

Conditions to benefit from the toll modulation regime

1. Introduction:

1.1 Following the publication of decree order no. 41/2012 of 10th February, the toll modulation regime has been set, benefitting vehicles belonging to class 2, 3 and 4 which are used for public or serviced road freight transport, regulated by Decree-Law no. 257/200 of 16th June which approves the legal status of the Freight Transport Activity (RTRM), altered by Decree-Law no. 137/2008 of 21st July and by Decree-Law no. 136/2009 of 5th June.

1.2 The referred toll modulation regime is applicable to all above-mentioned vehicles, regardless of the nationality, country or premises location of the carrier, regardless as well of the origin and destiny of the transportation, provided that the vehicles comply with the carbon emission limits defined in art. No. 3 of Annex I of Decree-Law no. 60/2010 of 8th June.

1.3 The toll modulation regime consists in the application of the following rebates:

- **Daytime regime** – from Monday to Friday between 07:00 (am) and 20:59 (pm) – 10% discount over regularly charged toll;
- **Night time regime** – from Monday to Friday between 21h:00 (pm) and 06:59 (am) – 25% discount over regularly charged toll;
- **Saturdays, Sundays and national bank holidays** - 25% over regularly charged toll.

2. Application range:

Toll modulation is applicable on the following highway sections and subsections, covered by Decree-Law no. 67-A/2010 of 14th June and by Decree-Law no. 111/2011 of 28th November, which integrate the following concessions:

- Costa de Prata;
- Grande Porto;
- Norte Litoral;
- Algarve;
- Beira Interior;
- Interior Norte;
- Beiras Litoral and Alta.

3. Submitted documents:

3.1 Supporting evidence that the given vehicle is used for public or serviced freight transport, regulated by RTRM, by means of:

- i. License issued by the Institute for Road Transportation (IMTT I.P.) in case of vehicles with national Portuguese registration numbers;
- ii. Community license issued in accordance with the format included in Annex II of the (EU) Regulation no. 1072/2009 of the European Parliament and Council of 21st October in case vehicles are registered in other EU member states;
- iii. Authorization issued by the CEMT multilateral quota or by contingents for bilateral transport in accordance, respectively with the CEMT Council of Ministries, or the bilateral transportation agreements, established by the Portuguese Government, in case of vehicles registered in non EU member states.

3.2 Supporting evidence that the vehicle complies with the minimum carbon emissions corresponding to class "EURO III", in accordance with no. 3 of Annex I of Decree-Law no. 60/2010 of 8th June, in case of heavy-duty vehicles, or for light-duty vehicles in accordance with the amounts established in line A of chart II in Annex 32º to Decree-Law no. 202/2000 of 1st September, corresponding to class "Euro 3", by means of presenting:

- i. For vehicles with Portuguese national license plates: the Registration Certificate or a declaration by the vehicle manufacturer attesting the vehicle's carbon emissions, certified in terms of the deliberation by the IMTT Board to be published in the Journal of the Assembly of the Republic, in case of respectively vehicles registered prior to or after 1st February 2002;
- ii. For vehicles registered in foreign countries, the annotation of the vehicle's carbon emission class included in the Registration Certificate, as well as in the CEMT multilateral quota permit or in the permit of bilateral transportation quota or any other valid document issued by the administration of the origin country,

3.3 For vehicles with Portuguese national license plates, a declaration evidencing the inexistence of debt to the tax authority and social security by the company owning the vehicles.

3.4 For the purpose of submitting the qualification request, Via Verde Portugal, S.A. accepts copies of the above mentioned documents provided these are duly certified by the appointed authorities.

3.5 In case the above mentioned documents are not standardised or are issued in a non EU member state, these must be presented together with the official authenticated translation.

4. Service charge:

The submission of each qualification request or its renewal, regardless whether deferred or not, are subject to a service charge for each single vehicle payable to Via Verde Portugal, S.A.; these amounts are indicated in the Via Verde Portugal, S.A. price list, in accordance to no. 5 of art. 2º, of decree-order 41/2012 of 10th February. The respective amount is debited on the Card or Payment Account associated to the Via Verde tag.

