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*****I**

REPORT

on the proposal for a directive of the European Parliament and of the Council relating to the use of frontal protection systems on motor vehicles and amending Council Directive 70/156/EEC
(COM(2003)0586 – C5-0473/2003 – 2003/0226(COD))

Committee on 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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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council relating to the use of frontal protection systems on motor vehicles and amending Council Directive 70/156/EEC

(COM(2003)0586 – C5-0473/2003 – 2003/0226(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2003)0586)¹,
 - having regard to Articles 251(2) and 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0473/2003),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on the Internal Market and Consumer Protection (A6-0053/2005),
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 RECITAL 3
(3) It is necessary to establish the test, construction and installation requirements to be complied with by any frontal protection system either supplied as original equipment fitted to a vehicle or placed on the market as a separate technical unit.	(3) It is necessary <i>to control the use of frontal protection systems and</i> to establish the test, construction and installation requirements to be complied with by any frontal protection system either supplied as original equipment fitted to a vehicle or placed on the market as a separate technical unit. <i>Tests should require that frontal protection systems are designed in a way that improves pedestrian safety and reduces the number of injuries.</i>

¹ Not yet published in OJ.

Amendment 2
RECITAL 3 A (new)

(3a) These requirements should also be regarded in the context of the protection of pedestrians and other vulnerable road users and with reference to Directive 2003/102/EC of the European Parliament and of the Council of 17 November 2003 relating to the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle and amending Council Directive 70/156/EEC *. This Directive should be reviewed in the light of further research and experience gained during the first four years of its application.

**** OJ L 321, 76.12.2003, p. 15.***

Amendment 3
RECITAL 5 A (new)

(5a) The Commission should monitor the impact of this Directive and report back to the Council and the European Parliament. If deemed necessary to achieve further improvements in pedestrian protection, the Commission should make proposals to amend this Directive in accordance with technical progress.

Justification

The author proposes that, in order to avoid eliminating from the market so-called ‘non-rigid’ frontal protection systems (which can actually improve the pedestrian friendliness of car-fronts in comparison to the car front itself), frontal protection systems should, at this stage, be required to comply with testing requirements which correspond to phase 1 of the pedestrian protection directive. Subsequently, the Commission should monitor the impact of the directive and, if necessary, submit proposals to amend it in the light of technical progress.

Amendment 4
RECITAL 6 A (new)

:

(6a) This Directive is part of the European road safety action programme and may be supplemented by national measures to prohibit or restrict the use of frontal protection systems already on the market before the Directive's entry into force.

Amendment 5
ARTICLE 1

This Directive lays down technical requirements for the type-approval of motor vehicles as regards frontal protection systems supplied as original equipment fitted to vehicles or as separate technical units.

This Directive ***is aimed at improving pedestrian and vehicle safety through passive measures.*** It lays down technical requirements for the type-approval of motor vehicles as regards frontal protection systems supplied as original equipment fitted to vehicles or as separate technical units.

Amendment 6
ARTICLE 2, POINT (2),

(2) “separate technical unit” means any device as defined in Article 2 of Directive 70/156/EEC and intended for installation and use on ***vehicles***.

(2) “separate technical unit” means any device as defined in Article 2 of Directive 70/156/EEC and intended for installation and use on ***one or more given types of motor vehicle of class M1 or N1 (up to 3.5 tonnes)***.

Justification

See also Annex 1, last paragraph of 1.1.

This amendment clarifies that separate technical unit approvals can be given only in combination with a specified vehicle type or vehicle types.

In order to assess the safety of a Frontal Protection System, it is necessary to understand its relation to a particular vehicle or vehicles. In this respect, the safety of the Frontal Protection System is dependent on:

1. *the method of mounting the frontal protection system on the vehicle;*
2. *the space between the frontal protection system and the vehicle body.*

Amendment 7

ARTICLE 3, PARAGRAPH 1, INTRODUCTORY PART

1. With effect from **1 October 2004**, in respect of a new type of vehicle fitted with a frontal protection system which complies with the requirements laid down in Annex I and Annex II, Member States may not, on grounds relating to frontal protection systems:

1. With effect from ***[nine months after publication of this Directive]***, in respect of a new type of vehicle fitted with a frontal protection system which complies with the requirements laid down in Annex I and Annex II, Member States may not, on grounds relating to frontal protection systems:

Amendment 8

ARTICLE 3. PARAGRAPH 2, INTRODUCTORY PART

2. With effect from **1 October 2004**, in respect of a new type of frontal protection system, which is made available as a separate technical unit, and which complies with the requirements laid down in Annex I and Annex II, Member States may not:

2. With effect from ***[nine months after publication of this Directive]***, in respect of a new type of frontal protection system, which is made available as a separate technical unit, and which complies with the requirements laid down in Annex I and Annex II, Member States may not:

Amendment 9

ARTICLE 3, PARAGRAPH 3

3. With effect from **1 July 2005**, in respect of a type of vehicle fitted with a frontal protection system, or a type of frontal protection system supplied as a separate

3. With effect from ***[twelve months after publication of this Directive]***, in respect of a type of vehicle fitted with a frontal protection system, or a type of frontal

technical unit, which does not comply with the requirements laid down in Annex I and Annex II, Member States shall refuse to grant EC type-approval or national type-approval.

protection system supplied as a separate technical unit, which does not comply with the requirements laid down in Annex I and Annex II, Member States shall refuse to grant EC type-approval or national type-approval.

