

35 910

Rules for the levying of a Heavy Goods Vehicle Charge for driving a heavy goods vehicle on designated road sections (Heavy Goods Vehicle Charge Act)

No. 2

LEGISLATIVE PROPOSAL

We Willem-Alexander, by the grace of God, King of the Netherlands, Prince of Orange-Nassau, etc., etc., etc.

Greetings to all who shall see or hear it read out loud! Be it known that:

Whereas We have considered that it is desirable, also in view of Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJEU 1999, L 187), to introduce a heavy goods vehicle charge with a view to a level playing field for foreign and Dutch holders of heavy goods vehicles, and in connection with this to abolish the tax on heavy motor vehicles, to reduce the motor vehicle tax on heavy goods vehicles and to earmark revenues for innovation and sustainability in the transport sector;

We, therefore, having heard the Advisory Division of the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

CHAPTER 1. GENERAL PROVISIONS

Article 1. (definitions)

For the purposes of this Act and the provisions made pursuant thereto, the following terms have the meanings hereby assigned to them:

on-board equipment or OBE: on-board equipment as referred to in Article 1 of the EETS Directive Implementation Act;

service provider: the main service provider or EETS provider;

service agreement: an agreement as referred to in Article 8, paragraph 1;

EETS provider: an EETS provider as referred to in Article 1 of the EETS Directive Implementation Act;

Euro emission class: emission class EURO 0, EURO I, EURO, II, EURO III, EURO IV or EURO V within the meaning of Annex 0 to Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJEU 1999, L 187), or emission class EURO VI within the meaning of Annex I to Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 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, and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives (Euro VI) and access to repair and maintenance information, amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/ EEC, 2005/55/EC and 2005/78/ EC (OJEU 2009, L 188);

physical living environment: the physical living environment as referred to in Article 1.2, paragraph 2, of the Environment and Planning Act;

main service provider: the toll service provider as referred to in Article 1 of the EETS Directive Implementation Act;

holder: a holder as referred to in Article 1 of the EETS Directive Implementation Act:

a. in whose name a heavy goods vehicle is registered in the vehicle registration system;

b. who actually has available a heavy goods vehicle for which no registration number has been declared;

c. in whose name a heavy goods vehicle has been entered in a foreign registration system for motor vehicles, the registration system for motor vehicles used by the armed forces kept by Our Minister of Defence, as well as any other registration system for motor vehicles, which he is entitled to have in the Netherlands;

vehicle registration system: a registration system as referred to in Article 42 of the Road Traffic Act 1994;

Our Minister: the Dutch Minister of Infrastructure and Water Management;

maximum permissible mass: the weight of the heavy goods vehicle plus the maximum permissible load weight for the heavy goods vehicle;

supervisor: the party designated on the basis of Article 14, paragraph 1;

Implementing Regulation (EU) 2020/204: Commission Implementing Regulation (EU) 2020/204 of 28 November 2019 on detailed obligations of European Electronic Toll Service providers, minimum content of the European Electronic Toll Service domain statement, electronic interfaces, requirements for interoperability constituents and repealing Decision 2009/750/EC (OJEU 2020, L 43);

Regulation (EU) 2018/858: Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2019 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJEU 2018, L 151);

heavy goods vehicle: a motor vehicle within the meaning of Article 1, paragraph 1, point c, of the Road Traffic Act 1994 or a combination of vehicles intended or used for the road haulage of goods, the maximum permissible mass of which is more than 3,500 kilograms;

Heavy Goods Vehicle Charge: the charge as referred to in Article 2, paragraph 1;

road: a road as referred to in Article 1, paragraph 1, point b, of the Road Traffic Act 1994;

road authority:

a. Our Minister for roads managed by the national government;

b. the Provincial Council for roads managed by a province;

c. the General Board for roads managed by a water authority or, on the basis of a decision by the General Board, the Daily Executive;

d. the Municipal Executive or, on the basis of a decision taken by them, a governing committee appointed by the Municipal Executive, for other roads;

road section: a specifically designated road or part of that road.

CHAPTER 2. HEAVY GOODS VEHICLE CHARGE

Article 2 (chargeable party and chargeable event)

1. The Heavy Goods Vehicle Charge is to be understood as the liability of a holder for payment to Our Minister of a tariff per kilometre for the distance travelled with a heavy goods vehicle on a road section as referred to in the Annex.

2. Rules may be laid down by ministerial regulation for the beginning and end of a road section of a part thereof.

3. Our Minister is the toll charger as referred to in the EETS Directive Implementation Act.

4. Notwithstanding paragraph 3, the State of the Netherlands is the toll charger as referred to in articles 8, 9, 10, 11, 12, 23, 37 and 38 of the EETS Directive Implementation Act.

5. The date of the introduction of the Heavy Goods Vehicle Charge is to be determined by ministerial regulation.

Article 3 (general or specific exemption)

1. The holder is exempt from the Heavy Goods Vehicle Charge for heavy goods vehicles that:

a. as evidenced by:

1°. a registration system kept by Our Minister of Defence are used by the Dutch armed forces;

2°. a registration system communicated by Our Minister of Defence are used by friendly armed forces;

b. use the road with a dealer's registration number;

c. are motor vehicles with limited speed as referred to in Article 37, paragraph 1, point a, under 2°, of the Road Traffic Act 1994;

d. are used as refuse collection vehicles, street sweepers or drain clearing vehicles for which the supplementary digits 18 or 19 have been included in the bodywork code, as referred to in Annex 1, Appendix 2, of Regulation (EU) 2018/858.

2. The holder may submit a request to Our Minister for a specific exemption from the Heavy Goods Vehicle Charge for heavy goods vehicles that:

a. are used by the police or the fire brigade;

b. were first put into use at least 40 years ago, unless they are used for commercial purposes.

