

Brussels, **XXX**
[...](2020) **XXX** draft

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

supplementing and amending Regulation (EU) 2019/2144 of the European Parliament and of the Council by laying down detailed rules concerning the specific test procedures and technical requirements for the type-approval of motor vehicles with regard to intelligent speed assistance and for the type-approval of these systems as separate technical units

(Text with EEA relevance)

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COMMISSION DELEGATED REGULATION (EU) .../...

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supplementing and amending Regulation (EU) 2019/2144 of the European Parliament and of the Council by laying down detailed rules concerning the specific test procedures and technical requirements for the type-approval of motor vehicles with regard to their intelligent speed assistance system and for the type-approval of those systems as separate technical units

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 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) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166¹, and in particular Article 4(3) and (6) and Article 6(6) thereof,

Whereas:

- (1) Regulation (EU) 2019/2144 of the European Parliament and of the Council lays down a general obligation for motor vehicles to be equipped with certain advanced vehicle systems. It further lays down basic requirements for the type-approval of motor vehicles with regard to their intelligent speed assistance system and for the type-approval of those systems as separate technical units. It is, therefore, necessary to supplement those requirements by establishing detailed [harmonised] rules on the specific test procedures and technical requirements for such type-approval.
- (2) The scope of this Regulation should be in line with that of Regulation (EU) 2019/2144, in particular as defined in its Annex II. As such, the scope of this Regulation is limited to motor vehicles of categories M and N.
- (3) The intelligent speed assistance (ISA) system is an advanced driver assistance system that provides feedback to alert the driver to the perceived speed limit when exceeded by the vehicle and thereby encouraging the driver not to exceed it. ISA may rely on various input methods, such as camera observation, map data and deep learning, however, the actual presence of real-world speed limit related signs should always take precedence over any other available and potentially diverging information.

¹ OJ L 325, 16.12.2019, p. 1.

- (4) Catalogue of road signs ...
- (5) Systems may be faced with ambiguous speed related information due to for instance missing, vandalised, manipulated or otherwise damaged signs, erroneous sign placement, inclement weather conditions or non-harmonised, complicated and implicit speed restrictions. For this reason, the underlying principle should be that the driver is always responsible for adhering to the relevant traffic rules and ISA is a best-effort driver assistance system to alert the driver, whenever possible and appropriate.
- (6) ISA requirements should be to the greater extent technology neutral and performance-based to allow innovative solutions.
- (7) At the same time, the requirements in this Regulation should not far exceed the capability of a normal (average?) human driver of interpreting and understanding the pertinent speed limit information, nor should systems be required to have self-driving levels of capability, but only provide assistance to drivers.
- ~~(8)~~ In order to minimise distracting or overloading drivers with false warnings caused by sub-optimal systems in the real-world, ambitious requirements should be set to ensure on the one hand, that vehicle manufacturers will employ appropriate technologies in the vehicle fleet and, on the other hand, that manufacturers will provide, where appropriate and necessary for a reasonable proportion of the vehicle's life-time, an unrestricted and easy access to system updates.
- ~~(8)~~(9) Additional and novel modes of feedback to aid the driver in maintaining the appropriate speed for the road environment may at a later stage be considered for inclusion in this Regulation, depending on the availability of evidence that shows their compliance with the requirement on dedication, appropriateness and effectiveness.
- ~~(9)~~(10) In recognition of the above, it is however clear that systems employing a combination of a camera system, Global Navigation Satellite System (GNSS) and up-to-date digital maps are considered the state of the art systems with the greatest real-world performance and reliability,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1. This Regulation establishes detailed technical requirements and test procedures for the EU type-approval of motor vehicles with respect to intelligent speed assistance and for the EU type-approval of these systems as separate technical units.
2. This Regulation applies to motor vehicles of categories M and N, as defined in Article 4 of Regulation (EU) 2018/858 of the European Parliament and of the Council².

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply in addition to the definitions set out in Regulation (EU) 2019/2144:

² OJ L 152, 14.6.2018, p. 1.

