

FRENCH REPUBLIC

Ministry for Ecological Transition and
Territorial Cohesion

Draft Decree No 2023-XXX of XX XX 2023 implementing Articles L.3123-2 and L.3123-2-1 of the Transport Code relating to the activity of private public transport of passengers by pedal-assist cycles against payment

NOR: TRET2313520D

Target audience: *professionals in the private public transport sector for passengers by pedal-assist cycle, persons transported by these professionals, local authorities, control authorities.*

Purpose: *provisions relating to the activity of private public transport of passengers by pedal-assist cycles against payment, amending the Transport Code and the Highway Code, amendment of the Transport Code.*

Entry into force: *the text shall enter into force 3 months after its publication.*

Notice: *Pursuant to Articles L. 3123-2 and L. 3123-2-1 of the Transport Code resulting from Article 43 of the Orientation and Mobility Act No 2019-1428 of 24 December 2019, which lays down, for companies that provide their customers with pedal-assist cycles driven by the owner or his representative in order to transport them and their luggage, technical, comfort and signage conditions for these vehicles, as well as conditions of worthiness and aptitude for driving on the public highway for their drivers and insurance conditions covering their civil liability with regard to passenger transport vehicles. It also allows the authorities responsible for traffic and parking regulations to lay down special requirements for pedal-assist cycle transport services in order to ensure compliance with the aforementioned rules.*

The pedal-assist cycles covered by these provisions are those defined in 6.11 of Article R. 311-1 of the Highway Code, which may be fitted with 2 or 3 wheels and used for private public transport of passengers. These vehicles, which are not subject to type-approval, fall within the scope of Directive 2006/42/EC on machinery, transposed into the Labour Code. As such, they must include the various markings required by this regulation, including the EC marking and a marking relating to the maximum continuous rated power expressed in kilowatts (kW).

This Decree also amends the Highway Code so that drivers engaged in the private public transport of passengers by pedal-assist cycle are not required to undergo a medical examination and hold a certificate issued by the Prefect for driving this type of vehicle.

References: *The Transport Code, as amended by the Decree, can be consulted on the Légifrance website.*

The Prime Minister,

On the report of the Minister of Ecological Transition and Territorial Cohesion,

Having regard to Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC;

Having regard to the Insurance Code and in particular Articles L. 211-1 and R. 211-15 thereof;

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

Having regard to the Highway Code and in particular Articles L. 130-4, R. 211-1, R. 221-10 and R. 311-1 thereof;

Having regard to the Transport Code and in particular Articles L. 3123-2, L. 3123-2-1, L. 3123-3, L. 1451-1 thereof;

Having regard to the Labour Code and in particular Article R. 4312-1 thereof;

Having regard to the opinion of the Advisory Committee on Financial Legislation and Regulation of 20 April 2023;

Having regard to the opinion of the Permanent Interministerial Group for Road Safety dated XXXXX;

Having heard the Council of State (Public Works Section),

Hereby decrees:

TITLE 1: PROVISIONS AMENDING THE TRANSPORT CODE FOR THE EXERCISE OF THE ACTIVITY OF PRIVATE PUBLIC TRANSPORT OF PASSENGERS BY PEDAL-ASSIST CYCLES AGAINST PAYMENT

Article 1

In Article R. 3120-1 and in the title of Chapter III of Title II of Book I of Part 3 (Regulatory Part) of the Transport Code, the word: "motorised" is deleted.

Article 2

Section 2 of the preliminary chapter of Title II of Book I of Part 3 (Regulatory Part) of the Transport Code is amended as follows:

1. In Article R. 3120-4, before the word: "vehicle", shall be inserted the words: "land motor";
2. After Article R. 3120-4, an Article R. 3120-4-1 is inserted drafted as follows:

"Article R. 3120-4-1 - The driver of a pedal-assist cycle who provides the service referred to in Article L. 3123-2 must, at all times, be able to produce to the inspecting officers any document attesting to his civil liability cover in accordance with (3) of the same Article. The document states that the guarantee covers the transport of passengers against payment.

