

The Danish Ministry of Taxation  
13238

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Draft

## Act on road tolls<sup>1)</sup>

### Chapter 1

#### *Scope of the Act*

**Section 1.** Tolls are to be paid to the Public Treasury in accordance with the provisions of this Act for lorries and vehicle combinations, which are used for the carriage of goods and which have a permissible laden mass of 12,000 kg or more, without prejudice to (2).

(2) The following are exempt from tolls:

1) Vehicles belonging to the armed forces and the State rescue services.

2) Vehicles designed for fire-fighting and rescue operations and used exclusively for emergency operations, and vehicles belonging to and exclusively used by emergency services and not used commercially in competition with commercial companies.

3) Vehicles belonging to the police.

4) Vehicles belonging to the road services.

(3) It is a condition for toll exemption in accordance with (2), that vehicles from outside can be recognised as intended for the purposes referred to in (2).

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<sup>1</sup> The Act contains provisions transposing parts of Council Directive 1999/62/EC of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures, OJ L 187, 1999, p. 42, parts of Council Directive 2006/38/EC of 17 May 2006 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures, OJ L 157, 2006, p. 8, parts of Council Directive 2011/76/EU amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures, OJ L 269, 2011, p. 1 and Directive (EU) 2022/362 of the European Parliament and of the Council of 24 February 2022 amending Directives 1999/62/EC, 1999/37/EC and (EU) 2019/520 as regards the charging of vehicles for the use of certain infrastructures, OJ L 69, 2022, p. 1–39.

(4) For vehicle combinations, the motor vehicle determines whether the combination is exempt from tolls pursuant to (2).

**Section 2.** The vehicles referred to in Section 1(1) are liable for the toll in accordance with this Act when circulating on the roads listed in Annex 1.

Chapter 2  
*Toll liability*

**Section 3.** The registered owner of the vehicle is liable for the toll. If both a user and an owner are registered for the vehicle, they are both liable for the toll.

(2) Persons liable for the toll for a vehicle are jointly and severally liable for the payment of the toll.

**Section 4.** The toll shall be determined on the basis of the full length of the distance travelled on the tolled road network measured in kilometres, cf. Section 2, and on the basis of a road toll rate per kilometre determined in accordance with Section 5.

(2) The distance travelled on toll roads referred to in (1) shall be calculated as the total length in kilometres of the road segments on which the tolled vehicle has driven, without prejudice to (4) and (5).

(3) A road segment is defined as a road section between two junctions. A junction consists of an intersection, a roundabout, a road end or a land border.

(4) There is no obligation to pay a road toll if only a road segment has been driven on in connection with the crossing of a road section with tolls, but where there is no additional driving taking place.

(5) Driving on the same road segment two or more times within 24 hours without driving on other road segments with tolls in the intervening period shall only be counted once in the total calculation of the number of kilometres driven.

(6) For the road segments marked in Annex 1 as being wholly or partly located in geographical areas where environmental zones have been established in accordance with the rules laid down in Chapter 2f of the Environmental Protection Act, a surcharge to the toll shall be paid. the surcharge shall be calculated in accordance with the rates laid down in Section 5(2).

Chapter 3

*Toll rates*

**Section 5.** Tolls are to be paid for lorries and vehicle combinations in accordance with the CO<sub>2</sub> emission classes resulting from Article 7ga of Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures, as amended at the following rates:

DKK per kilometre	Permissible laden mass of 12,000–17,999 kg	Permissible laden mass of 18,000–32,000 kg	Permissible laden mass exceeding 32,000 kg
CO <sub>2</sub> emission class 1	1.12	1.26	1.35
CO <sub>2</sub> emission class 2	1.00	1.13	1.22
CO <sub>2</sub> emission class 3	0.88	1.00	1.09
CO <sub>2</sub> emission class 4	0.59	0.66	0.71
CO <sub>2</sub> emission class 5	0.20	0.20	0.20

(2) When driving on road segments with tolls, which are wholly or partly located within environmental zones, cf. Section 4(6), the following amount shall be added to the rates referred to in (1) for lorries and vehicle combinations:

DKK per kilometre	Permissible laden mass of 12,000–17,999 kg	Permissible laden mass of 18,000–32,000 kg	Permissible laden mass exceeding 32,000 kg
CO <sub>2</sub> emission class 1	0.56	0.63	0.68
CO <sub>2</sub> emission class 2	0.50	0.57	0.61
CO <sub>2</sub> emission class 3	0.44	0.50	0.54
CO <sub>2</sub> emission class 4	0.29	0.33	0.35
CO <sub>2</sub> emission class 5	0.10	0.10	0.10

(3) For vehicles registered as traction equipment for one or more trailers or semi-trailers, the toll shall be determined according to the laden mass of the total vehicle combinations giving the highest toll amount.

Chapter 4

*Sund & Bælt Holding A/S, road toll service providers, etc.*

**Section 6.** Sund & Bælt Holding A/S collects, on behalf of the State, through the sale of route tickets, cf. Section 8, road tolls in accordance with this Act, without prejudice to (2). Sund & Bælt Holding A/S shall pay the road toll to the Customs and Tax Administration no later than the 20th of the month following the month in which the route ticket was sold. Within the same time limit, Sund & Bælt Holding A/S must submit to the Customs and Tax Administration information on the tickets sold in order for the Customs and Tax Administration to verify the amount collected and the amount paid.

(2) Sund & Bælt Holding A/S collects, on behalf of the State, road tolls in accordance with this Act when on-board equipment is used, cf. Section 7. When on-board equipment is used, the road toll service provider (EETS provider) issues an invoice with information about Sund & Bælt Holding A/S's name for the purpose of collecting the toll under this Act. However, payment of the toll only discharges all liability if it is made to the EETS provider. Sund & Bælt Holding A/S is entitled to collect payments from an EETS provider for all registered road tolls for a connected EETS user, regardless of whether the EETS provider has received payment from the EETS user.

(3) The EETS provider shall pay the registered road tolls in accordance with (2) to Sund & Bælt Holding A/S on the terms set out in the contract concluded by the EETS provider and Sund & Bælt Holding A/S. Sund & Bælt Holding A/S and the EETS provider may exchange and process necessary information when necessary for calculation, collection and payment in accordance with this Act. Sund & Bælt Holding A/S shall pay the road toll to the Customs and Tax Administration no later than the 20th of the month following the month in which the journey for which tolls apply was registered. Within the same time limit, Sund & Bælt Holding A/S must submit to the Customs and Tax Administration information on the registered journeys for which tolls apply, in order for the Customs and Tax Administration to verify whether there is a correlation between the registered road tolls and the amount paid.

(4) Sund & Bælt Holding A/S monitors compliance with the rules on toll liability under this Act. The control is carried out digitally and therefore the vehicle is not stopped (digital enforcement).

(5) The Public Administration Act and Section 17(1) of the Tax Administration Act shall apply to Sund & Bælt Holding A/S's handling of tasks under this Act. However, Section 19 of the Public Administration Act on individual hearing does not apply to the decisions on toll collection, which the company takes under Section 6(1) and (2).

(6) The Danish Minister of Taxation may, after negotiation with the Minister of Transport, lay down detailed rules on the exchange of information on persons liable for the toll and vehicles liable for the toll between Sund & Bælt Holding A/S and the Danish Road Traffic Authority and the processing of this information in accordance with this Act.

(7) The Danish Minister of Taxation may, after negotiation with the Minister of Transport, lay down rules for Sund & Bælt Holding A/S on task handling, including on financial reporting, approval of control strategy and exchange and processing of data pursuant to this Act.

## Chapter 5

### *On-board equipment*

**Section 7.** Road tolls are collected electronically if on-board equipment is connected to the vehicle liable for the toll on the basis of a contract concluded between a natural or legal person (EETS user) and an EETS provider of the on-board equipment that has entered into an agreement with Sund & Bælt Holding A/S. The owner liable for the toll, cf. Section 3, is obliged to ensure that the on-board equipment is activated while driving in Denmark. However, if a user liable for the toll is registered, cf. Section 3, as a user of the vehicle, the obligation is incumbent on them.

(2) The toll is calculated by Sund & Bælt Holding A/S on the basis of the driving data collected during the journey through the on-board equipment.

## Chapter 6

### *Route ticket*

**Section 8.** When driving with a vehicle liable for the toll with no on-board equipment connected, cf. Section 7, or with on-board equipment that does not work, the owner or user liable for the toll, cf. Section 3, shall ensure that an electronic route ticket is purchased before driving on the road network with tolls. The route ticket is offered by Sund & Bælt Holding A/S.

(2) Payment for the route ticket shall constitute payment for driving through one specified route on the tolled road section of a vehicle liable for the toll, cf. Section 1, within the validity period specified on the route ticket.

(3) When purchasing a route ticket, the following shall be stated:

- 1) First name, surname, e-mail, telephone number and, where applicable, residence address of the person liable for the toll, cf. Section 3.
- 2) Information concerning vehicles registered in Denmark or abroad, as this information appears on the vehicle registration certificate, on the nationality mark, the vehicle identification number, registration number, permissible laden mass and CO<sub>2</sub> emission class.
- 3) A starting point for driving on the road network with tolls (start of the validity period).
- 4) The planned route on the road network with tolls.
- 5) Information on payment.

(4) The information referred to in (3) may be amended until the starting point of the validity period, without prejudice to (5). Within the same time limit, the route ticket may be cancelled.

(5) No later than 48 hours after the end of the validity period of the route ticket, the pre-declared expected route between start and end point, cf. (3) (4), shall be changed to the actual route if there is a difference. The obligation to do so is incumbent on the person liable for the toll, cf. Section 3.

(6) If a route is amended in accordance with (4) or (5), there should be arrears of underpaid toll or reimbursement of overpaid toll. Sund & Bælt Holding A/S can offset any claims for arrears against claims for reimbursement.

(7) In the absence of indication of the vehicle's permissible laden mass and CO<sub>2</sub> emission class in connection with the purchase of a route ticket, the vehicle liable for the toll shall be categorised under the heaviest weight class and CO<sub>2</sub> emission class 1, cf. Section 5.

(8) The Danish Minister of Taxation may, after negotiation with the Minister of Transport, lay down detailed rules on the payment of route tickets, modification of a route, validity period as well as arrears and reimbursement.

## Chapter 7

### *Other rules on the calculation, collection and payment of the toll*

**Section 9.** When purchasing a route ticket, cf. Section 8, Sund & Bælt Holding A/S shall calculate the toll on the basis of specified journeys on the tolled road segments, cf. Section 2, calculated in accordance with the rates laid down in Section 5.

(2) Payment for the purchase of the route ticket is made at the same time as the purchase.

**Section 10.** When collecting the amounts in accordance with this Act, Sections 6 and 7 of the Danish Tax Collection Act on fees and interest in the event of late payment shall apply.

## Chapter 8

### *Right of appeal, delegation and supervision*

**Section 11.** Decision on the collection and assessment of the toll in accordance with this Act or rules laid down on the basis of the Act may be appealed to the Minister of Transport.

(2) The time limit for appeal shall be 4 weeks from the date on which the decision is notified.

(3) The Minister of Transport may lay down detailed rules on the right to appeal against decisions taken under this Act or rules laid down on the basis of the Act.

**Section 12.** Appeals to the Minister of Transport shall be filed in writing to Sund & Bælt Holding A/S.

(2) Sund & Bælt Holding A/S shall, if Sund & Bælt Holding A/S wishes to maintain the decision, forward the appeal to the Minister of Transport within 4 weeks of receipt of the appeal. The appeal must be accompanied by the contested decision, any relevant document admissible in the case and Sund & Bælt Holding A/S's comments on the case and the objections raised.

**Section 13.** The Minister of Transport may authorise an authority under the Ministry to exercise the powers conferred on the Minister in this Act.

(2) The Minister of Transport may lay down rules to the effect that decisions taken by an authority to which the Minister has assigned powers in accordance with (1) shall not be subject to appeal before the Minister or other administrative authority.

**Section 14.** Bringing an action before the courts concerning decisions under the Act or rules laid down pursuant to the Act must be brought within 6 months after appeals of the decision have been notified.

**Section 15.** The Minister of Transport oversees the administration of the parts of the tolling arrangement, which are carried out by subordinate authorities or companies in the areas of responsibility of the Ministry of Transport.

## Chapter 9

### *Penal provisions*

**Section 16.** Any person violating Section 7(1) or Section 8(1) or (5) shall be punished by a fine, regardless of whether the infringement cannot be attributed to the person concerned as intentional or negligent.

(2) The infringement shall not be deemed to be committed by the registered owner or user, cf. Section 3, if another person was in possession of the vehicle at the time of the offence, whether by taking without the owner's consent, property crime or in another unjustified manner.

(3) Companies, etc. (legal persons) may be held criminally liable in accordance with the rules set out in Chapter 5 of the Criminal Code.

(4) There will be no imprisonment for default of payment of a fine pursuant to (1).

**Section 17.** In cases of infringement of Section 16(1), cf. Section 7(1) or Section 8(1) or (5), the Danish Road Traffic Authority may indicate in a fine notice that the case can be decided without legal proceedings if the person liable for the toll pleads guilty to the infringement and declares themselves prepared to pay a fine as specified in the fine notice within a specified period. Section 752 of the Administration of Justice Act shall apply *mutatis mutandis* in these cases.

(2) The rules of the Administration of Justice Act on requirements for the content of an indictment, and that an accused person is not obliged to comment, shall apply *mutatis mutandis* to the fine notices in accordance with (1).

(3) There will be no further legal proceedings if a fine is adopted. The adoption has the same repetitive effect as a judgment.



(4) An indication in accordance with (1) may be given if the infringement is found in connection with a control of the toll, cf. Section 6(4), unless an infringement has been found within the last 24 hours for the same vehicle, and this results in an indication.

## Chapter 10

### *Entry into force and transitional provisions, etc.*

**Section 18.** The Act enters into force on 1 July 2023, without prejudice to (2).

(2) The Danish Minister of Taxation shall determine the date of entry into force of Section 6(4) of the Act.

(3) Sections 1–5, 6(1–3) and (5), and Sections 7–17 shall apply from 1 January 2025.

(4) The Government is authorised to terminate, on behalf of Denmark, the Agreement on the collection of tolls for the use of certain roads by heavy-duty vehicles of 9 February 1994 to 1 January 2025.

(5) With effect from 1 January 2024, the toll rates laid down in Section 3 of the Act on road use tolls shall be reduced by 1/366 for each commenced day in the calendar year.

(6) Eurovignettes will not be valid in Denmark from 1 January 2025.

(7) The Act on road use tolls, cf. Consolidated Act No 174 of 21 February 2020, is repealed on 1 January 2025.

## Chapter 11

### *Territorial provision*

**Section 19.** This Act does not apply to the Faroe Islands or Greenland.

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## **1. Introduction**

The Government (The Social Democratic Party [Socialdemokratiet], The Liberal Party [Venstre] and The Moderates [Moderaterne]) sets as of December 2022 via the Government platform entitled “Ansvar for Danmark” (‘Responsibility for Denmark’) the most ambitious climate targets for Denmark ever and wants to accelerate the development of green transport in Denmark by 2030. The greening of heavy road transport is an important and necessary step towards achieving the 2030 target of 70 % greenhouse gas reduction in the Climate Act and the Government’s objective of advancing climate neutrality to 2045 from the originally set objective of climate neutrality by 2050. A new kilometre-based and CO<sub>2</sub> differentiated road toll for certain lorries contributes to this transition.

In addition, tolls on lorry traffic are currently set significantly below the socio-economic costs that arise, for example, from lorries’ damage to infrastructure, accidents, noise, air pollution, contributions to congestion and CO<sub>2</sub> emissions.

This draft Act proposes a kilometre-based road toll for lorry traffic that is CO<sub>2</sub> differentiated according to the lorries’ emissions. The currently relevant legislation, the Act on road use tolls (the Road Use Toll Act), does not contain an incentive structure that limits heavy road transport to the same extent, since it is a period-based toll where there is no link between driving consumption and toll payment. The draft Act proposes to a greater extent a toll payment on the basis of a ‘polluter pays’ principle.

With the adoption of the draft Act, the Danish Parliament gives its consent under Section 19(1), third sentence, of the Constitution to the withdrawal of the Government on behalf of Denmark from the current Eurovignette cooperation, which is a cooperation between Denmark, Luxembourg, the Netherlands and Sweden on a common scheme for a period-based road use toll. The Government thus informs the other parties to the cooperation that Denmark terminates the agreement and initiates the process of withdrawing from the cooperation.

## **2. Background of the draft Act**

The Government (The Social Democratic Party [Socialdemokratiet], The Liberal Party [Venstre] and The Moderates [Moderaterne]) wants to intro-

duce a kilometre-based road toll for lorries. As of 1 January 2025, Denmark will have to withdraw from the Eurovignette cooperation and replace it with a kilometre-based road toll for lorries.

The Government wants a kilometre-based road toll to be differentiated as much as possible according to the CO<sub>2</sub> emissions of lorries. This is thus a maximum differentiation within the framework of EU law in order to create the greatest incentives for the greening, thereby maximising the expected CO<sub>2</sub> reductions.

The Government wants to increase the toll rate for driving in urban areas where environmental zones are established. In this way, it will be 50 % more expensive to drive in environmental zones than on other parts of the road network. An increase in rates in environmental zones reflects the fact that many citizens in these areas are particularly exposed to air pollution and noise from lorry traffic and road accidents involving heavy traffic. The increased toll rates in the environmental zones contribute to increasing the socio-economic benefits of the tolling arrangement.

The Government wants the new tolling arrangement to cover lorries and vehicle combinations (lorries with trailers or semi-trailers) for the carriage of goods with a permissible laden mass of 12,000 kg or more. In addition, as a general rule, the same delimitations shall apply as those that apply to the applicable period-based road use toll.

It is the Government's intention that lorries with a permissible laden mass between 3,500 and 12,000 kg for carriage of goods shall be covered by the tolling arrangement from 1 January 2027, and that from that date the lorries in this weight category will have to pay the circulation tax on the same scale as lorries that are currently subject to the road use toll corresponding to the EU minimum rates. This is not expressed in the draft Act.

The Government wants the tolled road network for 3 years from 1 January 2025 to include the majority of the State road network (about 4,600 km including approximately 1,300 km of motorways) and parts of the municipal road network (about 6,300 km, including approximately 1,000 km in environmental zones), i.e. a total of approximately 10,900 km.

It is also the Government's intention to extend the road network with tolls from 1 January 2028 to cover the entire public road network; which covers a total of approximately 75,000 km. This phasing must be seen in the context of implementation considerations, which advocate first rolling out the scheme to a smaller part of the road network and drawing useful lessons from it before extending it to the entire public road network. This is not expressed in the draft Act.

At the same time, the Government intends to increase the rates from 1 January 2028 in order to achieve the expected revenue and CO<sub>2</sub> reductions. This is not expressed in the draft Act.

The proposed kilometre-based road toll is estimated to lead to a CO<sub>2</sub> reduction of around 0.2 million tonnes in 2025 and approximately 0.3 million tonnes in 2030.

### **3. Main points of the draft Act**

#### 3.1. Introduction of a kilometre-based road toll

##### 3.1.1. Existing law

###### 3.1.1.1. The Eurovignette Directive

The field of the charging tolls for vehicles to use road infrastructures is a harmonised field within the EU and, since 1993, EU directives on road use tolls have been implemented, including (EEC) 93/89 of 25 October 1993, which was subsequently replaced by Directive (EC) 1999/62 of 17 June 1999 (Eurovignette Directive), last amended by Directive (EU) 2022/362 of 24 February 2022.

It is for the Member States themselves to decide on the introduction of road tolls on their territory. However, if a Member State chooses to introduce and collect tolls, this must be done in accordance with the rules laid down in the Eurovignette Directive. The aim of this is to ensure that there is no direct or indirect discrimination resulting in distortion of competition between transport operators through the imposition of road tolls.

The Eurovignette Directive regulates in detail the collection of tolls by Member States on heavy goods vehicles over 3,500 kg using the motorway network. In particular, the Directive lays down the framework for which cost elements may be included in the calculation which determines the

maximum average toll rate and lays down the framework for the differentiation parameters of the toll rate. Although the Eurovignette Directive mainly regulates the motorway network, this does not prevent Member States from extending the tolled road network to other parts of the national road network and to municipal roads.

On such parts of the road network, the specific rules of the Directive, e.g. on the setting of rates, are not applicable. In these cases, however, there are more general provisions to the effect that tolls must not discriminate against international traffic or distort competition between enterprises.

The latest amendment to the Eurovignette Directive has opened up the possibility for Member States to regulate road tolls with a number of new voluntary and mandatory provisions.

Among other things, the amending Directive states that due to the significant impact that they have on road infrastructure and their contribution to air pollution, heavy-duty vehicles should be subject to accurate toll charging systems. In particular, in order to promote cleaner and more efficient transport operations, time-based user charges should, in principle, be gradually phased out on the core trans-European transport network, since that network contains the strategically most important nodes and links in the trans-European transport network.

The Directive is based on the ‘user pays’ and ‘polluter pays’ principles. It thus appears that it is necessary to ensure that external-cost charges continue to reflect the cost of air pollution, noise and climate change generated by heavy-duty vehicles as accurately as possible without rendering the charging system excessively complex, in order to promote the use of the most fuel-efficient vehicles, and to keep the incentives effective and the differentiation of road charges up-to-date. It also follows from Article 7c of the Directive that Member States may maintain or introduce an external-cost charge, related to the cost of traffic-based air pollution, noise pollution, CO<sub>2</sub> emissions or any combination thereof.

Where schemes have had possible exemptions from charges for heavy goods vehicles ranging from 3,500 to 12,000 kg, such is phased out from 5 years after the entry into force of the amending Directive. Such possible



exemptions will therefore end as of 24 March 2027, after which it will be mandatory to include lorries with a permissible laden mass from 3,500 to 12,000 kg. In addition, in the future, Member States will have the possibility to introduce road tolls for light-duty vehicles (including passenger cars and vans) and heavy-duty vehicles for uses other than the carriage of goods (special uses and buses).

#### 3.1.1.2. The Road Use Toll Act

Road use tolls are currently collected in accordance with Act No 956 of 25 November 1994 on road use tolls (the Road Use Toll Act). The Act is part of the implementation of the Eurovignette cooperation between Denmark, Germany, the Netherlands, Belgium and Luxembourg of 9 February 1994. The Act also gave consent to ratify the agreement, cf. Section 19(1) of the Constitution. Please also refer to points 3.2 and 10.1 on the Eurovignette cooperation.

In connection with the Act, a register has been introduced for vehicles, the national vehicle register, which is administered by the Danish Motor Vehicle Agency. All Danish vehicles must be registered in the national vehicle register before they are put into service where subject to the Road Traffic Act. For new vehicles, this is done through number plate operators (e.g. an inspection station). Registration of used vehicles is carried out by inspection, cf. Section 19 of Order No 2114 of 25 November 2021 on the approval and inspection of vehicles.

