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**A5-0039/2001**

30 January 2001

**\*\*\*II**

## **RECOMMENDATION FOR SECOND READING**

on the Council common position with a view to the adoption of a Directive of the European Parliament and the Council relating to special provisions for vehicles used for the carriage of persons comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC  
(9012/1/2000 – C5-0456/2000 – 1997/0176(COD))

Committee on Legal Affairs and the Internal Market

Rapporteur: Bill Miller

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

**CONTENTS**

	<b>Page</b>
PROCEDURAL PAGE .....	4
DRAFT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT .....	13

## PROCEDURAL PAGE

At the sitting of 18 November 1998 Parliament adopted its position at first reading on the proposal for a Directive of the European Parliament and the Council relating to special provisions for vehicles used for the carriage of persons comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 92/27/EC (COM (1997) 276 - 1997/0176 (COD)).

At the sitting of 26 October 2000 the President of Parliament announced that the common position had been received and referred to the Committee on Legal Affairs and the Internal Market (9012/1/2000 - C5-0456/2000).

The committee had appointed Bill Miller rapporteur at its meeting of 29 February 2000.

The committee considered the common position and the draft recommendation for second reading at its meetings of 8 January 2001, 24 January 2001 and 30 January 2001.

At the last meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Ana Palacio Vallelersundi, chairman Ward Beysen and Rainer Wieland, vice-chairmen; Bill Miller, rapporteur; Luis Berenguer Fuster, Maria Berger, Charlotte Cederschiöld, Bert Doorn, Raina A. Mercedes Echerer, Enrico Ferri, Janelly Fourtou, Marie-Françoise Garaud, Gerhard Hager, Malcolm Harbour, Richard Howitt, The Lord Inglewood, Kurt Lechner, Klaus-Heiner Lehne, Neil MacCormick, Toine Manders, Arlene McCarthy, Manuel Medina Ortega, Hartmut Nassauer, Ria G.H.C. Oomen-Ruijten, Francesco Enrico Speroni, Antonio Tajani, Felekna Uca, Diana Wallis, Stefano Zappalà and François Zimeray.

The recommendation for second reading was tabled on 30 January 2001.#

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session..

## DRAFT LEGISLATIVE RESOLUTION

**European Parliament legislative resolution on the Council common position with a view to the adoption of a Directive of the European Parliament and the Council relating to special provisions for vehicles used for the carriage of persons comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC (9012/1/2000 – C5-0456/2000 – 1997/0176(COD))**

**(Codecision procedure: second reading)**

*The European Parliament,*

- having regard to the Council common position (9012/1/2000 – C5-0456/2000),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM (1997) 276<sup>2</sup>),
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 80 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Legal Affairs and the Internal Market (A5-0039/2001),
1. Amends the common position as follows;
  2. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> OJ C 379, 7.12.1998, pp. 59 and 84.

<sup>2</sup> OJ C 17, 20.1.1998, p.1.

## (Amendment 1)

## Recital 6a

(new)

***To acknowledge advances already made in order to improve accessibility for persons of reduced mobility to vehicles of Classes I and II, existing types of vehicle should be permitted to have a steeper slope in parts of the gangway than new types of vehicle.***

*Justification:*

*To allow existing types of vehicles to have a gangway slope of 12.5% in areas not designed for use by people with reduced mobility will allow manufacturers to continue to produce buses and coaches that are more accessible than the common position requires, whilst requiring them to strive towards further improving accessibility in new vehicle designs. Vehicles with such slopes have been produced and sold in the Community for several years, thus proving that they do not present any danger to passengers.*

*This amendment should be read in conjunction with Amendments 2, 3 and 5.*

## (Amendment 2)

## Recital 7b

(New)

***It is necessary to refer to Council Directive 76/756/EEC<sup>1</sup>, as last amended by Directive 97/28/EEC<sup>2</sup>, in order to distinguish between existing and new types of vehicle.***

*Justification:*

*See justification to Amendment 1.*

## (Amendment 3)

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<sup>1</sup> OJ L 262, 27.9.1976, p. 1.