- (1) *'vehicle type with regard to the intelligent speed assistance'* means vehicles which do not differ in such essential respects as the characteristics and functionality of the speed limit determination system and *its performance when operated on a public road located within the territory of the European Union as well as the feedback system used to aid the driver in maintaining the appropriate speed for the road environment;*
- (2) *'type of intelligent speed assistance system'* means a combination of specific hardware and overall software architecture which does not differ in such essential respects as the characteristics and functionality of the speed limit determination system and its performance when operated in up-to-date condition on a public road located within the territory of the European Union;
- (3) *'speed limit determination system'* means the specific hardware required to obtain the speed limit through the observation of road signs and signals, based on infrastructure signals or electronic map data, or both;
- (4) *'speed limit feedback system'* means the specific hardware required to communicate the speed limit to the driver and to provide feedback to the driver;
- (5) *'perceived speed limit'* means the applicable speed limit as obtained by the speed limit determination system;
- (6) *'speed limit information function'* comprises the speed limit determination system that determines the perceived speed limit, and a human machine interface that communicates the perceived speed limit to the driver;
- (7) *'speed limit warning function'* means a function that alerts the driver that the speedometer speed is exceeding the perceived speed limit;
- (8) *'speed control function'* means a function which that attempts to limit the speedometer speed to a stable speed at or below the perceived speed limit;
- (9) *'speedometer speed'* means the driving speed of the vehicle as displayed by the speedometer
- (10) *'applicable speed limit'* means the maximum permitted legal driving speed for the road travelled, as applicable for the category of vehicle that the intelligent speed assistance system is fitted to;
- (11) *'explicit speed limit sign'* means an applicable road sign which shows a temporary or permanent numerical value;
- (12) *'implicit speed limit sign'* means an applicable road sign which does not show a numerical value;
- (13) *'catalogue of road signs'* means the definitive list of national and regional variants of road sign types and variable message sign types based upon which the intelligent speed assistance system shall obtain the perceived speed limit;
- (14) *'applicable road sign'* means a sign contained in the catalogue of road signs for the category of vehicle to be approved and which is applicable to at least one lane of the vehicle's carriageway, including both non-electronic signs and variable message signs, but not including speed limit road markings;
- (15) *'common space'* means an area on which two or more information functions (e.g. symbol) may be displayed, but not simultaneously;
- (16) *'self-check'* means an integrated function that checks for a system failure on a continuous basis at least while the system is active;

- (17) *'vehicle master control switch'* means the device by which the vehicle's on-board electronics system is brought, from being switched off, as in the case where a vehicle is parked without the driver being present, to normal operation mode;

Article 3

EU type-approval of a motor vehicle with regard to its intelligent speed assistance system

1. For the purpose of EU type-approval of a type of a motor vehicle with regard to its intelligent speed assistance system or of a motor vehicle fitted with a type of intelligent speed assistance system that has been type-approved in accordance with Article 4, the manufacturers or their representatives shall submit to the type-approval authority an information document using the model set out in Annex I, Part 1, Section A.
2. The EU type-approval of a type of motor vehicle with regard to its intelligent speed assistance shall be subject to the vehicle and its system complying with the relevant requirements referred to in point 1.1.1. of Part 2 of Annex I.
3. Where the motor vehicle is fitted with a type of intelligent speed assistance system that has been type-approved in accordance with Article 4, the vehicle and its system shall comply with all relevant requirements as referred to in point 1.1.2. of Part 2 of Annex I.
4. In order to check the compliance of the vehicle and its system, the type-approval authority shall carry out the test procedures laid down in point 3 of Part 2 of Annex I.
5. Where the respective requirements are met, the type-approval authority shall grant an EU type-approval and issue an EU type-approval certificate in accordance with [the model set out in] Annex I, Part 3, Section A.

Article 4

EU type-approval of intelligent speed assistance systems as separate technical units

1. For the purpose of EU type-approval of a type of intelligent speed assistance system as a separate technical unit, the manufacturers or their representatives shall submit to the type-approval authority an information document using the model set out in Annex I, Part 1, Section B.
2. The EU separate technical unit type-approval of an intelligent speed assistance system shall be subject to the system complying with the requirements referred to in point 1.1.3. of Part 2 of Annex I.
3. In order to check the compliance of the system, the type-approval authority shall carry out the test procedures laid down in point 3 of Part 2 of Annex I.
4. Where the requirements for the separate technical unit type-approval of the intelligent speed assistance system are met, the type-approval authority shall grant an EU type-approval and issue an EU type-approval certificate in accordance with [the model set out in] Annex I, Part 3, Section B.
5. Each intelligent speed assistance system conforming to a type, in respect of which an EU separate technical unit type-approval has been granted pursuant to this Article, shall bear an EU type-approval mark in accordance with Annex I, Part 3, Section C.

Article 5

Obligations of the Member States

1. As of 6 July 2022, Member States shall refuse to grant EU type-approval for new types of vehicles that do not comply with the requirements set out in this Regulation.
2. As of 7 July 2024, Member States shall refuse registration, placing on the market and entry into service of vehicles that do not comply with the requirements set out in this Regulation.

Article 6

Amendments to Regulation (EU) 2019/2144

Annexes I and II to Regulation (EU) 2019/2144 of the European Parliament and of the Council are amended in accordance with Annex II to this Regulation.

Article 7

Amendments to Regulation (EU) 2020/683

Annexes I and III to Commission Implementing Regulation (EU) 2020/683 are amended in accordance with Annex III to this Regulation.

Article 9

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
[\[...\]](#)