Commission Regulation (EU) 2019/1892 of 31 October 2019 amending Regulation (EU) No 1230/2012 as regards type-approval requirements for certain motor vehicles fitted with elongated cabs and for aerodynamic devices and equipment for motor vehicles and their trailers (Text with EEA relevance)

COMMISSION REGULATION (EU) 2019/1892

of 31 October 2019

amending Regulation (EU) No 1230/2012 as regards type-approval requirements for certain motor vehicles fitted with elongated cabs and for aerodynamic devices and equipment for motor vehicles and their trailers

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor[(1)], and in particular Article 14(1)(a) thereof,

Whereas:

(1) Commission Regulation (EU) No 1230/2012[(2)] implements Regulation (EC) No 661/2009 through laying down requirements for the EC type-approval of motor vehicles and their trailers with regard to their masses and dimensions.

(2) Aerodynamic devices and equipment, such as for instance retractable or foldable flaps attached to the rear of trucks and their trailers, as well as aerodynamic devices and equipment for cabs are currently available technology with a potential for improving the aerodynamic performance of vehicles. However, due to their design, those devices and equipment may project beyond the outermost part at the front, back or laterally of the vehicles on which they are fitted. Therefore, vehicles fitted with such devices and equipment should be exempted from the requirements relating to the standard dimensions.

(3) Council Directive 96/53/EC[(3)] was amended by Directive (EU) 2015/719 of the European Parliament and of the Council[(4)] and by Regulation (EU) 2019/1242 of the European Parliament and of the Council[(5)] to provide for a derogation from the maximum length and weight restrictions in order to allow the use of motor vehicles with improved aerodynamic characteristics and alternatively fuelled or zero-emission motor vehicles, respectively, in cross-border traffic.

(4) With a view to ensuring coherence between EC type-approval legislation and the harmonised rules for road vehicles circulating within the Union, it is necessary to lay down type-approval requirements for motor vehicles with elongated cabs and for

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aerodynamic equipment or devices in order to ensure that they provide benefits in terms of energy performance, better visibility for drivers, safety to other road users as well as safety and comfort for drivers.

(5) It is not possible for an approval authority to certify that a type of aerodynamic device and equipment satisfies the relevant technical requirements independently of a vehicle. Such aerodynamic devices and equipment should therefore be type-approved in relation to one or more specified types of vehicles or in relation to generic vehicles for which the precise dimensions and material specifications at the installation location are defined. For that reason, they should be type-approved as separate technical units and the specific requirements for their approval before being placed on the market should be set out. Elongated cabs should be subject to a vehicle type-approval, respectively, as required by Directive 96/53/EC.

(6) Compliance with the upcoming CO_2 emission standards for heavy duty vehicles will require the application of various technologies to improve energy efficiency. One of the most efficient measures to improve energy efficiency is to reduce air drag of motor vehicles.

(7) Retractable or foldable aerodynamic devices attached to the rear of trucks and their trailers and aerodynamic devices and equipment of cabs should be constructed in such a way to ensure that they do not impair the capability of the vehicle to be used for intermodal transport. Therefore, the maximum width of 2,60 m should apply to all vehicles, including the refrigerated ones. In addition, the aerodynamic devices should be able to resist the displacement of air generated by operational circumstances in intermodal transport.

(8) Alternatively fuelled or zero-emission motor vehicles should benefit from extra weight allowance. The additional weight required for the alternative fuel or zero-emission technology should be clearly indicated on the manufacturer's statutory plate.

(9) Regulation (EU) No 1230/2012 should therefore be amended accordingly.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee – Motor Vehicles,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1230/2012 is amended as follows:

(1) in Article 1, paragraph 1 is replaced by the following:

1. This Regulation lays down the requirements for the EC type-approval of motor vehicles and their trailers with regard to their masses and dimensions as well as of certain separate technical units intended for those vehicles.;

(2) Article 2 is amended as follows:

(a) points (25) and (26) are replaced by the following:

(25) "wheelbase" means the following:

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(a) for motor vehicles and drawbar trailers, the horizontal distance between the centre of the first and the last axle;

(b) for centre-axle trailers, semi-trailers and rigid drawbar trailers, the distance between the vertical axis of the coupling and the centre of the last axle;