3. By order in council, conditions and restrictions may be attached to the general or specific exemption.

4. Rules may be laid down by ministerial regulation for the information to be submitted with the request referred to in paragraph 2.

CHAPTER 3. TARIFFS

Article 4 (recording of kilometres by means of on-board equipment)

1. The recording of the kilometres driven on a road section as referred to in the Annex takes place by means of on-board equipment.

2. Unless the holder has been granted a general or specific exemption as referred to in Article 3, paragraph 1 or 2, the holder must ensure, while using any road, that the heavy goods vehicle is equipped with on-board equipment that:

- a. works properly;
- b. is activated; and
- c. belongs to the heavy goods vehicle for which a valid service agreement has been concluded.

3. The obligations of a holder as referred to in paragraph 2 do not apply during a period, to be laid down by ministerial regulation, after the holder has reported to the service provider that:

- a. the on-board equipment is not working properly; or
- b. the on-board equipment has been stolen.

4. If the service provider with whom the holder has concluded a service agreement can no longer provide his services, the obligations of the holder as referred to in paragraph 2 do not apply during a period to be laid down by ministerial regulation within which the holder has the opportunity to conclude a service agreement with another service provider.

Article 5. (tariffs)

1. The tariff for the Heavy Goods Vehicle Charge is as follows (in euros) for each kilometre driven on a road section designated in the Annex:

Maximum permissible mass [kg]	Euro emission class						
	EURO 0	EURO I	EURO I I	EURO II I	EURO I V	EURO V	EURO V I and cleaner
3,500 up to and including 12,000	0.156	0.144	0.129	0.117	0.105	0.086	0.078
12,000 up to and including 32,000	0.252	0.232	0.209	0.189	0.169	0.139	0.126
more than 32,000	0.260	0.239	0.216	0.195	0.174	0.143	0.130

2. From the year following the calendar year in which the present article enters into force, the amounts referred to in paragraph 1 are changed by ministerial regulation on 1 January of each year. To calculate these amounts, the tariffs to be replaced are multiplied by the table correction factor as referred to in Article 10.2 of the Income Tax Act 2001, and subsequently rounded off. If such rounding off occurred in the previous year, the non-rounded-off figure is used for the change.

3. When the present article enters into force, the amounts referred to in paragraph 1 are to be amended by ministerial regulation. Paragraph 2 applies by analogy, on the understanding that the table correction factors which are applicable on 1 January 2019 and in subsequent

years, up to and including the year when the present article enters into force, are to be applied successively.

Article 6 (amount of the Heavy Goods Vehicle Charge)

The amount of the Heavy Goods Vehicle Charge to be paid by the holder for each road section is calculated as follows:

$$\text{HGVC} = \text{Tk} \times \text{A}$$

where:

HGVC = the amount of the Heavy Goods Vehicle Charge per road section;

Tk = the tariff per kilometre driven, in euros, within the meaning of Article 5;

A = the number of kilometres registered, as referred to in Article 4, paragraph 1.

CHAPTER 4. PAYMENT AND COLLECTION

Article 7 (payment without an individual decision)

The amount of the Heavy Goods Vehicle Charge is paid without being established in an individual decision.

Article 8 (service agreement between the service provider and the holder)

1. For each heavy goods vehicle that is on the road, the holder of that heavy goods vehicle is obliged to have concluded a valid service agreement with a service provider, unless the holder has been granted a general or specific exemption as referred to in Article 3, paragraph 1 or 2.

2. The holder receives an invoice from the service provider for the calculated amount of the Heavy Goods Vehicle Charge, as referred to in Article 6, for a period to be agreed between them, and pays the amount to the service provider. Notwithstanding Article 20, paragraph 1, of the EETS Directive Implementation Act, payment of the amount of the Heavy Vehicle Goods Charge by the holder to the main service provider constitutes fulfilment of the holder's payment obligation to Our Minister.

3. For the conclusion of the service agreement, the vehicle documents, as defined by order in council, which are needed to determine the registration number of the heavy goods vehicle, the maximum permissible mass and the Euro emission class, are submitted by the holder to the service provider so that the service provider can determine which tariff as referred to in Article 5, paragraph 1, applies. If the holder is unable to submit the vehicle documents, the vehicle is deemed to have a maximum permissible mass of over 32,000 kg, and the highest tariff for the Euro emission class as referred to in Article 5, paragraph 1, is applied to the vehicle. Correction of the data has no retroactive effect.

4. To ensure the collection of the Heavy Goods Vehicle Charge, the service provider may impose, in the service agreement, an obligation for the holder of the heavy goods vehicle to provide security for payment.

5. With regard to the Heavy Goods Vehicle Charge, the service agreement must at least regulate the following:

- a. the provision of on-board equipment by the service provider to the holder and the maintenance of its functionality;
 - b. the sending of an invoice by the service provider to the holder specifying at least the total amount of the Heavy Goods Vehicle Charge and the number of kilometres recorded per day;
 - c. the option for the holder to pay the Heavy Goods Vehicle Charge to the service provider at least by means of cashless payment;
 - d. the management by the service provider of the customer relationship with the holder, including a procedure for complaint handling;
 - e. the implementation of and compliance with the security and privacy policy for the Heavy Goods Vehicle Charge system;
 - f. the provision of a receipt by the service provider to the holder after the amount of the Heavy Goods Vehicle Charge has been received by the service provider; and
 - g. a description of the holder's obligations, as referred to in Article 4, paragraphs 2 and 3, in connection with the operation of the on-board equipment.
6. Article 2, paragraph 6, of the Implementing Regulation (EU) 2020/204 applies by analogy to the sending of invoices, as referred to in paragraph 5, point b, by the holder to the main service provider.

