



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Council Directive 77/541/EEC on the approximation of the laws of the
Member States relating to safety belts and restraint systems of motor vehicles**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. OBJECTIVE OF THE PROPOSAL

The Commission is proposing to amend three Directives with a view to imposing the fitting of safety belts in all motor vehicles other than passenger cars ¹.

Only passenger cars ² are currently required by Community laws to be fitted with safety belts.

The following Directives concern the installation of safety belts in relation to vehicles :

- Council Directive 77/541/EEC of 28 June 1977 ³, as last amended by Commission Directive 2000/3/EC ⁴, 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 ⁵, as last amended by Commission Directive 96/38/EC ⁶, on the approximation of the laws of the Member States relating to anchorages for motor-vehicles safety belts;
- Council Directive 74/408/EEC of 22 July 1974 ⁷, as last amended by Commission Directive 96/37/EC ⁸, relating to motor vehicles with regard to the seats, their anchorages and head restraints.

These Directives already contain all the necessary technical prescriptions allowing manufacturers to comply with relevant installation provisions. Up to now, these Directives are not compulsory in the case of vehicles other than passenger cars and Member States are free to decide of their implementation by national laws.

With a view to the compulsory installation of safety belts in all vehicles, the Commission is proposing to amend the three Directives simultaneously. Taking into account that the final objective of the proposed action is to improve road safety, a firm link has to be established between them. Consequently they should be adopted at the same time and be implemented at the same date.

¹ Are concerned : minibuses (category M₂), buses and coaches (category M₃), light-duty trucks (category N₁), medium and heavy-duty trucks (categories N₂ and N₃).

² Category M₁.

³ OJ L 220, 29.08.1977, p.95.

⁴ OJ L 53, 25.02.2000, p.1.

⁵ OJ L 24, 30.01.1976, p.6.

⁶ OJ L 187, 26.07.1996, p.95.

⁷ OJ L 221, 12.08.1974, p 1.

⁸ OJ L 186, 25.07.1996, p.28.

2. LEGAL BASIS

The proposed amending directives are based on Article 95 of the Treaty establishing the European Community. They are founded on the principle of total harmonisation, the purpose of which is to replace national laws and procedures that are liable to create barriers to the free movement of goods by a single, binding set of Community rules and a single approval procedure.

In this particular case, the installation of seat belts in vehicles other than passenger cars requires that manufacturers develop the appropriate technology to provide occupants with the highest degree of protection. Relevant provisions for such purposes are already present in the Community legislation.

In the interests of the good functioning of the internal market, these Directives must be made compulsory within the Community and implemented at the same date. Only such concerted action can contribute to ensure the proper functioning of the internal market.

3. BACKGROUND

Improving road safety is an important issue, which concerns every citizen within the European Union. The European Parliament, in a report dated 9 December 2002, considers that transport safety in Europe should be the top-priority and that measures likely to contribute to reducing road deaths and serious injuries should be identified⁹.

The Commission in its White Paper “*European Transport Policy for 2010 – Time To Decide*” recalls indeed :

*“The price paid for mobility in Europe is still far too high. Since 1970, for example, more than 1.64 Mio of our citizens have been killed on the road [...]. In 2000, road accidents killed over 40 000 people in the European Union and injured more than 1.7 Mio [...] One person in three will be injured in an accident at some point in their lives.”*¹⁰

Amongst the measures envisaged by the Commission is included the extension of the use of the safety belts, where fitted in vehicles. Up to now, the compulsory use of restraint systems is required in light vehicles, where fitted, by Council Directive 91/671/EEC¹¹. Front and rear seats of vehicles belonging to the category M₁, front seats of vehicles belonging to category N₁ and certain M₂ vehicles are concerned but in no case, heavy vehicles.

⁹ Final report A5-0444/2002, 9.12.2002, p.14.

¹⁰ European Transport Policy for 2010 – Time To Decide COM(2001)370, page 65 – http://europa.eu.int/comm/energy_transport.

¹¹ OJ L 376, 31.12.1991, p.26.

