



COMMISSION OF THE EUROPEAN COMMUNITIES

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2003/0058 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on passenger hand-holds on two-wheel motor vehicles

(Codified Version)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules were clear and readily understandable.

3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codified instruments.

4. The purpose of this proposal is to undertake codification of Council Directive 93/32/EEC of 14 June 1993 on passenger hand-holds on two-wheel motor vehicles³. The new Directive will supersede the acts incorporated in it⁴; this proposal fully preserves, the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

¹ COM(1987) 868 PV

² See Annex 3 to Part A of the Conclusions.

³ Entered in the legislative programme for 2002.

⁴ Annex II, Part A of this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Directive 93/32/EEC and the instrument amending it, carried out by the Office for Official Publications of the European Communities, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex III to the codified Directive.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of [...]

on passenger hand-holds on two-wheel 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 Council Directive 92/61/EEC of 30 June 1992 relating to the type-approval of two- or three-wheel motor vehicles¹,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee²,

Acting in accordance with the procedure laid down in Article 251 of the Treaty³,

Whereas:



- (1) Council Directive 93/32/EEC of 14 June 1993, on passenger hand-holds on two-wheel motor vehicles⁴, has been substantially amended⁵. In the interests of clarity and rationality the said Directive should be codified.

¹ OJ L 225, 10. 8. 1992, p. 72. Directive as last amended by Directive 2000/7/EC of the European Parliament and of the Council (OJ L 106 of 3.5.2000, p. 1).

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

⁴ OJ L 188, 29.7.1993, p. 28. Directive amended by Commission Directive 1999/24/EC (OJ L 104, 21.4.1999, p. 16).

⁵ See Annex II, Part A.

↓ 93/32/EEC Recital (1)

- (2) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured. The measures required for that purpose need to be adopted.

↓ 93/32/EEC Recital (2)

- (3) With regard to their passenger hand-holds, in each Member State two-wheel motor vehicles must display certain technical characteristics laid down by mandatory provisions which differ from one Member State to another. As a result of their differences, such provisions constitute a barrier to trade within the Community.

↓ 93/32/EEC Recital (3)

- (4) These obstacles to the operation of the internal market may be removed if the same requirements are adopted by all Member States in place of their national rules.

↓ 93/32/EEC Recital (4)
(adapted)

- (5) It is necessary to draw up harmonised requirements concerning passenger hand-holds on two-wheel motor vehicles in order to enable the type-approval and component type-approval procedures laid down in Directive 92/61/EEC to be applied for each type of such vehicle. ☒ That Directive will be replaced by Directive 2002/24/EC of the European Parliament and of the Council⁶ with effect from 9 November 2003. ☒

↓ 93/32/EEC Recital (5)

- (6) Given the scale and impact of the action proposed in the sector in question, the Community measures covered by this Directive are necessary, indeed essential, to achieve the aim in view, which is to establish Community vehicle type-approval. That aim cannot be adequately achieved by the Member States individually.

↓

- (7) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B,

⁶ OJ L 124, 9.5.2002, p. 1.

↓ 93/32/EC

HAVE ADOPTED THIS DIRECTIVE:

↓ 93/32/EC (adapted)

Article 1

This Directive shall apply to passenger hand-holds of all types of two-wheel vehicles as defined in Article 1 of Directive [92/61/EEC.]

↓ 93/32/EC

Article 2

The procedure for the granting of component type-approval in respect of passenger hand-holds on a type of two-wheel motor vehicle and the conditions governing the free movement of said vehicles shall be as laid down in [Chapters II and III of Directive 92/61/EEC.]

Article 3

Any amendments necessary to adapt the requirements of Annex I to technical progress shall be adopted in accordance with the procedure laid down in Article 13 of Council Directive 70/156/EEC⁷.

↓ 93/32/EC (adapted)

Article 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 5

Directive 93/32/EEC, as amended by the Directive specified in Annex II, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B.

⁷ OJ L 42, 23. 2. 1970, p. 1.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex III.

Article 6

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

↓ 93/32/EEC Art. 5

Article 7

This Directive is addressed to the Member States.

Done at Brussels, [...]

For the European Parliament
The President
[...]

For the Council
The President
[...]

