Basic information

2003/0128(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Road safety: seats, anchorages and head restraints (amend. Directive 74 /408/EEC) **Subject** 3.20.06 Transport regulations, road safety, roadworthiness tests, driving licence 3.40.03 Motor industry, cycle and motorcycle, commercial and agricultural vehicles	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	KOCH Dieter-Lebrecht (PPE-DE)	26/01/2005

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	KOCH Dieter-Lebrecht (PPE-DE)	10/09/2003

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
ITRE Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2672	2005-07-12
Agriculture and Fisheries	2635	2005-01-24

European Commission

Commission DG	Commissioner
Internal Market, Industry, Entrepreneurship and SMEs	

Key events

Date	Event	Reference	Summary
20/06/2003	Legislative proposal published	COM(2003)0361	Summary
30/06/2003	Committee referral announced in Parliament, 1st reading		
25/11/2003	Vote in committee, 1st reading		Summary
25/11/2003	Committee report tabled for plenary, 1st reading	A5-0418/2003	
15/12/2003	Debate in Parliament		
17/12/2003	Decision by Parliament, 1st reading	T5-0581/2003	Summary
17/12/2003	Results of vote in Parliament		
24/01/2005	Council position published	11935/3/2004	Summary
27/01/2005	Committee referral announced in Parliament, 2nd reading		
19/04/2005	Vote in committee, 2nd reading		Summary
27/04/2005	Committee recommendation tabled for plenary, 2nd reading	A6-0115/2005	
25/05/2005	Debate in Parliament		
26/05/2005	Decision by Parliament, 2nd reading	T6-0195/2005	Summary
26/05/2005	Results of vote in Parliament		
12/07/2005	Act approved by Council, 2nd reading		
07/09/2005	Final act signed		
07/09/2005	End of procedure in Parliament		
30/09/2005	Final act published in Official Journal		

Technical information

Procedure reference	2003/0128(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/26110

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee report tabled for plenary, 1st reading/single reading		A5-0418/2003	25/11/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0581/2003 OJ C 091 15.04.2004, p. 0134-0486 E	17/12/2003	Summary
Committee recommendation tabled for plenary, 2nd reading		A6-0115/2005	27/04/2005	
Text adopted by Parliament, 2nd reading		T6-0195/2005 OJ C 117 18.05.2006, p. 0021-0134 E	26/05/2005	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	16185/2004	21/01/2005	
Council position	11935/3/2004 OJ C 111 11.05.2005, p. 0033-0037 E	24/01/2005	Summary
Draft final act	03636/2005	07/09/2005	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0361	20/06/2003	Summary
Commission communication on Council's position	COM(2004)0769	25/01/2005	Summary
Commission response to text adopted in plenary	SP(2005)2482	16/06/2005	
Commission opinion on Parliament's position at 2nd reading	COM(2005)0309	05/07/2005	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1589/2003 OJ C 080 30.03.2004, p. 0006-0007	10/12/2003	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2005/0039
OJ L 255 30.09.2005, p. 0143-0145

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

2003/0128(COD) - 26/05/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a report based on the draft by Dieter-Lebrecht KOCH (EPP-ED, DE) and reached an Agreement with Council that conference buses should be exempted from the new rules. A compromise amendment stated that they will not apply to vehicles of category M3 (of class III or B) of a technically permissible maximum laden mass exceeding ten tonnes in which side-facing seats are grouped together at the rear of the vehicle to form an integrated saloon of up to ten seats. Such side facing seats will be fitted with, at least, a head restraint and a two-point belt with retractor type-approved in accordance with Directive 77/541/EEC. The anchorages for their safety belts must comply with Directive 76/115/EEC. This exemption will have effect for five years from the date of adoption of the Directive. It may be extended if reliable accident statistics are available and there has been further development of restraint systems.

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

2003/0128(COD) - 24/01/2005 - Council position

In the common position which was adopted unanimously, the Council:

- has modified Article 1, namely by including folding (tip-up) seats in the scope of the Directive and inserting definitions to categorize the various seat orientations;

- has postponed various dates of entry into force;

- has rejected the European Parliament amendments which aim to create a new recital concerning side-facing tests to be examined by the Commission was rejected because the Council does not believe that more test are necessary to conclude that side-facing seats are dangerous for occupants of all kinds of vehicles; restrict in Article 1 the prohibition of the installation of side-facing seats to certain categories of motor vehicles were rejected as the Council shares the Commission's concerns in prohibiting lateral seats in all kind of vehicles for the safety of passengers.