The European Parliament and the Council are in the process of adopting an amendment to Directive 91/671/EEC, which would require the compulsory use of safety belts in all vehicles where fitted.

To make these measures much more effective in terms of occupant protection, action needs to be undertaken to require manufacturers to fit seats with safety belts in all motor vehicles and in coaches more specifically.

Annually, an average of 150 passengers travelling in coaches and minibuses are killed and more than 30 000 persons are injured¹² in road accidents throughout the European Union. The vast majority of these fatalities occur because the passengers are violently thrown around within the confines of the vehicle or even more seriously ejected from the vehicle through the broken windows. It is worth noting that most of the coaches involved in an accident will finally overturn on their side.

A lot of studies have demonstrated over time that wearing a safety belt can contribute to decrease significantly the number of people killed. In Sweden for example where 95% of passenger car occupants wear seat belt, half of all those killed in accidents were not wearing their seat belt at the time of the accident¹³. In cases of coaches, many fatally injured passengers would have survived accidents if they had been provided with and were wearing safety belts.

Recent improvements in passenger car safety have highlighted the lower level of safety in other categories of vehicles. In particular, most minibuses and coaches either have no restraint system fitted or single lap belts that offer limited protection. Tragic accidents have led growing demand world-wide for improvements in occupant protection for these vehicles.

A number of studies have been devoted to the protection of occupants of coaches and minibuses where the advantages of wearing safety belt have been described. However, very few studies are available in respect of commercial vehicles. In general, only the driver is present in the cabin, in contrast with the sixty passengers of a coach. It is reasonable to expect that the compulsory fitting of safety belts will help to protect drivers in case of accident.

Since 1998, Directive 70/156/EEC has been made compulsory for all new passenger cars. As a consequence, they have to fulfil a complete list of compulsory requirements including the installation of safety belts and/or restraint systems in order to obtain an EC vehicle type-approval.

While the Commission is already taking the necessary steps to extend the Community vehicle type-approval to vehicle categories other than M₁, it will not be possible to implement it to commercial vehicles including buses and coaches, before 2007 on a compulsory basis. Therefore, the fitting of safety belts and/or restraint systems could only be imposed earlier through the compulsory enforcement of the separate directives covering that subject.

¹² ECBOS, Enhanced Coach and Bus Occupant Safety - <http://www.dsd.at/data/home.htm>

¹³ European Transport Policy for 2010 – Time To Decide” - COM(2001)370, p. 69.

4. TECHNICAL ASPECTS

New passenger cars have to comply with Council Directives 77/541/EEC, 76/115/EEC and 74/408/EEC, which are included amongst the 56 separate Directives listed in Annex IV to Directive 70/156/EEC.

The situation regarding vehicles other than passenger cars differs substantially. In so far as no Community whole vehicle type-approval procedure has yet been implemented for these vehicles, Member States may decide to apply or not Directives 77/541/EEC, 76/115/EEC and 74/408/EEC on a national basis.

As said earlier, for these categories of vehicles, the compulsory fitting of safety belts may only be required by amending these three Directives.

Safety belt anchorages intended for heavy-duty vehicles including buses and coaches cannot, for technical reasons, be fixed into the body structure of the vehicle, as is usually the case for passenger cars, and are fixed to the seats. For this reason, compliance with the three Directives in combination is required since safety belts and/or restraint systems have to be securely attached to reinforced and standardised anchorages, installed in the vehicle in such a way as to allow the correct wearing of the belts. Moreover, the forces exerted on the belt by the human body in the case of an impact are transferred to the seat anchorages, reason why their strength should be checked under combined loads.

In this respect, a majority of Member States have already enforced the installation of seat belts in minibuses and coaches ¹⁴ as shown in the enclosed table.

Compliance with Directive 77/541/EEC would require the fitting of at least two-point safety belts and energy absorbing seats for all seats on coaches above 5 tonnes, three-point safety belts on all seats of minibuses of up to 3.5 tonnes, and either three-point belts or two-point belts and energy absorbing seats for all coaches of between 3.5 and 5 tonnes. Furthermore, in those seating positions where the passenger is deemed to have a higher risk of injury (for example a seat with a fixed table in front of it), three-point belts are compulsory.

