Opinion of the European Economic and Social Committee on 'Proposal for a Regulation of the European Parliament and of the Council on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/… and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009'

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(2018/C 440/14)

Rapporteur: **Raymond HENCKS**

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	Council, 4.6.2018
Legal basis	Article 114(1) of the Treaty on the Functioning of the European Union
Section responsible	Section for the Single Market, Production and Consumption
Adopted in section	4.9.2018
Adopted at plenary	19.9.2018
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Outcome of vote	193/1/2
(for/against/abstentions)	

1. Conclusions and recommendations

1.1 Over recent decades, road safety in the European Union has improved significantly through the tightening of Highway Code rules, provisions on driver behaviour and working and training conditions for professional drivers, through improvement in road infrastructure and in emergency services, and through stricter EU legislation on vehicle safety to which the automotive industry has always responded with new technologies.

1.2 Even so, the number of people killed on EU roads has remained way above the target the EU set itself in the 2011 White Paper on transport, notably moving towards the target of zero fatalities by 2050 and halving fatal road accidents by 2020.

1.3 The majority of road accidents are down to human error alone, mostly involving speeding, distraction or drink-driving. EU citizens must therefore be further encouraged — even required — to shoulder the primary responsibility for their safety and that of other road users in the EU by adopting appropriate behaviour.

1.4 What is needed, then, is a comprehensive approach to road safety that covers driver behaviour, the working conditions and skills of professional drivers, and infrastructure. The on-board safety systems that can prevent or correct human errors are another crucial safety factor.

1.5 The EESC welcomes the Commission's aim of making a new range of advanced safety measures mandatory for all vehicles in the form of standard equipment for road vehicles, including tyre pressure monitoring, intelligent speed assistance, driver drowsiness and attention monitoring/distraction recognition, reversing detection, emergency stop signal and emergency braking.

1.6 The EESC also endorses the requirement for trucks and buses to be equipped with a detection and warning system for vulnerable road users in close proximity of the front and nearside of the vehicle and to be designed and constructed in such a way as to improve the visibility of vulnerable road users from the driver's seat and to have a lane departure warning system. It also welcomes the additional obligation to design and construct buses which are also accessible for people with reduced mobility, including wheelchair users.

1.7 However, it wonders why the Commission does not make having an alcohol interlock a requirement and merely plans to facilitate the installation of these devices. The EESC considers that the installation of a breathalyser should be mandatory and not optional.

1.8 The EESC further recommends that event (accident) data recorders should also be required for lorries, trucks and buses, since, even if these vehicles' tachographs already provide some of the driving data, they do not store the crucial data during and after an accident.

1.9 Finally, the EESC regrets that security systems stricter than those required by European legislation, and which manufacturers voluntarily install, are often confined to high-end models, with cheaper models losing out and lacking advanced, non-mandatory security measures. This means that not all EU citizens have access to cars that are equally safe. To remedy this, the EESC recommends that, as regards the regulation under consideration, and as a rule, the European Commission require European standards to be adapted to technological developments within shorter deadlines.

1.10 This also applies to trucks and buses, in particular as regards the system detecting and warning of the presence of users in the immediate vicinity of the front and right side of the vehicle, which the proposal for a regulation does provide for, but which should also be made mandatory within shorter deadlines.

2. **Introduction**

2.1 Over recent decades, road safety has improved significantly, mainly through advanced safety systems installed on board vehicles, the improvement in road infrastructure, the tightening of Highway Code rules, awareness raising campaigns for drivers, and the speed and efficacy of emergency response services.

2.2 However, significant disparities remain across Member States, despite the efforts of the European Commission which, through its various programmes and guidelines, seeks to harmonise safety rules throughout the European Union.

2.3 For example:

— road signs and the minimum driving age are not always the same everywhere;

— the use of a mobile phone while driving using a hands-free set is permitted in some countries;

— the maximum permitted blood alcohol level varies, depending on the Member State, between zero tolerance and a more permissive approach;

— speed limits differ;

— the safety equipment required for cyclists (helmet) and for motorists (high-visibility vest, emergency warning triangle, first-aid kit, fire extinguisher) are not the same everywhere.

