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Act of 21 November 2023 (Federal Law Gazette 2023 I, no. 315)

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Act on the Operation of Electronic Road Toll Systems (Mautsystemgesetz – MautSysG)

Toll System Act in the version published on 5 December 2014 (Federal Law Gazette I, p.
1980), as last amended by Article 4 of the Act of 21 November 2023 (Federal Law Gazette
2023 I, no. 315)

This Act serves to implement Directive 2004/52/EC of the European Parliament and of the
Council of 29 April 2004 on the interoperability of electronic road toll systems in the
Community (OJ L 200 of 7.6.2004, p. 50).

Section 1 Scope of application

(1) The provisions of this Act apply to:

1. technical systems for the electronic collection of tolls charged for driving with
motor vehicles on tolled road networks (electronic road toll systems) and
2. the provision of toll-related services, including private sector participation in the
collection process.

(2) The tolled road network that is part of an electronic road toll system includes:

1. public roads;
2. structures on public roads, in particular tunnels and bridges; and
3. ferries, insofar as they are part of a public road;

in accordance with special Federal or federal state rules and regulations.

(3) The provisions of this Act do not apply to:

1. electronic road toll systems that do not require the tolled vehicle to use a piece
of on-board equipment for toll collection or that do not automatically identify the vehicle's
position on the tolled road network by means of automatic number plate recognition;
2. small, purely local toll systems where the costs of adapting to the requirements
of this Act would be disproportionate to the benefits, unless otherwise provided for in the
Federal or federal state rules and regulations on which the toll is based; or
3. parking fees.

Section 2

Technical requirements

Electronic road toll systems that are operated or put into operation by the Federal Government or the federal states may only use one or more of the following technologies for toll collection:

1. satellite positioning;
2. GSM/GPRS-standard mobile communications;
3. 5,8 GHz microwave technology.

Section 3

European Electronic Toll Service (EETS)

(1) The European Electronic Toll Service is a service that enables users to pay the toll for a vehicle on multiple tolled road networks on the basis of a single contract and with one piece of on-board equipment (toll service). The toll service is offered by providers who grant users access to multiple tolled road networks through a single contract, pay the toll of persons liable to pay tolls to the authority responsible for collecting the toll at Federal or federal state level, and who are registered in the Member State in which they have their headquarters or a permanent establishment.

(2) The Federal Government and the federal states must operate their electronic road toll systems in accordance with this Act in order to facilitate the toll service.

Section 4

Registration of providers

Anyone wishing to render toll-related services as a provider must register with the Federal Logistics and Mobility Office (BALM), unless they are registered with the competent authority of another Member State of the European Union or another Contracting Party to the Agreement on the European Economic Area.

Section 5

Registration requirements

Registration is granted upon application if the provider can prove, pursuant to section 6, also in conjunction with section 7, that it

1. has its headquarter or permanent establishment in Germany;
2. has a quality management system that is certified according to the generally recognized rules of technology;
3. has
 - a) the technical equipment; as well as
 - b) the EC declaration of conformity or the certificate attesting the conformity of the interoperability constituents according to Annex III of Commission Implementing Regulation (EU) 2020/204 of 28 November 2019 on detailed obligations of European Electronic Toll Service providers, minimum content of the European Electronic Toll Service domain statement, electronic interfaces, requirements for interoperability constituents and repealing Decision 2009/750/EC (OJ L 43, 17.2.2020, p. 49);
4. is capable of providing toll-related services;
5. has adequate financial standing to ensure the establishment and proper management of a business operation for the provision of toll-related services in the Member States of the European Union and the other Contracting Parties to the

Agreement on the European Economic Area to be covered in compliance with section 12 (1);

6. has a risk management plan that has been audited at its instigation and that identifies and evaluates the risks associated with the rendering of toll-related services and provides for measures to reduce these risks; and

7. ensures the necessary reliability for the establishment and proper management of a business operation for the rendering of toll-related services in the Member States of the European Union and the other Contracting Parties to the Agreement on the European Economic Area.

Section 6 Registration procedure

(1) The application for registration as a provider must be submitted in writing to the Federal Logistics and Mobility Office. To prove that the requirements of section 5 are met, the application must be accompanied by the necessary documents and certificates, in particular an extract from the commercial register showing the applicant's registration as an entrepreneur and the persons appointed to manage the business. Furthermore, the applicant is to enclose proof that each of the persons appointed to manage the business has applied for a certificate of good conduct to be presented to the Federal Logistics and Mobility Office for the purpose of verifying their good repute. Names and addresses of natural persons must be submitted insofar as they are contained in the documents and certificates referred to in sentence 2. Upon request by the Federal Logistics and Mobility Office, applicants are to submit the originals or certified copies of the documents and certificates.

(2) Each applicant must notify the Federal Logistics and Mobility Office in writing and without delay of any changes in their actual circumstances subject to the verification of fulfilment of the requirements as referred to in section 5.

(3) The Federal Logistics and Mobility Office is authorized to collect, store and use the personal data contained in the documents and certificates referred to in subsections (1) and (2) for the purpose stated in subsection (1) sentence 2. The personal data referred to in sentence 1 must be deleted by the Federal Logistics and Mobility Office without delay

1. two years after the final or legally binding rejection of the application for registration, if the applicant is not registered as a provider;

2. two years after the final or legally binding termination of the registration, if the applicant is registered as a provider.

Section 7 Regular reviews of the registration requirements

(1) Every provider registered in Germany must notify the Federal Logistics and Mobility Office in writing and without delay of any changes in the actual circumstances relevant for demonstrating that the requirements of section 5 are met. Section 6 (3) applies accordingly.

(2) The Federal Logistics and Mobility Office checks at least once a year whether the providers registered in Germany still meet the requirements of section 5 (2) and (5) to (7). To this end, providers are obliged to furnish the Federal Logistics and Mobility Office with evidence that these requirements continue to be met by October 31 of each calendar year. Evidence of meeting the requirements of section 5 (6) is to be provided by means of an audit carried out at the provider's instigation at least every two years. Section 6 (1) sentences 2 to 4 as well as (3) apply accordingly.

