

EUROPEAN COMMISSION SETS OUT LEGISLATIVE ROADMAP FOR THE FUTURE OF CONNECTED AND AUTONOMOUS VEHICLES IN THE EU

29 May 2018 | London
Legal Briefings

On 17 May 2018, the European Commission announced a suite of legislative and policy proposals relating to connected and autonomous vehicles. These announcements came as part of the "Third Mobility Package" – the Commission's broader agenda to ensure "safe, clean and connected mobility" in Europe by 2025 – and are mainly concerned with road safety.

The legislative proposals include new vehicle type-approval rules which will require, for instance, that new models of cars are equipped with advanced safety features, such as advanced emergency braking and lane-keeping assist system. Separately, under the amended rules on infrastructure safety management, road signs and markings must be designed in a way that they are reliably recognisable by vehicles equipped with driver assistance systems or higher levels of automation. In order to become law, however, these legislative proposals will first need to be approved by the European Council and the European Parliament (and may change significantly during the legislative process).

The Commission also published a new strategy on automated and connected mobility systems, which sets out further steps that need to be taken to prepare for the roll-out of these technologies, including by making further changes to the EU regulatory framework.

New vehicle type-approval rules

The Commission has proposed a revision of the Vehicle General Safety Regulation, which sets out the minimum EU safety standards for the type approval of motor vehicles. The proposal includes new safety measures for driver assistance systems and autonomous driving. One of the stated aims of these new rules is to help EU drivers to get gradually accustomed to autonomous driving with a view to enhance public trust and acceptance in the transition towards this new technology.

Key requirements linked to connected and autonomous driving include (note that many of the below-listed features are already offered on cars, but often only as options):

- All new cars will need to be equipped with advanced vehicle safety features, including:
 - intelligent speed assistance system alerting the driver by way of haptic feedback through the accelerator pedal that the applicable speed limit has been reached or exceeded (and which cannot be switched off or suppressed);
 - interface facilitating the fitment of an aftermarket alcohol interlock device (which, if installed, will stop the driver from using the car if alcohol is detected in their system);
 - driver drowsiness and attention monitoring/distraction recognition systems; or
 - reversing camera or detection system.
- New passenger cars and vans will in addition need to be equipped with:
 - advanced emergency braking system designed, in the first instance, to detect moving vehicles and stationary obstacles, and ultimately extending this capability to also include vulnerable road users;

- lane-keeping system applying a spin to the steering wheel, or pressure to the brakes, at least when a lane departure occurs or is about to occur and collision may be imminent; and
- accident data recorder (i.e. black box).
- New buses and trucks will in addition need to be equipped with:
 - system capable of detecting vulnerable road users located in close proximity to the front or nearside of the vehicle and providing a warning or avoiding collision with such vulnerable road users; and
 - lane departure warning system and advanced emergency braking system which are to be specified in future delegated acts.
- New automated vehicles will need to comply with certain additional requirements as specified in future delegated acts and relating to:
 - systems replacing the driver's control of the vehicle;
 - systems providing the vehicle with real-time information on the state of the vehicle and the surrounding area;
 - driver readiness monitoring systems;
 - accident data recorder for automated vehicles; and
 - harmonised format for the exchange of data for the purposes of multi-brand vehicle platooning.

Update of rules on road infrastructure safety management

As part of its proposed amendments to the Directive on road infrastructure safety management, the Commission has introduced a requirement that road markings and road signs are applied and maintained in a way which ensures that they can be reliably recognised, including by connected and autonomous mobility systems. This proposal is said to be designed to complement the new-type approval rules discussed above (for instance, the visible road marking should increase the reliability of the lane-keeping assist) as well as to contribute to the realisation of the full safety potential of automated systems more generally.

Commission's strategy and next steps

With the framework of the Third Mobility Package, the Commission has also published a new policy strategy which aims to make the EU a world leader for connected and autonomous vehicles. The strategy notes that to achieve this goal, further changes to the EU regulatory framework will need to be made. This includes the adoption of new guidelines on the product liability framework, new rules on the sharing of vehicle data, as well as rules to ensure secured communication, data protection and interoperability. In addition, the strategy notes that to ensure competitiveness of the EU automotive industry going forward, further public investment in this area is required. The Commission seeks to address this concern, at least to some extent, by its commitment to make available up to EUR 450m worth of EU grants for these purposes.

Conclusion

The Commission's proposals signal its commitment to ensuring that the EU is at the forefront of connected and autonomous vehicle technology. With the United States' attempt to regulate connected and autonomous vehicles at a federal level currently held up in the Senate, the EU may have a real opportunity to try and take the lead in this area. However it will need to move quickly. A number of other countries - notably China - are seeking to introduce comprehensive regulatory frameworks for the testing and commercialisation of connected and autonomous vehicle technology (click [here](#) for our analysis of recent developments in China). Although there is still currently all to play for, it may not be long until the winners start to emerge.

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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