↓ 93/32/EEC Annex

ANNEX I

1. GENERAL REQUIREMENTS

Where provision is made for carriage of a passenger, the vehicle must be fitted with a passenger hand-hold system. That must take the form of a strap or a hand-grip or hand-grips.

↓ 1999/24/EC Art.1

1.1. Strap

The strap must be fitted to the seat or to other parts connected to the frame in such a way that it may easily be used by the passenger. The strap and its attachment must be designed in such a way that they withstand, without snapping, a vertical traction force of 2 000 N applied statically to the centre of the surface of the strap at a maximum pressure of 2 Mpa.

↓ 93/32/EEC

1.2. Hand-grip

If a hand-grip is used it must be close to the saddle and symmetrical to the median longitudinal plane of the vehicle.

This hand-grip must be designed in such a way that it is able to withstand, without snapping, a vertical traction force of 2 000 N applied statically to the centre of the surface of the hand-grip at a maximum pressure of 2 MPa.

If two hand-grips are used they must be fitted one on each side in a symmetrical manner.

These hand-grips must be designed in such a way that each is able to withstand, without snapping, a vertical traction force of 1 000 N applied statically to the centre of the surface of the hand grip at a maximum pressure of 1 MPa.

Appendix 1

Information document in respect of passenger hand-holds on a type of two-wheel motor vehicle

(to be attached to the application for component type-approval if this is submitted separately from the application for vehicle type-approval)

Order No (assigned by the applicant):

The application for component type-approval in respect of passenger hand-holds on a two-wheel motor vehicle must contain the information set out under the following points in Annex II to Council Directive 92/61/EEC:

- Part A, sections:
 - 0.1
 - 0.2
 - 0.4 to 0.6;

↓ 1999/24/EC Art.1

- Part B:
 - 1.4 to 1.4.2. included.

Appendix 2

Name of administration

Component type-approval certificate in respect of restraint devices for passengers on a type of two-wheel motor vehicle

MODEL

- Report No by technical service date
- Component type-approval No: Extension No:
1. Trade mark or name of vehicle:
 2. Type of vehicle:
 3. Manufacturer's name and address:
 4. Name and address of manufacturer's representative (if any):
 5. Date vehicle submitted for test:
 6. Component type-approval granted/refused ⁽¹⁾:
 7. Place:
 8. Date:
 9. Signature:

⁽¹⁾ Delete as appropriate.



ANNEX II

Part A

Repealed Directive with its successive amendment (referred to in Article 5)

Council Directive 93/32/EEC

(OJ L 188, 29.7.1993, p. 28)

Commission Directive 1999/24/EC

(OJ L 104, 21.4.1999, p. 16)

Part B

List of the time-limits for transposition into national law and application (referred to in Article 5)

Directive	Time-limit for transposition	Date of application
93/32/EEC	14 December 1993	14 June 1995 ¹
1999/24/EC	31 December 1999	1 January 2000 ²

¹ In conformity with the third subparagraph of Article 4(1) of Directive 93/32/EEC:
"From the date in the first subparagraph Member States may not, for reasons connected with the passenger hand-holds, prohibit the initial entry into service of vehicles which conform to this Directive".

² In conformity with Article 2 of Directive 1999/24/EC:
"1. With effect from 1 January 2000, Member States shall not, on grounds relating to passenger hand-holds:
– refuse, in respect of a type of two-wheel vehicle or a type of passenger hand-hold, to grant EC type-approval,
– prohibit the registration, sale or entry into service of two-wheel motor vehicles or the sale or entry into service of passenger hand-holds,
if the passenger hand-holds comply with the requirements of Directive 93/32/EEC, as amended by this Directive.
2. With effect from 1 July 2000, Member States shall refuse to grant EC type-approval for any type of two-wheel motor vehicle on grounds relating to passenger hand-holds or any type of passenger hand-hold, if the requirements of Directive 93/32/EEC, as amended by this Directive, are not fulfilled."

ANNEX III

CORRELATION TABLE

Directive 93/32/EEC	This Directive
Articles 1 – 3	Articles 1 – 3
Article 4(1)	–
Article 4(2)	Article 4
–	Article 5
–	Article 6
Article 5	Article 7
Annex	Annex I
Appendix 1	Appendix 1
Appendix 2	Appendix 2
–	Annex II
–	Annex III