(3) The Federal Logistics and Mobility Office is to revoke the registration if one of the requirements of section 5 ceases to be met retroactively. The Federal Logistics and Mobility Office is also to revoke the registration if a provider violates the further obligations set out in sections 13 and 14 and therefore does not guarantee the proper collection of the respective toll.

(4) The Federal Logistics and Mobility Office may revoke the registration if a provider violates the obligation set out in section 12 (1).

(5) The Federal Logistics and Mobility Office is to rescind the registration if the requirements in accordance with section 5 were not met.

Section 8

Collection of charges and expenses

Charges and expenses are payable by applicants for registration pursuant to sections 5 and 6 (1) and for regular reviews of whether the registration requirements of section 7 (2) sentence 1 are still met. Sections 4 to 6, 9 (1) and 10 to 21 of the Act on Fees and Expenses for Federal Services apply. The types and rates of charges are determined by an ordinance in compliance with section 31 (1) no. 1 (b).

Section 9

Domain statements

(1) In accordance with Annex II of Implementing Regulation (EU) 2020/204, the Federal Government and the federal states must establish rules on the general conditions for provider accreditation for their tolled road networks (domain statements). In particular, rules must be established in non-personal form on

1. the fees as referred to in subsection (3) to be paid by the providers and the bank guarantee or an equivalent financial instrument within the meaning of subsection (4);
2. the procedure for organizing participation in toll collection by providers with regard to
 - a) the requirements for accreditation as a provider;
 - b) the cooperation of providers when calculating the toll and toll context data as defined in section 17;
 - c) the electronic interfaces in accordance with Annex I of Implementing Regulation (EU) 2020/204, including the creation of blacklists and user lists, access to and transmission of blacklists and user lists or data from them;
 - d) the format for the transfer of position data, the vehicle classification parameters defining the amount of the toll and the toll declaration data;
 - e) the times and frequency for the transfer of toll declaration data;
 - f) the accuracy of position data, the vehicle classification parameters defining the amount of the toll and the toll declaration data;
 - g) the operational availability;
 - h) the invoicing policy;
 - i) the payment policy;
 - j) the terms and conditions, including the method of calculating the remuneration to be paid to the providers by the Federal or federal state authority responsible for collecting the toll, and including the service quality requirements;
 - k) the contribution of providers' subsystems to monitoring compliance with the obligation to pay tolls;
 - l) the monitoring of providers;
 - m) the handling of changes; and

n) the Conciliation Body within the meaning of section 28.

(2) The authorities responsible at Federal or federal state level for toll collection are to submit the information as referred to in subsection (1) in a timely manner to the Federal Logistics and Mobility Office so that it can be included in the toll service register pursuant to section 21 (1) and the accreditation of providers can be completed or parts of the accreditation procedure can be repeated at the latest one month before the toll collection begins based on the information as referred to in subsection (1). The Federal Logistics and Mobility Office must be notified of any changes in writing without delay.

(3) The fees within the meaning of subsection (1) sentence 2 no. 1 may not exceed the respective Federal or federal state costs for the provision, operation and maintenance of a system that meets the requirements of the toll service, including the accreditation procedure, the monitoring of compliance with the obligation to pay tolls and the monitoring of the providers. Costs that are already included in the toll may not be taken into account when calculating the fees.

(4) The Federal Government and the federal states may demand that providers furnish a bank guarantee or an equivalent financial instrument, the amount of which may not exceed the average monthly sum to be paid by the provider for toll payments from the respective tolled road network in the previous twelve months. For a first-time provider, the amount as defined in sentence 1 is determined for the first twelve months on the basis of the sum that the provider is likely to have to pay for the accounting of the respective tolled road network on average each month in the first twelve months taking into account how many contracts it has and the average toll per contract estimated in its business plan.

Section 10 Accreditation of providers

(1) A provider who wants to offer toll-related services within a tolled road network needs to be accredited by the competent Federal or federal state authority.

(2) The Federal Government and the federal states, upon application, accredit any provider that wishes to offer toll-related services in their area of jurisdiction if the provider complies with the respective territorial requirements of section 9 (1) and the domain statements within the meaning of section 22 (2) and (3). A provider is accredited for a tolled road network by means of a contract under public law concluded between the authority responsible for collecting the toll on the relevant road network and the provider.

(3) Whether a provider meets the criteria for accreditation is verified based on a contract under public law to regulate the necessary rights and obligations of the parties for the test (test agreement) between the authority responsible for collecting the toll on the tolled road network and the provider.

(4) If the competent authority and a registered provider cannot agree on the conclusion of the contract in accordance with subsection (2) sentence 2 or subsection (3) or on individual provisions of the contract, either party to the negotiations may call upon the Conciliation Body in accordance with 30 (1).

(5) The Federal Government and the federal states are to publish in the Federal Gazette, in non-personal form, all providers that they have accredited in compliance with subsection (2).

Section 10a Remuneration

(1) The Federal or federal state authority responsible for collecting the toll pays a remuneration to each accredited provider. The calculation method is determined by the competent authority in a transparent and non-discriminatory manner; it is the same for all accredited providers on the respective tolled road network and is published in the domain statements in accordance with section 9.

(2) On tolled road networks with an operator that has been assigned the task of operating a system for the collection of tolls or that has been commissioned to participate in the collection of tolls, the calculation method for the remuneration of providers must follow the

same structure as the remuneration of comparable services offered by the operator. The level of remuneration of providers may differ from that of the operator where

1. the operator receives a remuneration for costs incurred in fulfilling requirements and obligations that do not apply to providers; and
2. the competent authority reduces the remuneration of providers by fixed charges for the costs it incurs in providing, operating and maintaining a system that meets the requirements of the toll service on its tolled road network, including the costs of accreditation, as long as the costs of providing, operating and maintaining a system that meets the requirements of the toll service on its tolled road network are not included in the toll.

