## Basic information

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|---|---|
| **2003/0130(COD)**<br><br>COD - Ordinary legislative procedure (ex-codecision procedure)<br>Directive | Procedure completed |
| Road safety: safety belts and restraint systems (amend. Directive 77/541 /EEC)<br><br>**Subject**<br><br>3.20.06 Transport regulations, road safety, roadworthiness tests, driving licence<br>3.40.03 Motor industry, cycle and motorcycle, commercial and agricultural vehicles | |

## Key players

### European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| TRAN Transport and Tourism | COSTA Paolo (ALDE) | 26/01/2005 |

| Former committee responsible | Former rapporteur | Appointed |
|---|---|---|
| RETT Regional Policy, Transport and Tourism | COSTA Paolo (ELDR) | 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 |
|---|---|---|
| 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)0363 | Summary |
| 30/06/2003 | Committee referral announced in Parliament, 1st reading | | |
| 10/09/2003 | Vote in committee, 1st reading | | Summary |
| 10/09/2003 | Committee report tabled for plenary, 1st reading | A5-0304/2003 | |
| 17/12/2003 | Decision by Parliament, 1st reading | T5-0582/2003 | Summary |
| 17/12/2003 | Results of vote in Parliament | | |
| 24/01/2005 | Council position published | 11934/3/2004 | Summary |
| 27/01/2005 | Committee referral announced in Parliament, 2nd reading | | |
| 19/04/2005 | Vote in committee, 2nd reading | | Summary |
| 28/04/2005 | Committee recommendation tabled for plenary, 2nd reading | A6-0120/2005 | |
| 25/05/2005 | Debate in Parliament | | |
| 26/05/2005 | Decision by Parliament, 2nd reading | T6-0196/2005 | Summary |
| 26/05/2005 | Results of vote in Parliament | | |
| 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

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|---|---|
| **Procedure reference** | 2003/0130(COD) |
| **Procedure type** | COD - Ordinary legislative procedure (ex-codecision procedure) |
| **Procedure subtype** | Legislation |
| **Legislative instrument** | Directive |
| **Legal basis** | EC Treaty (after Amsterdam) EC 095<br>Rules of Procedure EP 52-p1 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | TRAN/6/26108 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee report tabled for plenary, 1st reading/single reading | | A5-0304/2003 | 10/09/2003 | |
| Text adopted by Parliament, 1st reading/single reading | | T5-0582/2003<br>OJ C 091 15.04.2004, p. 0135-0490 E | 17/12/2003 | Summary |

| | | | | |
|---|---|---|---|---|
| Committee recommendation tabled for plenary, 2nd reading | | A6-0120/2005 | 28/04/2005 | |
| Text adopted by Parliament, 2nd reading | | T6-0196/2005<br>OJ C 117 18.05.2006, p. 0021-0139 E | 26/05/2005 | Summary |

**Council of the EU**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Council statement on its position | 16186/2004 | 21/01/2005 | |
| Council position | 11934/3/2004<br>OJ C 111 11.05.2005, p. 0028-0032 E | 24/01/2005 | Summary |
| Draft final act | 03637/2005 | 07/09/2005 | |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Legislative proposal | COM(2003)0363 | 20/06/2003 | Summary |
| Commission communication on Council's position | COM(2004)0767 | 25/01/2005 | Summary |

**Other institutions and bodies**

| Institution/body | Document type | Reference | Date | Summary |
|---|---|---|---|---|
| EESC | Economic and Social Committee: opinion, report | CES1591/2003<br>OJ C 080 30.03.2004, p. 0010-0011 | 10/12/2003 | |

**Additional information**

| Source | Document | Date |
|---|---|---|
| European Commission | EUR-Lex | |

**Final act**

Directive 2005/0040
OJ L 255 30.09.2005, p. 0146-0148 Summary

# Road safety: safety belts and restraint systems (amend. Directive 77/541 /EEC)

2003/0130(COD) - 26/05/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a report based on the draft by Paolo COSTA (ALDE, IT)and approved the common position.

# Road safety: safety belts and restraint systems (amend. Directive 77/541 /EEC)

2003/0130(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 maximum protection, they should undergo tests with a view to their type approval and be adapted to the seat models used in the different categories of vehicle.

