

To: Stéphane Séjourné, Executive Vice-President for Prosperity and Industrial Strategy

CC: Apostolos Tzitzikostas, European Commissioner for Sustainable Transport and Tourism
Mark Nicklas, Head of Unit Mobility, DG GROW
Claire Depré, Head of Unit Road Safety, DG MOVE
Kristian Schmidt, EU Road Safety Coordinator
Elissavet Vozemberg-Vrionidi, Chair of the Committee on Transport and Tourism, European Parliament
Anna Cavazzini, Chair of the Committee on the Internal Market and Consumer Protection, European Parliament

30 April 2026

Ensuring transparent and inclusive EU policy making for assisted driving systems

Dear Executive Vice-President Séjourné,

I am writing to you regarding the recent provisional EU type-approval of Tesla's "FSD Supervised" assisted driving system by the Dutch type-approval authority RDW, and to urge the European Commission to ensure that the consequent policy decisions are taken through an open and transparent process.

Background

ETSC has consistently raised serious road safety concerns regarding assisted driving systems that permit hands-off use and system-initiated manoeuvres. The provisional approval of Tesla's FSD Supervised therefore raises significant concerns, particularly as its functionality appears to go beyond what is foreseen in the forthcoming 02 series of amendments to UN Regulation No 171 – an expansion of the DCAS framework that we have already raised a number of serious concerns about.

RDW's assertion that "using this driver assistance system correctly makes a positive contribution to road safety" is difficult to reconcile with the current evidence base.¹ While acknowledging differences between EU (DCAS) and US systems, available research has found no convincing

¹ RDW. 2026. RDW explanation of European type approval Tesla with provisional validity in the Netherlands. <https://www.rdw.nl/en/news/2026/rdw-explanation-of-european-type-approval-tesla-with-provisional-validity-in-the-netherlands>

evidence that assisted driving systems deliver safety benefits beyond those already provided by mandatory crash avoidance technologies such as AEBS and lane departure prevention.²

Given the lack of convincing data in prior regulatory discussions, ETSC has already formally requested detailed evidence underpinning RDW's statement, as well as clarification on key aspects of the approval and operation of FSD Supervised. The questions ETSC has posed to RDW have been annexed to this letter for your information.

Safety concerns: evidence from the United States

In addition to the absence of convincing safety benefit data, active regulatory investigations in the United States raise further serious concerns about the system now provisionally approved. These are not hypothetical risks: they reflect documented, ongoing safety failures identified by two US federal safety authorities.

First, NHTSA has escalated its investigation into FSD's degradation detection system. NHTSA is concerned that FSD fails to detect, and/or fails to warn the driver appropriately, when its camera system is not operating as it should – for example due to glare. FSD is also under a separate NHTSA investigation for traffic law violations, including ignoring red traffic lights. (Users have already uploaded videos showing FSD Supervised violating traffic laws in the Netherlands as well).³

It is unclear whether RDW was aware of these investigations, how the concerns they raise were addressed during the approval process, and what specific measures have been implemented to mitigate these risks in the European version of FSD Supervised.

Second, the NTSB recently concluded – as recently as 31 March 2026 – that driver overreliance on assisted driving systems had contributed to two fatal crashes in the United States. This finding directly implicates the question of how risks of overreliance, overconfidence, and foreseeable misuse over prolonged use – over days, weeks, and months – were assessed during the RDW approval process. We are not aware that these risks have been adequately addressed.

Although acknowledging that RDW has stated that the EU version of FSD Supervised system is not identical to the US version, these findings from US authorities are nonetheless directly relevant to the European approval, and we believe the Commission should satisfy itself that they were properly taken into account before proceeding.

Our request: transparency and public deliberation

The provisional EU type-approval of FSD Supervised was granted in accordance with the exemption procedure outlined in Art. 39 of Regulation (EU) 2018/858. The Commission must now

² IIHS-HLDI. 2024. IIHS-HLDI research finds little evidence that partial automation prevents crashes. <https://www.iihs.org/news/detail/iihs-hldi-research-finds-little-evidence-that-partial-automation-prevents-crashes>

³ For example, crossing a solid lane marking: <https://x.com/rdekruyf/status/2046519733508247993?s=20>

adopt an implementing act to decide whether to grant the authorisation, requiring a vote in the Technical Committee – Motor Vehicles (TCMV) prior to adoption. If authorised, the Commission is then required by Art. 40 of Regulation (EU) 2018/858 to immediately take the necessary steps to adapt the regulatory acts concerned - in this case by proposing amendments to UN Regulation No. 171 on driver control assistance systems (DCAS).

