
STATUTORY INSTRUMENTS

2009 No. 1914

HIGHWAYS

**The Heavy Goods Vehicles (Charging for the
Use of Certain Infrastructure on the Trans-
European Road Network) Regulations 2009**

<i>Made</i>	- - - -	<i>15th July 2009</i>
<i>Laid before Parliament</i>		<i>21st July 2009</i>
<i>Coming into force</i>	- -	<i>15th August 2009</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 ^{M1}.

The Secretary of State has been designated for the purposes of section 2(2) in relation to charges (including taxes and tolls) on vehicles ^{M2}.

Marginal Citations

M1 1972 c.68; section 2(2) was amended by section 27(1)(a) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#). Under section 57(1) of the [Scotland Act 1998 \(c.46\)](#), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under Community law in relation to devolved matters, the function of the Secretary of State in relation to those obligations continues to be exercisable by the Secretary of State as regards Scotland. As regards Northern Ireland and Wales, the Secretary of State continues to have power to make regulations under section 2(2) of the European Communities Act 1972, and is designated for the purposes of that section, in relation to the whole of the United Kingdom.

M2 [S.I. 2009/707](#).

PART 1

GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009.

Status: Point in time view as at 07/10/2014.

Changes to legislation: There are currently no known outstanding effects for the The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009. (See end of Document for details)

(2) They come into force on 15th August 2009.

Interpretation

2.—(1) In these Regulations—

[^{F1}the 1999 Directive” means Directive No.1999/62/EC of the European Parliament and of the Council of 17th June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures;]

“appropriate national authority” means, in relation to a toll or user charge which is levied in respect of the use of a section of infrastructure in—

- (a) England, the Secretary of State,
- (b) Wales, the Welsh Ministers,
- (c) Scotland, the Scottish Ministers,
- (d) Northern Ireland, the Department for Regional Development in Northern Ireland,

except that in relation to a toll levied in respect of the use of either of the Severn Bridges, the “appropriate national authority” means the Secretary of State;

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

“EURO 0”, “EURO I”, “EURO II”, “EURO III”, “EURO IV”, “EURO V” or “EEV” mean, in relation to a category of HGV, the category of HGV which complies with the emission limits referred to in Annex 0;

[^{F2}“EURO VI” means, in relation to a category of HGV, the category of HGV which complies with the emission limits referred to in Annex I of Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18th June 2009 on type approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information;]

[^{F2}“EURO emission standard” means the emission standards for HGVs referred to as “EURO O”, “EURO I”, “EURO II”, “EURO III”, “EURO IV”, “EEV” “EURO V”, and “EURO VI”];]

[^{F2}“external-cost charge” means a charge levied for the purpose of recovering the costs incurred in the United Kingdom related to traffic-based air pollution, traffic-based noise pollution or both;]

“HGV” means a heavy goods vehicle, namely a motor vehicle or articulated vehicle combination intended or used^{F3}... for the carriage by road of goods, and having a maximum permissible laden weight of over 3.5 tonnes;

[^{F4}“infrastructure charge” means a charge levied for the purpose of recovering the construction, the maintenance, the operation and the development costs related to infrastructure incurred in the United Kingdom;]

[^{F4}“motorway” means a road specifically designed and built for motor traffic, which does not serve properties bordering on it, and which—

- (a) is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other either by a dividing strip not intended for traffic or, exceptionally, by other means;
- (b) does not cross at grade with any road, railway or tramway track, bicycle path or footpath; and
- (c) is specifically designated as a motorway]

“operator” means, in relation to a section of infrastructure, the person who or body which is authorised under an enactment to levy the tolls or user charges in respect of the use of that section of infrastructure;

“responsible person” means, in relation to a section of infrastructure, the person who or body which is authorised under an enactment to determine the rates of a toll or user charge to be levied in respect of the use of that section of infrastructure;

“Severn Bridges” means the new bridge and the existing bridge as defined in section 39(1) of the Severn Bridges Act 1992 ^{F3};

[^{F5}“the TEN-T” means the trans-European network for transport, which includes the road network defined in Article 2 and Annex I to Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11th December 2013 on Union guidelines for the development of the trans-European transport network as illustrated by maps;]

[^{F6}“the TERN” means the roads included in the TEN-T]

[^{F7}“toll” means a specified amount payable for an HGV based on the distance travelled on a given infrastructure and on the type of HGV comprising an infrastructure charge, an external cost-charge or both an infrastructure charge and an external-cost charge;]

“type of HGV” has the meaning given in Article 2 of the 1999 Directive to “type of vehicle”;
^{F8} ...

“user charge” means a specified amount payment of which confers the right for an HGV to use for a given period a section of infrastructure.

[^{F9}“weighted average external-cost charge” means the total revenue of an external-cost charge over a given period divided by the number of HGV kilometres travelled on the road sections subject to the charge during that period; and]

[^{F9}“weighted average infrastructure charge” means the total revenue of an infrastructure charge over a given period divided by the number of HGV kilometres travelled on the road sections subject to the charge during that period.]