Amendment 10
ARTICLE 3, PARAGRAPH 4, INTRODUCTORY PART

4. With effect from **1 January 2006**, in respect of vehicles which do not comply with the requirements laid down in Annex I and Annex II to this Directive, Member States shall, on grounds relating to frontal protection systems:

4. With effect from ***[eighteen months after publication of this Directive]***, in respect of vehicles which do not comply with the requirements laid down in Annex I and Annex II to this Directive, Member States shall, on grounds relating to frontal protection systems:

Amendment 11
ARTICLE 3, PARAGRAPH 5

5. With effect from **1 January 2006**, the requirements under Annex I and Annex II of this Directive, in relation to frontal protection systems made available as separate technical units, shall apply for the purposes of Article 7(2) of Directive 70/156/EEC.

5. With effect from ***[eighteen months after publication of this Directive]***, the requirements under Annex I and Annex II of this Directive, in relation to frontal protection systems made available as separate technical units, shall apply for the purposes of Article 7(2) of Directive 70/156/EEC.

(Amendment 12
ARTICLE 4, PARAGRAPH 1

1. Detailed technical requirements for the ***test*** provisions laid down in section 3 of

1. Detailed technical requirements for the provisions laid down in section 3 of Annex

Annex 1 to this Directive shall be adopted by the Commission, assisted by the Committee established by Article 13(1) of Directive 70/156/EEC, in accordance with the procedure referred to in Article 13(3) of that Directive.

1 to this Directive ***for the rig testing of resilient frontal protection systems intended for sale as vehicle accessories to the standard of the relevant tests laid down in Directive 2003/102/EC*** shall be adopted by the Commission, assisted by the Committee established by Article 13(1) of Directive 70/156/EEC, in accordance with the procedure referred to in Article 13(3) of that Directive.

Justification

As far as concerns resilient energy-absorbing frontal protection systems intended for sale on the aftermarket, the Commission should adopt a revised proposal at the end of the first reading so as to add to Annex 1 provisions for rig testing designed to afford a standard of pedestrian protection equivalent to that provided by Directive 2003/102/EC.

Amendment 13 ARTICLE 4 A (new)

Article 4a

Not later than [four years and nine months after publication of this Directive], in the light of technical progress and experience, the Commission shall review the technical provisions of this Directive and, in particular, the conditions for requiring the Upper Legform to Frontal Protection System "Bumper" test, the inclusion of an Adult Headform to Frontal Protection System test and the specification of a Child Headform to Frontal Protection System test. The results of this review will be the subject of a report from the Commission to the European Parliament and Council. If, as a result of this review, it is considered appropriate to adapt the technical provisions of this Directive,

such adaptation may be carried out in accordance with the procedure laid down in Article 13 of Directive 70/156/EEC.

Amendment 14
ARTICLE 6, PARAGRAPH 1

1. Member States shall adopt and publish, by **30 June 2004** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from **1 July 2004**.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

1. Member States shall adopt and publish, by **[six months after publication of this Directive]** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from **[six months after publication of this Directive]**.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Amendment 15
ANNEX I, SECTION 3.1.

3.1. The following tests are required to be carried out.

3.1. In order to be approved, frontal protection systems must pass the following tests:

Justification

Tests are not only to be carried out but test criteria must also be complied with.

Amendment 16
ANNEX I, SECTION 3.1.1.

3.1.1. Lower Legform to Frontal Protection System "Bumper". This test is carried out at an impact speed of 40 km/h. The maximum dynamic knee bending angle shall not exceed **15.0°**, the maximum dynamic knee shearing displacement shall not exceed 6.0 mm, and the acceleration measured at the upper end of the tibia shall not exceed **150 g**.

This test may be substituted by the Upper Legform to Frontal Protection System "Bumper" test under specified conditions.

3.1.1. Lower Legform to Frontal Protection System "Bumper". This test is carried out at an impact speed of 40 km/h. The maximum dynamic knee bending angle shall not exceed **°21.0°**, the maximum dynamic knee shearing displacement shall not exceed 6.0 mm, and the acceleration measured at the upper end of the tibia shall not exceed **200 g**.

Under specified conditions this test must be replaced by the Upper Legform to Frontal Protection System "Bumper" test specified in paragraph 3.1.2.

Amendment 17
ANNEX I, SECTION 3.1.2.

3.1.2. Upper Legform to Frontal Protection System "Bumper". This test is carried out at an impact speed of 40 km/h. The instantaneous sum of the impact forces with respect to time, to the top and the bottom of the impactor, shall not exceed **5.0 kN** and the bending moment on the impactor shall not exceed **300 Nm**.

The Upper Legform to Frontal Protection System "Bumper" test shall be carried out if the Frontal Protection System Lower "Bumper" Height at the test position is more than 500 mm.

3.1.2. Upper Legform to Frontal Protection System "Bumper". This test is carried out at an impact speed of 40 km/h. The instantaneous sum of the impact forces with respect to time, to the top and the bottom of the impactor, shall not exceed **7.5 kN** and the bending moment on the impactor shall not exceed **510 Nm**.

Under specified conditions this test can replace the Lower Legform to Frontal Protection System "Bumper" test specified in paragraph 3.1.1

Amendment 18
ANNEX I, SECTION 3.1.3.

