

Opinion of the European Economic and Social Committee on the 'Proposal for 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'

(COM(2003) 361 final — 2003/0128 (COD))

(2004/C 80/02)

On 3 July 2003 the Council decided to consult the Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for the Single Market, Production and Consumption, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 12 November 2003. The rapporteur was Mr Ranocchiaro.

At its 404th plenary session (meeting of 10 December 2003), the European Economic and Social Committee adopted the following opinion by 102 votes to one, with one abstention.

1. Introduction

1.1. The proposal under examination is part of the general regulatory framework concerning type-approval of vehicles and associated devices.

1.2. The installation of seats, their anchorages and head restraints is a technical aspect of particular importance which must be governed at Community level.

1.3. The simultaneous presentation of three proposals for a directive⁽¹⁾ is founded on the basic principle of total harmonisation, by means of a single set of Community rules and a single approval procedure, followed by simultaneous entry into force throughout the Union.

1.4. The need for these type-approval rules arises from the installation and use of safety belts in a broader range of vehicles.

1.5. The compulsory use of safety belts has so far been limited to passenger cars (Category M₁) and to the front seats only of lighter goods vehicles i.e. maximum weight below 3,5 tonnes (N₁). Heavier goods vehicles (N₂ and N₃), on the other hand, were excluded, together with minibuses and buses (M₂ and M₃).

1.6. Only recently has compulsory use of safety belts been extended to all categories of motor vehicles for the carriage of goods and of passengers⁽²⁾.

1.7. Since to date there has been no real Community type-approval for vehicles other than passenger cars, the Member States have been able to decide whether or not to apply at national level the three directives in force, which the present proposals set out to amend.

1.8. The provisions concerning heavier vehicles require not only installing 2- or 3-point safety belts, but also entail fixing them to the seats instead of the body structure of the vehicle as is the case with passenger cars. For this reason, compliance must be ensured with all three directives together.

2. Comments by the Committee

2.1. The EESC welcomes the legislative approach which seeks total harmonisation, in line with Treaty Article 95.

2.2. The measures set out in the proposal under examination respond to the need to ensure passenger safety, and are quite rightly included in the European Road Safety Action Programme⁽³⁾.

2.3. The directive which the proposal wishes to amend already contains all the necessary technical and administrative rules for type-approval of vehicles of categories other than M₁.

2.4. The real innovation is the ban on placing side-facing seats in new vehicle types (from 1 July 2004) and new vehicles of all categories (M₁, M₂, and M₃ class III or B), with the exception of city buses (from 1 January 2006).

⁽¹⁾ COM(2003) 361 final, the subject of the present opinion, is accompanied by COM(2003) 362 final on anchorages for safety belts and COM(2003) 363 final on safety belts and restraint systems.

⁽²⁾ Directive 2003/20/EC of 8.4.2003, in OJ L 115, 9.5.2003.

⁽³⁾ Communication from the Commission COM(2003) 311 final, 2.6.2003, on which the EESC is currently drawing up an opinion.

2.5. It was decided to introduce this prohibition following research carried out by external experts, which concluded that 'longitudinal seating should not be permitted in those classes of vehicles where standees are not allowed' ⁽¹⁾.

2.6. The rules quite properly provide for a number of exemptions from the prohibition (motor caravans where seating is for use when stationary, ambulances, etc.). Some criticism however persists, focusing on two aspects:

- the disappearance of 'cosy corners' from luxury coaches;
- excessively tight deadlines for implementation of the rules.

2.7. Safety is a universal value which must be promoted by all those concerned. No effort should be spared, either economically or technically, in achieving this objective. This does not however appear to be fully reflected in the provisions of the directive, which in practice ban the comfort- or class-based solutions which are needed, for example, for long-distance international coaches.

2.8. While convinced of the need for maximum compliance with safety criteria, the Committee harbours some doubts regarding the real value of such a ban, and regrets that statistical data have not been provided on the number of accidents involving coaches equipped with this type of seating and on the ensuing consequences for passengers.

⁽¹⁾ Results of research conducted by Cranfield Impact Centre (July 2001).

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2.9. The Committee also believes that the decision to impose a prohibition arises from the basic approach used in the research, focusing exclusively on the best type of safety belt to be fitted to this type of seat, as well as on the unavailability of an immediate technical or manufacturing solution. In fact, research is currently under way in several Member States aimed at ensuring that side-facing seats enjoy the same levels of safety as for forward-facing seats.

2.10. The Committee would prefer the ban's entry into force be delayed, leaving a sufficient time margin for the industry in the event that, in the meantime, satisfactory technical solutions are not identified.

2.11. More specifically, the Committee calls for the penultimate paragraph of point 3 of the explanatory memorandum of the proposal to be corrected, since Directive 91/671/EEC has already been amended by Directive 2003/20/EC of 8.4.2003, referred to in the introduction to the present opinion.

3. Conclusions

3.1. Apart from the above-mentioned doubts concerning side-facing seats and the deadline for implementing the ban, the Committee fully supports the proposal's aim of introducing ever-higher levels of safety, even where the planned measures may involve higher costs, as could for example be the case with coaches. The objective of saving human lives should be pursued with the most effective means, always resulting from targeted research, especially if progress is to be made in achieving the aim of the European Road Safety Action Programme of halving the number of road accident victims in the European Union by 2010.

*The President
of the European Economic and Social Committee*

Roger BRIESCH
