

French Law on bicycle registration – English translation

The original can be found [here](#)

Decree n ° 2020-1439 of 23 November 2020 relating to the identification of cycles

Text of November 25, 2020

Initial version

Concerned public: sellers of new or used cycles, bodies responsible for destroying or reusing cycles, owners of cycles, buyers of cycles, cycle identification operators, police and enforcement bodies, lost property services, pounds.

Subject: the text determines the methods of application of section 2 of chapter 1 of title VII of the transport code (articles L. 1271-2 to 5) concerning the identification of cycles.

Entry into force: the text enters into force the day after its publication date.

Notice: this decree determines the obligations imposed on retailers, owners of cycles and professionals who carry out destruction or preparation activities for the reuse or recycle of cycles, as well as the conditions for approval by the State of legal entities likely to implement cycle identification systems. It also specifies the conditions under which data is collected and recorded by approved cycle identification operators and by the manager of the single national file of identified cycles.

References: the decree is issued for the application of articles [L. 1271—2 to 5 of the transport code](#). It can be consulted on the Légifrance website (<https://www.legifrance.gouv.fr>).

The Prime Minister,

On the report of the Minister for Ecological Transition,

Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of individuals with regard to the processing of personal data personal character and the free movement of such data, and repealing Directive 95/46 / EC (GDPR);

Having regard to Directive 2006/123 / EC on services in the internal market, in particular its article 15;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of September 9, 2015, providing for an information procedure in the field of technical regulations and rules relating to information society services (codified text), and in particular notification n ° 2020/183 / F;

Having regard to the [Commercial Code](#), in particular Article L. 121-1;

Having regard to the [penal code](#), in particular its articles 131-13 and R. 610-1;

Having regard to the [highway code](#), in particular its article R. 311-1;

Having regard to the [transport code](#), in particular its articles L. 1271-2 to L. 1271-5;

Considering the [law n ° 78-17 of January 6, 1978](#) relating to data processing, files and freedoms;

Having regard to the opinion of the National Commission for Informatics and Freedoms dated October 15, 2020;

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

Decrees:

Article 1

Book II of the first part of the transport code (regulatory part) is supplemented by a title VII as follows:

Title VII - ACTIVE MOBILITY AND INTERMODALITY

Chapter IER - Active mobility

Section 1 - Identification of cycles

Sub-section 1 - Identification obligation

Art. R. 1271-1.-For the purposes of this section, the following terms are understood to mean:

- 1 ° "Cycle": the cycle and the assisted pedal cycle as defined respectively in sections 6.10 and 6.11 of article R. 311-1 of the highway code;
- 2 ° "Status of the cycle": the situation of the cycle with regard to its ownership and use;
- 3 ° "Trader": the trader as defined by Article L. 121-1 of the Commercial Code ;
- 4 ° "Approved operator": an approved cycle identification operator under the conditions provided for in article R. 1271-16;
- 5 ° "Single national file": the single national file of identified cycles provided for in article L. 1271-3;
- 6 ° "National file manager": the manager of the single national file of identified cycles appointed in application of article R. 1271-23.

Art. R. 1271-2.-Any cycle sold by a trader has an identifier fixed to the cycle.

Art. R. 1271-3.-The identification obligation provided for in article R. 1271-2 is applicable from 1 January 2021 for sales of new cycles and from 1 July 2021 for second hand cycles.

Art. R. 1271-4.-The identification obligation provided for in article R. 1271-2 is not applicable:

- 1 ° To children's cycles whose wheels have a diameter less than or equal to 40.64 centimeters (16 inches);
- 2 ° To cycles which are the subject to sales between cycle trade professionals.

Art. R. 1271-5.-Cycle trailers and personal transport vehicles defined by sections 6.15 and 6.16 of article R. 311-1 of the Highway Code can be identified, at the request from the purchaser or owner. The same applies to the cycles for children mentioned in 1 ° of article R. 1271-4. The provisions of this section are then applicable.

Sub-section 2 - Identification procedures

Art. R. 1271-6.-Identification consists of fixing an identifier to the cycle which is assigned by the manager of the national file and supplied by an approved operator.

The process for fixing the identifier must guarantee its permanence and its inalterability, except in the case of voluntary degradation.

The identifier is placed on the frame of the cycle except in special circumstances and is easily readable on a parked cycle.