Light-duty trucks of up to 3.5 tonnes in this respect are very similar to passenger cars. Therefore, the first row of seating positions has to be fitted with three-point belts with retractor mechanisms, with the exception of the central seating position, which can be fitted with lap belts when there is no risk that the head of the central passenger may enter into contact with the windscreen. Other seating positions may be fitted with two-point belts.

Medium- and heavy-duty trucks may be fitted with two- or three-point belts.

A distinction has to be made between coaches and city buses (including inter-city buses, which generally use the same seat configuration as city buses). Modern city buses, i.e. low-floor buses, are generally designed for standing passengers with a limited number of seats, which are either tip-up seats, for which no safety belt is

¹⁴ Categories M₂ and M₃.

required, or looking rearwards or even side-facing seats. For such vehicles, it is appropriate not to request the fitting of safety belts but to let Member States decide their individual policy, provided that, when safety belts are installed, they comply with the technical requirements set out in the Community legislation.

To date, no safety belt was required in the case of side-facing seats. The Commission is taking this opportunity to assess the possibility to make their fitting compulsory in the case of side-facing seats. At the time of the discussions regarding the Directive 2001/85/EC¹⁵ relating to safety in buses and coaches, the Commission launched a study to determine which kind of safety belts could secure the passengers the most efficiently. The findings drawn up by the consultant have led to the conclusion it is preferable to ban side-facing seats from these vehicles with the exception of city buses¹⁶.

Finally, Directive 2001/85/EC has recently provided provisions to allow accessibility for people with reduced mobility in buses and coaches. Some special devices, which do not comply with the current provisions of Directive 77/541/EEC, will have to be fitted to secure these people. Consequently, it is necessary that Member States may continue to allow such devices on a national basis, as it was the case in the past.

5. SUBSIDIARITY

The principles of ‘subsidiarity’ and ‘proportionality’ enshrined in Article 5 of the Treaty establishing the European Community have been taken into account. The objective of this Directive, namely the increase in road safety and the avoidance of barriers to trade within the Community, cannot properly be attained by the Member States due to the scale and impact of the action and may therefore be attained more effectively at Community level. This Directive does not go beyond what is necessary to reach that objective.

6. INVOLVEMENT OF INTERESTED PARTIES

6.1. Position of the Member States

Member States have been informed of the content of these proposals via the Commission's Consultative Group, the Motor Vehicle Working Group – MVWG – that is made up of representatives of the Member States, the industry and non-governmental organisations. The majority of the Member States is supporting the proposals.

In preparing its proposals, the Commission took account of research work carried out by the consultant relating to longitudinal seating arrangements in Buses and Coaches, which concludes that “*longitudinal seating should not be permitted in those classes*

¹⁵ Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 (OJ L 42, 13.2.2002, p.1).

¹⁶ Safety Consideration of Longitudinal Seating Arrangements in Buses and Coaches - Results of an investigation research conducted by Cranfield Impact Centre (July 2001) - <http://europa.eu.int/comm/enterprise/automotive/index.htm>.

of vehicles where standees are not allowed and should be permitted in those classes of vehicles where standees are allowed subject to certain design considerations and the nature of operation of the vehicle e.g. whether it is local service, city bus etc”¹⁷.

These conclusions were not contested by the Member States.

6.2. Position of the non-governmental organisations

No negative opinion has been expressed by representatives of non-governmental organisations. However the International Road Transport Union (IRU) regrets the ban of side-facing seats in coaches, which would imply the disappearance of ‘cosy corners’ from luxury coaches.

6.3. Position of the industry

In so far as the technical provisions regarding the installation of safety belts in all categories of vehicles are included in Directives 77/541/EEC, 76/115/EEC and 74/408/EEC, they have already been transposed in the national legislation of the Member States since 1st January 1997. All manufacturers have therefore developed appropriate technical solutions to comply with those directives.

The European Automobile Manufacturers Association has not raised any objection with respect to the Commission’s proposals. However, it pleads for a reasonable period of time allowing the technical changes to be taken into account through appropriate validation and to be integrated in production schedules. It also requests that it be possible to waive some provisions of these directives in cases of small series production.

