie/roads-tolling/tolling-information/statutorynotices/</a>
<b>The overall area to which the Scheme applies</b>	M50 (between Junctions 6 and 7)
<b>Charged roads/infrastructure</b>	M50

## 2.1.2 General description of the transaction creation

A transaction is created for each vehicle that passes through the toll point charge. The following summarise the creation of a transaction:

- The M50 is a free-flow single point charge which uses a combination of Dedicated Short Range Communication (DSRC) beacons and Automatic Number Plate Recognition (ANPR) cameras to capture the passage of vehicles.
- A vehicle passage is detected through either the beacons interacting with an OnBoard Unit (OBU) contained within the vehicle or the vehicle's Licence Plate Number (LPN) captured by the ANPR cameras.
- Vehicles equipped with an OBU are classified using the data contained within the Consolidated ETC White List<sup>2</sup>, while non-OBU vehicles are classified by checking with the National Driver and Vehicle File (NVDF<sup>3</sup>).
- If there is a discrepancy in classification identified by the Service User, the transaction may be disputed and further evidence (such as photographs of the vehicle) may be used to ensure the Service User is correctly charged.
- The system will check if the transaction is a valid passage. Each OBU holder is able to carry out a transaction if that OBU is on the TC's valid issuer list<sup>4</sup> and not on the Consolidated Black List.
- OBUs and Roadside Equipment (RSE) must be encoded with authentication and access keys provided by the IMSP in order for the OBU to be processed.
- Charging and Enforcement Information (CEI) files are generated upon passage of the vehicle. The CEI files contain information regarding the vehicle passage required for the charging of a toll. • The IMSP will consolidate the CEI files from each interoperable TC and will create consolidated CEI files for each TSP, detailing all the transactions completed by each of its Service Users on the different toll points.
- The IMSP will generate settlement statements based on the charging information received, setting out the total amount of toll revenue that the TSP owes the TC for the settlement period. The settlement period is to be agreed between the TC and TSP<sup>6</sup>.

# M50 Toll Domain Statement

- TCs will issue invoices to the relevant TSPs on the basis of the IMSP settlement statement less any service charges as documented in the TCA between each TC and TSP.
- Payment may be demanded from the Service User by alternative means (i.e. treated as unregistered) should the OBU details: a) not appear on a valid consolidated white list, b) appear on both the consolidated white list and the consolidated black list at the same time, c) not be recognised by the toll system for reasons other than a) or b) above.

## 2.1.3 Toll context data

This section sets out more detail on the tolls that Service Users have to pay to use the TC's domain.

## 2.1.4 Nature of toll or charge

Section	Notes
<b>Charging days</b>	All days of the year are tolled.
<b>Charging hours</b>	The same toll rates apply throughout the whole day without any differentiations between different hours of the day or between weekdays and weekends
<b>Summary of how the charge is calculated</b>	The M50 toll is a point charge based on vehicles passing through toll gantries. The toll rates applied are set by TII in accordance with the M50 ByeLaws. These stipulate the Base Tolls which can be adjusted annually considering changes in the Consumer Price Index. A list of the tolls will be published in a national daily newspaper before the 1st January of the relevant year.

## 2.1.5 Standard road user charges payable

Tolls vary according to vehicle class and different charges apply according to whether a vehicle is unregistered or registered. Furthermore, charges vary depending on whether registered Service Users OBU or video registered.

The different applicable charges are:

Pricing table-prices valid from 1st January 2021

# M50 Toll Domain Statement

Vehicle type	Class	ETC Tag registered	Non-ETC Video registered	Non-ETC Nonregistered
<b>A motor car or public service vehicle with seating for up to 8 passengers</b>	Class 1	€2.10	€2.70	€3.20
<b>A goods vehicle with an unladen vehicle weight not exceeding 2,000kg</b>	Class 2	€3.00	€3.50	€4.10
<b>A Bus or coach with seating for more than 8 passengers</b>	Class 3	€3.00	€3.50	€4.10
<b>A goods vehicle with an unladen weight exceeding 2,000kg but not exceeding 10,000kg</b>	Class 4	€4.40	€4.90	€5.40
<b>A goods vehicle with an unladen weight exceeding 10,000kg</b>	Class 5	€5.40	€6.00	€6.50
<b>Tractor units for articulated vehicles</b>	Class 6	€5.40	€6.00	€6.50