The Act regulates the toll collection for lorries, etc. with a permissible laden mass of 12,000 kg or more for the use of the road network, which is further defined in Sections 5 to 7 of the Act. The toll is paid for the right to use the road network and applies to both Danish and foreign lorries. The toll covers the use of all or certain parts of the road network in the respective countries, and in Denmark the toll must be paid before the use of the motorway network, cf. Section 7(1) of the Act. For Danish vehicles, the toll shall be paid for the use of the Danish road network, cf. Section 5(1) of the Act.

According to the Act, the road toll for the tolled vehicles is determined on the basis of two factors: The charging period and the charge rate.

The charging period depends on whether the vehicle is registered in Denmark or abroad. Thus, the charging period of vehicles registered in Denmark is always 1 year, the charge is paid to the Danish Customs and Tax Administration upon registration, and subsequent charging periods are paid together with the circulation tax, whereas the charging period of foreign vehicles is determined according to the duration of the desired road use in days, weeks, months, to a maximum of one year.

The toll rate shall be determined by reference to the exhaust class of the vehicle (emission standard) and the number of axles. Differentiation shall be made on the basis of the exhaust standards laid down in the Annex to Directive (EEC) 88/77 of 3 December 1987 as amended by Directive (EEC) 91/452 of 1 October 1991. The set exhaust standards are calculated as EURO I and II and aim to limit the exhaust of gaseous pollutants from diesel engines. In 2009, the regulation shifted from Directives to Regulations. Thus, Euro VI was introduced by Regulation 595/2009.

The exhaust standards laid down are calculated according to the EURO I-VI categories and depend on whether or not a vehicle meets the requirements of the established EURO standards. The highest toll rates are imposed on the oldest and most polluting vehicles, i.e. those that do not meet any EURO standard.

Once the toll, as determined according to the exhaust class and the number of axles, has been paid, access to road use in the contracting countries shall be granted within the period for which payment has been made. The toll must be paid before driving on the roads in question and cannot be transferred to another vehicle.

The control of the toll scheme follows from Section 13 of the Act and is carried out by the police, who can stop tollable vehicles on tolled roads in Denmark in order to check whether the toll is registered and paid. The control will typically be carried out in connection with the verification of other legal provisions, e.g. driving and rest periods or permissible laden mass. The vehicle may be detained by the police until the amount of the toll and fine and legal costs are paid, or security is provided for the payment.

Under Section 14 of the Act, a person who deliberately or by gross negligence provides false or misleading information for use is punished by (1) a decision on whether a toll is to be paid for the vehicle (2) calculating the amount of the toll or (3) deciding on toll exemption or toll refund relating to the period-based road use toll.

It also follows from the Act that penalties in the form of a fine may be imposed on anyone who deliberately or by gross negligence violates provisions of regulations issued pursuant to the Act. However, no such regulations have been issued.

The penal provisions in Section 14 of the Act also apply to companies, etc. (legal persons).

The levels of fines in these cases for violating the current rules on road use toll: a fine of DKK 2,500 for a first-time offence, a fine of DKK 5,000 for a second-time offence, a fine of DKK 7,500 for a third-time offence, a fine of DKK 10,000 for a fourth-time offence, a fine of DKK 12,500 for a fifth-time offence, a fine of DKK 15,000 for a sixth-time offence, and a fine of DKK 15,000 for a seventh-time offence or more.

If several lorries from the same haulage company within the same day are used in connection with infringements of the Act, the cases are treated as several conditions for simultaneous judgment, regardless of whether a fine notice was adopted earlier that day. This means that all infringements detected within the day in question are considered as first-time offences (provided that the enterprise has not previously been found guilty of such an infringement) and are settled by a fine of DKK 2,500 per lorry. On the other hand, if the same or other lorries from the haulage company in question are stopped, and in this connection a fine notice is issued within the next day, it will be considered a second-time offence (if a fine has been adopted the day before), with the result that the fine should be set at DKK 5,000 per lorry for the second day.

If the enterprise has previously been punished several times, but has not, by mistake, received increased fines, the fine is determined on the basis of the actual number of relevant previous convictions without regard to the determination of the previous fines.

The current fine system is based on police control and the general criminal imputability condition.

#### 3.1.1.3. Environmental zones

Section 15a(1) of the Environmental Protection Act lays down rules that the municipal councils of Copenhagen, Frederiksberg, Aarhus, Aalborg and Odense municipalities may decide to establish environmental zones in larger contiguous urban areas where there is significant traffic involving lorries or buses driven by a compression-ignition engine and which are registered with a permissible laden mass of more than 3,500 kg, cf. Section 15b. The objective of environmental zones is to ensure cleaner air for citizens by imposing requirements on emissions of particulate matter by heavy-duty vehicles.

Municipal councils of other municipalities may, subject to prior authorisation from the Minister for the Environment, decide on the establishment of environmental zones in larger contiguous urban areas, where there is significant traffic involving the said vehicles, cf. Section 15a(2) of the Environmental Protection Act. In order for an authorisation to be granted, limit values for particulate pollution must be exceeded.

Section 15a(6) of the Environmental Protection Act states that the municipal council publishes decisions on environmental zones, including the establishment of an environmental zone, the extension of an environmental zone, the inclusion of additional types of vehicles within an environmental zone, the reduction of an environmental zone, the rerouting of transit routes in an environmental zone and the abolition of an environmental zone. At least 14 months must elapse from the publication of the municipal council's decision on the establishment or geographical extension of an environmental zone to the date on which the environmental zone takes effect, cf. Section 15a(6) of the Environmental Protection Act.

Sund & Bælt Holding A/S handles tasks relating to the control of vehicles in the environmental zones. These are tasks relating to the automatic registration of number plates for enforcement purposes against persons liable for the toll and whom fail to comply with the environmental zone requirements and support of the Environmental Protection Agency's case man-

agement. The Environmental Protection Agency has been designated as the relevant control authority.

For further information on environmental zones, see the Environmental Protection Act, cf. Consolidated Act No 100 of 19 January 2022, as amended.

Sund & Bælt Holding A/S may, pursuant to Act No 588 of 24 June 2005, handle tasks, relating to the regulation of road traffic, as imposed on the company by law or in accordance with the law, including in relation to tolling arrangements and payment handling, as well as information about these.

### 3.1.2. Considerations of the Danish Ministry of Taxation

Today, the tolls on lorry traffic do not correspond to the social costs arising from the lorry traffic's damage to infrastructure, accidents, noise, air pollution, contributions to congestion and CO<sub>2</sub> emissions. The current tolls on lorry traffic are thus estimated to be significantly lower than the (external) costs incurred by society in terms of damage to infrastructure, accidents, noise, air pollution, contributions to congestion and CO<sub>2</sub> emissions.

The same toll that is paid by lorries which are used to a limited extent within a certain period of time, is to be paid by heavy goods vehicles which are used significantly. Thus, the current road use toll does not contain a targeted incentive structure to limit heavy road transport, as it is a period-based toll.

By contrast, a kilometre-based road toll provides more incentives to promote the greening of heavy road transport, as it is directly related to the use of vehicles. The differentiation of toll rates according to the CO<sub>2</sub> emissions of vehicles provides additional incentives and thus further contributes to the achievement of the green targets.

Furthermore, a kilometre-based road toll also entails a targeted taxation of the socio-economic costs associated with the driving of lorries, including damage to infrastructure, accidents, noise, air pollution, contributions to congestion and CO<sub>2</sub> emissions.

As current tolls on lorry traffic are currently estimated to be significantly lower than the (external) costs, a new road toll is therefore assessed with a socio-economic benefit.

### 3.1.3. The proposed scheme

#### 3.1.3.1. Covered vehicles

It is proposed to introduce a kilometre-based road toll for lorries and vehicle combinations (trailers or semi-trailers) for the carriage of goods with a permissible laden mass of 12,000 kg or more. This is a continuation of the group of vehicles that are tolled according to the Road Use Toll Act. There are currently approximately 43,000 lorries in the Danish fleet, of which approximately 35,500 have a permissible laden mass of 12,000 kg or more.

The delimitation of the toll liability to vehicles for the carriage of goods means that, for example, driving school cars or lorries registered with an amusement park or circus as owner/user will also not be obliged to pay tolls in the future. Furthermore, vintage lorries are not considered to be covered by the Toll Act, as they do not fall within the scope of the Road Use Toll Act, which concerns lorries for the carriage of goods.

It is also the Government's intention that, from 1 January 2027, vehicles with a permissible laden mass between 3,500 and 12,000 kg will be covered by the kilometre-based road toll scheme. A draft Act to this effect will be submitted at a later stage with a view to implementing this part of the Agreement. This is intended to ensure the correct implementation of the latest amendment to the Eurovignette Directive, according to which lorries with a permissible laden mass between 3,500 and 12,000 kg shall be liable for the toll by 25 March 2027 at the latest.

The most recent amendment to the Eurovignette Directive sets out 3 weight classes for lorries, containing toll elements related to air pollution and noise, and 5 CO<sub>2</sub> emission classes, i.e. a total of 15 toll classes, each containing their own toll rate, to which Member States must align. From 2027 onwards, the weight classes will be extended to 4 weight categories, with vehicles from 3,500 to 12,000 kg to be included in the Member States' tolling arrangements. This is not regulated in the present draft Act. The Directive thus provides that the tolls shall be differentiated according to the specific CO<sub>2</sub> emissions of each vehicle in order to encourage the use of more environmen-

tally friendly vehicles.

#### 3.1.3.2. Vehicles exempt from tolls

It follows from Section 11 of the Road Use Toll Act that toll exemption applies to: 1) vehicles belonging to the armed forces and the State regional rescue services, 2) vehicles specially designed for fire-fighting and rescue operations and exclusively used by emergency services, as well as vehicles belonging to and exclusively used by emergency commissions and not used commercially in competition with private economic operators, 3) vehicles belonging to the police, and 4) vehicles belonging to the road services.

It is proposed to continue the exemptions for vehicles exempt from tolls under the Road Use Toll Act.

The toll exemptions are subject to the condition that the vehicles can be recognised from the outside as intended for those purposes.

For vehicle combinations, the motor vehicle determines whether the combination is exempt from tolls.

#### 3.1.3.3. The covered road network and the principles for determining the road network

According to the Road Use Toll Act, the delimitation depends on the tolled road network on whether the lorry, etc. is registered in Denmark or abroad, cf. Section 2(1) and (4). For vehicles registered in Denmark, the entire Danish road network is tolled. For foreign vehicles, the tolled road network is limited to motorways.

It is proposed that, starting from 1 January 2025, the road network with tolls should cover the majority of the State road network and a number of municipal sections, including all public roads in environmental zones. All tolled roads are listed in Annex 1. This part of the Danish road network covers a total of approximately 10,900 km and is estimated to cover approximately 75 % of the total number of kilometres driven by lorries.

Between cities, motorways and the other parts of the State road network will be included in the tolled road network together with the municipal

roads that may run parallel or diagonally to it. The latter are included if the Danish Road Directorate has assessed that these roads constitute diverted traffic routes to the State road network, mainly the motorway network. The concept of diverted traffic covers the phenomenon that drivers in tolled vehicles seek to drive on roads running parallel to the tolled State roads in order to avoid payment of the toll. This can be counteracted by imposing tolls on municipal roads where there is a particular risk of diverted traffic. In cities with peri-urban motorways, including the largest cities and the metropolitan area of Copenhagen, the entire State road network will be covered as a starting point. There may be individual State roads in larger cities and environmental zones that are exempted, if the Danish Road Directorate has specifically assessed that their inclusion would entail a risk of diverted traffic, and if this is not considered to be countered by imposing tolls on municipal parallel roads.

Municipal roads in environmental zones are included in the tolled road network, but some municipal roads, according to the draft after the Danish Road Directorate's assessment, are exempt in order to ensure correct measurement and calculation of the toll in connection with associated on-board equipment. Thus, there are cases where there has been a need to omit individual municipal roads based on a specific assessment of what can be supported by a system.

In cities with tolled ring roads or bypass roads with few potential diverted traffic routes, road tolls are applied to the major municipal roads in order to avoid diverted traffic

In cities with tolled ring roads or bypass roads with many potential diverted traffic routes through the city, the centre and ring roads/bypass roads for road tolls are relieved, if the Danish Road Directorate does not consider that such a dense tolled road network can be supported by a system. In the case of small towns with bypass roads and/or roads through the centre with tolled roads, road tolls are imposed on diverted traffic routes when there is a possibility of avoiding a road toll equivalent to more than 5 km, or if the Danish Road Directorate has designated the road on the basis of a professional road assessment, including on the basis of the Green Mobility Model (formerly the National Traffic Model). The model is designed to illuminate the overall traffic flows in Denmark as well as be-



tween Denmark and other countries. The Green Mobility Model underpins the traffic calculations and socio-economic analyses, which constitute essential decision-making criteria in prioritising infrastructure projects.

In the draft, individual parts of the State road network and individual parts of the municipal road network are either exempt from tolls or tolled, as determined by the Danish Road Directorate to establish a contiguous and easily communicable tolled road network.

The proposed delimitation of the road network differs from the existing road network with tolls. While the road network with tolls currently constitutes the entire road network for Danish lorries liable for the toll and the motorways for foreign lorries liable for the toll, it is proposed, among other things, in order to be able to implement a new tolling arrangement, that it should not cover the entire road network as of 1 January 2025.

By including only a limited part of the road network, it is thought that, inter alia, based on experience from abroad, implementation of kilometre-based road tolls will proceed in a more manageable manner than if the entire road network were to be included upon initiation of the scheme.

#### 3.1.3.4. Length of the travelled distance on the road network with tolls

It is proposed to require that a vehicle liable for the toll either has functional on-board equipment connected to it or that, before driving on the tolled road network, a route ticket covering the journey has been purchased. On-board equipment and route ticket are described below.

##### 3.1.3.4.1 On-board equipment

It is proposed that the toll may be collected on the electronic registration of the journey via on-board equipment in accordance with Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (EETS Directive).

This means that the vehicle liable for the toll must have on-board equipment connected to it, which ensures that driving is automatically registered for the purpose of calculating and collecting the toll. Thus, persons liable

for the toll may enter into an agreement with a road toll service provider (EETS provider) which makes EETS approved satellite on-board equipment available to the user (EETS user) in return for payment, and which can collect vehicle data in the form of satellite positions while the vehicle is driving.

A toll service within the meaning of the EETS Directive means the service that enables users to use a vehicle in one or more EETS domains under a single contract and, where necessary, with one piece of on-board equipment (OBE), and which includes: (a) where necessary, providing a customised OBE to users and maintaining its functionality; (b) guaranteeing that the toll charger is paid the toll due by the user; (c) providing to the user the means by which the payment is to be made or accepting an existing one; (d) collecting the toll from the user; (e) managing customer relations with the user; and (f) implementing and adhering to the security and privacy policies for the road toll systems.

The on-board equipment is always present in the vehicle and is therefore a physical device. The on-board equipment must comply with the EU legal standard established in the EETS Directive.

Based on this, the exact route of the lorry is restored using algorithms in a 100 % automated process where collected vehicle data are matched to a digital road map. This is done technically by linking satellite positions to a digital road map divided into road segments.

A road segment means an electronically predefined road section that runs between two junctions on the road network, e.g. from one intersection to the next intersection. The distance is measured in kilometres. The method is called map-matching and is currently used in, for example, the kilometre-based tolling arrangements in Germany and Belgium.

For the purpose of calculating the length of the journey undertaken on the tolled road network, where the tolled vehicle has on-board equipment connected to it, all the road segments on which the relevant tolled vehicle is driving during the journey shall be included in their full length, even if the vehicle has not necessarily completed each road segment fully.

The lengths of the individual road segments are laid down in Annex 1 to the Act.

Driving on road segments without toll liability will not be included in the calculation. Thus, driving on roads that are outside the geographical delimitation of the tolled road network, including driving abroad or using a ferry, etc. will not be included.

The distance travelled on the road network with tolls is calculated by first adding the lengths calculated in kilometres of the total number of road segments on which the vehicle liable for the toll is driving during its journey. Next, the toll can be calculated by multiplying the number of kilometres calculated by the applicable rate for the vehicle CO<sub>2</sub> emission class, etc.

In cases where the road toll is calculated using on-board equipment connected to the tolled vehicle, the toll is calculated by Sund & Bælt Holding A/S, but invoicing is carried out by the EETS provider, cf. point 3.1.3.5.2 (EETS provider).

#### 3.1.3.4.2. Route tickets

For users of the tolled road network who have not connected any satellite-based on-board equipment, cf. point 3.1.3.4.1 (On-board equipment), or where the on-board equipment does not work, it is proposed to introduce the possibility that the owner/user of the tolled vehicle can instead pay the toll for the use of the tolled road network through the purchase of a route ticket. The model of a route ticket resembles that of a similar scheme in Germany.

A route ticket constitutes the toll for using the tolled road network for 24 hours for a predetermined route. The route ticket can be purchased digitally via a website managed by Sund & Bælt Holding A/S before making the journey for which tolls apply.

The obligation to pay the toll and the amount of the toll will be the same regardless of whether on-board equipment is used or whether a route ticket is purchased. Thus, there is no economic advantage in choosing one or the other. However, as there will be costs associated with purchasing on-board

equipment, in some cases it could be cheaper to buy route tickets, e.g. if the driving consumption is very low.

In connection with the purchase of the route ticket, both Danish and foreign persons liable for the toll must provide the first name, surname, e-mail, telephone number and, where appropriate, the residence address of the person liable for the toll. In addition, information on Danish registered vehicles, as shown in the vehicle registration documents, must be provided on the nationality mark, the vehicle identification number, registration number, permissible laden mass and CO<sub>2</sub> emission class.

In addition, valid payment card information and a starting point will have to be indicated for driving on the road network with tolls, which after the time of purchase (start of the validity period) is the planned route on the road network with tolls. The information may be changed until the starting point of the journey for which tolls apply.

Once the route on the road network with tolls has been completed and the actually completed route will therefore be known to the person liable for the toll, a change to the planned route will have to be made within 24 hours of the end of the validity period of the route ticket if the planned route does not correspond to the route actually completed.

It is proposed that the vehicle liable for the toll covered by the route ticket should be categorised as CO<sub>2</sub> emission class 1, which will thus entail the highest toll payment, cf. the proposed Section 8(7), unless another CO<sub>2</sub> emission class is disclosed in connection with the purchase. This should provide an incentive for the owner/user of the vehicle to indicate precisely which vehicle the route ticket concerns and that it is not possible to obtain a lower toll payment where it is not possible to prove that the vehicle liable for the toll is entitled to this.

It is proposed that the route ticket may be cancelled before the starting point of the actual journey for which tolls apply. This may be relevant, for example, if the owner/user changes plans, etc.

### 3.1.3.5. Administration of the 'kilometre-based road toll' scheme

#### 3.1.3.5.1. Sund & Bælt Holding A/S

It is proposed that Sund & Bælt Holding A/S should be authorised to carry out the tasks relating to the role of toll charger. The designated toll charger is defined in Article 2, No 4, of the EETS Directive as a public or private entity which levies tolls for the circulation of vehicles in an EETS domain defined in Article 2, No 8, of the Directive as a road, a road network, a structure, such as a bridge or a tunnel, or a ferry, where tolls are collected using an electronic road toll system.

This means that Sund & Bælt Holding A/S will be responsible for the operation of the tolling arrangement, including calculation, collection and control of compliance with the tolling arrangement. It will thus be Sund & Bælt Holding A/S who will calculate the length of the journey for which tolls apply and calculate the amount of the toll. On the other hand, it will be the EETS providers who issue invoices on behalf of Sund & Bælt Holding A/S with information about Sund & Bælt Holding A/S's name as collection of the toll. Sund & Bælt Holding A/S subsequently pays the toll to the Danish Customs and Tax Administration. In connection with the adoption of the draft Act, Sund & Bælt Holding A/S will be covered by the Act on the recovery of public liabilities (Public Liabilities Recovery Act).

It is also proposed that Sund & Bælt Holding A/S should set up and run the purchase and issuing of electronic route tickets. Thus, in cases where the person liable for the toll chooses to pay their toll by purchasing a route ticket covering the journey for which tolls apply, Sund & Bælt Holding A/S will support and ensure the operation of all steps related thereto.

Sund & Bælt Holding A/S will develop IT platforms and technical solutions for the issuing and purchase of route tickets, and is responsible for the guidance of users on the purchase of route tickets etc. The EETS Provider, cf. point 3.1.3.5.2 (EETS provider), will thus not perform any tasks related to route tickets.

In connection with the operation of the fixed links across the Great Belt and the Sound and carrying out the tasks of checking vehicles in environmental zones, cf. Section 15e of the Environmental Protection Act, Sund & Bælt Holding A/S has acquired competence in collecting user tolls and carrying out checks. Sund & Bælt Holding A/S has also established business systems and support functions that handle customer service, technical

monitoring, customer communication, self-service portal, etc. for the above schemes.

#### 3.1.3.5.2. EETS Provider

The field of EETS providers is regulated by EU law and it is therefore proposed that the regulation of EETS providers be in line with the EETS Directive. Article 15 of the Directive lays down the conditions necessary to ensure that the interoperability of electronic road toll systems applies to the entire Union road network.

An EETS provider within the meaning of Article 2, No 6, of the EETS Directive, means a legal entity which, under a separate contract, grants an EETS user (owner or user of a tolled vehicle) access to an EETS domain (a road network in which road tolls are collected by means of an electronic road toll system), transfers the road tolls to the relevant toll charger and is registered in the Member State of establishment. The Danish Road Directorate approves a legal entity in Denmark that wishes to offer an electronic device (on-board equipment) that can be used for payment on toll roads. BroBizz A/S is an example of an approved EETS provider in Denmark. EETS providers authorised in other EU countries will have access to the road toll service in Denmark on equal terms as an EETS provider authorised in Denmark.

In order to access the road toll service, the Directive requires the EETS provider to conclude a contract with the toll charger in order to settle the relationship between the two parties.

In order to ensure transparency and non-discriminatory access to EETS domains for all EETS providers, the toll charger should, according to the Directive, publish all necessary information on access rights in an EETS domain statement.

#### 3.1.3.6. Monitoring of the scheme and penal provisions

It is essential that the enforcement of the proposed tolling arrangement is effective, with a systematic check of compliance in order to ensure the full effectiveness of the scheme.

Sund & Bælt Holding A/S carries out a number of tasks with guidance to users of the fixed links across the Great Belt and the Sound and the other aspects related to the collection and recovery of user tolls for the use of fixed links, including ANPR technology (Automatic Number Plate Recognition), as well as checks in connection with their enforcement. ANPR is an abbreviation for Automatic Number Plate Recognition, where cameras take pictures of the vehicle and its number plates.

Sund & Bælt Holding A/S's experience with ANPR technology was most recently used by the State when the company was assigned the task of collecting data using ANPR for use in the Environmental Protection Agency's enforcement of environmental zone rules, as well as assisting with case management and payment collection, registration of foreign vehicles and information about the scheme. It can be noted that there has been a significant technological development in the field of image processing, which, among other things, makes it possible to read the number plate of passing vehicles with a very high certainty of proper reading.

