

Information on the quantity of carbon dioxide emitted during transport

Decree n° 2011-1336 of 24 October 2011



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DECREE

Decree n° 2011-1336 of 24 October 2011 on information on the quantity of carbon dioxide emitted during transport services

NOR: TRAT1112306D

Publics affected: public or private persons organising or selling a transport service (particularly transport firms, moving firms, taxis, hire firms for chauffeur cars or powered two- or three-wheeled vehicles, regional authorities providing transport services directly or groups thereof, messenger services, travel agencies); beneficiaries of such services.

Purpose: informing the beneficiary of the transport service of the quantity of carbon dioxide emitted by the means of transport used.

Date of effect: information must be provided from a date to be defined in an order by the Minister of Transport, depending on the means of transport and the size of the company, between 1st July and 31 December 2013.

Notice: the decree applies for transport services for passengers, goods or moving purposes, carried out using one or several means of transport, departing from or travelling to a location in France, with the exception of transport services organised by public or private persons on their own behalf.

The decree defines the principles of a common calculation method for all means of transport (rail or guided, road, inland, maritime, air). The decree specifies the procedure for informing the beneficiary. Orders by the Minister of transport shall provide details of specific elements for the method and particularly define the reference values to be used in calculations.

References: this decree, enforcing article L. 1431-3 of the transport code, based on article 228 of law n. 2010-788 of 12 July 2010 as a national commitment to the environment, can be viewed on the Légifrance site (<http://www.legifrance.gouv.fr>).

The Prime Minister,

On the report by the Minister of Ecology, Sustainable development, Transport and Housing,

Having regard to directive 2008/101/EC of the European Parliament and the Council of 19 November 2008 modifying the directive 2003/87/EC in order to integrate air operations in the community greenhouse gas emission quota exchange system;

Having regard to the transport code, particularly article L. 1431-3;

Having regard to the environment code, particularly articles L. 229-5 to L. 229-19 and R. 229-37;

Having regard to the opinion of the Higher council of the merchant navy dated 17 March 2011;

Having regard to the National chamber of inland waterway artisan shipping companies dated 25 March 2011;

Having regard to the advisory commission for the assessment of standards dated 7 July 2011,

Declares the following:

Chapter I: Scope

Article 1

According to this decree, the term:

1° "Service provider": refers to any person subject to the obligation mentioned in article 2;

2° "Beneficiary": refers to the person purchasing the ticket for the transport of passengers, or, should no ticket exist, the passenger; refers to the co-contractor of the service provider for the transport of goods;

3° "Means of transport": refers to any powered device used to transport passengers or goods using rail or guided, road, inland, maritime or air means of transport;

4° "Segment": refers to any part of the route taken or to be taken by a transport service over which the person or goods is/are carried by the same means of transport;

5° "Source of energy": refers to any fuel, electricity or any other type of energy used to run a means of transport.

Article 2

Any private or public person organising or selling a transport service for passengers, goods or moving purposes carried out using one or several means of transport, departing from or travelling to France, shall be subject to the provisions of article L. 1431-3 of the transport code, with the exception of services organised on behalf of the private or public person.

Article 3

I. — The information mentioned in article L. 1431-3 of the transport code relates to the quantity of carbon dioxide emitted in both the period of use of the means of transport and the upstream phase during which the energies required for the use of the means of transport are produced.

II. — The period of use includes all transport operations between the point of departure and destination of the transport service, and emissions during repositioning legs, empty legs and periods stopped with the engine running, in relation to these operations.

Secondary operations for transport services such as handling operations for goods or short-term assistance for the means of transport, using devices other than the means of transport, the construction and maintenance of means of transport, and the construction and maintenance of infrastructures.

III. — The upstream phase includes extraction, biofuel production, refining, transformation, transport and the distribution of sources of energy.

Emissions in relation to the construction and maintenance of production equipment for sources of energy are not taken into consideration.