Art. R. 1271-7.-At the time of the sale, the merchant collects from the purchaser the personal data mentioned in 1 ° of I of article R. 1271-13 which makes it possible to identify and contact the owner of the cycle and forwards this personal information, along with those relating to the description of the cycle and its status, to the authorized operator who provided this identifier.

The merchant gives the purchaser proof of purchase on which the cycle identifier appears and provides him with the information allowing his owner to access the data concerning the transmitted information to the authorized operator and, if necessary, to rectify them .

Sub-section 3 - Change of owner or status of the cycle

Art. 1271-8.-When an identified cycle is sold, its owner, when he is not a trader nor a preparation professional for reuse or recycle, declares it to the approved operator who provided the identifier and communicates to the assignee the information allowing him to access the file of this operator so that he can record the data concerning him.

Art. R. 1271-9.-When an identified cycle is stolen, returned after a theft, scrapped, destroyed or is subject to any other change of status, its owner shall inform the authorized operator concerned within a period of two weeks.

Art. R. 1271-10.-When an identified cycle is handed over to a professional who carries out destruction or preparation activities with a view to reuse or recycle of cycles, this professional, who must be registered with the manager of the national file, informs the latter. The manager of the national file transmits this information to the authorized operator who provided the identifier, who contacts the owner to indicate where his cycle is located and that he has three months to withdraw it, specifying that in the absence of withdrawal within this period, the cycle may be sold or destroyed.

If the owner is not known or if the professional who owns the cycle indicates, as he is required to do, that he has not removed the cycle within three months of the information given by the authorized operator, any personal data associated with the cycle is deleted by the authorized operator and the manager of the national file. The manager of the national file then communicates to the professional the information necessary to declare a change of owner to the authorized operator.

A joint decree of the Minister in charge of transport and the Minister of the Interior may specify the modalities of application of the preceding paragraphs.

When an identified cycle is ceded, the professional is bound by the obligations provided for by article R. 1271-7.

Sub-section 4 - Authorized cycle identification operator

Art. R. 1271-11.-An authorized operator has a technical process allowing the identification of the identifier on the cycle, which is provided to him exclusively by the manager of the national file.

The format of the identifier is specified by joint order of the Minister responsible for transport and the Minister of the Interior.

The technical process used to identify the cycles may be the subject of prescriptions defined by joint order of the Minister responsible for transport and the Minister of the Interior.

Art. R. 1271-12.-Each authorized operator is responsible for processing a database of identified cycles, the purposes of which are the same as those of the single national file of identified cycles mentioned in article R. 1271-19.

The authorized operator transmits the data and information contained in this database to the manager of the national file in accordance with the procedures determined by the latter. These transmission methods may be provided for by joint order of the Minister responsible for transport and the Minister of the Interior.

Art. R. 1271-13.-I.-The database of an approved operator includes for each cycle identifier:

1 ° Personal data allowing the identification and contacting of the owner of the cycle: name and first name or corporate name of the owner or, if applicable, of the co-owners of the cycle, as well as telephone and email address; however, in the case of co-ownership, these latter elements may be collected for only one of the co-owners;

2 ° Data describing the cycle: type of machine, make, model, color;

3 ° The status of the cycle.

The various statuses of the cycle are specified by joint order of the Minister in charge of transport and the Minister of the Interior.

II.-May also appear in this database. :

1 ° Optional personal data: postal address and date of birth of the owner or, if applicable, of the co-owners;

2 ° Optional cycle description data: bicycle serial number, engine serial number, battery serial number.

Art. R. 1271-14.-The right of opposition does not apply to the processing of databases of identified cycles of authorized operators.

The rights of access and rectification of the owners of identified cycles are exercised with the authorized operator concerned.

Art. R. 1271-15.-When a natural or legal person no longer owns a cycle, he declares this to the authorized operator who provided the identifier who, within twenty-four hours, securely erases the personal data concerning him mentioned in article R. 1271-13.

Art. R. 1271-16.-Cycle identification operators are approved by the Minister responsible for transport, after consulting the Minister of the Interior and the manager of the national file, when they meet the conditions of solvency, competence and of reliability defined by joint order of the Minister in charge of transport and the Minister of the Interior.

Approval is granted for a period of one year and is renewable by tacit agreement for six years.

