

Brussels, **XXX**
[...](2021) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

laying down rules for the application of Regulation (EU) 2019/2144 of the European Parliament and of the Council as regards uniform procedures and technical specifications for the type-approval of motor vehicles with regard to their automated driving system (ADS)

(Text with EEA relevance)

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COMMISSION IMPLEMENTING REGULATION (EU) .../...

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(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 631/2010, (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 7(6) in conjunction with Article 7(3) thereof,

Whereas:

- (1) Article 11 of Regulation (EU) 2019/2144 of the European Parliament and of the Council requires the Commission to establish rules as regards uniform procedures and technical specifications for the type-approval of automated vehicles and fully automated vehicles.
- (2) The type-approval procedures set out in Regulation (EU) 2018/858 of the European Parliament and of the Council² apply to the type-approval of motor vehicles with regard to the emergency lane-keeping systems. To allow for a consistent approach with regard to the information to be provided in the information document referred to in Article 24(1)(a) of Regulation (EU) 2018/858, the information relevant for the automated driving systems should be further specified in this Regulation.
- (3) The EU type-approval certificate, referred to in Article 28(1) of Regulation (EU) 2018/858, to be issued for automated driving systems, should be based on the respective Model template laid down in Annex III to Commission Implementing

¹ OJ L 325, 16.12.2019, p. 1.

² Regulation (EC) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

Regulation (EU) 2020/683³. However, the addendum to the type-approval certificate should contain the information specific to the emergency lane-keeping systems as defined in this Regulation, therefore the template for the type-approval certificate with the complemented addendum should be laid down in this Regulation.

- (4) The automated driving system is a system that includes systems to replace the driver's control of the vehicle, including signalling, steering, accelerating and braking, systems to provide the vehicle with real-time information on the state of the vehicle and the surrounding area, driver availability monitoring systems, driver availability monitoring systems, event data recorders for automated vehicles and systems that provide safety information to other road users. Pending further standardisation at the European level, the implementing act should not include any requirements on the exchange of data for instance for multi-brand vehicle platooning.
- (5) This implementing act shall take fully account of on-going discussion under the umbrella of the of the United Nation Working Party on automotive regulations...
- (6) In accordance with national traffic legislation, Automated and fully automated vehicles should... In order to avoid that the driver to switch the system off and thus lead to loss of potential safety benefit, the automated driving system should be required to....
- (7) The currently existing technologies the automated driving systems are based Therefore, the automated driving systems should not be required ...
- (8) Given the complexity of the automated driving systems, it is necessary to supplement the tests provided in this Regulation by documentation, demonstrating the design and validation measures taken by the manufacturer to ensure that the the automated driving systems operates safely in various situations. The relevant documentation to be provided by the manufacturer and the procedures for its assessment by the approval authorities or technical services shall be defined in this Regulation.
- (9) As Regulation (EU) 2019/2144 is to apply from 6 July 2022, this Regulation should apply from the same date.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee – Motor Vehicles,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation applies to the approval of the automated driving systems of fully automated vehicles as defined in Article 3(22) of Regulation (EU) 2019/2144.

³ Commission Implementing Regulation (EU) 2020/683 of 15 April 2020 implementing Regulation (EU) 2018/858 of the European Parliament and of the Council with regards to the administrative requirements for the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 163, 26.5.2020, p. 1).

Article 2

Administrative provisions and technical specifications for the type-approval of fully automated vehicles with regard to their automated driving systems

1. The information document, submitted in accordance with Article 24(1)(a) of Regulation (EU) 2018/858 with the application for type-approval of a type of vehicle with regard to the automated driving system, shall consist of the information relevant for that system as contained in Part 1 of Annex I.
2. The type-approval of motor vehicles with regard to automated driving systems shall be subject to the technical specifications set out in Annex II, which shall be assessed in accordance with Annex III.
3. The EU type-approval certificate for a type of vehicle with regard to the automated driving system, as referred to in Article 28(1) of Regulation (EU) 2018/858, shall be drawn up in accordance with Annex IV.

Article 3

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*.

It shall apply from 6 July 2022.

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

Done at Brussels,

*For the Commission
The President
Ursula von der Leyen*