5. Conditions:

5.1 In order to benefit from the toll modulation regime, vehicles must be equipped with a Via Verde tag, by means of a valid subscription contract.

5.2 In case of vehicles with Portuguese national license plates, these must be equipped with the Electronic Registration Device (DEM), which implies the conversion of the Via Verde tag to a DEM, implying furthermore the submission of the personal data to the IMTT with the purpose of being registered in the database, in accordance to decree order no. 314-A/2010 of 14th June, in its currently valid version.

5.3 Portuguese companies owning vehicles must have their social security and tax payments regularised.

5.4 The current toll modulation regime approved by decree order no. 41/2012 of 10th February is not cumulative to the positive discrimination regime regulated by decree order no. 1033-A/2010 of 6th October and Decree-Law no. 111/2011 of 28th November, by which the deferral of the qualification request to rebates foreseen by no. 1 of art 2º of the mentioned decree order no. 41/2012 implies the immediate and automatic cancellation of the positive discrimination regime. Hence Customers must analyse the most suitable regime, being the decision to subscribe to one or the other of the mentioned regimes, their own and sole responsibility.

6. Submission of Qualification Requests:

6.1 Qualification requests for the toll modulation regime as foreseen by decree order no. 41/2012 of 10th February, can be submitted to Via Verde Portugal, S.A., as of 11th April 2012.

6.2 Those requests submitted by 10th May 2012 (postal stamp or reception at Via Verde Portugal, S.A.) are entitled to a refund of the amounts resulting from the application of the rebate regime for travels done after 11th February 2012 or since the date of the initial use of the electronic device. Via Verde Portugal, S.A. will analyse the deferral of these requests within a period of 60 (sixty) days.

6.3 For requests to qualify for the toll modulation regime submitted after 10th May 2012, Customers may only benefit from rebates, after the date Via Verde Portugal deferred their requests.

6.4. Should any of the submitted documents not be in conformity with the terms of point 3 of this document, or in case of (a) missing document/s, Via Verde Portugal, S.A. will inform Customers they have 30 (thirty) days to regularise their request, being it subject to rejection if Customers fail to do so within the established period.

6.5. The calculation of refund amounts is the responsibility of the respective Agent/s or Operator/s and will be done by Via Verde Portugal, S.A., within a period of 60 (sixty) days after the qualification request has been deferred, as per no. 9 of art. 2º, of the decree order no. 41/2012, of 10th February 2012.

6.6. If Customers are entitled to a refund as per 6.2 and benefitted during the same period from exemptions as foreseen by decree order no. 1033-A/2010 of 6th October and Decree-Law no. 111/2011 of 28th November, the respective Agent/s and Operator/s(s) will make the necessary adjustments.

6.7. Refunds or debits resulting from the above mentioned situation, will be made through the Card or Payment Account associated to the respective Via Verde tag.

7. Deadline:

7.1. According to the terms of no. 13 of art. 2º of decree order no. 41/2012 of 10th February, after the qualification request has been deferred, the qualification will be effective for the same period as the submitted document with the soonest expiration date.

7.2. Any change to the license plate associated to the electronic device as well as the change of ownership of the same device determines the automatic cancellation of the toll modulation regime.

8. Renewal:

Whenever the qualification to the toll modulation regime expires, regardless of the reason of the expiration or whenever the request is definitely rejected by Via Verde Portugal, S.A., Customers must submit the documents listed under par. 3 of the present document and pay the service charge as foreseen under par. 4.

9. Responsibility:

9.1. In accordance to no. 6 of art. 2º, of the decree order no. 41/2012, of 10th February, Customers submitting a request to benefit from the toll modulation regime are responsible for the authenticity and conformity of the submitted documents, as established under par. 4 and 5 of the mentioned art. 2º.

9.2. After the qualification request has been deferred by Via Verde Portugal, S.A., should we or any other Agent/Operator in any given moment review or audit the qualification process and verify the non authenticity and conformity of the submitted documents, the toll modulation regime is automatically cancelled and Customers are responsible to return the amounts resulting from the rebate regime from which Customers have unduly benefitted from.