

Decree No 2024-1063 of 25 November 2024 on automated road freight transport

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JORF No 0280 of 27 November 2024

Text No 3

Target audience: motor vehicle drivers, motor vehicle manufacturers, road freight operators, freight forwarders, infrastructure managers, approved or accredited qualified bodies, road managers.

Purpose: implementation of various provisions resulting from Order No 2021-443 of 14 April 2021 on the system of criminal liability applicable in the event of the use of a self-driving vehicle and its conditions of use.

Entry into force: the text shall enter into force on the day after its publication.

Notice: the Decree specifies the detailed rules for the application of Article 6 of Order No 2021-443 of 14 April 2021 on the system of criminal liability applicable in the event of the use of a self-driving vehicle and its conditions of use. As regards automated road freight transport systems, it lays down the safety rules and safety demonstration procedures applicable to such systems. It defines the roles of the service organiser, the system designer and its operator, as well as those of the approved qualified bodies. It sets out the responsibilities of the technical department for ski lifts and guided transport with regard to automated road freight transport systems.

References: the provisions of the decree are adopted pursuant to Article L. 3251-1 of the Transport Code. The provisions of this Code amended by this Decree may be consulted, as worded following this amendment, on the Légifrance website (<https://www.legifrance.gouv.fr>).

The Prime Minister,

On the report of the Minister for Partnership with Territories and Decentralisation,

Having regard to the Convention on Road Traffic done at Vienna on 8 November 1968, in particular Article 34a thereof;

Having regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;

Having regard to Commission Implementing Regulation (EU) 2022/1426 of 5 August 2022 laying down rules for the application of Regulation (EU) 2019/2144 of the European Parliament and of the

Council as regards uniform procedures and technical specifications for the type-approval of the automated driving system (ADS) of fully automated vehicles;

Having regard to the Criminal Code, in particular Article R. 610-1 thereof;

Having regard to the Highway Code;

Having regard to the Transport Code;

Having regard to Decree No 2010-1580 of 17 December 2010 on the technical department for ski lifts and guided transport;

Having regard to notification No 2023/564/F addressed on 2 October 2023 to the European Commission;

Having regard to the opinion of the Permanent Interministerial Group for Road Safety dated 9 November 2023;

Having heard the Council of State (public works section),

Hereby decrees:

PROVISIONS APPLICABLE TO AUTOMATED ROAD FREIGHT TRANSPORT SYSTEMS

Article 1

Book II of Part Three of the Transport Code (regulatory part) is supplemented by a Title V which reads as follows:

“ TITLE V

“ AUTOMATED ROAD FREIGHT TRANSPORT SYSTEMS

“ Chapter I

General provisions and definitions

“ Article R. 3251-1. – The provisions of Title V of Book I of Part Three of this Code shall apply to road freight transport, when carried out by means of an automated road transport system, subject to the provisions laid down in this Title.

“ Article R. 3251-2. – For the purposes of road freight transport, when carried out by means of an automated road transport system, the provisions of Title V of Book I of Part Three and the provisions of this Book, the following terms have the meaning given to them in this Article:

“1. Automated road freight transport system: automated technical road transport system, deployed on predefined routes or traffic areas, and supplemented with operating, maintenance and servicing rules, for the purpose of carrying out a road freight transport activity;

“2. System technical design domain: operating conditions under which an automated road transport technical system is specifically designed to operate, excluding loading and unloading of goods;

“3. Minimal risk manoeuvre: manoeuvre whose purpose is to bring the vehicle to a stop in a situation of minimal risk to its occupants, other road users and its load, automatically performed by the automated driving system following a hazard that is unforeseen under its conditions of use, a serious fault or, in the case of remote intervention, a failure to acknowledge the manoeuvre requested by the system.

“4. Service organiser: the road freight transport undertaking, the forwarding agent within the meaning of Article L. 1411-1, or the territorially competent authority within the meaning of Article L. 1231-1;

“5. Operator: natural or legal person operating the automated road freight transport system, as well as taking care of its management and maintenance, on its own account or in the context of public road freight transport services.

“ The operator may be the same entity as the service organiser or the designer of the technical system. In the event that there is more than one operator, the term operator shall designate the leader.

“ Chapter II

“ Safety and conditions of use

“ Article R. 3252-1. – For the application of Article L. 3251-1, remote interventions can only be performed by a qualified person able to produce an appropriate training certificate for remote intervention on the system concerned that is valid for 3 years, and a medical certificate declaring them fit to perform remote interventions.

“ The period of validity of the medical certificate shall be 5 years for persons under the age of 60, but not exceeding the date of the 60th birthday, and 2 years for persons over 60 years of age.

“ The procedures for implementing this Article shall be established by decree of the Minister for Transport.