3.1.3. Upper Legform to Frontal Protection System. This test is carried out at an impact speed of up to 40 km/h. The instantaneous sum of the impact forces with respect to

3.1.3. Upper Legform to Frontal Protection System **Leading Edge**. This test is carried out at an impact speed of up to 40 km/h. The instantaneous sum of the impact forces with

time, to the top and the bottom of the impactor, shall not exceed 5.0 kN and the bending moment on the impactor shall not exceed 300 Nm

respect to time, to the top and the bottom of the impactor, *should* not exceed *a possible target of* 5.0 kN and the bending moment on the impactor *should* not exceed *a possible target of* 300 Nm . *Both results shall be recorded for monitoring purposes only.*

Amendment 19 ANNEX I, SECTION 3.1.4.

3.1.4. Child *and/or* Adult headform to Frontal Protection System. *These tests are carried out at speeds of 40km/h.* The Headform Performance Criterion (HPC), calculated from the resultant of the accelerometer time histories, in accordance with paragraph 1.13, shall not exceed 1000 in all cases.

3.1.4. Child/*Small* Adult *Headform* to Frontal Protection System. *The test is carried out at an impact speed of 35 km/h using a 3.5 kg headform test impactor for the child/small adult.* The Headform Performance Criterion (HPC), calculated from the resultant of the accelerometer time histories, in accordance with paragraph 1.13, shall not exceed 1000 in all cases.

Amendment 20 ANNEX II, SECTION 3.2.1

3.2.1. A rectangle surrounding the letter “e” followed by the distinguishing number or letters of the Member State which has granted type-approval:

- 1 for Germany
- 2 for France
- 3 for Italy
- 4 for the Netherlands
- 5 for Sweden
- 6 for Belgium
- 9 for Spain
- 11 for United Kingdom
- 12 for Austria
- 13 for Luxembourg
- 17 for Finland
- 18 for Denmark
- 21 for Portugal
- 23 for Greece
- IRL for Ireland

3.2.1. A rectangle surrounding the letter “e” followed by the distinguishing number or letters of the Member State which has granted type-approval:

- 1 for Germany
- 2 for France
- 3 for Italy
- 4 for the Netherlands
- 5 for Sweden
- 6 for Belgium
- 9 for Spain
- 11 for United Kingdom
- 12 for Austria
- 13 for Luxembourg
- 17 for Finland
- 18 for Denmark
- 21 for Portugal
- 23 for Greece
- IRL for Ireland
- nn for Cyprus*
- nn for The Czech Republic*
- nn for Estonia*
- nn for Hungary*

nn for Latvia
nn for Lithuania
nn for Malta
nn for Poland
nn for The Slovak Republic
nn for Slovenia

Justification

Technical adjustment of the proposal.

EXPLANATORY STATEMENT

I. Introduction

Bull bars are not a new subject in a road safety context. They originated in Australia where they are designed to protect the front of the vehicle in the event of a collision in the countryside with animals such as kangaroos, emus or horses. In Europe, however, there are hardly any areas to compare with the Australian outback. Bull bars are used on vehicles here in normal traffic and they are considered to be dangerous for pedestrians and cyclists, particularly in urban areas where most accidents involving those road-users occur.

II. Why legislation?

The European, Japanese and Korean car manufacturers appreciate this danger and have already negotiated with the Commission and given a commitment not to fit rigid bull bars as frontal protection on new vehicles as of 2002.

The main thrust of that commitment, however, was that the car manufacturers would try to 'soften up' car fronts in two stages (stage 1 - 2005, stage 2 - 2010) to make them less dangerous in the event of a collision with pedestrians. Parliament and the Council, however, considered that a voluntary commitment was not an adequate instrument in this case and embodied these provisions (with certain amendments) in a directive.

Both Parliament¹ and the Council² consider that in this case likewise (a ban on bull bars) legislation is primarily the way to go to fill a major loophole in the voluntary commitment as it covers only bull bars supplied as original equipment on the vehicle and not those which can be bought as separate accessories (the aftermarket).

Since many bull bars are procured on the aftermarket, there would be dangerous and non-dangerous bull bars on the market, which would also discriminate against the auto industry, which is bound by the commitment, as opposed to suppliers of bull bars as optional accessories, who are not.

Moreover, the term 'soft' bull bar is extremely vague and unclearly defined in the voluntary commitment. Your rapporteur believes that more stringent standards are required to make bull bars acceptable in terms of road safety and even have a positive impact in that respect.

The procedure using a directive therefore creates legal certainty both for the auto trade and manufacturers of accessories.

III. Arguments for and against bull bars

¹ Council conclusions (Internal Market) 26 November 2001.

² Resolution of 13 June 2002.

Bull bars can provide protection in collisions with animals at low speeds. It can be important in the outback not to be stranded as a result of damage caused by such a collision but there are hardly any areas in Europe where this reason can be used to justify fitting bull bars.

On the other hand, there is a greater risk that vulnerable road-users, such as pedestrians, cyclists and motorcyclists, suffer more serious injuries with hard bull bars than otherwise would have been the case.

Bull bars disrupt the effective operation of devices designed to lessen the impact of a crash for motorists, such as airbags, collapsible steering columns etc. and which can be fatal for them.

There can also be negative technical consequences, which fall outside the terms of reference of this report.

