Road safety: compulsory use of belts for children under 12 years of age (amend. Directive 91/671 /EEC)

2000/0315(COD) - 14/11/2002 - Council position

The Council fully supports the general aim of the Commission's proposal, i.e. a more stringent use of safety belts and child-restraint systems in all types of vehicles. Hence, it aims to ensure a maximum degree of protection for all occupants in all categories of vehicles concerned by making the use of safety belts or child-restraint systems compulsory; without prejudice to transitional arrangements (continuation of national standards up to 5 years as from the entry into force of the Directive), the child-restraint systems shall be approved to the standards of UN-ECE Regulation 44/03 or Directive 77/541/EEC. Nevertheless, a certain degree of flexibility in the conditions for the use of the restraint systems - in the form of exemptions from the overall obligation to use these devices - forms part of the compromise reached by the Council in its common position. The draft amended Directive 91/671/EEC will comprise the following exemptions: - a first category of exemptions are granted at Community-wide level; these (already existing) exemptions concern serious medical reasons; - a second category of exemptions may be granted, with the Commission's agreement, by Member States, for transport in their territory, in order to address some specific situations. The three already existing exemptions are confirmed whilst three new ones are being added: the latter flow from the extended obligation on the use of safety belts and child-restraint systems; - a third category of temporary exemptions may be granted, with the Commission's agreement, by Member States, for transport in their territory, in order to address in particular local transport operations; these exemptions can not last longer than five years from the date of entry into force of the Directive; - finally, a fourth category of temporary exemptions, limited to a maximum of 6 years from the date of entry into force of the Directive, concerns situations where the number of persons sitting in seats other than front seats in private vehicles is greater than the number of seat belts or restraint systems fitted (the so called "large families" exemption). As regards the amendments of the European Parliament, the Council accepted amendment 5 on (already existing or new) exemptions, which can be granted by Member States on a permanent basis. The Council provides that regarding the use of adult safety belts by children, propose that - for M1 and N1 vehicles - any child over 150 cm in height may wear an adult safety belt; however, these amendments do not address children over 12 whose height is less than 150 cm. Therefore, the Council's common position provides that - for M1, N1, N2 and N3 vehicles - any child over 150 cm in height may wear a safety belt for adults. Also, Member States may allow, in their territory, the same for children from 135 cm upwards. Consequently, any child of less than 150 cm or 135 cm in height - as the case may be - must be restrained by a child-restraint system, except children under three years of age in buses (M2 and M3 vehicles). In addition, the Council's common position includes in its article 7a (2) a request to the Commission to carry out studies on the most suitable safety systems for improving the protection of all passengers, on the application of this Directive and in particular on the exemptions granted by Member States; theCommission should report on its findings, and join appropriate proposals, if needed.