Article 9 (relationship between Our Minister and the service provider)

1. If a service agreement has been concluded, suspended or terminated, and if the holder has submitted a report as referred to in Article 4, paragraph 3, the service provider immediately notifies Our Minister about this. Article 2, paragraph 4, of the Implementing Regulation (EU) 2020/204 applies by analogy to the provision of data by the main service provider to the toll charger.

2. For heavy goods vehicles with a valid service agreement, the service provider electronically states to Our Minister on a daily basis how many kilometres driven on road sections as referred to in the Annex were recorded on the previous day, also stating the amount owed for that heavy goods vehicle for that day.

3. The service provider pays the amount of the Heavy Goods Vehicle Charge owed by the holder to Our Minister within four weeks after the data as referred to in paragraph 2 are stated to Our Minister.

4. Our Minister is authorised to process the data as referred to in Article 14, paragraph 2, which have been recorded by means of a technical tool, for the purpose of the verification as referred to in Article 32, paragraph 1, point b, of the EETS Directive Implementation Act, and the checks as referred to in Article 12, paragraph 1, of the EETS Directive Implementation Act.

5. Processing for the purpose referred to in paragraph 4 may occur by comparing the recorded data, in an automated manner using a technical system, with other data obtained for this purpose.

Article 10 (collection via private law)

The payment obligation as referred to in Article 8, paragraph 2, and Article 9, paragraph 3, is not subject to articles 4:88, paragraph 3, 4:94 and 4:94a, and parts 4.4.2, 4.4.3 and 4.4.4 of the General Administrative Law Act.

CHAPTER 5. MAIN SERVICE PROVIDER

Article 11 (obligations of the main service provider)

1. The main service provider as referred to in Article 1 of the EETS Directive Implementation Act is required to conclude a service agreement with any holder who makes a request to this end.
2. Articles 12, 32 and 33 of the EETS Directive Implementation Act apply by analogy to the main service provider.

CHAPTER 6. REVENUE RECYCLING

Article 12 (multi-year programme)

1. After consulting with the transport sector, Our Minister adopts a multi-year programme for each period of up to five years to promote innovation and sustainability in the transport sector.
2. Implementation of the multi-year programme is funded from the net proceeds of the Heavy Goods Vehicle Charge.
3. The programme specifies, as detailed as is reasonably possible, the distribution of the sums for promoting innovation and sustainability in the transport sector among individual projects, project packages or policy areas.
4. The multi-year programme shows the extent to which the measures contribute efficiently and effectively to innovations and sustainability in the transport sector.
5. Before the end of each multi-year programme, the operation of the programme is evaluated with regard to its effectiveness and efficiency.
6. The multi-year programme is announced by electronic means. The announcement is published in the Government Gazette.
7. Notwithstanding paragraph 1, Our Minister may decide against the adoption of a subsequent multi-year programme after consulting with the transport sector if the evaluation as referred to in paragraph 5 gives rise to this.

CHAPTER 7. ENFORCEMENT

Article 13 (violation)

1. Non-compliance with Article 4, paragraph 2, point a, b or c, or Article 8, paragraph 1, is deemed to be a violation.
2. A violation as referred to in paragraph 1 is classified as failure to pay a road fee, within the meaning of Article 1 of the EETS Directive Implementation Act.

Article 14 (supervision)

1. Officials designated by order of Our Minister are entrusted with the supervision of compliance with the provisions laid down by or pursuant to this Act.
2. The supervisor is authorised to record and process the data of a motor vehicle on or by the road by means of a technical tool. Recorded data is understood to mean: the registration

number, the location, the date and the time of recording, the photograph of the motor vehicle, and the information from the on-board equipment. The supervisor processes these data for the purpose of compliance with and enforcement of the provisions laid down by or pursuant to this Act.

3. The presence of a technical tool is rendered clearly recognisable.

4. In order to detect violations in an automated manner, the supervisor is authorised:

a. to process the data collected by Our Minister, including:

1°. the data referred to in Article 32, paragraph 1, point b, of the EETS Directive

Implementation Act;

2°. the data on the service agreement and the report referred to in Article 9, paragraph 1;

3°. the cases referred to in Article 4, paragraph 4;

4°. the information on specific and general exemptions as referred to in Article 3;

b. to process the recorded data.

5. By or pursuant to an order in council, rules are laid down on the use of a technical tool and the designation of the necessary information from the on-board equipment, as referred to in paragraph 2, as well as the way in which the recorded data are processed.

6. An order within the meaning of paragraph 1 is announced by publication in the Government Gazette.

Article 15 (administrative fine for a violation)

1. Our Minister may impose an administrative fine on the holder for a violation as referred to in Article 13. To this end, Our Minister may process the recorded data as referred to in Article 14, paragraph 2.

2. In any event, paragraph 1 does not apply in a case as referred to in Article 28 of the EETS Directive Implementation Act.

3. For a single event to which several descriptions of violations as referred to in Article 13, paragraph 1, apply, only one administrative fine may be imposed. In that case, the maximum imposable fine is the highest fine for an individual violation.

Article 16 (amount of the administrative fine)

1. The fine to be imposed under Article 15, paragraph 1, does not exceed the amount set for the second category referred to in Article 23, paragraph 4, of the Criminal Code.

2. Payment of the administrative fine is made within two weeks after the decision to impose the fine became irrevocable.

3. If the administrative fine is not paid on time, the fine is increased by fifty percent by operation of law, and Our Minister sends the holder a first reminder. Payment of the increased amount is to be made within four weeks after the first reminder was sent.

4. If the increased administrative fine referred to in paragraph 3 has not been paid within the period specified in that paragraph, the increased fine is further increased by operation of law by one hundred percent of the amount of the increased administrative fine, and Our Minister sends the holder a second reminder. Payment of the further increased administrative fine is to be made within four weeks after the second reminder was sent.

