



FDf Ordinance on the Involvement of EETS and Fuel Card Providers in the Collection of the Heavy Vehicle Charge (FDf EETS and Fuel Card Providers Ordinance)¹

of 11 February 2020

The Federal Department of Finance (FDf),

based on Article 26b paragraph 2, Article 26c paragraph 3 second and third sentence, and Article 29 paragraphs 2^{ter} and 2^{quater} of the Heavy Vehicle Charge Ordinance of 6 March 2000² (HVCO),

ordains:

Chapter 1: General Provisions

Art. 1 Subject matter

¹ This Ordinance governs the following for the inclusion of EETS and fuel card providers in the collection of the performance-related heavy vehicle charge (performance-related HVC):

- a. the technical and operational requirements for EETS providers and fuel card providers;
- b. the procedure for checking approval as an EETS or fuel card provider;
- c. the amount of the remuneration for services rendered to the Federal Customs Administration (FCA) by EETS and fuel card providers.

² The technical and operational requirements are set out in:

- a. Annex 1 for EETS providers;
- b. Annex 2 for fuel card providers.

Art. 2 Approval

¹ Anyone wishing to be approved by the FCA as an EETS or fuel card provider must submit an approval request to the FCA for the relevant service.

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- 1 This is an unofficial translation. The official versions are available in German, French and Italian.
- 2 SR **641.811**

² During the approval procedure, applicants must demonstrate that they permanently meet the technical and operational requirements for the service for which approval is sought.

³ Anyone applying for approval as an EETS provider must designate an address for service in Switzerland.

Chapter 2: EETS Providers

Section 1: Approval Procedure

Art. 3 Test levels

¹ The approval procedure consists of four consecutive levels:

- a. Level 1: review of the formal request requirements, the completeness of the application documents in terms of content, and proof that the technical and operational requirements are met;
- b. Level 2: testing of operation in a test environment;
- c. Level 3: verification of the correct implementation of business processes with the EETS provider's test vehicles during the trial operation;
- d. Level 4: verification of the EETS provider's performance in the operating environment (pilot operation).

² Successfully completing one level is a prerequisite for progressing to verification at the next level.

³ The technical and operational requirements according to Annex 1 set out the details of what is verified at levels 2, 3 and 4, as well as the criteria that must be met.

Art. 4 Recognition of test results from other approval procedures

The FCA refrains from carrying out tests if the test results from an approval procedure in a country of the European Economic Area demonstrate that the technical and operational requirements in Annex 1 are met.

Art. 5 Decision

¹ If the EETS provider meets the requirements for levels 1 to 3, the FCA signs a public law approval contract with the EETS provider for pilot operation at level 4.

² If the EETS provider also meets the pilot operation requirements at level 4, the FCA issues a decision granting the EETS provider approval to collect the performance-related HVC electronically using EETS.

³ If the FCA grants approval, the approval contract under paragraph 1 also applies to regular operation.

⁴ If the FCA refuses approval, the approval contract automatically becomes void without any compensation. This applies even if the applicant appeals against the refusal to grant approval.

Art. 6 Change in circumstances

¹ The FCA may review the approval or individual approval levels once again if the circumstances change significantly on the part of the provider or the FCA.

² Such a review does not give rise to any claim for compensation on the part of the provider.

Art. 7 Approval requirements no longer met and breaches of duty

¹ If the approval requirements are no longer met or if the EETS provider violates statutory or contractual obligations, the FCA will first take the measures provided for in the approval contract.

² If these measures remain unsuccessful or if their implementation appears to be of no use, the FCA will suspend the approval and set the EETS provider a deadline for remedying the deficiencies, or else it will withdraw the approval.

Section 2: Duties of Providers

Art. 8 Provision of information to EETS users

EETS providers must inform EETS users of their duties in relation to the authorised on-board unit, in particular the correct trailer declaration and the procedure to be followed in the event of malfunctions.

Art. 9 Registration of the holder and the motor vehicles used

¹ EETS providers must record the following holder data with a view to the collection of the performance-related HVC:

- a. personal details;
- b. home address;
- c. language for correspondence;
- d. contract number.

² In addition, they must register the following data concerning the motor vehicles used by the holder:

- a. registration number with country code;
- b. weight;
- d. EURO emission class.

³ They must keep the registered data up to date.

Art. 10 Issuance of on-board units and blocking

¹ EETS providers issue EETS users with on-board units that are unique to the vehicles and that function properly for the collection of the performance-related HVC.

² EETS providers are responsible for blocking on-board units.

³ EETS providers may periodically notify the FCA of the on-board units that may no longer be used.

Art. 11 Recording and declaration of chargeable trips

¹ EETS providers record the data on their EETS users' chargeable trips that is needed for performance-related HVC collection in accordance with the technical specifications.

² Without being requested to do so and within 24 hours of the start of a chargeable trip, EETS providers transmit to the FCA the declaration data on the chargeable trip that is needed for performance-related HVC collection in accordance with the technical specifications.

³ On request, EETS providers allow the FCA to view all data and information required for verifying the declaration of chargeable trips.

Art. 12 Receipt of assessments

¹ EETS providers, in their capacity as authorised persons for service, receive HVC assessments from the FCA with effect for the persons liable to pay the charge.

² Assessments are sent to EETS providers electronically or in hard copy to their address for service in Switzerland.

³ Assessment forwarding depends on the relationship between the individual EETS provider and the person liable to pay the charge.