<sup>2</sup> OJ L 171, 30.6.1997, p. 1.

## Article 2

1. With effect from ....\* Member States may not refuse EC type-approval or national type-approval

- of a vehicle,
- of a bodywork,
- of a vehicle the bodywork of which has already been type-approved as a separate technical unit,

or refuse or prohibit the sale, registration or entry into service of a vehicle or of a bodywork as a separate technical unit, on grounds relating to the provisions for vehicles used for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, if the requirements of this Directive and the Annexes thereto are satisfied.

2. With effect from ....\*\*, Member States:

- shall no longer grant EC-type-approval for a type of vehicle and a type of bodywork as a separate technical unit,

- may refuse the registration, sale or entry into service of new vehicles and new bodyworks as separate technical units,

on grounds relating to the provisions for vehicles used for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, if the requirements of this Directive and the Annexes thereto are not complied with.

1. With effect from ....\* Member States may not refuse EC type-approval or national type-approval

- of a vehicle,
- of a bodywork,
- of a vehicle the bodywork of which has already been type-approved as a separate technical unit,

or refuse or prohibit the sale, registration or entry into service of a vehicle or of a bodywork as a separate technical unit, on grounds relating to the provisions for vehicles used for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, if the requirements of this Directive and the Annexes thereto are satisfied.

***2. Paragraph 1 shall also apply to low-floor vehicles of Class I or II, type-approved before [1 October 2001] pursuant to Directive 76/756/EEC, benefiting from the 12.5% gangway slope specified in paragraph 7.7.6.4 of Annex I.***

3. With effect from ....\*\*, Member States:

- shall no longer grant EC-type-approval for a type of vehicle and a type of bodywork as a separate technical unit,

- may refuse the registration, sale or entry into service of new vehicles and new bodyworks as separate technical units,

on grounds relating to the provisions for vehicles used for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, if the requirements of this Directive and the Annexes thereto are not complied with.

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\* 18 months after the entry into force of this Directive.

\*\* 24 months after the entry into force of this Directive.

*Justification:*

*See justification to Amendment 1.*

(Amendment 4)  
Annex I, paragraph 2.21.

**"Passenger with reduced mobility" means all passengers who have a special difficulty when using public transport, especially elderly and disabled. Reduced mobility does not necessarily imply any form of medical impairment.**

**"Passenger with reduced mobility" means all people who have a difficulty when using public transport, such as disabled people (including people with sensory and intellectual impairments, and wheelchair users), people with limb impairments, people of small stature, people with heavy luggage, elderly people, pregnant women, people with shopping trolleys, and parents with children (including children seated in pushchairs).**

*Justification:*

*This amendment seeks to reinstate the position taken by Parliament at first reading. It emphasises that disability may take many forms, including not only physical/locomotive impairment, but also sensory and intellectual impairment.*

(Amendment 5)  
Annex I, paragraphs 7.7.6.2. to 7.7.6.4. (new)

7.7.6.2. 12,5% in the case of a vehicle of Class III and B, **and**

7.7.6.2. 12,5% in the case of a vehicle of Class III and B,

7.7.6.3. 5% in the case of the plane perpendicular to the longitudinal axis of symmetry of vehicle.

7.7.6.3. 5% in the case of the plane perpendicular to the longitudinal axis of symmetry of vehicle, **and**

**7.7.6.4. 12,5% in the case of low-floor vehicles of Class I or II referred to in Article 2(2), in respect of the inner part of the gangway, 2 m either side of the second axle centre line and, if appropriate, of the third axle, for a total length of 2 m.**

*Justification:*

*See justification to Amendment 1.*

(Amendment 6)  
Annex III, figure 21

Replace the figure by a diagram showing a four-wheeled wheelchair. A suitable diagram can be found in UK Statutory Instrument, *The Public Service Vehicles Accessibility Regulations 2000* (SI 2000 No 1970; see <http://www.legislation.hmso.gov.uk/si/si2000/20001970.htm>.)