Section 11

Limited accreditation

(1) For the purpose of verifying compliance with the requirements as laid down in section 10 (2) sentence 1 under effective operation conditions (pilot operation), the authorities responsible at Federal or federal state level for toll collection may accredit a provider with whom a test agreement in accordance with section 10 (3) has been concluded to provide toll-related services in their area of jurisdiction to a limited extent until the pilot operation has been successfully completed (limited accreditation). Limited accreditation may be granted

1. in the form of a contract under public law between the authority responsible for collecting the toll and the provider; or
2. by means of an administrative act of the authority responsible for collecting the toll.

(2) The limited accreditation is equivalent in effect to an accreditation within the meaning of section 10 (1). In the cases referred to in subsection (1) sentence 2 no. 1, it may be subject to regulations, and in the cases referred to in subsection (1), sentence 2 no. 2, it may be subject to conditions and constraints that limit the scope of the accreditation for the purpose of the test in accordance with subsection (1). In particular, the competent authority may limit the number of users of the provider accredited to use the tolled road network in question during the pilot phase. In all other respects, section 36 of the Administrative Procedure Act remains unaffected.

(3) All obligations of accredited providers arising or resulting from this Act apply also to providers with limited accreditation, unless otherwise provided for in this Act or in the rules and regulations adopted on the basis of this Act.

(4) The Federal Government and the federal states are to publish in the Federal Gazette, in non-personal form, all providers that they have accredited to a limited extent in compliance with subsection (1).

(5) Section 10 (4) applies accordingly.

(6) The authority responsible for collecting the toll may collect charges and expenses for the limited accreditation within the meaning of subsection (1) sentence 2 no. 2. Section 8 sentence 2 applies accordingly in the case of limited accreditation by a Federal authority. The types and rates of charges are determined in accordance with the provisions governing the establishment and operation of the tolled roads.

Section 12

Tolled road networks coverage

(1) Within 36 months of registration, providers must conclude accreditation agreements for all tolled road networks with electronic road toll systems within the scope of 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 (OJ L 91, 29.3.2019, p. 45) in at least four Member States of the European Union and the other Contracting Parties to the

Agreement on the European Economic Area (coverage). Within 24 months of the conclusion of the first accreditation agreement in a Member State of the European Union or in another Contracting Party to the Agreement on the European Economic Area, providers must conclude accreditation agreements for all tolled road networks belonging to the toll service, provided the competent authority for collecting the toll on the respective tolled road network complies with the requirements of Article 6 (3) of Directive (EU) 2019/520. If the coverage of tolled road networks within the meaning of sentence 1 is no longer given, the provider must restore full coverage without delay.

(2) Providers registered with the Federal Logistics and Mobility Office must publish information on the tolled road networks they cover and any changes to them immediately after registration. Providers registered with the Federal Logistics and Mobility Office must publish within one month of registration detailed plans for the possible expansion of their services to other tolled road networks and update them annually. Providers registered with the Federal Logistics and Mobility Office must also submit by October 31 of each calendar year a declaration to the Federal Logistics and Mobility Office stating the tolled road networks on which they provide toll-related services. The Federal Logistics and Mobility Office checks at least once a year whether the providers registered with it still meet the requirements as defined in sentences 1 and 2. Section 6 (1) sentences 2 to 5 apply accordingly.

Section 13

Duties of providers towards users

(1) The providers' contractual terms may not discriminate on the basis of the user's nationality, country of residence or establishment, or the place of registration of the vehicle.

(2) Accredited providers are to provide their users upon request with on-board equipment that meets the technical requirements set out in Directive (EU) 2019/520, Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the rules and regulations of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62; L 16, 23.1.2015, p. 66), as amended by Regulation (EU) 2018/1139 (OJ L 212, 22.8.2018, p. 1) and Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (OJ L 96, 29.3.2014, p. 79), as amended by Regulation (EU) 2018/1139 (OJ L 212, 22.8.2018, p. 1). At the request of the Federal Logistics and Mobility Office, a provider is to prove that the requirement in compliance with sentence 1 is met.

(3) Accredited providers are obliged to offer users of their services information and technical support for the proper installation of each piece of on-board equipment.

(4) Providers registered with the Federal Logistics and Mobility Office must disclose to users before the conclusion of the contract the general conditions on which they base the contracts with their users. When a contract is concluded, providers must inform users of the valid means of payment to fulfil the contract.

(5) When issuing invoices to individual users, accredited providers are to clearly separate the service charges from the toll incurred. In any case, the time and section of the road where the toll is incurred and the composition of the toll applicable to the user must be indicated.

(6) The provisions on general terms and conditions otherwise remain unaffected.

Section 14

Further obligations of the providers

(1) Accredited providers are to ensure through their own internal controls that the toll-related services they provide always meet the requirements within the meaning of section 9 (1). In particular, they must have in place tested operating processes that provide for suitable measures in the event of performance problems or violations of the completeness and invariability of their data associated with the provision of toll-related services (violations of integrity) so that full performance is restored immediately or violations of integrity are eliminated immediately.

(2) Accredited providers are responsible for the correctness of the invariable vehicle classification parameters stored in on-board equipment and in the application of the mobile devices of their users or in their information systems within the scope of their toll-related services. In particular, accredited providers are liable to the Federal Government and the federal states for lost toll revenues resulting from incorrectly stored invariable vehicle classification parameters or from the fact that the configuration of variable or invariable vehicle classification parameters in the application of the mobile device differs from that in the on-board equipment.

(3) If the competent Federal or federal state authority calculates the toll that providers owe for the vehicles of their users, accredited providers make available to the authority the information required to calculate and collect the toll. If an accredited provider calculates the toll that it owes for the vehicles of its users, it must make available to the competent Federal or federal state authority all the information required to verify the calculation of the toll.

