

# EUROPEAN PARLIAMENT

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FINAL  
A6-0115/2005

27.4.2005

**\*\*\*II**

## **RECOMMENDATION FOR SECOND READING**

on the Council common position for adopting a directive of the European Parliament and of the Council amending Council Directive 74/408/EEC relating to motor vehicles with regard to the seats, their anchorages and head restraints  
(11935/3/2004 – C6-0031/2005 – 2003/0128(COD))

Committee on 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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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the Council common position for adopting a directive of the European Parliament and of the Council amending Council Directive 74/408/EEC relating to motor vehicles with regard to the seats, their anchorages and head restraints (11935/3/2004 – C6-0031/2005 – 2003/0128(COD))**

**(Codecision procedure: second reading)**

*The European Parliament,*

- having regard to the Council common position (11935/3/2004 – C6-0031/2005),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2003)0361),
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 62 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A6-0115/2005),
1. Approves the common position as amended;
  2. Instructs its President to forward its position to the Council and Commission.

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Council common position

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Amendments by Parliament

Amendment 1  
RECITAL 8 A (new)

***(8a) Some exemptions granted by the competent authorities of Member States are inconsistent with the general trend towards safer vehicles and provide a loophole which can undermine the achievement of the purposes of this Directive. Such exemptions should therefore not be permitted.***

*Justification*

*Road safety is a very serious matter where exemptions can mean life or death. Closing the*

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<sup>1</sup>OC C 91 E, 15.4.2004, p. 487.

*loopholes is completely in line with the current Action Programme on Road Safety.*

Amendment 2  
RECITAL 8 B (NEW)

***(8b) The provisions allowing side-facing seats with two point belts in certain classes of vehicle of category M<sub>3</sub> should be of temporary nature, pending the entry into force of Community legislation amending Directive 70/156/EEC on type approval and extending its scope to include buses of category M<sub>3</sub>.***

Amendment 3  
ARTICLE 1, POINT 2  
Article 3 a, paragraph 1 (Directive 74/408/EEC)

(1) The installation of side-facing seats shall be prohibited on vehicles of categories M<sub>1</sub>, N<sub>1</sub>, M<sub>2</sub> (of class III or B) and M<sub>3</sub> (of class III or B).

(1) The installation of side-facing seats shall be prohibited on vehicles of categories M<sub>1</sub>, N<sub>1</sub>, M<sub>2</sub> (of class III or B) and M<sub>3</sub> (of class III or B). ***This prohibition shall not extend to coaches of category M<sub>3</sub> (class III or B) of a technically permissible maximum laden weight exceeding 10 tonnes in which side-facing seats are grouped together at the rear of the vehicle to form an integrated saloon of up to 10 seats. Such side-facing seats shall be fitted with, at least, a head-restraint and a two-point belt with retractor, type-approved in accordance with Directive 76/115/EC. This exemption shall have effect for 5 years from the date of adoption of this Directive. It may be extended if reliable accident statistics are available and there has been further development of safety belt systems.***

Amendment 4  
ARTICLE 1, POINT 2 A (new)  
Article 5 a (new) (Directive 74/408/EEC)

***2a) The following Article shall be inserted:***

***'Article 5a***

***Exemptions from the provisions of this Directive granted pursuant to Articles 1 and 8 of Directive 70/156/EEC shall not be granted.'***

*Justification*

*Road safety is a very serious matter where exemptions can mean as much as life or death. Closing the loopholes is completely in line with the current Action Programme on Road Safety.*

## EXPLANATORY STATEMENT

### The Commission proposal and the common position

The Community legislation in force currently requires only passenger cars to be fitted with safety belts. The installation of safety belts with additional protection features such as restraint systems, anchorages and head restraints is governed at European level by Directives 77/541/EEC, 76/115/EEC and 74/408/EEC. The proposal addressed in this recommendation is part of a package (COM (2003) 361, 362 and 363) to amend these three directives, making it compulsory for vehicles other than passenger cars to be equipped with safety belts. For technical reasons, the three directives proposed must enter into force at the same time.

In addition to the main issue of equipping vehicles with safety belt systems, the Commission has also included in the proposal in question a provision prohibiting the installation of side-facing seats in vehicles of categories M<sub>1</sub>, N<sub>1</sub>, M<sub>2</sub> (of class III or B) and M<sub>3</sub> (of class III or B).

In its common position, the Council made only a few changes to the Commission's proposal. It defined the different seat arrangements, extended the scope of the directive to include folding seats and postponed the deadlines for entry into force. Parliament's proposed amendments from the first reading focused on the ban on side-facing seats in vehicles of category M<sub>3</sub> (class III or B) and have not been adopted by the Council.

