



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 011

Communication from the Commission - TRIS/(2024) 3293

Directive (EU) 2015/1535

Notification: 2024/0641/DE

Refusal by the Commission of urgency request invoked under (article 6, paragraph 7, of Directive (EU) 2015/1535) and the normal time frame for the procedure opened.

The recourse to urgency disputed - Contestation de l'urgence - Ablehnung des Dringlichkeitsverfahrens - \ Отказ на искане за извънредна процедура - Možnost použití zrychleného řízení zpochybněna - Anfægtelse \ af henvisningen til hasteproceduren - Αμφισβήτηση του επειγόντος - Rechazo de urgencia - Kiireloomulistele \ põhjustele tuginemise vaidlustamine - Kiireellisyyden kiistäminen - Osporena je primjena hitnog postupka - \ A sürgõsség igénybevétele vitatott - Contestazione dell'urgenza - Ginčijama skubos tvarka - Apstrīdēta \ steidzamība - Ikkontestat ir-rikors għall-urgenza - Betwisting van beroep op dringende redenen - Użycie \ trybu pilnego jest kwestionowane - Contestação da invocação da urgência - Recursul la procedura de urgență \ refuzat - Sporné využitie možnosti z dôvodu naliehavosti - Sklicevanje na nujnost sporno - Bestridande av brådska - \ Dul i muinín na práinne atá faoi dhíospóid

Opening of the standstill period - Ouvrir le délai de statu quo - Beginn der Verfahrensfrist - Откриване на периода на прекъсване - Zahájení odkladné lhůty - Fristen für Verfahren indledes - Έναρξη της προθεσμίας διαδικασίας - Abre el plazo de statu quo - Ooteaja avamine - Menettelyn määraaika alkaa - Otvaranje razdoblja mirovanja - A halasztási időszak megnyitása - È aperto il termine di procedura - Atidējimo laikotarpio pradžia - Bezdarbības laikposma sākums - Il-ftuħ tal-perijodu ta' waqfien - Begin van de termijn voor de procedure - Otwarcie okresu odroczenia - Abre o prazo de procedimento - Deschiderea perioadei de stagnare - Začiatok odkladnej lehoty - Uvedba obdobja mirovanja - Inleder förfarandets frist - Oscailt na tréimhse neamhghníomhaíochta

MSG: 20243293.EN

1. MSG 011 IND 2024 0641 DE EN 26-11-2024 11-12-2024 COM CONTURG 26-11-2024

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2024/0641/DE - T40T - Urban and road transport

5. article 6, paragraph 7, of Directive (EU) 2015/1535

6. On 25-11-2024, the authorities of the Member State (Germany) notified the above-mentioned draft to the Commission, and invoked the urgency laid down in article 6, paragraph 7, of Directive (EU) 2015/1535.

The Commission considers that, in the case in point, the urgency criteria within the meaning of Directive (EU) 2015/1535 have not been met for the following reasons:

On 25 November 2024 the German authorities notified the “Draft Regulation on exemptions from road traffic regulations for the testing of motor vehicles with remote-controlled driving function (StVFernLV)” pursuant to the procedure established by Directive (EU) 2015/1535, and requested the application of the urgency procedure laid down in Article 6(7) of the Directive.

According to the notification message, the draft “Regulation establishes a legal framework for the temporary testing of vehicles with remote-controlled driving functions.”



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The notification message further states that the draft Regulation aims to support the transformation of the automotive sector “[...] in order to achieve the climate goals in the transport sector and to preserve and promote jobs and to create value added in [Germany]”.

The German authorities justify their request for urgent adoption of the notified draft notably on the following grounds: “Currently, remote-controlled motor vehicles participate in traffic on the basis of special permits with inconsistent safety regulations. This practice may jeopardise the safety of citizens participating in traffic. This Regulation lays down uniform requirements for the safety of the operation and technology of remote-controlled motor vehicles, thereby increasing road safety. In addition to the uniform safety provisions, the Regulation contributes to reducing potential accidents and increasing public confidence in this type of mobility. Clear and binding rules will increase safety and acceptance both for the users (remote operators) of these vehicles and for all other road users. This is an important step towards the continuous improvement of road safety overall and the promotion of a safe and efficient traffic flow.”

Article 6(7) of Directive (EU) 2015/1535 provides that a Member State may invoke the urgency procedure “for urgent reasons, occasioned by serious and unforeseeable circumstances relating to the protection of public health or safety, the protection of animals or the preservation of plants and, for rules on services, also for public policy, notably the protection of minors, a Member State is obliged to prepare technical regulations in a very short space of time in order to enact and introduce them immediately without any consultations being possible; or for urgent reasons occasioned by serious circumstances relating to the protection of the security and the integrity of the financial system, in particular the protection of depositors, investors and insured persons, a Member State is obliged to enact and implement rules on financial services immediately”.

It should be pointed out that the criteria of seriousness and unforeseeability are cumulative. Also, the urgency may be invoked only in relation to the public interests mentioned in Article 6(7) of Directive (EU) 2015/1535, i.e. the protection of health or safety, of animals, plant and public policy, notably concerning the protection of minors, of security and integrity of the financial system, in particular concerning the protection of depositors, investors and insured persons.

In the present case, the justification provided by the German authorities, and in particular the need to introduce uniform safety requirements for the operation and technology of remote-controlled motor vehicles, does not satisfy the requirement of unforeseeability. Specifically, the notification message explicitly states that remote-controlled vehicles already participate in traffic subject to obtaining a special permit, meaning that the need to regulate such vehicles as well as their safety implications on the general public have already been considered in the past.

Therefore, after having carefully examined the request for urgent adoption, the Commission notes that the conditions required by Article 6(7) of Directive (EU) 2015/1535, i.e. the condition of urgent reasons occasioned by serious and unforeseeable circumstances, preventing the German authorities from waiting for the status quo of three months as laid down by this Directive, have not been met in this request for the urgency procedure.

Consequently, the three months standstill period, laid down in Article 6(1) of Directive (EU) 2015/1535, is opened. This period expires on 26 February 2025.

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