The Council approved all the measures recommended by the Commission, but decided to make the technical provisions concerning anchorages for belts to be worn by disabled persons more flexible. It instructed the Commission to study this question in detail. The Council rejected the amendments proposed by the European Parliament. In conclusion, the Commission fully supports the Council's common position.

# Road safety: safety belts and restraint systems (amend. Directive 77/541 /EEC)

2003/0130(COD) - 20/06/2003 - Legislative proposal

CONTENT : to present a proposal for a Directive 77/541/EEC on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles. CONTENT : the Commission is proposing to amend three Directives with a view to imposing the fitting of safety belts in all motor vehicles other than passenger cars. Only passenger cars are currently required by Community laws to be fitted with safety belts. The following Directives concern the installation of safety belts in relation to vehicles: - Council Directive 77/541/EEC, as last amended by Commission Directive 2000/3/EC, on the approximation of the laws of the Member States relating to the safety belts and restraint systems of motor vehicles; - Council Directive 76/115/EEC, as last amended by Commission Directive 96/38/EC, on the approximation of the laws of the Member States relating to anchorages for motor vehicles safety belts (COD/2003/0136); - Council Directive 74/408/EEC, as last amended by Commission Directive 96/37/EC, relating to motor vehicles with regard to the seats, their anchorage and head restraints (COD/2003/0128). These Directives already contain all the necessary technical prescriptions allowing manufacturers to comply with relevant installation provisions. Up to now, these Directives are not compulsory in the case of vehicles other than passenger cars and the Member States are free to decide of their implementation by national laws. With a view to the compulsory installation of safety belts in all vehicles, the Commission is proposing to amend the three Directives simultaneously. Consequently, they should be adopted and implemented at the same time. 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 he seats. For this reason, compliance with the three Directives in combination is required since safety belts are/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 impact are transferred to the seat anchorages, reason why their strength should be checked under combined loads. In this respect a majority of Member States have already enforced the installation of seat belts in minibuses and coaches. Compliance with Directive 77/541/EEC would require the fitting of at least two-point safety belts and energy absorbing seats for all seats on coaches above 5 tonnes, three-point safety belts on all seats of minibuses of up to 3.5 tonnes, and either three-point belts or two-point belts and energy absorbing seats for all coaches of between 3.5 tonnes and 5 tonnes. Furthermore, in those seating positions where the passenger is deemed to have a higher risk of injury (for instance a seat with a fixed table in front of it), three-point belts are compulsory. Light-duty trucks of up to 3.5 tonnes in this respect are very similar to passenger cars. Therefore, the first row of seating positions has to be fitted with three-point belts with retractor mechanisms, with the exception of the central seating position,which can be fitted with lap belts when there is no risk that the head of the central passenger may enter into contact with the windscreen. Other seating positions may be fitted with two-point belts. Medium-and heavy-duty trucks may be fitted with two-or three-point belts. A distinction has to be made between coaches and city buses (including inter-city buses, which generally use the same seat configuration as city buses). Modern city buses, i.e. low-floor buses, are generally designed for standing passengers with a limited number of seats, which are either tip-up seats, for which no safety belt is required, or looking rearwards or even side-facing seats. For such vehicles, it is appropriate not to request the fitting of safety belts but to let Member States decide their individual policy, provided that, when safety belts are installed, they comply with the technical requirements set out in the Community legislation. To date, no safety belt was required in the case of side-facing seats. The Commission is taking this opportunity to assess the possibility to make their fitting compulsory in the case of side-facing seats. At the time of the discussions regarding the Directive 2001/85/EC relating to safety in buses and coaches, the Commission launched a study to determine which kind of safety belts could secure the passengers the most efficiently. The findings drawn up by the consultant have led to the conclusion it is preferable to ban side-facing seats from these vehicles with the exception of city buses. Finally, Directive 2001/85/EC has recently provided provisions to allow accessibility for people with reduced mobility in buses and coaches. Some special devices, which do not comply with the current provisions of Directive 77/541/EEC, will have to be fitted to secure these people. Consequently, it is necessary that Member States may continue to allow such devices on a national basis, as it was the case in the past. The proposal contains two main articles: 1) Amendment to Directive 77/541/EEC : Article 1 seeks to define 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 Directive 77/541/EEC to allow Member States to type approve safety belts and restraint systems that cannot fulfil the requirements of Directive 77/541/EEC due to their particular nature. An example of such could be a 'special needs restraint' intended for disabled people. 2) Article 2 : Implementation : The proposed measures shall apply to new vehicles put on the market. It is proposed that they apply first to new types of vehicles and subsequently to existing types, in line with the accepted type-approval practice, as follows : - 1st July 2004 : the date from when new types of vehicles belonging to the concerned categories have to fulfil the requirements of the three Directives; - 1st January 2006 : the date from when all new vehicles belonging to existing types have to comply with the three Directives.

