Commission Regulation (EU) No 347/2012 of 16 April 2012 implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council with respect to type-approval requirements for certain categories of motor vehicles with regard to advanced emergency braking systems

COMMISSION REGULATION (EU) No 347/2012

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor[(1)], and in particular Article 14(1)(a) and Article 14(3)(a) thereof,

Whereas:

(1) Regulation (EC) No 661/2009 is a separate Regulation for the purposes of the type-approval procedure provided for by Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)[(2)].

(2) Regulation (EC) No 661/2009 lays down basic requirements for the type-approval of motor vehicles of categories M_2, M_3, N_2 and N_3 with regard to the installation of advanced emergency braking systems (AEBS). It is necessary to set out the specific procedures, tests and requirements for such type-approval.

(3) Regulation (EC) No 661/2009 lays down a general obligation for vehicles of categories M_2, M_3, N_2 and N_3 to be equipped with an AEBS.

(4) Regulation (EC) No 661/2009 provides that the Commission may adopt measures exempting certain vehicles or classes of vehicles of categories M_2, M_3, N_2 and N_3 from the obligation to install AEBS under certain conditions.

(5) An analysis of cost/benefits and of technical and safety aspects has demonstrated that more lead time will be necessary before wide ranging requirements for AEBS can be applied to all types of vehicle of categories M_2, M_3, N_2 and N_3. In particular attention has to be given to the braking technology and rear axle suspension system used on those vehicles when specifying detailed rules concerning the specific test and technical requirements for the type-approval of those vehicles with regard to their AEBS. It is therefore appropriate to implement those requirements in two stages, starting with an approval level 1, which contains appropriate collision warning and emergency braking

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 347/2012. (See end of Document for details)*

requirements for types of vehicle of categories M_3 and N_3 as well as types of vehicle of category N_2 with a maximum mass exceeding 8 tonnes, provided that these types of vehicle are equipped with pneumatic or air-over-hydraulic braking systems and with pneumatic rear axle suspension systems. Those requirements should be further extended and complemented in a second stage, through an approval level 2, to also apply to types of vehicle with hydraulic braking systems and non-pneumatic rear axle suspension systems and to include types of vehicle of category M_2 and of category N_2 with a maximum mass not exceeding 8 tonnes. The timing for implementing the approval level 2 should provide sufficient lead time for gaining further experience with those systems and enable further technical developments in this field, as well as for the United Nations Economic Commission for Europe (UNECE) to adopt international harmonised performance and test requirements for the types of vehicle of the categories concerned. Therefore, no later than two years before the implementation date for the approval level 2, the Commission shall adopt the warning and braking activation test criteria for types of vehicle of category M_2 and of category N_2 with a maximum mass not exceeding 8 tonnes, taking into consideration the further developments at UNECE level on this issue.

(6) The cost/benefit analysis has also demonstrated that the mandatory application of AEBS would generate more costs than benefits and proves therefore not to be appropriate for the following classes of vehicles: category N_2 semi-trailer towing vehicles with a maximum mass exceeding 3,5 tonnes but not exceeding 8 tonnes, categories M_2 and M_3 vehicles of Class A, Class I and Class II, and articulated buses of category M_3 of Class A, Class I and Class II. In addition, technical and physical constraints make it impossible to install the collision detection equipment in a way that would ensure their reliable functioning on certain special purpose vehicles, off-road vehicles and vehicles with more than three axles. Vehicles of those categories should therefore be exempted from the obligation to install AEBS.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation applies to motor vehicles of categories M_2, M_3, N_2 and N_3, as defined in Annex II to Directive 2007/46/EC, with the exception of the following:

(1) semi-trailer towing vehicles of category N_2 with a maximum mass exceeding 3,5 but not exceeding 8 tonnes;

(2) categories M_2 and M_3 vehicles of Class A, Class I and Class II;

(3) category M_3 articulated buses of Class A, Class I and Class II;

(4) off-road vehicles of categories M_2, M_3, N_2 and N_3 as referred to in points 4.2 and 4.3 of Part A of Annex II to Directive 2007/46/EC;

(5) special purpose vehicles of categories M_2, M_3, N_2 and N_3 as referred to in point 5 of Part A of Annex II to Directive 2007/46/EC;

(6) vehicles of categories M_2, M_3, N_2 and N_3 with more than three axles.

Article 2

Definitions

For the purposes of this Regulation, the definitions laid down in Directive 2007/46/EC and in Regulation (EC) No 661/2009 shall apply.