### Evaluation

As was made clear in the first reading, it would be useful to press ahead with fitting vehicles with safety belts as well as extending the requirement to wear safety belts. The fitting of all vehicles with life-saving safety belts, restraint systems and head restraints is welcomed wholeheartedly and is not at all at issue.

The rapporteur's concerns relate to just one point in the Commission proposal and now also the common position, as the Council rejected Parliament's amendments on the subject.

The newly tabled amendment addresses the ban on side-facing seats in buses belonging to vehicle category M<sub>3</sub> (class III or B) and, therefore, the discrimination against a small group of buses with high-quality fittings ostensibly on the grounds of 'road safety'.

The effectiveness of safety belts or the degree to which they are effective depends on the orientation of the seat with regard to the longitudinal axis of the vehicle. The distribution of forces varies depending on whether the accident involves a head-on impact, a side impact (usually as a result of skidding) or a rollover lengthways or diagonally. The belt's effectiveness is therefore particularly dependent on the type of accident. In a head-on collision, the belt is more effective on seats facing the direction of travel than on side-facing seats. It is, however, a completely different scenario for a side-on crash or a vehicle rollover, which is typical of accidents involving M<sub>3</sub> category buses. In this case, the distribution of forces is such that a side-facing seat equipped with a safety belt offers equal or sometimes better protection even than a forward-facing seat.



If no risk is seen for passengers on side-facing seats on urban and rural public transport buses, it is surely difficult to claim that seats of this kind present a risk on travel coaches.

At this point, it should also be borne in mind that the Commission and the Council do not intend to prohibit side-facing seats in medium and heavy goods vehicles. Any discrimination against the bus sector should be avoided in this respect.

The rapporteur will, therefore, continue to insist on his amendment and asks his colleagues for their support in this matter.

## PROCEDURE

<b>Title</b>	Council common position for adopting a regulation of the European Parliament and of the Council amending Council directive 74/408/EEC relating to motor vehicles with regard to the seats, their anchorages and head restraints		
<b>References</b>	11935/3/2004 – C6-0031/2005 – 2003/0128(COD)		
<b>Legal basis</b>	Articles 251(2) and 95 EC		
<b>Basis in Rules of Procedure</b>	Rule 62		
<b>Date of Parliament's first reading – P5</b>	17.12.2003	P5_TA(2003)0581	
<b>Commission proposal</b>	COM(2003)0361 – C5-0283/2003		
<b>Amended Commission proposal</b>	COM(2004)0769		
<b>Date receipt of common position announced in plenary</b>	27.1.2005		
<b>Committee responsible</b> Date announced in plenary	TRAN 27.1.2005		
<b>Rapporteur(s)</b> Date appointed	Dieter-Lebrecht Koch 26.1.2005		
<b>Previous rapporteur(s)</b>			
<b>Discussed in committee</b>	2.2.2005	16.3.2005	18.4.2005
<b>Date adopted</b>	19.4.2005		
<b>Result of final vote</b>	for:	41	
	against:	0	
	abstentions:	0	
<b>Members present for the final vote</b>	Margrete Auken, Inés Ayala Sender, Etelka Barsi-Pataky, Philip Bradbourn, Sylwester Chruszcz, Paolo Costa, Michael Cramer, Christine De Veyrac, Armando Dionisi, Petr Duchoň, Saïd El Khadraoui, Robert Evans, Luis de Grandes Pascual, Mathieu Grosch, Ewa Hedkvist Petersen, Jeanine Hennis-Plasschaert, Stanisław Jałowiecki, Georg Jarzembowski, Dieter-Lebrecht Koch, Jaromír Kohlíček, Jörg Leichtfried, Bogusław Liberadzki, Evelin Lichtenberger, Erik Meijer, Janusz Onyszkiewicz, Josu Ortuondo Larrea, Willi Piecyk, Luís Queiró, Reinhard Rack, Luca Romagnoli, Gilles Savary, Ingo Schmitt, Renate Sommer, Dirk Sterckx, Ulrich Stockmann, Gary Titley, Marta Vincenzi, Corien Wortmann-Kool, Roberts Zile		
<b>Substitutes present for the final vote</b>	Den Dover, Willem Schuth		
<b>Substitutes under Rule 178(2) present for the final vote</b>			
<b>Date tabled – A6</b>	27.4.2005	A6-0115/2005	
<b>Comments</b>			