Pursuant to Section 17a of the Act on Sund & Bælt Holding A/S, a legal basis was introduced in connection with the assignment of the environmental zones to enable the company to carry out the task in accordance with personal data law, including in relation to the registration of number plate information and the storage of images, etc.

Against this background, it is assessed that the task of collecting data for the control of the tolling arrangement can be assigned to Sund & Bælt Holding A/S.

The proposed control is based, as in the case of the environmental zone scheme, on the reading of number plates in conjunction with information in the national vehicle register. To a large extent, it will be a tolling arrangement based on digital control rather than physical control.

Sund & Bælt Holding A/S will collect data by scanning the number plates of vehicles passing by on a tolled road section or via mobile cameras.

The control unit determines whether there is on-board equipment in the vehicle or whether a route ticket has been purchased in advance.

If no EETS equipment has been connected to the vehicle or, before the journey, no route has been registered or no route ticket has been purchased, and this has not been corrected within 48 hours to correspond to the actually travelled route, cf. the proposed Section 8(5), Sund & Bælt Holding A/S will, after identification by means of number plate recognition, transmit information to the Danish Road Traffic Authority with a view to the possible issuing of an administrative fine notice, cf. point 3.1.3.6.2.

This should help improve enforcement, and the detection risk is expected to increase significantly in relation to the current enforcement efficacy.

The supervision of Sund & Bælt Holding A/S's task handling under this Act will be carried out by the Minister of Transport, as the company falls under the responsibility of the Ministry of Transport. The Minister of Transport also has the power to issue instructions in relation to Sund & Bælt Holding A/S, cf. Section 8(2) of the Act on Sund & Bælt Holding A/S, which states that the Minister of Transport may, on matters of significant importance, give Sund & Bælt Holding A/S, A/S Storebæltsforbindelsen and A/S Øresundsforbindelsen, referred to in (1), general or special instructions for the exercise of their activities.

The necessary personal data protection legal basis is introduced for Sund & Bælt Holding A/S's task handling in the Act on Sund & Bælt Holding A/S.

#### 3.1.3.6.1. Strict liability

In order to ensure compliance with the proposed tolling arrangement, it is considered that strict liability should be introduced in the context of the proposed automatic digital control.

The proposed tolling arrangement will in many ways correspond to the environmental zone regulation in the Environmental Protection Act, as, among other things, the verification of infringements will be carried out in the same way with individual mobile and fixed cameras that will be used for collecting number plate data. Thus, infringements under the proposed tolling arrangement will be similar to infringements of the environmental



zone scheme, where criminal liability is imposed on an objective basis in a large number of cases on the basis of clear control data. For the environmental zone scheme and its digital enforcement, see the comments on the draft Act amending the Environmental Protection Act and the Act on Sund & Bælt Holding A/S, cf. the Danish Parliament Gazette 2019-20, Appendix A-C.

With the introduction of strict liability for infringements of the tolling arrangement, the registered owner or user of the vehicle would be punishable by a fine, unless another person was in possession of the vehicle at the time of the offence, whether by taking without the owner's consent, property crime or in another unjustified manner. Thus, it would not be necessary to prove that the registered owner or user was driving the vehicle at the time of the offence and it would not be a requirement that the infringement was committed intentionally or negligently.

The owner or user will not be criminally liable, if another person was unjustifiably in possession of the vehicle at the time of the offence, cf. the proposed Section 16(3). Such cases include, for example, when the vehicle was not in the possession of the owner or user at the time of the violation due to e.g. taking without the owner's consent, theft, or other property crime.

For all types of vehicles, the owner or user themselves has an influence over the person to whom they entrust their vehicle and thus can instruct that person not to violate the tolling arrangement.

Strict liability will ensure a swift and efficient handling of cases of infringement of the tolling arrangement. It is essential that the enforcement of the tolling arrangement remains effective in order to comply with the scheme and to ensure the targeted climate impact.

Thus, there is a social concern associated with the tolling arrangement in the form of the expected CO<sub>2</sub> reduction.

For all types of vehicles, the owner or user themselves has an influence over the person to whom they entrust their vehicle and thus can instruct that

person not to drive without paying the road toll. The owner may also supply the vehicle with an EETS equipment.

Strict liability should also be introduced for resource-related reasons. There is a strong presumption that, for vehicles wishing to use the road network with tolls and in a significant percentage of the cases, it will be a private economic owner or user responsible for the vehicle and its use who will be driving the vehicle. With the introduction of strict liability, cases will not have to consider evidence as to who was driving the vehicle and it will not be a requirement that the infringement was committed intentionally or negligently. Strict liability will ensure a swift and efficient handling of cases of infringement of the tolling arrangement, which is essential in relation to the perception of road toll control as effective and thus the compliance with the scheme and the achievement of the targeted climate impact.

A scheme based on concrete evidence in each individual case in relation to who was driving the vehicle at the time of the infringement, will require a significantly greater time and resource consumption by the police in relation to attributing liability to the owner or user. In addition, the proposed scheme reduces the risk of delay between the date on which the infringement of the tolling arrangement occurred and the date on which the infringement is notified to the person concerned.

It requires careful consideration to introduce strict liability in a new area of law. It is assessed on the basis of an overall balance between the above considerations and the resource considerations that will necessarily arise when the control scheme changes from roadside checks carried out by the police to an automatic digital control scheme carried out by Sund & Bælt Holding A/S, which means that strict liability can usefully be introduced in order to ensure compliance with the tolling arrangement and to achieve its climate benefit.

In addition, strict liability is introduced only in respect of financial penalties – and not a custodial sentence.

Legal persons shall be criminally liable under this Act and Chapter 5 of the Criminal Code, since the owner or user may also be a legal person.

3.1.3.6.2. Administrative fine notices

In accordance with Section 14 of the Act, an infringement of the applicable Road Use Toll Act may be punished by a fine in case the infringement is intentional or the result of gross negligence.

The level of fines is DKK 2,500 for a first-time offence, and checks on compliance with the rules of the Road Use Toll Act are carried out by the police as part of their regular work, most often during the so-called roadside checks.

Instead, the draft Act proposes an automatic control, which will mainly consist of number plate recognition by camera control, cf. also point 3.1.3.6. (Monitoring of the scheme and penal provisions) above.

It is the Danish Road Traffic Authority's assessment that there will be similar infringements, since they all concern compliance with the requirement to use functional and activated on-board equipment or a route ticket when driving on the tolled road network.

It is considered that cases of infringements of the scheme will, as a general rule, be straightforward and without any evidentiary issues, as an infringement can be established by comparing an image with available information as to whether the vehicle concerned has used functional and activated on-board equipment or a route ticket. In addition, the determination of the amount of the fine will be without any discretionary elements of importance, cf. further below.

In the light of the above, it is considered that it is appropriate and sound to apply administrative fine notices.

The fine notice scheme will be administered in such a way that if it is found that the rules have not been complied with, cf. point 3.1.3.6, the image of the number plate and information about the vehicle as well as information on the location, date and time of the infringement will be sent to the Danish Road Traffic Authority, which is proposed to be the competent authority to issue the fine notices. The Danish Road Traffic Authority is the competent authority to assess whether a fine notice can be issued. If it

is considered that the case with the infringement is straightforward and without any evidentiary issues, the Danish Road Traffic Authority will approve the case and issue an administrative fine notice. If, on the other hand, it is considered that the case has evidentiary issues and thus is not straightforward, the Danish Road Traffic Authority will report the case to the police. Cases relating to unauthorised use, cf. the proposed Section 16, (3), depending on the circumstances, may be complex and give rise to evidential doubts, which are not to be settled by the Danish Road Traffic Authority. In these cases, the Danish Road Traffic Authority will file a police report. A police report shall also be made in all cases where the fine notice is not accepted within the prescribed time limit.

When the Danish Road Traffic Authority transmits the fine notice to the owner or user, guidance on the rights of objection will be provided e.g. in connection with selling or taking without the owner's consent, rules for attributing liability and possibly overturning it and the rules on court proceedings without a hearing in accordance with the rules of the Administration of Justice Act.

An infringement relating to a vehicle may be the subject of only one fine notice per day (24 hours continuously) within the road network with tolls. The same scheme is known from the environmental zone scheme, cf. Section 110d(5) of the Environmental Protection Act.

In order to ensure an effective and strengthened control of the rules on the payment of the kilometre-based road toll and thereby ensure the full climate impact, the assessment is that the level of fines should be increased from DKK 2,500 to DKK 4,500 per infringement, regardless of whether it is a repeat offence or not. This is assessed to be proportionate to the proposed level of tolls, and it is considered to ensure greater compliance.

It should be noted that, under the proposed rules, there is no effect of previous infringements when further infringements are committed and that the fine should also be increased to DKK 4,500.

The draft to increase the level of fines should, overall, discourage avoiding toll payments. A higher level of fines must thus be preventive and at the

same time ensure that the penalties are commensurate with the possible profit from toll-free driving on the road network.

The draft to increase the level of fines should also be seen in the context of the fact that no road toll will be collected in cases where checks show that the tolled vehicle did not have functional on-board equipment connected and activated at the time of control.

The reason for not collecting road tolls in this situation is that it is not possible to determine the amount of the road toll, as no information will be available concerning the distance travelled on the road network with tolls.

Thus, the photo of the vehicle, which helps to establish that no toll has been paid, is merely a snapshot, but the amount of the toll that should have been paid cannot be inferred from it.

The same applies in cases where a route ticket has not been purchased or where a route ticket has been purchased but does not cover the travelled tolled road section, and where no correction has been made either after the end of the trip and within 24 hours, so that a toll is paid on the route travelled.

It will not be possible to calculate the distance travelled on the road network with tolls and it will therefore not be possible to collect the toll that should have been paid originally, after the end of the journey.

It is considered that the level of fines could quickly deprive the person liable for the toll of the cost saved by not connecting an on-board equipment to the vehicle or obtaining a route ticket, since the fine level of the proposed DKK 4,500 will already represent a large amount compared to what the trip would have cost with connected on-board equipment or a route ticket. For example, a trip from Skagen to Padborg (395 km) will cost approximately DKK 475 (2022 levels) for an average lorry.

Notwithstanding the specified guidelines for the determination of the fine, the financial penalty will be based on the Court's concrete assessment in the individual case of the circumstances of the case, and the stated level of fines may thus be altered both upwards and downwards if there are aggra-

vating or mitigating circumstances in the specific case, cf. the general rules on the determination of the penalty in Chapter 10 of the Criminal Code.

#### 3.1.3.7. Right of appeal, etc.

Appeals typically involve a vehicle change of owner, a vehicle that has not been correctly registered, that a toll was in fact paid, etc., or that the vehicle had been stolen at the time of the infringement.

Appeals about matters under this Act may be submitted to the Ministry of Transport. If an appeal, which may be filed in writing to Sund & Bælt Holding A/S, is justified, the case will be closed via Sund & Bælt Holding A/S's case management system. The proceedings are filed with the Ministry of Transport when the case is closed in Sund & Bælt Holding A/S's case management system. A case is closed in the Sund & Bælt Holding A/S case management system once the fine notice has been paid, when a police report has been filed, or the fine notice has been dismissed due to a legitimate appeal.

#### 3.1.3.8. Laying down rules on Sund & Bælt Holding A/S's task handling and supervision, etc.

Section 15 proposes that the Danish Minister of Taxation, after negotiation with the Minister of Transport, should be authorised to lay down rules on Sund & Bælt Holding A/S's task handling.

Rules are envisaged on, among other things, the fact that accounts should be submitted to the Danish Ministry of Taxation for the implementation of appropriations, that the Danish Ministry of Taxation must approve budgets, that the Danish Ministry of Taxation must approve the criteria for processing data, and that the Danish Ministry of Taxation may request relevant statistics for monitoring.

The supervision of Sund & Bælt Holding A/S's task handling under this Act is proposed to be assigned to the Minister of Transport, as the company falls under the responsibility of the Ministry of Transport. The Minister of Transport also has the power to issue instructions in relation to Sund & Bælt Holding A/S, cf. Section 8(2) of the Act on Sund & Bælt Holding A/S, which states that the Minister of Transport may, on matters of significant importance, give Sund & Bælt Holding A/S, A/S Storebælts-

forbindelsen and A/S Øresundsforbindelsen, referred to in (1), general or special instructions for the exercise of their activities.

3.2. Implementation of Articles 7, 7b, 7c, 7cb, 7ga of Directive (EU) 2022/362 of 24 February 2022 amending Directive 1999/62/EC

3.2.1. Existing law

It follows from Directive (EU) 2022/362 of 24 February 2022 amending Directive 1999/62/EC that it is mandatory for the collection of road tolls for heavy-duty vehicles that the toll rate is differentiated according to the CO<sub>2</sub> emissions of vehicles on the basis of the subdivision into the so-called CO<sub>2</sub> emission classes.

In accordance with Article 7(1), the Eurovignette Directive sets a relatively narrow framework for the elements of tolling arrangements applicable to traffic on the road network defined as the trans-European road network (TEN-T). This means, in practice, the motorway network and other roads, which are the most important for the carriage of goods by road between the Member States of the European Union. On the road network outside the TEN-T, it is in principle national competence to determine the elements of kilometre-based tolling arrangements in accordance with Article 7(2). However, a tolling arrangement on this road network must not discriminate against international traffic and not distort competition between enterprises.

Article 7b(1) states that infrastructure 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 as well as the costs of establishing and operating the toll. Article 7b(2) states that Member States may choose to recover only a percentage of those costs.

The amending Directive also makes it mandatory that a road toll should include an external toll element on air pollution from 25 March 2026 at the latest. However, Member States may decide not to apply an external-cost charge to road sections if this would lead to the shift of the most polluting

vehicles to another route with negative consequences for road safety and public health, in accordance with Article 1 of the amending Directive on a new Article 7ca(3) of the Eurovignette Directive.

Article 7c(1) of the Directive provides that Member States may maintain or introduce an external-cost charge, related to the cost of traffic-based air pollution, noise pollution, CO<sub>2</sub> emissions or any combination thereof. The external-cost charge shall comply with the reference values set out in Annexes IIIb and IIIc. It further appears that Member States may choose to recover only a percentage of these costs.

Annex IIIb sets reference values for the costs of traffic-based air pollution and noise pollution on the basis of the lorry's maximum permissible laden mass and on the basis of Euronorm. For example, the Directive provides that the reference value for air pollution and noise pollution for a goods vehicle with a maximum permissible laden mass exceeding 32 tonnes and which is in the cleanest Euronorm (emission standard) EUR 0.3 cents per city-kilometre, equivalent to DKK 0.02 (rounded) per vehicle kilometre.

Annex IIIc sets out reference values for costs of CO<sub>2</sub> emissions, which partly depend on the lorry's maximum permissible laden mass, Euronorm and the CO<sub>2</sub> emission class. For example, Annex IIIc provides that the reference value for CO<sub>2</sub> emissions for a goods vehicle whose maximum permissible laden mass exceeds 32 tonnes and is in CO<sub>2</sub> emission class 3 is EUR 7.2 cents per vehicle kilometre or equivalent to DKK 0.54 (rounded) per vehicle kilometre.

Article 7cb(3) provides that an external-cost charge for CO<sub>2</sub> emissions may be combined with an infrastructure charge that has been varied in accordance with Article 7ga. Article 7ga sets out guidelines on how Member States set CO<sub>2</sub> emission classes for heavy-duty vehicles and how infrastructure costs are to be differentiated according to the classes.

The classification of lorries in the five CO<sub>2</sub> emission classes referred to in Article 7ga(1) shall be based on the sub-groups of heavy-duty vehicles covered by points (a) to (d) of Article 2(1) of Regulation (EU) 2019/1242 within 2 years of the publication of CO<sub>2</sub> reference emissions for these ve-



hicle sub-groups in the implementing acts adopted in accordance with Article 11(1) of the Regulation referred to above.

There are five CO<sub>2</sub> emission classes, where vehicles classified in CO<sub>2</sub> emission class 1 emit the most CO<sub>2</sub>, and where vehicles classified in CO<sub>2</sub> emission class 5 are zero emission vehicles such as electric lorries and hydrogen lorries.

The Directive provides for the possibility to reduce the infrastructure charge within a range. The limits for reductions are as follows, cf. Article 7ga(3):

- a) CO<sub>2</sub> emission class 2 – 5 to 15 % reduction compared to the charge applicable for CO<sub>2</sub> emission class 1;
- b) CO<sub>2</sub> emission class 3 – 15 % to 30 % reduction compared to the charge applicable for CO<sub>2</sub> emission class 1;
- c) CO<sub>2</sub> emission class 4 – 30 % to 50 % reduction compared to the charge applicable for CO<sub>2</sub> emission class 1;
- d) CO<sub>2</sub> emission class 5 – 50 % to 75 % reduction compared to the charge applicable for CO<sub>2</sub> emission class 1.

The amending Directive entered into force on 24 March 2022. The time limit for transposing the amending Directive into Danish law is 25 March 2024. The amending Directive further states that period-based road tolls (user charges) cannot be applied to heavy-duty vehicles on the core trans-European transport network from 25 March 2030. For road tolls collected as common tolling arrangements, including the Eurovignette cooperation, the time limit for phasing out period-based tolls is extended to 10 years after the date of entry into force of the amending Directive.

### 3.2.2. Considerations of the Danish Ministry of Taxation and the proposed scheme

Section 5 of the draft Act proposes to implement several parts of amending Directive (EU) 2022/362 of 24 February 2022 to the Eurovignette Directive. The present draft Act meets the above mentioned mandatory parts in point 3.2.1 of the amending Directive by introducing a kilometre-based and CO<sub>2</sub>-differentiated road toll from 1 January 2025.

The charging structure of the draft Act and the rates resulting from the proposed Section 5, including subdividing into CO<sub>2</sub> emission classes, are set in accordance with the Eurovignette Directive and related amending Directive (EU) 2022/362.

Following the Directive's distinction between TEN-T and non-TEN-T roads, it is proposed that the elements of the tolling arrangement for tolled roads within the environmental zones of Copenhagen, Frederiksberg, Aarhus, Aalborg and Odense should be determined in accordance with Article 7(2), while the elements of the tolling arrangement for all other tolled roads are determined in accordance with Article 7(1). In practice, it is included in the proposed charging structure and rates that the rates for driving on tolled roads in environmental zones are increased by 50 % compared to other parts of the tolled road network.

For lorry traffic on tolled roads outside environmental zones, it is proposed that the toll rate be built up of three sub-components, which are (1) infrastructure costs attributable to lorry traffic, (2) external costs linked to the contribution of lorry traffic to air pollution and noise, and (3) external costs linked to emissions of CO<sub>2</sub> caused by lorry traffic.

The Danish Road Directorate has calculated the maximum infrastructure charge for heavy-duty vehicles using a method based on the calculation principles set out in Article 7b of the Directive and Annex III to the Directive. The Danish Road Directorate's calculation indicates that a maximum weighted average infrastructure charge for lorries of DKK 0.99 per kilometre can be charged on the motorway network in Denmark.

It is proposed to make use of the option provided for in Article 7b(2), whereby only a percentage of the infrastructure cost is charged. This is justified by the fact that the revenue from the road toll constitutes a politically defined financing element. There is therefore no need to charge the maximum average infrastructure charge. The share of the charged infrastructure cost thus constitutes sub-component (1) of the toll rate.

The proposed toll rates include that in Denmark the full costs of traffic-based air pollution and noise pollution will be charged on the basis of the rates set out in Annex IIIb, except for differentiation based on emission

standards. This should be seen in the light of the fact that by 2025 it is expected that up to 95 % of vehicle kilometres will be travelled by vehicles of the EURO VI category or cleaner, and therefore, in order to reduce the complexity of the charging structure, it is proposed to set the costs of traffic-based air pollution and noise pollution on the basis of the reference values for the cleanest emission standard (cleaner than EURO VI). The share of the charged costs thus constitutes sub-component (2) of the toll rate.

The proposed toll rates include that in Denmark the full costs of traffic-based CO<sub>2</sub> emissions will be charged on the basis of the rates set out in Annex IIIc, except for differentiation based on emission standards, on the same grounds as described above. The share of the charged costs thus constitutes sub-component (3) of the toll rate.

The proposed rates include the charging of both the external costs related to CO<sub>2</sub> emissions based on the reference values set out in Annex IIIc, cf. above, as well as a differentiation of the infrastructure cost in accordance with Article 7ga. The proposed toll rates include that the maximum possible CO<sub>2</sub> differentiation within the limits of the Directive is granted in the road toll.

### 3.3. Denmark's withdrawal from the Eurovignette cooperation

#### 3.3.1. Existing law

Denmark's imposition of tolls for lorry transport of 12,000 kg or more today follows from the Eurovignette cooperation, which is based on Directive (EEC) 93/89 of 25 October 1993, which was subsequently replaced by Directive (EC) 1999/62 of 17 June 1999 (Eurovignette Directive). Directive (EEC) 93/89 of 25 October 1993, was annulled and replaced by the current Eurovignette Directive, as amended by Directive (EC) 2006/38 of 17 May 2006, (EU) 2011/76 of 27 September 2011, and most recently by Directive (EU) 2022/362 of 24 February 2022.

The aim of the Directive is to eliminate distortions of competition between transport operators in the Member States, to harmonise the charging systems and to establish fair schemes for the collection of charges from transport operators in order to cover environmental and infrastructure costs.

It follows from the recitals of the Directive that two or more Member States should be allowed to cooperate in establishing a common system for user charges. Denmark, Germany, the Netherlands, Belgium and Luxembourg have taken advantage of this possibility and concluded an Agreement of 9 February 1994 on the collection of tolls for the use of certain roads by heavy-duty vehicles. The Agreement was concluded with the aim of regulating the collection by the parties of a common user charge for vehicles using certain roads within the territories of the parties and to lay down the conditions and procedure for allocating the toll revenue.

Germany ceased to collect the Eurovignette toll on 1 September 2003 with a view to introducing a kilometre-based toll, and on 1 April 2016 Belgium did the same. Today, the common road use toll covers journeys in Denmark, Luxembourg, the Netherlands and Sweden, who joined the toll cooperation in 1997.

The content of the Agreement, including the entry into force of the toll liability, the parties liable for the toll, the toll exemption, and the toll rates are regulated in accordance with the conditions laid down in the Eurovignette Directive.

Once the collected road toll has been paid, the vehicle is registered in a common database between Denmark, Sweden, the Netherlands and Luxembourg, in which information on the validity period of the toll payment (rates vary for validity periods of one day, one week, one month or one year), the number of axles of the vehicle, the exhaust class of the vehicle (emission standard), the registration number and the nationality (the State in which the vehicle is registered) is included.

The revenue from vehicles registered in each cooperating Member State goes directly to them. A distribution key is used to distribute revenues from vehicles registered in non-cooperating countries among the countries in the Agreement.

### 3.2.2 Considerations of the Danish Ministry of Taxation and the proposed scheme

It is proposed that Denmark withdraws from the Eurovignette cooperation on 1 January 2025 with a view to introducing a national kilometre-based

road use toll that can better match the socio-economic costs arising from lorries' damage to infrastructure, accidents, noise, air pollution, contributions to congestion and CO<sub>2</sub> emissions.