(4) Accredited providers must support the competent Federal or federal state authority in monitoring compliance with the obligation to pay tolls and in the subsequent collection of tolls. If there is a suspicion that a user has failed to pay a road fee, they must immediately submit to the authority the data on the vehicle involved and the owner or holder, insofar as this is necessary for the competent Federal or federal state authority to recover the toll.

Section 15

Rights and obligations of users

(1) Users can participate in the toll service via an accredited provider.

(2) Users must ensure that all user and vehicle information submitted to their provider regarding user and vehicle is correct.

(3) Users must ensure that the on-board equipment of their vehicle is functional during use on the tolled road networks belonging to the toll service. If the on-board equipment is controlled via an application on the user's mobile device, the user must ensure that the mobile device connected to the on-board equipment is functional during use on the tolled road networks belonging to the toll service. If there is more than one piece of on-board equipment in a vehicle, users must use the on-board equipment intended for the respective tolled road network.

(4) Users must use on-board equipment and the application on the mobile devices connected to the on-board equipment in accordance with the instructions of their provider or must ensure that the on-board equipment and the application are used in accordance with the instructions of their provider. Sentence 1 applies in particular with regard to the variable vehicle classification parameters.

(5) In accordance with the rules and regulations on which the respective toll collection is based, users fulfil their payment obligations to the respective authority responsible at Federal or federal state level for toll collection by paying the toll to their provider.

Section 16

Powers and duties of the authorities responsible for toll collection

(1) If the data of a toll system stored in the toll service register in accordance with section 21 (1) needs to be edited, the competent Federal or federal state authority is to immediately inform the Federal Logistics and Mobility Office in writing so that it can change the toll service register accordingly.

(2) The authorities responsible at Federal or federal state level for toll collection must recognize all functional pieces of on-board equipment from providers that have been accredited as laid down in section 10 (1), for which an EC declaration of conformity has been issued in accordance with section 23 (1), whose suitability for use has been proven in accordance with section 23 (2) and which are not on a list of invalidated on-board equipment in accordance with section 26.

(3) The authorities responsible at Federal or federal state level for toll collection may request an accredited provider to cooperate in unannounced in-depth reviews of its system to check vehicles that operate or have operated on the tolled road networks of these authorities in the

last three months. The number of vehicles that are subjected to such reviews in the course of a calendar year in connection with a particular provider must be in proportion to the provider's average annual traffic volume on the respective tolled road networks of these authorities or the corresponding traffic forecasts.

(4) If it is ascertained that accredited providers are unable to provide toll-related services through the fault of the Federal Government or a federal state, the competent authority is to ensure that a degraded mode of service is provided in which vehicles with the equipment referred to in subsection (2) can travel safely and with as little delay as possible, without the risk of users being charged with a violation of the toll collection regulations.

(5) The authorities responsible at Federal or federal state level for toll collection must work with registered providers, manufacturers or notified bodies to verify the suitability for use of interoperability constituents in their toll systems in compliance with section 22 (1).

(6) (Repealed)

Section 17

Toll context data

(1) The authority responsible at Federal or federal state level for toll collection specifies the toll context data required to calculate the toll for the respective tolled road network and to conduct the toll transaction.

(2) The toll context data includes:

1. the tolled road network, in particular its geographical extent and the infrastructure for which toll is levied;
2. the type of toll and the principles of collection;
3. the vehicles for which tolls are levied;
4. the vehicle classification parameters and their assignment to the Federal or federal state fee structure;
5. the required toll declaration data.

(3) The toll context data in subsection (2) as well as any change of such data are to be communicated to the Federal Logistics and Mobility Office electronically in accordance with the deadline specified in section 9 (2).

Section 18

Vehicle classification

(1) The calculation of the toll is to be regulated by the Federal Government and the federal states by means of a vehicle classification. Vehicles are classified solely according to Annex I of Delegated Regulation (EU) 2020/203.

(2) The Federal or federal state authority responsible for toll collection transmits to the Federal Logistics and Mobility Office and the Federal Ministry for Digital and Transport information on the introduction of new vehicle classification parameters at least six months before their introduction. The Federal Ministry for Digital and Transport informs the Commission, the other Member States of the European Union, the other Contracting Parties to the Agreement on the European Economic Area and the providers of the introduction of the new vehicle classification parameters at least six months before their introduction.

Section 19

Toll declarations

(1) If accredited providers calculate the toll owed for their users' vehicles, the Federal Government and the federal states can demand from an accredited provider payment of the toll owed for all user accounts managed by it

1. on the basis of a proven transmission of a toll declaration; and

2. in the event of a proven non-transmission of a toll declaration, on the basis of use of the tolled road network.

If the competent Federal or federal state authority calculates the toll owed for the vehicles of a provider's users, the Federal Government and the federal states can demand from an accredited provider payment of the toll owed for all user accounts managed by it

1. on the basis of a proven transmission of the position data and the vehicle classification parameters relevant to the amount of the toll for use of the tolled road network; and
2. in the event of a proven non-transmission of the position data and the vehicle classification parameters relevant to the amount of the toll on the basis of use of the tolled road network.

(2) In the case of microwave-based toll systems, as defined in section 2 no. 3, the authorities responsible at Federal or federal state level for toll collection must submit to the accredited providers the toll declarations for the tolls incurred by their respective users.

Section 20 Accounting

In order to avoid cross-subsidies, operators and providers must organize their accounting in such a way that a clear distinction can be made between expenditures and earnings in connection with their activities as operators or providers and expenditures and earnings in connection with other activities. For this purpose, they must keep separate accounts in their internal accounting system in the same way as would be required if the activity as an operator or provider and the other activities were carried out by legally independent companies. Information on expenditures and earnings in connection with the activity as an operator or provider must be provided to the Conciliation Body in compliance with section 28 (1) or to the competent court upon request. Accounting obligations under commercial and tax law remain unaffected.