In addition, the following definitions shall apply:

(1) 'type of vehicle with regard to its advanced emergency braking system' (AEBS) means a category of vehicles which do not differ in essential respects, including as to:

(a) the manufacturer's trade name or trade mark;

(b) vehicle features which significantly influence the performances of the AEBS;

(c) the type and design of the AEBS;

(2) 'subject vehicle' means the vehicle being tested;

(3) 'target' means a high volume series production passenger car of category M_1 AA saloon as defined in point 1 of Section C of Annex II to Directive 2007/46/EC or, in the case of a soft target, an object representative of such a vehicle in terms of its detection characteristics applicable to the sensor system of the AEBS under test;

(4) 'soft target' means a target that will suffer minimum damage and cause minimum damage to the subject vehicle in the event of a collision;

(5) 'moving target' means a target travelling at a constant speed in the same direction and in the centre of the same lane of travel as the subject vehicle;

(6) 'stationary target' means a target at standstill facing the same direction and positioned on the centre of the same test lane of travel as the subject vehicle;

(7) 'collision warning phase' means the phase directly preceding the emergency braking phase, during which the AEBS warns the driver of a potential forward collision;

(8) 'emergency braking phase' means the phase starting when the AEBS emits a braking demand for at least 4 m/s^2 deceleration to the service braking system of the vehicle;

(9) 'common space' means an area on which two or more information functions may be displayed, but not simultaneously;

(10) 'self-check' means an integrated function that checks for a system failure on a semi-continuous basis at least while the system is active;

(11) 'time to collision (TTC)' means the value of time obtained by dividing the distance between the subject vehicle and the target by the relative speed of the subject vehicle and the target, at an instant in time.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 347/2012. (See end of Document for details)*

Article 3

Obligations of the Member States

1 With effect from 1 November 2013, national authorities shall refuse, on grounds relating to the AEBS, to grant EC type-approval or national type-approval in respect of new types of vehicle which do not comply with the requirements set out in Annexes II and III, with the exception of the approval level 2 requirements in Annex II and the pass/fail criteria set out in Appendix 2 to that Annex and with the exception of vehicles not equipped with pneumatic rear axle suspension.

2 With effect from 1 November 2015, national authorities shall, on grounds relating to the AEBS, consider certificates of conformity in respect of new vehicles to be no longer valid for the purposes of Article 26 of Directive 2007/46/EC, and prohibit the registration, sale and entry into service of such vehicles, where such vehicles do not comply with the requirements set out in Annexes II and III, with the exception of the approval level 2 requirements in Annex II and the pass/fail criteria set out in Appendix 2 to that Annex and with the exception of vehicles not equipped with pneumatic rear axle suspension.

3 With effect from 1 November 2016 national authorities shall refuse, on grounds relating to the AEBS, to grant EC type-approval or national type-approval in respect of new types of vehicle which do not comply with the requirements set out in Annexes II and III, including the approval level 2 requirements in Annex II and the pass/fail criteria set out Appendix 2 to that Annex.

4 With effect from 1 November 2018, national authorities shall, on grounds relating to the AEBS, consider certificates of conformity in respect of new vehicles to be no longer valid for the purposes of Article 26 of Directive 2007/46/EC, and prohibit the registration, sale and entry into service of such vehicles, where such vehicles do not comply with the requirements set out in Annexes II and III, including the approval level 2 requirements in Annex II and the pass/fail criteria set out in Appendix 2 to that Annex.

5 Without prejudice to paragraphs 1 to 4, national authorities may not, on grounds relating to the AEBS:

a refuse to grant EC type-approval or national type-approval for a new type of vehicle where that vehicle complies with Regulation (EC) No 661/2009 and this Regulation;

b prohibit the registration, sale or entry into service of a new vehicle where that vehicle complies with Regulation (EC) No 661/2009 and this Regulation;

c grant EC type-approval or national type-approval according to approval level 2 for a new type of vehicle of category M_2 and of category N_2 with a maximum mass not exceeding 8 tonnes, until the pass/fail values for the warning and activation test requirements have been specified in accordance with Article 5.

Article 4

EC type-approval of a type of vehicle with regard to AEBS

1 The manufacturer or the manufacturer’s representative shall submit to the approval authority the application for EC type-approval of a type of vehicle with regard to AEBS.

2 The application shall be drawn up in accordance with the model of the information document set out in Part 1 of Annex I.

3 If the relevant requirements set out in Annex II to this Regulation are met, the approval authority shall grant an EC type-approval and issue a type-approval number in accordance with the numbering system set out in Annex VII to Directive 2007/46/EC.

An approval authority may not assign the same number to another type of vehicle.

4 For the purposes of paragraph 3, the approval authority shall deliver an EC type-approval certificate established in accordance with the model set out in Part 2 of Annex I.

Article 5

Amendment to Appendix 2 of Annex II

By 31 December 2014 the Commission shall amend Appendix 2 of Annex II in order to include the pass/fail values for the warning and activation test requirements which types of vehicles of category M_2 and of category N_2 with a maximum mass not exceeding 8 tonnes will have to comply with for approval level 2.

Article 6

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.