At the same time, it is proposed to repeal the Road Use Toll Act.

The Agreement concluded on 9 February 1994 on the collection of tolls for the use of certain roads by heavy-duty vehicles was concluded with the consent of the Danish Parliament, which was given with the adoption of draft Act No 4 of 6 October 1994 on the Act on road use tolls. This means that the consent of the Danish Parliament must be obtained prior to Denmark's termination of the Agreement, cf. Section 19(1), second and third sentence, of the Constitution. With the adoption of the draft Act, the Danish Parliament shall notify its consent under Section 19(1), third sentence, of the Constitution to the withdrawal of the Government on behalf of Denmark from the current Eurovignette cooperation.

If the draft Act is adopted, the withdrawal from Eurovignette cooperation will be initiated in accordance with the procedure referred to in Articles 18(1) and 17 of the Agreement as regards the collection of tolls. It follows that the Agreement may be terminated with nine months' notice until the end of a calendar year.

A kilometre-based road toll cannot be introduced in parallel with Denmark being part of the Eurovignette cooperation, cf. Article 7(3) of Directive 1999/62/EC of the European Parliament and of the Council (Eurovignette Directive) on the charging of heavy goods vehicles for the use of certain infrastructures.

This means that Denmark must stop collecting the Eurovignette toll no later than the day before the introduction of a kilometre-based toll.

Foreign vehicles for which a periodic Eurovignette toll has been paid with effect from 1 January 2025 will continue to be able to use the Eurovignette network in Luxembourg, the Netherlands and Sweden, but the Eurovignette network will not be valid in Denmark from the end of 31 December 2024.

#### **4. Relationship to the General Data Protection Regulation and the Data Protection Act**

The General Data Protection Regulation and the Data Protection Act apply to any processing of personal data wholly or partly by automated means and to the non-automatic processing of personal data that is or will be contained in a register.

Any processing of personal data shall be carried out in accordance with the basic principles set out in Article 5 of the General Data Protection Regulation. The provision provides that personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency') and that personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes ('purpose limitation').

Personal data must also be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation'). In addition, personal data must be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy'). Article 5 also provides that personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed ('storage limitation').

Article 6(1) of the General Data Protection Regulation lays down the general conditions under which processing, including, inter alia, collection, compilation and disclosure, of personal data may take place. It follows that processing shall be lawful only if at least one of the conditions laid down in Article 6(1)(a) to (f) is fulfilled. Article 6(1)(e) of the Regulation states that the processing of personal data shall be lawful if processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

In addition, it follows from Article 6(2) that Member States may maintain or introduce more specific provisions to adapt the application of the rules of this Regulation with regard to processing for compliance with Article 6(1)(e) by determining more precisely specific requirements for the pro-

cessing and other measures to ensure lawful and fair processing including for other specific processing situations as provided for in Chapter IX of the Regulation (Articles 85 to 91).

It also follows from Article 6(3) of the Regulation that the basis for the processing referred to in Article 6(1)(e) shall be laid down by Union law or Member State law to which the controller is subject.

Article 10, first sentence, last indent, of the General Data Protection Regulation states that private individuals may only process data relating to criminal convictions and offences when the processing is authorised by Union or Member State law providing for appropriate safeguards for the rights and freedoms of data subjects. Section 8(3) and (4) of the Data Protection Act lays down, among other things, general rules on when private individuals may process and disclose data about criminal offences. Thus, in order for private individuals to process data about criminal offences, national rules must be laid down which provide for appropriate safeguards for the rights and freedoms of data subjects. Reference is made to Report No 1565 on the General Data Protection Regulation, p. 243-248.

Under Article 13 of the General Data Protection Regulation, where personal data are collected from the data subject themselves, the controller is obliged to provide the data subject of its own motion with a number of defined information. Where, on the other hand, personal data have not been collected from the data subject, the obligation to provide information follows from Article 14.

The obligation to provide information in Articles 13 and 14 requires the controller to provide, inter alia, information on the identity and contact details of the controller, the purposes of the processing for which the personal data are intended, the legal basis for the processing and any recipients of the personal data.

*Sund & Bælt Holding A/S – toll charger*

Sund & Bælt Holding A/S is governed by the Act on Sund & Bælt Holding A/S, which lays down the legal framework for the company's activities. The Act states, among other things, that Sund & Bælt Holding A/S may carry out tasks relating to the regulation of road traffic imposed on the

company by law or in accordance with the law, including in relation to tolling arrangements, environmental zone schemes and payment handling.

With the draft Act on road tolls, cf. Section 6(1) and (2), it is proposed that Sund & Bælt Holding A/S be the toll charger, on behalf of the State, through the sale of route tickets or when on-board equipment is used in accordance with this Act. The road toll collection requires the collection of data on the owner or user of the vehicle, such as name, address, CPR or CVR or AKR number, number plate, vehicle classification parameters such as vehicle type, class and weight, payment information for payment purposes and in addition, when using the on-board equipment, road toll data will be generated in the form of GNSS positions. In addition, in the context of control and enforcement, image data (blurred) and control data in the form of vehicle type and class will be required.

In addition to the draft Act on road tolls, and in order to support Sund & Bælt Holding A/S's handling authorisation, it is envisaged to extend Section 17a of the Act on Sund & Bælt Holding A/S, so that it is written into the Act that Sund & Bælt Holding A/S can also carry out tasks related to the tolling arrangement, including automatic registration of number plates and collection of personal data when necessary for the performance of its tasks. That extension is not part of this draft Act.

#### *System support for the tolling arrangement*

The system support for the tolling arrangement handles two different data processes. Firstly, the collection of the toll, either via on-board equipment or via the purchase of a route ticket. Secondly, checks on compliance with the arrangement.

The system support is designed to comply with Article 27 (data protection) of the EETS Directive. Thus, the retention of data is limited to the data necessary for the purpose – collection and control – and the storage is carried out in such a way that it is not possible to identify the data subjects for a longer period than is necessary for the purposes of the collection and control of the tolling arrangement. Subsequently, in anonymised form, stored data will be used for reporting purposes.



All sub-systems in the tolling arrangement will be located in Sund & Bælt Holding A/S's isolated cloud environment. Sund & Bælt Holding A/S is the data controller for all data received and calculated in all sub-systems of the tolling arrangement. The systems are located in an isolated environment and are operated by the company's IT operations service provider, who has signed a data processing agreement.

#### *On-board equipment*

It follows from the proposed Section 7 that the road toll shall be collected electronically if the vehicle liable for the toll has on-board equipment connected to it on the basis of a contract concluded between a natural or legal person (EETS user/road user) and an EETS provider of the on-board equipment that has entered into an agreement with Sund & Bælt Holding A/S. The relationship between the EETS provider and Sund & Bælt Holding A/S is expected to be regulated between the parties in accordance with the guidelines on data processing resulting from Order No 1863 of 27 September 2021 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union.

When using on-board equipment, the road toll declarations in the form of GNSS positions from users will be collected via EETS providers and processed in Sund & Bælt Holding A/S's internal systems. It will be the EETS providers who have such user contact and collect background data on users, vehicle data and driving data. It is therefore the EETS providers which, through the on-board equipment, collect driving data in the form of the GNSS positions of the vehicle. The EETS providers then send the GNSS positions together with vehicle data and an identification of the on-board equipment used to Sund & Bælt Holding A/S.

Only Sund & Bælt Holding A/S has access to the calculation system that identifies where a vehicle has been driving and can calculate the road toll for the drive. Sund & Bælt Holding A/S then sends information about the lorries, their driving and calculated road tolls to the EETS provider, which invoices the users. The EETS providers pay the toll due to Sund & Bælt Holding A/S. EETS providers and Sund & Bælt Holding A/S are individually responsible for the data they process under the tolling arrangement, and the EETS provider is obliged, pursuant to Article 10, No 1, of the

EETS Directive, to inform EETS users about how the collected data is used and disclosed to Sund & Bælt Holding A/S for the collection of road tolls. When concluding an agreement on the use of an on-board equipment between an EETS user and the EETS provider, the data of the EETS user in the form of GNSS positions, contact details, vehicle weight and type information, as well as payment information, will be registered. The data will be personal data, not classified as special categories of data (sensitive personal data). Information on the collected data will be provided in connection with the conclusion of an agreement between the EETS user and the EETS provider.

#### *Route tickets*

In connection with the purchase of route tickets, Sund & Bælt Holding A/S collects the necessary information to collect road tolls. The information collected is set out in the proposed Section 8(3). Sund & Bælt Holding A/S receives this data in a secure web form and, based on the chosen route and the arrangement's toll rates, informs the user of the price, which the user pays. The user then receives the route ticket and receipt for their purchase by e-mail. As an independent data controller, Sund & Bælt Holding A/S is responsible for compliance with the General Data Protection Regulation rules, including the obligation to provide information.

The data collected, consisting of the information mentioned in the proposed Section 8(3), including the ID number of the completed road segments, is stored per ticket purchased and used for control and enforcement purposes. Each purchase is handled as a financial transaction and sent to Sund & Bælt Holding A/S's central back office (CBO), where data is kept for as long as required by the Bookkeeping Act.

#### *Control of the tolling arrangement*

Sund & Bælt Holding A/S monitors compliance with the rules on toll liability, cf. the proposed Section 6(4).

As part of the control task with the tolling arrangement, Sund & Bælt Holding A/S will need access to the national vehicle register and Eucaris. A draft Act to amend the Act on Sund & Bælt Holding A/S will be submitted later with a view to introducing the necessary legal basis.

Section 6(6) and (7) of the draft Act mean that specific provisions will be laid down concerning the possibility for Sund & Bælt Holding A/S to exchange information on persons liable for the toll and vehicles liable for the toll, including with the Danish Road Traffic Authority and the processing of this information. These provisions will constitute specific provisions for the application of the Regulation under Article 6(1)(e) of the General Data Protection Regulation, cf. Article 6(2) and (3). In accordance with the proposed Section 6(4), Sund & Bælt Holding A/S is entrusted with the task of supervising the tolling arrangement which results in processing that is necessary for carrying out a task in the public interest or in the exercise of official authority pursuant to Article 6(1)(e) of the Regulation. The provisions are considered to be within the framework of Article 6 of the Regulation. Reference is also made to the specific comments on Section 6(6) and (7).

## **5. Financial and implementation impact on the public sector**

### 5.1. Financial impact on the public sector

#### 5.1.1. The revenue impact of a kilometre-based road toll and the allocation of the revenue

The overall revenue impact of the introduction of a kilometre-based road toll for lorries and the abolition of the applicable road use toll (Eurovignette cooperation) is set out in Table 1. The revenues are estimated with considerable uncertainty. It is estimated that the toll initiatives will generate an direct additional revenue of approximately DKK 2 billion annually in 2025–2027 and approximately DKK 3 billion in 2028–2030. After behavioural effects and deadweight loss, the additional revenue is estimated to be reduced to approximately DKK 1 billion annually in 2025–2027 and approximately DKK 1.6 billion annually in 2028–2030. The permanent additional revenue after revenue change from behavioural effects and deadweight loss are estimated with considerable uncertainty to amount to approximately DKK 1,450 million. When calculating the permanent revenue, it is technically assumed that the total number of kilometres driven and its distribution to different types of lorries are fixed from 2030 onwards, and that the rates are not indexed. The revenue impact from 2027 onwards presuppose that the Danish Parliament adopts draft Acts that translate the Government’s intentions to extend the scheme to vehicles between 3.5 and 12 tonnes, the extension of the road network with tolls and the increase in rates from 2028.

**Table 1. Revenue impact of the introduction of a kilometre-based road toll and the abolition of road use tolls**

DKK millions (2023 levels)	2025	2026	2027	2028	2029	2030	Perma- nent	Financial year 2024
<b>Direct effect</b>								
Kilometre-based road toll	2,500	2,475	2,500	3,725	3,650	3,575	3,500	-
Abolition of road use tolls	-550	-525	-500	-500	-475	-475	-450	-150
Total, direct effect	1,950	1,950	2,000	3,225	3,175	3,100	3,050	-150
<b>Effect after deadweight loss</b>								
Kilometre-based road toll	2,000	1,950	1,975	2,950	2,900	2,850		-
Abolition of road use tolls	-425	-425	-400	-400	-375	-375		-
Total, effect after deadweight loss	1,575	1,525	1,575	2,550	2,525	2,475		-
<b>Effect after deadweight loss and behavioural effects</b>								
Kilometre-based road toll	1,525	1,475	1,425	2,075	2,000	1,925	1,875	-
Abolition of road use tolls	-425	-425	-400	-400	-375	-375	-350	-
Total, effect after deadweight loss and behavioural effects	1,100	1,050	1,025	1,675	1,625	1,550	1,525	-

The allocation of the revenue from a kilometre-based road toll is shown in Table 2. In addition to the introduction of a kilometre-based road toll and the abolition of the road use toll, the Government wishes to implement an initiative to improve the efficiency of the carriage of goods by road by amending national rules on weight and configuration of lorries, which are estimated to involve public additional expenditure on road wear etc. of approximately DKK 225 million per year, and prioritise DKK 10 million annually for greening the carriage of goods by road. In addition, approximately DKK 280 million has been allocated annually for any administrative impact. Table 2 shows that the road toll is estimated to involve the agreed financing contribution of DKK 0.5 billion annually in 2025-2027 and DKK 1 billion annually from 2028 onwards, as agreed with the Agreement on the greening of road transport.

**Table 2. Allocation of revenue from kilometre-based road tolls**

DKK millions (2023 levels)	2023	2024	2025	2026	2027	2028	2029	2030

Effect after deadweight loss and behavioural effects								
Kilometre-based road toll	-	-	1,525	1,475	1,425	2,075	2,000	1,925
Abolition of road use tolls	-	-	-425	-425	-400	-400	-375	-375
Cost of road wear, etc.	-	-	-200	-225	-225	-225	-225	-225
Administrative costs	-	-	-275	-274	-274	-280	-280	-280
Funding for the greening of the carriage of goods by road	-10	-10	-10	-10	-10	-10	-10	-10
Total financial contribution to the Agreement on the greening of road transport	-10	-10	600	550	525	1,175	1,100	1,050

### 5.1.2. Tax basis

The tax basis from road tolls is determined by the expected total number of kilometres driven by lorries. Based on the information provided by the Danish Road Directorate, it is assumed that the total number of kilometres driven is approximately 2.6 billion in 2025 increasing to approximately 2.8 billion in 2030, *cf. Table 3*. Of this, it is assumed that the total number of kilometres driven by foreign lorries is approximately 20 % of the total number of kilometres driven, corresponding to approximately 0.5 billion in 2025 and about 0.6 billion in 2030. It is estimated that the total number of kilometres driven by lorries with a permissible laden mass of between 3,500 and 12,000 kg is approximately 0.1 billion per year and is mainly carried out by Danish lorries. In addition, the anticipated total number of kilometres driven has been reduced as a result of the initiatives to improve the efficiency of the carriage of goods by road on the basis of information provided by the Ministry of Transport.

It is also assumed that the agreed road network with tolls in 2025-2027, which is mainly made up of the State road network as well as road sections that are obvious in relation to diverted traffic, covers just over 70 % of the total number of kilometres driven by Danish lorries and 100 % of the total number of kilometres driven by foreign lorries. From 2028 onwards, the scheme will apply to the entire public road network and thus virtually 100 % of the total number of kilometres driven by lorries. The total number of kilometres driven in environmental zones is estimated to represent approximately 1 % of the total number of kilometres driven.

**Table 3. Total number of kilometres driven by lorries**

Billion km	2025	2030
Highways	1.58	1.73
Other State roads	0.39	0.41
Municipal roads	0.72	0.74
Reduction due to the efficiency of the carriage of goods by road	-0.08	-0.08
Total	2.61	2.80
Of which the total number of kilometres driven in environmental zones	0.0261	0.0280
Of which the total number of kilometres driven by Danish lorries	2.07	2.22
Of which the total number of kilometres driven by foreign lorries	0.54	0.58

### 5.1.3. Behavioural effects of a kilometre-based road toll

A kilometre-based road toll increases the cost per kilometre for lorries, which entails a reduction in the total number of kilometres driven. This effect has been modelled on the basis of the total number of kilometres driven by the current lorry fleet and its evolution towards 2030, as well as the average cost per kilometre driven. The average cost per kilometre is based on the Transport Economic Unit Prices and is estimated to average around DKK 11 on average per km for lorries over 3,500 kg in 2025.

A kilometre-based road toll thus increases the total cost over the life of a lorry, which is expected to affect the sale and composition of the lorry fleet. The baseline for the breakdown of lorry sales by propellants and the improvement of the fuel efficiency of lorries follows the Danish Energy Agency's climate status and projection from 2022 (KF22). In the KF22, sales of electric lorries are expected to increase to 15 % of new sales by 2030.

Based on the KF22 and the existing Danish lorry fleet, a representative lorry fleet has been set up on the basis of a number of representative vehicles within the so-called CO<sub>2</sub> emission classes and vehicle sub-groups resulting from EU regulation. The average fuel efficiency and total life costs of the representative vehicles have been estimated on the basis of the Transport Economic Unit Prices, data for the existing lorry fleet and data for newly registered Danish lorries in the period 1 July 2019 – 30 June 2020 from the EEA (European Environment Agency). The estimates, like

the KF22, have been calibrated to the lorries' compliance with the requirements of European Union law on CO<sub>2</sub> reduction targets for heavy-duty vehicles. It is estimated that the total number of kilometres driven by lorries in the period of 1 July 2019 – 30 June 2020 that was covered by EU regulation on the measurement of CO<sub>2</sub> emissions represents just over 70 % of the total number of kilometres driven by lorries. As a result, most of the total number of kilometres driven is affected by the differentiation of the toll according to CO<sub>2</sub> emission classes.

There is expected to be a significant behavioural effect associated with the road toll. This covers, among other things, the fact that a kilometre-based road toll reduces the total number of kilometres driven by lorries, from which there is less revenue from fuel taxes, and the revenue from the road toll is reduced. It is thus estimated that the road toll reduces the total number of kilometres driven by lorries by approximately 10 % annually on the basis of the estimated costs and anticipated elasticities.

A CO<sub>2</sub> differentiation of the kilometre-based road toll provides incentives for greening of the lorry fleet. It is thus expected that the road toll will contribute to a wider uptake of green lorries. This results in lower revenues from fuel taxes and road tolls, as green lorries pay less in tolls than similar conventional vehicles.

Some automatic deadweight loss is also assumed as it is expected that haulage companies pass the toll on to consumer prices, which is why the State loses revenue from VAT, etc. as a result of lower sales of goods and services. However, this is expected to only entail a limited price increase for individual products, as transport costs represent a relatively limited share of the total cost of production.

A kilometre-based road toll increases the overall taxation of lorries for the carriage of goods. The applicable road use toll is collected once a year for Danish lorries. With annual revenue from the road use toll for Danish lorries of approximately DKK 300 million per year and an annual total number of kilometres driven of approximately 2 billion, this corresponds to a toll per kilometre of approximately DKK 0.15 for an average lorry. With the kilometre-based road toll, the average rate will be around DKK 1.3 per

km (2023 levels) in 2030. This corresponds at current prices to an average rate of approximately DKK 1.6 per km in 2030.

#### 5.1.4. Socio-economic effects of a kilometre-based road toll

It is estimated that a kilometre-based road toll is associated with a socio-economic gain of approximately DKK 0.6 billion in 2030 (2023 levels). The positive socio-economic effect should be seen in the context of the fact that in the current charging system lorries are assessed to be under-taxed in relation to the external costs they entail for society in terms of damage to infrastructure, accidents, noise, air pollution, contributions to congestion and CO<sub>2</sub> emissions. Thus, the socio-economic benefit in terms of a reduction in external costs exceeds the socio-economic costs resulting from the road toll in the form of a greater distortion of consumption and higher administrative costs. As the road toll is associated with socio-economic gains, the associated CO<sub>2</sub> reductions occur with a negative shadow price.

At the same time, a kilometre-based road toll implies a more targeted taxation of external costs.

#### 5.1.5. Tax expenditure

The proposed kilometre-based road toll is considered not to be linked to a tax expenditure. This should be seen in the light of the fact that schemes covered by an EU directive are considered to be part of the reference framework, although in principle they deviate from the main rules of Danish tax laws. As the rate structure of the road toll, including in relation to CO<sub>2</sub> emission classes, follows from the Eurovignette Directive, the toll is not considered to be linked to a tax expenditure. In line with the same principle, there is also no tax expenditure linked to the applicable road use toll, differentiated according to Euronorms, where differentiation also follows from the EU legal framework.

#### 5.1.6. Revenue impact of the draft Act

The draft Act implements the parts of the tolling arrangement that relate to elements in 2025 and 2026. The draft Act is thus estimated with considerable uncertainty to entail additional revenue, after behavioural effects and deadweight loss, of around DKK 1,100 million in 2025 and DKK 1,050 million in 2026. It should be noted that the implementation of the exten-



sion of the scheme to vehicles between 3.5 and 12 tonnes in 2027, as well as the extension of the road network with tolls from 2028, presupposes that the Danish Parliament adopts draft Acts that transpose the remaining parts.

The 2024 budget will see a financial impact from Section 38.23.07.10 (Road use tolls – Danish vehicles) in the form of a lower revenue of approximately DKK 150 million as a result of the reduction of the toll rates for the road use toll by 1/366 for each commenced day starting from 1 January 2024. The revenue effects are calculated as half of the expected revenue from Danish vehicles. It is thus a revenue shift, since the draft Act involves a transition from period-based tolls to kilometre-based tolls, which are collected on an ongoing basis. The revenue from foreign vehicles is assumed to remain basically unchanged in 2024.

The abolition of the applicable road use toll is estimated to entail a direct revenue reduction of approximately DKK 500 million per year from 2025, which reduces the cost of driving per kilometre, when taken in isolation. The knock-on behavioural effects have been taken into account in the form of a reduction in the cost of driving per kilometre resulting from the kilometre-based road toll.

## 5.2. Implementation impact on the public sector

The draft Act is assessed, taken in isolation, to have an implementation impact on the Danish Ministry of Taxation, the Danish Ministry of Justice, Sund & Bælt Holding A/S, the Danish Road Directorate and the Danish Road Traffic Authority of DKK 1.1 million in 2023, DKK 0.3 million in 2024, DKK 275.2 million in 2025, DKK 274.4 million annually in 2026-2027, DKK 279.9 million in 2028, and DKK 279.7 million annually in 2029-2030. Of this, DKK 51.3 million per year in 2025-2030 relate to reserves. In addition, there may be an additional impact in the areas of responsibility of the Danish Ministry of Justice of DKK 9.7 million annually from 2025 onwards. However, the costs are subject to considerable uncertainty.

There is no implementation impact on regions and municipalities.

In preparing the draft Act, the seven principles for digital-ready legislation have been considered. The draft Act is assessed to comply with the seven principles for digital-ready legislation.