(2) In these Regulations, unless the context otherwise requires—

[^{F10}(a) a reference to-

- (i) Annex II or IIIb is a reference to the Annex in the 1999 Directive which is so numbered, as amended from time to time, and
- (ii) Annex III or IIIa is a reference to the Annex to the 1999 Directive which is so numbered;]

(b) the following expressions have the meanings given in Article 2 of the 1999 Directive—

“concession contract”

“concession toll”

“construction costs”

^{F11} ...

Textual Amendments

- F1** Words in reg. 2(1) substituted (7.10.2014) by virtue of [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014](#) (S.I. 2014/2437), regs. 1, **2(2)(a)**

Status: Point in time view as at 07/10/2014.

Changes to legislation: There are currently no known outstanding effects for the The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009. (See end of Document for details)

- F2** Words in reg. 2(1) inserted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(2)(b)**
- F3** Word in reg. 2(1) omitted (7.10.2014) by virtue of The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(2)(c)**
- F4** Words in reg. 2(1) inserted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(2)(d)**
- F5** Words in reg. 2(1) inserted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(2)(e)**
- F6** Words in reg. 2(1) substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(2)(f)**
- F7** Words in reg. 2(1) substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(2)(h)**
- F8** Word in reg. 2(1) omitted (7.10.2014) by virtue of The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(2)(g)**
- F9** Words in reg. 2(1) inserted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(2)(i)**
- F10** Reg. 2(2)(a) substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(3)**
- F11** Words in reg. 2(2)(b) omitted (7.10.2014) by virtue of The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(4)**

Marginal Citations

M3 1992 c.3.

Application

3.—^[F12](1) Subject to paragraph (2), these Regulations apply in relation to any toll or user charge which is authorised under an enactment to be levied in respect of the use by an HGV of the TERN, or certain sections of the TERN, or on any section of a motorway which is not part of the TERN.]

(2) These Regulations do not apply in relation to tolls or user charges which do not discriminate on any of the grounds referred to in regulation 12(1) and are—

- (a) specifically levied on HGVs of abnormal weights or dimensions, or
- (b) specifically designed to combat time and place related traffic congestion, or environmental impacts (including poor air quality) ^[F13], or]

^[F14](c) applied to roads that are neither motorways nor on the TERN, provided such tolls or user charges do not result in the distortion of competition between persons operating HGVs.]

Textual Amendments

- F12** Reg. 3(1) substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, [2\(5\)\(a\)](#)
- F13** Word in reg. 3(2)(b) inserted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, [2\(5\)\(b\)](#)
- F14** Reg. 3(2)(c) inserted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, [2\(5\)\(c\)](#)

PART 2

REQUIREMENTS RELATING TO THE DETERMINATION OF THE RATES OF A TOLL OR USER CHARGE

[^{F15}Calculation of weighted average infrastructure charges]

4.—[^{F15}(1) Subject to the following paragraphs, in relation to calculating the weighted average infrastructure charge the responsible person must take into account the following—

- (a) the construction costs of the section of the infrastructure, or network, or part of the network on which the infrastructure charge is to be levied, and
- (b) the cost of operating, maintaining and developing that section of the infrastructure, or network or part of the network on which the infrastructure charge is to be levied.]

[^{F15}(2) When calculating the weighted average infrastructure charge, the responsible person may also take into account a return on capital or a profit margin based on market conditions.]

(3) The responsible person may decide that all the costs referred to in [^{F16}paragraphs (1) and (2)] are to be recovered through revenue from tolls, or that these costs are not to be recovered through revenue from tolls, or that only a percentage of these costs is to be recovered through revenue from tolls.

(4) Where a tolling arrangement—

- (a) does not involve a concession toll, and

[^{F17}(b) comes into effect after 6th October 2014, or came into effect on or before that date and is being substantially modified after that date, the responsible person must calculate the costs referred to in paragraphs (1) and (2) using a methodology based on the core calculation principles set out in Annex III.]

(5) Paragraph (6) applies where a tolling arrangement—

- (a) does involve a concession toll, and

[^{F18}(b) comes into effect after 6th October 2014, or came into effect on or before that date and is being substantially modified after that date.]

(6) Where this paragraph applies, the responsible person must—

- (a) calculate the costs referred to in paragraph (1) using a methodology based on the core calculation principles set out in Annex III,

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Changes to legislation: There are currently no known outstanding effects for the *The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009*. (See end of Document for details)

- (b) calculate the [^{F19}weighted average infrastructure charge] which results from using that methodology, and
- (c) on the basis of a reference period appropriate to the nature of the concession contract concerned, determine the maximum level of [^{F20}infrastructure charge which is equivalent to, or less than, that weighted average infrastructure charge].