Chapter II: Calculation method

Article 4

The service provider shall identify the different segments for the transport service, assess the quantity of carbon dioxide for each segment and calculate the total of the values obtained in this way to prepare information on the quantity of carbon dioxide emitted in a transport service.

Article 5

The service provider shall determine the quantity of the source of energy consumed for the service during the period of use to assess the quantity of carbon dioxide for one segment, by allocating one part to the beneficiary of the service, if several beneficiaries exist, and multiplying this part by the emission factor of the source of energy in question.

Emission factors can be used to convert a quantity of the source of energy into a quantity of carbon dioxide emitted for both the period of use and upstream phases, for each source of energy. The values of emissions factors are defined in an order by the Minister of Transport.

Service providers using a source of energy for which no emission factor is mentioned in the aforementioned order must justify the special value of the emission value applied. In this case, the service provider shall inform the beneficiary of the special nature of the calculation carried out in accordance with the provisions of article 11.

Article 6

I. — The service provider shall multiply the amount of energy consumed per kilometre for the means of transport by the distance in question to assess the quantity of the source of energy consumed by a means of transport during the period of use.

II. — The service provider shall multiply the quantity of the source of energy consumed by the means of transport by the ratio between the number of units transported for the service and the number of units transported in the means of transport to allocate the appropriate part to the beneficiary for the service if several beneficiaries exist.

III. — The service provider shall use the following references to quantify the units transported:

1° For the transport of passengers: passengers;

2° For the transport of goods: mass, volume, surface area, linear metres or packages.

The gross mass of the goods should be considered.

For the mixed maritime transport of passengers and goods, the references indicated above are used after breaking down the consumption of the source of energy for the ship between passengers and goods based on the number of decks reserved for each category.

For the mixed air transport of passengers and goods, the service provider shall use mass as the reference value. Passengers are considered as a set mass per passenger. This set mass is defined in an order issued by the Minister of Transport.

Article 7

The service provider may adapt the method indicated in article 6 if necessary and use one of the following references:

1° For the transport of passengers: the number of passengers multiplied by the distance, or journey;

2° For the transport of goods: mass multiplied by distance, or volume multiplied by distance, or surface area multiplied by distance, the number of linear metres multiplied by the distance or the number of packages multiplied by the distance.

The service provider may select other references in order to better reflect the particularities of its transport operations. In this case, the service provider shall inform the beneficiary of the special nature of the calculation carried out in accordance with the provisions of article 11.

Article 8

I. — The service provider shall determine, on the one hand, the rate of consumption of the source of energy for the means of transport and, on the other hand, the number of units transported in the means of transport, according to the levels classified below in increasing order of precision:

Level 1: values defined in an order by the Minister of Transport;

Level 2: values calculated by the service provider as the mean for operations by its fleet of means of transport;

Level 3: mean values calculated by the service provider for sub-groups based on a complete breakdown of operations per logistics organisation, type of route, type of means of transport or any other appropriate complete breakdown;

Level 4: values measured or recorded by the service provider during the execution of the transport service.

II. — The service provider shall determine the procedure for integrating repositioning legs, empty legs, and emissions while stopped with the engine running.

III. — Mass transport services may, according to the conditions defined in the order of the Minister of Transport and for a limited period from the start of use, apply an objective value for the number of units transported using the means of transport. In this case, the service provider shall inform the beneficiary of the special nature of the calculation carried out in accordance with the provisions of article 11.

IV. — The service provider shall determine the period over which level 2 and level 3 mean values are calculated. This period may not exceed three years. The service provider shall update these mean values at the same intervals.

V. — Level 1 values may only be used:

1° By service providers with less than fifty employees;

2° By service providers with fifty or more employees, up to 1 July 2016;

3° By any service provider in the situations described in article 9.

Article 9

I. — The information provided by the sub-contractor of a service provider and prepared in accordance with the provisions of this decree and its enforcement orders shall be included in the calculation method of the service provider without modification.

Should this information not be provided within the period ensuring compliance with the provisions of article 12 or should this information clearly be incorrect, the service provider shall recreate the information based on the level 1 values mentioned in article 8. The service provider shall inform the sub-contractor of this point.