*Justification:*

*The wheelchair shown in the original figure 21 is not an accurate reference, considering that wheelchairs generally have four wheels.*

(Amendment 7)  
Annex VII, paragraph 3.5)

The slope of any gangway, access passage or floor area between any priority seat or wheelchair space and at least one entrance and one exit or a combined entrance and exit shall not exceed 8%.

The slope of any gangway, access passage or floor area between any priority seat or wheelchair space and at least one entrance and one exit or a combined entrance and exit shall not exceed 8%. ***Such sloping areas shall be provided with a non-slip surface.***

*Justification:*

*Self-explanatory.*

(Amendment 8)  
Annex VII, paragraph 3.6.2

There shall be at least one doorway through which wheelchair users can pass. In the case of vehicles of Class I at least one wheelchair access door shall be a service door. The wheelchair access door shall bear a boarding aid complying with the provisions of paragraph 3.11.2, 3.11.3 or 3.11.4 of this Annex.

There shall be at least one doorway through which wheelchair users can pass. In the case of vehicles of Class I at least one wheelchair access door shall be a service door. The wheelchair access door shall bear a boarding aid complying with the provisions of paragraph 3.11.2; ***this shall be in combination with the provisions of paragraph 3.11.4 (a ramp) or 3.11.3 (a lift) unless local infrastructure design already guarantees level access to secure boarding of all***

***persons with reduced mobility including  
wheelchair users in the area of operation.***

*Justification:*

*A lift or kneeling system may not be enough in all circumstances to guarantee wheelchair users full access, in particular where the pavement is not level with the floor of the bus.*

## EXPLANATORY STATEMENT

The proposal sets out to introduce a system for the type-approval of buses and coaches based on optional harmonisation, which means that manufacturers may either ask for EC type approval for their vehicles or opt for different type-approval under national legislation. The Commission envisages introducing a proposal for mandatory EC type-approval at a later date. As is customary in these cases, the proposal is closely aligned on the international regulations of the UN Economic Commission for Europe.

Parliament's opinion at first reading was adopted on the basis of a report drawn up by Simon Murphy for the Committee on Economic and Monetary Affairs and Industrial Policy (report A4-0424/98). The responsible committee's initial report, which proposed no less than 92 detailed and highly technical amendments which had been solicited by manufacturers and industry, trade unions, consumers and disability groups, was referred back to committee. The committee then adopted a second report, ultimately adopted by Parliament, which opted for the radical approach of proposing the deletion of all the technical annexes to the proposed directive and the setting up of a technical working party to draw up technical specifications in this field.

The Commission did not support Parliament's approach and therefore did not produce an amended proposal.

The Council's common position also rejects Parliament's proposed new approach and the Commission considers that the common position has not substantively amended its proposal, with the exception of the deletion of a number of derogations from the section concerning the internal market. It should be noted that the Commission has made a number of statements with regard to its intentions to introduce amendments to the proposed directive at a future date. Such amendments are to cover vehicles for the carriage of school children, improvement of fire safety, the possible prohibition of side-facing seats, the ergonomic configuration of driver controls and commands and the strength of the superstructure of vehicles, including double deckers.

Your rapporteur proposes not to pursue the approach adopted in the opinion at first reading and asks that Rule 80(3) of the Rules of Procedure be applied. He nevertheless considers that the amendments proposed in the document are consistent with the view taken at first reading.

The rapporteur's amendments are designed (a) to enable continued manufacture of existing low-floor buses having a gangway slope of 12.5% which actually provide better accessibility and (b) to provide better facilities for passengers with reduced mobility, especially wheelchair users.

The rapporteur points out that his attention has been drawn to a number of errors and inconsistencies in the common position. He has forwarded the remarks he has received to the competent services of Parliament, which have undertaken to bring them to the Council's attention and to take them duly into account in the final consolidated text.