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L.N. 338 of 2024

**AUTHORITY FOR TRANSPORT IN MALTA ACT
(CAP. 499)**

**Application of Tolls and User Charges to
Vehicles Regulations, 2024**

IN EXERCISE of the powers conferred by article 43 of the Authority for Transport in Malta Act, the Minister responsible for transport, after consultation with the Authority for Transport in Malta, has made the following regulations:-

Citation and
scope.

1. (1) The title of these regulations is the Application of Tolls and User Charges to Vehicles Regulations, 2024.

(2) The scope of these regulations is to transpose the provisions of Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of vehicles for the use of infrastructures.

Interpretation.

2. In these regulations, unless the context otherwise requires:

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"Act" means the Authority for Transport in Malta Act;

"Authority" means the Authority for Transport in Malta established in accordance with the Act;

"coach" and "bus", for the purpose of these regulations, mean a heavy-duty vehicle intended for the carriage of more than eight (8) passengers, in addition to the driver;

"Commission" means the European Commission;

"Commission Regulation (EU) 2017/2400" means Commission Regulation (EU) 2017/2400 of 12 December 2017 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the determination of the CO₂ emissions and fuel consumption of heavy-duty vehicles and amending Directive 2007/46/EC of the European Parliament and of the Council and Commission Regulation (EU) No 582/2011;

S.L. 601.09.

"concession contract" shall have the same meaning as assigned to the definition "concessions" in the Concession Contracts Regulations;

"concession toll" means a toll levied by a concessionaire

under a concession contract;

"congestion" means a situation where traffic volumes approach or exceed road capacity;

"congestion charge" means a charge which is levied on vehicles for the purpose of recovering the congestion costs incurred in Malta and of reducing congestion;

"construction costs" means the costs related to construction, including, where appropriate, the financing costs, of new infrastructure or new infrastructure improvements, including significant structural repairs:

Provided that 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:

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

"core trans-European transport network" means the transport infrastructure identified in accordance with Chapter III of Regulation (EU) No 1315/2013;

"cost of traffic-based air pollution" means the cost of the harm to human health and of the environmental damage caused by the release of particulate matter and of ozone precursors, such as NO_x and volatile organic compounds, in the course of the operation of a vehicle;

"cost of traffic-based CO₂ emissions" means the cost of the damage caused by the release of CO₂ in the course of the operation of a vehicle;

"cost of traffic-based noise pollution" means the cost of the harm to human health and of the environmental damage caused by the noise emitted by the vehicles or created by their interaction with the road surface;

"CO₂ emissions" means the specific CO₂ emissions of a

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heavy-duty vehicle provided in point 2.3 of the Customer Information File as defined in Part II of Annex IV to Commission Regulation (EU) 2017/2400;

"Directive 1999/62/EC" means Directive 1999/62/EC of the European Parliament and of the Council of 17th June, 1999 on the charging of vehicles for use of road infrastructures as amended by Directive 2006/38/EC of 17 May 2006, by Council Directive 2006/103/EC of 20 November 2006 and by Directive (EU) 2022/362 of 24 February 2022;

"Directive 2014/45/EU" means Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and trailers and repealing Directive 2009/40/EC;

"emission reduction trajectory" means, for the reporting period of a year (Y) and vehicle sub-group (sg), namely $ET_{Y,sg}$, the product of the annual CO₂ emissions reduction factor (R-ET_Y) times the reference CO₂ emissions (rCO_{2sg}) of the sub-group (sg), namely $ET_{Y,sg} = R-ET_Y \times rCO_{2sg}$ for years $Y \leq 2030$, R-ET_Y and rCO_{2sg} are both determined in accordance with point 5.1 of Annex I to Regulation (EU) 2019/1242; for years $Y > 2030$, R-ET_Y is 0,70; rCO_{2sg} applies as adjusted by delegated acts adopted in accordance with Article 11(2) of Regulation (EU) 2019/1242 for the reporting periods commencing after the respective dates of application of those delegated acts;

"external-cost charge" means a charge levied for the purpose of recovering the costs related to one or more of the following:

- (a) traffic-based air pollution;
- (b) traffic-based noise pollution; or
- (c) traffic-based CO₂ emissions;

"financing costs" means interest on borrowings and return on any equity funding contributed by shareholders;

"heavy-duty vehicle" means a vehicle with a technically permissible maximum laden mass exceeding three point five (3.5) tonnes;

"heavy goods vehicle" means a heavy-duty vehicle intended for the carriage of goods;

"infrastructure" means all parts of the road network in Malta;

"infrastructure charge" means a charge levied for the purpose of recovering the construction, the maintenance, the operation and the development costs related to infrastructure incurred in Malta;

"light-duty vehicle" means a vehicle with a technically permissible maximum laden mass not exceeding three point five (3.5) tonnes;

"light commercial vehicle" means a light-duty vehicle intended for the carriage of goods;

"low-emission heavy-duty vehicle" means:

(a) a low emission heavy-duty vehicle as defined in Article 3, point 12 of Regulation (EU) 2019/1242; or

(b) a heavy-duty vehicle not covered by Article 2(1), points (a) to (d), of that Regulation, with CO₂ emissions lower than fifty percent (50%) of the reference CO₂ emissions of its vehicle group, other than a zero-emission vehicle;

"minibus" means a light-duty vehicle intended for the carriage of more than eight (8) passengers in addition to the driver;

"motor caravan" means a vehicle with living accommodation space which contains seats and a table, sleeping accommodation, whether separate or converted from the seating, cooking facilities and storage facilities:

Provided that the Authority may treat a motor caravan either as a coach or bus, or as a passenger car.

"motorway" means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which meets the following criteria:

(a) it is provided, except at special points or temporarily, with separate carriageways for the two (2) directions of traffic, separated from each other either by a dividing strip not intended for traffic or, exceptionally, by other means;

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(b) it does not cross at grade with any road, railway or tramway track, bicycle path or footpath; and

(c) it is specifically designated as a motorway;

"passenger car" means a light-duty vehicle intended for the carriage of not more than eight (8) passengers in addition to the driver;

"reference CO₂ emissions of a vehicle group" means:

(a) for vehicles covered by Regulation (EU) 2019/1242, the amount calculated in accordance with the formula in point 3 of Annex I to that Regulation;

(b) for vehicles not covered by Regulation (EU) 2019/1242, the average value of all CO₂ emissions of vehicles in that vehicle group, reported in accordance with Regulation (EU) 2018/956 for the first reporting period, which shall start after the date on which the registration, sale or entry into service of vehicles in that vehicle group, that do not comply with the obligations referred to in Article 9 of Regulation (EU) 2017/2400, is prohibited in accordance with Article 24 of Regulation (EU) 2017/2400;

"Regulation (EU) No 1315/2013" means Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU;

"Regulation (EU) 2018/858" means Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 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;

"Regulation (EU) 2018/956" means Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles;

"Regulation (EU) 2019/1242" means Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ emission performance standards for new

heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) No 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC;

"reporting period of the year Y" means reporting period of the year Y as defined in Article 3, point 3 of Regulation (EU) 2019/1242;

"significant structural repairs" means structural repairs excluding those repairs no longer of any current benefit to road users, in particular where the repair work has been replaced by further road resurfacing or other construction work;

"substantially amended tolling or charging arrangement" means a tolling or charging arrangement, where the amendment of rates is expected to increase revenues in excess of ten percent (10%) in comparison to the previous accounting year, excluding the effect of increase in traffic and after correcting for inflation measured by changes in the EU-wide Harmonised Index of Consumer Prices (HICP), and excluding energy and unprocessed food, as published by the Commission (Eurostat);

"TFEU" means the Treaty on the Functioning of the European Union;

"toll" means a specified amount payable in respect of a vehicle based on the distance travelled on a given infrastructure and on the type of the vehicle, the payment of which confers the right for that vehicle to use the infrastructures, and consisting of one or more of the following charges:

- (a) an infrastructure charge;
- (b) a congestion charge; or
- (c) an external-cost charge;

"trans-European road network" means the road transport infrastructure referred to in Chapter II, Section 3, of Regulation (EU) No 1315/2013, as illustrated by maps in Annex I to the said Regulation;

"transport operator" means any undertaking transporting goods or passengers by road;

"type of heavy-duty vehicle" means a category into which a heavy-duty vehicle falls according to the number of its axles, its dimensions or mass, or other vehicle classification factors

reflecting road damage, such as the road damage classification system listed in the Sixth Schedule, provided that the classification system used is based on vehicle characteristics which appear in the vehicle documentation used in all Member States or which 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 3(1) and (2);

"van" means a light-duty vehicle within the meaning of Part C, point 4.2, of Annex I to Regulation (EU) 2018/858;

"vehicle" means a motor vehicle, with four (4) or more wheels, or an articulated vehicle combination intended or used for the carriage by road of passengers or goods;

"vehicle group" means a grouping of vehicles listed in Table 1 of Annex I to Regulation (EU) 2017/2400;

"vehicle of the "Euro 0", "Euro I", "Euro II", "Euro III", "Euro IV", "Euro V", "EEV", "Euro VI" emission class" means a heavy-duty vehicle that complies with the emission limits listed in the First Schedule;

"vehicle of historical interest" means a vehicle of historical interest as defined in Article 3, point 7, of Directive 2014/45/EU;

"vehicle sub-group" means vehicle sub-group as defined in Article 3, point 8, of Regulation (EU) 2019/1242;

"weighted average infrastructure charge" means the total revenue from an infrastructure charge over a given period divided by the number of heavy-duty vehicle kilometres travelled on the road sections subject to that charge during that period;

"zero-emission vehicle" means:

(a) a zero-emission heavy-duty vehicle as defined in Article 3, point 11, of Regulation (EU) 2019/1242; or

(b) any passenger car, minibus or light commercial vehicle without an internal combustion engine.

of that network, and on any other additional sections of Malta's network of motorways which are not part of the trans-European road network in the event that Malta decides to introduce tolls and, or user charges in Malta in accordance with the conditions laid down in sub-regulations (4) to (11) and in regulations 4 to 12.

(2) In the case of the introduction of tolls and, or user charges on Malta's road network, such tolls and user charges shall be applied in conformity with Directive 1999/62/EC and TFEU, and in a manner which does not discriminate against international traffic, and which does not result in the distortion of competition between operators. Toll and user charges applied on roads other than roads belonging to the trans-European road network and other than motorways, shall comply with the conditions laid down in regulation 4(4) and (5), and in regulation 12(1) to (4) and (10).

(3) In such case, tolls and user charges for different categories of vehicles, such as heavy-duty vehicles, heavy goods vehicles, coaches and buses, light-duty vehicles, light commercial vehicles, minibuses and passenger cars, may be introduced or maintained independently from each other:

Provided that should such a charge be introduced on passenger cars, this shall also apply to light commercial vehicles.

(4) In the event of the introduction of tolls and user charges on the road network in Malta, no category of vehicles may be charged both tolls and user charges for the use of a single road section:

Provided that if a system of user charges is introduced for the use of the road network, a separate toll may also be applied for the use of bridges and tunnels where one or both of the following conditions is met:

(a) application of regulation 6(7), regulation 9(1) to (6), and regulation 10(8) and (9) would not be technically practicable to introduce such differentiation in the tolling system concerned; and, or

(b) application of regulation 6(7), regulation 9(1) to (6), and regulation 10(8) and (9) would lead to diversion of the most polluting vehicles, with negative impacts on road safety and public health:

Provided further that in the case that the Authority decides not to apply the provisions referred to in paragraph (b) of the first proviso, it shall be obliged to notify the Commission of its decision.

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(5) In the case that the Authority elects to introduce and maintain tolls and user charges on the road network in Malta, it shall be obliged to ensure that the tolls and user charges so introduced, do not whether directly or indirectly, discriminate on the grounds of:

(a) the nationality of the road user;

(b) the Member State or the third country of establishment of the transport operator;

(c) the Member State or the third country of registration of the vehicle; or

(d) the origin or destination of the transport operation.

(6) With regard to certain road sections, reduced tolls or user charges may be applied or completely excluded, in particular where traffic intensity is low in sparsely populated areas.

(7) The Authority may apply reduced tolls or user charges, or exemptions from the obligation to pay tolls or user charges for:

(a) heavy-duty vehicles exempted from the requirement to install and use recording equipment in accordance with Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport;

(b) heavy goods vehicles with a technically permissible maximum laden mass exceeding three point five (3.5) tonnes and less than seven point five (7.5) tonnes used for carrying materials, equipment or machinery for the driver's use in the course of the driver's work, or for delivering goods which are produced on a craft basis, where the transport is not effected for hire or reward;

(c) any exempted vehicle, or any vehicle used or owned by persons with disabilities; and

(d) zero-emission vehicles with a technically permissible maximum laden mass up to four point two five (4.25) tonnes.

(8) With effect from 25 March 2030, the Authority shall not apply user charges for heavy-duty vehicles on the core trans-European

transport network.

(9) Without prejudice to sub regulation (9), the Authority may apply user charges for heavy-duty vehicles on sections of the core trans-European transport network but only in duly justified cases when applying a toll would:

(a) involve disproportionate administrative, investment and operating costs compared to the expected revenue or benefits, which such a toll would generate, for example due to the limited length of the road sections concerned or the relatively low population density or the relatively low traffic; or

(b) lead to the diversion of traffic with negative impacts on road safety or on public health:

Provided that before applying such user charges, the Authority shall notify the Commission of its intention to do so. That notification shall include the reasons justifying, in light of sub-regulation (9), the application of the user charge based on objective criteria and clear information on the vehicles and road sections covered by the user charge:

Provided further, that the Authority may submit one (1) notification for more road sections covered by the exemptions, provided that the justification is included for each section.

(10) In the case that the Authority chooses to introduce and maintain tolls and user charges on the road network in Malta prior to the 25th March 2027, until such date, with regard to heavy goods vehicles, tolls or user charges may only be applied to heavy goods vehicles with a technically permissible maximum laden mass of not less than twelve (12) tonnes where it considers that levying tolls or user charges to heavy goods vehicles of less than twelve (12) tonnes would:

(a) create significant adverse effects on the free flow of traffic, the environment, noise levels, congestion, health, or road safety, due to traffic diversion;

(b) involve administrative costs of more than fifteen percent (15%) of the additional revenue resulting from that extension; or

(c) concern a category of vehicles which does not cause more than ten percent (10%) of the chargeable infrastructure costs:

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Provided that if Malta chooses to apply tolls or user charges or both only to heavy goods vehicles with a technically permissible maximum laden mass of not less than twelve (12) tonnes, it shall inform the Commission of its decision together with the reasons upon which such decision is based.

(11) In the case that tolls are applied to all heavy-duty vehicles, the Authority may choose to recover different percentages of costs from coaches, buses and motor caravans, on the one hand, and from heavy goods vehicles, on the other hand.

User charges shall be proportionate to the duration of use of the infrastructure.

4. (1) In the event that user charges are introduced, these shall be proportionate to the duration of the use made of the infrastructure.

(2) If user charges are applied in respect of heavy-duty vehicles, the use of the infrastructure shall be made available for at least the following periods: a day, a week, a month and a year.

(3) In such case, the monthly rate shall not exceed ten percent (10%) of the annual rate, the weekly rate shall not exceed five percent (5%) of the annual rate and the daily rate shall not exceed two (2%) of the annual rate.

(4) If user charges are introduced, the Authority may decide that for vehicles registered in Malta only annual rates shall apply.

(5) User charges, including administrative costs, for all heavy-duty vehicles, shall be set at a level that does not exceed the maximum rates listed in the Second Schedule.

