



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Confederation

Federal Department of Finance FDF

Federal Office for Customs and Border Security FOCBS
Foundations Directorate

EETS approval contract – Annex 1

Approval decision

Unofficial version

Approval decision

CH-3003 Bern, BAZG, GRDL/ABGA

A-Priority

Matter dealt with by:
Bern,

Approval decision for electronic performance-related HVC collection using EETS

Dear Sir/Madam,

I. Facts

The Federal Office for Customs and Border Security (FOCBS) notes that:

1. With its application dated [date], [company name], [address], the (applicant) requested approval as a provider of a "European Electronic Toll Service" (EETS) for the collection of the performance-related heavy vehicle charge (performance-related HVC) using EETS in the Swiss customs territory.
2. The approval procedure was conducted with the on-board equipment (OBE) designated as follows:
 - [precise type designation]
3. The applicant completed levels 1 to 4 of the approval procedure in accordance with Article 3 paragraph 1 of the FDF EETS and Fuel Card Providers Ordinance of 11 February 2020 (EETS Ordinance; SR 641.811.423):
 - Level 1: review of the formal request requirements, the completeness of the application documents in terms of content, and proof that the technical and operational requirements are met, completed on: [date];
 - Level 2: testing of operation in a test environment, completed on: [date];
 - Level 3: verification of the correct implementation of business processes with the EETS provider's test vehicles during the trial operation, completed on: [date];
 - Level 4: verification of the EETS provider's performance in the operating environment (pilot operation), completed on: [date].
4. *[If test results from other foreign approval procedures are recognised, this is to be indicated]* The applicant is already approved as an EETS provider in (country). The test results from that approval procedure demonstrate that the technical and operational requirements set out in Annex 1 of the EETS Ordinance are met. Therefore, in accordance with Article 4 of the EETS Ordinance, *[which exactly? level?]* tests were not carried out.

Approval decision

5. For the pilot operation at level 4, a public law approval contract was concluded between the FOCBS and the applicant on [date].

II. The Federal Office for Customs and Border Security considers that:

1. During the approval procedure, the applicant must demonstrate that it permanently meets the technical and operational requirements for the EETS service for which approval is sought (Art. 2 para. 2 of the EETS Ordinance).
2. If the applicant meets the requirements at levels 1 to 3 and those of the pilot operation at level 4, the FOCBS shall issue a decision granting the applicant approval to collect the performance-related HVC electronically using EETS (Art. 5 paras. 1 and 2 of the EETS Ordinance).
3. If the applicant is granted approval, the public law approval contract concluded between the FOCBS and the applicant for level 4 pilot operation shall also apply to regular operation (Art. 5 paras. 1 and 3 of the EETS Ordinance).
4. With the successful completion of the pilot operation at level 4 on [date], the applicant demonstrated that it meets the technical and operational requirements for the permanent collection of the performance-related HVC using EETS in Switzerland.
5. The applicant can therefore be granted approval to collect the performance-related HVC electronically using EETS. The public law approval contract concluded between the FOCBS and the applicant on [date] also applies to regular operation.

III. Decision

It is therefore **decided** that:

1. The applicant is granted approval to collect the performance-related HVC electronically using EETS in the Swiss customs territory.
2. The applicant is required to commence operations on [date].
3. The approval applies to the following OBE:
 - [precise type designation]
4. The public law approval contract concluded between the applicant and the FOCBS on [date] for pilot operation at level 4 continues to apply to regular operation.
5. This decision is to be notified in writing to the applicant, [name and address abroad], at the address for service in Switzerland designated by the applicant, [exact address in Switzerland].

Signature
Position

Approval decision

Instructions on legal remedies

This approval decision is a ruling within the meaning of the Federal Act on Administrative Procedure of 20 December 1968 (APA; SR 172.021) and may be contested within 30 days of receipt before the Federal Administrative Court, P.O. Box, 9023 St Gallen. In accordance with Article 52 of the APA, the appeal must contain a specific request and provide details of the grounds of appeal; the evidence must be indicated and it must be signed by the person lodging the appeal or his/her representative. A copy of the contested decision (including the delivery envelope) and the documents put forward as evidence must be enclosed if the objecting party has them.

The period for lodging appeals is suspended (Art. 22a of the APA):

- a) from the seventh day before Easter up to and including the seventh day after Easter;
- b) from 15 July up to and including 15 August;
- c) from 18 December up to and including 2 January.

Written submissions must be filed with the authority or consigned for delivery to Swiss Post or a Swiss diplomatic or consular mission at the latest on the last day of the period (Art. 21 para. 1 of the APA).

Unofficial version