Commission Regulation (EU) No 1230/2012 of 12 December 2012 implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council with regard to type-approval requirements for masses and dimensions of motor vehicles and their trailers and amending Directive 2007/46/EC of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION REGULATION (EU) No 1230/2012

of 12 December 2012

implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council with regard to type-approval requirements for masses and dimensions of motor vehicles and their trailers and amending Directive 2007/46/EC of the European Parliament and of the Council

(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,

Having regard to Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)[(2)], and in particular Article 39(2), (3) and (5) thereof,

Whereas:

(1) Regulation (EC) No 661/2009 is a separate Regulation for the purposes of type-approval provided for in Directive 2007/46/EC.

(2) Regulation (EC) No 661/2009 repeals Council Directive 92/21/EEC of 31 March 1992 on the masses and dimensions of motor vehicles of category M_1[(3)] as well as Directive 97/27/EC of the European Parliament and of the Council of 22 July 1997 relating to the masses and dimensions of certain categories of motor vehicles and their trailers and amending Directive 70/156/EEC[(4)]. The requirements relating to the masses and dimensions of motor vehicles and their trailers set out in those Directives should be carried over to this Regulation and where necessary, amended in order to adapt them to the development of technical and scientific knowledge.

(3) Regulation (EC) No 661/2009 lays down fundamental provisions on requirements for the type-approval of motor vehicles and their trailers with regard to their masses and dimensions. Therefore, it is necessary to also set out the specific procedures, tests and requirements for such type-approval.

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(4) 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[(5)] lays down certain maximum authorised dimensions for both national and international traffic in the Member States. It is therefore important to take into account, for the purposes of the construction of vehicles, the dimensions which have already been harmonised in the Union in order to foster and ensure the free circulation of goods.

(5) Directive 97/27/EC allowed Members States to grant EC type-approval for vehicles the outermost dimensions of which did not match the maximum authorised dimensions provided for in that Directive. It also allowed Member States to refuse registration of vehicles that had been granted EC type-approval when their outermost dimensions did not meet the requirements of their national law. It is important to maintain the possibility to allow under certain conditions the type-approval of vehicles which exceed the authorised limits where this proves to be advantageous for road traffic and for the environment in the Member States where the road infrastructure is adapted to that situation. Therefore, the possibility to approve such vehicles under small series type-approval or individual approval schemes should be ensured, provided that the quantity of vehicles that may benefit from a derogation pursuant to Article 23 of Directive 2007/46/EC as regards the maximum authorised dimensions is limited to what is necessary for the purposes of this Regulation. Annex XII to Directive 2007/46/EC should therefore be amended to include such quantitative limits.

(6) Directive 96/53/EC lays down maximum authorised masses that are applicable only to international traffic. However, that Directive allows the Member States to continue to apply their national legislation for national traffic. As a consequence, the harmonisation of the technically permissible maximum laden mass and the technically permissible maximum mass on the axles or on a group of axles for the purposes of circulation in the Member States does not appear to be feasible in the short term. Nevertheless, due to the existence of non-harmonised rules on the construction of the road infrastructure, it is appropriate to require Member States to determine the registration/in service maximum permissible masses of vehicles that are permitted for national traffic or for international traffic under Directive 96/53/EC and to establish a procedure for such determination.

(7) Given the experience gained in the application of Union legislation concerning masses and dimensions of vehicles, it is necessary to provide for clearly defined concepts. Some of those concepts have already been defined in Directives 97/27/EC and 92/21/EEC. For reasons of consistency, its is appropriate to take over those definitions and, where necessary, to adapt them in the light of technical and scientific knowledge.

(8) Given that the definition of the actual mass of an individual vehicle has been included in this Regulation, it is necessary, in order to avoid confusion in filling in the certificate of conformity, to amend Annex IX to Directive 2007/46/EC accordingly.

(9) Since the White Paper ‘Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system’[(6)] has underlined the need to improve the aerodynamic performance of road vehicles and research has shown that fuel consumption of motor vehicles and therefore CO_2 emissions could be significantly

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reduced by fitting aerodynamic devices to vehicles, it is important to allow the fitting of such aerodynamic devices to vehicles. Given that aerodynamic devices consist in adds-on that, due to their design, protrude beyond the outermost part of the vehicles at the back or laterally, they should be included in the list of devices or equipment that are not taken into account for the determination of the outermost dimensions. However, it is essential to limit their protrusion at the back and laterally so that road safety is not impaired and inter-modality transport remains possible. The necessary technical requirements should therefore be set out in this Regulation.

(10) Available software makes possible the use of virtual testing methods based on computer-aided techniques. Given that those techniques allow for more cost-efficient and less burdensome testing, it is appropriate to provide for the possibility to use them for checking whether a vehicle is able to manoeuvre in a complete trajectory of 360° and for measuring the maximum rear swing-out when the vehicle is manoeuvring inside the trajectory. It is therefore also necessary to add this Regulation to the list of regulatory acts included in Annex XVI to Directive 2007/46/EC.

(11) With a view to ensuring the proper operation of the type-approval system, it is appropriate to update the Annexes to Directive 2007/46/EC.

