



STATUTORY INSTRUMENTS.

S.I. No. 87 of 2009

EUROPEAN COMMUNITIES (CHARGING OF HEAVY GOODS
VEHICLES FOR THE USE OF CERTAIN INFRASTRUCTURES)
REGULATIONS 2009

(Prn. A9/0386)

EUROPEAN COMMUNITIES (CHARGING OF HEAVY GOODS
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I, NOEL DEMPSEY, Minister for Transport, in exercise of powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive No. 1999/62/EC of the European Parliament and of the Council of 17 June 1999¹ as amended by Directive No. 2006/38/EC of the European Parliament and of the Council of 17 May 2006² and Directive No. 2006/103/EC of the European Parliament and of the Council of 20 November 2006³ hereby make the following Regulations:

Citation

1. These Regulations may be cited as the European Communities (Charging of Heavy Goods Vehicles for the Use of Certain Infrastructures) Regulations 2009.

Interpretation

2. In these Regulations “the Eurovignette Directive” means Directive No. 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, as amended by Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006 and Council Directive 2006/103/EC of 20 November 2006.

3. In these Regulations any reference to a Regulation is a reference to a Regulation of these Regulations, unless it is indicated that reference to some other Regulations is intended.

4. In these Regulations references to a Schedule shall be a reference to a Schedule of these Regulations.

5. In these Regulations references to the Minister shall be a reference to the Minister for Transport.

6. A word or expression that is used in these Regulations and is also used in the Eurovignette Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Eurovignette Directive.

¹ OJ L 187, 20.7.1999, p.42. Directive as amended by the 2003 Act of Accession.

² OJ L 157, 9.6.2006, p.8.

³ OJ L 363, 20.12.2006, p.344.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 27th March, 2009.*

7. For the purposes of these Regulations, the following definitions shall apply:

“concession contract” means a “public works concession” or a “service concession” as defined in Article 1 of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts;

“concession toll” means a toll levied by a concessionaire under a concession contract;

“construction costs” means the costs related to construction including, where appropriate, the financing costs, of:

- (a) new infrastructure or new infrastructure improvements (including significant structural repairs), or
- (b) infrastructure or infrastructure improvements (including significant structural repairs) completed no more than 30 years before 10 June 2008, where tolling arrangements are already in place on 10 June 2008, or completed no more than 30 years before the establishment of any new tolling arrangements introduced after 10 June 2008; costs regarding infrastructure or infrastructure improvements completed before these time limits may also be considered as construction costs where:
 - (i) a tolling system has been established which provides for the recovery of these costs by means of a contract with a tolling system operator, or other legal acts having equivalent effect, which entered into force before 10 June 2008, or
 - (ii) it can be demonstrated that the case for building the infrastructure in question depended on its having a design lifetime in excess of 30 years.

In any event, the proportion of the construction costs to be taken into account shall not exceed the proportion of the current design lifetime period of infrastructure components still to run on 10 June 2008 or on the date when the new tolling arrangements are introduced, where this is a later date.

Costs of infrastructure or infrastructure improvements may include any specific expenditure on infrastructure designed to reduce nuisance related to noise or to improve road safety and actual payments made by the infrastructure operator corresponding to objective environmental elements such as protection against soil contamination;

“financing costs” means interest on borrowings and/or return on any equity funding contributed by shareholders;

“significant structural repairs” means structural repairs excluding those repairs no longer of any current benefit to road users, e.g. where the repair work has been replaced by further road resurfacing or other construction work;

“toll” means a specified amount payable for a vehicle travelling a given distance on the infrastructures referred to in Regulation 8; the amount shall be based on the distance travelled and the type of vehicle;

“trans-European road network” means the road network defined in Section 2 of Annex I to Decision No. 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network as illustrated by maps. The maps refer to the corresponding sections mentioned in the operative part of and/or in Annex II to that Decision;

“type of vehicle” means a category into which a vehicle falls according to the number of its axles, its dimensions or weight, or other vehicle classification factors reflecting road damage, e.g., the road damage classification system set out in Schedule 4, provided that the classification system used is based on vehicle characteristics which either appear in the vehicle documentation used in all Member States or are visually apparent;

