

Road safety: protection of pedestrians and other vulnerable road users

2007/0201(COD) - 14/01/2009 - Final act

PURPOSE: to strengthen Community requirements for improving the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle.

LEGISLATIVE ACT: Regulation (EC) No 78/2009 of the European Parliament and of the Council on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC.

CONTENT: having reached agreement with the Parliament at first reading, the Council adopted the Regulation laying down additional requirements for the construction of motor vehicles and frontal protection systems in order to reduce the number and severity of injuries to pedestrians and other vulnerable road users who are hit by vehicles, and in order to avoid such collisions.

A study carried out by the Commission shows that pedestrian protection can be significantly improved by a combination of active and passive measures affording a higher level of protection than the previously existing provisions. In particular, the study shows that the Brake Assist active safety system, combined with changes to passive safety requirements, would significantly increase the level of pedestrian protection.

In this context, the Regulation provides for **the mandatory fitting of Brake Assist systems in new motor vehicles**.

Owing to the increasing number of heavier vehicles being used on urban roads, the provisions of the Regulation will apply **not only to vehicles of maximum mass not exceeding 2 500 kg, but also, after a limited transitional period, to vehicles exceeding that limit. In this regard, the timetable for application to vehicles shall be from 24 November 2009 to 24 August 2019.**

Upon assessment by the Commission, **vehicles equipped with collision avoidance systems** may not have to fulfil the test requirements laid down in Sections 2 and 3 of Annex I in order to be granted an EC type-approval or a national type-approval for a type of a vehicle with regard to pedestrian protection, or to be sold, registered or to enter into service. The Commission shall present the assessment to the European Parliament and to the Council, accompanied by proposals amending this Regulation if appropriate. Any measures proposed shall ensure levels of protection which are at least equivalent, in terms of actual effectiveness, to those provided by Sections 2 and 3 of Annex I.

In terms of **monitoring**, the Commission, acting on the basis of relevant information communicated by the approval authorities and interested parties as well as on the basis of independent studies, shall monitor the technical developments in the field of enhanced passive safety requirements, brake assist and other active safety technologies which may provide improved protection to vulnerable road users.

By 24 February 2014, the Commission shall **review the feasibility** and application of any such enhanced passive safety requirements. It shall review the functioning of this Regulation with regard to the use and effectiveness of brake assist and other active safety technologies. The Commission shall submit a report to the European Parliament and the Council, accompanied by proposals on the subject as appropriate.

Note that this Regulation is one of the individual legislative acts relating to the Community procedure for type-approval of vehicles, adopted under Directive 2007/46/EC establishing a framework for the approval of motor vehicles and of their technical systems and components.

ENTRY INTO FORCE: 24/02/2009.

APPLICATION: from 24/11/2009 with the exception of certain provisions which shall apply from dates stretching as far as 24/08/2019.