"A joint order of the Minister for Economy and the Minister for Transport sets the minimum guarantee threshold to which the guarantee referred to in Article L. 3123-2(3) must be subscribed."

3. In the first subparagraph of Article R. 3120-6, after the word: "private", shall be inserted the words: ", other than a pedal-assist cycle";

4. Article R. 3120-7 is amended as follows:

- a) The first 6 subparagraphs constitute a I;
- b) A II is added, worded as follows:

"II- No one may drive a pedal-assist cycle for the private public transport of passengers without holding at least an AM category driving licence.

"No one under the age of 18 may drive a pedal-assist cycle as part of a professional activity involving the private public transport of passengers against payment.";

5. Article R.3120-8 is amended as follows:

- a) The first 4 subparagraphs constitute a I;
- b) In the first subparagraph of Article R.3120-8, after the word: "private", shall be inserted the words: ", with the exception of drivers of pedal-assist cycles";
- c) A II is added, worded as follows:

"No one may drive a pedal-assist cycle for the public transport of passengers against payment if they have a final conviction on bulletin No. 3 of their criminal record, or its equivalent for non-nationals.";

6. To Article R. 3120-8-1, a VI is added, worded as follows:

"VI- The provisions of this Article shall not apply to drivers of pedal-assist cycles.";

7. In the first subparagraph of Article R. 3120-8-2, after the word: "driver", shall be inserted the words: ", with the exception of drivers of pedal-assist cycles";

8. In the first subparagraph of Article R. 3120-9 before the word: "vehicles", shall be inserted the word: "motor".

Article 3

Chapter III of Title II of Book I of Part 3 (Regulatory Part) of the Transport Code is amended as follows:

1. At the beginning of Chapter III, a Section 1 is created entitled "two- or three-wheeled motor vehicles", which includes Articles R. 3123-1 to R. 3123-5;

2. A new Section 2 is inserted after Article R. 3123-5, worded as follows:

"Section 2:

Pedal-assist cycles

"Article R. 3123-6.- "Pedal-assist cycles" means vehicles defined in Article R. 311-1(6.11) of the Highway Code.

"Pedal-assist cycles used for the private public transport of passengers shall be vehicles with one saddle and not more than two seats in addition to the driver.

"The use of combinations with a trailer shall be prohibited for the private public transport of passengers by pedal-assist cycles against payment.

"Pedal-assist cycles used for the private public transport of passengers against payment shall comply with the safety requirements of Directive 2006/42/EC of the European Parliament and of

the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC, transposed into the Labour Code by Decree No 2008-1156 of 7 November 2008 on work equipment and personal protective equipment.

"These cycles are not subject to the road-worthiness test referred to in Article R.3120-10 and shall be the subject of an annual maintenance certificate.

"A Decree of the Minister for Transport specifies the requirements relating to the technical and comfort characteristics referred to in Article L. 3123-2(1) of pedal-assist cycles used for the private public transport of passengers against payment and defines the conditions for issuing and the model of the annual maintenance certificate.

"*Article R. 3123-7.*- The signage referred to in Article L. 3123-2(1) shall consist of a sticker conforming to the model defined by Decree of the Minister for Transport. This sticker is concealed when the vehicle does not operate a private public passenger transport service.

"*Article R. 3123-8.* The driver of a pedal-assist cycle engaged in private public transport of passengers against payment must be able to present at any time, written in French, to the control authorities:

"(1) proof of possession of one of the categories of the driving licence referred to in Article R. 3120-7(II) or its equivalent for non-nationals;

"(2) a copy of an extract from bulletin no. 3 of the applicant's clean criminal record less than six months old or, failing this, an equivalent document less than 6 months old issued by a competent administrative authority in the country of origin or country from which the applicant comes, which is a member of the European Community;

"(3) the EC declaration of conformity provided for in Directive 2006/42/EC on machinery;

"(4) an identity document or any official document proving that they have reached the age of majority;

"(5) proof of the civil liability insurance provided for in Article R. 3120-4-1(2);

"(6) the annual maintenance certificate provided for in Article R. 3123-6;

"As part of the inspection, the agents shall verify, in addition to the EC declaration of conformity referred to in (3) of this Article, that the CE marking and the effective rated output (expressed in kW) are marked visibly, legibly and indelibly on the vehicle.