There are, however, positive aspects to bull bars which, in some cases, can also contribute to better road safety.

This has been shown by several reports on bull bars, in Australia for example, where certain types of foam plastic have a positive effect. However, the most important research for Europe has been carried out by the TRL (Transport Research Laboratory - an institution which does a great deal of work on behalf of the government) in England. The TRL has published a report¹ which shows great differences between various types of bull bar depending on the material they are made of, the fitting and the shape. One of the conclusions in the report is that there are "smart bars", bull bars which are flexible and even protect pedestrians who collide with vehicles fitted with this type of bar. The report also shows that it is possible for bull bars to meet the standards proposed by the Commission.

This report by the TRL is the basis for the Commission's proposal. In brief, the Commission's proposals are as follows:

IV. Content of the Commission's proposal

1. This proposal lays down requirements to be complied with by frontal protection systems either as originally fitted to a vehicle or sold on the market as a separate accessory.
2. The requirements are specified in Annex I, point 3 and consist of 4 tests.
3. In article 3 it lays down a timetable for the phasing out of old-style "rigid" bull bars and the phasing in of "non-rigid" bull bars in the sense of this directive.
4. The scope of the directive has been limited to M1 (up to 8 persons) and N1 (goods up to 3,5 tonnes) in article 2, par. 1.
5. The other articles and annexes are related to administrative provisions (like type-approval documents for vehicles and bull bars as separate technical units) publication, transposition

¹ TRL Report 460 - "Assessment and test procedures for bull bars".

and entry into force of the directive.

V. The rapporteur's comments

The rapporteur's comments

1. This legislative measure proposed by the European Commission has to be seen within the wider framework of the Commission's action programme aimed at promoting road safety.
2. With the legislation in place on the pedestrian protection by which car fronts will become more resilient so that they absorb a big part of the energy in case of collision with a pedestrian, it would be intolerable to undermine all the efforts car producers have put in making car fronts comply with legislation by allowing rigid bull bars to be mounted on a car
3. After long discussions about the feasibility by bull bar producers of complying with the four tests as proposed by the Commission, this proved to be somewhat too ambitious because as things are standing now, it seems unlikely that industry can comply with the proposed rules.
4. Moreover, we are here in a rapidly evolving field where too far reaching legislation can become obsolete after some years. Hence the need for flexibility, so that new research results can be taken into account. This is what the rapporteur and the shadow rapporteurs have tried to achieve in their negotiations and which is reflected in the compromise -amendments adopted: to start with we will have slightly more realistic test requirements compared to those originally proposed and we ask the Commission to determine in more detail the test requirements, a second task for the Commission is to review after some years (am 13) the technical provisions of this Directive and to consider the possible necessity of the inclusion of other tests, taking into account the results of research and development due to become available in the coming years.
5. Finally the industry will have a clear set of rules putting gradually an end to the uncomfortable situation in which there are two categories of frontal protection systems: one covered by the European automobile industry's voluntary agreement imposing only vaguely defined non-rigid frontal protection systems on newly sold cars and the other category of after market accessories not regulated by any rule or legislation.
6. The rapporteur would like to eliminate a widespread misunderstanding which is to expect from this directive that it removes all the old rigid bull bars from the market. It is obvious that with the type-approval procedure this is impossible. Type approval roughly means that from a fixed date only the frontal protection types complying with the new standards will be allowed to be marketed. The bull bars having come on the market before that date fall under the Member States responsibility.
7. Because of the strong majority with which this report has been adopted and in order to make this directive to enter into force as early as possible, the rapporteur and the representatives of

all the political groups intend to ask the Council to try to conclude this legislative procedure in the simplest possible way which is an agreement between the Parliament and Council in first reading.

(14.12.2004

OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council relating to the use of frontal protection systems on motor vehicles and amending Council Directive 70/156/EEC (COM(2003)0586 – C5-0473/2003 – 2003/0226(COD))

Draftsman: Malcolm Harbour

SHORT JUSTIFICATION

Vehicle construction improvements to reduce the potential for collision injuries to vulnerable road users has already been the subject of a major political initiative, resulting in the Framework Directive 2003/102/EC of 17 November 2003. In the last legislature, the Legal Affairs and Internal Market Committee provided opinions on the previous text, as they constitute important elements of internal market policy.

There remains one other piece of "unfinished business" relating to pedestrian protection. This concerns external protection devices, separate from the main structure of the vehicle, offered either as a factory-fitted item or an after-market accessory. More commonly known as "bull bars", these devices can, in many cases, be a significant hazard to pedestrians because of their unyielding construction and aggressive design.

Under the voluntary agreement on improved safety for vulnerable road users, all the major car manufacturers producing and marketing vehicles across the EU have already discontinued the fitting of rigid "bull bar" devices from January 2002.

There is a need, however, to address the potential safety dangers of frontal protection devices that are fitted to a vehicle by original equipment manufacturers, as well as in the after-market, after the vehicle has been supplied to a customer. The aim should be to ensure that the addition of a frontal protection system to a vehicle does not result in an increased risk to pedestrians, over and above the protection offered by the base vehicle not so equipped. This would be achieved by

requiring the vehicle equipped with the device to meet the same test standards as the base vehicle.

