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**A5-0312/2001**

25 September 2001

## **\*\*\*III REPORT**

on the joint text approved by the Conciliation Committee for a European Parliament and Council directive relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC (C5-0278/2001 – 1997/0176(COD))

European Parliament delegation to the Conciliation Committee

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)

### ***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

At the sitting of 18 November 1998 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/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).

At the sitting of 14 February 2001 Parliament adopted amendments to the common position.

By letter of 30 May 2001 the Council stated that it was unable to approve all Parliament's amendments.

Compromise proposals were considered at delegation and trialogue meetings on 12 and 20 June 2001.

An agreement was reached at the trialogue meeting, accepted by the delegation, and confirmed by the Conciliation Committee as an "A point" at its meeting on 25 June 2001.

By letter of 5 July 2001 the Parliament informed the Council that it was necessary to extend the deadline for adopting the act, as laid down in Article 251(7) of the EC Treaty.

On 14 August 2001 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure,<sup>1</sup> and forwarded it to Parliament and the Council in all the official languages.

The report was tabled on 25 September 2001 .

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<sup>1</sup> OJ C 148, 28.5.1999, p. 1.

## DRAFT LEGISLATIVE RESOLUTION

**European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council directive relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC (C5-0278/2001 – 1997/0176(COD))**

**(Codecision procedure: third reading)**

*The European Parliament,*

- having regard to the joint text approved by the Conciliation Committee (C5-0278/2001),
- 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 its position at second reading<sup>3</sup> on the Council common position<sup>4</sup>,
- having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2001) 217 - C5-0168/2001<sup>5</sup>),
- having regard to Article 251(5) of the EC Treaty,
- having regard to Rule 83 of its Rules of Procedure,
- having regard to the report of its delegation to the Conciliation Committee (A5-0312/2001),

1. Approves the joint text;
2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
4. Instructs its President to forward this legislative resolution to the Council and Commission.

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<sup>1</sup> OJ C 379 of 7.12.1998, p. 80.

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

<sup>3</sup> Texts Adopted, 14.2.2001.

<sup>4</sup> OJ C 370 of 22.12.2000, p. 1.

<sup>5</sup> OJ C not yet published.

## **EXPLANATORY STATEMENT**

### **Background**

- 1) On 17 October 1997 the Commission presented a proposal for a directive relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat. The objective of the Directive is to create provisions for buses and coaches by amending the EC type-approval established by Directive 70/156/EEC and Directive 97/27/EC of the European Parliament and the Council relating to the masses and dimensions of motor vehicles and their trailers. With effect from 18 months after the entry into force of the new Directive the newly defined EC type approval will be valid alongside the national type-approvals. The Directive aims at guaranteeing the safety of passengers.
- 2) On 18 November 1998 the Parliament adopted 12 amendments at first reading aiming at removing the technical annexes of the Directive. The Commission did not consider this approach acceptable and did not amend its proposal. The Council adopted its common position unanimously on 28 September 2000 and on 14 February 2001, at its second reading, Parliament adopted 8 amendments to the Council's Common Position.

### **Conciliation**

- 3) The Parliament Delegation to the Conciliation Committee held its constituent meeting on 12 June 2001 and mandated the chairman of the Delegation, Mr FRIEDRICH, the rapporteur, Mr MILLER as well as Mr HARBOUR to meet the Council in dialogue on 20 June.
- 4) An agreement was reached at that meeting and the conciliation on this directive was opened and concluded as an "A point" at the Conciliation Committee of 25 June 2001.
- 5) The main amendments aimed at guaranteeing full access to public transport for all persons of reduced mobility. The main points of the agreement can be summarised as follows:
  - discontinued manufacturing of existing low-floor buses with a gangway slope of 12.5% within a period of three years, providing better accessibility for passengers with reduced mobility and requiring the bus manufacturers to strive towards further improvements in accessibility in new vehicle designs;
  - provision of better facilities for such passengers, especially wheelchair users by technical solutions applied to the vehicle, as covered by the Directive;
  - introduction of a broader definition of "persons of reduced mobility", to include not just the elderly and the disabled, but all people who experience some difficulty when using public transport, such as people with sensory and intellectual impairments, wheelchair users, people with limb impairments, people of small

stature, people with heavy luggage, pregnant women, people with shopping trolleys, and people with children (including children in pushchairs);

- provision of a non-slip surface for all sloping areas ;
- obligation for buses in urban transport to have a kneeling system and either a ramp or a lift in order to guarantee in all circumstances full access for wheelchair users, in particular where the pavement is not level with the floor of the bus.

## **Conclusion**

- 6) The Parliament Delegation considers that the agreement reached fully reflects the Parliament's position at second reading. It also wishes to thank the Swedish Presidency of the Council and the Commission for their constructive cooperation. The Delegation recommends that the House adopt the joint text attached at third reading.