“user charge” means a specified amount, payment of which confers the right for a vehicle to use for a given period the infrastructures referred to in Regulation 8;

“vehicle” means a motor vehicle or articulated vehicle combination intended or used exclusively for the carriage by road of goods and having a maximum permissible laden weight of over 3.5 tonnes;

“vehicle of the ‘EURO 0’, ‘EURO I’, EURO II’, ‘EURO III’, ‘EURO IV’, ‘EURO V’, ‘EEV’ category” means a vehicle that complies with the emission limits set out in Schedule 1;

“weighted average toll” means the total revenue raised through tolls over a given period divided by the number of vehicle kilometres travelled on a given network subject to tolling during that period, both the revenue and the vehicle kilometres being calculated for the vehicles to which tolls apply.

Tolls and user charges

8. Tolls and user charges may be maintained or introduced on the trans-European road network, or on parts of that network providing that they comply with the conditions set out in Regulations 10 to 22. This shall be without prejudice to the right, in compliance with the Treaty, to apply tolls and/or user charges on roads not included in the trans-European road network, inter alia on parallel roads to which traffic may be diverted from the trans-European road network and/or which are in direct competition with certain parts of that network, or to other types of motor vehicle not covered by the definition of “vehicle” on the trans-European road network, provided that the imposition of tolls and/or user charges on such roads does not discriminate against international traffic and does not result in distortions of competition between operators. Tolls may be levied at a particular point only on the infrastructure to which the toll relates.

9. Where tolls and/or user charges are maintained or introduced only on parts of the trans-European road network, the resulting exemptions for the other parts (for reasons such as their isolation or low levels of congestion or pollution or where essential for the introduction of a new tolling arrangement) shall not result in any discrimination against international traffic.

10. (1) Tolls and/or user charges may be maintained or introduced which are applicable only to vehicles having a maximum permissible laden weight of not less than 12 tonnes. Where tolls and/or user charges are applied to vehicles below this weight limit, the provisions of these Regulations shall apply.

(2) Tolls and/or user charges shall be applied to all vehicles from 2012.

(3) A derogation may be made from the requirement set out in (2) where it is considered that the extension of tolling to vehicles of less than 12 tonnes would:

- (a) create significant adverse effects on the free flow of traffic, the environment, noise levels, congestion or health, or
- (b) involve administrative costs which would be more than 30% of additional revenue generated.

11. Tolls and user charges may not both be imposed at the same time on any given category of vehicle for the use of a single road section. However, tolls may also be imposed on networks where user charges are levied for the use of bridges, tunnels and mountain passes.

12. Tolls and user charges may 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 vehicle, or the origin or destination of the transport operation.

13. Reduced toll rates or user charges or exemptions from the obligation to pay tolls or user charges may apply:

- (a) for vehicles exempted in the State from the requirement to install and use recording equipment under Council Regulation (EEC) No. 3821/85 of 20 December 1985 on recording equipment in road transport and
- (b) for vehicles used for national or civil defence purposes, by fire and other emergency services and by the Garda Síochána, and vehicles used for road maintenance and
- (c) for vehicles which are used only occasionally on the public roads in the State and are used by natural or legal persons whose main occupation is not the carriage of goods, provided that the transport operations carried out by these vehicles do not cause distortions of competition, and subject to the Commission's agreement.

14. (1) As charging structures involving discounts or reductions in tolls for frequent users may lead to actual savings in administrative costs for the infrastructure operator, discounts or reductions may be offered providing that they:

- (a) fulfil the conditions set out in Regulation 20(1),
- (b) comply with the Treaty, in particular Articles 12, 49, 86 & 87 thereof,
- (c) do not distort competition in the internal market,
- (d) ensure that the resulting charging structure is linear, proportionate, available to all users on equal terms and does not lead to additional costs being passed on to other users in the form of higher tolls.

(2) Such discounts or reductions shall in no case exceed 13% of the toll paid by equivalent vehicles not eligible for the discount or reduction.

(3) All discount and reduction schemes shall be communicated to the Commission.

