



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 2.6.2006
COM(2006) 265 final

2003/0058 (COD)

Amended 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 pursuant to Article 250 (2) of the EC Treaty)

EXPLANATORY MEMORANDUM

1. On 27 March 2003 the Commission presented a proposal for a European Parliament and Council Directive codifying Council Directive 93/32/EEC of 14 June 1993 on passenger hand-holds on two-wheel motor vehicles¹.

In its opinion of 26 June 2003 the Consultative Working Party of the legal services set up under the Interinstitutional Agreement of 20 December 1994 on an accelerated working method for official codification of legislative texts² has stated that the above proposal does indeed confine itself to straightforward codification, without any substantive changes to the acts covered by it.

2. In view of the work already carried out in the Council on the proposal referred to at point 1, the Commission has decided to present – in accordance with Article 250(2) of the EC Treaty – an amended proposal for codification of the Directive in question.

This amended proposal also takes account of the purely formal or editorial changes proposed by the Consultative Working Party of Legal Services, where these are considered justified³. This amended proposal also includes corrigenda to Directive 93/32/EEC⁴.

3. The changes made in this amended proposal, compared with the initial proposal, are the following:

Recital 1 is replaced by the following:

“Council Directive 93/32/EEC of 14 June 1993 on passenger hand-holds on two-wheel motor vehicles* laid down technical prescriptions concerning the design and construction of two-wheel motor vehicles as regards their passenger hand-holds. These technical prescriptions concerned the approximation of the laws of the Member States to allow for the EC type-approval procedure provided for in Directive 2002/24/EC to be applied in respect of each type of vehicle. Directive 93/32/EEC has been substantially amended**. In the interests of clarity and rationality the said Directive should be codified.”

Recitals 2, 3 and 4 are deleted.

Recital 5 is replaced by the following:

“This Directive is one of the separate Directives of the EC type-approval system provided for in Directive 2002/24/EC. Consequently the provisions laid down in Directive 2002/24/EC relating to vehicle systems, components and separate technical units apply to this Directive.”

¹ COM(2003) 145 final of 27 March 2003.

² OJ C 102, 4.4.1996, p. 2.

³ Opinion transmitted to the European Parliament, to the Council, to the Commission and to the European Economic and Social Committee on 30 June 2003.

⁴ The corrigenda apply only to the English, Finnish and Swedish versions.

Recital 6 is replaced by the following:

“Since the objective of the action to be taken, namely the granting of EC component type-approval in respect of passenger hand-holds on a type of two-wheel motor vehicle, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.”

Article 6, second paragraph, is added, which reads as follows:

“It shall apply from [...]”

Annex I, point 1.2, fourth subparagraph: The corrigendum applies only to the Finnish version.

Annex II, Part B: Concerning Directive 93/32/EEC the second column is corrected to read “14 December 1994”⁵.

4. To facilitate reading and examination, the full text of the amended proposal for codification is attached hereto.

⁵ OJ L 239, 9.7.2004, p. 36.

Amended Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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 Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two- or three-wheel motor vehicles and repealing Council Directive 92/61/EEC⁶,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee⁷,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁸,

Whereas:



- (1) Council Directive 93/32/EEC of 14 June 1993 on passenger hand-holds on two-wheel motor vehicles⁹ laid down technical prescriptions concerning the design and construction of two-wheel motor vehicles as regards their passenger hand-holds. These technical prescriptions concerned the approximation of the laws of the Member States to allow for the EC type-approval procedure provided for in Directive 2002/24/EC to be applied in respect of each type of vehicle. Directive 93/32/EEC has been

⁶ OJ L 124, 9.5.2002, p. 1. Directive as last amended by Commission Directive 2005/30/EC (OJ L 106, 27.4.2005, p. 17)

⁷ OJ C [...], [...], p. [...].

⁸ OJ C [...], [...], p. [...].

⁹ OJ L 188, 29.7.1993, p. 28. Directive as amended by Commission Directive 1999/24/EC (OJ L 104, 21.4.1999, p. 16).

substantially amended¹⁰. In the interests of clarity and rationality the said Directive should be codified.

↓ 93/32/EEC Recital 4 (adapted)

- (2) ☒ This Directive is one of the separate Directives of the EC type-approval system provided for in Directive 2002/24/EC. Consequently the provisions laid down in Directive 2002/24/EC relating to vehicle systems, components and separate technical units apply to this Directive. ☒

↓ 93/32/EEC Recital (5)
(adapted)

- (3) ☒ Since the objective of the action to be taken, namely the granting of EC component type-approval in respect of passenger hand-holds on a type of two-wheel motor vehicle, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective. ☒

↓

- (4) 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,

↓ 93/32/EEC

HAVE ADOPTED THIS DIRECTIVE:

↓ 93/32/EEC (adapted)

Article 1

This Directive shall apply to passenger hand-holds of all types of two-wheel ☒ motor ☒ vehicles as defined in Article 1 of Directive 2002/24/EC.

¹⁰ See Annex II, Part A.

↓ 93/32/EEC

Article 2

The procedure for the granting of EC 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 2002/24/EC.

Article 3

↓ 93/32/EEC (adapted)

⊗ The ⊗ amendments necessary to adapt the requirements of Annex I to ⊗ this Directive to take account of ⊗ technical progress shall be adopted in accordance with the procedure ⊗ referred to ⊗ in Article [⊗ 13(3) ⊗ of Council Directive 70/156/EEC¹¹].

↓ 93/32/EEC

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 listed 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.

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

¹¹ OJ L 42, 23.2.1970, p. 1.

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*.

It shall apply from [...].

↓ 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
[...]

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, which must take the form of a strap or a hand-grip or hand-grips.

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.

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 EC component type-approval if this is submitted separately from the application for EC vehicle type-approval)

Order No (assigned by the applicant):

The application for EC 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 Directive 2002/24/EC:

– Part A, sections:

– 0.1

– 0.2

– 0.4 to 0.6;

↓ 1999/24/EC Art. 1

– Part B, sections:

– 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 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 1994	14 June 1995(*)
1999/24/EC	31 December 1999	1 January 2000(**)

(*) In conformity with the third subparagraph of Article 4(1) of Directive 93/32/EEC:

"From the date mentioned 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".

(**) 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 Council 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, 2 and 3	Articles 1, 2 and 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