## 2.1.6 Eligibility and exemptions

All the vehicles are subject to toll payment except the following categories explicitly specified below:

1. Motor Cycles.
2. Ambulances and Fire Brigade Vehicles.

# M50 Toll Domain Statement

3. Vehicles used by members of the Garda Síochána or Defence Forces in the performance of their duties as such members.
4. South Dublin County Council's Goods Vehicles used in the performance of the functions and duties of South Dublin County Council.
5. Fingal County Council's Goods Vehicles used in the performance of the functions and duties of Fingal County Council.
6. Vehicles used by the Road Operator, or any person appointed to operate and maintain the M50 Motorway, in the performance of duties in relation to the M50 Motorway.
7. Specially adapted vehicles driven by disabled persons approved by the [Disability Toll Exemption Scheme](#).

## 2.1.7 Procedure where payment is not made

Section	Notes
<b>Time limit for compliance</b>	Tolls for unregistered Service Users must be paid during the Initial Default Period, which means by 8pm the day after passage through the toll point.
<b>Penalty charge or fine levels</b>	Where the Initial Default Toll payable is not paid before the expiry of the Initial Default Period, the unregistered Service User shall thereupon be liable to pay the Additional Default Toll applicable to the vehicle class. Details of Additional Default Toll applicable are contained in the M50 Bye-Laws which can be found on: <a href="http://tii.ie/roadstolling/tollinginformation/statutory-notice/">tii.ie/roadstolling/tollinginformation/statutory-notice/</a>
<b>Penalty charge or fine processes</b>	If a payment is not made by the Initial Default Period, an enforcement process (as outlined in the eFlow Business Rules) is initiated. This process describes a timeline for escalating actions if a payment remains unpaid. This process can transfer to an Enforcement Service Provider and can end in court proceedings. More details on this process can be found on: <a href="http://eflow.ie/helpguidance/faqs/penalties/ive-missedthe-payment-de/">eflow.ie/helpguidance/faqs/penalties/ive-missedthe-payment-de/</a>

# M50 Toll Domain Statement

<b>Channels and payment means for penalty charges or fines</b>	Once the enforcement process has been initiated, the unregistered Service User needs to pay the Additional Default Toll applicable. Further details on channels and payment means for penalty charges or fines can be found on: <a href="http://eflow.ie/helpguidance/faqs/penalties/ive-missedthe-payment-de/">eflow.ie/helpguidance/faqs/penalties/ive-missedthe-payment-de/</a>
--	---

## 2.1.8 White, black and grey lists

The mandatory content, schedule and update frequency for both the ETC White and Black List according to the Irish national interoperability scheme are detailed in the following table:

List		Content		Update	
Type	Tag Name	Full Name	Comment	Field Type	Frequency
White	<ul style="list-style-type: none"> <li>cm</li> <li>obu</li> <li>vc</li> </ul>	Context Mark OBU	Unique issuer identifier  Unique OBU identifier	nvarchar(25) nvarchar(25)	Twice Daily at 10:00 and 16:00
	<ul style="list-style-type: none"> <li>vm</li> </ul>	Vehicle Class Vehicle Registration Number	Universal class Vehicle licence plate	integer nvarchar(100)	
Black	<ul style="list-style-type: none"> <li>cm</li> <li>obu</li> <li>rs</li> </ul>	Context Mark OBU Reason	Unique issuer identifier Unique OBU identifier Reason code for black listing	nvarchar(25) nvarchar(25) nvarchar(256)	Hourly

The M50 system also provides an ETC Grey List for tags belonging to pre-paid eFlow accounts which can indicate “low balance” to the Service User. However, in the context of another TSP operating on the M50 toll road, the Consolidated ETC Grey List has no value as, unlike other toll roads, it is not possible to provide an indication to the Service User of the low balance as they pass through the toll point. For completeness, the following table details the mandatory content, schedule and update frequency for the ETC Grey List.