5. If the further increased administrative fine as referred to in paragraph 4 has not been paid within the period specified in that paragraph, Our Minister is authorised to issue a writ of execution.

6. Article 4:113 of the General Administrative Law Act does not apply to the first and second reminders.

7. Article 5:10, paragraph 2, of the General Administrative Law Act does not apply after the first reminder.

8. Article 5:53 of the General Administrative Law Act does not apply to the imposition of the administrative fine.

Article 17 (stopping a vehicle and provisional measures)

1. The driver of a heavy goods vehicle is obliged to stop on the first instruction of a designated official as referred to in Article 14, paragraph 1.

2. If a heavy goods vehicle has been stopped under the provisions made in paragraph 1, the announcement of an administrative fine as referred to in Article 15 may also take place by the issuance of the decision by the designated official, as referred to in Article 14, paragraph 1, to the driver if the registration number of the holder cannot be verified. In that case:

a. notwithstanding Article 16, paragraph 2, the fine is to be paid immediately;

b. the increase of the fine, as referred to Article 16, paragraph 3, is only imposed if the administrative fine has not been paid within two weeks after it became irrevocable.

3. Designated officials, as referred to in Article 14, paragraph 1, are authorised, in the case referred to in paragraph 2, or if the holder has a record of non-payment of an irrevocable administrative fine imposed upon him previously for a violation as referred to in Article 13, paragraph 1, by way of a provisional measure, to cause the heavy goods vehicle to be transferred, to a place designated by the officials and to detain it there, or to have a mechanical device fitted to the heavy goods vehicle, thereby preventing it from being driven away. They may require payment of the amount of the administrative fine imposed, in addition to the costs of transfer and detention, before the heavy goods vehicle is returned to the driver.

4. If the legally entitled person has not collected his heavy goods vehicle 12 weeks after commencement of the provisional measure referred to in paragraph 3, he is deemed to have forfeited his right to the property and Our Minister is authorised to transfer the heavy goods vehicle to a third party for free, to sell it, or to have it destroyed.

5. When the decision referred to in paragraph 2 is issued, the holder's attention is drawn to the authorisations referred to in paragraphs 3 and 4.

6. Further rules may be laid down by or pursuant to an order in council for the transfer, the detention, the transfer of ownership for free, the sale, the destruction, the calculation of the costs of transfer and detention, and anything else necessary for implementation of this article.

Article 18 (remission of the administrative fine)

Our Minister in any event remits the administrative fine if the fined person objects to the administrative fine and:

a. shows plausibly that someone else used the heavy goods vehicle against his will and that he could not reasonably have prevented this usage; or

b. submits proof of indemnity as referred to in Article 1 of the Vehicle Registration Regulations or a statement as referred to in articles 31 up to and including 33 of the Vehicle Registration Regulations showing that he was no longer the holder of the heavy goods vehicle concerned at the time when the charge was levied.

CHAPTER 8. OBJECTION AND APPEAL

Article 19 (suspensory effect of objection and appeal against a fine under Article 15)

If an objection is lodged or an appeal is made against the decision to impose the administrative fine as referred to in Article 15, paragraph 1, and that decision was not announced pursuant to Article 17, paragraph 2, the effect of that decision is suspended until it has become irrevocable.

Article 20 (challenging an immediately collected fine)

The objection and appeal against the decision to impose an administrative fine announced pursuant to Article 17, paragraph 2, is also directed against the provisional measure as referred to in Article 17, paragraph 3.

CHAPTER 9. DATA PROTECTION

Article 21 (protection of personal data used by Our Minister)

1. Our Minister is the controller responsible for the processing of the personal data to be designated by order in council and the recorded data, as referred to in Article 14, paragraph 2, that are processed for:

- a. levying and collecting the Heavy Goods Vehicle Charge;
- b. enforcement of the provisions laid down by or pursuant to this Act.

2. Our Minister saves the personal data:

- a. as referred to in paragraph 1, opening words and point a:

1°. until the deadline referred to in Article 3:307, paragraph 1, of the Civil Code has passed;

2°. for no more than seven working days, to the extent that the comparison of the recorded data with the information referred to in paragraph 5 demonstrates that the charge has been calculated properly by the service provider;

- b. as referred to in paragraph 1, opening words and point b:

1°. for the period, as referred to in Article 5:45 of the General Administrative Law Act, within which an administrative fine may be imposed;

- 2°. until an irrevocable administrative fine, if applicable, has been paid; or

3°. until the deadline referred to in Article 4:104 of the General Administrative Law Act has passed.

3. If the administrative fine under Article 18 is remitted, the personal data are deleted immediately, notwithstanding the provisions of paragraph 2, point b.

4. The personal data as referred to in paragraph 1 are made available by Our Minister for inclusion in the registration system, as referred to in Article 24, paragraph 1.

5. The information, as referred to in Article 32, paragraph 1, point b, of the EETS Directive Implementation Act, that is provided by the service provider is not stored by Our Minister for more than seven working days.

6. This article does not affect any other retention periods prescribed by law.

Article 22 (protection of personal data used by the supervisor)

1. The supervisor is the controller responsible for the processing of personal data to be designated by order in council and the recorded data, as referred to in Article 14, paragraph 2, that are processed for:

- a. supervision of compliance with the provisions laid down by or pursuant to this Act to the extent that it concerns processing by or on behalf of the supervisor;
- b. the imposition of an administrative fine in a case as referred to in Article 17, paragraph 2;
- c. notifying holders for whom no service agreement is registered.

2. The supervisor retains the personal data:

- a. as referred to in paragraph 1, point a, until an irrevocable administrative fine (if applicable) has been paid or, to the extent that it concerns the data recorded as referred to in Article 14, paragraph 2, for a maximum of seven working days;
- b. as referred to in paragraph 1, point b, for the period, as referred to in Article 5:45 of the General Administrative Law Act, within which an administrative fine may be imposed;
- c. as referred to in paragraph 1, point c, for a maximum period of four weeks in order to notify a holder for whom no service agreement is registered.

