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REPORT

on the proposal for a European Parliament and Council directive amending Council directive 74/408/EEC relating to motor vehicles with regards to the seats, their anchorages and head restraints
(COM (2003) 361 – C5-0283/2003 – 2003/0128(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Dieter-Lebrecht Koch

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 20 June 2003 the Commission submitted to Parliament, pursuant to Articles 251(2) and 95 of the EC Treaty, the proposal for a European Parliament and Council directive amending Council directive 74/408/EEC relating to motor vehicles with regards to the seats, their anchorages and head restraints (COM (2003) 361 – 2003/0128(COD)).

At the sitting of 30 June 2003 the President of Parliament announced that he had referred the proposal to the Committee on Regional Policy, Transport and Tourism as the committee responsible and the Committee on Legal Affairs and the Internal Market and the Committee on Committee on Industry, External Trade, Research and Energy for their opinions (C5-0283/2003).

The Committee on Regional Policy, Transport and Tourism appointed Dieter-Lebrecht Koch rapporteur at its meeting of 10 September 2003.

The committee considered the Commission proposal and draft report at its meetings of 4 November and 25 November 2003.

At the last meeting it adopted the draft legislative resolution by 31 votes to 4, with 13 abstentions.

The following were present for the vote: Paolo Costa chairman, Gilles Savary (vice-chairman), Helmuth Markov (vice-chairman), Dieter-Lebrecht Koch (rapporteur), Sylviane H. Ainardi, Emmanouil Bakopoulos, Rolf Berend, Graham H. Booth (for Alain Esclopé), Philip Charles Bradbourn, Luigi Cocilovo, Christine de Veyrac, Jan Dhaene, Den Dover (for Felipe Camisón Asensio), Garrelt Duin, Giovanni Claudio Fava, Jacqueline Foster, Mathieu J.H. Grosch, Konstantinos Hatzidakis, Ewa Hedkvist Petersen, Juan de Dios Izquierdo Collado, Georg Jarzembowski, Karsten Knolle (for José Javier Pomés Ruiz), Giorgio Lisi, Sérgio Marques, Emmanouil Mastorakis, Erik Meijer, Rosa Miguélez Ramos, Bill Miller (for Danielle Darras), Enrique Monsonís Domingo, Francesco Musotto, Josu Ortuondo Larrea, Peter Pex, Wilhelm Ernst Piecyk, Samuli Pohjamo, Bernard Poignant, Alonso José Puerta, Reinhard Rack, Carlos Ripoll y Martínez de Bedoya, Ingo Schmitt, Elisabeth Schroedter (for Nelly Maes), Renate Sommer, Dirk Sterckx, Margie Sudre, Hannes Swoboda (for John Hume), Ari Vatanen, Herman Vermeer, Dominique Vlasto (for Dana Rosemary Scallon) and Mark Francis Watts.

The Committee on Legal Affairs and the Internal Market and the Committee on Industry, External Trade, Research and Energy decided respectively on 11 September and 2 October 2003 not to deliver an opinion.

The report was tabled on 27 November 2003 .

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a European Parliament and Council directive amending Council directive 74/408/EEC relating to motor vehicles with regards to the seats, their anchorages and head restraints
(COM (2003) 361 – C5-0283/2003 – 2003/0128(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM[2003] 361)¹
 - having regard to Article 251 (2) and Article 95 of the EC Treaty, pursuant to which the Commission proposal was submitted to the European Parliament (C5-0283/2003),
 - having regard to Rule 67 of the Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism (A5-0418/2003),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1

ARTICLE 1, POINT 2

Article 3a, paragraph 1 (Directive 74/408/EEC)

1. With effect from [1 July 2004], Member States shall prohibit the installation of side-facing seats on new types of vehicles of categories M1, N1, M2 **and M3** of class **III or B**.

1. With effect from [1 July 2004], Member States shall prohibit the installation of side-facing seats on new types of vehicles of categories M1, N1 **and** M2 of class B.

¹ Not yet published in OJ

Justification

Travel coaches with side-facing seats have not been shown to be unsafe. The study by the Cranfield Institute did not prove that the problems associated with minibuses also apply to travel coaches. Prohibiting such seats in vehicles of category M₃ seems excessive.

Amendment 2

ARTICLE 1, POINT 2

Article 3a, paragraph 2 (Directive 74/408/EEC)

2. With effect from [1 January 2006], Member States shall prohibit the installation of side-facing seats on new vehicles of categories M1, N1, M2 **and M3** of class **III or B**.

2. With effect from [1 January 2006], Member States shall prohibit the installation of side-facing seats on new vehicles of categories M1, N1 **and** M2 of class B.

Justification

Travel coaches with side-facing seats have not been shown to be unsafe. The study by the Cranfield Institute did not prove that the problems associated with minibuses also apply to travel coaches. Prohibiting such seats in vehicles of category M₃ seems excessive.

EXPLANATORY STATEMENT

1. Background

Improving road safety is a matter of high priority for Europe. In its White Paper "European Transport Policy for 2010 - Time To Decide", the Commission drew attention to the fact that of all modes of transport road transport is the most dangerous¹: in 2000, road accidents in the European Union left more than 41 000 dead and more than 1.7 million injured.

Measures must be adopted at both national and European level in order to achieve the objective of approximately halving the number of road deaths by 2010. The EU's contribution could consist of a whole series of measures ranging from the harmonisation of sanctions through to the promotion of new technologies to improve road safety. The recently adopted Directive 2003/20/EC pursuant to which the obligation to wear safety belts was extended is one such measure.

In this connection, the Commission draws attention to the results of research according to which the use of safety belts and head rests can significantly reduce the level of injury and the number of deaths caused by road accidents. Ensuring that occupants are not thrown out of the vehicle in an accident can be a decisive factor for their survival.