15. Tolls and user charges shall be applied and collected and their payment monitored 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 border of the State. Methods should be established to enable hauliers to pay user charges 24 hours a day, at least at the major sales outlets, using all common means of payment. There shall be adequate facilities at the points of payment for tolls and user charges so as to maintain normal road-safety standards.

16. The arrangements for the collection of tolls and/or user charges shall not, financially or otherwise, place non-regular users of the road network at an unjustified disadvantage. In particular, where tolls and/or user charges are collected exclusively by means of a system that requires the use of a vehicle on-board unit, the appropriate on-board units shall be made available under reasonable administrative and economic arrangements.

17. User charges, including administrative costs, for all vehicle categories shall be set at a level which is not higher than the maximum rates laid down in Schedule 2.

18. User charge rates shall be in proportion to the duration of the use made of the infrastructure. Annual rates may only be applied to vehicles registered in the State.

19. Tolls shall be based on the principle of the recovery of infrastructure costs only. Specifically, the weighted average tolls shall be related to the construction costs and the costs of operating, maintaining and developing the infrastructure network concerned. The weighted average tolls may also include a return on capital or profit margin based on market conditions.

20. (1) Without prejudice to the weighted average tolls referred to in Regulation 19, toll rates may be varied for such purposes as combating environmental

damage, tackling congestion, minimising infrastructure damage, optimising the use of the infrastructure concerned or promoting road safety, providing that such variation:

- (a) is proportionate to the objective pursued;
 - (b) is transparent and non-discriminatory particularly regarding the nationality of the haulier, the country or place of establishment of the haulier or of registration of the vehicle, and the origin or destination of the transport operation;
 - (c) is not designed to generate additional tolling revenue, any unintended increase in revenue (leading to weighted average tolls which are not in accordance with Regulation 19) being counterbalanced through changes to the structure of the variation which must be implemented within two years of the end of the accounting year in which the additional revenue is generated; and
 - (d) respects the maximum flexibility thresholds set out in (2) of this Regulation.
- (2) Subject to the conditions of (1), toll rates may be varied according to—
- (a) EURO emission class as set out in Schedule 1, including the level of PM and NOx provided that no toll is more than 100% above the toll charged for equivalent vehicles meeting the strictest emission standards; and/or
 - (b) the time of day, type of day or season, provided that:
 - (i) no toll is more than 100% above the toll charged during the cheapest period of the day, type of day or season; or
 - (ii) where the cheapest period is zero-rated, the penalty for the most expensive time of day, type of day or season is no more than 50% of the level of toll that would otherwise be applicable to the vehicle in question.

Toll rates shall be varied in accordance with (a) no later than 2010, or in the case of a concession contract, when the concession contract is renewed. There may be a derogation from this requirement if—

- (aa) this would seriously undermine the coherence of the tolling systems in the State;
- (bb) for the tolling system concerned, it would not be technically practicable to introduce such differentiation; or
- (cc) this would lead to diversion of the most polluting vehicles away from the trans-European road network with consequential impacts on road safety and public health.

Any such derogation shall be notified to the Commission.

(3) Subject to the conditions of (1), toll rates may in exceptional cases for specific projects of high European interest be subject to other forms of variation in order to secure the commercial viability of such projects, when they are exposed to direct competition with other modes of transport for vehicles. The resulting charging structure shall be linear, proportionate, openly published, available to all users on equal terms and shall not lead to additional costs being passed on to other users in the form of higher tolls.

21. Without prejudice to Regulation 31, in exceptional cases concerning infrastructure in mountainous regions and after informing the Commission, a mark-up may be added to the tolls of specific road sections—

(1) Which are the subject of acute congestion affecting the free movement of vehicles; or

