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**A5-0034/2003**

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**\*\*\*II**

## **RECOMMENDATION FOR SECOND READING**

on the Council common position for adopting a European Parliament and Council directive 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  
(10927/1/2002 – C5-0532/2002 – 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

At the sitting of 31 May 2001 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive on 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 20 November 2002 the President of Parliament announced that the common position had been received and referred to the Committee on Regional Policy, Transport and Tourism (C5-0532/2002).

The committee had appointed Ewa Hedkvist Petersen rapporteur at its meeting of 24 January 2001.

It considered the common position and draft recommendation for second reading at its meetings of 27 November 2002, 21 January 2003 and 18 February 2003.

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

The following were present for the vote: Rijk van Dam, vice-chairman and acting chairman; Gilles Savary, vice-chairman; Ewa Hedkvist Petersen rapporteur; Emmanouil Bakopoulos, Rolf Berend, Philip Charles Bradbourn, Luigi Cocilovo, Gerard Collins, Christine de Veyrac, Jean-Maurice Dehousse (for Ulrich Stockmann), Jan Dhaene, Garrelt Duin, Alain Esclopé, Giovanni Claudio Fava, Jacqueline Foster, Mathieu J.H. Grosch, Catherine Guy-Quint (for Danielle Darras), Konstantinos Hatzidakis, John Hume, Juan de Dios Izquierdo Collado, Georg Jarzembowski, Dieter-Lebrecht Koch, Giorgio Lisi, Nelly Maes, Sérgio Marques, Emmanouil Mastorakis, Erik Meijer, Rosa Miguélez Ramos, Francesco Musotto, James Nicholson, Camilo Nogueira Román, Josu Ortuondo Larrea, Wilhelm Ernst Piecyk, Samuli Pohjamo, Bernard Poignant, José Javier Pomés Ruiz, Alonso José Puerta, Reinhard Rack, Carlos Ripoll y Martínez de Bedoya, Ingo Schmitt, Renate Sommer, Per Stenmarck (for Ari Vatanen), Dirk Sterckx, Margie Sudre, Joaquim Vairinhos, Kathleen Van Brempt (for Brian Simpson, pursuant to Rule 153(2)), Herman Vermeer, Kyösti Tapio Virrankoski (for Luciano Caveri, pursuant to Rule 153(2)), Mark Francis Watts, and Brigitte Wenzel-Perillo (for Karla M.H. Peijs).

The recommendation for second reading was tabled on 19 February 2003.

## DRAFT LEGISLATIVE RESOLUTION

### **European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council directive 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 (10927/1/2002 – C5-0532/2002 – 2000/0315(COD))**

**(Codecision procedure: second reading)**

*The European Parliament,*

- having regard to the Council common position (10927/1/2002 – C5-0532/2002),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2000) 815<sup>2</sup>),
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 78 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Regional Policy, Transport and Tourism (A5-0034/2003),
1. Approves the common position;
  2. Notes that the act is adopted in accordance with the common position;
  3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  4. 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;
  5. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> OJ C 47E, 21.2.2002, p. 19.

<sup>2</sup> OJ C 96E, 27.3.2001, p. 330.

## EXPLANATORY STATEMENT

### Introduction

When this directive is adopted and in force in the different Member States, we will have made a clear step forward in the field of road safety in Europe: safety belts or restraint systems will have to be used when available and, more specifically, children (with a few exceptions) will always have to wear restraint systems or safety belts. For children who on a daily basis on their way to and from school are exposed to road traffic dangers, this is a major achievement since traffic fatalities are the main causes of death amongst children.

This legislative proposal should be seen as a part of a more general not yet officially adopted action plan at EU level to bring down the number of road fatalities (45 000 per year in the whole EU) by 50% within 10 years. The rapporteur warmly supports this goal – and the long-awaited adoption of this action plan – and is aware of the very different situations in Member States. In some countries road safety awareness is already very high and more legislation is less essential. In others the political backing for road safety has been traditionally relatively weak and some pressure from the EU is more welcome. To illustrate the gap: road fatalities vary from 60 to 70 per million inhabitants per year in the best performing Member States (UK, Sweden, Netherlands) to around 200 per million inhabitants per year in the worst performing (Portugal, Greece, Spain).

Wearing seat belts is one effective measure for reducing fatalities in road traffic (research and practical experience in Europe has shown that lowering blood alcohol limits and reducing speed are also very effective).

It is to be welcomed that the Commission in their proposal already widened the scope of Directive 91/671/EEC in order to render the wearing of seat belts compulsory, when available, also in other categories of vehicles (M2 and M3 – small and big buses – N2 and N3 – small and medium-sized lorries) in which people are transported.

The rapporteur therefore stresses the importance of all responsible bodies at all levels in Member States urging that safety belts be made available in school buses and school taxis.

