

Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/671/EEC on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes

(2001/C 96 E/29)

(Text with EEA relevance)

COM(2000) 815 final — 2000/0315(COD)

(Submitted by the Commission on 7 December 2000)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) thereof,

Having regard to the proposal from the Commission,

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

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

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Article 153 of the Treaty requires that in order to provide a high level of consumer protection, the Community shall contribute to protecting the health, safety and economic interests of consumers.
- (2) In its resolution of 13 March 1984 ⁽¹⁾ the European Parliament made the compulsory use of safety belts on all roads, whether rural or urban, a priority measure. In its resolution of 18 February 1986 ⁽²⁾, the European Parliament stressed the need for making the wearing of safety belts compulsory for all passengers, including children, except in public service vehicles.
- (3) Council Directive 91/671/EEC of 16 December 1991 on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes ⁽³⁾ provides for the compulsory use of child restraints on seats fitted with safety belts. That Directive does not specify the type of child restraint system that would be appropriate and allows for the carriage of children without being restrained by an appropriate child restraint where such a restraint is unavailable.

(4) Future developments should point towards greater stringency in the use of such devices, thus moving closer to the principle of compulsory use referred to in Article 2(2) of the Directive.

(5) With Council Decision 97/836/EC ⁽⁴⁾, the Community acceded to the United Nations Economic Commission for Europe (ECE) Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of those prescriptions.

(6) With its accession to the Agreement, the Commission acceded to a defined list of regulations established pursuant to that Agreement, including that concerning the approval of restraining devices for child occupants of power-driven vehicles (child restraints).

(7) Research has shown that the use of child restraints can make a substantial contribution to reducing the severity of injury in the event of a crash. The risk of severe crash injury is seven times higher for unrestrained children than for restrained children.

(8) The number of fatally injured child car casualties is relatively small when compared to child pedestrian or cyclist fatalities. The level of knowledge about good child restraint protection is now so advanced that poor design becomes increasingly difficult to accept.

(9) Commission Directives 96/36/EC ⁽⁵⁾, 96/37/EC ⁽⁶⁾, 96/38/EC ⁽⁷⁾ in combination require that new vehicles in categories M and N (except those vehicles in categories M2 and M3 which are designed for the carriage of standing passengers) must be equipped with safety belts, appropriate seats and safety belt anchorages. As safety belts are provided in these vehicles it is considered reasonable that seated passengers should be required to use them.

⁽¹⁾ OJ C 104, 6.4.1984, p. 38.

⁽²⁾ OJ C 68, 24.3.1986, p. 35.

⁽³⁾ OJ L 373, 31.12.1991, p. 26.

⁽⁴⁾ OJ L 346, 17.12.1997, p. 78.

⁽⁵⁾ OJ L 178, 17.7.1996, p. 15.

⁽⁶⁾ OJ L 186, 25.7.1996, p. 28.

⁽⁷⁾ OJ L 187, 26.7.1996, p. 95.

- (10) Passengers in categories M2 and M3 vehicles should be made aware of the need to wear their safety belts when the vehicle is in motion,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/671/EEC is hereby amended as follows:

1. The title is replaced by the following: 'on the approximation of the laws of the Member States relating to compulsory use of safety belts and child restraint systems in vehicles'.

2. Article 1 and 2 are replaced by the following:

'Article 1

1. This Directive shall apply to all motor vehicles in categories M1, M2, M3 and N1, N2 and N3 as defined in Annex I to Directive 70/156/EEC ⁽¹⁾, intended for use on the road, having at least four wheels and a maximum design speed exceeding 25 km/h.

2. For the purpose of this Directive:

— the definitions for restraint systems, including safety belts and child restraints and the components thereof are those contained within Annex I to Directive 77/541/EEC ⁽²⁾ with regard to vehicles in categories M1 and N1.

— "rearward-facing" means facing in the direction opposite to the normal direction of travel of the vehicle.

3. Child restraints fall into five "mass groups":

(a) Group 0 for children of a mass less than 10 kg;

(b) Group 0+ for children of a mass less than 13 kg;

(c) Group I for children of a mass from 9 kg to 18 kg;

(d) Group II for children of mass from 15 kg to 25 kg;

(e) Group III for children of mass from 22 kg to 36 kg.

4. Child restraint systems may be of two classes:

(a) an integral class comprising a combination of straps or flexible components with a securing buckle, adjusting device, attachments, and in some cases a supplementary chair and/or impact shield, capable of being anchored by means of its own integral strap or straps;

(b) a non-integral class that may comprise a partial restraint, which, when used in conjunction with an adult belt, which passes around the body of the child or restrains the device in which the child is placed, forms a complete child restraint system.

⁽¹⁾ OJ L 42, 23.2.1970, p. 1.

⁽²⁾ OJ L 220, 29.8.1977, p. 95.

Article 2

1. For M1 and N1 vehicles, Member States shall require that all occupants of vehicles being used on the road shall wear restraint systems where provided. Children of 12 years of age or older may wear the approved adult safety belt.

Children under 12 years of age shall be restrained by a child restraint system, separate from or additional to the adult-type safety belt, and suitable for the child's mass as is defined in Article 1(3). Where a child is less than 12 years of age but whose mass is greater than 36 kg then an adult safety belt may be worn.

Children under three years of age shall not be transported in M1 vehicles, other than taxis, that do not provide appropriate child restraint systems.

Children shall not be transported in the front passenger seat of a vehicle with a front passenger air bag using a rear-facing safety seat unless the air bag has been de-activated.

Where a child restraint system is used it shall be approved to the standards of UN-ECE Regulation 44/03, its equivalent or any other subsequent adaptation thereto.

2. For M2, M3, N2 and N3 vehicles, Member States shall require that all drivers and occupants of vehicles on the road wear the safety belts provided.

Passengers shall be informed of the requirement to wear safety belts whenever they are seated and the vehicle is in motion. They shall be informed in one or more of the following ways:

— by the driver

— by the conductor, courier or official designated as group leader

— by audio-visual means (e.g. video)

— by signs and/or pictograms that are prominently displayed at every seating position.'

3. Article 4 is deleted.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 2002. They shall forthwith inform the Commission thereof.

When Member States adopt those 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.

Article 3

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

Article 4

This Directive is addressed to the Member States.