List		Content		Update	
Type	Tag Name	Full Name	Comment	Field Type	Frequency



# M50 Toll Domain Statement

<b>Grey</b>	<ul style="list-style-type: none"> <li>• cm</li> <li>• obu</li> <li>• rs</li> </ul>	Context Mark OBU Reason	Unique issuer identifier Unique OBU identifier Reason code for grey listing	nvarchar(25) nvarchar(25) nvarchar(256)	Hourly
-------------	---	----------------------------------	---	---	--------

## 2.2 Procedures and Services Level Agreement

Section	Notes
<b>Standards and specifications</b>	<p>As set out in the IFA and as may be updated by the IMSP. These currently include:</p> <ul style="list-style-type: none"> <li>• EU General Data Protection Regulation 2016/679</li> <li>• Data Protection Act 2018</li> <li>• ISO 17575 – Electronic Fee Collection</li> <li>• Roads Act 1993</li> </ul> <p>The roadside ETC transaction protocols used by the IMSP are:</p> <ul style="list-style-type: none"> <li>• A1</li> <li>• CESARE</li> <li>• TIS</li> </ul>
<b>Frequency of updates</b>	Service Users are to be issued with updates, such as increases in toll rates, to allow for sufficient time for the Service User to become aware of any changes and respond accordingly.
<b>Toll charge accuracy</b>	The TSP is responsible for ensuring that any issues with ETC charging are addressed as soon as reasonably possible. Where the TC deems that the TSP is not resolving issues related to toll charge accuracy <sup>7</sup> in reasonable timeframe, they may initiate dispute procedures as outlined overleaf. If deemed necessary accuracy percentages are to be agreed bilaterally and documented in the TCAs between the parties
<b>Operational availability performance</b>	Each TC, TSP and the IMSP has obligations under the IFA with respect to the transfer of interoperability-related files. Further operational availability performance requirements may be set out in the TCA.
<b>Other KPIs</b>	To be agreed bilaterally and documented in the TCAs that are agreed between the parties.
<b>Service level agreements</b>	Service level agreements for TCs and TSPs are set out in the IFA and the relevant TCAs.

# M50 Toll Domain Statement

<b>Service level penalties</b>	To be agreed bilaterally and documented in the TCAs between the parties.
<b>Dispute procedure</b>	<p>A disputes resolution procedure relating to interoperability is set out in the IFA. A further dispute procedure is included in the TCA.</p> <p>Under the IFA, all parties are expected to cooperate in good faith with each other. Any technical or operational issues arising shall first be referred to the TC’s and TSP’s representatives who shall endeavour to resolve the issue. If such issue fails to be resolved within 20 working days of the issue arising, then disputes will be resolved by an Independent Expert with reasonable knowledge of the field.</p> <p>If any party in the dispute is dissatisfied with the decision of the Independent Expert, they may commence arbitration in respect to the dispute.</p> <p>Separately, with respect to the EETS, the National Transport Authority of Ireland, under European Commission Decision 2009/750/EC, has been appointed as the National Conciliation Body for Ireland. Further information on the National Conciliation Body can be found at:  <a href="https://www.nationaltransport.ie/wpcontent/uploads/2011/12/Conciliation_Procedure_in_relation_to_disputes_between_European_Electronic_Toll_Service_Providers_Toll_Chargers_-_March_2014.pdf">https://www.nationaltransport.ie/wpcontent/uploads/2011/12/Conciliation_Procedure_in_relation_to_disputes_between_European_Electronic_Toll_Service_Providers_Toll_Chargers_-_March_2014.pdf</a></p>

## 2.2.1 Toll Declaration

The M50 operation will issue the toll declarations for Service User passages in batched files called Charging and Enforcement Information (CEI) to the IMSP according to the content and schedule detailed in the following table below. The IMSP will extract all transactions specific to each TSP from this file and consolidate these transactions with all other relevant transactions from other TCs. The IMSP will send the Consolidated Charging and Enforcement Information (CCEI) file to each respective TSP.