Section 21 Toll service register

(1) The Federal Logistics and Mobility Office maintains and updates a national electronic toll service register ('Mautdienstregister'). The toll service register contains the following data:

1. tolled road networks with information on
 - a) the authority responsible for collecting the toll;
 - b) the tolling technologies employed;
 - c) the domain statements for the tolled road network in accordance with section 9;
 - d) the providers that are accredited to provide toll-related services pursuant to section 10 (1), or that are accredited to a limited extent pursuant to section 11 (1), whereby the type of accreditation must be specified;
2. the providers registered with the Federal Logistics and Mobility Office, as well as the conclusions of the regular audit in accordance with section 7 (2) sentence 3; and
3. the name and address of the single contact office in accordance with section 37, including its central e-mail address and its central telephone number.

The Federal Logistics and Mobility Office is authorized to collect, store and use the name of the legal representative of the provider for the purpose stated in sentence 1 in the cases of sentence 2 no. 1 (d) and sentence 2 no. 2. The data mentioned in sentence 3 is to be

deleted immediately if it is no longer required for the maintenance of the register mentioned in sentence 1 in an individual case.

(2) The Federal Logistics and Mobility Office updates the toll service register as required, in particular on the basis of the reviews in accordance with section 7 (2) sentence 1 and section 12 (2) sentence 3.

(3) The toll service register is to be published in the Federal Gazette in non-personal form.

(4) At the end of each calendar year, the Federal Logistics and Mobility Office transmits the toll service register to the Commission in non-personal form by electronic means. The Federal Logistics and Mobility Office notifies the Member State of the European Union or the Contracting Party to the Agreement on the European Economic Area in which the respective provider is registered, as well as the Commission, of any discrepancies between the data in the toll service registers transmitted by the other Member States of the European Union and the other Contracting Parties to the Agreement on the European Economic Area with regard to the situation in a Member State of the European Union or another Contracting Party to the Agreement on the European Economic Area.

Section 22

Requirements for interoperability constituents

(1) Interoperability constituents are elementary components, groups of components, subassemblies or complete assemblies of equipment incorporated or intended to be incorporated into electronic road toll systems as referred to in section 1 upon which the interoperability of the service depends directly or indirectly. They can include both tangible objects and intangible objects, in particular software.

(2) For the interoperability constituents, including the interfaces, the manufacturer must demonstrate that they comply with the requirements of Directive (EU) 2019/520, Commission Delegated Regulation (EU) 2020/203 of 28 November 2019 on classification of vehicles, obligations of European Electronic Toll Service users, requirements for interoperability constituents and minimum eligibility criteria for notified bodies (OJ L 43, 17.2.2020, p. 41) and Implementing Regulation (EU) 2020/204, as well as the laws applicable to the interoperability constituents in question (conformity of the interoperability constituents).

(3) For the interoperability constituents, including the interfaces, the manufacturer or supplier must demonstrate that they are able to achieve and maintain a toll collection performance when in service that meets the service quality requirements as set out in the domain statements (suitability for use of interoperability constituents).

Section 23

Assessment and marking of interoperability constituents

(1) The conformity of interoperability constituents is to be assessed by the manufacturer itself or by one or more notified bodies according to Annex III (I-IV) of Implementing Regulation (EU) 2020/204.

(2) The suitability for use of interoperability constituents is to be assessed by the authorities responsible at Federal or federal state level for toll collection or by one or more notified bodies according to Annex III (V) of Implementing Regulation (EU) 2020/204.

(3) Interoperability constituents may be CE-marked by the manufacturer or supplier if an EC declaration of conformity or suitability for use is available for them.

(4) Declarations of conformity or suitability for use are to be produced by the manufacturer of the interoperability constituents, the supplier or an authorized representative in accordance with the provisions of Annex III of Implementing Regulation (EU) 2020/204. The contents of the declarations must meet the requirements of Annex III (VI) of Implementing Regulation (EU) 2020/204. The declarations must indicate whether they relate to conformity with specifications or suitability for use.

(5) The authority responsible at Federal or federal state level for toll collection sets up a test environment for the tolled road network where a provider or its authorized representative can assess the suitability for use of its pieces of on-board equipment and receive a certificate confirming successful completion of the tests. Personal data may only be collected, stored

and used for the assessment if the individuals affected have given their consent. Personal data must be deleted immediately once the assessment has been completed. The competent authority may set up a uniform test environment for more than one tolled road network and allow an authorized representative of a provider to test the suitability for use of a type of on-board equipment for more than one tolled road network. The competent authority may impose a charge on the providers or their authorized representatives for performing the tests.

Section 24

Placing interoperability constituents on the market

(1) The placing on the market of interoperability constituents must not be prohibited, restricted or impeded, subject to subsection 2, if they bear the CE marking or have an EC declaration of conformity or suitability for use.

(2) Where the Federal Logistics and Mobility Office has reasons to believe that interoperability constituents bearing the CE marking and placed on the market will not meet the requirements of section 22 (2) or (3) or section 25 when used as intended, it can prohibit or limit the further placing on the market of such components or order their withdrawal or recall. The Federal Logistics and Mobility Office informs the Commission immediately of the measures that have been taken, stating the reasons, and explains in particular whether the components are not in conformity because

1. the technical specifications have not been duly applied; or
2. the technical specifications are not suitable.

(3) If interoperability constituents bearing the CE marking do not meet the requirements of section 22 (2) or (3), the Federal Logistics and Mobility Office must require the manufacturer or its authorized representative established in the European Union or in another Contracting Party to the Agreement on the European Economic Area to establish the conformity or suitability for use of the interoperability constituent in question in accordance with the applicable regulations. The Federal Logistics and Mobility Office informs the Commission and the competent bodies of the other Member States of the European Union and of the Contracting Parties to the Agreement on the European Economic Area accordingly.