# Road safety: safety belts and restraint systems (amend. Directive 77/541 /EEC)

2003/0130(COD) - 17/12/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution based on the draft by Paolo COSTA (ELDR, I), replacing the Table in Annex XV. (Please see also COD /2003/0128).

# Road safety: safety belts and restraint systems (amend. Directive 77/541 /EEC)

2003/0130(COD) - 24/01/2005 - Council position

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

- amended Article 1, in order to allow Member States to exempt safety belts and restraint systems intended for disabled people from compliance with the provision of the Directive;

- included a new article to invite the Commission to examine specific procedures to harmonize requirements for disabled people;

- postponed various dates of entry into force;

- rejected the European Parliament amendment, aiming in Article 1 at fitting a two point belt on side-facing seats in tourist coaches, since the Council shares the views of the Commission regarding the danger of side-facing seats in all kinds of vehicles.

New elements introduced by the Council include :

- Article 1 - Point 1: the text of the Commission has been replaced by a new text which allows safety belts and restraint systems intended for disabled people to be exempted from the technical provisions of the Directive.

- Article 2 : a new Article has been added to invite the Commission to present, if appropriate, draft

measures in order to harmonise the national legislation applicable to safety belts and restraint systems intended for disabled people.

- Article 3 (ex Article 2) : 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.

The common position is broadly in line with the Commission proposal. The main changes to the Commission proposal concern the exemption permitted with respect to safety belts and restraint systems for disabled people and the dates of transposition and of entry into force of this Directive which have been adapted.

# Road safety: safety belts and restraint systems (amend. Directive 77/541 /EEC)

2003/0130(COD) - 07/09/2005 - Final act

PURPOSE: To amend Directive 77/541/EEC relating to safety belts and restraint systems of motor vehicles.

LEGISLATIVE ACT: Directive 2005/40/EEC 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. To realise this objective, the Directive amends Directive 77/541/EEC by inserting additional articles. The new articles specify that:

- Member States may, in accordance with national law, allow the installation of safety belts or restraint systems other than those covered by this Directive, provided that they are intended for disabled people.

- Member States may also exempt restraint systems relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver’s seat.

- Vehicles of category M1 and M2 will be sub-divided into classes as defined by Directive 2001/85 and Annex I has been amended so that the seats of vehicles belonging to category N1, M2 (of class III or B) M3 (of class III or B) and N shall be equipped with safety belts and/or restraint systems. In addition, Class I, II or A vehicles belonging to category M2 or M3 may be fitted with safety belts and/or restraint systems.

- The Commission is committed to examining, by the 20 April 2008 at the latest, specific procedures to harmonise requirements for safety belts intended for disabled people. Provisions will be based on international standards as well as national legal requirements.

- As far as implementation is concerned, as from 20 April 2006 and concerning the installation of safety belts which do comply with the requirements of Directive 77/541/EEC, Member States shall not refuse to grant EC type-approval or national type-approval, in respect of a type of vehicle or prohibit the registration, sale or entry into service of new vehicles. As from 20 October 2006 concerning safety belts which do not comply with Directive 77/541/EEC, Member States may no longer grant EU type-approval and refuse to grant national type-approval. As from 20 October 2007, concerning the installation of safety belts, which do not comply with the provisions of the Directive, Member States shall consider certificates which accompany new vehicles as no longer valid with Article 7 of Directive 70/156/EC and refuse the registration, sale or entry into service of new vehicles, except those where the provisions of Article 8(2) of Directive 70/156/EEC are invoked.

TRANSPOSITION: Administrative provisions needed to comply with this Directive need to be in place before 20 April 2006. The measures will then apply as from 21 April 2006.

ENTRY INTO FORCE: 20/10/2005.