

Basic information	
2007/0201(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Road safety: protection of pedestrians and other vulnerable road users Repealing Directive 2003/102/EC 2003/0033(COD) Repealing Directive 2005/66/EC 2003/0226(COD) Amending Directive 2007/46/EC 2003/0153(COD) Repealed by 2018/0145(COD)	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism	FERRARI Francesco (ALDE)	09/10/2007
	Committee for opinion	Rapporteur for opinion	Appointed
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
Council of the European Union	IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
	Council configuration	Meetings	Date
	Employment, Social Policy, Health and Consumer Affairs	2916	2008-12-16
European Commission	Commission DG	Commissioner	
	Internal Market, Industry, Entrepreneurship and SMEs	VERHEUGEN Günter	

Key events			
Date	Event	Reference	Summary

03/10/2007	Legislative proposal published	COM(2007)0560 	Summary
11/10/2007	Committee referral announced in Parliament, 1st reading		
26/03/2008	Vote in committee, 1st reading		Summary
31/03/2008	Committee report tabled for plenary, 1st reading	A6-0081/2008	
17/06/2008	Debate in Parliament		
18/06/2008	Decision by Parliament, 1st reading	T6-0297/2008	Summary
18/06/2008	Results of vote in Parliament		
16/12/2008	Act adopted by Council after Parliament's 1st reading		
14/01/2009	Final act signed		
14/01/2009	End of procedure in Parliament		
04/02/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2007/0201(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Directive 2003/102/EC 2003/0033(COD) Repealing Directive 2005/66/EC 2003/0226(COD) Amending Directive 2007/46/EC 2003/0153(COD) Repealed by 2018/0145(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/54360

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE398.336	13/02/2008	
Amendments tabled in committee		PE402.585	06/03/2008	
Committee report tabled for plenary, 1st reading/single reading		A6-0081/2008	31/03/2008	
Text adopted by Parliament, 1st reading/single reading		T6-0297/2008	18/06/2008	Summary
Council of the EU				
Document type	Reference	Date	Summary	
Draft final act	03651/2008/LEX	14/01/2009		

European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2007)0560 	03/10/2007	Summary	
Document attached to the procedure	SEC(2007)1244 	03/10/2007		
Document attached to the procedure	SEC(2007)1245 	03/10/2007		
Commission response to text adopted in plenary	SP(2008)4439	16/07/2008		

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0752/2008	23/04/2008	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2009/0078
OJ L 035 04.02.2009, p. 0001

[Summary](#)

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.

Road safety: protection of pedestrians and other vulnerable road users

2007/0201(COD) - 03/10/2007 - Legislative proposal

PURPOSE: to present a proposal on the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle and amending the Framework Directive on the type-approval of motor vehicles.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: this proposal lays down requirements for the construction and functioning of 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 the fronts of those vehicles and in order to avoid such collisions.

The current Directive relating to the protection of pedestrians and other vulnerable road users is 2003/102/EC. The recent study completed under Article 5 of this Directive on feasibility issues for the implementation of the second phase requirements has shown these requirements to be not feasible. This proposal builds on the previous requirements by providing amendments to ensure feasibility.

A study commissioned by the Commission shows that the requirements for pedestrian protection can be significantly improved by use of a combination of passive and active measures which afford a higher level of protection than the previously existing provisions. In particular, the active safety system '**Brake Assist**' will, in combination with changes to passive safety requirements, significantly increase the level of protection provided. The Commission wants to provide for the obligatory installation of Brake Assist systems in new motor vehicles.

In addition, the proposal lays down rules on frontal protection systems. These must either be fitted as original equipment to vehicles placed on the market or supplied as separate technical units must comply with requirements in this regulation.

With the increasing number of heavier vehicles being used on urban roads, the proposal provides that rules on pedestrian protection apply not only to vehicles of maximum mass not exceeding 2500kg , but also, after a certain transitional period, to vehicles of categories M1 and N1 exceeding that limit.

