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ENT 95
MI 391
COMPET 422
IND 143
TRANS 328
ENV 372
DELECT 108

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. Cion doc.: ST 8164/21 + ADD 1 - C(2021) 2639 final

Subject: Commission Delegated Regulation (EU) .../... of 23.4.2021 supplementing Regulation (EU) 2019/2144 of the European Parliament and of the Council by laying down detailed rules concerning the specific test procedures and technical requirements for the type-approval of motor vehicles with regard to their driver drowsiness and attention warning systems and amending Annex II to that Regulation
- Intention not to raise objections to a delegated act

1. On 23 April 2021, the Commission submitted the above draft Delegated Regulation to the Council in accordance with Articles 4(6) and 6(6) of Regulation (EU) 2019/2144¹.
2. This draft Delegated Regulation also amends Annex II of Regulation (EU) 2019/2144 by adding a reference to it, which is the regulatory act establishing the specific requirements with regard to the driver drowsiness and attention warning systems.

¹ 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 (OJ L 325, 16.12.2019, p. 1)

3. Fatigue negatively affects driver's capability for safe and effective driving, mostly observed on long-distance driving with a constant speed. The safety potential of the Driver Drowsiness and Attention Warning (DDAW) is expected when driving at constant speed outside urban areas with speed limit that exceeds 70 km/h. Regulation (EU) 2019/2144 mandates motor vehicles of categories M and N to be equipped with DDAW systems from 6 July 2022 for new types and from 7 July 2024 for all new vehicles. For this reason, it is proposed that motor vehicles with design speed not exceeding 70 km/h would not be required to be fitted with driver drowsiness and attention warning systems.
4. Delegations had until 26 May 2021 to object to the delegated act. By this deadline, no delegation has raised any objections or made any comments.
5. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm the non-opposition to the draft Delegated Regulation, as set out in document ST 8164/21 + ADD 1 as an item without discussion at one of its forthcoming meetings.