II. — Should a service provider use a means of transport for which it has not yet recorded consumption of the source of energy, the service provider may:

1° Use data on the rate of consumption of the source of energy mentioned by the supplier of the means of transport;

2° Maintain the rate of consumption of the source of energy used prior to the arrival of the new means of transport in the fleet;

3° Use the level 1 values mentioned in article 8 for calculations specifically relating to this new means of transport.

The provisions of II apply for the period required for the service provider to measure and integrate consumption for the source of energy of the new means of transport into its calculation method. This period may not exceed the duration of the updating intervals for the mean values mentioned in point IV of article 8.

Article 10

The conformity of the method implemented by a service provider with the provisions of this decree and its enforcement orders may be certified by an agency approved for this purpose by the French accreditation committee (COFRAC) or any other accreditation body having signed the multi-lateral European agreement in the context of the European cooperation for Accreditation (EA). An order by the Minister of Transport shall specify the procedure for the enforcement of this article.

Chapter III: Informing the beneficiary

Article 11

The information provided to the beneficiary includes the quantity of carbon dioxide expressed as a mass, corresponding to both the period of use and upstream phases. Providing information on the quantities of carbon dioxide emitted during the upstream phases and the period of use is optional.

If the method implemented by the service provider uses a source of energy for which the emission factor is not included in the ministerial order mentioned in article 5, or references other than those indicated in article 7, or an objective value of the number of units transported in the means of transport during the initial period of use of a mass transport service in application of point III of article 8, the "Special method" mention is notified to the beneficiary.

Article 12

The service provider shall provide the beneficiary with sincere, clear and unambiguous information, by any means considered appropriate.

With goods transport services, the service provider shall provide the information on the date agreed between parties, or, failing this, within two months of the completion of the execution of the service.

With passenger transport services, the service provider shall provide the information prior to the purchase of the ticket, and if no ticket is issued, at the completion of the execution of the service at the latest.

With passenger transport with no indicated point of departure or destination or subject to a subscription or with no ticket issued, the information can take the form of a quantity of carbon dioxide for the journey or distance covered and must be notified on the basis of a display on-board the means of transport or in stations where passengers board the means of transport.

Article 13

The service provider may provide the beneficiary with information explaining the calculation method and sources of energy used by any means considered appropriate.

If this information is not made available, the beneficiary is accorded a period of one month from the receipt of the information mentioned in article 12 to submit any request to the service provider in relation to the method used by the service provider to calculate the carbon dioxide emissions and the sources of energy used. The service provider shall provide the information required within two months of the receipt of the request.

Chapter IV: Final provisions

Article 14

The orders mentioned in articles 5, 6 and 8 were to be issued by the Minister of Transport before 1st January 2012.

The parties mentioned in article 2 are required to provide the information described in this decree from a date between 1st July 2013 and 31 December 2013, defined in an order issued by the Minister of Transport based on the means of transport and the size of the companies, by 31 December 2013 at the latest.

The Minister of Transport shall establish a report on the implementation of this decree before 1 January 2016, particularly on the application of part 2° of V of article 8. This report shall be made public.

Article 15

The Minister of Ecology, Sustainable development, Transport and Housing, the Minister of the Interior, Overseas, Regional Authorities and Immigration and the Minister of Transport within the Ministry of Ecology, Sustainable development, Transport and Housing, are responsible for the enforcement of this decree, each in their respective fields. This decree shall be published in the Official Journal of the French Republic (JORF).

On 24 October 2011.

François Fillon

By the Prime Minister:

Minister of Ecology,
Sustainable development,
Transport and Housing,
Nathalie Kosciusko-Morizet

The Minister of the
Interior, Overseas,
Regional authorities and
Immigration,
Claude Guéant

The Minister of Transport within the
Ministry of Ecology, Sustainable
development, Transport and
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Thierry Mariani

Ressources, territoires, habitats et logement
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pour
l'avenir**

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