

# EUROPEAN PARLIAMENT

1999



2004

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*Session document*

FINAL  
A5-0141/2001

26 April 2001

**\*\*\*I**  
**REPORT**

on the proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/671/EEC on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes  
(COM(2000) 815 – C5-0684/2000 – 2000/0315(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Ewa Hedkvist Petersen

### ***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)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## PROCEDURAL PAGE

By letter of 7 December 2000 the Commission submitted to Parliament, pursuant to Article 251(2) and Article 71(1) of the EC Treaty, the proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/671/EEC on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes (COM(2000) 815 - 2000/0315 (COD)).

At the sitting of 15 December 2000 the President of Parliament announced that she had referred the proposal to the Committee on Regional Policy, Transport and Tourism as the committee responsible and the Committee on the Environment, Public Health and Consumer Policy for its opinion (C5-0684/2000).

The Committee on Regional Policy, Transport and Tourism appointed Ewa Hedkvist Petersen rapporteur at its meeting of 24 January 2001.

The committee considered the Commission proposal and draft report at its meetings of 20 March 2001 and 25 April 2001.

At the last meeting it adopted the draft legislative resolution by 48 votes with 1 abstention.

The following were present for the vote: Konstantinos Hatzidakis, chairman; Emmanouil Mastorakis and Rijk van Dam, vice-chairmen; Ewa Hedkvist Petersen, rapporteur; Pedro Aparicio Sánchez (for Danielle Darras), Sir Robert Atkins, Emmanouil Bakopoulos, Carlos Bautista Ojeda (for Reinhold Messner, pursuant to Rule 153(2)), Rolf Berend, Theodorus J.J. Bouwman, Philip Charles Bradbourn, Felipe Camisón Asensio, Gerard Collins, Francis Decourrière, Garrelt Duin, Alain Esclopé, Giovanni Claudio Fava, Jacqueline Foster, Jean-Claude Fruteau (for John Hume), Mathieu J.H. Grosch, Mary Honeyball, Marie Anne Isler Béguin (for Camilo Nogueira Román), Juan de Dios Izquierdo Collado, Georg Jarzembowski, Dieter-Lebrecht Koch, Giorgio Lisi, Sérgio Marques, Manuel Medina Ortega (for Carmen Cerdeira Morterero, pursuant to Rule 153(2)), Erik Meijer, Emilio Menéndez del Valle (for Joaquim Vairinhos), Rosa Miguélez Ramos, Francesco Musotto, Juan Ojeda Sanz, Josu Ortuondo Larrea, Wilhelm Ernst Piecyk, Giovanni Pittella (for Gilles Savary), Samuli Pohjamo, Alonso José Puerta, Reinhard Rack, Isidoro Sánchez García, Dana Rosemary Scallon, Brian Simpson, Per Stenmarck (for Renate Sommer), Dirk Sterckx, Hannes Swoboda (for Demetrio Volcic), Johan Van Hecke (for Rolf Berend), Ari Vatanen, Christian Ulrik von Boetticher (for Karla M.H. Peijs) and Mark Francis Watts.

The Committee on the Environment, Public Health and Consumer Policy decided on 12 March 2001 not to deliver an opinion.

The report was tabled on 26 April 2001.

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

## LEGISLATIVE PROPOSAL

### Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/671/EEC on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes (COM(2000) 815 – C5-0684/2000 – 2000/0315(COD))

The proposal is amended as follows:

| Text proposed by the Commission <sup>1</sup> | Amendments by Parliament   |
|--|--|
| Amendment 1<br>Recital 4a (new)              | <i>The use of seat belts and child restraint systems is a priority measure to reduce the effects of accidents, but there is also a particular risk associated with transporting a child in a rear-facing safety seat fitted to the front passenger seat of a vehicle fitted with a front passenger air bag when that air bag is activated. In the near future, the Commission should promote information campaigns throughout the EU on these issues, in cooperation with the Member States and/or other organisations active in the field of road safety;</i> |

#### *Justification*

*Self-explanatory.*

#### Amendment 2 ARTICLE 1

Article 2(1), first subparagraph (Directive 91/671/EEC)

1. For M1 and N1 vehicles, Member States shall require that all occupants of vehicles being used on the road shall wear restraint systems where provided. Children of 12 years of age or older may wear the approved adult safety belt.

1. For M1 and N1 vehicles, Member States shall require that all occupants of vehicles being used on the road shall wear restraint systems where provided. Children of 12 years of age or older ***who are over 150 cm in height*** may wear the approved adult safety belt.

