

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

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(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 M₁⁽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.

- (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 Member 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, it 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 CO₂ emissions could be significantly

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:

Status: This is the original version (as it was originally adopted).

- (1) OJ L 200, 31.7.2009, p. 1.
- (2) OJ L 263, 9.10.2007, p. 1.
- (3) OJ L 129, 14.5.1992, p. 1.
- (4) OJ L 233, 25.8.1997, p. 1.
- (5) OJ L 235, 17.9.1996, p. 59.
- (6) (COM(2011)144)