(2) The use of which by vehicles is the cause of significant environmental damage,

on the condition that:-

- (a) the revenue generated from the mark-up is invested in priority projects of European interest identified in Annex III to Decision No. 884/2004/EC, which contribute directly to the alleviation of the congestion or environmental damage in question and which are located in the same corridor as the road section on which the mark-up is applied;
- (b) the mark-up, which may be applied to the tolls varied in accordance with Regulation 20, does not exceed 15% of the weighted average toll calculated in accordance with Regulation 19 except where the revenue generated is invested in cross-border sections of priority projects of European interest involving infrastructure in mountainous regions, in which case the mark-up may not exceed 25%;
- (c) the application of the mark-up does not result in unfair treatment of commercial traffic compared to other road users;
- (d) financial plans for the infrastructure on which the mark-up is applied and a cost/benefit analysis for the new infrastructure project are submitted to the Commission in advance of the mark-up's application;
- (e) the period for which the mark-up is to apply is defined and limited in advance and is consistent in terms of the expected revenue to be raised with the financial plans and cost/benefit analysis submitted.

Application of this provision to any new cross-border projects shall be subject to the agreement of the Member States concerned.

22. Where a driver is unable to produce the vehicle documents necessary to ascertain the information referred to in Regulation 20(2) and the type of vehicle in the event of a check, the highest level of toll may be charged.

23. In determining the levels of weighted average tolls to be charged on the infrastructure network concerned or a clearly defined part of such a network, account shall be taken of the various costs set out in Regulation 19. The costs taken into account shall relate to the network or part of the network on which tolls are levied and to the vehicles that are subject to the tolling. It may be decided not to recover these costs through toll revenue or to recover only a percentage of the costs.

24. Tolls shall be determined in accordance with Regulations 8 to 23 of these Regulations.

(1) For new tolling arrangements other than those involving concession tolls put in place after 10 June 2008, costs shall be calculated using a methodology based on the core calculation principles set out in Schedule 3 hereto.

(2) For new concession tolls put in place after 10 June 2008, the maximum level of tolls shall be equivalent to, or less than, the level that would have resulted from the use of a methodology based on the core calculation principles set out in Schedule 3. The assessment of such equivalence shall be made on the basis of a reasonably long reference period appropriate to the nature of a concession contract.

(3) Tolling arrangements already in place on 10 June 2008, or for which tenders or responses to invitations to negotiate under the negotiated procedure have been received pursuant to a public procurement process before 10 June 2008, shall not be subject to the obligations set out in this paragraph, for as long as these arrangements remain in force and providing that they are not substantially modified.

25. It shall be communicated to the Commission at least four months before the implementation of a new tolling arrangement—

- (1) For tolling arrangements other than those involving concession tolls:
 - (a) the unit values and other parameters used in calculating the various cost elements;
 - (b) clear information on the vehicles 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 it is intended to recover;
- (2) For tolling arrangements involving concession tolls:
 - (a) the concession contracts or significant changes to such contracts;
 - (b) the base case on which the grantor has founded the notice of concession, as referred to in Annex VII B to Directive 2004/18/EC; this

base case shall include the estimated costs as defined in Regulation 19 envisaged under the concession, the forecasted traffic divided into types of vehicle, the levels of tolls envisaged and the geographic extent of the network covered by the concession contract.

26. The Commission shall be informed at least four months before the implementation of new tolling arrangements applicable to parallel roads to which traffic may be diverted from the trans-European road network and/or which are in direct competition with certain parts of that network on which tolls are levied. This information shall include at least an explanation of the geographic extent of the network covered by the toll, the vehicles covered and the levels of toll envisaged, together with an explanation of how the level of toll was determined.

27. Where it is intended to apply the provisions contained in Regulation 21 in respect of tolling arrangements already in place on 10 June 2008, it must be demonstrated that the weighted average toll being applied to the infrastructure concerned complies with the definition of 'construction costs' set out at Regulation 7 above and complies with Regulation 19 and Regulation 20 above.

28. Without prejudice to Articles 87 and 88 of the Treaty, appropriate compensation may be provided for charges made under a system of tolls and/or user charges for infrastructure.

29. (1) A common system may be introduced in cooperation with one or more Member States for user charges applicable to their territories as a whole.

