Road safety: seats, anchorages and head restraints (amend. Directive 74/408/EEC)

2003/0128(COD) - 07/09/2005 - Final act

PURPOSE: To amend Directive 74/408/EEC in relation to safety belts and restraint systems of motor vehicles by banning side-facing seats.

LEGISLATIVE ACT: Directive 2005/39/EC of the European Parliament and of the Council.

CONTENT: The objective of this Directive is the improvement of road safety by introducing the compulsory fitting of safety belts in certain categories of vehicles, which have hitherto been exempted from Community provision and to ban the use of side-facing seats. To realise this objective, the Directive amends Directive 74/408/EEC by inserting additional articles. The new articles specify that:

- Vehicles of category M2 and M3 shall be sub-divided into new classes relating to special provisions for vehicles used for the carriage of passengers comprising of more than eight seats in addition to the driver's seat.

- This amending Directive will not apply to rearward-facing seats.

- The installation of side-facing seats will be prohibited in vehicles of categories M1, N1 and M2 (of class III or B) and M3 (of class III or B).

- This provision will not apply to ambulances.

- It will also not apply to vehicles of category M3 (of class III or B) of a technically permissible maximum laden mass exceeding 10 tonnes in which side-facing seats are grouped together at the rear of the vehicle to form an integrated saloon of up to 10 seats. Such side-facing seats shall be fitted with a head restraint and a reactor-type approved two-point belt. The exemption will last for five years as from 20 October 2005.

- The Annexes have been amended so that a seat covers either an individual seat or part of a bench seat intended for one person. Seats have been defined as a forward-facing seat, a rearward-facing seat or a side-facing seat. The Annexes also specify that all seats which can be tipped forward or have fold-on backs much lock automatically in the normal position, although this requirement does not apply to seats fitted in the wheelchair spaces of certain categories of vehicles.

- As far as implementation is concerned, as from 20 April 2006, Member States shall not refuse to grant EC or national type-approval to vehicles whose seats, anchorages and head restraints comply with the requirements of the Directive, nor are they allowed to prohibit the registration, sale or entry into service of the new vehicles. As from 20 October 2006, Member States shall no longer grant EC or national type approval to those vehicles whose seats, anchorages and head restraints no longer comply with the requirements of the amending Directive. As from 20 October 2007, Member States shall consider certificates of conformity which accompany new vehicles as not longer valid for the purpose of Article 7 of Directive 70/156/EEC and shall refuse the registration, sale and entry into service of new vehicles, except where the provisions of Article 8 of Directive 70 /156 are invoked.

TRANSPOSITION: Member States shall adopt and publish the provision and administrative provisions necessary to comply with this Directive before 20 April 2006. The measures shall apply from 21 April 2006.

ENTRY INTO FORCE: 20/10/2005