Commission Implementing Regulation (EU) 2019/1916 of 15 November 2019 laying down detailed provisions as regards the use of rear aerodynamic devices pursuant to Council Directive 96/53/EC

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic[(1)], and in particular Article 8b(4) thereof,

Whereas:

(1) Improved aerodynamic performance of vehicles has a significant potential to reduce fuel consumption and thus to reduce CO_2 emissions. However, significant improvements in the aerodynamic performance of vehicles are not possible unless the authorised dimensions of road vehicles, including aerodynamic devices, allow this. Therefore, Directive 96/53/EC was amended in order to provide derogations to the maximum authorised length for vehicles, at the front and at the rear, subject to certain conditions.

(2) To ensure the safety of retractable or foldable aerodynamic rear devices, the situations where such devices may be used, or closed, should be specified, in particular, with regard to the proximity of other road users, the special characteristics of the area and the speed limits. The compatibility of retractable or foldable aerodynamic rear devices with intermodal transport operations should also be ensured, notably when manoeuvring on and off intermodal transport units and to withstand wind forces when being transported on such units.

(3) It should also be noted that vehicles or vehicle combinations which are mounted with aerodynamic rear devices shall comply with the requirements of Directive 96/53/EC, and in particular those relating to the swept circle set out in point 1.5 of its Annex I.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 10i(2) of Directive 96/53/EC,

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1916. (See end of Document for details)*

Article 1

Subject matter

This Regulation lays down detailed provisions for the use of aerodynamic rear devices mounted on vehicles and vehicle combinations in accordance with Directive 96/53/EC.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

(a) 'devices' means aerodynamic devices mounted at the rear of vehicles or vehicle combinations;

(b) 'in-use position' means the position of devices in a deployed aerodynamic drag-reducing position;

(c) 'closed position' means the position of devices in a folded or retracted position, which is safely secured.

Article 3

Operational conditions

[[F1]1 Member States may prohibit the circulation of vehicles or vehicle combinations equipped with devices in the in-use position in view of the special characteristics of urban or interurban areas where speed limits are 50 km/h or lessand where vulnerable road users are likely to be present.**]**

2 The devices shall be in the closed position in situations or areas where special attention or consideration is necessary. This may occur:

a while manoeuvring, reversing or parking the vehicle;

b when the vehicle is parked;

c while loading or unloading goods.

3 The use of devices in intermodal transport operations shall be subject to the following requirements:

a in preparation of and during intermodal transport the devices shall be in the closed position;

b the devices shall not protrude more than 25 mm on each side of the vehicle and the total width of the vehicle including the devices shall not exceed 2 600 mm;

4 Defective, unsafe or malfunctioning devices shall be kept in the closed position or, where possible, immediately removed.

5 By way of exception to paragraphs 2 and 3(a), devices are not required to be in the closed position where, in accordance with Part B point 1.3.1.1.3, Part C point 1.3.1.1.3, and Part D point 1.4.1.1.3 of Annex I to Regulation (EU) No 1230/2012, they are not required to be retractable or foldable if the maximum dimensional requirements are complied with under all conditions.