3. The personal data as referred to in paragraph 1 are made available by the supervisor for inclusion in the registration system referred to in Article 24, paragraph 1.

4. This article does not affect any other retention periods prescribed by law.

Article 23 (protection of personal data used by the service provider)

1. A service provider is the controller for the processing of personal data for:

- a. transferring the data referred to in Article 9, paragraph 1;
- b. rendering the services referred to in Article 8, paragraph 5;
- c. verifying the information referred to in Article 21, paragraph 5.

2. The service provider does not retain the personal data for longer than is necessary to perform the services referred to in paragraph 1, points a, b and c.

3. It is forbidden for the service provider to disclose to any third party the personal data processed by him for the purpose of the Heavy Goods Vehicle Charge, unless the holder has given consent for this.

4. This article does not affect any other retention periods prescribed by law.

Article 24 (registration system)

1. There is a registration system for the Heavy Goods Vehicle Charge which is used to process the data that are needed for the proper implementation of the Heavy Goods Vehicle Charge.

2. The manager of the registration system is appointed by order of Our Minister. The manager is the controller for the registration system.

3. The personal data from the registration system are used exclusively for:

- a. the proper implementation of the provisions laid down by or pursuant to this Act;
- b. making available to Our Minister and the supervisor the data from the Heavy Goods Vehicle Charge registration system which are needed for the proper execution of their tasks in the context of the provisions laid down by or pursuant to this Act.

4. The manager retains the personal data:

- a. for no longer than the periods referred to in Article 21, paragraph 2;

b. for no longer than the periods referred to in Article 22, paragraph 2;
c. if the storage periods referred to under a and b above differ from one another and are applicable to the same data, for the longest of these two periods.

5. By ministerial regulation, rules may be laid down for the set-up and management of the registration system and the way of providing the data to be processed in the registration system.

CHAPTER 10. AMENDMENTS TO OTHER ACTS

Article 25 (amendment to the General Administrative Law Act)

In Article 1 of Annex 2 to the General Administrative Law Act, the following are included in alphabetical order:

Heavy Goods Vehicle Charge Act: Article 8, paragraph 2, Article 9, paragraph 2, and Article 12, paragraph 1.

Article 26 (amendment to the Collection of State Taxes Act 1990)

Article 9, paragraph 8, of the Collection of State Taxes Act 1990 is replaced by:

8. Notwithstanding paragraph 2, an additional assessment for car and motorcycle tax, imposed on a person other than a licence holder as referred to in Article 8 of the Private Motor Vehicle and Motorcycle Tax Act 1992, is collectable immediately.

Article 27 (amendment to the Road Traffic Act 1994)

In Article 42, paragraph 4, point b, of the Road Traffic Act 1994, “the Heavy Motor Vehicles Taxation Act” expires and “the Heavy Goods Vehicle Charge Act” is inserted after “ViA15”.

Article 28 (amendment to the Roads Act)

In Article 14, paragraph 5, of the Roads Act, the following is inserted after “ViA15”: “, and the levying of the tariffs for the Heavy Goods Vehicle Charge referred to in the Heavy Goods Vehicle Charge Act”.

Article 29 (amendment to the Heavy Motor Vehicles Taxation Act)

1. The Heavy Motor Vehicles Taxation Act is repealed.
2. The levying of the joint user charge referred to in Article 3 of the Agreement on the levying of a user charge for the use of certain roads by heavy goods vehicles, established in Brussels on 9 February 1994 (Treaty Series 1994, 69) is terminated in accordance with Article 17 of that Agreement.

Article 30 (amendment to the Motor Vehicle Tax Act 1994)

Article 25a of the Motor Vehicle Tax Act 1994 is replaced by:

Article 25a

1. For a heavy goods vehicle, the tax payable over a period of three months is as follows:

For a maximum permissible mass (in kilograms) of	Without coupling device						With coupling device			
	Without air suspension			With air suspension			Without air suspension		With air suspension	
	With number of axles			With number of axles			With number of axles		With number of axles	
	2	3	4 or more	2	3	4 or more	2	3 or more	2	3 or more
Less than 12,000	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
12,000 to 13,000	€7.75									
13,000 to 14,000	€21.50	€6.00		€7.75						
14,000 to 15,000	€30.25	€6.00		€21.50	€6.00					
15,000 to 16,000	€68.50	€13.50	€6.00	€30.25	€7.75	€6.00				
16,000 to 17,000	€68.50	€13.50	€6.00	€30.25	€7.75	€6.00	€6.00			
17,000 to 18,000	€68.50	€27.75	€11.75	€30.25	€13.50	€8.75	€6.00			
18,000 to 19,000	€68.50	€27.75	€11.75	€30.25	€13.50	€8.75	€8.00	€6.00	€6.00	
19,000 to 20,000	€68.50	€36.00	€15.25	€30.25	€27.75	€18.00	€8.00	€6.00	€6.00	
20,000 to 21,000	€68.50	€36.00	€15.25	€30.25	€27.75	€18.00	€18.75	€12.00	€8.00	€6.00
21,000 to 22,000	€68.50	€55.50	€23.50	€36.00	€36.00	€23.25	€18.75	€12.00	€8.00	€6.00
22,000 to 23,000	€68.50	€55.50	€23.50	€36.00	€36.00	€23.25	€24.25	€15.50	€18.75	€13.25
23,000 to 25,000	€86.25	€86.25	€36.50	€55.50	€55.50	€36.00	€43.75	€28.00	€24.25	€17.25
25,000 to 27,000	€86.25	€86.25	€57.00	€55.50	€55.50	€36.50	€76.75	€49.25	€43.75	€31.00
27,000 to 29,000	€90.50	€90.50	€90.50	€57.00	€57.00	€57.00	€76.75	€49.25	€43.75	€31.00