(2) A common system shall be subject to the following conditions in addition to those in Regulations 8 to 22—

- (a) the common user-charge rates shall be set by the participating Member States at levels that are not higher than the maximum rates referred to in Regulation 17;
- (b) payment of the common user charge shall give access to the network as defined by the participating Member States in accordance with Regulation 8;
- (c) other Member States may join the common system;
- (d) a scale shall be worked out by the participating Member States whereby each of them shall receive a fair share of the revenues accruing from the user charge.

30. Tolls and user charges shall be transparent and non-discriminatory.

31. (1) These Regulations shall not prevent the non-discriminatory application of:

- (a) specific taxes or charges—
 - (i) levied upon registration of the vehicle; or

- (ii) imposed on vehicles or loads of abnormal weights or dimensions;
 - (b) parking fees and specific urban traffic charges.
- (2) These Regulations shall not prevent the non-discriminatory application of:
- (a) regulatory charges specifically designed to combat time and place-related traffic congestion;
 - (b) regulatory charges designed to combat environmental impacts, including poor air quality

on any road, notably in urban areas, including trans-European road network roads crossing an urban area.

SCHEDULE 1

Emission Limits**1. “Euro 0” vehicle**

Mass of carbon monoxide (CO) g/kWh	Mass of hydrocarbons (HC) g/kWh	Mass of nitrogen oxides (NO _x) g/kWh
12,3	2,6	15,8

2. “Euro I”/“Euro II” vehicles

	Mass of carbon monoxide (CO) g/kWh	Mass of hydrocarbons (HC) g/kWh	Mass of nitrogen oxides (NO _x) g/kWh	Mass of particulates (PT) g/kWh
“Euro I” vehicle	4,9	1,23	9,0	0,4 ⁽¹⁾
“Euro II” vehicle	4,0	1,1	7,0	0,15

⁽¹⁾A coefficient of 1,7 is applied to the particulate emission limit value in the case of engines with a power rating of 85 kW or less.

3. “Euro III”/“Euro IV”/ “Euro V”/“EEV” vehicles

The specific masses of carbon monoxide, total hydrocarbons, nitrogen oxides and particulates, determined by the ESC test and the exhaust gas opacity, determined by the ELR test, must not exceed the following values ⁽¹⁾:

	Mass of carbon monoxides (CO) g/kWh	Mass of hydrocarbons (HC) g/kWh	Mass of nitrogen oxides (NO _x) g/kWh	Mass of particulates (PT) g/kWh	Exhaust gas m ¹
“Euro III” vehicle	2,1	0,66	5,0	0,10 ⁽²⁾	0,8
“Euro IV” vehicle	1,5	0,46	3,5	0,02	0,5
“Euro V” vehicle	1,5	0,46	2,0	0,02	0,5
“EEV” vehicle	1,5	0,25	2,0	0,02	0,15

⁽¹⁾ A test cycle consists of a sequence of test points, each point being defined by a speed and a torque which the engine must respect in steady state (ESC test) or transient operating conditions (ETC and ELR tests).

⁽²⁾ 0,13 for engines whose unit cylinder capacity is less than 0,7 dm³ and the nominal speed is in excess of 3,000 min⁻¹.

4. Future emission classes of vehicles as defined in Directive 88/77/EEC and subsequent amendments may be considered.

SCHEDULE 2

**MAXIMUM AMOUNTS IN EURO OF USER CHARGES, INCLUDING ADMINISTRATIVE COSTS,
REFERRED TO IN REGULATION 17 OF THESE REGULATIONS.****Annual**

	maximum three axles	minimum four axles
EURO 0	1 332	2 233
EURO I	1 158	1 933
EURO II	1 008	1 681
EURO III	876	1 461
EURO IV and less polluting	797	1 329

Monthly and weekly

Maximum monthly and weekly rates are in proportion to the duration of the use made of the infrastructure.

Daily

The daily user charge is equal for all vehicle categories and amounts to EURO 11.

SCHEDULE 3

**CORE PRINCIPLES FOR THE ALLOCATION OF COSTS AND
CALCULATION OF TOLLS**

This Schedule stipulates the core principles for the calculation of weighted average tolls to reflect Regulation 19. The obligation to relate tolls to costs shall be without prejudice to the freedom of the State to choose, in accordance with Regulation 23, not to recover the costs in full through toll revenue, or to the freedom, in accordance with Regulation 20, to vary the amounts of specific tolls away from the average.

