



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.1.2005
COM(2004) 769 final

2003/0128 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

**common position of the Council on the adoption of a Directive of the European
Parliament and of the Council amending Council Directive 74/408/CEE relating to
motor-vehicles with regard to the seats, their anchorages and head restraints**

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1- BACKGROUND

Proposal transmitted to the European Parliament and the Council (document COM(2003)361 final – 2003/0128(COD)):	20.6.2003
European Economic and Social Committee opinion delivered on:	10.12.2003
European Parliament opinion (first reading) delivered on:	17.12.2003
Common position adopted on:	24.1.2005.

2- AIM OF THE COMMISSION PROPOSAL

The proposal for a Directive is one of three aimed at the mandatory fitting of safety belts in all motor vehicles. These measures follow on from the adoption of Directive 2003/20/EC amending Council Directive 91/671/EEC relating to the compulsory use of safety belts.

This proposal in particular provides for the fitting of seats which are compatible with the attachment of safety belts. It also includes a ban on the fitting of side-facing seats in vehicles used for the carriage of passengers (other than public transport vehicles) because they do not provide optimum passenger protection.

3- COMMENTS ON THE COMMON POSITION

3.1. General remarks on the common position

The main amendment made by the Council to the Commission proposal concerns folding seats (or tip-up seats), which were excluded from the scope of the Directive. By including them in its scope, the Council wished to have these meet the same technical provisions as other seats.

The Council also introduced geometrical criteria to determine what is understood by a side-facing seat.

The Commission supports these amendments, the former because it will increase the safety of the passengers using these seats (very often children), the latter because it will facilitate the application of the technical provisions of the directive.

3.2. Comments on the amendments adopted by Parliament at first reading

Parliament proposed exempting coaches from the ban on fitting side-facing seats. The Council did not accept Parliament's amendments, and kept the Commission proposal unchanged.

The Commission, which had stated on conclusion of the first reading that it would not amend its proposal, fully supports the position adopted by the Council.

4- CONCLUSIONS

The Commission proposes to make it obligatory to fit all motor vehicles with safety belts in order to prevent the danger of passengers being thrown out. For safety belts to be able to offer optimum protection, they should be attached to seats which are compatible with the stresses exerted on the belt in the event of a collision. It is also important that the seat back can absorb energy. As side-facing seats cannot satisfy these conditions, the Commission proposes to ban them.

The Council approved all the measures recommended by the Commission, while making two amendments to improve them.

The Council also rejected the amendments proposed by the European Parliament.

In conclusion, the Commission fully supports the Council's common position.