



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.9.2003
COM(2003) 553 final

2003/0033 (COD)

Amended proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**relating to the protection of pedestrians and other vulnerable road users
in the event of a collision with a motor vehicle and amending Directive 70/156/EEC**

(presented by the Commission)

Amended proposal for a

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(Text with EEA relevance)

1. HISTORY OF THE PROPOSAL

Commission's adoption of the proposal 19 February 2003

Transmission of the Proposal to the Council and the European Parliament – COM(2003) 67-C5-0054/2003-2003/0033(COD) - in accordance with Article 95 of the Treaty: 20 February 2003

Opinion of the European Parliament - first reading: 3 July 2003

Opinion of the European Economic and Social Committee: 16 July 2003

In its session of 30 June-3 July 2003 the European Parliament approved a report containing 11 amendments in first reading.

2. OBJECTIVE OF THE COMMISSION PROPOSAL

As many as 8.000 pedestrians and cyclists are killed and a further 300.000 injured in the Community each year in road accidents. Road accident statistics indicate that a significant proportion of casualties involve pedestrians and cyclists who are injured as a result of contact with a moving vehicle, notably with the frontal structures of passenger cars.

The Commission proposal aims at mitigating the severity of injuries to pedestrians in the event of a collision with a motor vehicle. According to the proposal, motor vehicles will have to pass a number of tests. In a first phase, starting in 2005, new types of vehicles must comply with two tests concerning protection against head injuries and leg injuries. In a second phase, starting in 2010, four tests of increased severity, based on the recommendations of the European Enhanced Vehicle Committee ("EEVC"), will be required for new types of vehicles, two tests concerning head injuries and two concerning leg injuries. The proposal acknowledges the possibility of other measures being introduced in the future, including active safety measures, as alternatives to the EEVC tests. These alternative measures could be introduced, following a feasibility assessment to be carried out by July 2004, if those measures have at least equal protective effects to the EEVC tests.

The amended proposal contains 11 amendments, 6 being new recitals or articles, which generally clarify the text or improve it.

3. COMMISSION OPINION ON THE AMENDMENTS ADOPTED BY THE PARLIAMENT

3.1. General view

The amendments approved by the European Parliament are in line with the Commission proposal. In general they clarify the text proposed by the Commission or make it more precise. The Commission accepts all the amendments, however it considers that a small editorial alteration to the wording in Amendment 2 was required.

3.2. Analysis of the amendments

Amendment 1 (Title)

Amendment 1 consists of a modification to the title of the directive, by adding the words “*before and*”. This clarifies that the directive not only lays down passive safety measures (that is, measures addressing pedestrian protection in the event of a collision), but also acknowledges the possible future inclusion of active safety ones (that is, measures aimed at avoiding the collision altogether). This is acceptable as the Commission already approved a combination of active and passive measures for ensuring pedestrian protection when the Commission presented the industry commitment on pedestrian protection to the European Parliament and to the Council.

Amendment 2--Recital 1 a (new)

With the introduction of this new recital, the Parliament wishes to stress that the proposal is part of a broader package of both active and passive measures, to be taken urgently to improve protection of pedestrians and other vulnerable road users within the framework of the Road Safety action programme. The Commission can accept this amendment as it is in line with the Commission proposal. However, the amendment refers to a “forthcoming” road safety action programme. The Commission considers it to be appropriate to delete from the wording of amendment 2 the word “forthcoming” as the European Road Safety Action Programme has been presented in the meantime by the Commission in its Communication on 2 June 2003, (COM(2003) 311 final).

Amendment 3--Recital 3

The amendment concerning recital 3 aims at stressing that an effective approach to pedestrian protection should be based on a combination of active and passive measures. The amendment also underlines the broad acceptance of the EEVC tests. As mentioned above the Commission can accept this amendment as the Commission supports the idea of a combination of active and passive measures. Moreover, the amendment is in line with the Commission’s recognition that EEVC recommendations are widely accepted in this area.

Amendment 4--Recital 3a (new)

With the introduction of this new recital, the Parliament wishes to provide for the possibility of an extension of the scope of the Directive to vehicles up to 3,5 tonnes, while the original proposal applies to vehicles up to 2,5 tonnes. The Commission can accept this amendment, since it is reasonable to investigate if an extension of the scope of the Directive is justified.

Amendment 5--Recital 3(b) (new)

With this new recital, the Parliament wishes to stress that the Community, industry and Member States should undertake a broader package of measures, of which the Directive is one element, to ensure the safety of pedestrians and other road users. Those measures will be related to both active or passive safety. The Commission can accept this amendment as it is in line with the Commission proposal.

Amendments 6 and Amendment 8--Recital 4 and Article 5, paragraph 1

Through the amendments concerning recital 4 and Article 5(1), the Parliament wishes to clarify that the feasibility assessment to be carried out by the Commission should cover alternative measures to the EEVC tests which have at least equivalent actual effectiveness. Those amendments clarify that alternative measures might be considered as either passive measures or a combination of active and passive measures. Those amendments can be accepted by the Commission. A combination of active and passive measures is consistent with the industry commitment on which the Commission proposal is based. The Commission considers that the amendment's wording that alternative measures should be of *equal actual effectiveness* instead of "measures which are at least equivalent" to the EEVC test is appropriate as it requires that the effectiveness of any alternative measures should be fully proven. In addition the amendment concerning Article 5(1) stresses that the feasibility assessment should be carried out by independent experts and should be based on practical tests and independent scientific studies. The Commission considers that this amendment clarifies the text with regard to the feasibility assessment.

Amendment 7---Recital 5a (new)

With the introduction of this new recital, the Parliament wishes to stress that the development of active safety technologies should be encouraged. The Commission accepts this amendment as it is in line with the Commission's view expressed in the proposal that the development of new technologies can be expected.

Amendments 9 and 10--Article 5 paragraph 1a (new) and Article 5 paragraph 1b (new)

Amendments 9 and 10 concern the procedure to be followed when it appears necessary to amend the requirements of the second phase of the Directive. With amendment 10 the Parliament refers to the comitology procedure in the case when the adaptation is restricted to the introduction of alternative passive safety measures. By contrast, if, as a result of the feasibility assessment, a combination of active safety and passive measure are introduced, amendment 9 requires the Commission to follow the co-decision procedure. The Commission accepts those amendments, as they clarify the procedure for amending the Directive.

Amendment 11--Article 5 paragraph 2

The Parliament wishes to introduce an obligation on the Commission to report, before 1 April 2006 and every two years, to the Council and the Parliament on the results of the monitoring of development in the field of pedestrian protection. The Commission accepts this amendment as it defines in clearer terms the obligation to report to the legislators.

4.3 Amended proposal

Having regard to Article 250(2) of the EC Treaty, the Commission amends its proposal as indicated above.