It is considered that principle 1 on simple and clear rules has been observed. The draft Act is aimed at trade and industry, of which it is considered that the covered operators, EETS providers and Sund & Bælt Holding A/S, can translate the legislative text into the tasks assigned to them under the draft Act. It is also clear from the draft Act which Danish road networks are tolled and which vehicles and journeys are exempt from the toll.

Principle 2 on digital communication is relevant in relation to the manner in which the digital procedure is organised. It is assumed that all communications between the persons liable for the toll and Sund & Bælt Holding A/S, the Danish Road Directorate, the Danish Road Traffic Authority and the authorities under the Danish Ministry of Justice will be made via Digital Post whenever possible.

It is considered that principle 3 on enabling automated case processing has also been observed. Registration of the toll will be done automatically via EETS on-board equipment. In cases where on-board equipment is not used for the calculation of the toll, route tickets will be used. A route ticket is paid after an automatic designation of the road segments that will be travelled on the route indicated in the route ticket. This means that the calculation of the toll due under this draft Act will be done by means of a digital system in which the case processing will be automated.

As regards principle 4 on uniform concepts and re-use of data, the proposed scheme in the draft Act will make use of data already available in the national vehicle register. In particular, the principle will be respected by using in the proposed provisions the concepts from the EETS Directive, implemented by Order No 1863 of 27 September 2021, on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union, as the basis for the proposed rules, as the EETS Directive already contains a number of provisions to ensure cross-border coherence.

For principle 5 on safe and secure data processing, see point 4 on the relationship with the General Data Protection Regulation and the Data Protection Act. Control of vehicle owners' compliance with the scheme is largely automated by the automatic registration of number plates. Sund & Bælt Holding A/S will carry out the tasks assigned to Sund & Bælt Holding A/S in accordance with the draft Act. The tasks of Sund & Bælt Holding A/S will be tasks that the company in essence already performs in connection with the control of the environmental zone schemes, as set out in Chapter 2f of the Environmental Protection Act. Additional data processing, other than the data processing that the company already carries out in relation to the control of environmental zones, is not proposed.

With the draft Act, Sund & Bælt Holding A/S's existing digital infrastructure with adaptations to the tolling arrangement and new case management tools for the Danish Road Traffic Authority will be used. There will be opportunities for exchange between the Ministry of Transport's case management tools and Sund & Bælt Holding A/S's systems. This ensures optimal use of both parties' digital infrastructure.

Data security for the existing systems is highly prioritised, and since existing systems are the basis, safe and secure data management requirements are considered to be met.

The systems that Sund & Bælt Holding A/S will develop in connection with the measurement and calculation of the toll will be designed to comply with the General Data Protection Regulation's rules, including Article 25 of the General Data Protection Regulation on data protection by design, according to which, from the moment the means of processing are determined, the data controller must implement appropriate technical and organisational measures designed to ensure the effective implementation of the fundamental data protection principles.

As regards principle 6 on the use of public infrastructure, already existing public infrastructures will be used. Information on individual vehicles will be accessed via the national vehicle register and for foreign vehicles via Eucaris (European Motor Vehicle Register) and notifications and fines will be sent via Digital Post as a secure dispatching channel.

Finally, it is considered that principle 7 on the prevention of fraud and errors has been complied with. The draft Act entails more effective and secure control than that under the current scheme and the proposed solution will make it more difficult to commit fraud.

The draft Act does not lead to organisational changes in the public sector. There shall not be any new administrative authorities or significant changes to existing authorities.

## **6. Financial and administrative impact on trade and industry, etc.**

### **6.1. Financial impact on trade and industry, etc.**

The proposed kilometre-based road toll for lorries increases the overall taxation of lorries for the carriage of goods. Overall, it is estimated to increase the direct Danish business burden by approximately DKK 1.5 billion (2023 levels) in 2025 and approximately DKK 2.5 billion (2023 levels) in 2030. However, it is to be expected that haulage companies pass the toll on to consumer prices.

The proposed kilometre-based road toll will apply to foreign vehicles on an equal footing with Danish vehicles. Based on the expected total number of kilometres driven by foreign lorries in Denmark, the direct burden is estimated to be approximately DKK 0.7 billion in 2025 and 2030 (2023 levels).

### **6.2. Administrative impact on trade and industry, etc.**

The draft Act entails an administrative impact on trade and industry, as the administrative burden is expected to be greater for haulage companies to pay the kilometre-based road toll rather than the applicable road use toll.

In addition, under this draft Act, both Danish and foreign haulage companies will be subject to a reduced financial burden in the form of the purchase and connection of on-board equipment. The burden will depend on the individual provider through which enterprises acquire the on-board equipment. In order to pay the kilometre-based toll, there will be a need to invest in on-board equipment as defined in this draft Act or a route ticket, which is also defined in this draft Act. This means that persons liable for the toll must have connected on-board equipment to their vehicle liable for

the toll, which can ensure the registration of the journey for which tolls apply for the purposes of setting the toll.

Sund & Bælt Holding A/S has examined the price of approved on-board equipment, which is currently expected to have an approximate purchase price of DKK 1,000 in 2022. In addition, the installation of the on-board equipment is estimated to cost approximately the same as the on-board equipment. By 2025, this price may change, as the price must be competitive in the European market. The pricing structure differs from EETS provider to EETS provider. For example, the final price structure depends on the commitment period for hauliers and which may allow a box to be made available free of charge. However, this price structure is not known at the time of writing, so the price must be handled with caution.

Alternatively, a route ticket will have to be purchased before the start of the journey, as well as an adjustment of the specified route if the route actually completed does not correspond.

In addition to an administrative impact on haulage companies, there will also be an administrative impact on EETS providers, where there is currently one Danish EETS provider (Brobizz A/S). However, it is not possible to quantify the administrative impact on Brobizz at this stage, as this depends on the market share that Brobizz will be able to obtain in competition with the other EETS providers that will become part of the scheme. It is noted that Brobizz will be compensated by Sund & Bælt on the basis of the number of users/transactions and at a market-determined level per user/transactions.

The Danish Business Authority's Office for Better Regulation (OBR) estimates that the draft Act entails ongoing administrative costs of approximately DKK 50 million per year and conversion costs of approximately DKK 21 million for Danish trade and industry.

## **7. Administrative impact on citizens**

The draft Act is not deemed to have any administrative impact on citizens.

## **8. Climate impact**

It is estimated that the total kilometre-based road toll will lead to a CO<sub>2</sub> reduction of around 0.2 million tonnes in 2025 and around 0.3 million tonnes in 2030.

Most of the expected CO<sub>2</sub> reductions come from a reduction in the total number of kilometres driven and, to a lesser extent, from the uptake of energy efficient and green lorries. Thus, it is estimated that 2/3 of the expected CO<sub>2</sub> reductions in 2030 result from a reduction in the total number of kilometres driven, while 1/3 results from a wider uptake of energy efficient and green lorries.

### **9. Impact on the environment and nature**

The draft Act is estimated to have a positive impact on the environment, as a kilometre-based road toll is expected to reduce the total number of kilometres driven by lorries and thus, among other things, contributes to a reduction in air pollution. This is particularly true in the environmental zones, where an increased toll rate is proposed in relation to journeys outside the zones. However, it is not possible to quantify the impact.

### **10. Relationship to EU law**

The draft Act implements parts of Directive (EU) 2022/362 of 24 February 2022 (OJ L 69, 4.3.2022, p. 1-39), which constitutes an amending Directive to Directive 1999/62/EC of the European Parliament and of the Council (Eurovignette Directive) and Council Directive 1999/37/EC on the registration documents for vehicles and Directive (EU) 2019/520 of the European Parliament and of the Council on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (EETS Directive).

The amending Directive entered into force on 24 March 2022. The time limit for transposing the amending Directive into Danish law is 25 March 2024.

The draft Act is notified as draft in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification), as well as in accordance with Article 7h of the Eurovignette Directive.

## **11. Consulted authorities and organisations, etc.**

A preliminary copy of the draft Act was sent for consultation to the following authorities and organisations, etc. in the period from 14 September 2022 to 12 October 2022:

3F, 3F Privat Service Hotel og Restauration, Advokatsamfundet (Danish Bar Association), Akademikerne (The Danish Confederation of Professional Associations), Aluminium Danmark, AMU Transport Danmark, Andelsboligforeningernes Fællesrepræsentation, Arbejderbevægelsens Erhvervsråd (Economic Council of the Labour Movement), Arbejdsgiverforeningen (KA), Arbejdsgiverforeningen for Transport og Logistik (ATL), Arbejdstilsynet, Associationen Dansk Biobrændsel (ADB), AutoBranchen Danmark, Autobranchens Handels- og Industriforening i Danmark, AutoCamperRådet, Bilsynsbranchen, Blik- og Rørarbejderforbundet (Danish Tin and Plumbing Workers' Union), Borger- og retssikkerhedschefen i Skatteforvaltningen (The Danish Tax Agency's Director of Legal Protection), Brancheforeningen af Danske Distributører, Brancheforeningen for Skov, Have og Park-Forretninger, Brintbranchen, Bryggeriforeningen (The Danish Brewers' Association), Business Danmark, Campingbranchen, Carta, Centralforeningen af Taxiforeninger i Danmark, CEPOS, Cevea, DAKOFA, Danmarks Frie Autocampere, Danmarks Motor Union, Danmarks Naturfredningsforening (Danish Society for Nature Conservation), Danmarks Rejsebureau Forening, Danmarks Restauranter og Cafeer, Danmarks Skibskredit (Danish Ship Finance), Danmarks Tekniske Universitet – Transport, Dansk Affaldsforening (Danish Waste Association), Dansk Agroindustri, Dansk Aktionærforening, Dansk Arbejdsgiverforening (DA), Dansk AutoGenbrug, Dansk Automat Brancheforening, Dansk Automobil Sports Union, Dansk Bilbrancheråd, Dansk Bilforhandler Union, Dansk Byggeri, Dansk Ejendomsmæglerforening, Dansk Elbil Alliance, Dansk Erhverv (Danish Chamber of Commerce), Dansk Fjernvarme (Danish District Heating Association), Dansk Forening for International Motorkøretøjsforsikring (DFIM), Dansk Gartneri (Danish Horticulture), Dansk Gasteknisk Center, Dansk Kørelærer-Union, Dansk Lokalsyn, Dansk Maskinhandlerforening, Dansk Metal (Danish Union of Metalworkers), Dansk Methanolforening (Danish Methanol Association), Dansk Mobilitet, Dansk Offshore, Dansk PersonTransport, Dansk Rejsebureau Forening, Dansk Solcelleforening, Dansk Standard (DS), Dansk Told- og

Skatteforbund, Dansk Ungdoms Fællesråd, Danske Advokater (The Association of Danish Law Firms), Danske Boligadvokater, Danske Busvognmænd, Danske Kørelæreres Landsforbund (DKL), Danske Maritime, Danske Regioner, Danske Speditører, Danske Synsvirksomheder, DANVA, Datatilsynet, DBU, De Danske Bilimportører, De Samvirkende Købmænd, Den Danske Bilbranche, Den Danske Dommerforening, Det Faglige Hus, Det Økologiske Råd (The Ecological Council), DFIM Garantifond (Dansk Forening for International Motorkøretøjsforsikring), DI, DI Transport (Danish Transport Federation), Digitaliseringsstyrelsen, Dommerfuldmægtigforeningen, DTL - Danske Vognmænd, DTL's arbejdsgiverforening, Dækbranchen Danmark, Eksportrådet (The Trade Council), Emballageindustrien, Energitilsynet (Danish Utility Regulator), ERFA-gruppen-Bilsyn, Erhvervsstyrelsen – Område for Bedre Regulering (OBR) (The Danish Business Authority, Area for Better Regulation), FDL - Frie Danske Lastbilvognmænd, FDM, FH - Fagbevægelsens Hovedorganisation (Danish Trade Union Confederation), Finans Danmark, Finans og Leasing, Finansforbundet, FOA, FORCE Technology, Foreningen af Danske Skatteankenævn, Foreningen af Frie Kørelærere, Foreningen af Vognimportører i Danmark, Foreningen Danske Revisorer (Association of Danish Accountants), Forhandlingsfællesskabet (SHK og KTO), Forsikring & Pension (Insurance & Pension), Frie Funktionærer, FSR - danske revisorer (FSR - Danish Auditors), GAFSAM, Green Power Denmark, Havarikommissionen for vejtrafikulykker, International Transport Danmark, ITD - Brancheorganisation for den danske vejgodstransport, ITS-Danmark, Justitia, Kommunernes Landsforening (KL), Kraka, Krifa, Kørelærerforeningen, Køreprøvesagkyndiges Landsforening, Landbrug & Fødevarer (Danish Agriculture & Food Council), Landsforeningen Polio-, Trafik- og Ulykkesskadede, Landsskatteretten (The National Tax Tribunal), Lederne Søfart, Ledernes Hovedorganisation, Maskinleverandørerne, Mellempøkeligt Samvirke (Danish Association for International Cooperation), Midtsjællands Kørelærerforening, Miljøstyrelsen (The Danish Environmental Protection Agency), Motorcykel Forhandler Foreningen, Motorcykel Importør Foreningen, Motorhistorisk Samråd, Mover, Nasdaq OMX Copenhagen A/S, NOAH-Trafik, Oxfam IBIS, Politiforbundet, PostNord AB, Rigsadvokaten, Rigspolitiet, Rigspolitiets Nationale Færdselscenter (NFÆ), Rådet for Bæredygtig Trafik, Rådet for Grøn omstilling, Rådet for Sikker Trafik, Sammenslutningen af Mindre Erhvervsfartøjer, SEGES, Sikkerhedsstyrelsen (Danish Safety Technology Authority), Sikre



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Veje, SKAD - Autoskade- og Køretøjsopbyggerbranchen i Danmark, Skatteankeforvaltningen, SMVdanmark, Specialforeningen for Logistik og Distribution (SLD), SRF Skattefaglig Forening, Sø- og Handelsretten, Søfartsstyrelsen (Danish Maritime Authority), Teknologisk Institut, Transportens Arbejdsgivere (ATL), Transporterhvervets Uddannelser (TUR), Ældre Sagen (DaneAge Association), Aalborg Universitet – Sektionen for Veje og Trafik og Transport.

**12. Summary table**

	Positive impact/lower expenditures (if yes, please specify extent/if no, enter 'None')	Negative impact/higher expenditure (if yes, please specify extent/if no, enter 'None')
Economic impact on the State, municipalities, and regions	<p>The part of the draft Act, which concerns a kilometre-based road toll for lorries, is estimated to result in additional revenue, after behavioural effects and deadweight loss, of approximately DKK 1,525 million in 2025 and approximately DKK 1,475 million in 2026.</p> <p>Overall, with considerable uncertainty, the draft Act is estimated to entail additional revenue, after behavioural effects and deadweight loss, of approximately DKK 1,100 million in 2025 and approximately DKK 1,050 million in 2026.</p>	The part of the draft Act relating to the abolition of the applicable road use toll is estimated to result in a revenue reduction, after behavioural effects and deadweight loss, of approximately DKK 425 million in 2025 and 2026.
Implementation impact on the State, municipalities, and regions	None.	The draft Act is estimated to entail total administrative costs for the public sector of approximately DKK 275-280 million per year from 2025.
Economic impact on trade and industry	None.	The overall taxation of lorries for the carriage of goods is increased.

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		Overall, it is estimated to increase the direct immediate Danish business burden by approximately DKK 1.5 billion (2023 levels) in 2025. However, it is to be expected that haulage companies pass the toll on to consumer prices.
Administrative impact on trade and industry		In order to pay the kilometre-based toll, there will be a need to invest in on-board equipment or a route ticket. This means that persons liable for the toll must have associated on-board equipment for their vehicle liable for the toll, which can monitor the journey for which tolls apply for the purposes of determining the toll, or purchase a route ticket.
Administrative impact on citizens	None.	None.
Climate impact	It is estimated that the total kilometre-based road toll will lead to a CO <sub>2</sub> reduction of around 0.2 million tonnes in 2025 and about 0.3 million tonnes in 2030.	None.
Impact on the environment and nature	A kilometre-based road toll is estimated to reduce the total number of kilometres driven by lorries and thus contribute, among other things, to a reduction in air pollution. This is particularly true in the environmental zones, where an increased toll rate will be proposed in relation to journeys outside the zones.	None.
Relationship to EU law	This draft Act is being notified as a draft in accordance with Directive 2015/1535/EU of the European Parliament and of the Council on an information procedure in the field of technical regulations and of rules on	

	Information Society services (codification).
Is contrary to of the five principles for implementing commercial EU regulation/ goes beyond minimum requirements in EU regulation (mark with X)	Yes

**Comments on the individual provisions of the draft Act**

*Re Section 1*

Section 1 of the Road Use Toll Act provides that a toll is to be paid to the State Treasury for the use of the road network or certain parts thereof for lorries and vehicle combinations for the carriage of goods by road which have a permissible laden mass of 12,000 kg or more. The current road use toll is a period-based toll where the amount of the toll is the same regardless of the number of kilometres driven on the tolled road network operated by the tolled vehicle.

It is proposed in (1) that tolls are to be paid to the State Treasury in accordance with the provisions of this Act for lorries and vehicle combinations used for the carriage of goods and having a permissible laden mass of 12,000 kg or more.

The proposed (1) means that vehicles which are liable for the toll under Section 1 of the Road Use Act will also be liable for the toll under this draft Act.

Thus, it will continue to be lorries and vehicle combinations for road carriage of goods that will be liable for the toll under the proposed draft Act.

Whether the vehicle is covered by the Act will depend on the motor vehicle's permissible laden mass, i.e. regardless of any trailers, etc., unless the vehicle is registered as traction equipment for one or more trailers or semi-trailers, cf. the proposed Section 5(3). Thus, the road toll and this draft Act cover lorries and vehicle combinations (lorries with trailers or semi-trailers) for the carriage of goods with a permissible laden mass of 12,000 kg or more.

The proposed provision covers both Danish and foreign registered vehicles.

In order to be liable for the toll under the current Road Use Toll Act, it is also a prerequisite that the vehicle is used for the carriage of goods. Lorries carrying, for example, emergency aid will not be exempt from the payment of road use tolls. Lorries, including lorries which are used as traction

equipment for trailers, which are registered with an amusement park or circus as owner/user, are, on the other hand, not covered by the Road Use Toll Act.

It is a condition that the vehicles are used exclusively by the enterprise concerned and solely for the transport of the enterprise's equipment and not for the carriage of goods.

Lorries used exclusively by driving schools for school/exercise driving are also not covered by the Road Use Toll Act, as these are vehicles that are not used for the carriage of goods. Vintage lorries will also not be subject to road usage tolls.

The proposed (1) will also cover only carriage of goods. According to this draft Act, the carriage of goods is defined in the same way as in the current Road Use Toll Act.

Please also refer to point 3.1.3.1 of the general comments of the draft Act.

It is proposed in (2) that certain vehicles should be exempt from tolls. These are vehicles belonging to the armed forces and the State rescue services, vehicles designed for fire-fighting and rescue operations and used exclusively for emergency services, as well as vehicles belonging to and exclusively used by emergency commissions and not used commercially in competition with commercial companies, vehicles belonging to the police, and vehicles belonging to the road services.

The vehicles proposed to be exempt under this draft Act correspond to the vehicles which are currently exempt from tolls under Section 11 of the Road Use Toll Act, which is thus continued in its entirety.

Exemptions are consistent with the exemptions referred to in Article 6 of the Eurovignette Directive, which may be applied by Member States.

It is proposed in (3) that it is a condition for toll exemption under (2) that the vehicles may be recognised from outside as intended for the purposes referred to in (2).

This is also a continuation of the existing rules.

It is proposed in (4) that, for vehicle combinations, the motor vehicle determines whether the combination is exempt from tolls under (2).

This is also a continuation of the existing rules.

If the vehicle consists of several combinations, such as semi-trailers, etc., it is thus the motor vehicle, i.e. the towing vehicle, which determines whether the combination is exempt from tolls.

It is the registered laden mass of the vehicle that determines what is meant by towing motor vehicle.

Please also refer to point 3.1.3.2 on vehicles exempt from tolls in the general comments of the draft Act.

#### *Re Section 2*

According to the current Road Use Toll Act, the delimitation of the tolled road network depends on whether the lorry etc. is registered in Denmark or abroad. For vehicles registered in Denmark, the entire Danish road network is tolled. For foreign vehicles, the tolled road network is limited to motorways.

It is proposed in *Section 2* that the vehicles referred to in the proposed *Section 1(1)* are liable for the toll under this Act when driving on the roads listed in *Annex 1*.

*Annex 1* is a catalogue of all tolled roads, streets, etc.

If a road, street, etc. is not listed in *Annex 1*, it is not tolled. This means that the owner or user will always be able to look up in *Annex 1* and determine whether a particular road section or segment is tolled.

Unlike the current road toll, the proposed road use toll does not cover the entire Danish road network.

According to this draft Act, with a few exceptions, all State-owned roads are tolled. In addition, certain municipal roads running at all parallel or diagonally to the tolled State roads, which, on the basis of an assessment by the Danish Road Directorate, are tolled. By imposing tolls on certain municipal roads, it is intended to tackle diverted traffic, which is the term for traffic that may occur when tolled vehicles in an attempt to avoid paying the toll seek parallel roads, which are not, in principle, tolled roads.

It is expected that diverted traffic can be minimised by imposing tolls on municipal roads running parallel and diagonally to State roads, since there is a presumption that the vehicle liable for the toll will stick to traffic on national roads if both these and the parallel and diagonal municipal roads are tolled.

The list of State roads is adjusted annually, under the Minister of Transport's authority, for the construction of certain road sections as State roads as well as to include or downgrade State road sections. Since, without special law, provision may be made for the inclusion or downgrading of smaller State road sections, information on which roads are State roads can most practically be obtained via posts in CVF (the Central Road and Path Directory on the Danish Road Directorate's website), which is led by the road authorities pursuant to Section 17 of the Act on public roads, etc. The roads that can be posted in the CVF will be the current State, municipal and private roads in the Danish road network. The road network used in this draft Act is not necessarily updated with the roads available in the CVF. It will therefore be Annex 1 which will at all times constitute the covered road network under this draft Act, regardless of subsequent changes in State and municipal roads.

It is expected that a draft Act amending Annex 1 will be proposed at appropriate intervals with a view to updating the tolled road network. Annex 1 will not be able to be updated without legislative amendment.

For the principles for determining the road network covered, see the general comments in point 3.1.3.3.

*Re Section 3*

Under existing law, obligation to pay the toll for Danish-registered vehicles lies with the person in whose name the vehicle is registered at the beginning of the charging period. If the vehicle is registered for both a user and an owner, both of them are liable for the toll. In addition, the toll liability is the responsibility of the person who has access to the vehicle in their own interest or decides on the use of the vehicle.

For foreign vehicles, the person liable for the toll is, at the time of the use of the roads referred to in Section 7(1) and (2) of the Road Use Toll Act, either the owner of the vehicle, the driver of the vehicle, someone who has access to it in their own interest or someone who decides on the use of the vehicle.

When several parties are liable for the toll, they are jointly and severally liable.