7. CONTENT OF THE PROPOSAL

The proposal contains two main articles.

7.1. Article 1 : Amendment to Directive 77/541/EEC

Article 1 seeks to define the vehicles of category M₂ and M₃ taking into account Directive 2001/85/EC on buses and coaches. This approach provides the appropriate means to operate a distinction between city-buses, inter-city buses and travel coaches.

A new Article is inserted in Directive 77/541/EEC to allow Member States to type-approve safety belts and restraint systems that cannot fulfil the requirements of Directive 77/541/EEC due to their particular nature. An example of such could be a ‘special needs restraint’ intended for disabled people.

¹⁷ Safety Consideration of Longitudinal Seating Arrangements in Buses and Coaches, Executive Summary page 4.

7.2. Article 2 : Implementation

The proposed measures shall apply to new vehicles put on the market. It is proposed that they apply first to new types of vehicles and subsequently to existing types, in line with the accepted type-approval practice, as follows :

- 1st July 2004 : the date from when new types of vehicles belonging to the concerned categories have to fulfil the requirements of the three Directives;
- 1st January 2006 : the date from when all new vehicles belonging to existing types have to comply with the three Directives.

8. ECONOMIC ASPECTS : COST-BENEFIT ANALYSIS

8.1. General

It is not an easy task to work out, with accuracy, the economic costs, which the measures laid down in the proposed amendments to Directives 77/541/EEC, 76/115/EEC and 74/408/EEC will impose on the construction of vehicles. A number of different factors have to be taken into consideration and their influence is complex to analyse.

Firstly, it should be underlined that since 1999 many recent vehicles other than passenger cars have been fitted with safety belts on a voluntary basis, the result of which is a lowering of the contribution required from industry. However, in the frame of the present appraisal, it has been considered that trucks and tractors for semi-trailers are fitted with safety belts, while coaches are only equipped where their fitting is required by national legislation.

The measures envisaged will find their most rewarding application when used in these coaches which are designed to carry up to sixty seated passengers, depending on the dimensions of the vehicle¹⁸.

Available data from ‘accidentology’ studies show that the number of fatalities in coach accidents is more important in the two following types of accident :

- when the vehicle is involved in a frontal impact ;
- when the vehicle overturns on its side due to a loss of steering control.

It is important that passengers are efficiently protected in both cases. Therefore, the installation of safety belts implies that not only seats and seat fixations are properly reinforced, but also the whole vehicle superstructure in order to withstand the increased kinetic energy forces during the roll-over due to the belted passengers. The increase in kinetic energy amounts in this case to almost 50 %.

¹⁸ From 50 passenger for a 12 m coach to 70 passengers for 13.60 m coach.

In many cases, it will be necessary to re-design the whole vehicle with a view to better distributing the energy within the superstructure, thus avoiding a situation where the deformation provides passengers with insufficient survival space.

In respect of the expected benefits, data from ‘accidentology’ studies allow an assessment of the influence of the measures on the number of fatalities in the case of ejection. However, it is difficult to predict whether the severity of injuries undergone by the belted passengers when impacting the internal structures will decrease significantly. Moreover, it should be recalled that the compulsory fitting of safety belts will not ensure that all passengers would use them permanently.

Considering these assumptions, the cost-benefit analysis could definitely only be seen as an indicative appraisal.

8.2. Situation of commercial vehicles registration within the European Union in respect to the year 2000¹⁹

The European industry is an important supplier of commercial vehicles. Due to the continuous favourable economic situation within the EU, the demand for these vehicles is very high and there is no sign whatsoever of stagnation. Most of the registered vehicles are produced in the EU.

The demand in commercial vehicles is properly measured by means of the registration figures within the Member States.

In respect of the year 2000, 2 515 003 new motor vehicles have been registered²⁰, with the following breakdown :

- 263 151 new heavy commercial motor vehicles over 16 tonnes;
- 391 756 new medium commercial motor vehicles (from 3.5 tonnes up to 16 tonnes) ;
- 1 860 096 new light commercial motor vehicles (up to 3.5 tonnes).