Consequently, in addition to extending the obligation to wear safety belts, it makes sense to also push forward with the installation of safety belts in all vehicles, including buses and travel coaches. This is the purpose of the proposal for a directive (COM(2003) 361 final) amending Council Directive 74/408/EEC relating to motor vehicles with regards to the seats, their anchorages and head restraints.

The proposal forms part of a package of three proposed directives (COM (2003) 361, 362 and 363 final). The Commission chose this approach since the installation of safety belts is governed at European level by the following three directives:

- Council Directive 77/541/EEC of 28 June 1977, as last amended by Commission Directive 2000/3/EC, on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles;
- Council Directive 76/115/EEC of 18 December 1975, as last amended by Commission Directive 96/38/EC, on the approximation of the laws of the Member States relating to anchorages for motor-vehicle safety belts, and
- Council Directive 74/408/EEC of 22 July 1974, as last amended by Commission Directive 96/37/EC, relating to motor vehicles with regard to the seats, their anchorages and head restraints.

The aim of the proposed directives COM (2003) 361, 362 and 363 is to amend all three directives at the same time.

¹ European Transport Policy for 2010: Time to Decide, COM(2001) 370, p. 64.

2. Substance of proposal

Currently, only passenger cars (category M₁) are required by Community laws to be fitted with safety belts. The principal aim of this proposal is to extend the requirement to fit safety belts to encompass minibuses (category M₂), buses and coaches (M₃), light (N₁), medium (N₂) and heavy-duty (N₃) trucks.

A particular feature of buses, coaches and heavy-duty vehicles is that safety belt anchorages cannot be fixed to the body structure of the vehicle, as is usually the case for passenger cars, but must instead be fixed to the seats. Consequently, issues pertaining to belt and seat anchorages are of vital importance. Since these issues are governed by all three above-mentioned Directives, it is necessary to amend all three Directives.

The purpose of the proposal under consideration, i.e. the proposal to amend Directive 74/408/EEC, is to subdivide vehicle categories M₂ and M₃ into classes which in turn are defined in Directive 2001/85/EC. Classes I-III are to be established for vehicles able to transport more than 22 passengers in addition to the driver, while classes A and B are intended for vehicles for up to 22 passengers. This subdivision allows a distinction to be drawn between city-buses, inter-city buses and travel coaches.

The proposal for a Directive also sets three dates:

- 1 January 2004: the date from when Member States have to accept vehicles approved in accordance with the amending Directive;
- 1 July 2004: the date from when new types of vehicles belonging to the concerned categories have to fulfil the requirements of the Directive;
- 1 January 2006: the date from when all new vehicles belonging to existing types have to comply with the Directive.

The actual obligation to fit safety belts is not so much established in the proposal for a directive under consideration here (COM(2003) 361) but in COM(2003) 362 and 363 or for that matter in the respective Directives to be amended (Directives 76/115/EEC and 77/541/EEC).

The Commission acknowledges that there are a number of uncertainties affecting the cost-benefit analysis but nevertheless draws a clearly positive conclusion overall.

Side-facing seats

In addition to dealing with the issue of safety belts, the Commission also focuses on another issue: In its explanatory memorandum, the Commission indicates that it is also seeking to address the issue of side-facing seats with this package of directives. A study by the Cranfield Impact Centre would seem to indicate that it was appropriate to no longer allow such seats except in city-buses. Consequently, Article 1, point 2 of the proposal for a directive would introduce a new article in Directive 74/408/EEC prohibiting the installation of side-facing seats in

- new types of vehicle categories M₁, N₁, M₂ and M₃, class III and B, as of 1 July 2004 and

- new vehicles of categories M₁, N₁, M₂ and M₃, class III and B, as of 1 January 2006.

3. Comments by the rapporteur

The rapporteur fully supports the basic aim of the proposal, which is to press ahead with the fitting of safety belts in all vehicles, and has therefore not tabled any amendments in this regard. However, the same cannot be said of the Commission's intention to prohibit side-facing seats in vehicles of category M₃ (buses and coaches).

Such a prohibition seems excessive. The study by the Cranfield Impact Centre, which the Commission cites as the basis for such a ban, cannot, in the opinion of the rapporteur, be used to justify such a prohibition since it only analysed accidents involving mini-buses using parameters which themselves are also only applicable to mini-buses. Available data relating to travel coaches of category M₃, class III and B, do not indicate that there are any particular risks such as to justify a total ban. The banning of side-facing seats in travel coaches of category M₃, class III and B, would therefore needlessly eliminate a market niche. This would particularly affect higher category study trips and tours as well as the business and conference segment. The rapporteur has therefore tabled two amendments aiming to lift the ban on side-facing seats.

4. Procedure

Commission proposals COM (2003) 362 and 363 were approved by the Committee on Regional Policy, Transport and Tourism on 10 September 2003 pursuant to the simplified procedure (Rule 158(1) of the Rules of Procedure). Since all three proposed directives must enter into force at the same time in the Community in order to avoid market distortions, consideration of proposals COM (2003) 362 and 363 in plenary was held over until after the vote in committee on proposal COM(2003) 361.

The rapporteur would also add that, should his proposed amendments be adopted, certain minor amendments to proposals COM(2003) 362 and 363 would also make sense or would indeed be necessary. Those amendments would ensure regulatory consistency and would concern side-facing seats, incorporating provisions on safety belt anchorages and the need for padded partitions. In order not to delay the legislative procedure needlessly, the rapporteur would seek to ensure that, in the event that his amendments to COM (2003) 361 were adopted, a request was made pursuant to Rule 110a(1), second subparagraph, that the additional amendments to COM (2003) 362 and 363 be admissible in plenary.