Commission Implementing Regulation (EU) 2019/1213 of 12 July 2019 laying down detailed provisions ensuring uniform conditions for the implementation of interoperability and compatibility of on-board weighing equipment pursuant to Council Directive 96/53/EC (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1213

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laying down detailed provisions ensuring uniform conditions for the implementation of interoperability and compatibility of on-board weighing equipment pursuant to Council Directive 96/53/EC

(Text with EEA relevance)

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[(1)], and in particular Article 10d(5) thereof,

Whereas:

(1) On-board weighing equipment is an option provided for the Member States by Directive 96/53/EC for carrying out the control of vehicles or vehicle combinations which may be overloaded.

(2) In line with the second paragraph of Article 10d(5) of Directive 96/53/EC, in order to ensure interoperability, the on-board weighing equipment has to be able to transmit weight data at any time from a moving vehicle to the competent authorities and to the driver through an interface defined by CEN DSRC standards. Technical specifications adapting the content of the standards to the specificities of the information to be provided by on-board weighing equipment should therefore be adopted.

(3) On-board weighing equipment may be fitted in motor vehicles as well as in trailers and semi-trailers. It is necessary to guarantee that on-board weighing equipment fitted in different vehicles of a vehicle combination is mutually compatible. Compatibility should be ensured by the implementation of European standards on C-ITS as referred to in the delegated act supplementing Directive 2010/40/EU of the European Parliament and of the Council[(2)] with regard to the deployment and operational use of cooperative intelligent transport systems.

(4) Member States mandating the instalment of on-board weighing equipment should be able to exempt from that obligation vehicles or vehicle combinations for which it is impossible to exceed the maximum authorised weight, such as trailers or semitrailers specifically designed for the carriage of liquids or livestock.

(5) The use of on-board weighing equipment for the purpose of enforcement may trigger attempts of manipulation, as is the case with other vehicle systems, such as the

digital tachograph or the systems for the restriction of emissions. In order to keep an appropriate level of security against manipulation, the communication between motor vehicle and trailer or semi-trailer must be secured. In addition, on-board weighing equipment should be certified according to the Common Criteria, by a certification body recognised by the Management Committee within the framework of the 'Mutual Recognition Agreement of Information Technology Security Evaluation Certificates' of the Senior Officials Group on Information Systems Security (SOG-IS).

(6) Member States which opt for the installation in the vehicle of on-board weighing equipment should ensure that the vehicles undergo inspections of that equipment by OBW-workshops. In order to ensure the uniform implementation of the interoperability rules set out in this Regulation, those workshops should guarantee that the on-board equipment is operating with the appropriate level of accuracy. Those workshops may be, subject to necessary adjustments, testing centres referred to in Directive 2014/45/EU of the European Parliament and of the Council[(3)], workshops referred to in Regulation (EU) No 165/2014 of the European Parliament and of the Council[(4)], or any other workshop respecting the requirements of this Regulation. Member States which do not opt for introducing on-board weighing equipment on the grounds of Article 10d(1) of Directive 96/53/EC should not need to set up those workshops.

(7) The current state of the technology does not make possible the implementation of neither CEN DSRC nor C-ITS communication standards in on-board weighing equipment by 27 May 2021. A phased approach should therefore be adopted for the implementation of on-board weighing equipment so that industry is able to develop products compliant with the requirements of this Regulation, and in particular with its Annex II and certain requirements of Annex III. The Member States which opt for the installation in the vehicle of on-board weighing equipment should, by 27 May 2021, apply the requirements referring to stage 1 set out in Annexes I and III. An additional period of three years should be granted for the application of requirements set out in Annex II and those referring to stage 2 set out in Annexes I and III.

(8) Member States may take specific measures to require that the vehicles to be checked by the competent authorities in order to ensure compliance with Directive 96/53/EC and which are put into circulation as of 27 May 2021 and registered in their territory, are fitted with an on-board weighing equipment. Vehicles put into circulation and registered before that date should not need to be retrofitted with such an equipment.

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

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1 This Regulation lays down uniform conditions for the interoperability and compatibility of on-board weighing equipment installed in vehicles or vehicle combinations for the purpose of ensuring compliance with Article 10d(4) to (5) of Council Directive 96/53/EC

or the requirements on maximum weight for national traffic of the Member State where the vehicle is in use.

2 This Regulation shall not apply to Member States which have not opted for the introduction of on-board weighing equipment in accordance with Article 10d(1) of Directive 96/53/EC.

3 Member States may exempt from the obligation requiring the instalment of on-board weighing equipment in vehicles or vehicle combinations the design or type of load of which makes it impossible to exceed the maximum authorised weight. Those exemptions shall not be based on the technically permissible maximum laden mass of a vehicle indicated by the manufacturer. The vehicles or vehicle combinations which benefit from an exemption may still be subject to control by the competent authorities of the maximum authorised weight.