The Commission's proposal, while welcome in its intent, is unnecessarily complex. It proposes different test conditions for a vehicle fitted with a protection device from those already specified, under Directive 2003/102/EC, for the base vehicle. In your draftsman's view, it is quite illogical to specify different test requirements for a vehicle front end, whether it is fitted with a protection device or not. He has proposed amendments that represent better legislative practice and comply with internal market requirements for common type-approval standards.

Your draftsman further proposes that the relevant provisions of Directive 2003/102/EC specified for vehicles of under 2.5 tonnes should also apply to frontal protection systems fitted to vehicles of over 3.5 tonnes.

In addition, the Commission's proposal fails to take account of the production and marketing of resilient energy-absorbing frontal protection devices. The standards proposed are so severe that these devices would be removed from the market. In the draftsman's view, this is not desirable from the perspective of vulnerable road users. Such devices, fitted to existing vehicles particularly in the over 2.5 tonne category, can reduce their aggressive nature in low-speed collisions. Your draftsman therefore proposes that the directive adopt a new technical procedure for approving these impact-absorbing bars.

Your draftsman further points out that, without flanking measures, this directive will have a very limited impact on vulnerable road user casualties. He suggests that, in annual vehicle safety testing, Member States should ensure that, from an appropriate future date, vehicles equipped with external protection devices not complying with the provisions of this directive should be refused a road worthiness certificate. If the test vehicle were deemed to have an unsafe front structure after the offending bull bar had been removed, then an approved device would have to be substituted. Such a policy would quickly remove the existing population of dangerous, rigid bull bars from use and achieve real benefits in casualty reduction.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission ¹	Amendments by Parliament
Amendment 1 RECITAL 3	
(3) It is necessary to establish the test,	(3) It is necessary to establish the test,

¹ Not yet published in OJ.

construction and installation requirements to be complied with by any frontal protection system either supplied as original equipment fitted to a vehicle or placed on the market as a separate technical unit.

construction and installation requirements to be complied with by any frontal protection system either supplied as original equipment fitted to a vehicle or placed on the market as a separate technical unit ***to ensure that the addition of a frontal protection system to a vehicle does not result in increased risk to pedestrians.***

Amendment 2
ARTICLE 2, POINT 2

(2) “separate technical unit” means any device as defined in Article 2 of Directive 70/156/EEC and intended for installation and use on ***vehicles***.

(2) “separate technical unit” means any device as defined in Article 2 of Directive 70/156/EEC and intended for installation and use on ***one or more given types of motor vehicle of class M1 or N1 (up to 3.5 tonnes)***.

Justification

See also Annex 1, last paragraph of 1.1.

This amendment clarifies that separate technical unit approvals can be given only in combination with a specified vehicle type or vehicle types.

In order to assess the safety of a Frontal Protection System, it is necessary to understand its relation to a particular vehicle or vehicles. In this respect, the safety of the Frontal Protection System is dependent on:

- 1. the method of mounting the frontal protection system on the vehicle;*
- 2. the space between the frontal protection system and the vehicle body.*

Amendment 3
ARTICLE 3, PARAGRAPH 1, INTRODUCTORY PART

1. With effect from ***1 October 2004***, in respect of a new type of vehicle fitted with a frontal protection system which complies with the requirements laid down in Annex I and Annex II, Member States may not, on grounds relating to frontal protection

1. With effect from ***1 October 2005***, in respect of a new type of vehicle fitted with a frontal protection system which complies with the requirements laid down in Annex I and Annex II, Member States may not, on grounds relating to frontal protection

systems:

systems:

Amendment 4
ARTICLE 3, PARAGRAPH 2, INTRODUCTORY PART

2. With effect from **1 October 2004**, in respect of a new type of frontal protection system, which is made available as a separate technical unit, and which complies with the requirements laid down in Annex I and Annex II, Member States may not:

2. With effect from **1 October 2005**, in respect of a new type of frontal protection system, which is made available as a separate technical unit, and which complies with the requirements laid down in Annex I and Annex II, Member States may not:

Amendment 5
ARTICLE 3, PARAGRAPH 3

3. With effect from **1 July 2005**, in respect of a type of vehicle fitted with a frontal protection system, or a type of frontal protection system supplied as a separate technical unit, which does not comply with the requirements laid down in Annex I and Annex II, Member States shall refuse to grant EC type-approval or national type-approval.

3. With effect from **1 July 2006**, in respect of a type of vehicle fitted with a frontal protection system, or a type of frontal protection system supplied as a separate technical unit, which does not comply with the requirements laid down in Annex I and Annex II, Member States shall refuse to grant EC type-approval or national type-approval.

Amendment 6
ARTICLE 3, PARAGRAPH 4, INTRODUCTORY PART

4. With effect from **1 January 2006**, in respect of vehicles which do not comply with the requirements laid down in Annex I and Annex II to this Directive, Member States shall, on grounds relating to frontal protection systems:

4. With effect from **1 January 2007**, in respect of vehicles which do not comply with the requirements laid down in Annex I and Annex II to this Directive, Member States shall, on grounds relating to frontal protection systems:

Amendment 7

ARTICLE 3, PARAGRAPH 5

5. With effect from **1 January 2006**, the requirements under Annex I and Annex II of this Directive, in relation to frontal protection systems made available as separate technical units, shall apply for the purposes of Article 7(2) of Directive 70/156/EEC.

5. With effect from **1 January 2007**, the requirements under Annex I and Annex II of this Directive, in relation to frontal protection systems made available as separate technical units, shall apply for the purposes of Article 7(2) of Directive 70/156/EEC.

