
STATUTORY INSTRUMENTS

2009 No. 1914

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

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 a tolling arrangement is not 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.

(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 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 five months before the 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 four months before the tolling arrangement is due to come into effect.

(5) Where the tolling arrangement is due to come into effect less than five months after the date these Regulations come into force—

- (a) the information referred to in paragraph (2) must be communicated to the appropriate national authority as soon as reasonably practicable and in any event before the tolling arrangement is due to come into effect, and
- (b) upon receiving the information, the appropriate national authority must communicate the information to the European Commission as soon as reasonably practicable.

(6) Paragraphs (7) and (8) apply where the responsible person in relation to a 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 four months before the tolling arrangement is due to come into effect.

(8) Where the tolling arrangement is due to come into effect less than four months after the date these Regulations come into force, the responsible person must communicate to the European Commission the information referred to in paragraph (2)(a) and (b) as soon as reasonably practicable.

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 the 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⁽¹⁾.

(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 the 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 four months before the tolling arrangement is due to come into effect.

(6) Where the tolling arrangement is due to come into effect less than four months after the date these Regulations come into force, the responsible person must communicate to the European Commission the information referred to in paragraph (2)(a) and (b) as soon as reasonably practicable.

Tolls on parallel roads

19.—(1) Paragraph (2) applies where—

- (a) there is a road running parallel to the infrastructure forming part of the TERN,
- (b) traffic may be diverted from a section of the infrastructure referred to in regulation 3(1) onto that parallel road, or the infrastructure and the parallel road are in direct competition, and

(1) O.J. L 134, 30.4.2004, p.114.

- (c) a new tolling arrangement is due to come into effect in respect of the use by HGVs of the parallel road.
- (2) Where this paragraph applies, the appropriate national authority in relation to that section of infrastructure must communicate to the European Commission at least four months before the new tolling arrangement in respect of the use by HGVs of the parallel road is due to come into effect—
 - (a) an explanation of the geographic extent of the network covered by the new toll,
 - (b) the HGVs in respect of which the toll is to be levied,
 - (c) the levels of toll envisaged, and
 - (d) an explanation of how the level of tolls was determined.

Communication of discount and reduction schemes to the European Commission

20.—(1) This regulation applies where an operator has a scheme for giving discounts or making reductions in the rates of a toll or a user charge, and the scheme has not been notified to the European Commission on or before the date of these Regulations coming into force.

(2) If the operator is not an appropriate national authority, the operator must notify the appropriate national authority of that scheme.

(3) In the case of a scheme which has effect at the date of these Regulations coming into force, the notification to the appropriate national authority must be made as soon as reasonably practicable after the date of these Regulations coming into force.

(4) In the case of a scheme which is to come into effect after the date of these Regulations coming into force, the notification to the appropriate national authority must be made before the scheme comes into effect.

(5) If an appropriate national authority receives notification of a scheme, or if the operator is an appropriate national authority, the appropriate national authority must notify the European Commission of the scheme.