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EDR: More Justice on European Roads

Should data protection hinder investigations of road traffic crashes?

The Event Data Recorder (EDR) needs to deliver data which could be used in court. We believe that the planned EU delegated act on event data recorders (EDR) implementing the new General Safety Regulation (GSR; (EU) 2019/2144) for motor vehicles, as planned to come onto the market from July 2022 in all new types of vehicles, would be a greatly missed chance to ensure greater safety on European roads and justice for road crash victims.

Restrictive elements planned for the EU-EDR. According to the draft in the GSR, owners of vehicles involved in a collision should not be identified. The same is planned for the place, date and time of the incident, even if this is technically feasible. But the data record of the time the incident happened is essential to be able to identify a specific collision. Only then will it be possible to determine speed of driving, braking attempts or time, or possibly red-light violation. This is absolutely essential for road victims and victim families to obtain justice after a fatal or injury crash.

The EDR and collision investigation. For an investigation data of sufficient quality and quantity are needed. The conventional investigation of police forces often does not deliver enough evidence of the actual collision causes. Traces on the road are often barely visible because modern vehicles are equipped with electronic assistance systems. Testimony often does not have a high level of evidential value. But digital traces of the course of the speed can be recorded in the EDR and enable these questions to be clarified.

EDR and Road Victim support. Road victims often have to fight for their rights for years, often in vain due to insufficient evidence. Therefore, the important digital data contained in EDRs must be allowed to be evaluated. Only then can reliable evidence of the cause of the crash be determined and crash victims' rights guaranteed. Access to stored data needs to be regulated fairly and timely, to allow for crash reconstructions. Data protection must not be an obstacle if there are legitimate interests of road victims involved.

Protection of vulnerable road users. Regarding collisions with pedestrians, it would be technically possible to detect slight impulses in the EDR if threshold values are defined and legally stipulated that ensure that recordings are made of collisions with vulnerable road users. The use of sensors in bumpers can also be a solution for detecting even slight bumps against pedestrians and cyclists.

The EDR and Vision Zero. Anyone can be involved in a serious crash unexpectedly. Not knowing what happened and not being able to have proof may lead to severe psychological trauma. The European Commission aims to reduce the number of road deaths to ZERO by 2050 and the proper use of EDRs will help achieve this: Drivers of vehicles equipped with EDRs drive more carefully - studies from Europe and USA showed that fleets equipped with EDRs reduced their number of collisions by 30 %, also crash severity.

EU EDR-regulation with the envisaged restrictions would clearly contradict their Vision Zero!