

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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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

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 M₂, M₃, N₂ and N₃ 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 M₂, M₃, N₂ and N₃ 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 M₂, M₃, N₂ and N₃ 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 M₂, M₃, N₂ and N₃. 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

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requirements for types of vehicle of categories M₃ and N₃ as well as types of vehicle of category N₂ 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 M₂ and of category N₂ 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 M₂ and of category N₂ 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 N₂ semi-trailer towing vehicles with a maximum mass exceeding 3,5 tonnes but not exceeding 8 tonnes, categories M₂ and M₃ vehicles of Class A, Class I and Class II, and articulated buses of category M₃ 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:

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- (1) [OJ L 200, 31.7.2009, p. 1.](#)
- (2) [OJ L 263, 9.10.2007, p. 1.](#)

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2022/1273 reg. 69\(7\)](#)
- Annex 2 Appendix 1 omitted by [S.I. 2022/1273 reg. 69\(9\)\(g\)](#)
- Annex 2 Appendix 2 footnotes words omitted by [S.I. 2022/1273 reg. 69\(9\)\(h\)](#)
- Art. 1(4) words substituted by [S.I. 2022/1273 reg. 69\(2\)\(b\)](#)
- Art. 1(5) words substituted by [S.I. 2022/1273 reg. 69\(2\)\(b\)](#)
- Art. 2(3) words substituted by [S.I. 2022/1273 reg. 69\(3\)\(b\)](#)
- Art. 3(5)(a) words omitted by [S.I. 2022/1273 reg. 69\(4\)\(e\)\(ii\)\(bb\)](#)
- Art. 3(5)(a) words substituted by [S.I. 2022/1273 reg. 69\(4\)\(e\)\(ii\)\(aa\)](#)
- Art. 3(5)(c) words omitted by [S.I. 2022/1273 reg. 69\(4\)\(e\)\(ii\)\(bb\)](#)
- Art. 3(5)(c) words substituted by [S.I. 2022/1273 reg. 69\(4\)\(e\)\(ii\)\(aa\)](#)