(4) The Product Safety Act remains unaffected. The Federal Logistics and Mobility Office and the competent authorities under the Product Safety Act inform each other of the findings obtained and the measures taken with regard to interoperability constituents.

Section 25

Special requirements for the on-board equipment

(1) Toll-related services must be offered to users as a single, continuous service. In particular, this requires that the toll-related settings applied to a piece of on-board equipment and to the mobile device connected to it prior to the start of the journey with regard to vehicle classification parameters, including the variable measurement parameters, as well as the correct operational availability cannot be changed by the user during a journey.

(2) On-board equipment used for the toll service must be compatible with all electronic road toll systems in the Member States of the European Union and in the other Contracting Parties to the Agreement on the European Economic Area, which falls within the scope of Directive (EU) 2019/520, and with all vehicles.

(3) The variable vehicle classification parameters, which may change from one journey to another or during a journey and which can be entered in the vehicle itself, must be entered via a human-machine interface on the on-board equipment and in the application of the mobile device connected to the on-board equipment.

(4) Without prejudice to any approvals required under other rules and regulations, on-board equipment may also be used for other purposes and to facilitate other services, provided this does not interfere with the collection of road fees on any tolled road network. Providers may use on-board equipment for the toll service that uses own hardware and software or that

uses elements of other hardware and software present in the vehicle, provided that these meet the requirements of Articles 24, 25 and 32 of the General Data Protection Regulation (GDPR).

Section 26

List of invalidated on-board equipment

(1) For the purposes of limiting liability within the meaning of subsection (2), each accredited provider may keep lists of the pieces of on-board equipment of its users that it has invalidated. The accredited providers and the authorities responsible at Federal or federal state level for toll collection may collect, store, use and transfer the following data for the lists, insofar as this is necessary for the purpose stated in sentence 1:

1. identification number of the user that has been assigned the invalidated or revalidated on-board equipment;
2. identification number of the on-board equipment for which an invalidation or revalidation message has been received from the provider;
3. information on the validity of an entry;
4. point in time at which the provider has initiated the invalidation or revalidation;
5. point in time at which the on-board equipment has confirmed the invalidation or revalidation;
6. type of invalidation activity that has been performed for a piece of on-board equipment;
7. a unique identification number for data sets of the “invalidation or revalidation information” data type in the provider’s system.

This data may be stored, used and transmitted for purposes other than that mentioned in sentence 1 only for the purposes of this Act as well as of the Federal or federal state laws on which the toll collection is based if this is necessary in individual cases to achieve one of these purposes. It is not permitted to transmit, use or seize these data under other rules and regulations.

(2) If the authorities responsible at Federal or federal state level for toll collection have received a list of invalidated pieces of on-board equipment from an accredited provider as defined in subsection (1), the provider is not liable for any tolls incurred through the use of such invalidated pieces of on-board equipment contained in the list.

(3) The competent Federal or federal state authorities and the accredited providers are obliged to agree on the number of entries in the list of invalidated pieces of on-board equipment, the format of the list and the frequency of updates.

Section 27

Notified bodies

(1) Notified bodies are accredited bodies that have been notified pursuant to subsection 4 sentence 2 and that are authorized to perform or monitor the procedure for assessing conformity to specifications or suitability for use according to Annex III of Implementing Regulation (EU) 2020/204.

(2) The accreditation of the bodies based in Germany under subsection (1) is carried out by the national accreditation body within the meaning of Article 5 of Regulation (EC) No. 765/2008 in conjunction with section 2 (1) of the Accreditation Body Act.

(3) A valid accreditation within the meaning of Article 5 of Regulation (EG) Nr. 765/2008 in conjunction with section 2 (1) of the Accreditation Body Act certifies that the accredited body meets the requirements of Directive (EU) 2019/520 and of Annex III of Delegated Regulation (EU) 2020/203. The national accreditation body revokes the accreditation of an accredited

body if it no longer fulfils the requirements set out in sentence 1 or if it subsequently becomes known that the requirements were not fulfilled at the time of accreditation.

(4) The national accreditation body informs the Federal Logistics and Mobility Office of the issuance, amendment, revocation and expiry of accreditation pursuant to subsection (2). The Federal Logistics and Mobility Office notifies the Commission and the other Member States of the European Union and the other Contracting Parties to the Agreement on the European Economic Area on the basis of the information provided in accordance with sentence 1 of the bodies established in Germany in accordance with subsection (1), indicating the area of responsibility of each body and the identification numbers previously issued by the Commission.

(5) Where the Federal Logistics and Mobility Office is of the opinion that a body notified by another Member State of the European Union or by another Contracting Party to the Agreement on the European Economic Area does not meet the relevant criteria within the meaning of subsection (3) sentence 3, it informs the Electronic Toll Committee established pursuant to Article 31 (1) of Directive (EU) 2019/520.

Section 28

Establishment and functions of the Conciliation Body

(1) The Federal Ministry for Digital and Transport commissions a public authority or a private company to set up and operate the Conciliation Body. This must be announced by the Federal Ministry for Digital and Transport in the Federal Law Gazette.

(2) The Conciliation Body must be independent of both the interests of the authorities responsible at Federal or federal state level for toll collection and the commercial interests of the providers. It is not bound by instructions.

(3) The Conciliation Body has the task of facilitating conciliation between the competent authorities and the registered providers in cases where disputes arise in connection with the accreditation in accordance with section 10 and the limited accreditation in accordance with section 11. The Conciliation Body is authorized, in particular, to assess whether the contractual conditions imposed on the providers by the authorities responsible at Federal or federal state level for toll collection contain any discrimination and whether the providers are remunerated as laid down in section 10a.

(4) The Conciliation Body is authorized to collect, store and use the personal data contained in the contracts mentioned in subsection (3) sentence 1 or in the contractual conditions mentioned in subsection (3) sentence 2 to the extent necessary to perform the tasks mentioned in subsection (3).