It is proposed in (1) that the toll liability is the responsibility of the registered owner of the vehicle. If both a user and the owner of the vehicle are registered, they are both liable for the toll.

Danish and foreign owners will have to be treated in the same way according to the proposed (1).

In cases where the owner and user are different, the toll will first be charged to the user. If they do not pay, the amount will be charged to the owner. The manner in which the owner and user will split the costs between themselves is merely a matter of private law.

The concepts of owner and user must be understood in accordance with the same concepts in the Road Traffic Act.

Ownership of Danish registered vehicles can be found in the national vehicle register. In addition to the registered owner, a user may also be registered, who is a person that has permanent access to a motor vehicle. This is the case, for example, when the vehicle is owned by a finance company.



It is proposed in (2) that persons liable for the toll in respect of a vehicle be jointly and severally liable for the payment of the toll.

It is the situation at the time of driving on the tolled road network that determines who is liable for the toll.

Natural and legal persons may be liable for the toll under this Act.

*Re Section 4*

Under existing law, a periodic toll for the use of the road network shall be paid for the vehicles covered by the Road Use Toll Act, cf. Sections 1 and 5. For vehicles liable for the toll which are subject to registration in Denmark, the charging period shall be one year, cf. Section 2, and the toll shall be paid to the Danish Customs and Tax Administration upon registration. For subsequent charging periods, the charge is collected by the Danish Customs and Tax Administration together with the circulation tax. For foreign vehicles liable for the toll, the toll shall be paid for periods of at least one day and a maximum of one year, cf. Section 2(4). The toll is paid by ferry companies and shipping companies operating ferry services to countries other than Sweden and at certain service stations.

It is proposed in (1) that the toll be determined on the basis of the full length of the distance travelled on the tolled road network measured in kilometres, cf. the proposed Section 2, and on the basis of a road toll rate per kilometre determined in accordance with the proposed Section 5.

The proposed toll will be set according to the full length of the distance travelled on the road network with tolls at the rates set out in the proposed Section 5.

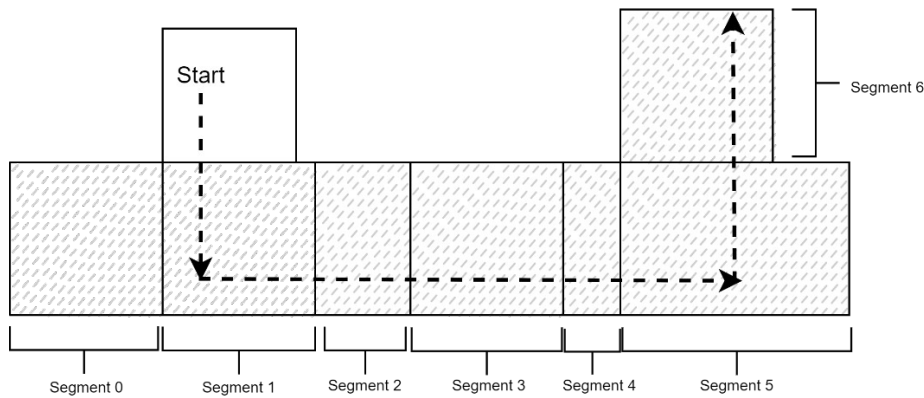
Furthermore, it is proposed in (2), that the distance travelled on toll roads, cf. (1), be calculated as the total length in kilometres of each of the road segments on which the tolled vehicle has travelled, without prejudice to (4) and (5).

The proposed in (1) and (2) will mean that the toll for the use of the road network covered is calculated on the basis of the distance driven, on which a road toll rate per kilometre is imposed. It shall not be possible to pay for

the use of the road network according to periods. On the other hand, it is the distance driven that determines the toll to be paid for the use of the road network covered by the draft Act.

The proposed (2) thus implies that the distance travelled on toll roads is determined as the total length of the road segments on which the vehicle liable for the toll has been driving. If a road segment is not fully completed, it is nevertheless included, with its full length, in the basis for setting the road toll.

The scheme can be illustrated by an example based on the following drawing:



The shaded areas constitute the breakdown of the road network with tolls into individual road segments of different lengths. The unshaded area is not part of the road network with tolls. The dotted line depicts the actual (distance travelled) or planned journey.

The toll shall be paid for the entire length of each road segment when the border into a shaded segment is crossed, i.e. when driving on the road segment, notwithstanding the fact that the vehicle has not necessarily fully driven through each road segment.

On the drawing, the number of kilometres driven will have to be calculated on the basis of the total length (in the direction of travel) for segments 1-6 in kilometres, even if the journey on segments 1 and 5 starts and ends in

the middle. In this example, the toll of segment 0 will not have to be calculated as the border is not crossed.

The road segments listed in Annex 1 to this draft Act and described in (3) shall be used for the calculation of the tolled road network.

It is proposed in (3) that a road segment be defined as a road section between two junctions. A junction consists of an intersection, a roundabout, a road end or a land border.

For example, a road end can be a dead end.

The road network is thus divided into individual physical road sections (the so-called road segments) each with their own length expressed in kilometres. Thus, a road segment means a predetermined and unambiguously defined part of a road section that runs between two non-overlapping junctions.

A road segment is determined on a digital map and measured in kilometres using on-board equipment, see more about on-board equipment in the general comments, point 3.1.3.4.1, and in the comments to Section 7. After matching to the road network, the number of kilometres driven is summed up based on the road sections on which driving has taken place and compared with rate sheets, and a specific price is calculated. The toll is calculated for the tolled road network with the established price per kilometre defined in this draft Act, cf. the proposed Section 5.

It is proposed in (4) that there is no obligation to pay road toll if only a road segment has been driven on in connection with the crossing of a road section with tolls, but where there is no additional driving taking place.

Crossing means driving across the direction of travel on the road in question. Thus, no toll is payable if the vehicle liable for the toll only has driven on a road segment in connection with the crossing of the road section with tolls across the direction of travel, but where there is no additional driving taking place.

If the journey is carried out with connected on-board equipment, cf. the proposed Section 7, the insignificant journeys will automatically be removed in connection with the calculation of the distance driven. If the journey is carried out with a route ticket, cf. the proposed Section 8, these small journeys will not be included in the specified expected route indicated on the route ticket.

It is also proposed in (5) that a journey on the same road segment two or more times within 24 hours, without entering other road segments with tolls in the intervening period, will be included only once in the total calculation of the number of kilometres driven.

This means, for example, that if a vehicle has unloaded goods on a road and this road segment is identified both as a stopping and starting point, it is included only once in the calculation of kilometres.

It is proposed in (6) that, for the road segments marked in Annex 1 as being wholly or partially located in geographical areas where environmental zones have been established in accordance with the rules laid down in Chapter 2f of the Environmental Protection Act, a surcharge to the toll shall be paid. the surcharge shall be calculated in accordance with the rates laid down in Section 5(2).

As environmental zones can be repealed or extended after possible adoption of the draft Act, only environmental zones established as of 1 August 2022 will be subject to the additional toll

#### *Re Section 5*

Under the current rules of the Road Use Toll Act, lorries and vehicle combinations for road carriage of goods with a laden mass of 12,000 kg or more must pay a time-based toll for the use of the road network with tolls. The annual charges including administrative costs, without prejudice to Section 20(6) of the Act, follow from Section 3 of the Act.

The road use toll is part of the Eurovignette cooperation, and the toll paid in Denmark thus also covers driving on the road network with tolls in the

other countries participating in the collection of the toll (Luxembourg, the Netherlands and Sweden).

The rates are set for the use of the road network with tolls for one day, one week, one month and one year respectively. For Danish vehicles, the toll is paid once a year. The toll is differentiated according to the size of the vehicles (number of axles) and their emission standards, i.e. for NO-EURO, EURO I, EURO II, etc. up to “EURO VI or cleaner”. However, the rate for day vignettes is independent of the car’s size and emission standard. The rates have been agreed between countries and are within the maximum rates for time-based tolls laid down in the Eurovignette Directive.

It is proposed in (1) that tolls are to be paid for lorries and vehicle combinations in accordance to the CO<sub>2</sub> emission classes resulting from Article 7ga of Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures, as amended, at the rates resulting from the table in (1).

The proposed means that each kilometre with tolls for lorries and vehicle combinations is paid according to the CO<sub>2</sub> emission class in which they belong, with 5 CO<sub>2</sub> emission classes in total. The CO<sub>2</sub> emission classes are further grouped according to their permissible laden mass, with 3 weight categories within each CO<sub>2</sub> emission class. The CO<sub>2</sub> emission classes for heavy-duty vehicles are defined in Article 7ga of the Eurovignette Directive. The breakdown is mandatory for road toll systems covering heavy-duty vehicles. The 5 CO<sub>2</sub> emission classes for heavy-duty vehicles are defined as follows:

CO<sub>2</sub> emission category 1 covers vehicles that do not belong to any of the other CO<sub>2</sub> emission classes.

CO<sub>2</sub> emission class 2 covers vehicle sub-groups where the CO<sub>2</sub> emission is more than 5 % less than the CO<sub>2</sub> emissions reduction trajectory of the sub-group to which the vehicle belongs at the time of the vehicle’s first registration, but not belonging to any of the CO<sub>2</sub> emission classes 3, 4 or 5. Vehicle sub-groups are defined in Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO<sub>2</sub> emission performance standards for new heavy-duty vehicles and amending Regula-

tions (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC, Annex 1, point 1. The emissions reduction trajectory is defined in the Eurovignette Directive (1999/62/EC) as last amended by Directive (EU) 2022/362, Article 2, point 37.

CO<sub>2</sub> emission class 3 covers vehicle sub-groups where the CO<sub>2</sub> emission is more than 8 % below the CO<sub>2</sub> the emissions reduction trajectory at the time of the vehicle's first registration, but not belonging to any of the CO<sub>2</sub> emission classes 4 or 5. Vehicle sub-groups and the emissions reduction trajectory are defined as mentioned under the description of CO<sub>2</sub> emission class 2.

CO<sub>2</sub> emission class 4 covers low emission heavy-duty vehicles as defined in the Eurovignette Directive as last amended by Directive (EU) 2022/362, Article 2, point 30.

CO<sub>2</sub> emission class 5 covers zero-emission vehicles as defined in the Eurovignette Directive as last amended by Directive (EU) 2022/362, Article 2, point 29.

The Eurovignette Directive requires Member States to ensure that the classification of a vehicle belonging to CO<sub>2</sub> emission class 2 or 3 is reassessed every six years after the date of first registration and that, where applicable, the vehicle is reclassified to the relevant CO<sub>2</sub> emission class on the basis of the thresholds applicable at that time.

It is expected that the CO<sub>2</sub> emissions data for individual vehicles necessary to place the vehicles in CO<sub>2</sub> emission classes will be included in the national vehicle register.

The first weight class relates to the DKK 12,000–17,999 range, where the rate will be DKK 1.12 per km for CO<sub>2</sub> emission class 1, DKK 1.00 per km for CO<sub>2</sub> emission class 2, DKK 0.88 per km for CO<sub>2</sub> emission class 3, DKK 0.59 per km for CO<sub>2</sub> emission class 4, and DKK 0.20 per km for CO<sub>2</sub> emission class 5.

The second weight class relates to the 18,000–32,000 kg range, where the rate will be DKK 1.26 per km for CO<sub>2</sub> emission class 1, DKK 1.13 per km for CO<sub>2</sub> emission class 2, DKK 1.00 per km for CO<sub>2</sub> emission class 3, DKK 0.66 per km for CO<sub>2</sub> emission class 4, and DKK 0.20 per km for CO<sub>2</sub> emission class 5.

The third weight class concerns lorries and vehicle combinations with a permissible laden mass of more than 32,000 kg, where the rate will be DKK 1.35 per km for CO<sub>2</sub> emission class 1, DKK 1.22 per km for CO<sub>2</sub> emission class 2, DKK 1.09 per km for CO<sub>2</sub> emission class 3, DKK 0.71 per km for CO<sub>2</sub> emission class 4, and DKK 0.20 per km for CO<sub>2</sub> emission class 5.

The proposed rates are thus set in proportion to the distance travelled and differentiated according to the CO<sub>2</sub> emissions and the maximum permissible laden mass of the vehicles. The State structure follows the provisions of the Eurovignette Directive as last amended by Directive (EU) 2022/362.

It is proposed in (2) that in the case of journeys on road segments with tolls which are wholly or partly located within environmental zones, cf. the proposed Section 4(6), a surcharge is added to the rates in (1) for lorries and vehicle combinations. These surcharges are shown in the table in (2).

the surcharge shall constitute 50 % of the toll that will be payable in accordance with (1). When driving on a road segment which is wholly or partly located in an environmental zone, a toll has to be paid in accordance with (1) and a surcharge to the toll has to be paid in accordance with (2).

In the first weight class relating to the 12,000–17,999 kg range, the surcharge will be DKK 0.56 per km for CO<sub>2</sub> emission class 1, DKK 0.50 per km for CO<sub>2</sub> emission class 2, DKK 0.44 per km for CO<sub>2</sub> emission class 3, DKK 0.29 per km for CO<sub>2</sub> emission class 4, and DKK 0.10 per km for CO<sub>2</sub> emission class 5.

In the second weight class, relating to the 18,000–32,000 kg range, the surcharge will be DKK 0.63 per km for CO<sub>2</sub> emission class 1, DKK 0.57 per km for CO<sub>2</sub> emission class 2, DKK 0.50 per km for CO<sub>2</sub> emission class 3,

DKK 0.33 per km for CO<sub>2</sub> emission class 4, and DKK 0.10 per km for CO<sub>2</sub> emission class 5.

In the third weight class, relating to lorries and vehicle combinations with a permissible laden mass exceeding 32,000 kg, the surcharge will be DKK 0.68 per km for CO<sub>2</sub> emission class 1, DKK 0.61 per km for CO<sub>2</sub> emission class 2, DKK 0.54 per km for CO<sub>2</sub> emission class 3, DKK 0.35 per km for CO<sub>2</sub> emission class 4, and DKK 0.10 per km for CO<sub>2</sub> emission class 5.

The increase in rates in environmental zones reflects the fact that many citizens in these areas are particularly exposed to air pollution and noise from lorry traffic and road accidents involving heavy goods vehicle traffic. The increased toll rates in the environmental zones contribute to increasing the socio-economic benefits of the tolling arrangement.

It is proposed in (3) that for vehicles registered as traction equipment for one or more trailers or semi-trailers, the toll is set according to the laden mass of the total vehicle combinations giving the highest toll amount;

The proposed is a continuation of Section 3(5) and (6) of the Road Use Toll Act.

The proposed means that for vehicles registered as traction equipment for one trailer or semi-trailer, the toll will be determined according to the registered total mass of the total vehicle combinations.

In the case of vehicles registered as traction equipment for several trailers or semi-trailers, the toll will be determined according to the combination of laden mass giving the highest toll amount.

Thus, all normal truck combinations, most of which have a gross weight of around 50–56 tonnes, will pay the toll according to the heaviest weight class, which is referred to as ‘over 32,000 kg’.

#### *Re Section 6*

It follows from Section 1 of the Tax Administration Act that the Danish Customs and Tax Administration exercises the management of legislation



on taxes and legislation on the assessment of the country's real estate as well as the Act on vehicle registration other than competences, which by Section 18(3) and Section 19 of the Act on vehicle registration are conferred on the police.

It is clear from Article 2, No 3, of the EETS Directive that a toll charger means a public or private entity which levies tolls for the circulation of vehicles in an EETS domain. The Directive was partly transposed into Danish law by Order No 1863 of 27 September 2021.

An EETS domain means, for example, a road, a road network or a facility where road tolls are collected by means of an electronic road toll system, as referred to in Article 2, No 8, of the Directive.

An EETS provider is defined in Article 2, No 6, of the Directive as an entity which, under a separate contract, grants access to the EETS to an EETS user, transfers the road tolls to the relevant toll charger and is registered in the Member State of establishment.

It follows from the Directive that all enterprises may require to be registered as an EETS provider if they fulfil certain specified conditions set out in Article 4 of the Directive. The conditions state that the enterprise must be certified according to EN ISO 9001 or equivalent, have the technical equipment and the EETS declaration of conformity or certificate of conformity declaring conformity between the interoperability constituents and specifications, have competence in the field of electronic road toll services or other relevant fields, have an appropriate financial basis, follow an overall risk management plan, which shall be reviewed at least every two years, and be of good repute.

There are also detailed obligations as set out in Article 2 of Implementing Regulation C(2019)9080 on detailed obligations of European Electronic Toll Service providers, minimum content of the European Electronic Toll Service domain statement, electronic interfaces, requirements for interoperability constituents and repealing Decision 2009/750/EC, which set out detailed obligations for EETS providers, including on the level of service and technical assistance to EETS users.

It follows from Article 6(2) of the Directive that the toll charger for an EETS domain is to draw up an EETS domain statement setting out the general conditions for EETS providers' access to its EETS domain in accordance with the implementing act referred to in Article 6(9).

The aim of the EETS Directive is to ensure that the interoperability of electronic road toll systems applies to the entire road network in the EU.

It is proposed in (1) that Sund & Bælt Holding A/S collects, on behalf of the State, through the sale of route tickets, cf. Section 8, road tolls under this Act, without prejudice to (2). It is also proposed that Sund & Bælt Holding A/S should pay the road toll to the Danish Customs and Tax Administration no later than the 20th of the month following the month in which the route ticket was sold. Within the same time limit, Sund & Bælt Holding A/S must submit to the Tax Administration information on the route tickets sold in order for the Tax Administration to check the amount collected and paid.

According to the proposal, Sund & Bælt Holding A/S will act as toll charger. Sund & Bælt Holding A/S is a Danish State-owned holding company that manages the overall management of the activities of the subsidiaries. Sund & Bælt Holding A/S, which is not a public authority, will be empowered under this draft Act to take decisions on behalf of the State.

It follows from the provision that Sund & Bælt Holding A/S will develop and establish the technical and systemic solution for issuing and selling route tickets and will also manage their operation. It will thus be Sund & Bælt Holding A/S who will ensure the development of an IT system that can calculate the length of the journey for which tolls apply and calculate the toll.

Thus, in cases where the person liable for the toll chooses to pay their toll by purchasing a route ticket covering the journey for which tolls apply, it will be Sund & Bælt Holding A/S that supports and ensures the operation of all steps related thereto and collects the road toll.

Sund & Bælt Holding A/S will also ensure guidance on the possibility of paying the toll when purchasing a route ticket to the relevant users. On the other hand, EETS providers will not perform tasks related to the route ticket scheme. In addition to managing the tolling arrangement, Sund & Bælt Holding A/S will also carry out checks on the scheme, cf. (4).

It is assumed that the sale of route tickets is done through a payment to Sund & Bælt Holding A/S. Thus, should there be payments that cannot be made, where, for example, a bank refuses to transfer the toll liability amount to Sund & Bælt Holding A/S, Sund & Bælt Holding A/S will still have to pay the Danish Customs and Tax Administration.

Sund & Bælt Holding A/S will have to draw up an EETS domain statement setting out the general conditions for EETS providers' access to its EETS domain in accordance with the implementing act referred to in Article 6(9) of the EETS Directive.

It is proposed in (2) that Sund & Bælt Holding A/S collects, on behalf of the State, road tolls under this Act when on-board equipment is used, cf. Section 7. When on-board equipment is used, the road toll service provider (EETS provider) issues an invoice with information about Sund & Bælt Holding A/S's name for the purpose of collecting the toll under this Act. However, payment of the toll only discharges all liability if it is made to the EETS provider. Sund & Bælt Holding A/S is entitled to collect payments from an EETS provider for all registered road tolls for a connected EETS user, regardless of whether the EETS provider has received payment from the EETS user.

Under this provision, Sund & Bælt Holding A/S will be entitled to collect payments from an EETS provider for all the registered road tolls, regardless of whether the EETS provider has received payment for this. As Sund & Bælt Holding A/S will collect tolls on behalf of the State, the relationship between EETS providers and Sund & Bælt Holding A/S will be covered and regulated by the Public Liabilities Recovery Act. Claims under this draft Act will constitute State claims, and Sund & Bælt Holding A/S will therefore be covered by the Public Liabilities Recovery Act and treated as a public authority.

Under the proposed (1) and (2), Sund & Bælt Holding A/S will take decisions on behalf of the State. The rules of the Public Administration Act will apply to decisions taken under this draft Act.

The draft Act will give Sund & Bælt Holding A/S the competence to perform State tasks, such as the collection of road tolls. Sund & Bælt Holding A/S are covered by Section 4 of the Danish Open Administration Act.

It follows from Section 4 of the Danish Open Administration Act that, apart from the provisions of Sections 11 and 12 and Sections 15–17, that said Act applies to all activities carried out by enterprises, if more than 75 % of the ownership shares belong to the Danish public authorities. However, this does not apply to listed companies and their subsidiaries.

Section 15 of the Danish Open Administration Act states that documents received or sent by an administrative authority as part of administrative case management in connection with its activities must be recorded to the extent that documents are relevant to a case or other case management. The same applies to internal documents which are in final form.

It is the intention that, on the basis of Section 1(3) of the Public Administration Act, detailed rules will be laid down on Sund & Bælt Holding A/S's retention of documents, etc. in accordance with the company's tasks under this draft Act. It follows from Section 1(3) of the Public Administration Act that the Minister concerned may, after negotiation with the Danish Minister of Justice, lay down rules to the effect that said Act shall apply wholly or partly to specified enterprises, institutions, associations, etc. if the costs of their activities are mainly covered by State, regional or municipal funds, or to the extent that they have by law or in accordance with the law been empowered to take decisions on behalf of the public. The Minister concerned may lay down detailed rules on the retention of documents, etc. and on confidentiality.

It is proposed in (3) that the EETS provider pays the road tolls registered in accordance with (2) to Sund & Bælt Holding A/S on the terms set out in the contract concluded by the EETS provider and Sund & Bælt Holding A/S. Sund & Bælt Holding A/S and the EETS provider may exchange and process necessary information when necessary for calculation, collection

and payment in accordance with this Act. Sund & Bælt Holding A/S shall pay the road toll to the Tax Administration no later than the 20th of the month following the month in which the journey for which tolls apply was registered. Within the same time limit, Sund & Bælt Holding A/S must submit to the Danish Customs and Tax Administration information on the registered journeys for which tolls apply, in order for the Administration to verify whether there is a correlation between the registered road tolls and the amount paid.

The proposed (3) implies that the agreement between Sund & Bælt Holding A/S and EETS providers shall regulate the specific technical and commercial conditions, including invoicing and payment described in the EETS domain statement, which sets out the general conditions for providers' access to the electronic road toll service in Denmark. In this context, Sund & Bælt Holding A/S is obliged to treat all EETS providers equally.

The agreement will thus have to state how the ongoing payment of the collected tolls is to be regulated between Sund & Bælt Holding A/S and the EETS provider, and when the EETS provider must send driving data on registered driving for their users to Sund & Bælt Holding A/S, which is to be used for Sund & Bælt Holding A/S's calculation of the amount of the individual toll. Thus, Sund & Bælt Holding A/S calculates the toll on the basis of the driving data received from the EETS provider, whereas, as stated above, it is the EETS provider that collects it.