(6) If user charges are applied in respect of passenger cars, the use of the infrastructure shall be made available at least for the following periods: a day (1), a week (1) or ten (10) days or both, a month (1) or two (2) months or both, and a year.

(7) In such case, the two-monthly rate shall not exceed thirty percent (30%) of the annual rate, the monthly rate shall not exceed nineteen percent (19%) of the annual rate, the ten (10) day rate shall not exceed twelve percent (12%) of the annual rate, the weekly rate shall not exceed eleven percent (11%) of the annual rate and the daily rate shall not exceed nine percent (9%) of the annual rate.

(8) The Authority shall have the right to limit the daily user charge for transit purposes only.

(9) The Authority may also make the use of the infrastructure available for other periods of time. In such case, it shall apply rates in

accordance with the principle of equal treatment between users, taking into account all relevant factors, in particular the annual rate and the rates applied for the other periods referred to in sub-regulation (7), existing use patterns and administrative costs.

(10) For minibuses and light commercial vehicles, the Authority shall apply the same provisions as established in sub-regulations (2) and (3). If a different user charge is set for light commercial vehicles than for passenger cars, higher user charge rates shall be set for light commercial vehicles than for passenger cars.

5. (1) In the case that tolls are introduced as an infrastructure charge, the charge for heavy-duty vehicles shall be based on the principle of the recovery of infrastructure costs. The weighted average infrastructure charge for heavy-duty vehicles shall be related to the construction costs and the costs of operating, maintaining and developing the infrastructure network concerned. The weighted average infrastructure charge may also include a return on capital and, or a profit margin based on market conditions.

(2) The costs taken into account shall relate to the network or the part of the network on which infrastructure charges for heavy-duty vehicles are levied and to the vehicles that are subject to those charges and the Authority may choose to recover only a percentage of those costs.

(3) The Authority shall calculate the maximum level of infrastructure charge for heavy-duty vehicles using a methodology based on the core calculation principles set out in sub-regulations (1) and (2) and in the First Schedule.

(4) In the event that concession tolls are introduced, the maximum level of the infrastructure charge for heavy-duty vehicles 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 sub-regulations (1) and (2), and the Second Schedule. The assessment of such equivalence shall be made on the basis of a reasonably long reference period appropriate to the nature of the concession contract.

(5) After informing the Commission, the Authority may add a mark-up to the infrastructure charge levied on specific road sections which are regularly congested, or the use of which by vehicles causes significant environmental damage, where the following conditions are met:

(a) the revenue generated from the mark-up is invested in

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financing the development of transport services or in the construction or maintenance of transport infrastructure of the core trans-European transport network which contribute directly to the alleviation of the congestion or environmental damage and which are located in the same corridor as the road section on which the mark-up is applied;

(b) the mark-up does not exceed fifteen percent (15%) of the weighted average infrastructure charge calculated in accordance with sub-regulations (1), (3) and (4), except where the revenue generated is invested in cross-border sections of a core network corridor identified in accordance with Chapter IV of Regulation (EU) No 1315/2013, in which case the mark-up shall not exceed twenty-five percent (25%) of that weighted average infrastructure charge;

(c) the application of the mark-up does not result in unfair treatment of commercial traffic compared to other road users;

(d) a description of the exact location of the mark-up and proof of a decision to finance transport infrastructure or transport services referred to in paragraph (a) are submitted to the Commission in advance of the application of the mark-up; and

(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 for the projects co-financed with the revenue from the mark-up.

(6) A mark-up may be applied to an infrastructure charge which has been varied in accordance with sub regulations (9) to (13), regulation 9 or regulation 10.

(7) A mark-up may not be applied on road sections on which a congestion charge is levied.

(8) The infrastructure charge may be varied for the purpose of reducing congestion, minimising infrastructure damage and optimising the use of the infrastructure concerned or promoting road safety, where the following conditions are met:

(a) the variation is transparent, made public and available to all users on equal terms;

(b) the variation is applied according to the time of day,

type of day or season;

(c) no infrastructure charge is more than one hundred and seventy five (175%) above the maximum level of the weighted average infrastructure charge as referred to in sub-regulation (1) and (2);

(d) the peak periods during which the higher infrastructure charges are levied for the purpose of reducing congestion do not exceed six (6) hours per day;

(e) the variation is devised and applied in a transparent and revenue-neutral way on a road section affected by congestion by offering reduced toll rates for road users who travel during off-peak periods and increased toll rates for road users who travel during peak hours on the same road section; and

(f) no congestion charge shall be levied on the road section concerned.

(9) If the Authority wishes to introduce such variation or to change an existing one it shall inform the Commission and provide it with the information necessary to assess whether the conditions are fulfilled.

(10) Until the variation of infrastructure charges and user charges referred to in regulations 9 and 10 is applied, in respect of heavy-duty vehicles, the Authority shall vary the infrastructure charge according to the Euro emission class of the vehicle in such a way that no infrastructure charge is more than hundred percent (100%) above the same charge for equivalent vehicles meeting the strictest Euro emission standards. Once infrastructure charges and user charges are varied pursuant to regulations 9 and 10, the Authority may discontinue the variation according to the Euro emission class.

(11) The Authority may decide not to apply the requirement of varying the infrastructure charge where any of the following applies:

(a) it would seriously undermine the coherence of the tolling systems in its territory;

(b) it would not be technically practicable to introduce such differentiation in the tolling system concerned;

(c) it would lead to diversion of the most polluting vehicles with negative impacts on road safety and public health;
or

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(d) the toll includes an external-cost charge for air pollution:

Provided that in such a case, the Authority shall be obliged to notify the Commission with its decision.

(12) The variations referred to in this regulation shall not be designed to generate additional revenues.

External-cost charge.

6. (1) The Authority may introduce an external-cost charge, related to the cost of traffic-based air pollution, noise pollution, CO₂ emissions or any combination thereof.

(2) If an external-cost charge is applied for heavy-duty vehicles, the Authority shall vary it and establish it in accordance with the minimum requirements and the methods referred to in the Second Schedule and shall respect the reference values set out in the Third Schedule and the Fourth Schedule.

(3) The amount of the external-cost charge shall be set by the Authority.

(4) The Authority may apply exemptions which allow external-cost charges to be adjusted for vehicles of historical interest.

(5) When levying an external-cost charge for air or noise pollution, the Authority shall take into account the costs relating to the network or the part of the network on which that charge is levied and the vehicles that are subject to that charge.

(6) The external-cost charge related to traffic-based air pollution shall not apply to heavy-duty vehicles which comply with the most stringent of Euro emission standards:

Provided that such exemption shall cease to apply four (4) years after the date when the rules which introduced those standards started to apply.

(7) In the event that such charges are introduced, with effect from 25th March 2026, the Authority shall apply an external-cost charge for traffic-based air pollution to heavy-duty vehicles on the tolled network referred to in regulation 3(1):

Provided that the Authority may decide not to apply an external-cost charge on those road sections where this would lead to the diversion of the most polluting vehicles, resulting in negative impacts on road safety and public health.

7. (1) The Authority may apply higher external-cost charges for CO₂ emissions which are higher than the reference values set out in the Fourth Schedule, on condition that this is done in a non-discriminatory manner, and limited to not more than twice (2) the values set out in the Fourth Schedule.

Higher external-cost charges based on CO₂ emissions.

(2) Where the Authority takes a decision in accordance with sub-regulation (1), such decision shall be justified and notified to the Commission in accordance with the Second Schedule.

(3) For buses and coaches, the Authority may choose to apply the same or lower values than those applied to heavy goods vehicles.

(4) An external-cost charge for CO₂ emissions may be combined with an infrastructure charge that has been varied in accordance with regulations 9 and 10.

8. (1) The Authority may, in accordance with the requirements set out in the Fifth Schedule, introduce a congestion charge on any section of the road network in Malta which is affected by congestion. The congestion charge may only be applied on those road sections which are regularly congested and only during the periods when they are typically congested.