Textual Amendments

- F15** Reg. 4(1)(2) and heading substituted (7.10.2014) by *The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014* (S.I. 2014/2437), regs. 1, **2(6)(a)**
- F16** Words in reg. 4(3) substituted (7.10.2014) by *The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014* (S.I. 2014/2437), regs. 1, **2(6)(b)**
- F17** Reg. 4(4)(b) substituted (7.10.2014) by *The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014* (S.I. 2014/2437), regs. 1, **2(6)(c)**
- F18** Reg. 4(5)(b) substituted (7.10.2014) by *The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014* (S.I. 2014/2437), regs. 1, **2(6)(d)**
- F19** Words in reg. 4(6)(b) substituted (7.10.2014) by *The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014* (S.I. 2014/2437), regs. 1, **2(6)(e)**
- F20** Words in reg. 4(6)(c) substituted (7.10.2014) by *The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014* (S.I. 2014/2437), regs. 1, **2(6)(f)**

[^{F21}Variation of rates of infrastructure charges

4A.—(1) Subject to paragraphs (2), (3) and (5) to (7) the responsible person must vary the infrastructure charge according to the EURO emission standard applicable to an HGV so that no infrastructure charge is more than 100% above the same charge for equivalent HGVs meeting the strictest emission standard.

(2) Paragraph (1) does not apply to a concession contract in existence on or before 15th October 2011 until it is renewed.

(3) Paragraph (1) does not apply to an infrastructure charge if the responsible person is satisfied that—

- (a) this would seriously undermine the coherence of tolling systems in the United Kingdom,
- (b) it would not be technically practicable to introduce such differentiation in the tolling system concerned,
- (c) this would lead to diversion of the most polluting HGVs with negative impacts on road safety and public health, or
- (d) the toll includes an external-cost charge.

(4) Where paragraphs (2) or (3) apply the responsible person must notify the European Commission.

(5) Subject to paragraph (7), the responsible person may also vary the rates of the infrastructure charges for any of the purposes referred to in paragraph (6).

(6) The purposes are—

- (a) reducing congestion,
 - (b) minimising infrastructure damage and optimising the use of the infrastructure concerned,
or
 - (c) promoting road safety.
- (7) Any variation of the rates of infrastructure charge made in accordance with paragraph (5) must—
- (a) be transparent and made public and available to all users on equal terms,
 - (b) be applied according to the time of day, type of day, or the season,
 - (c) not result in a charge more than 175% above the maximum level of the weighted average infrastructure charge,
 - (d) not be designed to generate additional revenue from tolls,
 - (e) ensure that peak periods during which higher infrastructure charges are applied for the purpose of reducing congestion do not exceed five hours per day, and
 - (f) be devised and applied in a transparent and revenue neutral way on a road section affected by congestion by offering reduced toll rates for hauliers who travel during off-peak periods and increased rates for hauliers who travel during peak hours on the same road section.
- (8) Where the responsible person introduces a variation of the infrastructure charge or changes an existing one, the responsible person must—
- (a) notify the European Commission, and
 - (b) provide the European Commission with sufficient information to show that the appropriate provisions in paragraphs (6) and (7) have been complied with.
- (9) For the purposes of this regulation if a variation or change of the rates of an infrastructure charge results in additional toll revenue, the responsible person must counterbalance this by varying the rates of an infrastructure charge within two years of the end of the accounting year in which the additional revenue is generated.]

Textual Amendments

- F21** [Reg. 4A](#) inserted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(7)**

[^{F22}Variation of the external-cost charge for the purposes of air and traffic based pollution

5.—(1) Where a road or part of a road crosses areas where persons are exposed to road traffic-based noise pollution then the responsible person may include the cost of such pollution in the external-cost charge.

(2) For the purposes of this regulation the responsible person must vary and set the external-cost charge—

- (a) in accordance with the minimum requirements and the methods specified in Annex IIIa, and
- (b) must not exceed the maximum values set out in Annex IIIb.

(3) Subject to paragraph (4) costs taken into consideration for the purposes of paragraphs (1) and (2) must relate to the part of the TERN or part of the network on which external-cost charges are to be levied and to the HGVs that are subject to it.

Status: Point in time view as at 07/10/2014.

Changes to legislation: There are currently no known outstanding effects for the The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009. (See end of Document for details)

(4) For the purposes of paragraph (3) the responsible person may choose to recover only a percentage of those costs.

(5) The external-cost charge related to traffic-based air pollution does not apply to HGVs which comply with the EURO VI emission standard on or before 1st January 2018.

(6) The amount of the external-cost charge must be set by the appropriate national authority or a person designated by the appropriate national authority for setting an external-cost charge.

(7) Where the appropriate national authority designates a person for the purpose of setting an external-cost charge then that person must be legally and financially independent from the person or body with responsibility for the management or collection of part or all of the charge.]

Textual Amendments

F22 Reg. 5 substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, 2(8)

Obligation to vary rates of tolls according to the emission standards of HGVs

F23 6.

Textual Amendments

F23 Regs. 6, 7 omitted (7.10.2014) by virtue of The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, 2(9)

Derogation from obligation to vary rates of tolls

F23 7.

Textual Amendments

F23 Regs. 6, 7 omitted (7.10.2014) by virtue of The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, 2(9)

Power to vary rates of tolls for projects of high European interest

8.—(1) Subject to paragraphs (2) and (3), in relation to a section of infrastructure comprising a specific project of high European interest, the responsible person may vary the rates of the toll for the purpose of securing the commercial viability of the project.