2.4 In 2017, the number of people killed on EU roads was 25 300, a 2 % drop in one year ([1]), which nevertheless falls well short of significantly reducing the number of road deaths ([2]), to move towards the target of zero fatalities in road transport by 2050.

2.5 Around 135 000 people were seriously injured last year ([3]), including many pedestrians, cyclists and motorcyclists, considered by the Commission to be particularly 'vulnerable' users.

2.6 According to the European Commission, the socio-economic cost of road accidents is estimated at EUR 120 billion annually (medical treatment, unfitness for work, etc.).

([1]) Commission Press release of 10 April 2018 IP/18/2761.
([2]) Commission Press release of 10 April 2018 IP/18/2761.
([3]) Commission Press release of 10 April 2018 IP/18/2761.

3. **Commission proposal**

3.1 The initiative under consideration is part of the third mobility package devoted to 'Europe on the Move', which aims to make mobility in the EU safer and more accessible, to make European industry more competitive and European jobs safer, and to adjust more effectively to the need to combat climate change, including by enhancing the requirements relating to safety devices in road vehicles.

3.2 As the current provisions regarding the EU type-approval procedure by type of car in the context of the protection of pedestrians and hydrogen safety have to a large extent been overtaken by technological developments, Regulations (EC) Nos 78/2009 (protection of pedestrians), (EC) No 79/2009 (hydrogen-powered motor vehicles) and (EC) No 661/2009 (type-approval requirements for the general safety of motor vehicles) are repealed and replaced by the equivalent provisions of UN rules and amendments thereto that the Union has voted in favour of or that the Union applies, in accordance with Decision 97/836/EC.

3.3 Overall, the scope of the Regulation on the General Safety of Motor Vehicles is retained, but, in terms of safety features currently applicable to vehicles with corresponding exemptions, the scope is extended to cover all categories of vehicles and eliminate the current exemptions relating to sport utility vehicles (SUVs) and vans.

3.4 The draft regulation sets out the general technical type-approval requirements for vehicles, systems, components and separate technical units and provides a list of safety areas, for which detailed rules are further developed (or need to be developed) in secondary legislation. All UN road safety rules that are applicable on a mandatory basis in the EU are set out in an annex to the draft regulation under consideration.

3.5 The proposal also envisages empowering the Commission to set rules and detailed technical requirements via delegated acts.

3.6 The current scope of the requirement for a passenger car to be equipped with a tyre pressure monitoring system is extended to cover all categories of vehicle.

3.7 A series of advanced safety features, such as intelligent speed assistance, driver drowsiness and attention monitoring/distraction recognition systems, reversing detection, emergency stop signal, alcohol interlock installation facilitation and advanced emergency braking system are made compulsory for all vehicles.

3.8 Passenger cars and light commercial vehicles must also be equipped with:

— an event (accident) data recorder

— lane keeping assist, and

— frontal protection designed and constructed with an enlarged head impact protection zone for vulnerable road users.

Light and heavy lorries (categories N2 and N3) and buses (categories M2 and M3) must be equipped with:

— a detection and warning system for vulnerable road users in close proximity of the front and nearside of the vehicle, designed and constructed in such a way so as to improve the visibility of vulnerable road users from the driver's seat; and

— a lane departure warning system.

Buses must be designed and constructed in such a way as to be accessible to persons with reduced mobility, including wheelchair users.

Hydrogen-powered vehicles must comply with the requirements set out in Annex V of the regulation.

Regarding automated vehicles, rules and detailed technical safety requirements need to be further developed as a basis for their deployment.

4. **General comments**

4.1 The EESC congratulates the Commission on its move to make a new range of advanced safety measures mandatory standard equipment for road vehicles. However, it also points out that in addition to revisions of the minimum standards required for new cars sold on the EU market, it should also further encourage EU citizens, or even require them, to shoulder the primary responsibility for their safety and that of other road users in the EU, through appropriate behaviour.