Justification

Fully to align the Directive on Frontal Protection Systems with the Pedestrian Protection Directive (2003/102/EC of 17 November 2003) according to the fundamental principle which constitutes the basis for the Directive: “to ensure that the fitting of a frontal protection system on a car will offer at least the same level of protection as provided by the base vehicle”. Moreover, the dates proposed by the Commission need to be realistic. The proposed changes would postpone the dates by one year.

Amendment 8 ARTICLE 4, PARAGRAPH 1

1. Detailed technical requirements for the **test** provisions laid down in section 3 of Annex 1 to this Directive shall be adopted by the Commission, assisted by the Committee established by Article 13(1) of Directive 70/156/EEC, in accordance with the procedure referred to in Article 13(3) of that Directive.

1. Detailed technical requirements for the provisions laid down in section 3 of Annex 1 to this Directive **for the rig testing of resilient frontal protection systems intended for sale as vehicle accessories to the standard of the relevant tests laid down in Directive 2003/102/EC** shall be adopted by the Commission, assisted by the Committee established by Article 13(1) of Directive 70/156/EEC, in accordance with the procedure referred to in Article 13(3) of that Directive.

Justification

Detailed technical requirements for test provisions are unnecessary as Annex 1 will refer to the Pedestrian Protection Directive (2003/102/EC of 17 November 2003) according to the fundamental principle which constitutes the basis for the Directive: “to ensure that the fitting of a frontal protection system on a car will offer at least the same level of protection as provided by the base vehicle”.

As far as concerns resilient energy-absorbing frontal protection systems intended for sale on the aftermarket, the Commission should adopt a revised proposal at the end of the first reading so as to add to Annex 1 provisions for rig testing designed to afford a standard of pedestrian protection equivalent to that provided by Directive 2003/102/EC.

Amendment 9

ARTICLE 6, PARAGRAPH 1, SUBPARAGRAPH 1

1. Member States shall adopt and publish, by **30 June 2004** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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Amendment 10

ARTICLE 6, PARAGRAPH 1, SUBPARAGRAPH 2

They shall apply those provisions from **1 July 2004**.

They shall apply those provisions from **1 July 2005**.

Justification

The dates proposed by the Commission need to be realistic. The proposed changes would postpone the dates by one year.

Amendment 11

ANNEX 1, TECHNICAL PROVISIONS, SECTION 1

1. DEFINITIONS

For the purposes of this Directive the following definitions shall apply.

1.1. 'Vehicle type' means a category of motor vehicle which, forward of the A-pillars, does not differ in such essential respects as:

– the structure,

1. DEFINITIONS

For the purposes of this Directive the following definitions shall apply.

1.1. 'Vehicle type' means a category of motor vehicle which, forward of the A-pillars, does not differ in such essential respects as:

– the structure,

- the main dimensions,
- the materials of the outer surfaces of the vehicle,
- the component arrangement (external or internal),
- the method of fixing a frontal protection system,

insofar as they may be considered to have a negative effect on the results of the impact tests prescribed in this Directive.

For purposes of consideration of frontal protection systems to be approved as separate technical units, any reference to vehicle may be interpreted to refer to the frame on which the system is mounted for testing and which is intended to represent the front end outer dimensions of the particular vehicle for which the system is being approved.

1.2. ‘Normal ride attitude’ is the attitude of the vehicle as positioned on the ground in running order (as defined in Item 2.6 of Annex 1 to Directive 70/156/EEC), the tyres inflated to the recommended pressures, the front wheels in the straight-ahead position and with a 75 kg mass placed on the front passenger seat. If the vehicle has an active suspension or a device for height adjustment, then the suspension should be set at the height recommended by the manufacturer for normal road use.

1.3. ‘External surface’ means the outside of the vehicle, forward of the A-pillars, including the bonnet, the wings, the lighting and light-signalling devices and the visible strengthening components.

1.4. ‘Radius of curvature’ means the radius of the arc of a circle which comes closest to the rounded form of the component under consideration.

1.5. ‘Extreme outer edge’ of the vehicle means, in relation to the sides of the

- the main dimensions,
- the materials of the outer surfaces of the vehicle,
- the component arrangement (external or internal),
- the method of fixing a frontal protection system,

insofar as they may be considered to have a negative effect on the results of the impact tests prescribed in this Directive.

For purposes of consideration of frontal protection systems to be approved as separate technical units, any reference to vehicle may be interpreted to refer to the frame on which the system is mounted for testing and which is intended to represent the front end outer dimensions of the particular vehicle for which the system is being approved.

vehicle, the plane parallel to the median longitudinal plane of the vehicle coinciding with its outer lateral edge, and, in relation to the front and rear ends, the perpendicular transverse plane of the vehicle coinciding with its outer front and rear edges, account not being taken of the projection:

- of tyres near their point of contact with the ground, and connections for tyre pressure gauges,*
- of any anti-skid devices which may be mounted on the wheels,*
- of rear-view mirrors,*
- of side direction indicator lamps, end outline marker lamps, front and rear position (side) lamps and parking lamps,*
- in relation to the front and rear ends, of parts mounted on the bumpers, of towing devices and of exhaust pipes.*

1.6. ‘Bumper’ is a part of the vehicle at the front or rear intended to protect the vehicle from damage in the event of a low speed collision. Any item protruding by more than 50mm forward of the front bumper shall be deemed to form part of a frontal Protection System.