For a maximum permissible mass (in kilograms) of	Without coupling device						With coupling device			
	Without air suspension			With air suspension			Without air suspension		With air suspension	
	With number of axles			With number of axles			With number of axles		With number of axles	
	2	3	4 or more	2	3	4 or more	2	3 or more	2	3 or more
29,000 to 31,000	€134.25	€134.25	€134.25	€90.50	€90.50	€90.50	€83.75	€53.75	€51.00	€36.00
31,000 to 33,000	€134.25	€134.25	€134.25	€90.50	€90.50	€90.50	€116.25	€74.75	€83.75	€59.00
33,000 to 36,000	€134.25	€134.25	€134.25	€90.50	€90.50	€90.50	€176.50	€113.50	€116.25	€81.75
36,000 to 37,000	€134.25	€134.25	€134.25	€90.50	€90.50	€90.50	€176.50	€113.50	€116.25	€81.75
38,000 to 40,000	€134.25	€134.25	€134.25	€90.50	€90.50	€90.50	€176.50	€157.00	€128.75	€113.50
40,000 or more	€134.25	€134.25	€134.25	€90.50	€90.50	€90.50	€232.25	€232.25	€157.00	€157.00

where it should be noted that the air suspension is on the driving axles and air suspension is also understood to mean suspension recognised as equivalent in accordance with the definition in Annex I to the Directive.

2. Further rules may be laid down by ministerial regulation for the implementation of this article.

Article 31 (amendment to the Taxation in Euros (Transition) Act)

Article 16 of the Taxation in Euros (Transition) Act expires.

Article 32 (amendment to the Mutual Recognition and Enforcement of Financial Penalties and Confiscation Orders Act)

In Article 10, paragraph 1, of the Mutual Recognition and Enforcement of Financial Penalties and Confiscation Orders Act, the full stop at the end of subparagraph g is replaced by a semicolon, and a point is added, which reads:

h. administrative fine imposed by order of the competent authorities as referred to in Article 15, paragraph 1, of the Heavy Goods Vehicle Charge Act, or as referred to in Article 12, paragraph 1, of the Blankenburg Link and ViA15 Temporary Tolls Act.

CHAPTER 11. FINAL PROVISIONS

Article 33 (emergency regulation)

1. With a view to traffic safety, accessibility or the state of the physical living environment, Our Minister may, in urgent cases resulting from the implementation of the Heavy Goods Vehicle Charge, designate road sections by ministerial regulation to which the tariff as referred to in Article 5, paragraph 1, applies, or designate road sections included in the Annex to which a tariff of €0.00 applies, by way of derogation from Article 5, paragraph 1. This authority may be exercised within 18 months after:

- a. the entry into force of this Act;
- b. a change to the Annex; or
- c. a change to the tariff referred to in Article 5, paragraph 1, with the exception of changes resulting from Article 5, paragraph 2.

2. The ministerial regulation is not adopted until after consultation with the road authority.

3. Following publication in the Government Gazette of a ministerial regulation adopted pursuant to paragraph 1, a legislative proposal for regulation of the matter in question is submitted to the House of Representatives as soon as possible. If a proposal is withdrawn or if one of the two Houses of the States General decides not to adopt the proposal, the ministerial regulation is withdrawn without delay. If the proposal becomes law, the ministerial regulation is withdrawn at the time of entry into force of the Act in question.

Article 34 (evaluation)

Our Minister sends a report to the States General every four years on the effectiveness and consequences of this Act in practice.

Article 35 (transitional law)

The provisions laid down by or pursuant to the Heavy Motor Vehicles Taxation Act, Article 9, paragraph 8, point b, of the Collection of State Taxes Act 1990 and Article 42, paragraph 4, point b, of the Road Traffic Act 1994 as they read before the entry into force of articles 26, 27 and 29, remain applicable insofar as a chargeable event as referred to in Article 2 of the Heavy Motor Vehicles Taxation Act occurred at a time before Article 29 became applicable.

Article 36 (entry into force)

The articles of this Act enter into force at a time to be determined by Royal Decree, which may be set differently for the different articles or paragraphs thereof.

Article 37 (citation title)

This Act may be cited as: Heavy Goods Vehicle Charge Act.

We order and command that this Act is to be published in the Bulletin of Acts and Decrees, and that all ministerial departments, authorities, bodies and officials whom it may concern diligently effectuate the exacting implementation.

Done accordingly

The Minister of Infrastructure and Water Management,

ANNEX. List of road sections where the Heavy Goods Vehicle Charge is levied, belonging to Article 2, paragraph 1, of the Heavy Goods Vehicle Charge Act.

Category	Road name	Description (which applies to both directions of travel, unless expressly indicated otherwise)
National motorway	A1	Watergraafsmeer junction – Diemen junction – Muiderberg junction – Eemnes junction – Hoevelaken junction – Barneveld – Beekbergen junction – Azelo junction
	A1/A35	the road section between Azelo junction and Buren junction is listed as A35
	A1	Buren junction – German border
	A2	Amstel junction – Holendrecht junction – Oudenrijn junction – Everdingen junction – Deil junction – Empel junction – Hintham junction – Vught junction – Ekkersweijer junction – Batadorp junction – De Hogt junction – Leenderheide junction
	N2	Batadorp junction – Leenderheide junction
	A2	Leenderheide junction – Het Vonderen junction – Kerensheide junction – Kruisdonk junction – link road Maastricht-Centrum Noord – link road Maastricht-Centrum Zuid
	N2	link road Maastricht-Centrum Noord – link road Maastricht-Centrum Zuid
	A2	link road Maastricht-Centrum Zuid – Belgian border
	A4	De Nieuwe Meer junction – Badhoevedorp junction – De Hoek junction – Burgerveen junction – link road Zoeterwoude-Rijndijk – Prins Clausplein junction – Ypenburg junction – Kethelplein junction – Benelux junction
	A4/A29	Sabina junction – Zoomland junction
	A4/A58	Zoomland junction – Markiezaat junction
	A4	Markiezaat junction – Belgian border
	A5	De Hoek junction – Raasdorp junction – Coenplein junction
	A6	Muiderberg junction – Almere junction – Emmeloord junction – Joure junction
	A7	Zaandam (from kilometre 4.0) – Zaandam junction – link road Den Oever – Zurich junction – link road IJlst
	A7	link road Sneek-Oost – Joure junction
	A7	Joure junction – Heerenveen junction – link road Drachten – Julianaplein junction
	A7	link road Westerbroek – Zuidbroek junction – German border