4.2 In themselves, these new measures relating to safety devices in vehicles, however useful and necessary they may be, are likely to have only a limited effect on the reduction of serious road accidents, in the absence of other complementary measures with regard to user behaviour, the working conditions and skills of professional drivers, and road infrastructure. The persistence of a large number of road accidents, resulting in a large number of deaths and serious injuries, requires a further dynamic adjustment of road safety policy, as part of which, in addition to the strengthening of requirements for safety devices in road vehicles and preventive measures, dissuasive measures targeting those who do not respect the rules and endanger their lives and the lives of others are also taken.

4.3 The EESC believes that, while we must promote driver-to-driver interaction technologies and intelligent transport systems (ITS), we cannot expect the mobility of the future, in particular intelligent transport systems and fully automated driving, to manage to address current challenges in the short to medium term.

4.4 According to the Commission, the revised framework will be better tailored to improve the protection of vulnerable road users. Article 3(1) of the regulation defines the vulnerable road user as 'a road user using a two-wheel powered vehicle or a non-motorised road user, such as a cyclist or a pedestrian'. The EESC thinks this definition does not necessarily cover all 'high risk' categories, such as those who have an intrinsic frailty due to their age (children, elderly people) or to a disability.

4.5 It is well known that the risks incurred by road users are mainly due to driver behaviour (speeding, alcohol or drug abuse, use of portable electronic devices while driving, lapses in concentration, physical condition of drivers, driving too long, not taking rest periods) and inadequate infrastructure (lack of facilities reserved for pedestrians, lack of appropriate lighting).

4.6 The EESC therefore agrees that in order to prevent some of these dangers, the Commission should require new cars to be systematically equipped with:

— a control system that is adaptive and an intelligent speed assistance system which, in addition to the security aspect, also encourages driving that saves fuel and hence cuts pollution,

— a tyre pressure monitoring system,

— advanced driver drowsiness monitoring and distraction recognition systems.

4.7 It also wonders why the proposal for a regulation does not make having an alcohol interlock a requirement and merely plans to facilitate the installation of these devices. According to a study by *Verband der TUV e.V* ([4]), 11 % of accidents in 2016 were due to drivers recognised as being in a state of intoxication. Since the ratio of undetected to detected drink-driving cases is 1 to 600, the number of accidents arising from alcohol abuse is estimated at more than 25 %. The EESC considers that the installation of a breathalyser should not be limited to repeat offenders who have had their licences suspended by the judgement of a court for driving under the influence of alcohol or drugs, but be mandatory across the board.

4.8 The EESC recommends that event (accident) data recorders should also be required for trucks and buses, since, even if these vehicles' tachographs already provide some of the driving data, they do not store the crucial data during and after an accident.

4.9 According to the Commission's impact assessment, appended to the proposal for a regulation under consideration, it is expected that over a 16 year period, the introduction of the new safety features will help to reduce fatalities by 24 794 and serious injuries by 140 740. The EESC wonders whether such estimates, quantified to such a precise figure, are not likely to be considered as lacking in credibility, and undermine the added value of the whole impact study.

([4]) https://etsc.eu/wp-content/uploads/5_VdTÜV_DeVol_Brussels.PPT_17.06.18.pdf.

4.10 Finally, the EESC draws attention to the fact that manufacturers are voluntarily developing vehicles with higher safety standards than those required by European legislation. Unfortunately, these improvements are often confined to high-end models that are sold on the main markets of the Member States, with cheaper models losing out and lacking advanced, non-mandatory security measures. This means that not all EU citizens have access to cars that are equally safe. To remedy this, the EESC recommends the European Commission require European standards to be adapted to technological developments within shorter deadlines.

This also applies to trucks and buses, in particular as regards the system detecting and warning of the presence of users in the immediate vicinity of the front and right side of the vehicle (blind spot), which should also be made mandatory within shorter deadlines.

Brussels, 19 September 2018.

The President
of the European Economic and Social Committee
Luca JAHIER