(2) The rates may only be varied in accordance with paragraph (1) if the variation is in accordance with [F24(7)(b), (7)(d) and (9) of regulation 4A] and the resulting charging structure for the toll complies with the following conditions—

- (a) it is linear,
- (b) it is proportionate,
- (c) it is [F25made public],
- (d) it is available to all users on equal terms, and

(e) it does not lead to additional costs being passed to other users of the infrastructure in question in the form of higher tolls.

(3) If the responsible person is not an appropriate national authority, the responsible person must notify the appropriate national authority of the intention to vary in accordance with this regulation.

(4) If the responsible person notifies the appropriate national authority under paragraph (3), or if the responsible person is an appropriate national authority, the appropriate national authority must notify the European Commission of the intention to vary in accordance with this regulation.

(5) The operator must not implement the variation before the operator has been notified by the responsible person that the European Commission has confirmed that the variation complies with the conditions referred to in paragraph (2).

(6) The power to vary the rates of a toll for the purpose set out in paragraph (1) is in addition to the power to vary the rates for a purpose set out in regulation 5(2).

Textual Amendments

F24 Words in [reg. 8\(2\)](#) substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(10)(a)**

F25 Words in [reg. 8\(2\)\(c\)](#) substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(10)(b)**

Rates of user charges

9.—(1) This regulation applies where it is intended to levy a user charge.

[^{F26}(2) The responsible person must ensure that—

- (a) the user charge is proportionate to the duration of the use made of the infrastructure;
- (b) the user charge does not exceed (including administrative costs) the maximum values stipulated in Annex II.]

[^{F26}(3) Subject to paragraph (4) a user charge must be valid for either a year, month, week or day and—

- (a) the monthly rate must be no more than 10% of the annual rate,
- (b) the weekly rate must be no more than 5% of the annual rate, and
- (c) the daily rate must be no more than 2% of the annual rate.]

[^{F26}(4) The responsible person may determine an annual rate which is the only rate applicable in relation to an HGV registered in the United Kingdom.]

Textual Amendments

F26 [Reg. 9\(2\)-\(4\)](#) substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(11)**

PART 3

REQUIREMENTS RELATING TO THE LEVYING AND COLLECTION OF A TOLL OR USER CHARGE

[^{F27} Levying tolls and user charges in relation to HGVs of 12 tonnes and over

10.—(1) The appropriate national authority or operator who is not an appropriate national authority may apply tolls or user charges only to such HGVs as have a maximum permissible laden weight of not less than 12 tonnes if it considers that to levy a toll or user charge to HGVs with a maximum permissible laden weight of less than 12 tonnes would—

- (a) have significant adverse effects, including but not limited to—
 - (i) the free flow of traffic,
 - (ii) the environment,
 - (iii) noise levels,
 - (iv) congestion,
 - (v) health, or
 - (vi) road safety due to traffic diversion,
- (b) involve administrative costs of more than 30% of the additional revenue which would have been generated if the toll or user charge had been levied on such HGVs as have a maximum permissible laden weight of less than 12 tonnes.

(2) Where the appropriate national authority or operator who is not an appropriate national authority levies tolls or user charges only on such HGVs as have a maximum permissible laden weight of not less than 12 tonnes it must inform the European Commission of that decision and the reasons for it.]

Textual Amendments

F27 Reg. 10 substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(12)**

Tolls and user charges not to be levied simultaneously

11.—(1) Subject to paragraph (2), an operator may not levy both a toll and a user charge at the same time in respect of a category of HGV for the use of a section of the infrastructure referred to in regulation 3(1).

(2) An operator may levy a toll for the use of a section of that infrastructure where user charges are authorised under an enactment to be levied for the use of a bridge, tunnel or mountain pass.

Requirement not to discriminate

12.—(1) Subject to paragraph (2), in the levying of a toll or user charge, an operator must not discriminate, directly or indirectly, on the grounds of nationality of the haulier, the country or place of establishment of the haulier or of registration of the HGV, or the origin or destination of the transport operation.

(2) Paragraph (1) does not apply in relation to discrimination which is rendered unlawful by section 20 (which concerns discrimination in the provision of goods, facilities or services) of the [F28Part 3 of the Equality Act 2010].

Textual Amendments

F28 Words in reg. 12(2) substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(13)**

[F29**Prohibition of discounts or reductions for external-cost charges**

12A. An appropriate national authority, or an operator who is not an appropriate national authority must not provide for discounts or reductions for HGVs in relation to the external-cost charge element of a toll.]

Textual Amendments

F29 Reg. 12A inserted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(14)**

Reductions and exemptions

13.—(1) Subject to [F30paragraph (3)], if an operator is authorised under an enactment to make a reduction in a toll or user charge to be levied in respect of an HGV, or to make an exemption from the obligation to pay a toll or user charge in respect of an HGV, the operator may only make a reduction or grant an exemption if the HGV is within paragraph (2).

(2) An HGV is within this paragraph if it—

- (a) is exempt from the requirement to install and use recording equipment under Council Regulation (EEC) No 3821/85 of 20th December 1985 on recording equipment in road transport ^{M4},
- (b) is used for national or civil defence purposes, by fire or other emergency services or the police, or is used for road maintenance, or
- (c) travels only occasionally on public roads in the Member State where it is registered and is used by persons whose main occupation is not the carriage of goods.