# M50 Toll Domain Statement

List		Content		Update	
Type	Tag Name	Full Name	Comment	Field Type	Frequency
CEI	• sp	Service	Unique TC identifier	integer	Every 3 hours from 6:30 AM to 9:30 PM:  -6:30 AM -9:30 AM -12:30 PM -3:30 PM -6:30 PM -9:30 PM
	• cm	Provider	Detected OBU issuer	nvarchar(25)	
	• obu	Context	identifier Detected	nvarchar(256)	
	• type	Mark	OBU identifier	nvarchar(10)	
	• date	OBU Type	Defaulted to ETC	datetime	
	• vc	Date Vehicle	Date and time of the	integer float	
	• loc	Class Locality	passage (format	nvarchar(10)	
	• bid	Beacon	YYYYMMDDhhmmss)	integer	
	• avi	Identifier AVI	Universal class	nvarchar(50)	
	• ave	AVE	Unique	nvarchar(100)	
	• res	Resolution	identifier of		
	• num	Num	plaza/lane Unique		
	• enf	Enforcement	beacon		
	• vrn	Vehicle	identifier Toll charge		
		Registration	including VAT Toll		
	Number	charge excluding			
		VAT Code identifier			
		for type of			
		transaction			
		processing Unique			
		identifier of the			
		passage in TC system			
		Passage			
		enforcement status			
		Read vehicle licence			
		plate			

## 2.3 Invoicing and Payment Policy

Section	Notes
<b>Settlement Statement</b>	The IMSP issues a Settlement Statement to the TC and TSP setting out the amounts owed by or to such TC or TSP by or to each other TC or TSP. Settlement Statements are issued at a frequency to be agreed between the TC and TSP

# M50 Toll Domain Statement

<b>TC invoicing TSP</b>	The TC issues a payment request to the TSP for an amount equal to settlement amount set out in the Settlement Statement issued by the IMSP less the collection fee due to the TSP. Details of the payment process are set out in the TCA.
<b>TSP paying TC</b>	Payments are made by electronic funds transfer to an account specified by the TC. Further details are set out in the TCA.

## 2.4 Commercial Conditions

### 2.4.1 Requirements to be met by the TC

Section	Notes
<b>Signs and signals</b>	<p>The M50 toll domain operates as an Open Road Tolling (ORT) system. Therefore, Service Users do not require any particular signage to direct them to an appropriate lane.</p> <p>As the M50 is an ORT system, to ensure the Service User is aware of the toll, distinctive signs are placed at the toll point, notifying drivers of the requirement to pay the toll and how it can be paid. Additional signage is provided on the approach to and following the toll point. To increase overall public awareness, informative campaigns are implemented on an ongoing basis.</p>
<b>Collection fee offered by TC to EETS Provider</b>	To be specified in Schedule 1 of the TCA between the Parties. This fee is typically a percentage of the settlement amount collected in a given period, as defined in the individual TCAs. The collection fee is subject to negotiation between TII and the TSP.

### 2.4.2 Procedure for agreeing a contract

Section	Notes
---------	-------

# M50 Toll Domain Statement

<b>Initiating the contract process</b>	To initiate the contract process please contact TII.
<b>Commercial conditions</b>	Charges will vary depending on a range of factors and are subject to commercial agreement between the parties. These arrangements are agreed bilaterally and are documented in the TCAs.

## 3. REQUIREMENTS TOWARDS EETS PROVIDERS

The IFA and respective TCAs include for general payment procedures. The following terms are specific to the TCAs for all TSPs (including EETS Providers) whose Service Users use the M50 toll domain.

### 3.1 Requirements to be met by TSPs

<b>Access fee levied by IMSP on TSP</b>	<b>Access fee to cover capital costs will be payable by the TSP to the IMSP. These fees cover a fixed operational payment, a variable operational payment for each ETC transaction and a one-off integration payment.</b>  <b>Further details of these fees can be found on Schedule 7 of the IFA.</b>
<b>Bank Guarantees or equivalents</b>	No bank guarantee is currently required but such arrangements may be required by the TC. A TSP shall be compliant with Schedule 3 of the IFA which sets out a number of conditions that are to be fulfilled in order to become a signatory to the IFA. Other requirements may be agreed bilaterally and documented in the TCAs.