Congestion charge.

(2) If it elects to introduce such congestion charge, the Authority shall specify the road sections and time periods referred to in sub-regulation (1) based on objective criteria related to the level to which the roads and their vicinities are affected by congestion, measured, *inter alia*, in terms of average delays or queue lengths.

(3) If such congestion charge is imposed on any section of the road network in Malta, it shall be applied in a non-discriminatory manner to all vehicle categories, in accordance with the standard equivalence factors set out in the Fifth Schedule.

(4) The Authority may, however, exempt, partially or fully, minibuses, buses and coaches from congestion charge for the promotion of collective transport and socioeconomic development and territorial cohesion. Motor caravans, irrespective of their technically permissible maximum laden mass, shall not be treated as coaches and buses for the purpose of this sub-regulation.

(5) The congestion charge shall be set in accordance with the minimum requirements referred to in the Fifth Schedule. It shall reflect the costs imposed by a vehicle on other road users, and indirectly on society, and shall respect the reference values set out in the Sixth Schedule for any given road type.

(6) If the Authority decides to apply congestion charges higher than the reference values set out in the Sixth Schedule, it shall notify the Commission in accordance with the requirements referred to in the Fifth Schedule.

(7) If such congestion charges is imposed, the revenues from such charges are to be used to address the problem of congestion, or to develop sustainable transport and mobility in general. Where such revenues are allocated to the general budget, it shall be deemed to have been applied to develop sustainable transport and mobility if such revenues are used to implement financial support policies to address the problem of congestion or to develop sustainable transport and mobility.

(8) The Authority shall put in place adequate mechanisms for monitoring the impact of congestion charges and for reviewing the level thereof. The Authority shall review the level of charges regularly, at least every three (3) years, to ensure that they do not exceed the costs of the congestion occurring in Malta on the road sections subject to the congestion charge.

Heavy-duty
vehicles.

9. (1) The Authority shall vary infrastructure charges and user charges for heavy-duty vehicles in accordance with the provisions of this regulation and regulation 10.

(2) The Authority shall apply the variation to the sub-groups of heavy-duty vehicles covered by Article 2(1)(a) to (d) of Regulation (EU) 2019/1242 at the latest two (2) years after the publication of the reference CO₂ emissions for those vehicle sub-groups in the implementing acts adopted in accordance with Article 11(1) of Regulation (EU) 2019/1242.

(3) For CO₂ emission classes 1, 4 and 5, referred to in sub-regulation (7), that variation shall apply to the groups of heavy-duty vehicles not covered by Article 2(1)(a) to (d) of Regulation (EU) 2019/1242, at the latest two (2) years following the publication of the reference CO₂ emissions in implementing acts adopted pursuant to Article 7ga(7) of Directive 1999/62/EC for the relevant group.

(4) Where point 5.1 of Annex I to Regulation (EU) 2019/1242 is amended by a Union legislative act in such a way as to cover the reference CO₂ emissions relevant for a group of heavy-duty vehicles, such reference CO₂ emissions shall no longer be determined according to these regulations but in accordance with point 5.1 of Annex I to Regulation (EU) 2019/1242, as may be amended from time to time.

(5) Where emission reduction trajectories for groups of heavy-

duty vehicles not covered by Article 2(1)(a) to (d) of Regulation (EU) 2019/1242, are determined by a Union legislative act amending point 5.1 of Annex I of Regulation (EU) 2019/1242, the variations for CO₂ emission classes 2 and 3, as defined in sub-regulation (7) shall apply from the date of entry into force of the new emission reduction trajectories.

(6) Without prejudice to the reduction of rates provided for in sub-regulation (9), the Authority may provide for reduced rates of infrastructure or user charges, or exemptions to pay infrastructure or user charges for zero-emission vehicles of any vehicle group from 24th March 2022 until 31st December 2025. With effect from 1st January 2026, such reductions shall be limited to seventy-five percent (75%) compared to the charge applicable to CO₂ emission class 1, as defined in sub-regulation (7).

(7) Without prejudice to sub-regulations (1) to (6), the Authority shall establish for each type of heavy-duty vehicle the following CO₂ emission classes:

(a) CO₂ emission class 1 which are vehicles that do not belong to any of the CO₂ emission classes referred to in paragraphs (b) to (e);

(b) CO₂ emission class 2 which are vehicles of the vehicle sub-group sg registered for the first time in the reporting period of the year Y with CO₂ emissions more than five percent (5%) below the emission reduction trajectory for the reporting period of the year Y and the vehicle sub-group sg but not belonging to any of the CO₂ emission classes referred to in paragraphs (c), (d) and (e);

(c) CO₂ emission class 3 which are vehicles of the vehicle sub-group sg registered for the first time in the reporting period of the year Y with CO₂ emissions more than eight percent (8%) below the emission reduction trajectory for the reporting period of the year Y and the vehicle sub-group sg not belonging to any of the CO₂ emission classes referred to in paragraphs (d) and (e);

(d) CO₂ emission class 4 which are low-emission heavy-duty vehicles; and

(e) CO₂ emission class 5 which are zero-emission vehicles.

(8) The Authority shall ensure that the classification of a

vehicle belonging to CO₂ emission class 2 or 3 is reassessed every six (6) years after the date of its first registration and that, where relevant, the vehicle is reclassified in the relevant emission class on the basis of the thresholds applicable at that time. Reclassification shall, with regard to a user charge, take effect at the latest on its first day of validity on or after the day of that reclassification.

(9) Without prejudice to sub-regulations (1) to (6), reduced charges shall apply to vehicles in CO₂ emission classes 2, 3, 4 and 5 as follows:

(a) for CO₂ emission class 2 a five percent (5%) to fifteen percent (15%) reduction when compared to the charge applicable for CO₂ emission class 1;

(b) for CO₂ emission class 3 a fifteen percent (15%) to thirty percent (30%) reduction when compared to the charge applicable for CO₂ emission class 1;

(c) for CO₂ emission class 4 a thirty percent (30%) to fifty percent (50%) reduction when compared to the charge applicable for CO₂ emission class 1;

(d) for CO₂ emission class 5 a fifty percent (50%) to seventy-five percent (75%) reduction when compared to the charge applicable for CO₂ emission class 1.

(10) Where the infrastructure charge or the user charge is also varied according to the Euro emission class, the reductions referred to in sub-regulation (9) shall apply as compared to the charge applied to the strictest Euro emission standards.

(11) The variations referred to in this regulation shall not be designed to generate additional revenues.

Variation of infrastructure charge.

10. (1) The Authority may decide not to apply the requirement of varying the infrastructure charge in accordance with regulation 9(7) where an external-cost charge for CO₂ emissions is levied and varied according to the reference values of the external-cost charge for CO₂ emissions in the Fourth Schedule.

(2) On road sections where a vehicle is operated without CO₂ emissions in a verifiable manner, the Authority may apply to that vehicle reduced charges in accordance with CO₂ emission class 5.

(3) If the Authority decides to utilize the option in sub-regulation (2), it shall apply the charges applicable to CO₂ emission class 1 to that vehicle on other road sections.

(4) The application of the variation of charges based on CO₂ emissions referred to in this regulation and regulation 9 shall not be mandatory where another Union road transport fuel carbon-pricing measure applies.

(5) The Authority may differentiate tolls and user charges for light-duty vehicles according to the environmental performance of the vehicle determined by the specific CO₂ emissions combined, or weighted combined, recorded in entry forty-nine (49) of the certificate of conformity of the vehicle, and by the Euro emission performance.

