



DG TAXUD  
Directorate C Unit C3  
Control of the application of EU legislation and state  
Aid/indirect taxes  
Rue de Spa 3  
1049 Bruxelles

Ref : CHAP (2015) 00839

16 April 2015

Submitted by email: [TAXUD-CHAP@ec.europa.eu](mailto:TAXUD-CHAP@ec.europa.eu)

## Electronic Road Freight Control System (EKAER)

Dear Mrs Wieme,

Following our previous letter, we reiterate the business community's concerns with the introduction of the new "Electronic Road Freight Control System (EKAER)" by the Hungarian Government on the 1<sup>st</sup> of January 2015.

We have compiled a number of practical examples from businesses across the EU, to demonstrate the disproportionate challenges and difficulties that the new system is creating in day-to-day operations to and/or from Hungary, which we include in the Annex to this letter.

The Hungarian system is unique and represents an unprecedented challenge to the single market. The business community believes that the new system is not compatible with EU Law, namely with Article 26 paragraph 2 and with article 23 of the TFEU given that the system can be considered of having an "equivalent effect" of having customs duties adopted by a Member State and thus, creating artificial internal borders. In addition, it is also incompatible with secondary law, specifically with Article 276 of the Directive 2006/112/EC.

BUSINESSEUROPE calls on the Commission to thoroughly investigate this case and remains at your disposal for any questions.

Yours sincerely,

James Watson  
Director  
Economics Department