(5) In the course of fulfilling its duties in accordance with subsection (3), the Conciliation Body is to safeguard any business and trade secrets of which it becomes aware and which are contained in the contracts or other documents.

(6) The Conciliation Body exchanges information on its work, guiding principles and procedures in non-personal form with the conciliation bodies of the other Member States of the European Union and of the other Contracting Parties to the Agreement on the European Economic Area.

Section 29

Organization and cost attribution of the Conciliation Body

(1) The Conciliation Body is composed of a decision-making body within the meaning of subsection (2) and an administrative office within the meaning of subsection (3).

(2) The decision-making body is composed of the chair and of assessors, whereby each party to the dispute is to appoint an assessor for each conciliation case. The chair of the decision-making body must be qualified to hold judicial office. The responsibilities of the chair of the decision-making body include:

1. notification pursuant to section 30 (1) sentence 2;
2. preparation and chairing of the meetings of the decision-making body;

3. requesting information in accordance with section 30 (2); and
 4. exchanging information in accordance with section 28 (6).
- (3) The administrative office is composed of the chair of the decision-making body and a secretariat; the chair of the decision-making body is the superior of the secretariat staff.
- (4) Each party to the dispute bears the costs of the assessor it appoints. The Federal Ministry for Digital and Transport bears the remaining costs of the Conciliation Body.

Section 30 Conciliation procedure

- (1) The authorities responsible at Federal or federal state level for toll collection and the registered providers may request the responsible Conciliation Body to conciliate in disputes in connection with the accreditation as referred to in section 10 and the limited accreditation as referred to in section 11 within the scope of its duties as laid down in section 28 (3). The chair of the decision-making body states within one month of receipt of a request for conciliation whether all the documents required for conciliation have been submitted. The Conciliation Body issues a statement on the dispute no later than six months after having received a request for conciliation.
- (2) The chair of the decision-making body may request information essential for the work of the Conciliation Body from the authorities responsible at Federal or federal state level for toll collection, from the provider involved and from third parties involved in providing the toll service in Germany. Section 28 (4) and (5) apply accordingly.

Section 31 Power to make ordinances

- (1) The Federal Ministry for Digital and Transport is authorized, by ordinance and with the consent of the Bundesrat, to determine,
1. with regard to the registration of providers,
 - a) the detailed requirements for registration, for the registration procedure and for the regular review of the registration requirements pursuant to sections 4 to 7;
 - b) the fees for assessing whether the registration requirements pursuant to sections 5 and 6 (1) as well as section 7 (2) sentence 1 are met;and,
 2. with regard to the toll service register,
 - a) the necessary details for the information in the toll service register in accordance with section 21 (1);
 - b) the procedural rules, review periods and update intervals for section 21 (2);
as well as
 - c) the reporting obligations of the Federal Logistics and Mobility Office vis-à-vis the register administration bodies of the other Member States of the European Union and of the other Contracting Parties to the Agreement on the European Economic Area as well as of the Commission in accordance with section 21 (4).
- (2) The Federal Ministry for Digital and Transport is authorized to issue procedural rules for the Conciliation Body pursuant to section 28 by means of an ordinance with the consent of the Bundesrat.

Section 32 Pilot toll systems

(1) In the interest of the technical development of the toll service referred to in section 3 (1), the Federal Government and the federal states may, for a limited period of time and in limited areas of their tolled road networks, as well as in parallel to their electronic road toll systems, authorize pilot toll systems within the meaning of section 3 that use new technologies or concepts that do not comply with one or more provisions of Directive (EU) 2019/520 or the provisions of this Act, with the exception of the data protection provisions and obligations to keep business and trade secrets contained herein and in other laws and regulations. Prior to such authorization, the competent Federal or federal state authority must obtain the necessary approval from the Commission.

(2) The initial period of such accreditation must not exceed three years.

(3) Providers are not required to participate in pilot tolling systems.

Section 33

Exchange of information on the failure to pay a road fee

The national contact points of the Member States of the European Union and of the Contracting Parties to the Agreement on the European Economic Area are authorized to exchange vehicle and owner or holder data in accordance with Article 23 of Directive (EU) 2019/520 for the purpose of identifying the vehicle and the owner or holder of the vehicle suspected of not having paid the toll or not having paid it in full or on time. National contact points for the information exchange are:

1. the Federal Motor Transport Authority for retrieval of vehicle and holder data by other Member States of the European Union and by Contracting States of the Agreement on the European Economic Area from the central vehicle register of the Federal Motor Transport Authority and
2. the Federal Logistics and Mobility Office for retrieval of vehicle and holder data from the vehicle registers of the other Member States of the European Union and of the other Contracting Parties to the Agreement on the European Economic Area.

Section 34

Retrieval of data from the Central Vehicle Register of the Federal Motor Transport Authority

(1) The Federal Motor Transport Authority is authorized to make available on the basis of an automated procedure under section 37a (1) of the German Road Traffic Act the vehicle and holder data listed in Annex I of Directive (EU) 2019/520 from the central vehicle register, insofar as these are stored in accordance with section 33 (1) of the German Road Traffic Act, to the national contact points of the other Member States of the European Union and of the Contracting Parties to the Agreement on the European Economic Area within the meaning of Article 23 (2) of Directive (EU) 2019/520. This applies to the extent that such transmission is necessary for the person retrieving the data to fulfil the purpose stated in section 33 sentence 1.

(2) The Federal Motor Transport Authority is to keep records of the retrievals. The records must contain the vehicle and holder data used for the retrieval, the date and time of the retrieval, the identification of the retrieving office and the data retrieved. The log data as defined in sentence 1 may only be used for the purpose of data protection control, data security or to ensure proper operation of the data processing system. Appropriate measures are to be taken to protect the log data against any use other than that intended. The log data is to be deleted after six months.

(3) When vehicle and holder data is retrieved, the Federal Motor Transport Authority is to record the reason for the retrieval. The records must also make it possible to identify the persons responsible for the retrieval.

