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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	COMMISSION DELEGATED REGULATION (EU) …/... of 19.4.2021 supplementing Regulation (EU) 2019/2144 of the European Parliament and of the Council by laying down detailed rules concerning the alcohol interlock installation facilitation in motor vehicles and amending Annex II to that Regulation

Delegations will find attached document C(2021) 2563 final.

Encl.: C(2021) 2563 final

EUROPEAN
COMMISSION

Brussels, 19.4.2021
C(2021) 2563 final

COMMISSION DELEGATED REGULATION (EU) …/...

of 19.4.2021

supplementing Regulation (EU) 2019/2144 of the European Parliament and of the Council by laying down detailed rules concerning the alcohol interlock installation facilitation in motor vehicles and amending Annex II to that Regulation

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Alcohol interlocks enhance traffic safety by preventing drivers from driving with alcohol concentrations above certain limits. Such devices are not mandatory for motor vehicles in the EU but they are mostly intended for the aftermarket. In order to avoid that, when installed, they interfere with the performance of the vehicle and its safety and security, it is necessary to require vehicle manufacturers to provide the necessary details to the technicians installing an alcohol interlock into a certain vehicle model. This will significantly facilitate the installation of such devices and make it safe.

Regulation (EU) 2019/2144 of the European Parliament and of the Council[1] provides for such alcohol interlock installation facilitation in motor vehicles of categories M and N from 6 July 2022 for new vehicle types and from 7 July 2024 for all new vehicles.

The Commission is empowered to lay down specific technical requirements for the approval of motor vehicles with regard to the facilitation of alcohol interlock installation. This Commission Delegated Regulation supplements Regulation (EU) 2019/2144 by laying down the respective technical requirements. In particular, it obliges vehicle manufacturers to provide an installation document with the necessary details for the installation. The proposed provisions are based on the existing EN 50436 standard.

This Commission Delegated Regulation also amends Annex II to Regulation (EU) 2019/2144 by adding a reference to this Regulation, which is the regulatory act establishing the specific requirements with regard to the alcohol interlock installation facilitation in motor vehicles..

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In the preparation of this act, the Commission carried out appropriate consultations with the Member States experts and stakeholders, which confirmed their general support.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The legal basis of this delegated act is Article 4(6) and Article 6(6) of Regulation (EU) 2019/2144 of the European Parliament and of the Council and Article 5(3) of Regulation (EU) 2018/858 of the European Parliament and of the Council.

[1] OJ L 325, 16.12.2019, p. 1.

Commission Delegated Regulation (EU) …/... of 19.4.2021 supplementing Regulation (EU) 2019/2144 of the European Parliament and of the Council by laying down detailed rules concerning the alcohol interlock installation facilitation in motor vehicles and amending Annex II to that Regulation

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to 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 and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166[1], and in particular Article 4(6) and Article 6(6) thereof,

Whereas:

(1) Article 6 of Regulation (EU) 2019/2144 of the European Parliament and of the Council requires motor vehicles of categories M and N to be equipped with certain advanced vehicle systems, including alcohol interlock installation facilitation. It lays down in its Annex II basic requirements for the type-approval of motor vehicles with regard to the alcohol interlock installation facilitation in those vehicles.

(2) The alcohol interlocks enhance traffic safety by preventing persons with alcohol concentrations in their bodies exceeding a set limit value from driving a motor vehicle.

(3) Detailed rules are necessary concerning the specific requirements for the approval of vehicles with regard to alcohol interlock installation facilitation.

(4) The European Standard EN 50436 series specifies test methods and essential performance requirements for alcohol interlocks and gives guidance for authorities, decision makers, purchasers and users. Standards in that series also include specific provisions related to motor vehicles to facilitate the installation of alcohol interlocks.

(5) Alcohol interlocks are mostly intended for aftermarket installation. For this purpose, they are connected to the electric and control circuits of the vehicle. Such installation should not interfere with the proper performance or maintenance of the vehicle, should

[1] OJ L 325, 16.12.2019, p. 1.

not impair the safety and security of the vehicle, but should also be as straightforward as possible for specialised and trained installers.

(6) It is therefore necessary to require vehicle manufacturers to make available on their websites a document with clear instructions for installation of the alcohol interlocks ('installation document') in order to allow the technicians to properly install an alcohol interlock in a certain vehicle model.

(7) As some of the information contained in the installation document may relate to security-related vehicle repair and maintenance information services, it should only be available to the independent operators that are authorised by accredited entities in accordance with Appendix 3 of Annex X to Regulation (EU) 2018/858[1].

(8) The table containing the list of requirements in Annex II to Regulation (EU) 2019/2144 does not contain any reference to regulatory acts as regards alcohol interlock installation facilitation. It is therefore necessary to introduce a reference to this Regulation in that Annex.

(9) Regulation (EU) 2019/2144 should therefore be amended accordingly.

(10) As Regulation (EU) 2019/2144 is to apply from 6 July 2022, this Regulation should apply from the same date,

HAS ADOPTED THIS REGULATION:

Article 1

Requirements for alcohol interlock installation facilitation

The type-approval of motor vehicles with regard to alcohol interlock installation facilitation shall be subject to the requirements set out in Annex I.

Article 2

Amendment to Regulation (EU) 2019/2144

Annex II to Regulation (EU) 2019/2144 is amended in accordance with Annex II to this Regulation.

Article 3

Entry into force and application

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

It shall apply from 6 July 2022.

[1] OJ L 151, 14.6.2018, p. 1.

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

Done at Brussels, 19.4.2021

For the Commission
The President
Ursula VON DER LEYEN