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<sup>1</sup> OJ C 96, 27.03.2001, p. 330

### *Justification*

*The safe use by children of safety systems designed for adults is partly dependent, for physical reasons, on the height of the child. It is therefore desirable that this parameter should be included in the application criteria.*

### Amendment 3

#### ARTICLE 1

Article 2(1), second subparagraph (Directive 91/671/EEC)

Children under 12 years of age shall be restrained by a child restraint system, separate from or additional to the adult-type safety belt, and suitable for the child's mass as is defined in Article 1(3). Where a child is less than 12 years of age but whose **mass is greater than 36 kg** then an adult safety belt may be worn.

Children under 12 years of age **whose height is less than 150 cm** shall be restrained by a child restraint system, separate from or additional to the adult-type safety belt, and suitable for the child's mass as is defined in article 1(3). Where a child is less than 12 years of age but whose **height is more than 150cm** then an adult safety belt may be worn.

### *Justification*

*Some children aged under 12 years are too tall to be carried in a child restraint system. On top of the mass criteria defined in the proposal, it should be made clear, in line with the relevant UN Regulations, that children over 150 cms in height should be allowed to wear adult safety belts.*

### Amendment 4

#### ARTICLE 1

Article 2(1), fifth subparagraph (Directive 91/671/EEC)

Where a child restraint system is used it shall be approved to the standards of UN-ECE Regulation 44/03, its equivalent or any other subsequent adaptation thereto.

Where a child restraint system is used it shall be approved to the standards of UN-ECE Regulation 44/03, its equivalent or any other subsequent adaptation thereto.  
***Manufacturers should clearly indicate which child restraint systems are suitable and can be easily fitted in their vehicles.***

### *Justification*

*Lack of information to consumers is a serious problem in terms of determining the relative compatibility of different child safety seats with different models of vehicle. Manufacturers should therefore be required to provide this information to consumers, so that they can choose the child restraint system best suited to their model of car.*

Amendment 5  
Article 1 (3) a (new)

Article 6

Member States may, with the Commission's agreement, grant exemptions other than those laid down in Article 5, in order to:

- take account of specific physical conditions, or particular circumstances of limited duration,
- allow certain types of occupation to be carried out effectively,
- ensure that the police, security services or emergency services can perform their duties properly,
- ***take account of the specific conditions of use of M2 and M3 vehicles for local transport in urban and built-up areas.***

*Justification*

*Buses intended for country journeys are sometimes used on urban routes. It would be illogical to demand that seat belts be worn in these cases.*

Amendment 6  
Article 1 a (new)

***The Commission shall, by 1 August 2004, submit a report on the implementation of this Directive for the particular purpose of establishing whether or not more stringent safety measures are needed in the light of technological developments. If appropriate, the report shall be accompanied by proposals, on which the Council and the European Parliament shall act at the earliest opportunity.***

***The Commission will also investigate, in cooperation with the vehicle manufacturing industry, means of developing more user friendly air bag systems, with particular regard to their use in conjunction with rear-facing child safety devices. The findings of this investigation will be***

***incorporated into the report on  
implementation of this Directive.***

*Justification*

*As with the existing directive, the Commission should monitor the implementation of the new directive and present a report, two and a half years after its entry into force, examining whether further measures are needed at EU level in order to enhance safety in this area. This report should also examine how air bag systems might be improved in terms of making it easier for the driver to activate and deactivate them and determine whether they are activated or not, at any given time. This is with a particular view to enhancing child safety, by ensuring that the airbag is switched off when young children are transported in rear-facing 'child seats' (child safety devices) and switched on again for other passengers. So-called 'smart' detection systems can help in this respect and should become the industry standard in the long term.*



## DRAFT LEGISLATIVE RESOLUTION

**European Parliament legislative resolution on the proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/671/EEC on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes (COM(2000) 815 – C5-0684/2000 – 2000/0315(COD))**

**(Codecision procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2000) 815)<sup>1</sup>,
  - having regard to Article 251(2) and Article 71(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0684/2000),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Policy, Transport and Tourism (A5-0141/2001),
1. Approves the Commission proposal as amended;
  2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> OJ C 96, 27.03.2001, p. 330

## EXPLANATORY STATEMENT

1. The effectiveness of seat belts and restraint systems for passengers in motor vehicles is not open to question and the compulsory wearing of seat belts is certainly one of the most cost-effective measures that can be included in a road safety policy. In its resolutions on this subject, Parliament has always stressed the need for making the wearing of seat belts compulsory for all passengers.

In particular, the use of child restraint systems can make a substantial contribution to reducing the severity of injuries in the event of a crash. Accident research has shown that the risk of severe injuries is seven times higher for unrestrained children than for restrained children.