1.7. ‘Frontal protection system’ means a separate structure or structures, such as a bull bar, which may be fitted to the front of the vehicle and is intended to protect the external surface, above and/or below the bumper, from damage in the event of a collision with an object. Structures, with a maximum mass of less than 0.5 kg, intended to protect only the lights, are excluded from this definition.

1.8. ‘Integral frontal protection system’ means a structure or structures which may be considered to be part of the bumper or other part of the front of the vehicle and intended to provide additional protection to the external surface, above and/or below the bumper, in the event of a

1.2. ‘Frontal protection system’ means a separate structure or structures, such as a bull bar, which may be fitted to the front of the vehicle and is intended to protect the external surface, above and/or below the bumper, from damage in the event of a collision with an object. Structures, with a maximum mass of less than 0.5 kg, intended to protect only the lights, are excluded from this definition.

collision with an object. Such a structure may be considered to be an integral part of the vehicle front-end construction and removal would normally create discontinuities in the frontal surface of the vehicle.

1.9. ‘The Upper Frontal Protection System “Bumper” Reference Line’ identifies the upper limit to significant points of pedestrian contact with the bumper area of the frontal protection system or the vehicle. It is defined as the geometric trace of the uppermost points of contact between a straight edge 700 mm long and the frontal protection system or the vehicle front (whichever is contacted), when the straight edge, held parallel to the vertical longitudinal plane of the vehicle and inclined rearwards by 20°, is traversed across the front of the vehicle, while maintaining contact with the ground and with the surface of the frontal protection system or vehicle.

1.10. ‘The Lower Frontal Protection System “Bumper” Reference Line’ identifies the lower limit to significant points of pedestrian contact with the bumper area of the frontal protection system or the vehicle. It is defined as the geometric trace of the lowermost points of contact between a straight edge 700 mm long and the frontal protection system, when the straight edge, held parallel to the vertical longitudinal plane of the vehicle and inclined forwards by 25°, is traversed across the front of the vehicle, while maintaining contact with the ground and with the surface of the frontal protection system or the vehicle.

1.11. ‘The Upper Frontal Protection System “Bumper” Height’ is the vertical distance between the ground and the Upper Frontal Protection System “Bumper” Reference Line, defined in paragraph 1.9 with the vehicle positioned

in its normal ride attitude.

1.12. ‘The Lower Frontal Protection System “Bumper” Height’ is the vertical distance between the ground and the Lower Frontal Protection System “Bumper” Reference Line, defined in paragraph 1.10 with the vehicle positioned in its normal ride attitude.

1.13. ‘Head performance criterion (HPC)’ shall be calculated using the expression:

$$HPC = (t_2 - t_1) \left[\frac{1}{t_2 - t_1} \int_{t_1}^{t_2} a dt \right]^{2.5}$$

where ‘a’ is the resultant acceleration at the centre of gravity of the head (m/s²) as a multiple of ‘g’, recorded versus time and filtered at a channel frequency class 1000Hz; t₁ and t₂ are two times defining the beginning and the end of the relevant recording period for which the value of HPC is a maximum between the first and last instants of contact. Values of HPC for which the time interval (t₁ - t₂) is greater than 15 ms are ignored for the purposes of calculating the maximum value.

Justification

To align the requirements to the Pedestrian Protection Directive (2003/102/EC of 17 November 2003) fully in accordance with the fundamental principle which constitutes the basis for the Directive: “to ensure that the fitting of a frontal protection system on a car will offer at least the same level of protection as provided by the base vehicle”.

Amendment 12

ANNEX 1, TECHNICAL PROVISIONS, SECTION 3

3. TEST PROVISIONS

3.1. The following tests are required to be carried out.

3. TEST PROVISIONS

3.1 Frontal protection systems shall be tested in accordance with Directive 2003/102/EC insofar as these tests apply to those parts of the vehicle covered by the frontal protection system. The relevant tests shall also apply to vehicles of class

3.1.1. Lower Legform to Frontal Protection System “Bumper”. This test is carried out at an impact speed of 40 km/h. The maximum dynamic knee bending angle shall not exceed 15.0°, the maximum dynamic knee shearing displacement shall not exceed 6.0 mm, and the acceleration measured at the upper end of the tibia shall not exceed 150 g. This test may be substituted by the Upper Legform to Frontal Protection System “Bumper” test under specified conditions.

3.1.2. Upper Legform to Frontal Protection System “Bumper”. This test is carried out at an impact speed of 40 km/h. The instantaneous sum of the impact forces with respect to time, to the top and the bottom of the impactor, shall not exceed 5.0 kN and the bending moment on the impactor shall not exceed 300 Nm.

The Upper Legform to Frontal Protection System “Bumper” test shall be carried out if the Frontal Protection System Lower “Bumper” Height at the test position is more than 500 mm.

3.1.3. Upper Legform to Frontal Protection System. This test is carried out at an impact speed of up to 40 km/h. The instantaneous sum of the impact forces with respect to time, to the top and the bottom of the impactor, shall not exceed 5.0 kN and the bending moment on the impactor shall not exceed 300 Nm.