Production and registration in respect of coaches and buses amount to a total of, respectively, :

- 36 593 new vehicles
- 28 407 new vehicles.

Regarding those countries where the fitting of seat belts is not compulsory by national laws, and assuming that the demand in 2004 in those vehicles is kept at its year 2000 level, it could be estimated that almost 3 500 new coaches would have to be fitted with safety belts.

¹⁹ Year 2000 has been chosen as reference year for this appraisal for the reason that is the last providing valuable statistical breakdown.

²⁰ Source New commercial vehicles registrations - Press Release issued by ACEA on 27th February 2002

By comparing the situation of the fleet in Germany during the period of time 1989–2001, it could be roughly estimated that 15 000 new coaches will be put into service to replace end-of-life coaches, which were registered when fitting of safety belt was not compulsory ²¹.

8.3. Costs for the installation of safety belts in coaches

As said in the preamble, to install safety belts in a modern sixty passengers ‘upper-deck coach’ would require a reinforced floor and a reinforced superstructure. These reinforcements would be necessary to ensure the strength of the seat anchorages to withstand the forces acting during an impact.

Where structural adaptations are necessary, a substantial price increase, evaluated at €35 000 per vehicle ²², is to be expected but where no structural adaptations are necessary, the price rise could be estimated at €1 800 per vehicle ²³.

Assuming that 3 500 new vehicles would have to be fitted with safety belts and based on an economic life-time of 10 years, it is estimated that total costs would amount to about €3,6 Mio a year.

This is to be compared to the €15.4 Mio a year relating to the 15 000 new coaches, replacing end-of-life coaches, which will be affected by seat belt installation required by existing national laws.

8.4. Costs for the installation of safety belts in other categories of vehicles

With respect to the other categories of vehicle, an average of three safety belts per vehicle would be necessary. A three-point belt with retractor costs approximately €70 and a two-point belt without retractor €45. This would give an extra cost of up to €185 for one vehicle.

8.5. Benefits

In respect of coaches, assuming that 80 % of the passengers will actually wear the safety belt, it is reasonable to think that 120 passengers could presumably have their life safe in road accidents.

Taking account that the economic societal benefit for saving one life is estimated to €1 Mio ²⁴, then the potential societal benefit would be €120 Mio per year when all coaches would have seat belt installed.

It is still to be investigated how many seriously injured persons would have been better protected if they were wearing a safety belt. Up to now, it has not been possible to find realistic studies on this question. But it is reasonable to think that a

²¹ This figure concerns these Member States where the fitting of safety belts is required by national legislation.

²² Figures provided by the Belgian Ministry of Communications and Infrastructure.

²³ Figures provided by Irisbus Italy.

²⁴ Source: Directorate General Energy & Transport - Priorities in EU road safety progress report and ranking of actions COM(2000) 125 final.

significant decrease of incidence and severity of occupants injuries and social suffering will result from the proposed measures.

9. CONCLUSION

Keeping occupants within an overturning coach can be the key to their survival. Generally, most of them who are ejected will die of their injuries. Those occupants that remain in the vehicles as they come to rest will generally survive.

Similarly, more and more heavy- and light-duty trucks are involved in road accidents and a lot of occupants are killed because they were not belted due to the absence of any restraint system in their vehicles.

Although the price to pay by society may seem being rather high, it should be compared to the benefits in terms of reduction in injuries and deaths.