(3) In respect of an HGV within paragraph (2)(c), a reduction may only be made or an exemption granted where—

- (a) the transport operations carried out by the HGV do not cause distortions of competition, and
- (b) the European Commission's agreement to the reduction or exemption has been obtained.

^{F31}(4)

Textual Amendments

F30 Words in reg. 13(1) substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(15)(a)**

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Changes to legislation: There are currently no known outstanding effects for the The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009. (See end of Document for details)

F31 Reg. 13(4) omitted (7.10.2014) by virtue of The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(15)(b)**

Marginal Citations

M4 O.J. L 370, 31.12.1985, p. 8; as amended by Commission Regulation (EC) No 432/2004 (O.J. L 71, 10.3.2004, p. 3)

Discounts and reductions for [^{F32}infrastructure charges]

14.—(1) [^{F33}Subject to regulation 8, if an operator] is authorised under an enactment to give a discount or to make a reduction in [^{F34}an infrastructure charge] to be levied in respect of an HGV ^{F35}..., the operator may only give the discount or make the reduction if the conditions referred to in paragraph (2) are satisfied.

(2) The conditions referred to are that—

(a) the discount or reduction—

(i) satisfies the requirements referred to in regulation [^{F36}4A(7)],

(ii) complies with [^{F37}the Treaty on the Functioning of the European Union, in particular Articles 18, 56, 106 and 107],

(iii) does not distort competition in the internal market, ^{F38}...

(iv) does not in any case exceed 13% of the [^{F39}infrastructure charge] paid in respect of equivalent HGVs not eligible for the discount or reduction, ^{F40}...

(v) [^{F41}must be associated with actual savings in administrative costs.]

(b) the resulting charging structure is ^{F42}... proportionate, available to all users on equal terms [^{F43}, is made public] and does not lead to additional costs being passed on to other users in the form of higher tolls.

Textual Amendments

F32 Words in reg. 14 heading substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(16)(a)**

F33 Words in reg. 14(1) substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(16)(b)(i)**

F34 Words in reg. 14(1) substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(16)(b)(ii)**

F35 Words in reg. 14(1) omitted (7.10.2014) by virtue of The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(16)(b)(iii)**

F36 Word in reg. 14(2)(a)(i) substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(16)(c)**

F37 Words in reg. 14(2)(a)(ii) substituted (1.8.2012) by The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (S.I. 2012/1809), art. 2(1), **Sch. Pt. 2** (with art. 2(2))

- F38** Word in reg. 14(2)(a)(iii) omitted (7.10.2014) by virtue of The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(16)(d)**
- F39** Words in reg. 14(2)(a)(iv) substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(16)(e)**
- F40** Word in reg. 14(2)(a)(iv) omitted (7.10.2014) by virtue of The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(16)(e)**
- F41** Reg. 14(2)(a)(v) inserted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(16)(f)**
- F42** Word in reg. 14(2)(b) omitted (7.10.2014) by virtue of The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(16)(g)(i)**
- F43** Words in reg. 14(2)(b) inserted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(16)(g)(ii)**

Arrangements for the collection of tolls and user charges

15.—(1) The operator in relation to a toll or user charge must ensure that such tolls or user charges are collected in such a way as to cause as little hindrance as possible to the free flow of traffic and avoid any mandatory controls or checks at the European Union's internal borders.

(2) The appropriate national authority in relation to each user charge to which these Regulations apply must co-operate with the authorities in other EEA States to establish methods for enabling hauliers to pay those user charges 24 hours a day, at least at the ^{F44}major sales outlets, using common means of payment].

(3) Where an operator has facilities at the point of payment for a toll or user charge, the operator must ensure that those facilities are adequate to maintain normal road safety standards.

(4) An operator must ensure that its arrangements for collecting tolls or user charges do not, financially or otherwise, place non-regular users of the section of infrastructure, in relation to which the toll or user charge is levied, at an unjustified disadvantage.

^{F45}(5) Without prejudice to the generality of paragraph (4), where an operator collects tolls or user charges exclusively by means of a vehicle on-board unit, the operator must make units that comply with the requirements of the Interoperability Directive available, under reasonable administrative and economic arrangements, to all users of the section of the infrastructure in relation to which the toll or user charge is levied.]

^{F46}(6) Where an operator levies a toll the operator must indicate in a receipt provided to the user, by electronic means wherever possible, the following details—

- (a) the total amount of the toll, and
- (b) the amounts, if levied, of the infrastructure charge and the amount of the external-cost charge that make up the toll.]

^{F46}(7) Where economically feasible, an operator must levy and collect the external-cost charge by means of an electronic system which complies with the requirements of Article 2(1) of the Interoperability Directive.]

^{F46}(8) In this regulation the Interoperability Directive means [Directive 2004/52/EC](#) of the European Parliament and of the Council of 29th April 2004 on the interoperability of electronic road toll systems in the Community .]

Status: Point in time view as at 07/10/2014.

