



COMMISSION OF THE EUROPEAN COMMUNITIES

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accompanying document to the

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the protection of pedestrians and other vulnerable road users

Impact Assessment's Summary

{COM(2007)560 final
SEC(2007)1244}

Directive 2003/102/EC⁽¹⁾ of the European Parliament and of the Council of 17 November 2003 relates to the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle. In adopting this Directive the Council and Parliament recognised a need to closely examine the requirements imposed under the second phase with respect to feasibility of implementation.

As required under Article 5 of the existing Directive, a feasibility study carried out showed that the present requirements under Phase II, due in 2010, are not technically feasible. The study also examined the possible use of active safety systems which could be available for use within the required timescale. With this consideration, the use of Brake Assist systems was identified as a suitable technology for immediate use.

Five options have been identified for further examination with a view to addressing the technical feasibility concerns in the requirements for Phase II. However, not all comply with the requirements of Article 5(1) in ensuring that the amended requirements are "at least equivalent in terms of actual effectiveness". These options are as follows:

- take no action on the requirements at this time, possibly postpone the dates of application to allow further progress and continue monitoring technical progress with the option of amending the existing Directive at a later stage,
- provide amendments to the passive safety requirements of Phase II in accordance with an Industry proposal to provide feasibility,
- provide moderate amendments to the passive safety requirements of Phase II in line with suggestions originally made by the external consultant during the preparation of the feasibility study,
- provide more significant amendments to the passive safety requirements of Phase II in accordance with the results of the study completed into the feasibility of Phase II,
- provide amendments to the passive safety requirements of Phase II in accordance with the results of the study completed into the feasibility of Phase II, and require the use of additional active safety systems to ensure there is no reduction in the levels of safety provided.

The Commission considers the fifth option to be the most viable, since it is feasible, and offers equivalent, or improved, levels of safety in relation to the current proposal.

As a result, and as foreseen in the Commission communication on CARS 21², the new proposal provides for a combination of active and passive safety and, in particular, for the provision of all vehicles concerned to be fitted with a Brake Assist System (BAS). Such a system, if fitted to a vehicle, can considerably reduce the stopping distance of the vehicle in an emergency situation with the effect that a collision with a pedestrian could occur at a far slower speed, or be avoided altogether.

¹ OJ L 321, 6.12.03, p. 15.

² Communication from the Commission to the European Parliament and Council - A competitive automotive regulatory framework for the 21st Century - Commission's response to the CARS 21 High Level Group Final Report {SEC(2007)77} {SEC(2007)78}.

The Impact Assessment of the proposed Regulation shows that the level of safety provided to the vulnerable road user can be expected to be maintained and even improved compared with those provided by the second phase requirements of the existing Directive.