Appendix

Fitting of safety belts in buses and coaches – Current overview of the situation within the European Union ²⁵

Category of vehicle		Member States														
		AUT	BEL	DAN	GER	GRE	ESP	FIN	FRA	IRL	IT	LUX	NED	POR	SWE	UK
M2 (1) Class B		X (01/10/01) (01/10/99)	X (Beginning 2003)	X (01/10/01) (01/10/99)	X (01/10/01) (01/10/99)	X(2) (.../.../80)	X (...)	X (01/10/01) (01/10/99)	X (01/10/01) (01/10/99)	X (01/01/92) –	X (01/10/01) (01/10/00)	–	X (01/10/01) (01/10/99)	X (01/10/01) (01/10/99)	X (01/01/04)	X (01/10/01)
M3	Class A	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Class B	X (01/10/99)	X (Beginning 2003)	X (01/10/99)	X (01/10/99)	–	–	X (01/10/99)	X (01/10/99)	–	X (01/10/00)	–	X(3) (01/10/99)	X (1.10.99)	X (01/01/04)	X (01/10/01)
	Class I	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
	Class II	–	–	X (01/10/99)	–	–	–	X (01/10/99)	X(5) (01/10/99)	–	X(4) (01/10/00)	–	X(3) (01/10/99)	X (01/10/99)	X (01/01/04)	–
	Class III	X (01/10/99)	X (Beginning 2003)	X (01/10/99)	X (01/10/99)	–	–	X (01/10/99)	X (01/10/99)	–	X (01/10/00)	–	X (01/10/99)	X (01/10/99)	X (01/01/04)	X (01/10/01)

²⁵

Information supplied by the Member States.

–: Optional

X : Mandatory (Date of enforcement)

(1) Dates depend on the maximum mass of the vehicle (First date < 3.5 t - 2nd date > 3.5 t)

(2) Since 1980-for school buses for children up to 12 year

(3) X except buses that can be considered as having, special area for standing passengers

(4) X if the vehicle is classified interurban as regard the Italian legislation

(5) X except buses considered as urban buses and whose use is limited to urban areas.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Council Directive 77/541/EEC on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission ²⁶,

Having regard to the opinion of the European Economic and Social Committee ²⁷,

Having regard to the opinion of the Committee of the Regions ²⁸,

Acting in accordance with the procedure referred to in Article 251 of the Treaty ²⁹,

Whereas :

- (1) Research has shown that the use of safety belts and restraint systems can contribute to a substantial reduction in the number of fatalities and the severity of injury in the event of an accident, even due to rollover. Their fitting in all categories of vehicles will certainly constitute an important step forward to provide an increase in road safety and a consequent saving of lives.
- (2) A substantial benefit to society can be accrued if all vehicles are provided with safety belts.
- (3) In its resolution of 18 February 1986 on common measures to reduce road accidents, as part of the Community's programme for road safety ³⁰, the European Parliament stressed the need for making the wearing of safety belts compulsory for all passengers, including children, except in public service vehicles. Therefore, a distinction has to be made between public service buses and other vehicles as regards the compulsory installation of safety belts and/or restraint systems.

²⁶ OJ C[.....],[.....],p.[.....].

²⁷ OJ C[.....],[.....],p.[.....].

²⁸ OJ C[.....],[.....],p.[.....].

²⁹ OJ

³⁰ OJ C 68, 24.3.1986, p.35.

- (4) Pursuant to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers³¹, as last amended by Commission Directive 2001/116/EC³², the Community type-approval system has only been implemented for all new vehicles of category M₁ from 1 January 1998. Consequently, only these vehicles have to be fitted with safety belts and/or restraint systems fulfilling the provisions of Directive 77/541/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles³³, as last amended by Commission Directive 2000/3/EC³⁴.
- (5) Until the Community type-approval system is extended to all categories of vehicles, the installation of safety belts and/or restraint systems should be required in the interests of road safety in vehicles belonging to categories other than M₁.
- (6) Directive 77/541/EEC already provides for all technical and administrative provisions allowing the type-approval of vehicles of categories other than M₁. Therefore, the Member States do not need to introduce further provisions.
- (7) Since the entry into force of Commission Directive 96/36/EC of 17 June 1996 adapting to technical progress Council Directive 77/541/EEC relating to safety belts and restraint systems of motor vehicles³⁵, several Member States have already made compulsory the provisions contained therein in respect of certain categories of vehicles other than M₁. Manufacturers and their suppliers have thus developed the appropriate technology.
- (8) Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC³⁶ makes provision for allowing disabled people or persons of reduced mobility to access more easily vehicles used for the carriage of passengers comprising more than eight seats. It is necessary to allow Member States to permit the installation of safety belts and/or restraint systems, which do not comply with the technical specifications of Directive 77/541/EEC, but were specifically designed for the purposes of securing those people in such vehicles.
- (9) Directive 77/541/EEC should be amended accordingly.
- (10) Since the objectives of the proposed action, namely the improvement of road safety by the introduction of the compulsory fitting of safety belts in certain categories of vehicles, cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as

³¹ OJ L 42, 23.2.1970, p.1.