Changes to legislation: There are currently no known outstanding effects for the The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009. (See end of Document for details)

Textual Amendments

- F44** Words in reg. 15(2) substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(17)(a)**
- F45** Reg. 15(5) substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(17)(b)**
- F46** Reg. 15(6)-(8) inserted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(17)(c)**

Levying tolls where vehicle documents unavailable

[^{F47}16. Where the driver or, if appropriate, the haulier of an HGV is unable to produce the vehicle documents necessary to ascertain the EURO emission standard of the HGV in the event of a check, the operator may levy a toll at the highest rate that the operator has authority to levy.]

Textual Amendments

- F47** Reg. 16 substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(18)**

PART 4

INFORMATION REQUIREMENTS

Information requirements where a concession toll is not involved

17.—(1) Paragraphs (2) to (5) apply where the responsible person in relation to [^{F48}an infrastructure charge tolling arrangement] is not an appropriate national authority, and the tolling arrangement—

- (a) comes into effect after [^{F49}6th October 2014], and
- (b) does not involve a concession toll.

(2) Where this paragraph applies, the responsible person must communicate to the appropriate national authority the following information—

- (a) the unit values and other parameters the responsible person uses in calculating the various [^{F50}infrastructure] cost elements, and
- (b) clear information on the HGVs covered by the tolling regime and the geographic extent of the network, or part of the network, used for each cost calculation and the percentage of costs that the responsible person is seeking to recover.

(3) Subject to paragraph (5), the information referred to in paragraph (2) must be communicated to the appropriate national authority at least [^{F51}seven] months before the [^{F52}infrastructure charge] tolling arrangement is due to come into effect.

(4) Where the appropriate national authority has received the information in accordance with paragraph (3), it must communicate the information to the European Commission at least [^{F53}six] months before the [^{F54}infrastructure charge] tolling arrangement is due to come into effect.

^{F55}(5)

(6) Paragraphs (7) and (8) apply where the responsible person in relation to [^{F56}an infrastructure charge tolling arrangement] is an appropriate national authority, and the tolling arrangement—

- (a) comes into effect after the date these Regulations come into force, and
- (b) does not involve a concession toll.

(7) Subject to paragraph (8), where this paragraph applies, the responsible person must communicate to the European Commission the information referred to in paragraph (2)(a) and (b) at least [^{F57}six] months before the [^{F58}infrastructure charge] tolling arrangement is due to come into effect.

^{F59}(8)

Textual Amendments

- F48** Words in reg. 17(1) substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(19)(a)**
- F49** Words in reg. 17(1)(a) substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(19)(b)**
- F50** Word in reg. 17(2)(a) inserted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(19)(d)**
- F51** Word in reg. 17(3) substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(19)(e)**
- F52** Words in reg. 17(3) inserted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(19)(c)**
- F53** Word in reg. 17(4) substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(19)(f)**
- F54** Words in reg. 17(4) inserted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(19)(c)**
- F55** Reg. 17(5) omitted (7.10.2014) by virtue of The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(19)(g)**
- F56** Words in reg. 17(6) substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(19)(h)**
- F57** Word in reg. 17(7) substituted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(19)(f)**
- F58** Words in reg. 17(7) inserted (7.10.2014) by The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) (Amendment) Regulations 2014 (S.I. 2014/2437), regs. 1, **2(19)(c)**

Status: Point in time view as at 07/10/2014.

Changes to legislation: There are currently no known outstanding effects for the *The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009*. (See end of Document for details)

F59 Reg. 17(8) omitted (7.10.2014) by virtue of [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(19)(g)**

Information requirements where a concession toll is involved

18.—(1) Paragraphs (2) and (3) apply where the responsible person in relation to a tolling arrangement is not an appropriate national authority, and [^{F60}an infrastructure charge tolling arrangement]—

- (a) comes into effect after the date these Regulations come into force, and
- (b) does involve a concession toll.

(2) Where this paragraph applies, the responsible person must communicate to the appropriate national authority the following information—

- (a) details of the concession contract under which the concession toll is levied, or significant changes to such contracts, and
- (b) the base case on which the grantor under the concession contract has founded the notice of concession, as referred to in Annex VII B to Directive [2004/18/EC](#) of the European Parliament and of the Council of 31st March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts ^{M5}.

(3) The base case referred to in paragraph (2)(b) must include—

- (a) an estimate of the costs referred to in regulation 4(1) in relation to the concession,
- (b) a forecast of the traffic divided into types of HGV,
- (c) the levels of tolls envisaged, and
- (d) the geographic extent of the network covered by the concession contract.

(4) Paragraphs (5) and (6) apply where the responsible person in relation to a tolling arrangement is an appropriate national authority, and [^{F61}an infrastructure charge tolling arrangement]—

- (a) comes into effect after the date these Regulations come into force, and
- (b) does involve a concession toll.

(5) Subject to paragraph (6), where this paragraph applies, the responsible person must communicate to the European Commission the information referred to in paragraph (2)(a) and (b) at least [^{F62}six] months before the tolling arrangement is due to come into effect.