(6) Without prejudice to sub-regulations (8) and (9), lower rates of tolls and user charges shall apply for passenger cars, minibuses and light commercial vehicles that meet both of the following conditions:

(a) their specific CO₂ emissions, determined in accordance with Commission Regulation (EU) 2017/1151, shall be zero (0) or shall be below the following levels:

(i) for the period 2021 to 2024, the EU fleet-wide targets 2021 determined in accordance with Part A, point 6, and Part B, point 6, of Annex I to Regulation (EU) 2019/631, as may be amended from time to time;

(ii) for the period 2025 to 2029, the EU fleet-wide targets determined in accordance with Part A, point 6.1.1, and Part B, point 6.1.1, of Annex I to Regulation (EU) 2019/631, as may be amended from time to time;

(iii) for the period 2030 onwards, the EU fleet-wide targets determined in accordance with Part A, point 6.1.2, and Part B, point 6.1.2, of Annex I to Regulation (EU) 2019/631, as may be amended from time to time;

(b) their pollutant emissions, determined in accordance with Regulation (EU) 2017/1151, shall be as specified in the Table of the Seventh Schedule.

(7) The Authority may apply the reduction for zero-emission vehicles referred to in the Seventh Schedule without applying reductions for the other emissions performance categories referred to in the said Schedule.

(8) From 1st January 2026, where technically practicable, the Authority shall vary the tolls and the annual rate of the user charges for vans and minibuses according to the environmental performance of the

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vehicle, in accordance with the rules set out in the Seventh Schedule. For that purpose, the provisions of sub-regulation (6) shall be indicative.

(9) If the Authority chooses to apply different emission performance criteria or levels of reduction to those set out in sub-regulations (5) to (7), or choose to include different or additional criteria, it shall notify the Commission of its choices and provide written justification for such choices, at least six (6) months before the introduction of any such variation:

Provided that, the Authority may choose to apply reductions to zero-emission vehicles only, without applying any variation to other vehicles and without notifying the Commission.

(10) The Authority may take into account an improvement in the environmental performance of the vehicle which is linked to that vehicle's conversion to alternative fuels.

(11) The Authority may adopt exceptional measures for the purpose of charging vehicles of historical interest.

(12) The variations referred to in this regulation shall not be designed to generate additional revenues.

Information to
be sent to
Commission.

11. (1) The Authority shall send to the Commission, at least six (6) months prior to the implementation of a new or substantially amended infrastructure charge tolling arrangement:

(a) for tolling arrangements other than those involving concession tolls:

(i) the unit values and other parameters used in calculating the various infrastructure cost elements;

(ii) clear information on the vehicles covered by the tolling arrangements, the geographic extent of the network, or part of the network, used for each cost calculation, and the percentage of costs that are intended to be recovered; and

(iii) where applicable, clear information on the main characteristics of the electronic road toll system, including on interoperability;

(b) for tolling arrangements involving concession tolls:

(i) the concession contracts or significant changes

to such contracts;

(ii) 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 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts:

Provided that the base case shall include the estimated costs as defined in regulation 10(1) envisaged under the concession, the forecast traffic, broken down by type of vehicle, the levels of toll envisaged and the geographic extent of the network covered by the concession contract.

(2) When sending information to the Commission in accordance with sub-regulation (1), the Authority may include information on more than one (1) amendment to an infrastructure charge tolling arrangement.

(3) Where the Commission has already been informed of an amendment, the Authority shall be deemed to have already fulfilled the information requirements stipulated in sub-regulation (1) and that amendment may be implemented without informing the Commission further.

(4) Prior to the implementation of a new or substantially amended external-cost charge or congestion charge tolling arrangement, the Authority shall inform the Commission about the network concerned, the rates per vehicle category and emission class that are envisaged and, where applicable, shall notify the Commission in accordance with item 2 of the Second Schedule or item 2 of the Seventh Schedule.

(5) The Authority shall not provide for discounts or reductions for any users in relation to the external-cost charge element of a toll.

(6) The Authority may provide for discounts or reductions to the infrastructure charge on condition that:

(a) the resulting charging structure is proportionate, made public and available to users on equal terms and does not lead to additional costs being passed on to other users in the form of higher tolls;

(b) such discounts or reductions reflect actual savings in administrative costs of the treatment of frequent users compared to occasional users;

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(c) reductions do not exceed thirteen percent (13%) of the infrastructure charge paid by equivalent vehicles not eligible for the discount or reduction.

(7) The Authority may provide for discounts or reductions in the infrastructure charge for passenger cars for frequent users, in particular in areas in which settlement is dispersed and on the outskirts of cities.

(8) Reduction in revenues due to discount granted to frequent users shall not be imposed on less frequent users.

(9) Subject to the conditions provided for in regulation 5(9)(b) and (13), toll rates for major projects of the core trans-European transport network, the maps of which are identified in Annex I to Regulation (EU) No 1315/2013, may 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. The resulting charging structure shall be linear and proportionate. Its details shall be made public, and it shall be available to all users on equal terms. Such shall not lead to additional costs being passed on to other users in the form of higher tolls.

Application and collection of tolls and user charges.

12. (1) Tolls and user charges shall be applied and collected by the Authority and their payment monitored in such a way as to cause as little hindrance as possible to the free flow of traffic and to avoid any mandatory controls or checks at Malta's borders. The Authority shall cooperate with the controlling bodies of other Member States to establish methods for enabling road users to pay tolls and user charges twenty-four (24) hours a day at least electronically or, at the border or at major sales outlets, using common means of payment, inside and outside the Member States in which they are applied.

(2) The Authority shall not be obliged to provide physical points of payment.

(3) The Authority shall ensure that the arrangements for collecting tolls and user charges shall not, financially or otherwise, place non-regular users of the road network at an unjustified disadvantage.

(4) In particular, where the Authority decides to collect tolls or user charges exclusively by means of a system that requires the use of a vehicle on-board unit, it shall ensure that all users can acquire appropriate on-board units compliant with the requirements of the Motor Vehicles (Interoperability of Electronic Road Tolls System) Regulations under reasonable administrative and economic

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arrangements.

(5) Where a driver or, if appropriate, the transport operator or the European Electronic Toll Service (EETS) provider, is unable to provide evidence of the emission class of the vehicle for the purposes of regulations 5(11) and (12), 9 or 10, the Authority may apply tolls or user charges up to the highest level chargeable.

(6) The Authority shall take the measures necessary to ensure that the road user can declare the emission class of the vehicle at least through electronic means before using the infrastructure and may offer electronic and non-electronic means to enable the user to provide evidence in order to benefit from toll reductions or, where appropriate, in the event of a check.

(7) The Authority may require that evidence supplied through electronic means is provided before the infrastructure is used.

(8) The Authority may take the measures necessary to ensure that the provision of evidence subsequent to the use of the infrastructure is accepted for thirty (30) days or a longer period determined by the Authority after the use of the infrastructure and to ensure the reimbursement of any difference between the tolls or user charges applied and the toll or user charge corresponding to the emission class of the vehicle concerned that follows from evidence provided within the applicable time-limit.

(9) Where the Authority levies a toll on a vehicle, the total amount of the toll, the amount of the infrastructure charge, the amount of the external-cost charge, and the amount of the congestion charge, where applied, shall be indicated in a receipt provided to the road user, where possible by electronic means. The road user may agree not to be provided with the receipt.

(10) Where it is deemed to be economically feasible, the Authority shall levy and collect infrastructure charges, external-cost charges and congestion charges by means of an electronic road toll system which complies with the provisions of Article 3(1) of Directive (EU) 2019/520.

13. The Authority shall monitor the system of tolls and, or user charges to ensure that it functions in a transparent and non-discriminatory manner.

Monitoring of tolls and user charges.

14. The Authority shall determine the use of revenues generated by these regulations. To enable the transport network to be developed as a whole, the revenue generated from infrastructure and external costs charges, or the equivalent in financial value of the

Use of income generated.