Article 2

Definitions

The following definitions shall apply:

(a) ‘on-board weighing equipment’ (‘OBW’) means the equipment on-board a vehicle that is able to determine the total weight or the axle weight;

(b) ‘total weight’ means the total weight of a motor vehicle and, in case of a vehicle combination, of the vehicle combination as determined by the OBW, in kilogram;

(c) ‘axle weight’ or ‘axle load’ means the weight of a laden axle or group of axles as determined by the OBW, in kilogram;

(d) ‘calculated weight’ or ‘weight value’ means either the total weight or the axle weight, in kilogram;

(e) ‘motor vehicle unit’ (‘MVU’) means the part of the OBW placed in the motor vehicle, excluding the sensors, able to collect, store, process data and to calculate a weight value resulting from those data;

(f) ‘trailer unit’ (‘TU’) means the part of the OBW placed in a trailer or semi-trailer, excluding the sensors, able to collect, store, process data from the trailer or semi-trailer equipment and to calculate axle weight values resulting from those data;

(g) ‘dedicated short range communication vehicle unit’ (‘DSRC-VU’) means the ‘remote early detection facility’, as referred to in Appendix 14 to Annex IC to Commission Implementing Regulation (EU) 2016/799[(5)], able to receive the OWS data from either the MVU or the C-ITS station and to send it to the REDCR;

(h) ‘remote early detection communication reader’ (‘REDCR’) means the remote early detection communication reader held by the enforcement authorities, which is able to read the OWS data transmitted by the DSRC-VU. The REDCR may be the same device as the one used for reading the RTM data pursuant to Regulation (EU) 2016/799, although both the transmission of the RTM data and that of the OWS data shall be carried out under separate requests from the REDCR;

(i) ‘weight data’ means the raw data transmitted between elements of the OBW that must be processed in order to obtain the calculated weight;

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1213. (See end of Document for details)*

(j) 'on-board weighing system data' ('OWS data') means the secured data of defined format requested by the REDCR from the DSRC-VU;

(k) 'sensor' means the element of the OBW that is able to generate weight data by measuring specific physical parameters, being those data used by either the MVU or the TU for further processing;

(l) 'cooperative intelligent transport systems station' ('C-ITS station') means the C-ITS station within the meaning of the delegated act supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the deployment and operational use of cooperative intelligent transport systems, adopted on the basis of Article 6(1) of that Directive;

(m) 'address assignment phase' means the preliminary phase of electronic communication between vehicles of a vehicle combination whereby a position is assigned to each vehicle.

(n) 'on-board weighing equipment workshop' ('OBW-workshop') means a workshop authorised by a Member State to perform inspections of on-board weighing equipment.

Article 3

Certificates policy

Member States shall ensure that there is at least one root certification authority, an enrolment authority and an authorisation authority able to carry out, for the purpose of on-board weighing equipment, the functions set out in the Certificate Policy for Deployment and Operation of European Cooperative Intelligent Transport Systems (C-ITS) referred to in the delegated act supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the deployment and operational use of cooperative intelligent transport systems, adopted on the basis of Article 6(1) of that Directive.

Article 4

Periodic inspections

1 On-board weighing equipment shall be subject to a periodic inspection by an OBW-workshop every two years following its installation in the vehicle or vehicle combination.

2 Periodic inspections shall be performed in accordance with Annex IV.

3 The inspections shall ensure that the following requirements are complied with:

a the on-board weighing equipment has been fitted in accordance with the documentation provided by the manufacturer and is appropriate for the vehicle;

b the on-board weighing equipment is working properly and accurately delivers the weight values;

c there are no manipulation devices attached to the on-board weighing equipment or traces of use of such devices.

4 At the end of the inspection, the OBW-workshop shall issue an inspection report of the on-board weighing equipment. A copy of the report shall be kept in the vehicle.

5 The inspection report shall contain, at least, the following information:

a vehicle identification number (VIN number or chassis number);

b place and date of the test;

c test passed (yes/no);

d identified deficiencies, including manipulation, as well as the remedies adopted;

e date of the next periodic inspection or date of expiry of the current certificate, if this information is not provided by other means;

f Name, address and identification number of the OBW-workshop and signature or identification of the inspector responsible for the inspection;

g the mark, type, identification number, number of type examination certificate and date of last verification of the certified weighing device used for the periodic inspection.

6 Inspection reports shall be retained for a minimum period of two years from the time the report was made, although Member States may decide that the inspection reports are sent to the competent authority during that period. In cases where the inspection reports are kept by the OBW-workshop, the latter shall make available the reports of inspections and calibrations carried out during that period upon request from the competent authority.

Article 5

OBW-workshops

1 Member States shall approve, regularly audit and certify the OBW-workshops allowed to perform inspections of on-board weighing equipment.

2 Member States shall ensure that OBW-workshops located in their territories perform inspections of on-board weighing equipment in a reliable way. For that purpose, they shall establish and publish a set of procedures ensuring that the following minimum criteria are met:

a the staff of the OBW-workshop is properly trained;

b the equipment necessary to carry out the relevant tests and tasks is available and has been certified according to Directive 2014/31/EU of the European Parliament and of the Council[(6)] or Directive 2014/32/EU of the European Parliament and of the Council[(7)];

c the workshops are of good repute.

3 OBW-workshops shall be subject to the following audits:

a at least every five years, to an audit performed by a supervising body on the procedures applied when handling on-board weighing equipment. The audit shall focus on the tasks and activities laid down in point 1 of Annex V to Directive 2014/45/EU; the supervising body shall fulfil the requirements laid down in point 2 of that Annex;

b unannounced technical audits may also take place in order to check the installations, inspections and, where appropriate, calibrations carried out.

4 Member States shall take appropriate measures to prevent conflicts of interests between OBW-workshops and transport undertakings. In particular, where there is a serious risk of conflict of interests, including the ownership of OBW-workshops by transport undertakings, additional specific measures shall be taken to ensure that OBW-workshops comply with this Article.

5 The competent authorities of the Member States shall publish on their websites an updated list of OBW-workshops, with at least the following data:

a workshop identification number and name of [entity/entities constituting] the workshop;