The application of these principles shall be fully consistent with other existing obligations under Community law, in particular the requirement for concession contracts to be awarded in accordance with Directive 2004/18/EC and other Community instruments in the field of public procurement.

1. Definition of the network and of vehicles covered

- Where a single tolling regime is not to be applied to the whole TEN road network, the precise part or parts of the network which are to be subject to a tolling regime as well as the system used to classify vehicles for the purposes of toll variation shall be defined. Whether or not the scope of the tolling regime is extended to cover vehicles below the 12-tonne threshold shall also be specified.
- Where different policies regarding cost recovery for different parts of the network (as permitted under Regulation 23) are adopted, each clearly defined part of the network shall be subject to a separate calculation of costs. The network may be split up into a number of clearly defined parts so as to establish separate concession arrangements or similar for each part.

2. Infrastructure costs**2.1. Investment costs**

- Investment costs shall include the costs of construction (including financing costs) and the costs of developing the infrastructure plus, where appropriate, a return on the capital investment or profit margin. Costs of land acquisition, planning, design, supervision of construction contracts and project management, and of archaeological and ground investigations, as well as other relevant incidental costs, shall also be included.
- The recovery of construction costs shall be based on either the design lifetime of the infrastructure or such other amortisation period (not being less than 20 years) as may be considered appropriate for reasons of financing through a concession contract or otherwise. The length of the amortisation period may be a key variable in negotiations regarding the establishment of concession contracts, particularly if a ceiling is set regarding the weighted average toll applicable.

- Without prejudice to the calculation of investment costs, the recovery of costs may:
 - be apportioned evenly over the amortisation period or weighted to the early, middle or later years, provided that such weighting is carried out in a transparent manner,
 - provide for indexation of tolls over the amortisation period.
- All historic costs shall be based on the amounts paid. Costs which are still to be incurred will be based on reasonable cost forecasts.
- Government investment may be assumed to be financed borrowings. The rate of interest to be applied to historical costs shall be the rates that applied to government borrowings over that period.
- Costs shall be apportioned to heavy goods vehicles (HGVs) on an objective and transparent basis taking account of the proportion of HGV traffic to be carried on the network and the associated costs. The vehicle kilometres travelled by HGVs may for this purpose be adjusted by objectively justified “equivalence factors” such as those set out in point 4.
- Provision for estimated return on capital or profit margin shall be reasonable in the light of market conditions and may be varied for the purpose of providing performance incentives for a contracted third party with regard to quality of service requirements. Return on capital may be evaluated using economic indicators such as IRR (internal rate of return on investment) or WACC (weighted average cost of capital).

2.2. Annual maintenance costs and structural repair costs

- These costs shall include both the annual costs of maintaining the network and the periodic costs relating to repair, reinforcement and resurfacing, with a view to ensuring that the level of operational functionality of the network is maintained over time.
- Such costs shall be apportioned between HGV and other traffic on the basis of actual and forecast shares of vehicle kilometres and may be adjusted by objectively justified equivalence factors such as those set out in point 4.

3. Operating, management and tolling costs

These costs shall include all costs incurred by the infrastructure operator which are not covered under Section 2 and which relate to the implementation, operation and management of the infrastructure and of the tolling system.

They shall include in particular:

- the costs of constructing, establishing and maintaining toll booths and other payment systems,

- the day to day costs of operating, administering and enforcing the toll collection system,
- administrative fees and charges relating to concession contracts,
- management, administrative and service costs relating to the operation of the infrastructure.

The costs may include a return on capital or profit margin reflecting the degree of risk transferred.

Such costs shall be apportioned on a fair and transparent basis between all vehicle classes that are subject to the tolling system.

4. Share of goods traffic, equivalence factors and correction mechanism

- The calculation of tolls shall be based on actual or forecast HGV shares of vehicle kilometres adjusted, if desired, by equivalence factors, to make due allowance for the increased costs of constructing and repairing infrastructure for use by goods vehicles.
- The following table gives a set of indicative equivalence factors. Where a Member State uses equivalence factors with ratios differing from those in the table, they shall be based on objectively justifiable criteria and shall be made public.