^{F63}(6)

Textual Amendments

F60 Words in reg. 18(1) substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(20)(a)**

F61 Words in reg. 18(4) substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(20)(a)**

F62 Word in reg. 18(5) substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(20)(b)**

F63 Reg. 18(6) omitted (7.10.2014) by virtue of [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(20)(c)**

Marginal Citations

M5 O.J. L 134, 30.4.2004, p.114.

Tolls on parallel roads

^{F64}**19.**

Textual Amendments

F64 Reg. 19 omitted (7.10.2014) by virtue of [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(21)**

[^{F65}Information requirements involving an external cost-charge tolling arrangement

20.—(1) Paragraphs (2) to (4) apply where the responsible person in relation to an external cost-charge tolling arrangement is not an appropriate national authority.

(2) Where this paragraph applies, the responsible person must send to the appropriate national authority the following—

- (a) precise information locating the road sections where the external cost-charge is to be levied and describing the class of vehicles, type of roads and the exact time periods according to which that charge will vary,
- (b) the envisaged weighted average external cost-charge and the envisaged total revenue,
- (c) if appropriate, the name of the responsible person designated in accordance with regulation 5(6) to set the amount of the charge, and
- (d) the parameters, data and information necessary to demonstrate how the calculation method set out in Annex IIIa will be applied.

(3) The information referred to in paragraph (2) must be sent to the appropriate national authority before the external cost-charge tolling arrangement is implemented.

(4) Where the appropriate national authority has received the information in accordance with paragraph (3), it must send the information to the European Commission before the external cost-charge tolling arrangement is implemented.

(5) Paragraph (6) applies where the responsible person in relation to an external cost-charge tolling arrangement is an appropriate national authority.

(6) Where this paragraph applies, the responsible person must send to the European Commission the information referred to in paragraphs (2)(a), (b) and (d) before the external cost-charge tolling arrangement is implemented.

(7) The appropriate national authority must adapt any proposed external cost-charge so as to conform with a decision of the European Commission made in accordance with Article 7h(4) of the 1999 Directive.]

Status: Point in time view as at 07/10/2014.

Changes to legislation: There are currently no known outstanding effects for the The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009. (See end of Document for details)

Textual Amendments

F65 Reg. 20 substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(22)**

[^{F66}Report on tolls and tolling arrangements

20A.—(1) Subject to paragraph (4) where an appropriate national authority or a responsible person levies—

- (a) an external-cost charge;
- (b) an infrastructure charge; or
- (c) both an external-cost charge and an infrastructure charge,

the appropriate national authority must prepare and forward to the European Commission a report on tolls (including concession tolls) levied in its territory.

(2) The first report under this regulation must be sent to the European Commission on or before 16th October 2014.

(3) Once a report has been sent in accordance with paragraph (2), reports under this regulation must be sent to the European Commission at intervals not exceeding four years.

(4) A report submitted under this regulation may exclude tolling arrangements that were already in place on 10th June 2008 and which do not include external-cost charges, provided—

- (a) those arrangements remain in force, and
- (b) that they have not been substantially amended.

(5) For the purposes of paragraph (1) a report must contain the following information about—

- (a) the weighted average external-cost charge and the specific amounts levied for each combination of class of HGV, type of road and period of time;
- (b) the variation of infrastructure charges according to the type of HGV and time;
- (c) the weighted average infrastructure cost charge and total revenue raised through the infrastructure charge;
- (d) the level of financial support to the TEN-T in the United Kingdom relative to the revenues generated from infrastructure charges, external-cost charges or both, and
- (e) the total revenue raised through external-cost charges.]

Textual Amendments

F66 Reg. 20A inserted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(23)**

PART 5

COMMON SYSTEMS WITH OTHER EEA STATES

Common systems for user charges [^{F67}or tolls]

21.—(1) Paragraph (2) applies where—

- (a) there are one or more schemes for user charges [^{F68}or tolls] in effect which relate to sections of the infrastructure referred to in regulation 3(1) (“the UK schemes”),
- (b) there are one or more schemes for user charges [^{F68}or tolls] in effect which relate to sections of the infrastructure in the territory of one or more other EEA States, and that infrastructure forms part of the TERN (“the EEA schemes”),
- (c) the appropriate national authorities in relation to the UK schemes propose to co-operate with the authorities in relation to the EEA schemes to introduce a common system of user charges [^{F68}or tolls], and
- (d) it is intended that the common system will be applicable to the whole of the territories of the United Kingdom and of the one or more other EEA States.

(2) Where this paragraph applies, the common system may not come into effect in relation to the United Kingdom unless the appropriate national authorities in relation to the UK schemes are satisfied that the conditions referred to in paragraph (3) [^{F69}or as the case may be paragraph (3A)] will be met when the common system is in effect.

(3) [^{F70}For the purposes of a common system for user charges the conditions referred to are—]

- (a) the rates of the user charges will be no higher than the maximum rates referred to in regulation 9(2),
- (b) payment of the user charge will entitle the payer to access, without further payment, to those parts of the TERN which are in the territories of the participating States and are subject to a user charge,
- (c) the system will be open to other EEA States to join, and
- (d) each of the participating States will receive a fair share of the revenues accruing from the user charge.