The time that has elapsed between Parliament's first reading and the Council's common position being adopted as well as the content itself of the common position reflect perfectly the difficulties for national delegations involved in the negotiations in coming to a common denominator which strikes a good balance between binding roles and the space left for Member States to cope in their own way with specific situations, in other words, subsidiarity.

### Parliament's amendments

Parliament had proposed six amendments:

1. Some of these have been incorporated by the Council in its common position. This applies to **Amendments 2 and 3** proposing that a child's height (150 cm) should be regarded as the decisive criterion for using or not using a safety belt intended for adults in vehicle categories M1 (private cars for no more than eight passengers + driver) and N1 (vans of not more than 3.5 tonnes). The Council's common position has incorporated this principle and

also expanded it with an additional clause stipulating that this provision must also apply to children over the age of 12 who are shorter than 150 cm. This category was not covered by Parliament's Amendments 2 and 3.

It should, however, be pointed out that it remains possible for Member States to set a lower limit of 135 cm. This may be seen as a watering-down of Parliament's amendments to the regret of the rapporteur but, since some uncertainty still surrounds this issue, the criterion of height will need to be looked at more closely under the comitology procedure so that the rules can be adjusted at a later date if necessary. Criteria of height are far easier for inspection agencies to operate with than the weight criterion originally proposed.

**Amendment 6** calls for a report from the Commission by no later than 1 August 2004 on the possible need for more stringent safety measures. This wish is reflected in Article 7a(2) of the Council's common position.

The same amendment called on the Commission to investigate, in cooperation with the industry, means of introducing more user-friendly airbags that are easy to deactivate. It should be stressed that this already forms part of the EURO-NCAP programme and that the findings will be published as soon as evaluation of the tests has been completed. The rapporteur would like to see these findings lead rapidly to the introduction of such airbags.

**Amendment 5** proposing wider powers for Member States to grant exemptions was approved by the Council and expanded to satisfy more practical requirements but without entailing excessive risks which the non-use of safety belts would involve.

2. **Amendments 4 and 1** were not approved not because of their content but because they fell outside the scope of this piece of legislation.

### **Additions by the Council**

The Council has added quite a number of detailed and useful provisions:

- N2 and N3 vehicles are also covered by the requirement that children over the age of three must be restrained where a child-restraint system is available and that children under three must be restrained by a child-restraint system;
- the limit of 135 cm for using adult safety belts which Member States may introduce instead of 150 cm is closer to the weight limit of 36 kg originally proposed by the Commission;
- in taxis, where Member States so decide, children do not need to be restrained by a child-restraint system. Where no child-restraint system is available, the child may not sit in the front passenger seat. However, in many countries taxis do have restraint systems for children;
- where the airbag cannot be deactivated, children may not be transported in a rearward facing child-restraint system in a passenger seat protected by a front airbag. This is an expanded version of Parliament's Amendment 1 which applied only to front passenger

seats. Since airbags have become much more common for passengers in the rear of cars as well, it has become all the more essential to develop user-friendly airbags that are easy to deactivate and the rapporteur hopes that the EURO-NCAP programme will yield practical results as soon as possible.

In this context it is worthwhile mentioning a study carried out by the EEVC into restraint systems for children under three years of age. It is to be hoped that its findings will be published during the first quarter of 2003.

It should be pointed out that the duration of temporary exemptions (of five and six years) should be calculated from the date on which the Council adopts this directive and not from that of its transposition into national law which must take place within two years. Such exemptions must be approved by the Commission.

As regards M2 and M3 vehicles:

- it is stipulated in greater detail than in the Commission proposal that children aged three and over must use available safety systems;
- Member States may, with the Commission's agreement, grant exemptions allowing more children to be carried than there are seats available with restraint systems but only for 'local transport operations', particularly school buses (temporary exemption restricted to five years). A similar exemption is available for N1 and M1 vehicles (see below).

As regards N1 and M1 vehicles:

- an exemption is created for small cars with not enough room for three child-restraint systems on the back seat: in this case a child is allowed to wear an adult safety belt (permanent exemption);
- Member States may also grant an exemption here allowing more children than there are seats fitted with belts or seats without restraint systems to be transported over short distances and for occasional journeys (exemption valid for six years).

### **Conclusions**

A general requirement has now in fact been introduced for both children and adults to be restrained if a safety belt is available and this now applies in the vast majority of vehicles in which persons are transported. This text is not perfect because:

- it contains a number of exemptions based on practice in most Member States. The rapporteur considers the period of validity of the temporary exemptions (five and six years) to be reasonable;
- certain provisions will need to be reviewed after the findings of studies, research and tests both in the European context, e.g. EURO-NCAP and EEVC, and at national level have become available. This means that at a future date certain details will need to be further adjusted and fine-tuned.



The rapporteur is happy with the common position which builds on Parliament's first reading of the Commission proposal and better reflects the practical requirements and technical possibilities. This text strikes a realistic, acceptable balance between reality and the determination to achieve a situation with zero road fatalities, and the rapporteur recommends that Parliament approve it without amendment.