As regards the new elements contained in the common position as compared with the Commission proposal, they aim to:

- delete of the reference to the non-application of the Directive to "folding (tip up) seats".

- oblige the Member States to prohibit the fitting of side-facing seats which has been moved to Article 2 concerning the implementation;

- clarify the scope of the ban on side-facing seats.

Two new points were inserted to define the various seat orientations: forward-facing seats, rearward-facing seats and side-facing seats.

A new paragraph specifies that the automatic locking system required on folding seats does not apply to folding seats fitted in the wheelchair spaces of vehicles of categories M2 or M3 of class I, II or A (urban buses).

All the dates concerning the implementation of the Directive have been postponed and replaced by mobile dates depending on the date of adoption of this new Directive.

In conclusion, the common position is broadly in line with the Commission proposal. The main changes to the Commission proposal concern the inclusion on one hand of the folding seats in the scope of the Directive and on the other hand of definitions of various seat orientations. In addition, the dates of transposition and of entry into force of this Directive have been adapted.

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

2003/0128(COD) - 25/01/2005 - Commission communication on Council's position

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.

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

2003/0128(COD) - 17/12/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Dieter-Lebrecht KOCH (EPP-ED, D) making few amendments to the proposal. (Please see the summary of 25/11/03.) The relevant amendment states research shows that the risks of side-facing seats for passengers in category M3 vehicles have not been sufficiently assessed. These risks should be examined using methods such as those used for testing car safety in order to arrive at a balanced risk assessment. The Commission should conduct such tests and forward the results to the European Parliament by 31 December 2004.

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

2003/0128(COD) - 20/06/2003 - Legislative proposal

PURPOSE : to amend Council Directive 74/408/EEC and extend the compulsory installation of safety belts in vehicles. CONTENT : This is one of three directives concerning the installation of safety belts in relation to vehicles. The three directives are: - Council Directive 77/541/EEC relating to safety belts and restraint systems of motor vehicles; - Council Directive 76/115/EEC relating to anchorages for motor-vehicles safety belts; - Council Directive 74/408/EEC relating to motor vehicles with regard to the seats, their anchorages and head restraints. With a view to the compulsory installation of safety belts in all vehicles, the Commission proposes to amend the three Directives simultaneously. They should be adopted at the same time and be implemented at the same date. Safety belt anchorages intended for heavy-duty vehicles including buses and coaches cannot, for technical reasons, be fixed into the body structure of the vehicle, as is usually the case for passenger cars, and are fixed to the seats. For this reason, compliance with the three Directives in combination is required since safety belts and/or restraint systems have to be securely attached to reinforced and standardised anchorages, installed in the vehicle in such a way as to allow the correct wearing of the belts. Moreover, the forces exerted on the belt by the human body in the case of an impact are transferred to the seat anchorages, which is why their strength should be checked under combined loads. To date, no safety belt has been required in the case of side-facing seats. The Commission has decided to ban side-facing seats from these vehicles with the exception of city buses. The two main points of the proposal concern : 1) the amendment to Directive 74/408/EEC : the proposal defines the vehicles of category M2 and M3 taking into account Directive 2001/85/EC on buses and coaches. This approach provides the appropriate means to operate a distinction between city-buses, inter-city buses and travel coaches. A new article is inserted in the Directive with a view to banning installation of sidefacing seats in new vehicle types from 1 July 2004 and in new vehicles belonging to existing types from 1 January 2006. Some exemptions are permitted, which take into account the special use of special purpose vehicles, which can require side-facing seats, such as ambulances. 2) Implementation : the relevant dates are as follows: - 1st January 2004: the date from when Member States have to accept vehicles approved in accordance with the amending Directive; - 1st July 2004: the date from when new types of vehicles belonging to the concerned categories have to fulfil the requirements of the Directive; - 1st January 2006: the date from when all new vehicles belonging to existing types have to comply with the Directive.

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

2003/0128(COD) - 05/07/2005 - Commission opinion on Parliament's position at 2nd reading

The Commission accepts the amendments adopted by the European Parliament which aim to authorise the installation of side-facing seats in certain types of coach for a period of five years.

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