Category	Road name	Description (which applies to both directions of travel, unless expressly indicated otherwise)
	A8	Coenplein junction – Zaandam junction – link road Zaanstad-Noord
	A9	Diemen junction – Holendrecht junction – Badhoevedorp junction – Raasdorp junction – Rottepolderplein junction – Velsen junction – Beverwijk junction – Kooimeer junction
	A10	Coenplein junction – Watergraafsmeer junction – Nieuwe Meer junction – Coenplein junction
	N11	link road Zoeterwoude-Rijndijk – link road A12 Bodegraven
	A12	‘s-Gravenhage (from kilometre 3.3) – Prins Clausplein junction – Gouwe junction – Bodegraven junction – Oudenrijn junction – Lunetten junction – Maanderbroek junction – Grijsoord junction
	A12/A50	Grijsoord junction – Waterberg junction
	A12	Waterberg junction – Velperbroek junction – Oud-Dijk junction – German border
	A13	Ypenburg junction – Doenkade junction – Kleinpolderplein junction to S113 Rotterdam (railway crossing)
	A15	link road Oostvoorne (from kilometre 25.1) – link road Brielle – Benelux junction – Vaanplein junction – Ridderkerk-Noord junction – Ridderkerk-Zuid junction – link road Papendrecht – Gorinchem junction – Deil junction – Valburg junction – Ressen junction – link road Bemmelen (N839)
	A16	Doenkade junction – Terbregseplein junction – Ridderkerk-Noord junction – Ridderkerk-Zuid junction – link road N3 – Klaverpolder junction
	A16/A59	Klaverpolder junction – Zonzeel junction
	A16	Zonzeel junction – Princeville junction
	A16/A58	Princeville junction – Galder junction
	A16	Galder junction – Belgian border
	A17/A59	Klaverpolder junction – Noordhoek junction
	A17	Noordhoek junction – De Stok junction
	A18	Oud-Dijk junction – Varsseveld
	A20	link road Westerlee – Kethelplein junction – Kleinpolderplein junction – Terbregseplein junction – Gouwe junction
	A22	Velsen junction – Beverwijk junction
	A27	St. Annabosch junction – Hooipolder junction – Gorinchem junction – Everdingen junction – Lunetten junction – Rijnsweerd junction – Eemnes junction – Almere junction

Category	Road name	Description (which applies to both directions of travel, unless expressly indicated otherwise)
	A28	Waterlinieweg Utrecht – Rijnsweerd junction – Hoevelaken junction – Hattemerbroek junction – Lankhorst junction – Hoogeveen junction – Assen junction – Julianaplein junction
	A29	Vaanplein junction – Hellegatsplein junction
	A29/A59	Hellegatsplein junction – Sabina junction
	A30	Maanderbroek junction – link road Barneveld
	A32	Lankhorst junction – Heerenveen junction – link road Wirdum
	A35	link road Wierden – link road Almelo-West – Azelo junction
	A35/A1	Azelo junction – Buren junction
	A35	Buren junction – link road Enschede-West – Enschede
	A37	Hoogeveen junction – Holsloot junction – German border
	A38	Rotterdamseweg Ridderkerk – Ridderkerk junction
	A44	Burgerveen junction – Wassenaar
	N44	Wassenaar – N14
	A50	John F. Kennedylaan Eindhoven (to Tempellaan) – link road Ekkersrijt
	A50	Ekkersweijer junction – link road Ekkersrijt – Paalgraven junction – Bankhoef junction – Ewijk junction – Valburg junction – Grijsoord junction
	A50/A12	the road section from Grijsoord junction to Waterberg junction is listed as A12
	A50	Waterberg junction – Beekbergen junction – Hattemerbroek junction
	N50	Hattemerbroek junction – link road Ens
	N50/A838	link road Ens – Emmeloord junction
	A58	Batadorp junction – De Baars junction – St. Annabosch junction – Galder junction
	A58/A16	the road section between Galder junction and Princeville junction is listed as A16
	A58	Princeville junction – De Stok junction – Zoomland junction
	A58/A4	the road section between Zoomland junction and Markiezaat junction is listed as A4
	A58	Markiezaat junction – Vlissingen (to kilometre 171.3)
	A59/A29	the road section between Hellegatsplein junction and Sabina junction is listed as A29
	A59	Sabina junction – Noordhoek junction