Sund & Bælt Holding A/S is, as the toll charger, obliged under Article 15, No 1, of the EETS Directive to draw up and maintain a so-called EETS domain statement which lays down the general conditions for EETS providers' access to the electronic road toll service in Denmark. The EETS domain statement shall contain the minimum conditions laid down by the European Commission (the Commission) in Implementing Regulation C(2019)9080, Annex II.

If Sund & Bælt Holding A/S does not pay before the specified time, the recovery of an amount corresponding to the toll liability amount may be considered, cf. Section 2(3) of the Public Liabilities Recovery Act. The recovery will, if necessary, be directed towards Sund & Bælt Holding A/S, as

said Act governs the debt relationship between Sund & Bælt Holding A/S and the Danish Customs and Tax Administration.

On the other hand, the debt relationship between Sund & Bælt Holding A/S and the provider is not governed by this Act, as is the debt relationship between the EETS provider and the person liable for the toll.

It is proposed in (4) that Sund & Bælt Holding A/S monitors compliance with the rules on toll liability under this Act. The control is carried out digitally and therefore the vehicle is not stopped (digital enforcement).

In other words, Sund & Bælt Holding A/S will monitor that the persons liable for the toll under Section 3 pay the toll corresponding to the journey completed on the tolled road network. Sund & Bælt Holding A/S will carry out the check digitally and therefore the vehicle is not stopped (digital enforcement).

When the control task is assigned to Sund & Bælt Holding A/S by law, the Danish Ministry of Taxation will not be obliged to put the control task out to tender. On the other hand, Sund & Bælt Holding A/S will have to observe tender regulations, e.g. when purchasing camera equipment necessary for number plate scanning.

The proposed provision concerning control implies that Sund & Bælt Holding A/S is responsible for the collection of data for the Danish Road Traffic Authority's part of the enforcement of the tolling arrangement.

The control is carried out through 6 fixed control points set up at traffic junctions.

In addition, there are 6-12 flexible control units, which will be vehicles with technical equipment. These control units will be moved around to create an unpredictability in the control pressure as to where to control. Each vehicle will contain equipment that allows control at three independent locations to be able to control 18-36 independent flexible control points when extended to large road networks.

Both the fixed and flexible control points will be able to gather relevant digital information about all vehicles passing and recognise the vehicle's number plate. This applies regardless of whether the vehicles have on-board equipment connected to them, cf. the proposed Section 7, or where a route ticket has been purchased, cf. the proposed Section 8.

This will be done by combining three technologies: 1) technology for the classification of vehicle type which can determine the size and thus vehicle type, 2) Digital Short Range Communication (DSRC) scanners that determine whether the vehicle uses on-board equipment, and 3) ANPR (Automatic Number Plate Recognition).

By combining the above technologies, the system will first determine whether a specific vehicle is subject to the toll liability or not.

In addition, the control unit will determine whether there is on-board equipment in the vehicle or whether a route ticket has been purchased in advance.

If no on-board equipment is connected to the vehicle or, before the journey, no route is registered or no route ticket is purchased, which may be corrected within 48 hours, cf. the proposed Section 8(5), to correspond to the actually travelled route, Sund & Bælt Holding A/S will, after identification by means of number plate recognition, transmit information to the Danish Road Traffic Authority with a view to the possible issuing of an administrative fine notice, cf. point 3.1.6.2. on administrative fine notices.

It is proposed in (5) that the Public Administration Act and Section 17(1) of the Tax Administration Act should apply to Sund & Bælt Holding A/S's handling of tasks under this Act. However, Section 19 of the Public Administration Act on parties consultation will not apply to the decisions on toll collection, which the company take under Section 6(1) and (2).

It follows a contrario that the other rules of the Tax Administration Act will not apply. It is not the Danish Ministry of Taxation, as in the other Danish tax laws, that will calculate and collect tolls under this Act, nor will it be the Danish Ministry of Taxation that monitors compliance with the Act or is responsible for the enforcement of the Act.

It will be the Ministry of Transport or authorities including Sund & Bælt Holding A/S, which, with a few exceptions, will carry out the authority tasks under this Act, and it is therefore the Public Administration Act rather than the Tax Administration Act, which does not otherwise regulate the performance of the Ministry of Transport's authority tasks, which will apply. The Public Administration Act will have effect on Sund & Bælt Holding A/S's handling of tasks under this draft Act in accordance with the proposed Section 6(5).

However, in order to ensure approximating the same legal guarantees for the enterprises and citizens whose toll case is being processed e.g. in connection with the possible issuing of an administrative fine notice, Section 17(1) of the Tax Administration Act applies in connection with the collection of tolls. The provision means that the tax authorities, under Sections 152, 152a and 152c -152f of the Criminal Code, are subject to unconditional confidentiality vis-à-vis unauthorised persons with regard to information relating to economic, business or private life of a natural or legal person, of which they become aware in the course of their work.

The increased confidentiality will thus also apply to Sund & Bælt Holding A/S's staff if they are engaged in the authority's tasks relating to the collection of road tolls.

It follows from Section 19 of the Public Administration Act that a party cannot be presumed to be aware that the authority is in possession of certain information about a case's factual basis or external professional assessments, no decision may be taken until the authority has made the party aware of the information or assessments and given this opportunity to make a statement. However, this only applies if the information or assessments are unfavourable to the party concerned and are of significant importance to the resolution of the case. The Authority may set a time limit for making the aforementioned statement.

However, Section 19 of the Public Administration Act, on consultation of parties, will not apply to the decisions on toll collection taken by Sund & Bælt Holding A/S in accordance with the proposed Section 6(1) and (2).



This means that there will be no obligation to conduct party consultation with the owner or user in connection with the collection or in connection with the case being transferred to the Danish Road Traffic Authority with a view to the possible issuing of administrative fine notices.

This is due to the fact that a significant number of collections of road tolls and transfers of cases to the Danish Road Traffic Authority are to be expected on a daily basis, so that there will be a need to relieve Sund & Bælt Holding A/S of the associated administrative burden.

However, the rules on party consultation will apply in cases where Sund & Bælt Holding A/S decides to maintain the original decision on a road toll collected in connection with an appeal, and for that reason the action is brought by the person liable for the toll before the Minister of Transport, cf. the procedure in the proposed Sections 12–14.

The tasks that Sund & Bælt Holding A/S are authorised to perform under this Act constitute public authority tasks, including the adoption of administrative decisions on toll collection, and it is therefore precisely proposed that the part of the company's activities associated with the task of Sund & Bælt Holding A/S should be covered by the Public Administration Act. This ensures that the administration performed by the company is performed within the limits of the general rules of administrative law, including the principles of equal treatment and objectivity.

It follows from Section 1(1) and (2) of the Public Administration Act and from the Act itself that it applies to all elements of public administration and all activities pursued by autonomous institutions, associations, foundations, etc. that are established by law or in accordance with the law or incorporated under private law and which exercise official authority of a more extensive nature and are subject to intensive public regulation, intensive public oversight, and intensive official controls. Section 1(2) of the Public Administration Act does not cover a body established by public measure if it takes the form of a company, This applies regardless of the nature of the body's activities, and regardless of whether the body is 100 % owned by the public sector. As a public limited company, Sund & Bælt Holding A/S is therefore not subject to the provisions of the Public Administration Act.

It is proposed in (6) that the Danish Minister of Taxation may, after negotiation with the Minister of Transport, lay down detailed rules on the exchange of information on persons liable for the toll and vehicles liable for the toll between Sund & Bælt Holding A/S and the Danish Road Traffic Authority and processing this information in accordance with this Act.

The proposed provision aims to lay down detailed rules by means of an Order on Sund & Bælt Holding A/S's ability to exchange data with the Danish Road Traffic Authority and process this data. The proposed provision is intended to ensure that the Danish Minister of Taxation may, after negotiation with the Minister of Transport, lay down rules that Sund & Bælt Holding A/S may prepare administrative fine notices, which are sent by the Danish Road Traffic Authority by digital mail to the persons concerned, where this is possible. If digital mail is not possible, the fine notice is sent by physical mail.

With this legal basis, it is expected that, inter alia, rules by means of an Order will be laid down allowing the Danish Road Traffic Authority to receive and process information from Sund & Bælt Holding A/S. This applies to e.g. information on observations of non-compliant vehicles and their ownership, etc.

There will be a need for an exchange of personal data in cases where it may be considered to issue an administrative fine notice and where Sund & Bælt Holding A/S will transfer a case to the Danish Road Traffic Authority. The personal data that will be included in a case to the Danish Road Traffic Authority is information about the name, address, CPR or CVR or AKR number, blurred image and number plate of the vehicle used without toll payment. It should be noted that Sund & Bælt Holding A/S and the Danish Road Traffic Authority are each responsible for their own processing used for their own purposes.

It is intended that the Act on Sund & Bælt Holding A/S shall be extended so that Sund & Bælt Holding A/S may disclose personal data, including personal identification numbers and protected name and address information, when necessary for the performance of the control authority's tasks.

The Danish Road Traffic Authority will carry out the fine notice task for the scheme. This means that it will be the Danish Road Traffic Authority that is responsible for assessing, approving and issuing the administrative fine notices. In cooperation with their supplier, Sund & Bælt Holding A/S will develop a system that is integrated directly into the Danish Road Traffic Authority's filing plan.

It should be noted that the personal data used to assess whether administrative fine notices can be issued will not be kept longer than necessary in Sund & Bælt Holding A/S's systems in order to determine whether the vehicle is driving unauthorised on the tolled road networks. In this context, it should be noted that no fines are issued in the event of repeat offences in order to avoid the storage of personal data in Sund & Bælt Holding A/S's systems longer than necessary.

The disclosure of personal data to the Danish Road Traffic Authority is carried out with a view to the possible issuing of an administrative fine notice, which means that such processing concerns a criminal offence. The processing will therefore be subject to the requirement laid down in Article 10 of the General Data Protection Regulation and Section 8 of the Data Protection Act.

With the proposed regime for Sund & Bælt Holding A/S's disclosure of image recordings in blurred format about suspected offenders, the strict conditions for the processing of data by individuals will be assumed to be within the framework of Article 10, first sentence, last indent, of the Regulation.

It is proposed in (7) that the Danish Minister of Taxation may, after negotiation with the Minister of Transport, lay down rules for Sund & Bælt Holding A/S on the task handling, including on financial reporting, approval of control strategy and exchange and processing of data pursuant to this Act.

With the enabling provision on the exchange and processing of data, the Danish Minister of Taxation will, after negotiation with the Minister of Transport, be able to order Sund & Bælt Holding A/S to disclose data from the tolling arrangement to other parties. The purpose of ordering the com-

pany to disclose data from the tolling arrangement is that it is considered to be data with a clear societal value for use for scientific, planning and statistical purposes, including for the administrative efficiency of data collection in relation to business statistics, which is imposed upon Denmark by the EU.

The enabling provision does not restrict the Danish Minister of Taxation from ordering Sund & Bælt Holding A/S to exchange data with public authorities. However, it is intended that private individuals will primarily seek an exhaustion of the possibilities to satisfy their wishes on data from the tolling arrangement through agreements with the public authorities that have data or have access thereto.

It is expected that, after negotiation with the Minister of Transport, the Danish Minister of Taxation will use the authorisation to, among other things, designate Statistics Denmark and the Danish Road Directorate under the Ministry of Transport as the public authorities to which Sund & Bælt Holding A/S will disclose data from the moment the scheme enters into force.

The use of the authorisation allows Statistics Denmark to collect and use personal data collected by Sund & Bælt Holding A/S to replace data that Statistics Denmark would otherwise have to collect directly from other enterprises, as well as for improving the quality of the official statistics and for the creation of new socially useful knowledge. In this regard, it should be noted that Article 5(1)(b) of the General Data Protection Regulation contains the relevant provisions enabling the exchange of personal data for statistical and scientific purposes regardless of the original purpose of data collection.

Statistics Denmark also has the possibility to make data available to authorised research communities. This is done through a well-proven safe community, which is already widely used in the research community for pseudonymised microdata in the field of health, electricity meter data and many other fields. Statistics Denmark has documented secure infrastructure and processes to service the research community with the opportunity to enrich data from other registers of Statistics Denmark.

In its use and processing of data, Statistics Denmark is subject to the Act on Statistics Denmark, Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and the Data Protection Regulation. Data shall be treated confidentially and may only be used for statistical and scientific purposes.

The Danish Road Directorate under the Ministry of Transport is responsible for the planning, construction and operation of State roads with a focus on ensuring that both persons and goods must be able to arrive easily and safely. In order to provide up-to-date traffic information, ensure effective planning and identify measures to promote greening, the Danish Road Directorate monitors traffic on the roads, both in real time and historically. The Danish Road Directorate already collects, ensures quality and stores a number of traffic data, including personal data linked to accident statistics. Access to detailed data of a high quality, including data for individual trips, journeys or persons in accidents, is generally an essential prerequisite for identifying issues related to the development of transport, developing the basis for assessing the road network of the future and providing the Danish Parliament with relevant analyses.

Traffic data from the road toll system will be an invaluable source for improving statistics and analysis bases for trade and industry carriage. This is an area where data is currently lacking. Among other things, data can be used to assess traffic patterns, traffic volumes, the significance of international traffic on Danish roads, vehicle sizes, as well as speeds, and congestion. In particular, data will significantly improve the basis for assessing the overall transport needs of trade and industry, so that it can be included in the decision-making basis for the development of the road network.

*Re Section 7*

It is proposed in (1) that road tolls be collected electronically if on-board equipment is connected to the vehicle liable for the toll on the basis of a contract concluded between a natural or legal person (EETS user) and an EETS provider of the on-board equipment that has entered into an agreement with Sund & Bælt Holding A/S. The owner liable for the toll, cf. the proposed Section 3, is obliged to ensure that the on-board equipment is activated while driving in Denmark. However, if a user liable for the toll is registered, cf. the proposed Section 3, as a user of the vehicle, the obligation is incumbent on them.

For the purposes of this draft Act, on-board equipment means a complete set of hardware and software components to be used as part of the toll service which is installed or carried on board a vehicle in order to collect, store, process and remotely receive/transmit data, either as a separate device or embedded in the vehicle within the meaning of Article 2, No 11, of the EETS Directive. If on-board equipment is connected to the vehicle liable for the toll and is functional and activated during the journey, the road toll will be charged automatically. Such on-board equipment is already in use in a number of Member States, including Germany.

On-board equipment works by logging the vehicle's GNSS positions while driving and sent to the road toll service and on to Sund & Bælt Holding A/S. GNSS is a network of navigation satellites that has global coverage. Navigation satellites are those used to find a given position. The GNSS positions of the vehicle are matched to the road network on a digital map based on vehicle information such as direction and speed of travel to draw the most likely trip on the digital map.

It is proposed as (2) that the toll be calculated by Sund & Bælt Holding A/S on the basis of the driving data collected during the journey through the on-board equipment.

If on-board equipment is connected to a vehicle liable for the toll, the toll is calculated by Sund & Bælt Holding A/S on the basis of the driving data collected during the journey through the on-board equipment, if the on-board equipment has been activated while driving on the road network in Denmark.

#### *Re Section 8*

It is proposed in (1) that when driving a vehicle liable for the toll with no on-board equipment connected to it, cf. the proposed Section 7, or with on-board equipment that does not work, the person liable for the toll must pay the toll by purchasing an electronic route ticket, cf. the proposed Section 3, before commencing on the road network with tolls. The route ticket is offered by Sund & Bælt Holding A/S.

The route ticket can be purchased digitally via a website that Sund & Bælt Holding A/S will manage.

The purpose of the provision is to ensure a method that can be used for the payment of road tolls in cases where a vehicle liable for the toll has no on-board equipment connected to it in accordance with the proposed Section 7. The person liable for the toll, cf. the proposed (3), is therefore also obliged to buy a so-called route ticket if the vehicle liable for the toll has no on-board equipment connected to it.

The purchase of a route ticket constitutes payment of the toll. Unlike with the use of on-board equipment, the toll is paid before completing the trip on the road network with tolls. The toll shall be calculated on the basis of the information provided in connection with the purchase, cf. the proposed (3).

It is proposed in (2) that payment for the route ticket constitutes payment for driving through one specified route on the tolled road section of a vehicle liable for the toll, cf. Section 1, within a validity period specified on the route ticket.

The tolled road sections of the specified route will be shown when purchasing the route ticket.

Thus, according to the proposed provision, it would be necessary to specify which route the vehicle liable for the toll is expected to drive through. The route will then have to be completed within the validity period that will appear on the route ticket upon purchase. The toll shall be calculated and collected in accordance with (3). In this connection, Sund & Bælt Holding A/S will calculate the number of road segments that will be completed in connection with the specified route and will calculate the toll on this basis and at the rates set out in the proposed Section 5. The toll will be the same regardless of whether on-board equipment or a route ticket is used.

The provision is intended to ensure that, by checking compliance with the tolling arrangement, it can be established that a person liable for the toll, cf. the proposed (3), who does not have functional and activated on-board

equipment connected to the vehicle liable for the toll, has paid the toll due for driving through a road network with tolls in a vehicle liable for the toll.

The proposed (2) implies that, in connection with the purchase of the route ticket, the person liable for the toll must indicate a start time. Sund & Bælt Holding A/S shall indicate an end time for the journey for which tolls apply, which can be a maximum of 24 hours after the start time. The maximum period of 24 hours is determined on the basis of an assessment that most planned road haulages will be completed within this period, taking into account the geographical extent of Denmark. Sund & Bælt Holding A/S can specify an end time for the journey for which tolls apply that is less than 24 hours after the start time, if, for example, it is only a short trip. If, contrary to expectations, a trip cannot be completed within 24 hours or the shorter time specified, a new route ticket can be purchased for the remaining route.

Example: A vehicle liable for the toll must drive from the Danish-German border in Padborg at 07:00 on 25 June 2025. The first stop on the route is an address in Fredericia, the next stop is an address in Odense, and the last stop on the route is an address in Copenhagen.

In connection with the electronic purchase of the route ticket, which can be made at any time before the trip, the owner/user etc. may, on the basis of a selection of route suggestions appearing on the website after entering the information listed in (3), choose the route to be used from Padborg to Fredericia, from Fredericia to Odense, etc.

If the start of the journey is indicated to start at 07:00 on 25 June 2025, the journey will have to be completed by 07:00 on 26 June 2025, if this is the validity period indicated on the route ticket.

If there is a delay along the way, e.g. due to queues, road works, driver sickness, etc., and it means that the planned trip cannot be completed within the validity period of the ticket, this must be indicated electronically on the website where the purchase was made. This shall be done within 48 hours of the end of the validity period of the route ticket referred to in (5).



In these cases, a new validity period of the route ticket shall not be determined, but it shall be indicated in connection with an adjustment in accordance with (5) that it has not been possible to complete the trip within the validity period. This information can be used in connection with the assessment of whether the rules have been violated and whether an administrative fine notice is to be issued, or whether the case should be transferred to the police.

The determination of a validity period of the route ticket also has the meaning that a period may be determined, beginning at the end of the validity period, which is the period during which the owner or user must make an adjustment, cf. (5).

It is proposed in (3) that, when purchasing a route ticket, the following information shall be provided: 1) first name, surname, e-mail, telephone number and, where applicable, residence address of the person liable for the toll, cf. the proposed Section 3; 2) information concerning Danish and foreign registered vehicles as they appear on the vehicle registration certificate, on the nationality mark, the vehicle identification number, the registration number, the permissible laden mass and CO<sub>2</sub> emission class; 3) a starting point for driving on the road network with tolls (start of the validity period); 4) the planned route on the road network with tolls; and e) information on payment.

The listed information will be necessary to obtain in order to generate a correct route ticket with an indication of the correct toll, which will be collected at the same time. This is done in order to avoid unauthorised driving on the road network with tolls.

The road toll will thus be collected on the basis of a road toll rate determined according to the vehicle's registered permissible laden mass and on the basis of other driving data.

It is proposed in (4) that the information referred to in (3) may be changed until the starting point of the validity period, without prejudice to (5). Within the same time limit, the route ticket may be cancelled.

This provision shall take into account the changes to the plans of, for example, hauliers, which may suddenly occur when the trips are planned and completed, etc.

It is proposed in (5) that, within 48 hours of the end of the validity period of the route ticket, the anticipated route between the start and the end point, cf. (3)(4), shall be changed to the actual route if there is a difference. The obligation to do so is incumbent on the person liable for the toll, cf. the proposed Section 3.

The provision takes into account that the expected route indicated in connection with the purchase of the route ticket may change after the purchase. This may be caused by the driver going the wrong way, changed plans for the supply of goods, rerouting, queues, etc. In order to ensure that a toll corresponding to driving on the road network with tolls is calculated and paid, there is therefore a need to impose an obligation on the person liable for the toll, cf. Section 3, to make an adjustment. The adjustment is made in the same way as the purchase of the route ticket on Sund & Bælt Holding A/S's website.

In the event that the vehicle liable for the toll in question is subject to control during the journey, the photograph of the vehicle liable for the toll at a given location on a part of the road network with tolls will, for example, be compared to the route ticket, which may have been adjusted but not to the driving data on which the originally issued route ticket is based.

It also implies that, for example, an administrative fine notice can never be issued for infringing the tolling arrangement until at least 24 hours have elapsed after the end of the validity period.

It is proposed in (6) that, in the event of a change in the route in accordance with (4) or (5), there should be arrears of underpaid toll or reimbursement of overpaid toll. Sund & Bælt Holding A/S can offset any claims for arrears against claims for reimbursement.

The provision implies that if a route is changed in accordance with (4) or (5), there will subsequently be a recovery of underpaid toll or a refund of

overpaid toll. In addition, Sund & Bælt Holding A/S can offset any arrears in excess of toll collected under this Act.

It is proposed in (7) that, in the absence of indication of the vehicle's permissible laden mass and CO<sub>2</sub> emission class in connection with the purchase of the route ticket, the vehicle liable for the toll is categorised under the heaviest weight class and CO<sub>2</sub> emission class 1, cf. Section 5.

The provision implies that if there is no information about the vehicle in connection with the purchase of the route ticket, the toll for the vehicle will be set at the highest rate, i.e. on the basis of the heaviest weight class and CO<sub>2</sub> emission class 1. If, in connection with the purchase of the route ticket, there is information on the permissible laden mass of the vehicle, but no CO<sub>2</sub> emission class is provided, the toll will be determined on the basis of the respective weight class and CO<sub>2</sub> emission class 1.

It is proposed in (8) that the Danish Minister of Taxation may, after negotiation with the Minister of Transport, lay down detailed rules on the specific payment of route tickets, change of a route, validity period and arrears and reimbursement.

#### *Re Section 9*

It is proposed in (1) that when purchasing a route ticket, cf. the proposed Section 8, Sund & Bælt Holding A/S calculates the toll on the basis of the declared journey on the road segments with tolls, cf. the proposed Section 2, calculated according to the rates in the proposed Section 5.