It is recalled that new vehicles are required to pass a number of performance tests in two phases: phase I (which is based on recommendations from the Joint Research Centre) started in October 2005 as required by Directive 2003/102/EC and a revised phase II (which is based on European Enhanced Vehicle-safety Committee recommendations) which is the main subject of this proposal. After the start of phase II, all new vehicle types will have to comply with amended test requirements and be fitted with Brake Assist by 2009.

The proposed Regulation will be a part of the EU type-approval system for vehicles.

The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred to the Commission (comitology).

In particular, power should be conferred on the Commission to adopt technical provisions for the application of the test requirements, performance requirements for collision avoidance systems, and implementing measures based on results of monitoring. Since those measures are of general scope and are designed to amend nonessential elements of this Regulation by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny.

In order to ensure a smooth transition from the provisions of Directives 2003/102/EC and 2005/66/EC to this Regulation, the application of this Regulation should be deferred by a period of 9 months after its entry into force.

Road safety: protection of pedestrians and other vulnerable road users

2007/0201(COD) - 18/06/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 642 votes to 8 and 7 abstentions, a legislative resolution amending, under 1st reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council on the protection of pedestrians and other vulnerable road users.

The report had been tabled for consideration in plenary by Francesco **FERRARI** (ALDE, IT) on behalf of the Committee on Transport and Tourism.

The amendments are the result of a compromise between Parliament and Council. The main ones are as follows:

Scope: Sections 2 and 3 of Annex I (tests required to be carried out on vehicles) shall not apply to: a) vehicles of category N1 and, (b) vehicles of category M 1 above 2500 kg maximum mass and which are derived from N 1 category vehicles, where the driver position "R-point" is either forward of the front axle or longitudinally rearwards of the front axle transverse centreline by a maximum of 1100 mm.

Definitions: following the above, Parliament inserted a definition for 'vehicles of category M1 derived from N1' as meaning those vehicles of M1 category and of maximum mass exceeding 2500 kg which, forward of the A-pillars, have the same general structure and shape as a pre-existing N1 category vehicle. It also amended the definition of "brake assist system."

Granting of EC type-approval: Parliament made some amendments to Article 6, stating that certain letters must be used to indicate conformity with the requirements of the legislation. It also stated that the frontal protection system shall be in conformity with the requirements of this Regulation and shall be granted, and consequently bear, an approval mark established in accordance of the provisions set out in Annex IV. Frontal protection systems (FPS), better known as bull bars, will have to pass the same performance tests as the vehicles on which they are intended to be installed.

Target dates: MEPs state that compulsory brake systems (BAS) on cars should be fitted within 24 months of entry into force of the regulation. All new cars should be fitted with Electronic Stability Control (ESC) systems by 2012 and lorries and other heavy vehicles with Advanced Emergency Braking Systems (AEBS) and Lane Departure Warning (LDW) Systems as of 2013. The compulsory introduction of brake-assist systems (BAS) and the performance tests that cars have to pass in order to increase pedestrian protection (passive safety measures) will be introduced between 9 and 15 months earlier than the Commission is proposing.

There will be no distinction between lighter and heavier cars as far as the introduction of BAS is concerned. Under the Commission's proposal, manufacturers of certain types of SUV would have had more time to comply.

Collision avoidance systems: vehicles equipped with collision avoidance systems may not be required to fulfil certain requirements laid down in the Regulation to the extent that they will be able to avoid collisions with pedestrians rather than merely mitigating the effects of such collisions. After assessing that the use of such technology can effectively avoid collisions with pedestrians and other vulnerable road users, the Commission may present proposals amending the Regulation to allow for the use of such systems. 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 to the Regulation.

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 of enhanced passive safety requirements, Brake Assist and other active safety technologies which may provide improved protection to vulnerable road users. Five years after entry into force of the legislation, at the latest, the Commission shall review the feasibility and use of any such enhanced passive requirements. It shall review the functioning of this Regulation with regard to the use and effectiveness of Brake Assist and other technologies.