(26) "axle spacing" means the distance between two consecutive axles; for centre axle trailers, semi-trailers and rigid drawbar trailers, the first axle spacing is the horizontal distance between the vertical axis of the front coupling and the centre of the first axle;;

(b) point (33) is replaced by the following:

(33) "rear swing-out" means the distance between the initial point and the actual extreme point reached by the rear end of a vehicle when manoeuvring in the conditions specified in Section 8 of Part B of Annex I or in Section 7 of Part C of that Annex;;

(c) the following point (41) is added:

(41) "aerodynamic devices and equipment" mean devices or equipment that are designed to reduce the aerodynamic drag of road vehicles, with the exception of elongated cabs.;

(3) the following Articles 4a and 4b are inserted:

Article 4a

EC separate technical unit type-approval of aerodynamic devices and equipment

1 The manufacturer or his representative shall submit to the type-approval authority the application for EC type-approval of an aerodynamic device or equipment as a separate technical unit.

The application shall be drawn up in accordance with the model of the information document set out in Part C of Annex V.

2 If the relevant requirements set out in this Regulation are met, the approval authority shall grant an EC separate technical unit type-approval and issue a type-approval number in accordance with the numbering system set out in Annex VII to Directive 2007/46/EC

A Member State shall not assign the same number to another type of separate technical unit.

3 For the purposes of paragraph 2, the type-approval authority shall deliver an EC type-approval certificate established in accordance with the model set out in Part D of Annex V.

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Article 4b

EC separate technical unit type-approval mark

Every separate technical unit conforming to a type in respect of which EC separate technical unit type-approval has been granted pursuant to this Regulation shall bear an EC separate technical unit type-approval mark as set out in Part E of Annex V.;

(4) Annex I is amended in accordance with Annex I to this Regulation;

(5) Annex V is amended in accordance with Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 October 2019.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX I

Annex I to Regulation (EU) No 1230/2012 is amended as follows:

(1) in Part A, point 1.3 is replaced by the following:

1.3. The devices and equipment referred to in Appendix 1 shall not be taken into account for the determination of the length, width and height.;

(2) Part B is amended as follows:

(a) point 1.3 is replaced by the following:

1.3. The devices and equipment referred to in Appendix 1 shall not be taken into account for the determination of the length, width and height.;

(b) the following points 1.3.1. to 1.3.1.3. are inserted:

1.3.1. Additional requirements for aerodynamic devices referred to in Appendix 1

1.3.1.1. Aerodynamic devices and equipment not exceeding 500 mm in length in the in-use position shall not increase the overall usable cargo space. They shall be constructed in such a way as to make it possible to lock them in the retracted or folded and the in-use positions. Such devices and equipment shall furthermore be constructed so as to be retractable or foldable when the vehicle is at stand-still in such a way that the maximum authorised width of the vehicle referred to in point 1.1.2. is not exceeded by more than 25 mm on each side of the vehicle and the maximum authorised length of the vehicle referred to in point 1.1.1. is not exceeded by more than 200 mm as permitted only from a height above the ground of at least 1 050 mm so that they do not impair the capability of the vehicle to be used for intermodal transport. In addition, the requirements set out in points 1.3.1.1.1 and 1.3.1.1.3. shall be met.

1.3.1.1.1. The devices and equipment shall be type-approved in accordance with this Regulation.

1.3.1.1.2. It shall be possible for the operator to vary the position of the aerodynamic device and equipment, and to retract or fold it, by applying a manual force not exceeding 40 daN. In addition, this may be done automatically as well.

1.3.1.1.3. It is not required for devices and equipment to be retractable or foldable if the maximum dimensional requirements are fully complied with under all conditions.

1.3.1.2. Aerodynamic devices and equipment exceeding 500 mm in length in the in-use position shall not increase the overall usable cargo space. They shall be constructed in such a way as to make it possible to lock them in both the retracted or folded and the in-use positions. Such devices shall furthermore be constructed so as to be retractable or foldable when the vehicle is at stand-still in such a way that the maximum authorised width of the vehicle referred to in point 1.1.2. is not exceeded by more than 25 mm on each side of the vehicle and the maximum authorised length of the vehicle referred to in point 1.1.1. is not exceeded by more than 200 mm as permitted only from a height above the ground of at least 1 050 mm so that they do