(4) The transmission of vehicle and holder data in accordance with subsection (1) may only be carried out if the full registration number is used.

(5) Upon request, the Federal Motor Transport Authority must immediately inform the holder concerned of the data according to Annex I to Directive (EU) 2019/520 that is stored in accordance with section 33 (1) of the German Road Traffic Act and that has been transmitted to the Member State or the other Contracting Party to the Agreement on the European Economic Area in which the suspected failure to pay a road fee occurred. When making the request, the affected holder must specify the period for which the request is being made. The notification must include the date of the request and the competent authority of the Member State in question.

Section 35

Retrieval of data from the vehicle registers of the other Member States of the European Union and of the Contracting Parties to the Agreement on the European Economic Area

(1) The Federal Logistics and Mobility Office is authorized to transmit to a national contact point of another Member State of the European Union or of a Contracting Party to the Agreement on the European Economic Area within the meaning of Article 23 (2) of Directive (EU) 2019/520 the vehicle and holder data as specified in Annex I of Directive (EU) 2019/520 required for a retrieval of vehicle and holder data from the vehicle registers of the other Member States of the European Union and of the Contracting Parties to the Agreement on the European Economic Area. Data may be made available pursuant to sentence 1 insofar as this is necessary to fulfil the purpose stated in section 33 sentence 1. The Federal Logistics and Mobility Office may collect, store and use the vehicle and holder data obtained on the basis of an automated retrieval pursuant to sentence 1 from the national contact point referred to in sentence 1, insofar as this is necessary to fulfil the purpose referred to in section 33 sentence 1.

(2) The Federal Logistics and Mobility Office may transmit the vehicle and holder data in accordance with subsection (1) sentence 3 to the competent Federal or federal state authority, provided that it is not itself the competent authority. The transmission pursuant to sentence 1 may take place insofar as the transmission is necessary to fulfil the purpose stated in section 33 sentence 1 for the recipients of the transmission. The data referred to in sentence 1 is to be deleted by the Federal Logistics and Mobility Office immediately after it has been forwarded to the competent Federal or federal state authority.

(3) The Federal Logistics and Mobility Office is to keep records of the retrievals. The records must contain the vehicle and holder data used for the retrieval, the date and time of the retrieval, the identification of the retrieving office and the data retrieved. The logged data may only be used for the purpose of data protection control, data back-up or to ensure the proper operation of the data processing system. Appropriate measures are to be taken to protect the log data against any use other than that intended. The log data is to be deleted after six months.

(4) When data is retrieved, the Federal Logistics and Mobility Office is to record also the reason for the retrieval. The records must allow for identification of the persons responsible for the retrieval.

(5) The transmission of vehicle and holder data in accordance with subsection (1) may only be carried out if the full registration number is used.

(6) The competent Federal or federal state authority is authorized to transmit the vehicle and holder data required for a retrieval of vehicle and holder data in accordance with subsection (1) and listed in Annex I of Directive (EU) 2019/520 to a national contact point of another Member State of the European Union or a Contracting Party to the Agreement on the European Economic Area within the meaning of Article 23(2) of Directive (EU) 2019/520, insofar as this is necessary for the purpose referred to in section 33 sentence 1. The competent Federal or federal state authority may collect, store and use the data transmitted as a result of the retrieval of vehicle and holder data pursuant to subsection (1) sentence 3 and listed in Annex I of Directive (EU) 2019/520 for the purpose specified in section 33

sentence 1. The data within the meaning of sentence 2 is to be deleted by the competent Federal or federal state authority without delay

1. as soon as it has been established that the toll was paid and a request for reimbursement of the toll is not permissible or a request for reimbursement of the toll was not submitted within the prescribed period; or
2. as soon as a procedure for reimbursement of the toll has been concluded.

If it is found that the toll was not paid, the competent Federal or federal state authority is to delete the data within the meaning of sentence 2 immediately after the toll was paid. The data is to be deleted by the competent Federal or federal state authority no later than two years after the data within the meaning of sentence 2 has been stored for the first time.

(7) The Federal Ministry for Digital and Transport is to submit a comprehensive report to the European Commission by 19 April 2026, and thereafter by 19 April of every third year, in order to fulfil the reporting obligation on the basis of Article 26 of Directive (EU) 2019/520. The comprehensive report is to indicate the number of automated search requests sent by the Federal Logistics and Mobility Office to the national contact point of the Member State of registration in the event of a failure to pay a road fee, together with the number of requests that did not produce any results. The comprehensive report is to include also a description of the follow-up measures taken in response to the failure to pay a road fee and the number of information letters in accordance with section 36 sent due to the failure to pay a road fee.

Section 36

Information letters regarding the failure to pay a road fee

(1) If the competent Federal or federal state authority suspects that the toll has not been paid, has not been paid in full or has not been paid on time, and if it has identified the holder or owner of a motor vehicle on the basis of an exchange of information within the meaning of section 35, it sends the identified person an information letter according to Annex II to Directive (EU) 2019/520. The information letter must state:

1. the nature, place and time of the failure to pay;
2. the applicable rules and regulations; and
3. the legal consequences of the failure to pay.

(2) The information letter is to be sent:

1. in the language of the registration document of the vehicle; or
2. in one of the official languages of the Member State in which the vehicle is registered.

Section 37

Single contact office

(1) If at least two electronic road toll systems are operated in Germany, the Federal Ministry for Digital and Transport appoints a single contact office for providers.

(2) The single contact office is responsible for facilitating and coordinating contacts between the provider and the Federal or federal state authority responsible for collecting a toll in non-personal form at the request of a provider.

(3) The Federal Ministry for Digital and Transport publishes the name of the single contact office and its contact details in the Federal Law Gazette immediately after the appointment.

(4) The Federal Ministry for Digital and Transport makes available to interested providers the contact details of the single contact office upon request.