Art. 13 Payment of the charge

¹ After receipt of the invoice, EETS providers are obliged to pay the charge due to the FCA within a period of 30 days from the invoice date.

² They bear the collection risk in relation to the person liable to pay the charge.

³ If EETS providers block an on-board unit, their obligation to pay charges due after the blocking will not cease until:

- a. they have notified the FCA of the blocking; and
- b. the blocking is effective in accordance with the technical specifications when the EETS user enters the performance-related HVC area.

Art. 14 Complaints about assessments

¹ If persons liable to pay the charge complain to EETS providers about an assessment, the EETS providers must review the complaint and forward the outcome of the review to the FCA if they cannot deal with the complaint themselves.

² If the FCA considers the complaint to be justified, it corrects the corresponding assessment.

Art. 15 Provision of information to the FCA

¹ EETS providers must inform the FCA in advance if they intend to change their systems in a way that may have an impact on compliance with requirements.

² They must inform the FCA immediately if they no longer meet a technical or operational approval requirement.

³ They must inform the FCA in advance if they wish to cease their activity as EETS providers.

Art. 16 Involvement

¹ EETS providers are involved in the measurement of indicators concerning their performance.

² They agree any necessary improvements with the FCA.

³ EETS providers participate in the introduction of technical innovations, provided the FCA has announced them in advance.

Art. 17 Further duties

The FCA may contractually agree further duties with EETS providers in connection with the fulfilment of technical or operational requirements.

Section 3: Remuneration**Art. 18**

¹ All services rendered by EETS providers to the FCA in connection with electronic performance-related HVC collection using EETS are remunerated with a flat-rate payment.

² The flat rate amounts to 2.7% of the charges invoiced.

³ The percentage is reviewed periodically, but at least every five years, and adjusted if necessary in line with changed circumstances.

Chapter 3: Fuel Card Providers

Section 1: Approval Procedure

Art. 19 Review

The FCA reviews an approval request to determine whether it meets the formal requirements and is complete in terms of content, as well as whether the applicant meets the technical and operational requirements.

Art. 20 Decision

If the fuel card provider meets the formal requirements, as well as the technical and operational requirements, the FCA signs a public law approval contract with that provider.

Art. 21 **Change in circumstances**

¹ The FCA may review the approval once again if the circumstances change significantly on the part of the provider or the FCA.

² Such a review does not give rise to any claim for compensation on the part of the provider.

Section 2: Duties of Providers

Art. 22 Issuance of fuel cards and blocking

¹ Fuel card providers issue persons liable to pay the charge with personal fuel cards that function properly for the collection of the performance-related HVC.

² Fuel card providers are responsible for blocking fuel cards.

³ Fuel card providers may periodically notify the FCA of their fuel cards that are no longer valid.

Art. 23 Acceptance of card transactions and payment

¹ Fuel card providers accept the card transactions that their customers with valid cards carry out for the payment of the performance-related HVC, and pay the corresponding FCA invoice within 30 days of the invoice date.

² If fuel card providers block a card, their obligation to pay charges due after the blocking will not cease until:

- a. they have notified the FCA of the blocking; and
- b. the blocking is effective in accordance with the technical specifications when the fuel card user enters the performance-related HVC area.

Art. 24 Provision of information to the FCA

¹ Fuel card providers must inform the FCA in advance if they intend to change their systems in a way that may have an impact on compliance with requirements.

² They must inform the FCA immediately if they no longer meet a technical or operational approval requirement.

³ They must inform the FCA if they wish to cease their activity as fuel card providers.

Art. 25 Involvement

¹ Fuel card providers are involved in the measurement of indicators concerning their performance.

² They agree any necessary improvements with the FCA.

³ Fuel card providers participate in the introduction of technical innovations, provided the FCA has announced them in advance.

Art. 26 Further contractual duties

The FCA may contractually agree further duties with fuel card providers in connection with the fulfilment of technical or operational requirements.

Section 3: Remuneration**Art. 27**

¹ All services rendered by fuel card providers to the FCA in connection with the use of fuel cards in Swiss territory are remunerated with a flat-rate payment.

² The flat rate amounts to 1.7% of the charges invoiced.

³ The percentage in paragraph 2 is reviewed periodically, but at least every five years, and adjusted if necessary in line with changed circumstances.

Chapter 4: Final Provisions**Art. 28** Transitional provision

Contracts entered into with fuel card providers prior to this Ordinance coming into force remain valid. This is without prejudice to the amendment or termination of contracts provided for in such contracts.

Art. 29 Commencement

This Ordinance comes into force on 1 March 2020.

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Federal Department of Finance:

Ueli Maurer

Annex 1

(Art. 1 para. 2 lit. a, Art. 4 para. 3 and Art 4a)

Technical and operational requirements for EETS providers³

³ The text of this Annex is not published in the AS. It can be downloaded free of charge from www.ezv.admin.ch > Information companies > Road taxes, vehicles, vehicle drivers, travel documents > Heavy vehicle charges (performance-related and lump-sum HVC) > HVC – General/Rates > EETS Providers

Annex 2
(Art. 1 para. 2 lit. b)

Technical and operational requirements for fuel card providers⁴

⁴ The text of this Annex is not published in the AS. It can be downloaded free of charge from www.ezv.admin.ch > Information companies > Road taxes, vehicles, vehicle drivers, travel documents > Heavy vehicle charges (performance-related and lump-sum HVC) > HVC – General/Rates > Fuel Card Providers