(12) Annexes I, III, IX, XII and XVI to Directive 2007/46/EC should therefore be amended accordingly. Since the provisions of Annex XII are sufficiently detailed and need no further transposition by Member States, it is therefore appropriate to replace it by means of a Regulation in accordance with Article 39(8) of Directive 2007/46/EC.

(13) 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

Subject matter and scope

[[F1]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 This Regulation applies to incomplete, complete and completed vehicles of categories M, N and O.

Textual Amendments

F1 Substituted by 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).

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Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply in addition to the definitions set out in Directive 2007/46/EC and Regulation (EC) No 661/2009:

(1) 'vehicle type' means a set of vehicles as defined in Part B of Annex II to Directive 2007/46/EC;

(2) 'standard equipment' means the basic configuration of a vehicle which is equipped with all the features that are required under the regulatory acts referred to in Annex IV and Annex XI to Directive 2007/46/EC, including all features that are fitted without giving rise to any further specifications on configuration or equipment level;

(3) 'optional equipment' means all the features not included in the standard equipment which are fitted to a vehicle under the responsibility of the manufacturer that can be ordered by the customer;

(4) 'mass in running order' means

(a) in the case of a motor vehicle:

the mass of the vehicle, with its fuel tank(s) filled to at least 90 % of its or their capacity/ies, including the mass of the driver, of the fuel and liquids, fitted with the standard equipment in accordance with the manufacturer's specifications and, when they are fitted, the mass of the bodywork, the cabin, the coupling and the spare wheel(s) as well as the tools;

(b) in the case of a trailer:

the mass of the vehicle including the fuel and liquids, fitted with the standard equipment in accordance with the manufacturer's specifications, and, when they are fitted, the mass of the bodywork, additional coupling(s), the spare wheel(s) and the tools;

(5) **[**[F2]'mass of the optional equipment' means the maximum mass of the combinations of optional equipment which may be fitted to the vehicle in addition to the standard equipment in accordance with the manufacturer's specifications;**]**

(6) 'actual mass of the vehicle' means the mass in running order plus the mass of the optional equipment fitted to an individual vehicle;

(7) 'technically permissible maximum laden mass' (M) means the maximum mass allocated to a vehicle on the basis of its construction features and its design performances; the technically permissible laden mass of a trailer or of a semi-trailer includes the static mass transferred to the towing vehicle when coupled;

(8) 'technically permissible maximum laden mass of the combination' (MC) means the maximum mass allocated to the combination of a motor vehicle and one or more trailers on the basis of its construction features and its design performances or the maximum mass allocated to the combination of a tractor unit and a semi-trailer;

(9) 'technically permissible maximum towable mass' (TM) means the maximum mass of one or more trailers that may be towed by a towing vehicle which corresponds to the

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total load transmitted to the ground by the wheels of an axle or a group of axles on any trailer coupled to the towing vehicle;

(10) 'axle' means the common axis of rotation of two or more wheels whether power-driven or freely rotating, and whether in one or more segments located in the same plane perpendicular to the longitudinal centre-line of the vehicle;

(11) 'group of axles' means a number of axles having an axle spacing that is restricted to one of the axle spacings referred to as distance 'd' in Annex I to Directive 96/53/EC and which interact due to the specific design of the suspension;

(12) 'solo axle' means an axle that cannot be considered as part of a group of axles;

(13) 'technically permissible maximum mass on the axle' (m) means the mass corresponding to the maximum permissible static vertical load transmitted to the ground by the wheels of the axle, on the basis of the construction features of the axle and of the vehicle and their design performances;

(14) 'technically permissible maximum mass on a group of axles' (μ) means the mass corresponding to the maximum permissible static vertical load transmitted to the ground by the wheels of the group of axles, on the basis of the construction features of the group of axles and of the vehicle and their design performances;

(15) 'coupling' means a mechanical device including component items as defined in points 2.1 to 2.6 of Regulation No 55 of the United Nations Economic Commission for Europe (UNECE) — Uniform provisions concerning the approval of mechanical coupling components of combinations of vehicles[(7)] and a close-coupling device as defined in point 2.1.1 of UNECE Regulation No 102 — Uniform provisions concerning the approval of I.A close-coupling device (CCD) II. Vehicles with regard to the fitting of an approved type of CCD[(8)];

(16) 'coupling point' means the centre of engagement of the coupling fitted to a towed vehicle within the coupling fitted to a towing vehicle;

(17) 'mass of the coupling' means the mass of the coupling itself and of the parts necessary for the attachment of the coupling to the vehicle;

(18) 'technically permissible maximum mass at the coupling point' means:

(a) in the case of a towing vehicle, the mass, corresponding to the maximum permissible static vertical load on the coupling point ('S' or 'U' value) of a towing vehicle, on the basis of the construction features of the coupling and of the towing vehicle;

(b) in the case of a semi-trailer, a centre-axle trailer or a rigid drawbar trailer, the mass corresponding to the maximum permissible static vertical load ('S' or 'U' value) to be transferred by the trailer to the towing vehicle at the coupling point, on the basis of the construction features of the coupling and of the trailer;

(19) 'mass of the passengers' means a rated mass depending on the vehicle category multiplied by the number of seating positions including, if any, the seating positions for crew members and the number of standees, but not including the driver;

(20) 'mass of the driver' means a mass rated at 75 kg located at the driver's seating reference point;