When purchasing a route ticket, Sund & Bælt Holding A/S will calculate the toll to be paid. This will be done on the basis of the information provided pursuant to the proposed Section 8(3) and (5) in connection with the purchase. Thus, it is not possible to calculate the toll digitally as is the case if the vehicle liable for the toll has on-board equipment connected to it, cf. Section 7.

The toll is calculated, as in the case of the use of on-board equipment, by taking as a starting point the total length of the road segments on which the vehicle liable for the toll according to the proposed route has driven. In ad-

dition, the calculation is based on the rates set out in the proposed Section 5.

It is proposed in (2) that the payment for the purchase of the route ticket is made at the same time as the purchase.

The provision implies that the route ticket is paid in connection with its purchase, so that no unauthorised journey takes places on the tolled road network.

*Re Section 10*

It is proposed in *Section 10* that Sections 6 and 7 of the Danish Tax Collection Act, on fees and interest in the event of late payment, shall apply when collecting amounts in accordance with the provisions of this Act.

The provision implies that a fee may be imposed by Sund & Bælt Holding A/S if there is no payment of tolls before the 20th of the month, cf. Section 6(1) and (3). Failure to pay the fee in due time implies that a fee of DKK 65 may be imposed, cf. Section 6 of the Danish Tax Collection Act.

The provision also implies that if the toll collected in connection with the use of on-board equipment is not paid in due time by Sund & Bælt Holding A/S, i.e. in accordance with the time-limits laid down pursuant to Section 6(1) and (3), or if a deferral of payment has been granted, a monthly interest shall be paid, which shall be determined in accordance with the rules laid down in Section 7(2) of the Danish Tax Collection Act, plus 0.7 percentage points from the latest payment date for that amount, until the amount is paid. Interest is calculated on a daily basis, cf. Section 7(1) of the Danish Tax Collection Act.

This applies regardless of whether the debtor is a natural or legal person.

The proposed provision does not apply in cases where, in the context of the journey for which tolls apply, neither functional and activated on-board equipment nor a legitimate route ticket has been used. This is because, in such cases, no toll will be collected because the extent of journeys for which tolls apply cannot be determined.

In these cases, it may instead be the case that the Danish Road Traffic Authority issues an administrative fine notice.

*Re Section 11*

It is proposed in (1) that decisions on the collection and assessment of tolls under this Act or rules laid down on the basis of the Act may be subject to appeal before the Minister of Transport.

It is essential, in the interest of legal certainty, that the persons liable for the toll should be able to ascertain under this Act whether the collected tolls have been correctly collected in accordance with this Act and other legislation applicable to the managing entities. There will be access to a full review of the cases, i.e. both substantive issues under this Act and other legal issues may be appealed against. It is intended that the power to carry out the task of appeals authority on decisions on the assessment of tolls under the Act shall be delegated to an agency under the Minister of Transport. It should be noted in this connection that under the proposed Section 13(2), the Minister of Transport may lay down rules to the effect that decisions taken by an authority to which the Minister has assigned powers under the proposed (1) shall not be subject to appeal before the Minister or any other administrative authority.

It is proposed in (2) that the time limit for appeals is 4 weeks from the date of notification of the decision.

The provision ensures a basis for the managing entities to prioritise case management for current toll collections. The provision implies that Sund & Bælt Holding A/S may deem an appeal to be inadmissible if the appeal does not comply with the four-week time limit.

It is proposed in (3) that the Minister of Transport may lay down detailed rules on the right to appeal against decisions taken under this Act or rules laid down on the basis of the Act.

The proposed authorisation provides a basis for the Minister of Transport to lay down by means of an Order more precise requirements for the appeal procedure, including documentation requirements, etc.

*Re Section 12*

It is proposed in (1) that an appeal to the Minister of Transport should be filed in writing to Sund & Bælt Holding A/S.

The proposed provides that appeals will have to be filed to Sund & Bælt Holding A/S.

It is intended that Sund & Bælt Holding A/S will, in their cooperation agreement with EETS providers, agree that EETS users will contact their EETS providers in order to clarify any technical conditions of the on-board equipment before an appeal is filed against the toll, in accordance with their customer agreement. This means that the person liable for the toll who has been charged a road toll via an EETS provider will first have to contact their EETS provider in order to ascertain whether a given toll has been collected incorrectly on the basis of the circumstances of the EETS provider. This could be, for example, system failures on the part of the EETS provider, or misunderstandings or similar in relation to the contract concluded between the provider and the customer, i.e. the person liable for the toll.

It is thus intended that EETS users contact their EETS providers if there are technical issues that need to be clarified before any appeal is filed against the collection of the toll.

Appeals regarding the collection and assessment of the toll will have to be filed to Sund & Bælt Holding A/S. EETS users cannot be prevented from appealing directly to Sund & Bælt Holding A/S if they have not contacted the EETS provider in advance.

It is proposed in (2) that Sund & Bælt Holding A/S, if Sund & Bælt Holding A/S wishes to maintain the decision, must forward the appeal to the Minister of Transport within 4 weeks of receipt of the appeal. The appeal must be accompanied by the contested decision, any relevant document admissible in the case and Sund & Bælt Holding A/S's comments on the case and the objections raised.

The proposed means that Sund & Bælt Holding A/S forwards the received appeals to the Minister of Transport. The appeal will be accompanied by the contested decision, any relevant documents included in the case and a statement from Sund & Bælt Holding A/S with comments on the case.

An appeal will have no suspensive effect.

*Re Section 13*

It is proposed in (1) that the Minister of Transport may authorise an authority within the Ministry to exercise the powers conferred on the Minister in this Act.

It is intended that the Minister of Transport delegates their powers under the Act, including, for example, the power to handle appeals, cf. the proposed Sections 11–12, to the authorities that have specific professional prerequisites for doing so. This means that one of the agencies under the Minister of Transport will be responsible for carrying out tasks under the Act. It is intended that the power is delegated by means of the delegation Orders of the Ministry of Transport for subordinate agencies.

With the proposed (2), the Minister of Transport lays down rules that decisions taken by an authority to which the Minister has assigned powers under (1) shall not be subject to appeal before the Minister or any other administrative authority.

With the proposed provision, the Minister of Transport will have the possibility to cut off the non-statutory right of appeal, which is opened under ordinary administrative law when a superior authority delegates decision-making power to a subordinate authority. Otherwise, under this Act, the persons liable for the toll would be able to bring the action before two appeal bodies – first to an agency under the Ministry of Transport and then to the Ministry – which is not the intention.

*Re Section 14*

It is proposed in *Section 14* that the bringing of an action before the courts in respect of decisions under the Act or rules laid down pursuant to the Act must be done within 6 months after appeals of the decision have been notified.

The time limit will apply to any action brought against the authorities involving a review of the decision in question. The purpose of that provision is to ensure that, after a period of time, the correctness of a decision cannot be called into question.

*Re Section 15*

It is proposed in *Section 15* that the Minister of Transport oversees the parts of the tolling arrangement carried out by subordinate authorities or companies in the areas of responsibility of the Ministry of Transport.

The proposed tolling arrangement will mainly be administered by the agencies or companies in the areas of responsibility of the Ministry of Transport.

Sund & Bælt Holding A/S, which is 100 % owned by the State, which, pursuant to the proposed Section 6(1) and (2), will be primarily responsible for carrying out the task of toll charger under this Act, and the company will have control and enforcement tasks.

The Ministry of Transport, pursuant to the Act on Sund & Bælt Holding A/S, already supervises the company and the tasks it handles on behalf of the State. This involves, for example, holding quarterly meetings between the Minister of Transport and representatives from the company, where current and significant matters are discussed. The Minister of Transport is also able to give specific instructions to the company in accordance with the Act on Sund & Bælt Holding A/S. It is considered that this long-standing scheme of supervision between the Minister of Transport and the company is a fully comprehensive basis for supervising the tasks assigned to the company by this Act.

Supervision of the tasks to be carried out by agencies of the Ministry of Transport, such as issuing administrative fine notices, will be subject to the



general supervision which, under public administrative law, exists between a superior and subordinate authority. The Minister of Transport will thus have all general control powers in relation to supervising that the agencies carry out their tasks in accordance with this Act and within the framework of other relevant legislation.

Thus, the proposed provision also means that those parts of the tolling arrangement which are not carried out by agencies or companies in the areas of responsibility of the Ministry of Transport will be subject to supervision by the Danish Ministry of Taxation.

*Re Section 16*

It is proposed in (1) that a person who violates Section 7(1) or Section 8(1) or (5) be punished by a fine, regardless of whether the infringement is not imputable to the person concerned as intentional or negligent.

It follows from the proposed provision in Section 7(1) that road tolls are collected electronically if a vehicle liable for the toll has on-board equipment connected to it on the basis of a contract concluded between a natural or legal person (EETS user) and an EETS provider of the on-board equipment that has entered into an agreement with Sund & Bælt Holding A/S. The owner liable for the toll, cf. the proposed Section 3, is obliged to ensure that the on-board equipment is activated while driving in Denmark. However, if a user of the vehicle is registered, cf. the proposed Section 3, the obligation is incumbent on them.

It follows from the proposed provision in Section 8(1) that when driving a vehicle liable for the toll with no on-board equipment connected to it, cf. Section 7, or with on-board equipment that does not work, the owner or user liable for the toll, cf. Section 3, must ensure that an electronic route ticket is purchased before commencing the journey on the road network with tolls. The route ticket is offered by Sund & Bælt Holding A/S.

It follows from the proposed provision in Section 8(5) that at the latest 48 hours after the end of the validity period of the route ticket, the expected route between the start and end point, cf. (3)(4), shall be changed to the actual route if there is a difference. The obligation to do so is incumbent on the person liable for the toll, cf. the proposed Section 3.

Infringements of those provisions may be punishable, irrespective of whether the infringement cannot be attributed to the person concerned as intentional or negligent. This is therefore a case of strict liability, which is subject to the condition that the infringement has not been committed in connection with, for example, taking the vehicle without the owner's consent or a vehicle which the person does not actually own or have the right to use, cf. the proposed provision in Section 16(2) and relevant comments, cf. below. For a more detailed description of the considerations behind the introduction of strict liability for the infringement, see point 3.1.3.6.1 of the general comments.

The introduction of such strict liability as described above for the registered owner or user implies that it is not necessary to ascertain who actually drove the vehicle at the time of the offence, as the owner or user of the vehicle is liable for the infringement.

However, if the person who at the time of the offence was registered in the national vehicle register as owner or user, can demonstrate that, before the time of the offence, a change of ownership or user circumstances was attempted, but that the registration for systemic reasons or the like was not completed in the national vehicle register at the time of the offence, however, the person concerned shall not be considered liable.

Leasing companies are an example of a situation where there can be both a registered owner and user. The leasing company will be registered as owner, whereas a lessee will generally meet the conditions for having to register as a user of the leased vehicle, so that liability for infringements under the proposed regime will be imposed on the lessee.

On the other hand, car rental companies and car-sharing organisations will be criminally liable for infringements of the tolling arrangement committed with hired vehicles, cf. also the proposal to (3) on the criminal liability of legal persons.

It is proposed that the level of fines should be increased from DKK 2,500 to DKK 4,500 per infringement, regardless of whether it is a repeat offence

or not. This is assessed to be proportionate to the proposed level of tolls, and it is considered to ensure greater compliance.

It should be noted that, under the proposed rules, there is no effect of previous infringements when further infringements are committed and that the fine should also be increased to DKK 4,500.

It is proposed in (2) that the infringement shall not be deemed to have been committed by the registered owner or user, cf. the proposed Section 3, if another person was in possession of the vehicle at the time of the offence by taking without the owner's consent, property crime or in another unjustified manner.

In any case, if a vehicle has been reported stolen to the police at the time of the violation, then the owner (user) pursuant to (2) would not be imputed liability under (1). It will, moreover, be based on a specific assessment, which ultimately is carried out by the courts, when in accordance with the provision in (2) will be able to be exempted from liability in accordance with (1).

'Unjustified possession' refers to taking without the owner's consent, etc. It does not refer to cases where, for example, the use of a vehicle (merely) exceeds the scope of a use agreement. Therefore, if a driver uses the lorry in breach of a specific instruction or agreement, there will be no unauthorised use within the meaning of the provision.

In those cases, the person who has taken without the owner's consent, etc., can be punished for infringement of (1), if the conditions for doing so are otherwise met.

It is proposed in (3) that companies, etc. (legal persons) may be held criminally liable under the rules laid down in Chapter 5 of the Criminal Code.

It follows from the rules in Chapter 5 of the Criminal Code that provisions on criminal liability for companies, etc. include, unless otherwise provided, any legal person, including public limited liability companies, private limited liability companies, cooperatives, partnerships, associations,

foundations, estates, municipalities and State authorities, cf. Section 26(1) of the Criminal Code.

In addition, such provisions apply to sole proprietorships in so far as they can be equated with the aforementioned entities with regard in particular to their size and organisation, cf. Section 26(2) of the Criminal Code. Sund & Bælt Holding A/S will obtain information about sole proprietorships through *virksomheder.dk* for use in the Danish Road Traffic Authority's assessment of whether sole proprietorships are to be considered as a legal person.

It is proposed in (4) that no imprisonment for default of payment of a fine be laid down in accordance with (1).

The proposed provision implies that no imprisonment for default of payment of a fine may be imposed pursuant to the proposed Section 16(1).

#### *Re Section 17*

It is proposed in (1) that in cases of infringement of Section 16(1), cf. Section 7(1) or Section 8(1) or (5), the Danish Road Traffic Authority may indicate in a fine notice that the case can be decided without legal proceedings if the person liable for the toll pleads guilty to the infringement and declares themselves ready to pay a fine as specified in the fine within a specified period. Section 752 of the Administration of Justice Act shall apply *mutatis mutandis* in these cases.

The provision implies that cases can be decided without judicial proceedings if the person who violates Section 7(1) or Section 8(1) or (5) pleads guilty to the infringement, by adopting the Danish Road Traffic Authority's fine notice. In uncomplicated cases, the Danish Road Traffic Authority will issue a fine notice.

Sund & Bælt Holding A/S will carry out the task of collecting data for the Danish Road Traffic Authority's enforcement of the tolling arrangement with administrative fine notices. Sund & Bælt Holding A/S will also assist with case management, payment collection, registration of foreign vehicles and information about the scheme. In addition, the data collected may also

be used when reporting to the police in cases where the fine notice is not recognised.

The Danish Road Traffic Authority will have to carry out an assessment of the cases that Sund & Bælt Holding A/S will have prepared with a view to a possible issuing of an administrative fine notice. The Danish Road Traffic Authority will therefore, on the basis of the documentation obtained, be presented with the circumstances of the case and decide whether to issue a fine notice to the owner or user for the infringement found. The documentation will consist of an image of the front or rear of the vehicle, where the number plate can be clearly read, and with information on the time and place of registration. In addition, the documentation will show the result of driving data validation, which stipulates that the vehicle concerned has not submitted any driving data or purchased a route ticket.

If the Danish Road Traffic Authority decides to issue an administrative fine notice, the case management system will then, where possible, automatically send it via Digital Post. If there are evidential doubts about a case, the Danish Road Traffic Authority will have to file a police report.

Digital messages are deemed to have reached the owner or user when they are digitally available to them, cf. the Act on Digital Post from public senders (Consolidated Act No 686 of 15 April 2021).

For foreign vehicles, the administrative fine notice will be sent to the owner's (or user's) home address, which will appear from the information provided by Sund & Bælt Holding A/S to the Danish Road Traffic Authority. This will also be done automatically after approval in the case management system.

The administrative fine notice will contain guidance on the ability of the person liable for the toll to acknowledge the fact or not to adopt the fine for the purpose of referring it to the courts.

It is also intended that the payment will be made to an account of Sund & Bælt Holding A/S, which will be responsible for monitoring who has paid within the time limits set by the Danish Road Traffic Authority.

It is intended that a reminder will be sent automatically if no payment has been made within a time limit. The time limit will normally be set to 14 days. In cases where a physical letter is sent, the time limit may be set to 28 days. However, a reminder will not be sent if the accused comes with objections that give rise to doubts as to whether a penalty should be imposed, cf. Section 16(1) and (2). Only objections relating to the vehicle's ownership or user circumstances or information that the vehicle has been stolen at the time of the offence can be invoked. Any other objections regarding the issued fine notice will have to be addressed to the police. However, objections can only be raised against the police when the case has been transferred to them.

If, after sending a reminder, no adoption and payment or relevant objections are received from the accused, the Danish Road Traffic Authority will submit a police report.

Proceedings are recorded with the Danish Road Traffic Authority when the case is closed in Sund & Bælt Holding A/S's case management system. The case will be closed in Sund & Bælt Holding A/S's case management system when the fine has been paid, when a police report has been filed, or when it is terminated on the basis of objections about owner-user conditions or taking without the owner's consent from the accused.

Sund & Bælt Holding A/S will develop a case management system, which the Danish Road Traffic Authority will have access to, and in which each case will be dealt with by the Danish Road Traffic Authority before a fine notice is issued if necessary. Only the Danish Road Traffic Authority can issue administrative fine notices.

There will be no right to appeal against the Danish Road Traffic Authority's issuing of the administrative fine notice. A fine notice is not a decision and therefore it will not be possible to appeal against the fine either. If the fine notice is not adopted, the case will be handed over to the police for a decision by the courts.

It is proposed that Section 752 of the Administration of Justice Act on interrogations will apply *mutatis mutandis* to cases concerning fine notices.

It is proposed in (2) that the rules of the Administration of Justice Act on the requirements for the content of an indictment and that an accused person is not obliged to comment, apply to fine notices in accordance with (1).

It is proposed in (3) that the fine be adopted, further criminal proceedings will lapse. The adoption has the same repetitive effect as a judgment. The adoption will have the same repetitive effect as a judgment. If the fine notice is not adopted, the Danish Road Traffic Authority will hand over the case to the police.

Administrative fine notices that could be imposed on a conditional objective basis with the proposal will not appear from any later issued criminal records, as infringements of road tolls are not covered by Order No 1860 of 23 September 2021 on the processing of personal data in the Central Crime Register.

It is proposed in (4) that an indication in accordance with (1) may be given if the infringement is found in connection with a control of the toll, cf. Section 6(4), unless an infringement has been detected in the last 24 hours for the same vehicle and this results in an indication.

This implies that at least 24 hours must elapse between two observations of one or two infringements, cf. Section 16(1), relating to the same vehicle, before it will trigger two administrative fine notices. If the vehicle is observed again after 24 hours, this will trigger a new fine notice.

#### *Re Section 18*

It is proposed in (1) that the Act enter into force on 1 July 2023, without prejudice to (2).

The Act has an impact on trade and industry and thus enters into force for trade and industry in accordance with the common dates of entry into force of commercial legislation.

It is proposed in (2) that the Danish Minister of Taxation sets the date of entry into force of Section 6(4) of the Act.

The proposed Section 6(4) concerns Sund & Bælt Holding A/S's control of compliance with the rules on toll liability under this Act. The control is carried out digitally, so the vehicle will not be stopped.

In order for Sund & Bælt Holding A/S to carry out the proposed digital control, the company must have access to, inter alia, the CPR number of the owners or users of the tolled vehicles. Today, Sund & Bælt Holding A/S has terminal access to information in the national vehicle register about the identity of a vehicle owner or user, cf. Section 17(2)(8) of the Act on vehicle registration. However, this access is not sufficient for the performance of Sund & Bælt Holding A/S's tasks under this draft Act.

In accordance with Section 17a(2) of the Act on Sund & Bælt Holding A/S, Sund & Bælt Holding A/S may collect and process personal data when this is necessary for the performance of Sund & Bælt Holding A/S's tasks in connection with the environmental zone scheme. Under the same terms as specified in the first sentence, Sund & Bælt Holding A/S may collect and process information from the national vehicle register, including personal identification numbers and protected name and address information.

In addition to the draft Act on road tolls, and in order to support Sund & Bælt Holding A/S's handling authorisation, it is envisaged to extend Section 17a of the Act on Sund & Bælt Holding A/S, so that it is written into the Act that Sund & Bælt Holding A/S can also carry out tasks related to the tolling arrangement, including automatic registration of number plates and collection of personal data when necessary for the performance of its tasks. That extension is not part of this draft Act.

Without the envisaged extension of Section 17a of the Act on Sund & Bælt Holding A/S, Sund & Bælt Holding A/S will not have the authority to carry out the control tasks that the company will be required under this Act.

It is intended that draft Acts amending the Act on Sund & Bælt Holding A/S will be tabled and adopted before 1 January 2025, where it is proposed that the tolling arrangement takes effect.



It is intended that the Danish Minister of Taxation will set the date of entry into force of the proposed Section 6(4) to 1 January 2025.

It is proposed in (3) that Sections 1–5, 6(1) to (3) and (5) and Sections 7–17 of the Act shall apply from 1 January 2025.

The proposed means that the tolling arrangement will enter into force on 1 January 2025.

It is proposed in (4) that the Government be authorised to terminate, on behalf of Denmark, the Agreement on the collection of tolls for the use of certain roads by heavy-duty vehicles of 9 February 1994 to 1 January 2025.

For the impact of the termination of the Agreement, see point 3.3 of the general comments.

Directive 1999/62/EC (Eurovignette Directive) as amended stipulates that no kilometre-based road toll may be introduced in parallel with Denmark being part of the Eurovignette cooperation, cf. Article 7(3). Therefore, no later than the day before the introduction of a kilometre-based toll, Denmark must stop collecting the Eurovignette toll.

It follows from the Agreement on the collection of tolls for the use of certain roads by heavy-duty vehicles of 9 February 1994 that there is a nine-month notice period until the end of a calendar year.

There is therefore a need to initiate a process immediately after the entry into force of the Act with a view to Denmark's withdrawal.

It is proposed in (5) to reduce the toll rates laid down in Section 3 of the Act on road use tolls by 1/366 for each commenced day in the calendar year as of 1 January 2024.

The proposed provision should be seen in the light of the fact that Danish vehicles are currently subject to a periodic Eurovignette toll for a period of one year at a time. The provision thus ensures that Danish vehicles will not

have to pay both road use tolls and road tolls under this Act for driving within the same period.

It is proposed in (6) that Eurovignettes will not be valid in Denmark as of 1 January 2025.

The Eurovignette will not be valid in Denmark from 1 January 2025, so foreign vehicles, including those from Luxembourg, the Netherlands and Sweden, will, from that date, be required to pay road tolls in accordance with the provisions of this Act for driving on the road network with tolls in Denmark.

Foreign vehicles for which a periodic Eurovignette toll has been paid after 1 January 2025 will continue to be able to circulate in Luxembourg, the Netherlands and Sweden within the validity period of the toll, provided that these countries do not change their rules.

It is proposed in (7) that the Act on road use tolls, cf. Order No 174 of 21 February 2020, be repealed on 1 January 2025.

This draft Act will replace the Road Use Toll Act.

*Re Section 19*

It is proposed that the Act should not apply to the Faroe Islands and Greenland.

The reason for this is that issues relating to taxes and charges have been taken over by the Faroe Islands and Greenland.