# M50 Toll Domain Statement

<p><b>Information on a particular User</b></p>	<p>The TSP is required to provide both ETC White and Black Lists of its Service User base; these lists (and specifically the white list) have to be complete as opposed to partial, meaning that they have to list each and every single tag and the related information.</p> <p>The mandatory content, schedule and update frequency for both white and black list according to the Irish national interoperability scheme are detailed in the IFA.</p>
<p><b>Authorisation parameters</b></p>	<p>OBU's and RSE must be encoded with authentication and access keys provided by the IMSP in order for the OBU to be processed</p> <p>OBU holders will only be permitted to carry out an ETC transaction if they are on the TC's Valid User List and not on the Consolidated ETC Black List. Typically, the Consolidated ETC White List functions as a proxy for the Valid Issuer List.</p>
	<p>The IMSP manage each TC's Valid Issuer List. User information of TSPs which do not appear as "Valid" on the TC's Valid Issuer List will be excluded from the White List distributed to the TC.</p>
<p><b>Charging obligation</b></p>	<p>The TSP is obliged to pay the TC for a valid ETC transaction relating to one of its Service User's irrespective of the TSP's ability to recover the toll from the Service user.</p> <p>The OBU must be so positioned to be read by the beacons located over the lane. If the OBU does not respond or partially transmits transponder data, the Service User will be charged using ANPR data captured matched against the NVDF.</p>

# M50 Toll Domain Statement

<p><b>Permanent change in classification</b></p>	<p>Classification will be determined using list data supplied by the TSP. It is the responsibility of the TSP to ensure that the classification data for both the Licence Plate Number and associated OBU is correct.</p> <p>Upon receipt of a new list, as per the schedule outlined in section 1.3 – Technical requirements of this Domain Statement, classification is deemed as permanent until expiry of that list (lists are updated against schedule defined in Table 1 of the IFA).</p>
<p><b>Temporary change in classification</b></p>	<p>There is no process in place to acknowledge a temporary change in classification details</p>

## 3.2 Requirements to be met by TSPs

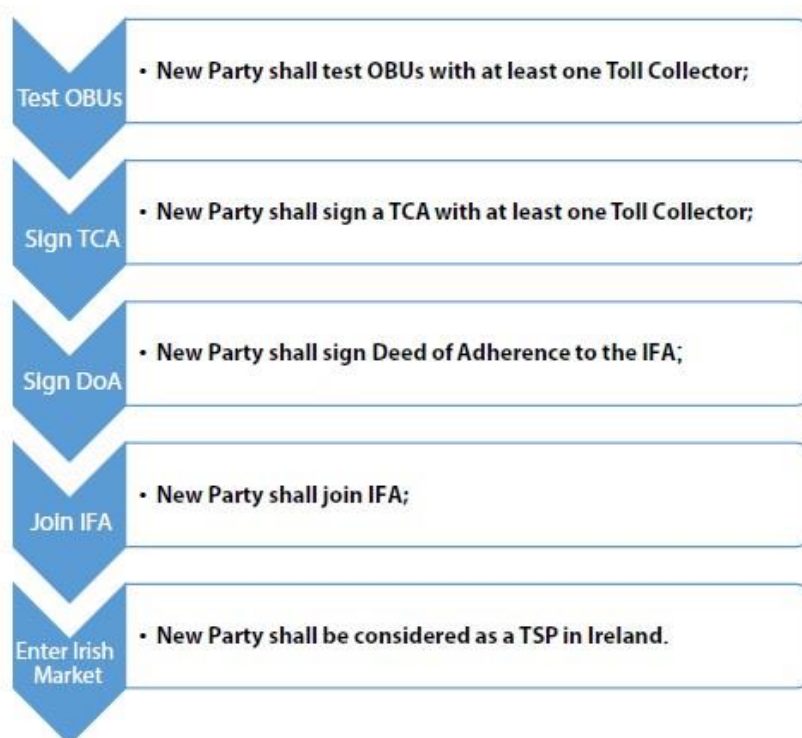
Section	Notes
<p><b>Tag list(s)</b></p>	<p>The mandatory content, schedule and update frequency for both the ETC White and Black List according to the Irish national interoperability scheme are detailed in the section 2.1.4.</p> <p>Further details are available in the IFA</p>
<p><b>Charge Exceptions</b></p>	<p>In the event that there is a problem in reading the OBU in the lane then the system will capture the</p>
	<p>vehicle LPN and compare this against the Consolidated ETC White List to identify an account.</p> <p>The associated transaction that is subsequently sent to the TSP for settlement purposes will be clearly flagged as being a 'degrade mode' transaction.</p> <p>Further details relating to exceptions are contained in the IFA and TCA</p>

# M50 Toll Domain Statement

## 4. PROCESS FOR A NEW TSP ENTERING THE IRISH TOLL MARKET

The graphic below describes the process required for a new TSP (a “New Party”) to join the Irish toll market. Some steps may be undertaken concurrently but the New Party is required to ensure that its OBUs are acceptable to at least one of the TCs in order to enter into a TCA which is a pre-condition to the New Party acceding to the IFA.

