

Brussels, 15 March 2021

Dear [European Commission],

I am writing to you with regards to the forthcoming delegated act on event data recorders (EDR) implementing the new General Safety Regulation (GSR; (EU) 2019/2144) for motor vehicles.

The European Transport Safety Council (ETSC) is greatly concerned about the proposed requirement that the EDR should not be able to capture and store data elements on the location, date and time of events, as was stated in the “EDR: Draft elements for EU Regulation” document prepared by your contractor TRL.<sup>1</sup>

Determining the causation in a collision is becoming increasingly difficult with the increase of assistance systems in vehicles, as less traces are available to reveal the course of a collision. As a result, the digital traces recorded by the EDR are increasingly relied upon, as the data allows to objectify the causal relationship in road collisions with high informative value.

EDRs are therefore vital for gathering collision data for better research as well as accident analysis – already today, and especially considering a future in which assisted and automated driving systems play an increasingly important role in road traffic.

However, prohibiting EDRs to capture data elements on the location, date and time of events would mean that they do not record data that is indispensable for accident research and analysis – the very purpose for which they are mandated by the GSR. Only with stamps on time and location can the data be clearly assigned, allowing for the data to be analysed and understood in the correct environmental context (e.g. whether a red light was crossed) necessary for accident research and analysis.

We therefore feel that the rules on data protection, in particular Article (6)(5) of the GSR, are applied too stringently, especially considering that Article (6)(4)(d) of the GSR states that the data can only be made available to national authorities on the basis of Union and national law and in compliance with the General Data Protection Regulation.

We furthermore fear that the stringent interpretation would be detrimental for the analysis of collisions involving vehicles with automated driving systems, as notably the time stamp is important to link the EDR data to data from the Data Storage System for Automated Driving (DSSAD).

We therefore call on you to ensure in the delegated act on EDR that location, date and time should be recorded, while providing safeguards to ensure data protection rules. Possible safeguards include for example more stringent provisions for how and when data on location, date and time can be retrieved (e.g. only when it is guaranteed that the retrieval is in accordance with Union and national law).

Yours sincerely,



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Executive Director  
European Transport Safety Council (ETSC)

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<sup>1</sup> As uploaded on CIRCABC for the MVWG meeting on 11 February 2021.