"Compliance with the safety, technical and comfort conditions of the pedal-assist cycle referred to in Article R. 3123-6 and the texts adopted for its application shall be checked by the control authorities defined in Article L. 1451-1."

"*Article R. 3123-9.* – The competent traffic and parking police authorities may define specific requirements for pedal-assist cycle transport services, as provided for in Article L. 3123-2-1 and under the conditions laid down in this Article, defining homogeneous characteristics for the appearance of the vehicles used."

Article 4

Chapter IV of Title II of Book I of Part 3 (Regulatory Part) of the Transport Code is amended as follows:

1. After Section 3, a Section 4 is inserted, worded as follows:

"Section 4: Provisions relating to pedal-assist cycles

"Subsection 1: Criminal penalties

"Article R. 3124-10-1. – The following offences are punishable by a fourth-class fine: operating a pedal-assist cycle against payment without complying with the requirements laid down in Article R. 3120-7(II) and Articles R. 3120-8 and R. 3123-8.

"Article R. 3124-10-2. – It is punishable by a fourth-class fine to engage in the business of transporting passengers against payment using pedal-assist cycles by employing a driver without complying with the requirements laid down in Articles R. 3120-7, R. 3120-8 and R. 3123-8(3) and (5).

Article R. 3124-10-3. The following offences are punishable by a third-class fine: operating passenger transport services against payment using pedal-assist cycles that do not comply with the specifications set out in Article R. 3123-6.

"Article R. 3124-10-4. – The following offences are punishable by a third-class fine: operating passenger transport services against payment using pedal-assist cycles without visibly affixing the signs provided for in Article R. 3123-7.

"Article R. 3124-10-5. It is punishable by a third-class fine to engage in the business of transporting passengers against payment using pedal-assist cycles without having taken out an insurance policy that complies with the characteristics defined in Article R. 3120-4-1."

2. Section 4, now Section 5, includes Articles R. 3124-11 to R. 3124-15;

3. In Article R. 3124-12(I), before the word: "vehicle", shall be inserted the word: "motor".

TITLE 2: PROVISIONS AMENDING THE HIGHWAY CODE FOR THE EXERCISE OF THE ACTIVITY OF PRIVATE PUBLIC TRANSPORT OF PASSENGERS BY PEDAL-ASSIST CYCLES AGAINST PAYMENT

Article 5

Part 2 (Regulatory Part) of the Highway Code is amended as follows:

1. In Article R. 221-10(III)(4), before the words: "vehicles", shall be inserted: "motor".
2. In the first subparagraph of Article R. 431-7, after the words: "side-car", shall be inserted the words: ", and drivers of pedal-assist cycles made available to customers against payment pursuant to Article L. 3123-2 of the Transport Code,".

Article 6

The Minister of Economy, Finance, Industrial and Digital Sovereignty, the Minister of the Interior and Overseas Territories, the Keeper of the Seals, the Minister of Justice, the Minister for Ecological Transition and Territorial Cohesion and the Minister attached to the Minister for Ecological Transition, and Territorial Cohesion, responsible for transport, shall each be responsible for the implementation of this Decree, which shall be published in the *Official Journal* of the French Republic.

Dated .

By the Prime Minister:

The Minister for Ecological Transition and
Territorial Cohesion,

[First name SURNAME]

The Minister attached to the Minister for
Ecological Transition and Territorial
Cohesion, responsible for transport,

[First name SURNAME]

The Minister of Economy, Finance, and
Industrial and Digital Sovereignty,

[First name SURNAME]

The Minister for the Interior and Overseas Territories,

[First name SURNAME]