Art. R. 1271-17.-When the authorized operator disregards the obligations imposed on it by the provisions of this section or the obligations imposed on it pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC and Law No. 78-17 of 6 January 1978 relating to data processing, files and freedoms, the Minister in charge of transport can ask the manager of the single national file to suspend all attribution of identifiers for a period that he fixes and which cannot exceed one year, or withdraw approval.

The same applies if the approved operator ceases to fulfill one or more of the conditions set for the granting of approval set by the decree mentioned in article R. 1271-16.

The operator concerned is informed in advance of the reasons and the nature of the measures envisaged and enabled to present written observations and, where appropriate, at his request, oral observations.

During the suspension period, the operator keeps the data relating to the identified cycles and records the registrations or modifications transmitted to him.

Art. R. 1271-18.-When an authorized operator ceases his activity or has his authorization withdrawn, the manager of the national file replaces him and assumes all the obligations imposed on operators authorized by this section. To this end, the manager communicates to each owner of the identified cycles the information allowing him to exercise his rights of access and rectification.

Sub-section 5 - Single national file of identified cycles

Art. R. 1271-19.-The single national file of identified cycles provided for by article L. 1271-3 makes it possible to fight against theft, concealment and illegal resale of cycles and thus to return a cycle to its owner.

It is made up of information appearing in the databases of approved operators provided for in article R. 1271-13.

The right of opposition does not apply to the processing of the single national file.

The data appearing in the single national file cannot be used for commercial purposes but may give rise to statistical analysis.

Art. R. 1271-20.-The modifications made by the owner of a cycle identified in the database of an approved operator are simultaneously transmitted and recorded by the manager of the national file. The same applies to the secure erasure of personal data when the natural or legal person declares that he no longer owns the cycle to the authorized operator.

Art. R. 1271-21.-The cycle status appearing in the single national file is freely accessible by means of the cycle identifier.

Art. R. 1271-22.-The data of the single national file are accessible, within the limits of their attributions and only for the purposes provided for by article L. 1271-3:

1 ° To the police forces, enforcement bodies and the services customs ;

2 ° To municipal police officers, rural guards, as well as municipal officers assigned to the lost and found service, authorized by the mayors of their municipality;

3 ° To the keepers of pounds approved in application of article R. 325-24 of the highway code ;

4 ° To persons, services or organizations which contribute to the identification of cycles;

5 ° To the central administration director responsible for transport and mobility or to the agents placed under his authority.

The conditions for access to the single national file may be defined by joint order of the Minister in charge of transport and the Minister of the Interior.

Art. R. 1271-23.-The management of the single national file is entrusted to an organization having a broad knowledge of the cycle sector and meeting the conditions of aptitude, experience and technical skills necessary for the maintenance in a reliable and secure manner a national identification file containing personal data. This organization is responsible for the single national file.

The Minister in charge of transport appoints this body for a period of six years. This designation can be renewed.

Art. R. 1271-24.-The Minister in charge of transport may withdraw the management of the single national file from the designated body at any time:

1 ° If the designated body ceases to fulfill the conditions provided for in article R. 1271 -23;

2 ° In the event of a serious or repeated breach by this body of its obligations under the provisions of this section or of the obligations imposed on it pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC and Law No. 78-17 of 6 January 1978 relating to data processing, files and freedoms;

3 ° For reasons of general interest.

In the cases provided for in 1 ° and 2 °, the Minister gives prior notice to the body to comply with its obligations within a time limit that he fixes.

Sub-section 6 - Sanctions

Art. R. 1271-25.-Is punished with the fine provided for first class contraventions for a trader:

1 ° When selling a cycle subject to the obligation of identification without having done the registration;

2 ° When not transmitting the identifier and the status of a cycle that he has sold to the authorized operator who provided the identifier.

Art. R. 1271-26.-Is punished with the fine provided for first class contraventions for a professional who carries out destruction or preparation activities for the reuse or recycle of cycles when:

1 ° Not informing the manager of the national file that an identified cycle has been given to him;

2 ° Not informing the manager of the national file that an identified cycle has not been withdrawn by its owner;

3 ° Not transmitting the identifier and the status of a cycle to the approved operator who provided the identifier when he transfers an identified cycle.

Article 2

The Minister of Ecological Transition, the Minister of the Interior, the Keeper of the Seals, Minister of Justice, and the Minister Delegate to the Minister of Ecological Transition, in charge of transport, are responsible, each as far as he is concerned for the execution of this decree, which will be published in the Official Journal of the French Republic.

Done November 23rd 2020