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revenue, shall be used to benefit the transport sector and to optimise the entire transport system. In particular, the revenue generated from external cost charges, or the equivalent in financial value of the revenue, shall be used to make transport more sustainable, including any of the following:

- (a) facilitating efficient pricing;
- (b) reducing road transport pollution at source;
- (c) mitigating the effects of road transport pollution at source;
- (d) improving the CO₂ and energy performance of vehicles;
- (e) developing alternative infrastructure for transport users and, or expanding current capacity;
- (f) supporting the trans-European transport network;
- (g) optimising logistics;
- (h) improving road safety; and, or
- (i) providing secure parking places

Public report of aggregate tolls and user charges.

15. (1) By 25 March 2025, and every five (5) years thereafter, the Authority shall make public in aggregate form a report on tolls and user charges levied on the Maltese territory.

(2) The report made public pursuant to sub-regulation (1) shall include information on:

- (a) the evolution of charging for the use of road infrastructure, namely the networks and vehicle categories covered, including any exemption pursuant to regulations 3, 6(1) to (4) or 10(5) to (12);
- (b) the variation of infrastructure charges or user charges according to the category of vehicle and the type of heavy-duty vehicle;
- (c) the variation of infrastructure charges or user charges according to the environmental performance of vehicles, pursuant to regulations 5(9) to (13), 9 or 10;
- (d) where applicable, the variation of infrastructure charges according to the time of day, type of day, or season,

pursuant to regulation 5(1) and (2);

(e) the external-cost charge levied for each combination of class of vehicle, type of road and period of time;

(f) the weighted average infrastructure charge and total revenue raised through the infrastructure charge;

(g) the total revenue raised through external-cost charges;

(h) the total revenue raised through congestion charges per category of vehicle;

(i) the total revenue raised through mark-ups and on which road sections they were levied;

(j) the total revenue raised through tolls or user charges, or, where applicable, both;

(k) information on the use of revenues generated by applying these regulations, and how this use has allowed the Authority to meet the goals referred to in regulation 14, or, where such revenue is allocated to the general budget, information on the level of expenditure allocated to road transport infrastructure and sustainable transport projects; and

(l) the evolution of the share vehicles belonging to the various emission classes on tolled roads.

(3) In the case that the Authority makes that information publicly available online it may decide not to draw up the report.

16. The Road Tolls and User Charges Regulations are hereby repealed without prejudice to anything done or omitted to be done thereunder.

Repeal and
saving.
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FIRST SCHEDULE

EMISSION LIMITS

1. 'EURO 0' vehicle

Mass of carbon monoxide (CO) g/kWh	Mass of hydrocarbons (HC) g/kWh	Mass of nitrogen oxides (NOx) 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 (NOx) 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 (NOx) g/kWh	Mass of particulates (PT) g/kWh	Exhaust gas m-1	Mass of carbon monoxides (CO) g/kWh
'EURO III' vehicle	2,1	0,66	5,0	0,10 ⁽²⁾	0,8	2,1
'EURO IV' vehicle	1,5	0,46	3,5	0,02	0,5	1,5
'EURO V' vehicle	1,5	0,46	2,0	0,02	0,5	1,5
'EEV' vehicle	1,5	0,25	2,0	0,02	0,15	1,5

⁽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 3000 min⁻¹.

Euro VI Emission Limits

	Limit values							
	CO (mg/kWh)	THC (mg/kWh)	NMHC (mg/kWh)	CH4 (mg/kWh)	NOX ⁽¹⁾ (mg/kWh)	NH3 (ppm)	Massa ta' PM (mg/kWh)	Numru PM (#/kWh)
WHSC (CI)	1 500	130			400	10	10	8,0 x 10 ¹¹
WHTC (CI)	4 000	160			460	10	10	6,0 x 10 ¹¹

	Limit values							
	CO (mg/kWh)	THC (mg/kWh)	NMHC (mg/kWh)	CH4 (mg/kWh)	NOX ⁽¹⁾ (mg/kWh)	NH3 (ppm)	Massa ta' PM (mg/kWh)	Numru PM (#/kWh)
WHTC (PI)	4 000		160	500	460	10	10	6,0 x 10 ¹¹

Note:

PI = Positive Ignition.

CI = Compression Ignition.

⁽¹⁾ The admissible level of NO₂ component in the NO_x limit value may be defined at a later stage.

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

SECOND SCHEDULE

CORE PRINCIPLES FOR THE ALLOCATION OF COSTS AND CALCULATION OF TOLLS

This Schedule stipulates the core principles for the calculation of weighted average infrastructure charge to reflect Regulation 5(1). The obligation to relate infrastructure charges to costs shall be without prejudice to the freedom of Member States to choose, in accordance with Regulation 5(2), not to recover the costs in full through infrastructure charges revenue, or to the freedom, in accordance with Regulation 5(5) to (8), to vary the amounts of specific infrastructure charges away from the average.

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

Where the Competent Authority engages in negotiations with one or more third parties with a view to establishing a concession contract regarding the construction or operation of a part of its infrastructure, or in view of this purpose engages in a similar arrangement based on national legislation or an agreement entered into by the government of a Member State, compliance with these principles shall be judged on the basis of the outcome of these negotiations.

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 Competent Authority shall precisely specify the part or parts of the network which are to be subject to a tolling regime as well as the system its uses to classify vehicles for the purposes of toll variation. The Competent Authority shall also specify whether it is extending the scope of their tolling regime to cover vehicles below the 12-tonne threshold.
- Where the Competent Authority chooses to adopt different policies regarding cost recovery for different parts of the network (as permitted under Regulation 5(2)), each clearly defined part of the network shall be subject to a separate calculation of costs. The Competent Authority may choose to split the network 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 the Competent Authority wishes, as part of the contract, to set a ceiling 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-duty vehicles on an objective and transparent basis taking account of the proportion of heavy-duty vehicle traffic to be carried on the network and the associated costs. The vehicle kilometres travelled by heavy-duty vehicles may for this purpose be adjusted by objectively justified "equivalence factors" such as those set out in point 4¹.
- 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

¹ The application of equivalence factors by Member States may take account of road construction developed on a phased basis or using a long-life cycle approach.

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- 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 heavy-duty vehicles 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 heavy-duty vehicle traffic, equivalence factors and correction mechanism

- The calculation of tolls shall be based on actual or forecast shares of heavy-duty vehicle kilometres adjusted, if desired, by equivalence factors, to make due allowance for the increased costs of constructing and repairing infrastructure for use by heavy-duty vehicles.
- The following table gives a set of indicative equivalence factors. Where the Competent Authority 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 Annex IV 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 error

THIRD SCHEDULE

MINIMUM REQUIREMENTS FOR LEVYING AN EXTERNAL-COST CHARGE

This Schedule sets out the minimum requirements for levying an external-cost charge and, where applicable, for calculating the maximum external-cost charge.

1. The parts of the road network concerned

The Competent Authority shall specify precisely the part or parts of their road network which are to be subject to an external-cost charge.

Where the Competent Authority intends to levy an external-cost charge on only a part or parts of the road network in the trans-European road network and of motorways, the part or parts shall be chosen after an assessment establishing that the imposition of an external-cost charge on other parts of the road network thus composed might have adverse effects on the environment, public health or road safety.

From 25 March 2026, if the Competent Authority intends not to levy an external-cost charge for air pollution on specific sections of the tolled road network, shall also choose those specific sections on the basis of such an assessment.

2. The vehicles, roads and time period covered

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Where the Competent Authority intends to apply higher external-cost charges than the reference values specified in the Fourth Schedule or the Fifth Schedule, it shall notify the Commission of the classification of vehicles according to which the external-cost charge shall vary. Where applicable, it shall notify the Commission of the location of roads subject to higher external-cost charges ('suburban roads (including motorways)'), and of roads subject to lower external-cost charges ('interurban roads (including motorways)').

Where applicable, it shall also notify the Commission of the exact time periods corresponding to the night period during which a higher external noise-cost charge may be imposed to reflect greater noise nuisances.