Through the combined effect of Articles 39 and 40 of Regulation (EU) 2018/858, the vote on whether to authorise FSD Supervised effectively becomes a major policy decision on the future regulation of assisted driving regulation in the EU. Yet, because the exemption procedure takes place behind closed doors during meetings of the TCMV, there is no formal opportunity for ETSC and other stakeholders to be properly informed, raise questions, provide input or express their position.

A decision of this magnitude – concerning the desirability of allowing hands-off driving combined with system-initiated manoeuvres in urban and rural areas, and taken against the backdrop of active federal safety investigations in the United States – must not be taken through an opaque process. It should be subject to the usual transparent policy making procedures that allow for the meaningful involvement of all stakeholders, including civil society and industry.

Moreover, the United Kingdom and Japan recently expressed a desire to pause the regulatory work on DCAS during a meeting of the task force dedicated to DCAS (TF ADAS) at the UNECE World Forum for Harmonization of Vehicle Regulations (WP.29). ETSC strongly supports such a pause, as it would allow for the gathering of evidence on the safety performance of DCAS-equipped vehicles on European roads – evidence that is all the more necessary given the NHTSA investigations and NTSB findings described above. Regulatory discussions on the expansion of DCAS features should not continue without such a solid evidence base.

ETSC therefore urges the European Commission to:

- **Organise public discussions - whether in the Motor Vehicle Working Group's subgroup on automated and connected vehicles or in WP.29's TF ADAS - on the desirability of regulatory activities that would expand the DCAS framework to include hands-off driving combined with system-initiated manoeuvres in non-highway environments; and,**
- **Only submit the implementing act to a vote by the TCMV once consensus is reached in the aforementioned public forum(s).**

Yours sincerely,



Antonio Avenoso
Executive Director, European Transport Safety Council

ANNEX – ETSC Questions to RDW regarding the approval of FSD Supervised

The questions ETSC has posed to RDW regarding the approval of FSD Supervised by RDW are:

1. Can evidence supporting RDW's conclusion that FSD Supervised makes a positive contribution to road safety be made public? In particular evidence demonstrating safety benefits beyond those delivered by EU-mandatory crash avoidance systems such as AEBS and ELKS.
2. Can a description of the driver monitoring system be made public, including a description of how it assesses that the driver's "hands are available to take over the steering wheel" immediately and what the resulting expectations/requirements are for human drivers? In addition, does it require both hands to be at the ready, or only one hand? How does the system detect and respond to situations where the driver is holding an object (e.g. a smartphone), potentially impairing their ability to intervene?
3. Can evidence on the effectiveness of the driver monitoring system be made public, including quantified impacts of hands-off driving on driver reaction times? How accurate and reliable are the system's detection capabilities for scenarios in which the driver is holding an item in their hand?
4. Was FSD Supervised tested in other EU Member States during the approval process? How has RDW verified that the system operates at an equivalent level of safety across all EU Member States, given differing road environments and traffic conditions?
5. Have the aspects of FSD Supervised that do not conflict with the regulatory requirements been approved in accordance with the requirements in the 01 series of amendments to UN Regulation No 171? To what extent were the provisions of the forthcoming 02 series of amendments taken into account during the approval process?
6. How is the real-world safety performance of FSD Supervised monitored by RDW? And do the in-service monitoring and reporting requirements of UN R171 apply?
7. NHTSA recently escalated its investigation into FSD's degradation detection system, as it is concerned that FSD fails to detect and/or fails to warn the driver appropriately when its camera system is not operating as it should, for example due to glare.⁴ FSD is also under investigation by NHTSA for traffic law violations such as ignoring red traffic lights.⁵ Was RDW aware of these investigations by NHTSA? If so, how were these concerns addressed during the approval process, and what specific measures have been implemented to mitigate these issues in the European version of FSD Supervised?
8. Is the operation of FSD Supervised allowed during nighttime? If so, was its performance under nighttime conditions explicitly tested and validated?
9. The NTSB recently concluded that drivers' overreliance on assisted driving system had contributed to two fatal crashes in the USA.⁶ How were risks of driver overreliance, overconfidence, and foreseeable misuse over prolonged use (days, weeks, months) assessed during the approval process?

⁴ NHTSA. 2026. <https://static.nhtsa.gov/odi/inv/2026/INOA-EA26002-10023.pdf>

⁵ NHTSA. 2025. <https://static.nhtsa.gov/odi/inv/2025/INOA-PE25012-19171.pdf>

⁶ NTSB. 31 March 2026. <https://www.nts.gov/news/press-releases/Pages/NR20260331.aspx>