II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes

COM(88) 544 final

(Submitted by the Commission to the Council on 4 November 1988)

(88/C 298/05)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the present national legislations on compulsory use of safety belts, where they exist, differ widely and whereas it is therefore necessary to harmonize that compulsory use;

Whereas it should be compulsory to use safety belts in vehicles of less than 3,5 tonnes in order to guarantee road users a greater degree of safety;

Whereas Council Directive 76/115/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to anchorages for motor-vehicle safety belts (1), as last amended by Directive 82/319/EEC (2), and Council Directive 77/541/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles (3), as last amended by Directive 87/354/EEC (4), concern the technical requirements relating to safety belts with which motor vehicles must comply, but not the use of safety belts;

Whereas the resolution of 19 December 1984 (5) adopted by the Council and the representatives of the Governments of the Member States of the European Communities, meeting within the Council, undertook to ensure the rapid adoption of road seat measures, and invited the Commission to submit proposals;

Whereas Reports of the European Parliament on Road Safety (6) (7) have recommended that the wearing of safety belts by all passengers, including children, on all roads and in all seats in passenger vehicles (except public service vehicles), should be compulsory;

Whereas the technical requirements of child restraint systems are still the subject of discussion and study by the Commission and will therefore be the subject of a later amendment to this Directive;

Whereas studies have also shown that rear seats are almost as hazardous as front seats for unbelted occupants and that unrestrained rear seat occupants increase the risk of injuries to front seat passengers; and whereas deaths and injuries could thus be further reduced if the wearing of belts in rear seats were made compulsory;

Whereas the fixing of the date of application of the measures referred to in this Directive should allow time for the provisions of implementation required, particularly in those Member States where no provisions on this matter exist yet;

(1) OJ No L 24, 30. 1. 1976, p. 6.
(2) OJ No L 139, 19. 5. 1982, p. 9.
(3) OJ No L 220, 29. 8. 1977, p. 95.
(4) OJ No L 192, 11. 7. 1987, p. 43.
(5) OJ No C 341, 21. 12. 1984, p. 1.
(6) OJ No C 104, 16. 4. 1984, p. 38.
(7) OJ No C 68, 24. 3. 1986, p. 35.

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive, 'vehicle' means any motor vehicle in categories M and N as defined in Annex I to Council Directive 70/156/EEC (1) intended for use on the road, having at least four wheels and a maximum design speed exceeding 25 km/h.

Article 2

1. Member States shall ensure that the driver and front seat passengers of vehicles being used on the road in category M 1 first registered on or after 1 March 1979 shall wear safety belts.

2. Member States shall ensure that from no later than 1 January 1993, passengers occupying the rear seats of vehicles being used on the road in category M 1 first registered on or after 1 January 1989 shall be restrained by an approved restraint system.

Article 3

Member States shall ensure that the driver and front seat passengers of vehicles being used on the road in categories N 1 and M 2 (except vehicles of a permissible maximum weight exceeding 3,5 tonnes and those which include places specially designed for standing passengers) first registered on or after 1 October 1982 shall wear safety belts.

Article 4

Notwithstanding the provisions of Articles 2 and 3, a Member State may specify earlier dates applying to the first registration in that Member State of vehicles in which safety belts must be worn.

Article 5

Where vehicles in categories M 1 and M 2 are not yet fitted at type-approval for the seats specified hereafter with safety belts and/or anchorages, the following shall be exempted from the provisions of Articles 2 and 3:

a) front seat passengers other than those in outboard seats;

b) the driver and front seat passengers of vehicles in category M 2 with more than 12 seats exclusive of the driver's.

Article 6

The provisions of Articles 2 to 4 shall apply to drivers and passengers of vehicles being used on the road in the Community which are registered in a third country, when safety belts are fitted.

Article 7

Member States may exempt children under the age of 12 from the provisions of Articles 2 and 3. If such exemptions are made, such children shall sit in the rear of the vehicle, provided that rear seats are available.

Article 8

The following categories of persons shall be exempt from the provisions of Articles 2 and 3:

(a) all drivers when reversing or parking;

(b) all drivers and passengers above the age of 12 whose height does not reach 1,5 metres;

(c) pregnant women when provided with a medical certificate; such certificate must mention the expiry date of the derogation;

(d) persons when provided by the competent authorities with an exemption certificate for serious medical reasons.

The medical certificate referred to at (c) and (d) must be presented when required by an au[illegible]orized person.

Any such certificate granted by the competent authority in one Member State shall be valid in another Member State.

Article 9

Member States may grant derogations in addition to those provided for in Article 8 to:

(a) taxi or private cab drivers when on duty;

(b) delivery workers, when loading and unloading goods in sequence and in places located a short distance from each other;

(c) emergency services.

Article 10

1. Member States shall, after consulting the Commission, bring into force the laws, regulations and administrative provisions which are necessary in order to comply with this Directive within 18 months of its notification. They shall forthwith inform the Commission thereof.

2. Member States shall ensure that the texts of the main provisions of national law which they adopt in the field covered by this Directive are communicated to the Commission.

Article 11

This Directive is addressed to the Member States.

(1) OJ No L 42, 23. 2. 1970, p. 1.