Category	Road name	Description (which applies to both directions of travel, unless expressly indicated otherwise)
	A59/A16	the road section between Klaverpolder junction and Zonzeel junction is listed as A16
	A59/A17	the road section between Noordhoek junction and Klaverpolder junction is listed as A17
	A59	Zonzeel junction – Hooipolder junction – Empel junction
	A59/A2	the road section between Empel junction and Hintham junction is listed as A2
	A59	Hintham junction – Paalgraven junction
	A65	Vught junction – Vught
	N65	Vught junction – link road Berkel-Enschot
	A65	link road Berkel-Enschot – De Baars junction
	A67	Belgian border – De Hogt junction
	A67/A2	the road section between De Hogt junction and Leenderheide junction is listed as A2
	A67	Leenderheide junction – Zaarderheiken junction – German border
	A73	Het Vonderen junction – Tiglia junction – Zaarderheiken junction – Rijkevoort junction – Neerbosch junction – Ewijk junction
	A73	Neerbosch junction – Nijmegen (to kilometre 108.6)
	A74	German border – Tiglia junction
	A76	Belgian border – Kerensheide junction – Kunderberg junction – German border
	A77	Rijkevoort junction – German border
	A79	Kruisdonk junction – Kunderberg junction
	A200	link road Halfweg – Rottepolderplein junction – link road Haarlem-Centrum (to kilometre 11.8)
	A205	link road Haarlem – Rottepolderplein junction
	A208	link road Velsbroek (from kilometre 7.3) – IJmuiden junction
	A838	the road section from link road Ens – Emmeloord junction is listed as N50
Provincial road	A256	Goes – De Poel junction
	A325	Arnhem Nijmeegseplein – Ressen junction
	A326	Bankhoef junction – Palkerplein Wijchen
	A348	Velperbroek junction – Ellecom
	N201	N212 – A2 link road Vinkeveen
	N201	A2 link road Vinkeveen – A27 link road Hilversum
	N207	A4 link road Burgerveen – A12 link road Gouda (via N452 and N451)

Category	Road name	Description (which applies to both directions of travel, unless expressly indicated otherwise)
	N209	N11 link road Hazerswoude – A12 link road Bleiswijk
	N209	A12 link road Bleiswijk – A13 link road Berkel en Rodenrijs
	N212	N201 – A12 link road Harmelen (via N198 and N419)
	N214	A15 link road Papendrecht – A27 link road Noordeloos
	N221	N237 Stichtse Rotonde – A28 link road Maarn
	N225	A50 link road Renkum – N781 Diedenweg Wageningen
	N230	A2 link road Maarsen – A27 link road Maarssen
	N235	Verzetslaan Purmerend – N247 Het Schouw
	N237	De Berekuil, Waterlinieweg Utrecht – Stichtse Rotonde (N221)
	N244	N243 Hoorn junction – N246
	N246	A8 link road Zaanstad-Noord (Coentunnelweg) – N244 Westgraftdijk
	N247	N235 Het Schouw – A10 link road Volendam
	N260	A58 link road Gilze – N282
	N263	A16 link road Breda – Belgian border
	N268	A4 link road Dinteloord – A17 link road Roosendaal-Noord
	N278	Belgian border – Tongerseweg, Prins Bisschopssingel, J.F. Kennedybrug, J.F. Kennedysingel – A2 link road Maastricht-Zuid
	N279	A50 link road Veghel – A67 link road Asten
	N280	A2 link road Kelpen-Oler – A73 link road Roermond
	N280	A73 link road Roermond – German border
	N281	A76 link road Voerendaal – A76 link road Simpelveld
	N282	A27 link road Breda-Noord – N260
	N285	A59 link road Terheijden – A17 link road Zevenbergen
	N321	A73 link road Cuijk – N324 Grave
	N322	N323 – A50 Ewijk junction
	N323	A15 link road Echteld – N322
	N324	A59 link road Oss-Oost – N321 Grave
	N325	A12 Velperbroek junction – A325 Nijmeegseplein Arnhem
	N401	A2 link road Breukelen – N212

Category	Road name	Description (which applies to both directions of travel, unless expressly indicated otherwise)
	N470	A4 link road Delft – A13 link road Delft Zuid
	N640	A58 link road Etten-Leur-West (A58) – A17 link road Oudenbosch (via N641)
	N641	A17 link road Oudenbosch – N268 Oud Gastel
	N781	A12 link road Wageningen – N225 Ritsma Bosweg Wageningen
Municipal roads	Rotterdam	
	Parallel route A15 Rotterdam (I)	Route in both directions of travel from link road A15 Havens 5700-6200, Rijnweg to Moezelweg, Moezelweg from Rijnweg to Saarweg, Saarweg, Saarweg roundabout, Calandbrug, Merseyweg, Droespolderweg, Botlekweg from Droespolderweg to Oude Maasweg, Clydeweg between Botlekweg and Botlekweg, Oude Maasweg between Botlekweg and Oude Maaspad, Oude Maaspad, Plaatweg to link road (access road) A15 Botlekbrug
	Parallel route A15 Rotterdam (II)	Route in both directions of travel from link road (access road) A15 Botlekbrug, Vondelingenweg from kilometre 3.0 (link road 3225-4000) to Groene Kruisweg
	Parallel route A15 Rotterdam (III)	Vondelingenweg between kilometre 4.8 and A15 Li 48,9c Vondelingenweg between kilometre 4.8 and A15 Re 48,85b
	Maastricht	
	Belgian border – Link road A2 Maastricht Noord	Route in both directions of travel from the Belgian border via Regia to Nobellaan, Nobellaan, Fagotstraat, Frans van de Laarplein, Fort Willemweg, Noorderbrug, Viaductweg to A2 link road Maastricht-Noord
	Belgian border – Noorderbrug	Route in both directions of travel from the Belgian border via Brusselseweg to Belvédèrelaan, Belvédèrelaan to Noorderbrug
	‘s-Hertogenbosch	
‘s-Hertogenbosch, Vlijmenseweg – Randweg	A59 link road ‘s-Hertogenbosch-West – A65 link road Vught-Centrum	
Utrecht		

Category	Road name	Description (which applies to both directions of travel, unless expressly indicated otherwise)
	Waterlinieweg Utrecht	N237 De Berekuil roundabout – A12 link road Houten