The classification of roads as suburban roads (including motorways) and interurban roads (including motorways), and the definition of time periods shall be based on objective criteria related to the level of exposure of the roads and their vicinities to pollution, such as: population density, the annual mean air pollution (in particular for PM₁₀ and NO₂) and the number of days (for PM₁₀) and hours (NO₂) on which limit values established under Directive 2008/50/EC are exceeded. The criteria used shall be included in the notification.

3. Amount of the charge

This section shall apply where the Competent Authority intends to apply higher external-cost charges than the reference values specified in the Fourth Schedule or Fifth Schedule

For each vehicle class, type of road and time period, as applicable, the Competent Authority shall determine a single specific amount. The resulting charging structure shall be transparent, made public and available to all users on equal terms. The publication should occur in a timely manner before implementation. All parameters, data and other information necessary to understand how the various external-cost elements are calculated shall be made public.

When setting the charges, the Competent Authority shall be guided by the principle of efficient pricing that is a price close to the social marginal cost of the usage of the vehicle charged.

The charge shall be set after having considered the risk of traffic diversion together with any adverse effects on road safety, the environment and congestion, and any solutions to mitigate these risks.

The Competent Authority, shall monitor the effectiveness of the charging scheme in reducing environmental damage arising from road transport. Every two years, it shall adjust, where appropriate, the charging structure and the specific amount of the charge set for a given class of vehicle, type of road and period of time to the changes in transport supply and demand.

4. External-cost elements

4.1. Cost of traffic-based air pollution

Where the Competent Authority intends to apply higher external-cost charges than the reference values specified in the Fourth Schedule, the authority shall calculate the chargeable cost of traffic-based air pollution by applying the following formula:

$$PCV_{ij} = \sum_k EF_{ik} \times PC_{jk}$$

where:

- PCV_{ij} = air pollution cost of vehicle class i on road type j (euro/vehicle.kilometre)
- EF_{ik} = emission factor of pollutant k and vehicle class i (gram/vehicle.kilometre)
- PC_{jk} = monetary cost of pollutant k for type of road j (euro/gram)

The emission factors shall be the same as those used by the responsible Authority to establish the national emissions inventories provided for in Directive (EU) 2016/2284 of the European Parliament and of the Council² (which requires use of the EMEP/EEA air pollutant emission inventory guidebook³). The monetary cost of pollutants shall be estimated by the responsible authority, using scientifically proven methods.

The responsible authority in Malta may apply scientifically proven alternative methods to calculate the value of air pollution costs using data from air pollutant measurement and the local value of the monetary cost of air pollutants

4.2. Cost of traffic-based noise pollution

² Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p. 1).

³ Methodology of the European Environmental Agency: EMEP/EEA air pollutant emission inventory guidebook 2019 – Technical guidance to prepare national emission inventories (<http://www.eea.europa.eu/publications/emep-eea-guidebook-2019>).

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Where the Competent Authority intends to apply higher external-cost charges than the reference values specified in the Fourth Schedule, the Competent Authority shall calculate the chargeable cost of traffic-based noise pollution by applying the following formulae:

$$NCV_j \text{ (daily)} = e \times \sum_k NC_{jk} \times POP_k / WADT$$

$$NCV_j \text{ (day)} = a \times NCV_j$$

$$NCV_j \text{ (night)} = b \times NCV_j$$

where:

- NCV_j = noise cost of one heavy goods vehicle on road type j (euro/vehicle.kilometre)
- NC_{jk} = noise cost per person exposed on road type j to noise level k (euro/person)
- POP_k = population exposed to daily noise level k per kilometre (person/kilometre)
- $WADT$ = weighted average daily traffic (passenger car equivalent)
- a and b = are weighting factors determined by the Member State in such a way that the resulting weighted average noise charge per vehicle kilometre corresponds to NCV_j (daily).

The traffic-based noise pollution relates to the impact of noise on health of citizens around the road.

The population exposed to noise level k shall be taken from the strategic noise maps drafted under Article 7 of Directive 2002/49/EC of the European Parliament and the Council⁴, or other equivalent data source.

The cost per person exposed to noise level k shall be estimated by the Competent Authority using scientifically proven methods.

The weighted average daily traffic shall assume an equivalence factor "e" between heavy goods vehicles and passenger cars derived on the basis of the noise emission levels of the average car and of the average heavy goods vehicle and considering the Regulation (EU) No 540/2014 of the European Parliament and of the Council⁵.

The Competent Authority may establish differentiated noise charges to reward the use of quieter vehicles provided it does not result in discrimination against foreign vehicles.

4.3. Cost of traffic-based CO₂ emissions

Where the Competent Authority intends to apply an external-cost charge for CO₂ emissions higher than the reference values set out in the Fifth Schedule, the Competent Authority shall calculate the chargeable cost based on scientific evidence using the avoidance cost approach, taking into account and explaining, in particular, the following aspects:

- (a) the choice of emission target level;
- (b) estimation of options for mitigation;
- (c) estimation of baseline scenario;
- (d) risk and loss aversion;
- (e) equity weighting.

At least six months before the implementation of such an external-cost charge for CO₂ emissions, the Competent Authority shall notify the Commission.

FOURTH SCHEDULE

REFERENCE VALUES OF THE EXTERNAL-COST CHARGE

This Schedule sets out reference values of the external-cost charge, including the cost of air pollution and noise.

Table 1

Reference values of the external-cost charge for heavy goods vehicles

⁴ Directive 2002/49/EC of the European Parliament and the Council of 25 June 2002 relating to the assessment and management of environmental noise (OJ L 189, 18.7.2002, p. 12).

⁵ Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131)

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Vehicle class	cent/vehicle-kilometre	Suburban ⁽¹⁾	Interurban ⁽²⁾
Heavy goods vehicle having a technically permissible maximum laden mass of less than 12 tonnes or having two axles	Euro 0	18,6	9,9
	Euro I	12,6	6,4
	Euro II	12,5	6,3
	Euro III	9,6	4,8
	Euro IV	7,3	3,4
	Euro V	4,4	1,8
	Euro VI	2,3	0,5
	Less polluting than Euro VI, including zero-emission vehicles	2,0	0,3
Heavy goods vehicle having a technically permissible maximum laden mass between 12 and 18 tonnes or having three axles	Euro 0	24,6	13,7
	Euro I	15,8	8,4
	Euro II	15,8	8,4
	Euro III	12,5	6,6
	Euro IV	9,2	4,5
	EURO V	5,6	2,7
	Euro VI	2,8	0,7
	Less polluting than Euro VI, including zero-emission vehicles	2,3	0,3
Heavy goods vehicle having a technically permissible maximum laden mass between 18 and 32 tonnes or having four axles	Euro 0	27,8	15,8
	Euro I	20,4	11,3
	Euro II	20,4	11,2
	Euro III	16,3	8,9
	Euro IV	11,8	6,0
	Euro V	6,6	3,4
	Euro VI	3,1	0,8
	Less polluting than Euro VI, including zero-emission vehicles	2,5	0,3
Heavy goods vehicle having a technically permissible maximum laden mass above 32 tonnes or having 5 or more axles	Euro 0	33,5	19,4
	Euro I	25,0	14,1
	Euro II	24,9	13,9
	Euro III	20,1	11,1
	Euro IV	14,2	7,5
	Euro V	7,6	3,8
	Euro VI	3,4	0,8
	Less polluting than Euro VI, including zero-emission vehicles	2,8	0,3

⁽¹⁾ 'Suburban' means areas with a population density between 150 and 900 inhabitants/km² (median population density of 300 inhabitants/km²).

⁽²⁾ 'Interurban' means areas with a population density below 150 inhabitants/km².

The values of Table 1 may be multiplied by a factor of up to 2 in mountain areas and around agglomerations to the extent that it is justified by lower dispersion, the gradient of roads, altitude, or temperature inversions. If there is scientific evidence for a higher mountain or agglomeration factor, this reference value can be increased based on a detailed justification

FIFTH SCHEDULE

REFERENCE VALUES OF THE EXTERNAL-COST CHARGE FOR CO₂ EMISSIONS

This Schedule sets out reference values of the external-cost charge taking into account the cost of CO₂ emissions.

