



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.7.2005
COM(2005) 309 final

2003/0128 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251(2), third subparagraph, point (c) of the EC Treaty
on the European Parliament's amendments
to the Council's common position regarding the proposal for a**

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**AMENDING COUNCIL DIRECTIVE 74/408/EEC RELATING TO THE SEATS,
THEIR ANCHORAGES AND THE HEAD RESTRAINTS OF MOTOR VEHICLES**

**AMENDING THE PROPOSAL FROM THE COMMISSION
pursuant to Article 250(2) of the EC Treaty**

OPINION OF THE COMMISSION

**pursuant to Article 251(2), third subparagraph, point (c) of the EC Treaty
on the European Parliament's amendments
to the Council's common position regarding the proposal for a**

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

AMENDING COUNCIL DIRECTIVE 74/408/EEC RELATING TO THE SEATS, THEIR ANCHORAGES AND THE HEAD RESTRAINTS OF MOTOR VEHICLES

1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission shall deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission's opinion regarding the two amendments proposed by the European Parliament is set out below.

2. BACKGROUND

Date on which the proposal was sent to the European Parliament and the Council COM(2003)361 final – 2003/00128(COD) – C5-0283/2003:	20 June 2003
Date of the European Parliament's opinion at first reading:	17 December 2003
Date of adoption by the Council of the common position:	24 January 2005 (unanimity)
Date of the opinion of the European Economic and Social Committee:	10 December 2003
Date of the European Parliament's opinion at second reading:	26 May 2005

3. PURPOSE OF THE PROPOSAL

This proposal is one of three Directives concerning the installation of safety belts in all commercial vehicles, with the exception of city buses. It supplements the adoption of Directive 2003/20/EC extending the compulsory use of safety belts to all vehicles.

Owing to technical reasons linked to the construction method for commercial vehicles, Directive 74/408/EEC relating to seats and head restraints must be amended. In order for safety belts to offer users a high level of protection, it is important to ensure that the seats are sufficiently resistant and capable of absorbing impact energy. The proposal includes a ban, in the interests of user safety, on the lateral positioning of seats.

4. COMMISSION OPINION ON THE AMENDMENTS PROPOSED BY THE EUROPEAN PARLIAMENT

At the plenary session of 26 May 2005, the European Parliament rejected amendments 1 to 4 and adopted amendments 5 and 6. The aim of these amendments is to authorise the installation of side-facing seats in certain types of coach for a period of five years.

The Commission accepts the amendments adopted by the European Parliament.

5. CONCLUSION

Under Article 250(2) of the EC Treaty, the Commission amends its proposal in accordance with the above.