3.1.4. Child and/or Adult headform to Frontal Protection System. These tests are carried out at speeds of 40 km/h. The Headform Performance Criterion (HPC), calculated from the resultant of the accelerometer time histories, in accordance with paragraph 1.13, shall not exceed 1000 in all cases.

3.2. PROVISIONS FOR THE RIG TESTING OF FRONTAL PROTECTION

SYSTEMS

[Detailed provisions to be added by the Commission in a revised proposal for second reading]

Justification

Fully to align the requirements to the Pedestrian Protection Directive (2003/102/EC of 17 November 2003) fully in accordance with the fundamental principle which constitutes the basis for the Directive: “to ensure that the fitting of a frontal protection system on a car will offer at least the same level of protection as provided by the base vehicle”.

As far as concerns resilient energy-absorbing frontal protection systems intended for sale on the aftermarket, the Commission should adopt a revised proposal at the end of the first reading so as to add to Annex 1 provisions for rig testing designed to afford a standard of pedestrian protection equivalent to that provided by Directive 2003/102/EC.

PROCEDURE

Title	Proposal for a directive of the European Parliament and of the Council relating to the use of frontal protection systems on motor vehicles and amending Council Directive 70/156/EEC
References	(COM(2003)0586 – C5-0473/2003 – 2003/0226(COD))
Committee responsible	TRAN
Enhanced cooperation	No
Drafts(wo)man Date appointed	Malcolm Harbour 27.9.2004
Discussed in committee	6.10.2004 26.10.2004 23.11.2004 14.12.2004
Date amendments adopted	14.12.2004
Result of final vote	for: 37 against: 0 abstentions: 0
Members present for the final vote	Mercedes Bresso, Charlotte Cederschiöld, Mia De Vits, Bert Doorn, Janelly Fourtou, Evelyne Gebhardt, Małgorzata Handzlik, Malcolm Harbour, Anneli Jäätteenmäki, Pierre Jonckheer, Henrik Dam Kristensen, Alexander Lambsdorff, Kurt Lechner, Lasse Lehtinen, Arlene McCarthy, Manuel Medina Ortega, Bill Newton Dunn, Béatrice Patrie, Zuzana Roithová, Luisa Fernanda Rudi Ubeda, Heide Rühle, Eva-Britt Svensson, Andreas Schwab, Marianne Thyssen, Jacques Toubon, Bernadette Vergnaud, Barbara Weiler, Phillip Whitehead, Joachim Wuermeling
Substitutes present for the final vote	Mario Borghezio, André Brie, Ieke van den Burg, António Costa, Simon Coveney, Gisela Kallenbach, Alexander Stubb, Diana Wallis, Stefano Zappalà
Substitutes under Rule 178(2) present for the final vote	Anne Van Lancker

PROCEDURE

Title	Proposal for a directive of the European Parliament and of the Council relating to the use of frontal protection systems on motor vehicles and amending Council Directive 70/156/EEC		
References	COM(2003)0586 – C5-0473/2003 – 2003/0226(COD)		
Legal basis	Articles 251(2) and 95		
Basis in Rules of Procedure	Rule 51		
Date submitted to Parliament	10.10.2003		
Committee responsible Date announced in plenary	TRAN 16.9.2004		
Committee(s) asked for opinion(s) Date announced in plenary	IMCO 16.9.2004	ENVI 16.9.2004	
Not delivering opinion(s) Date of decision	ENVI 1.9.2004		
Enhanced cooperation Date announced in plenary			
Rapporteur(s) Date appointed	Ewa Hedkvist Petersen 28.7.2004		
Previous rapporteur(s)			
Simplified procedure Date of decision			
Legal basis disputed Date of JURI opinion			
Financial endowment amended Date of BUDG opinion			
European Economic and Social Committee consulted Date of decision in plenary			
Committee of the Regions consulted Date of decision in plenary			
Discussed in committee	31.8.2004	29.9.2004	18.1.2005
Date adopted	19.1.2005		
Result of final vote	for:	40	
	against:	0	
	abstentions:	4	
Members present for the final vote	Robert Atkins, Margrete Auken, Inés Ayala Sender, Etelka Barsi Pataky, Philip Bradbourn, Sylwester Chruszcz, Paolo Costa, Michael Cramer, Arūnas Degutis, Christine De Veyrac, Armando Dionisi, Petr Duchoň, Saïd El Khadraoui, Emanuel Jardim Fernandes, Luis de Grandes Pascual, Mathieu Grosch, Ewa Hedkvist Petersen, Jeanine Hennis-Plasschaert, Stanisław Jałowiecki, Georg Jarzembowski, Dieter-Lebrecht Koch, Jaromír Kohlíček, Rodi Kratsa-Tsagaropoulou, Jörg Leichtfried, Bogusław Liberadzki, Evelin Lichtenberger, Patrick Louis, Erik Meijer, Robert Navarro, Seán Ó Neachtain, Josu Ortuondo Larrea, Willi Piecyk, Luís Queiró, Reinhard Rack, Luca Romagnoli, Gilles Savary, Ingo Schmitt, Renate Sommer, Dirk		

	Sterckx, Ulrich Stockmann, Gary Titley, Georgios Toussas, Marta Vincenzi, Roberts Zīle
Substitutes present for the final vote	Jelko Kacin, Francesco Musotto
Substitutes under Rule 178(2) present for the final vote	
Date tabled – A6	17.3.2005 A6-0053/2005
Comments	...

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