



To: Member States' Representatives in the Motor Vehicle Working Group (MVWG)

Concerns regarding delegated acts on Event Data Recorders (EDR) and Intelligent Speed Assistance (ISA)

16 April 2021

Dear Sir, Madam,

We are writing with regard to the forthcoming delegated acts on event data recorders (EDR) and Intelligent Speed Assistance (ISA), implementing the new General Safety Regulation 2019/2144. The two delegated acts will be discussed at the next meeting of the Motor Vehicle Working Group on the [21st of April](#), which we hope you will be able to attend.

We are greatly concerned about the proposed requirement that the **EDR** should not be able to capture and store data elements on the location, date and time of events, as was stated in the "[EDR: Draft elements for EU Regulation](#)" document prepared by TRL, consultants to the Commission.

Determining the causation in a collision is becoming increasingly difficult with the increase of assistance systems in vehicles, as fewer physical traces are available to reveal the course of a collision. As a result, the digital traces recorded by the EDR are increasingly relied upon, as the data enables better analysis of the causal relationship in road collisions.

EDRs are therefore vital for gathering collision data for better research as well as accident analysis – already today, and especially considering a future in which assisted and automated driving systems play an increasingly important role in road traffic.

Prohibiting EDRs from capturing data elements on the location, date and time of events would mean that they do not record essential data for accident research and analysis – the very purpose for which they are mandated by the GSR. Only with stamps on time and location can the data be clearly assigned, allowing for the data to be analysed and understood in the correct environmental context necessary for accident research and analysis.

We therefore call on you to ensure in the delegated act on EDR that location, date and time should be recorded, while providing safeguards to ensure data protection rules. Possible safeguards include, for example, more stringent provisions for how and when data on location, date and time can be retrieved (e.g. only when it is guaranteed that the retrieval is in accordance with Union and national law).

We also deeply regret that the [Commission's draft delegated act](#) on **Intelligent Speed Assistance** (ISA) still allows cascaded warnings, despite the severe concerns we voiced on several occasions. Furthermore, the feedback can still be deactivated completely for the rest of the drive with the flick of a switch. The draft still only requires 90% of compliant signs to be detected.

However, we welcome the addition of [Article \(4\)](#) *Information on the use of intelligent speed assistance systems*. Yet we suggest improving the text (see track changes in the Annex below) to clarify that the information/data on each of the warning functions should also be provided separately, in order for any differences in performance between the different warning functions to be identified. We recommend adding a provision requiring the European Commission to publish the information received.

Finally, we call on you to support our request for a deadline of September 2025 for the revision of Annex I to trigger a revision of the ISA delegated act already prior to the general review clause in the GSR, in order to minimise the availability of poor performing modes of feedback, if identified as such based on the information received by the Commission.

We urge you to ensure that these concerns are taken on board during the upcoming discussions at the Motor Vehicle Working Group on the 21st of April.

Yours sincerely,

Antonio Avenoso, Executive Director, European Transport Safety Council (ETSC)

Professor Oliver Carsten, University of Leeds, UK

Jeannot Mersch, President, European Federation of Road Traffic Victims (FEVR)

Stephen Russell, Secretary General, ANEC – The European consumer voice in standardisation

Karen Vancluysen, Secretary General, POLIS Network - Cities and Regions for Transport Innovation

Geert van Waeg, President, International Federation of Pedestrians

Jill Warren, CEO, European Cyclists Federation (ECF)

Annex: Suggestions for improvement to Article 4 in track changes.

Article 4: Information on the use of intelligent speed assistance systems

1. Vehicle manufacturers shall provide the approval authorities with the following information:
 - (a) ratios of the time driven or the distances that are travelled with the intelligent speed assistance systems switched on and switched off;
 - (b) ratios of the time driven or the distances that are travelled with the perceived speed limits being observed and being overridden, respectively;
 - (c) the average time elapsed between the switch-on and the switch-off of the intelligent speed assistance system by the driver, when applicable;
 - (d) The information referred to in the first subparagraph shall be provided separately for each of the following functions: the cascaded acoustic warning ~~function~~, the cascaded vibrating warning ~~function~~ ~~and~~ the haptic feedback ~~function shall be provided separately from the information for~~ and the speed control function.
2. The approval authorities shall aggregate the information received in accordance with paragraph 1 and provide it to the Commission on 7 July 2024 and every 6 months thereafter. Upon receiving this information, the Commission shall make it publicly available within one month.
3. By 7 September 2025, the Commission shall review the technical requirements set out in Annex I based on the information received in accordance with paragraph 1 as well as any other information, and shall adopt amendments to this Regulation, if deemed appropriate.

Justification

The changes to the text of paragraph 1(d) aim to clarify that the information/data on each of the warning functions should also be provided separately, in order for any differences in performance between the different warning functions to be identified. Our concern is that the current text may be interpreted as requiring manufacturers to provide the information on these three warning functions as one set of data, with the data on the speed control function as a second set of data. This would render the identification of performance differences between the warning functions impossible.

The added sentence to paragraph 2 aims to ensure that all stakeholders are informed about the performance of the ISA systems on the market, and allowing them to analyse whether any differences in performance between modes of feedback can be identified.

The third paragraph was added to trigger a revision of the ISA delegated act already prior to the general review clause in the General Safety Regulation. This in order to minimise the availability of poor performing modes of feedback, if identified as such based on the information received by the Commission. The deadline for the review and adoption of amendments (if any) is proposed to be set for 15 months following the first submission of information by the approval authorities, as this would allow the Commission to base the review on three batches of information.