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Table 1

Reference values of the external-cost charge for CO₂ emissions for heavy goods vehicles

Vehicle class		cent/vehicle-kilometre	Interurban roads (including motor-ways)
Heavy goods vehicle having a technically permissible maximum laden mass of less than 12 tonnes or having two axles	CO ₂ emission class 1	Euro 0	4,5
		Euro I Euro II Euro III Euro IV Euro V Euro VI	4,0
	CO ₂ emission class 2		3,8
	CO ₂ emission class 3		3,6
	Low-emission vehicle		2,0
	Zero-emission vehicle		0
Heavy goods vehicle having a technically permissible maximum laden mass between 12 and 18 tonnes or having three axles	CO ₂ emission class 1	Euro 0	6,0
		Euro I Euro II Euro III	5,2
		Euro IV Euro V Euro VI	5,0
	CO ₂ emission class 2		4,8
	CO ₂ emission class 3		4,5
	Low-emission vehicle		2,5
Zero-emission vehicle		0	
Heavy goods vehicle having technically permissible maximum laden mass between 18 and 32 tonnes or having four axles	CO ₂ emission class 1	Euro 0	7,9
		Euro I	6,9
		Euro II	
		Euro III	
		Euro IV	
		Euro V Euro VI	
	CO ₂ emission class 2		6,4
	CO ₂ emission class 3		6,0
	Low-emission vehicle		3,4
	Zero-emission vehicle		0
Heavy goods vehicle having a technically permissible maximum laden mass above 32 tonnes or having 5 or more axles	CO ₂ emission class 1	Euro 0	9,1
		Euro I	8,1
		Euro II	
		Euro III	
		Euro IV	
		Euro V Euro VI	
	CO ₂ emission class 2		7,6
	CO ₂ emission class 3		7,2
	Low-emission vehicle		4,0
	Zero-emission vehicle		0

SIXTH SCHEDULE

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	
<i>Two Axles</i>				
7,5	12	7,5	12	I
12	13	12	13	
13	14	13	14	
14	15	14	15	

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15	18	15	18	
<i>Three Axles</i>				
15	17	15	17	
17	19	17	19	
19	21	19	21	
21	23	21	23	
23	25			
25	26			
		23	25	II
		25	26	
<i>Four Axles</i>				
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		Sistemi oħra ta' sospensjoni fuq il-fusien motorizzati		Klassi ta' hsara	
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		
38	40				
		38	40	III	
2 + 4 axles					
36	38	36	38	II	
38	40				
		38	40	III	
3 + 1 axles					
30	32	30	32	II	
32	35				
		32	35	III	
3 + 2 axles					
36	38	36	38	II	
38	40				
		38	40	III	

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		40	44	
40	44			
3 + 3 axles				
36	38	36	38	I
38	40			
		38	40	II
40	44	40	44	
7 axles				
40	50	40	50	II
50	60	50	60	III
60		60		
At least 8 axles				
40	50	40	50	I
50	60	50	60	II
60		60		III

SEVENTH SCHEDULE

MINIMUM REQUIREMENTS FOR LEVYING A CONGESTION CHARGE

This Schedule sets out the minimum requirements for levying a congestion charge.

- The parts of the network subject to congestion charging, vehicles and time periods covered

The Competent Authority shall specify precisely:

- the part or parts of network in the trans-European road network and their motorways referred to in Regulation 3(1), which are to be subject to a congestion charge, in accordance with Regulation 8(1) and (3).
- the classification of sections of the network which are subject to the congestion charge as ‘metropolitan’ and ‘non-metropolitan’. The Competent Authority shall use the criteria set out in Table 1 for the purposes of determining the classification of each road segment.

Table 1

Criteria for classifying roads on the network referred to in points (a) as ‘metropolitan’ and ‘non-metropolitan’

Road category	Classification criterion
‘metropolitan’	Sections of the network running inside agglomerations with a population of 250 000 inhabitants or more
“mhux metropolitani”	Sezzjonijiet tan-network li mhumiex kwalifi-kati bhala “metropolitani”

- the periods during which the charge applies, for each individual segment. Where different charge levels apply throughout the charging period, the Competent Authority shall clearly specify the beginning and the end of each period during which a specific charge is applied.

The Competent Authority shall use the equivalence factors provided in Table 2 for the purpose of establishing the proportion between charge levels for different vehicle categories:

Table 2

Equivalence factors for establishing the proportion between congestion charge levels for different vehicle categories

Vehicle category	Equivalence factor
Light-duty vehicles	1
Rigid heavy goods vehicles	1,9
Coaches and buses	2,5
Articulated heavy goods vehicles	2,9

- Amount of the charge

For each vehicle category, road segment and time period, the Competent Authority shall determine a single specific amount, set in accordance with the provisions of Section 1 of this Schedule, taking into account the corresponding reference value set out in the Table of the Eight Schedule. The resulting charging structure shall be transparent, made public and available to all users on equal terms.

Before implementing a congestion charge, the Competent Authority shall publish in a timely manner all of the following:

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- (a) all parameters, data and other information necessary to understand how the classification of roads and vehicles and determination of periods of application of the charge are established;
- (b) the complete description of congestion charges applying to each vehicle category on each road segment and for each time period.

The Competent Authority shall make available to the Commission all information to be published pursuant to points (a) and (b).

The charge shall be set only after having considered the risk of traffic diversion together with any adverse effects on road safety, the environment and congestion, and any solutions to mitigate these risks.

Where a Member State intends to apply higher congestion charges than the reference values set out in the Table of Annex VI, it shall notify the Commission of the following:

- (i) the location of roads subject to congestions charges;
- (ii) the classification of roads as ‘metropolitan’ and ‘non-metropolitan’, as specified under point (b) of Section 1;
- (iii) the periods during which the charge applies, as specified under point (c) of Section 1;
- (iv) any partial or full exemption applied to minibuses, buses and coaches.

3. Monitoring

The Competent Authority shall monitor the effectiveness of the charging scheme in reducing congestion. It shall adjust every three years, where appropriate, the charging structure, charging period(s) and the specific amount of the charge set for each given category of vehicle, type of road and period to the changes in transport supply and demand

EIGHT SCHEDULE

REFERENCE VALUES OF CONGESTION CHARGE

This Schedule sets out the reference values of congestion charge.

The reference values provided for in the Table below shall be applied to light-duty vehicles. Congestion charge for other vehicle categories shall be established by multiplying the charge applied to light-duty vehicles by the equivalence factors provided in the Table of the Seventh Schedule.

Table

Reference values of congestion charge for light-duty vehicles

cent/vehicle-kilometre	Metropolitan	Non-metropolitan
Motorways	25,9	23,7
Main roads	61,0	41,5

NINTH SCHEDULE

EMISSION PERFORMANCE

This Schedule specifies the emission performance for pollutants according to which tolls and user charges shall be differentiated in accordance with Regulation 5(6), point (b).

Table

Emission performance criteria for pollutants for light-duty vehicles

Tolls and user charge	5-15% below higher rate	15-25% below higher rate	25-35% below higher rate	Up to 75 % below higher rate
Emission performance	Euro-6d-temp-x (#)	Euro-6d-x (#)	Declared maximum RDE values for pollutant emissions (##) < 80 % of the applicable emission limits	Zero emission vehicles

(#) where x may be empty or be one of the following (EVAP, EVAP-ISC, ISC or ISC-FCM)

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(##) for both NO_x and PN as reported in point 48.2 of the Certificate of Conformity, in the Appendix to Annex VIII to Commission Implementing Regulation (EU) 2020/683⁶.

⁶ Commission Implementing Regulation (EU) 2020/683 of 15 April 2020 implementing Regulation (EU) 2018/858 of the European Parliament and of the Council with regards to the administrative requirements for the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 163, 26.5.2020, p. 1).