### 4.1 Process



### 4.1 Process for joining the interoperability Framework Agreement (The IFA)

- 4.1.1 A TSP who is not already a party to the IFA (a “New Party”) shall be entitled to avail of the Services provided by the IMSP provided that the New Party: enters into a Deed of Adherence, in the form set out in Schedule 3 (*Deed of Adherence*); and complies with the requirements set out in the Appendix to the Deed of Adherence.<sup>8</sup>
- 4.1.2 With effect from the date the conditions specified in the Appendix to the Deed of Adherence (*as discussed in paragraph 3 below*) are fulfilled to the satisfaction of the IMSP Procuring Authority<sup>9</sup>, the New Party will be bound by and obliged to observe and perform the terms of the IFA.<sup>10</sup>

Please note that each TC and TSP irrevocably appoints the IMSP as its duly authorised lawful attorney for the purposes of executing on behalf of such TC or TSP the Deed of Adherence with the New Party.<sup>11</sup>



# M50 Toll Domain Statement

- 4.1.3 The Deed of Adherence provides that the IFA shall be amended and restated to include the New Party as a party to the IFA as though the New Party had been an original party and signatory to the IFA. In particular, Schedule 1 (Parties) to the IFA shall be amended by the inclusion of notice details of the New Party.<sup>12</sup>
- 4.1.4 The New Party who has entered into a Deed of Adherence shall have all the rights and obligations under the IFA as if it were named in the IFA as a TSP.<sup>13</sup>

## 4.2 Conditions for a new TSP to join the IFA

- 4.2.1 Prior to the New Party acceding to the IFA, the New Party must comply with the IMSP's testing and certification requirements in order to demonstrate compliance with the requirements of the IFA.<sup>14</sup>
- 4.2.2 The following is a summary of the main conditions necessary for a New Party to join the IFA from the Appendix to the Deed of Adherence:

The New Party shall provide evidence, in form and substance satisfactory to the IMSP Procuring Authority, that: it is capable of complying with the relevant technical requirements set out in Schedule 2 (Service Requirements);<sup>15</sup> the New Party has successfully tested its OBU in relation to at least one Toll Station in the State;<sup>16</sup> and the New Party has entered into a TCA with at least one other party, other than the IMSP.<sup>17</sup>

The New Party shall provide the following information to the IMSP Procuring Authority:

details of the New Party (including its full legal name, registered company number, registered company address, trading or business name, telephone number and email address);<sup>18</sup>

- i. details of the New Party's representative (including name, address, telephone number and email address);<sup>19</sup>
  - ii. details of the number of years the New Party has carried on business under its current name;<sup>20</sup> and
  - iii. details of the New Party's corporate status.<sup>21</sup>
- a) The New Party shall provide a declaration, in form and substance satisfactory to the IMSP Procuring Authority, confirming that it:
- i. is not bankrupt or is being wound up, its affairs are not being administered by the court, it has not entered into an arrangement with creditors, it has

# M50 Toll Domain Statement

not suspended business activities or is not in any analogous situation arising from a similar procedure under national laws and regulations;<sup>22</sup>

- ii. is not the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any similar proceedings under national laws and regulation;<sup>23</sup>
- iii. has not been convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning its professional conduct;<sup>24</sup>
- iv. has fulfilled its obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which it is established;<sup>25</sup> and
- v. has fulfilled its obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established.<sup>26</sup>

b) The New Party shall also provide the following to the IMSP Procuring Authority:

- i. a detailed description of the technical equipment to be provided by the New Party for the purpose of facilitating ETC in accordance with the IFA;<sup>27</sup> ii. a statement outlining the New Party's proposed contracting policy towards Toll Users, incorporating proposed key terms and conditions of contract;<sup>28</sup> and a global risk management plan outlining the evaluation and mitigation measures of the risks relevant to its provision of ETC.<sup>29</sup>

[www.eflow.ie](http://www.eflow.ie) @eflow\_freeflow

PO Box 13294, South City DSU, Cork, Ireland.