[^{F71}(3A) For the purposes of a common system for tolls the system must—]

- (a) comply with these Regulations insofar as they apply to tolls, and
- (b) be open to EEA States, other than the United Kingdom, to join.]

(4) The appropriate national authorities in relation to the UK schemes must ensure that the Commission is notified of the common system before it comes into effect in relation to the United Kingdom.

Textual Amendments

F67 Words in reg. 21 heading inserted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(24)(a)**

F68 Words in reg. 21(1)(a)-(c) inserted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(24)(b)**

Status: Point in time view as at 07/10/2014.

Changes to legislation: There are currently no known outstanding effects for the The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009. (See end of Document for details)

- F69** Words in reg. 21(2) inserted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(24)(c)**
- F70** Words in reg. 21(3) substituted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(24)(d)**
- F71** Reg. 21(3A) inserted (7.10.2014) by [The Heavy Goods Vehicles \(Charging for the Use of Certain Infrastructure on the Trans-European Road Network\) \(Amendment\) Regulations 2014 \(S.I. 2014/2437\)](#), regs. 1, **2(24)(e)**

PART 6

ENFORCEMENT

Monitoring

22. The appropriate national authority in relation to each toll or user charge in relation to which these Regulations apply must monitor the system of determining their rates and the system of levying the toll or user charge, so as to ensure that the systems function in a transparent and non-discriminatory manner.

Notices of non-compliance and stop notices

23.—(1) This regulation applies in relation to any requirement imposed by these Regulations on an operator or a responsible person, except where that operator, or responsible person as the case may be, is an appropriate national authority.

(2) Where an appropriate national authority considers that an operator or a responsible person has not complied with a requirement imposed by these Regulations, the authority may give that operator, or responsible person as the case may be, a notice to that effect.

(3) A notice given under paragraph (2) must—

- (a) state the reasons why the authority considers that the requirement has not been complied with,
- (b) provide details of any remedial steps which the authority considers to be necessary,
- (c) specify the period before the end of which those remedial steps are to be taken, and
- (d) inform the recipient of the right to make representations to the authority within such period as is specified in the notice.

(4) The authority may extend each of the periods allowed under the notice for—

- (a) taking any remedial steps, or
- (b) making representations.

(5) When both of these periods have expired, the authority must then decide within a reasonable period whether to issue a stop notice to the operator, or to the responsible person as the case may be.

(6) A stop notice is a notice requiring the recipient to take an action, or to cease an activity, as specified in the notice.

(7) If, having considered any representations made by the operator or the responsible person, the authority decides not to issue a stop notice, it must give the operator, or the responsible person as the case may be, written notice.

(8) If, having considered any representations made by the operator or the responsible person, the authority decides to issue a stop notice, that notice must—

- (a) be in writing,
- (b) be given to the operator, or to the responsible person as the case may be,
- (c) give details of the action which the recipient must take, or of the activity which the recipient must cease, and
- (d) state the date on or before the end of which the action is to be taken, or on or before the end of which the activity is to cease.

(9) It is the duty of an operator, or of a responsible person as the case may be, to whom a stop notice is issued to comply with it.

(10) That duty is enforceable in civil proceedings by the appropriate national authority—

- (a) for an injunction,
- (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988 ^{M6}, or
- (c) for any other appropriate remedy or relief.

Marginal Citations

M6 1988 c.36.

Signed by authority of the Secretary of State for Transport

Department for Transport

Sadiq Khan
Minister of State

Status: Point in time view as at 07/10/2014.

Changes to legislation: There are currently no known outstanding effects for the The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive No. 1999/62/EC of the European Parliament and of the Council of 17th June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures, as amended by two further Directives and the Act of Accession to the European Union (“the 1999 Directive”). The two amending Directives are Directive 2006/38/EC of the European Parliament and of the Council of 17th May 2006, and Council Directive 2006/103/EC of 20th November 2006.

The Regulations apply in relation to any toll or user charge which is authorised under an enactment to be levied for the use of infrastructure forming part of the Trans-European Road Network in the United Kingdom. The Regulations only apply in relation to tolls or user charges levied on heavy goods vehicles.

Part 2 of the Regulations sets out requirements about the calculation of the tolls and user charges, and how the rates may be varied. *Part 3* sets out requirements about the levying and collection of tolls and user charges. *Part 4* sets out requirements provisions about communicating information, in particular to the European Commission.

Part 5 sets out a restriction on the introduction of a common system of user charges for the whole of the United Kingdom and one or more other EEA States.

Part 6 sets out a requirement about the monitoring of the systems of tolls and user charges, and provides for enforcement of the requirements.

An Impact Assessment has been prepared and copies may be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR. A copy has been placed in the Library of each House of Parliament.

A copy of the Transposition Note is also available from the Department for Transport.

The Impact Assessment and the Transposition Note are also annexed to the Explanatory Memorandum which is available alongside these Regulations on the OPSI website www.opsi.gov.uk.

Status:

Point in time view as at 07/10/2014.

Changes to legislation:

There are currently no known outstanding effects for the The Heavy Goods Vehicles (Charging for the Use of Certain Infrastructure on the Trans-European Road Network) Regulations 2009.