Vehicle class ⁽¹⁾	Equivalence factors		
	Structural repair ⁽²⁾	Investments	Annual maintenance
Between 3,5 t and 7,5 t, Class 0	1	1	1
> 7,5 t, Class I	1,96	1	1
> 7,5 t, Class II	3,47	1	1
> 7,5 t, Class III	5,72	1	1

⁽¹⁾ See Schedule 4 for the determination of the vehicle class.

⁽²⁾ The vehicle classes correspond to axle weights of 5,5, 6,5, 7,5 and 8,5 tonnes respectively.

- Tolling regimes which are based on forecast traffic levels shall provide for a correction mechanism whereby tolls are adjusted periodically to correct any under or over-recovery of costs due to forecasting errors.

SCHEDULE 4

INDICATIVE VEHICLE CLASS DETERMINATION

The vehicle classes are defined by the table below.

Vehicles are classed in subcategories 0, I, II and III according to the damage they cause to the road surface, in ascending order (Class III is thus the category causing most damage to road infrastructure). The damage increases exponentially with the increase in axle weight.

All motor vehicles and vehicle combinations of a maximum permissible laden weight below 7,5 tonnes belong to damage class 0.

Motor vehicles

Driving axles with air suspension or recognised equivalent ⁽¹⁾		Other driving axle suspension systems		Damage class
Number of axles and maximum permissible gross laden weight (in tonnes)		Number of axles and maximum permissible gross laden weight (in tonnes)		
Not less than	Less than	Not less than	Less than	

Two axles

7,5	12	7,5	12	I
12	13	12	13	
13	14	13	14	
14	15	14	15	
15	18	15	18	

Three axles

15	17	15	17	II
17	19	17	19	
19	21	19	21	
21	23	21	23	
23	25			
25	26			
		23	25	
		25	26	

Four axles

23	25	23	25	I
25	27	25	27	
27	29			
		27	29	II
		29	31	
		31	32	
29	31			
31	32			

⁽¹⁾ Suspension recognised as equivalent according to the definition in Annex II to Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59). Directive as last amended by Directive 2002/7/EC of the European Parliament and of the Council (OJ L 67, 9.3.2002, p. 47).

Vehicle combinations (articulated vehicles and road trains)

Driving axles with air suspension or recognised as equivalent		Other driving axle suspension systems		Damage class
Number of axles and maximum permissible gross laden weight (in tonnes)		Number of axles and maximum permissible gross laden weight (in tonnes)		
Not less than	Less than	Not less than	Less than	

2 + 1 axles

7,5	12	7,5	12	I
12	14	12	14	
14	16	14	16	
16	18	16	18	
18	20	18	20	
20	22	20	22	
22	23	22	23	
23	25	23	25	
25	28	25	28	

2 + 2 axles

23	25	23	25	
25	26	25	26	
26	28	26	28	
28	29	28	29	
29	31	29	31	II
31	33	31	33	
33	36	33	36	III
36	38			

2 + 3 axles

36	38	36	38	II
38	40			
		38	40	III

3 + 2 axles

36	38	36	38	II
38	40			
		38	40	III
		40	44	
40	44			

3 + 3 axles

36 38	38 40	36	38	I
		38	40	II
40	44	40	44	



GIVEN under my Official Seal,
19 March 2009

NOEL DEMPSEY,
Minister for Transport.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation)

The purpose of these Regulations is to transpose into Irish law Directives No. 1999/62/EC, and 2006/38/EC of the European Parliament and Council. Collectively these directives are known as the ‘Eurovignette’ directive and they provide a harmonised EU framework for the charging of tolls and user charges on heavy goods vehicles on certain European motorways. Eurovignette does not require Member States to levy tolls or charges on HGVs, but where they decide to do so they must respect the rules of the directive. Tolls and charges are to be transparent and non-discriminatory. Tolls for existing schemes must be related to infrastructure costs and tolls for new schemes must be calculated in line with detailed rules set out in the directive.

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