The wearing of seat belts is as mentioned a very cost-effective measure. Figures from Sweden show that although 89 % of people use seat belts, 50 % of car occupant deaths were not seat-belted.

Experience has shown a strong connection between the wearing of belts by drivers and by passengers. 89% of drivers unaccompanied by passengers in Sweden wear seat belts. Where adult front-seat passengers wear their seat belts, 95% of drivers also wear them. On the other hand, where passengers are unbelted, only 50% of drivers wear their belts. The implication is that it is most important on traffic safety grounds to have legislation requiring all vehicle occupants to wear seat belts.

2. Council Directive 91/671/EEC of 16 December 1991 on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes, provides for the compulsory use of child restraints on seats fitted with safety belts. Nevertheless, it does not specify the type of child restraint system that would be appropriate. Moreover, it even allows children younger than 3 years of age to be carried without child restraints when seated in the rear, if such systems are not fitted or available in the car. Under current legislation these children are also allowed to use an adult rear seat belt. This situation is not at all admissible as the available child restraint protection systems are now very advanced.

3. The Commission's present proposal seeks to amend this Directive in the following terms:

- a) it requires that drivers and passengers of all categories of motor vehicles (including minibuses, coaches and lorries) equipped with safety belts, use their seat belts;
- b) it eliminates all the existing exemptions for restraint systems, in particular for children, and requires that all children must be restrained by an appropriate child restraint system approved according to a recognised technical standard of a UN-ECE Regulation;
- c) it prohibits children under the age of 3 from being transported in M1 vehicles ("vehicles used for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat" i.e. cars), other than taxis, if there are no appropriate child restraint systems and it also prohibits the use of a rearward child restraint system on a front passenger seat, unless the relevant airbag has been either disconnected or switched off;

- d) finally, the proposal establishes an information system for passengers on the need to use safety belts.

4. Your rapporteur welcomes this proposal as a very positive step towards improving road safety for both drivers and passengers of all categories of motor vehicles. In particular, child protection must be referred to as particularly important. The proposal also introduces further harmonisation of national legislation, in relation to the compulsory use of safety belts, which improves transparency and clarity of the EU legislation in this area, in line with the requirements of the single market.

The committee has adopted 6 amendments. Amendment 1 seeks to ensure information campaigns on seat belts and, in particular the risks of transporting a child in a rear-facing safety seat in the front passenger seat when the passenger side air bag has not been deactivated. Amendments 2 and 3 concern the height of children, which is more important than the weight in order to allow the use of an adult seat belt. Amendment 4 seeks a better information for consumers on child restraint systems and Amendment 6 refers the need for an evaluation report in order to propose further measures to enhance safety in this area.

5. While fully supporting the present proposal, your rapporteur would like to stress that further legislation must be introduced in the following areas which are strongly related to safety belts:

- a) Warning labels for wearing safety belts

Council Directive 77/541/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles, lastly amended by Commission Directive 2000/3/EC of 22 February 2000 which adapted it according to technical progress, leaves it up to the manufacturer to select the type of warning label to be used. Safety and consumer organisations have proposed that such labels include both pictograms and text and your rapporteur considers that the above mentioned Directive should be amended accordingly.

- b) Deactivation of the passenger side airbag if child restraints are in use in the front passenger seat

Your rapporteur welcomes such an amendment proposed by the Commission in the proposal. Nevertheless it is not always possible to ascertain whether or not the system has been deactivated, and this presents difficulties in normal car use. Therefore, there should be clear warning labels, to indicate whether the passenger side airbag system has been deactivated and the EU legislation should be amended accordingly. For the longer term, "smart" airbag systems, which automatically detect the presence of a child restraint system in the front passenger seat, should be introduced because they are the most effective means of dealing with this problem.

- c) Universal child restraint anchorage to be fitted in cars

Anchorage for motor vehicle safety belts is a fundamental part of the technical legislation related to safety belts. Research shows that there is a substantial amount of incorrect use of child restraint systems which reduces their effectiveness and which is in the most part

related to inappropriate anchorage of the child restraints to the standard belts of the car. The Commission should propose a Directive on this subject providing one standard set of anchorage positions with three anchorage points to which child restraints can be fitted.

6. One final observation to respond to criticisms about the absence of exemptions: articles 5 and 6 of Directive 91/671/EEC are actually in force. Such articles provide for exemptions, based either on medical reasons or on other specific or particular conditions. Amendment 5 introduced by the committee seeks to extend such exemptions to buses used on urban areas, as it would be illogical to demand that seat belts be worn in cases in which standing is allowed.