³² OJ L 18, 21.1.2002, p.1.

³³ OJ L 220, 29.08.1977, p.95.

³⁴ OJ L 53, 25.02.2000, p.1.

³⁵ OJ L 178, 17.7.1996, p.15.

³⁶ OJ L 42, 13.2.2002, p. 1.

set out in that Article, this Directive does not go beyond what is necessary for that purpose,

HAVE ADOPTED THIS DIRECTIVE :

Article 1
Amendment to Directive 77/541/EEC

Directive 77/541/EEC is hereby amended as follows :

1. The following Article 2a shall be inserted :

“Article 2a

1. Member States may, under national law, allow the installation of safety belts or restraint systems other than those covered by this Directive provided they are intended for disabled people.
2. Member States may also exempt restraints systems designed to comply with the provisions of Annex VII to Directive 2001/85/EC from the provisions of this Directive.
3. The safety belts or restraint systems covered in paragraphs 1 and 2 shall be designed and constructed in order to provide at least the same level of safety as the safety belts or restraint systems covered by this Directive.”

2. In Article 9 the following paragraph shall be added :

“Vehicles of category M₂ and M₃ are subdivided in class as defined in section 2 of Annex I to Directive 2001/85/EC of the European Parliament and of the Council *

* OJ L 42, 13.2.2002, p. 1.”

3. Annex I shall be amended as follows :

- a) The footnote related to item 3.1. shall be deleted ;
- b) Item 3.1.1. shall be replaced by the following :

“ 3.1.1. With the exception of folding seats as defined in item 1.9. of Annex I to Directive 76/115/EEC and seating intended solely for use when the vehicle is stationary, the seats of vehicles belonging to category M₁, M₂ and M₃ of class III or B, and N shall be equipped with safety belts and/or restraint systems conforming to the requirements of this Directive.

Class I, II or A vehicles belonging to category M₂ or M₃ may be fitted with safety belts and/or restraint systems, provided they conform to the requirements of this Directive.”

Article 2
Implementation

1. With effect from [1 January 2004], Member States shall not with respect to the installation of safety belts and/or the installation of restraint systems, which comply with the requirements set out in Directive 77/541/EEC as amended by this Directive :
 - a) refuse to grant EC type-approval, or national type-approval in respect of a type of vehicle ;
 - b) prohibit the registration, sale or entry into service of new vehicles.
2. With effect from [1 July 2004], with respect to the installation of safety belts and/or the installation of restraint systems, which do not comply with the requirements set out in Directive 77/541/EEC as amended by this Directive, Member States shall in respect of a new type of vehicle :
 - a) no longer grant EC type-approval ;
 - b) refuse to grant national type-approval.
3. With effect from [1 January 2006], with respect to the installation of safety belts and/or the installation of restraint systems, which do not comply with the requirements set out in Directive 77/541/EEC as amended by this Directive, Member States shall :
 - a) consider certificates of conformity which accompany new vehicles as no longer valid for the purpose of Article 7(1) of Directive 70/156/EEC ;
 - b) refuse the registration, sale or entry into service of new vehicles, except where the provisions of Article 8(2) of Directive 70/156/EEC are invoked.

Article 3
Transposition

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive before [.....*six months after its adoption*]. They shall forthwith inform the Commission thereof.
2. They shall apply these provisions from [.....*six months after its adoption*].
3. When Member States adopt these provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
4. Member States shall communicate to the Commission the texts of the main provisions of national law, which they adopt in the field covered by this Directive.

Article 4
Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 5
Addressees

This Directive is addressed to the Member States

Done at Brussels,

For the European Parliament
The President

For the Council
The President