“ Article R. 3252-2. – The design file of the technical system referred to in Article R. 3152-6 shall also include a description of the interfaces between the automated driving functions and loading, unloading or stowage operations, whether or not those operations implement automated functions, and the safety demonstration of those interfaces.

“ Article R. 3252-3. – The safety file for commissioning referred to in Article R. 3152-8 contains provisions on the management and maintenance of roads only if road improvements are necessary.

“ Article R. 3252-4. – For the purposes of applying Article R. 3152-11, the organiser of the service shall notify the decision referred to in I of this Article to the Prefect and the authority designated in Article R. 3152-1 prior to commissioning.

“ Article R. 3252-5. – For the purposes of applying Article R. 3152-12, operations of vehicles, without goods, necessary for the registration of the characteristics of the route or traffic area, for checks prior to the commissioning and training of operating personnel, are carried out prior to commissioning.

“ Article R. 3252-6. – The intervention and safety plan referred to in Article R. 3152-13 shall be transmitted to the Prefect one month prior to commissioning.

“ Article R. 3252-7. – II of Article R. 3152-18 is not applicable to the operation and modification of an automated road freight transport system.

“ Article R. 3252-8. – When the body responsible for the audit provided for in Article R. 3152-15 finds a serious breach of the regulations or a serious risk to the safety of persons, it shall immediately notify the Prefect, the service organiser and the operator.

“ Article R. 3252-9. – The technical and safety regulations applicable to the devices of automated road freight transport systems enabling the supervision of loading, unloading or stowage operations and the control of cargo, pursuant to Article L. 1451-1, may be specified by order of the Minister for Transport.

“ Article R. 3252-10. – Automated road transport of goods, machinery or vehicles of an exceptional nature by reason of their dimensions or mass which exceeds the statutory limits, the transport of which is subject to the prior authorisation or prior declaration referred to in I and Ia of Article R. 433-1 of the Highway Code, shall be prohibited.

“ However, the automated road transport of certain categories of goods, machinery or vehicles referred to in the first subparagraph may be authorised under conditions of safety and according to procedures defined by joint order of the Ministers responsible for road safety and transport.

“ Article R. 3252-11. – Automated road transport of dangerous goods and goods whose transport is subject to approval in accordance with the special provisions applicable to them shall be prohibited.

“ Article R. 3252-12. – The automated road transport of goods carried out on an ancillary basis by means of an automated road transport system of persons within the meaning of Article R. 3151-1, as well as the automated road transport of persons carried out on an ancillary basis by an automated road freight transport system within the meaning of this Book shall be subject to the provisions of Title V of Book I of Part Three of this Code and to Articles R. 3252-9 to R. 3252-11.

“ Chapter III

“ Criminal liability

“ Article R. 3253-1. - I.- Even in the absence of any sign of obvious drunkenness, it is an offence punishable by a fourth-class fine for an authorised person within the meaning of Article L. 3151-3 to

intervene remotely on a self-driving vehicle operated as part of an automated road freight transport system under the influence of alcohol characterised by a blood alcohol concentration equal to or greater than 0.50 grams per litre or by a breath alcohol concentration equal to or greater than 0.25 milligrams per litre and lower than the thresholds set in Article L. 3151-9, when the self-driving vehicle is operated as part of an automated road freight transport system.

“ II.- Any person guilty of the offence mentioned in I shall also incur the additional penalties provided for in Article R. 234-1(III) of the Highway Code.

“ III.- This offence shall automatically give rise to the loss of 6 points from the driving licence.”

Article 2

In the first subparagraph of Article 2(I) of the Decree of 17 December 2010 mentioned above, the words: ‘ and automated road transport systems defined in Article R. 3151-1 of the same Code’ are replaced by the words: ‘, automated road transport systems defined in Article R. 3151-1 of the same Code and automated road freight transport systems defined in Article R. 3251-1 of the same Code’.

Article 3

The Keeper of the Seals, Minister of Justice, the Minister for Partnership with Territories and Decentralisation, the Minister for the Interior, the Minister attached to the Minister for Partnership with Territories and Decentralisation, responsible for Transport, and the Minister attached to the Minister for the Interior, responsible for daily security, shall each be responsible for the implementation of this Decree, which shall be published in the Official Journal of the French Republic.

Done on 25 November 2024.

Michel Barnier

By the Prime Minister:

The Minister for Partnership with Territories and Decentralisation,

Catherine Vautrin

The Keeper of the Seals, Minister of Justice,

Didier Migaud

The Minister for the Interior,

Bruno Retailleau

The Minister attached to the Minister for Partnership with Territories and Decentralisation,
responsible for Transport,

François Durovray

The Minister attached to the Minister for the Interior, responsible for daily security

Nicolas Daragon