

EUROPEAN PARLIAMENT

2004



2009

Committee on Transport and Tourism

PROVISIONAL
2003/0226(COD)

15.9.2004

*****I**

DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council relating to the use of frontal protection systems on motor vehicles and amending Council Directive 70/156/EEC
(COM(2003)0586 – C5-0473/2003 – 2003/0226(COD))

Committee on Transport and Tourism

Rapporteur: Ewa Hedkvist Petersen

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	12

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council on to the use of frontal protection systems on motor vehicles and amending Council Directive 70/156/EEC
(COM(2003)0586 – C5-0473/2003 – 2003/0226(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2003)0586)¹,
 - having regard to Articles 251(2) and 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0473/2003),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A6-0000/2004),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Recital 3

(3) It is necessary to establish the test, construction and installation requirements to be complied with by any frontal protection system either supplied as original equipment fitted to a vehicle or placed on the market as a separate technical unit.

(3) It is necessary to ***ban rigid bull bars and to*** establish the test, construction and installation requirements to be complied with by any frontal protection system either supplied as original equipment fitted to a vehicle or placed on the market as a separate technical unit. ***Tests, which should be based on the European Enhanced Vehicle Safety Committee test, should require that frontal protection systems are designed in a way that***

¹ Not yet published in OJ.

improves pedestrian safety and reduces the number of injuries.

Justification

See justification to amendment 5.

Amendment 2

Recital 4

(4) The measures necessary for the implementation of this Directive and for its adaptation to scientific and technical progress should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission .

(4) The measures necessary for the implementation of this Directive and for its adaptation to scientific and technical progress should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ***and after consulting stakeholders, including consumer and safety organisations and the automotive and motor accessories industry.***

Any adaptation to scientific or technical progress should be one that improves pedestrian safety.

Justification

Stakeholder must be involved in the process to ensure better regulation aiming at increasing the safety of pedestrians.

Amendment 3

Article 1

Subject matter

This Directive lays down technical requirements for the type-approval of motor vehicles as regards frontal protection systems supplied as original equipment fitted to vehicles or as separate technical

Subject matter

This Directive ***is aimed at improving pedestrian safety through passive measures.*** It lays down technical requirements for the type-approval of motor vehicles as regards frontal protection

units.

systems supplied as original equipment fitted to vehicles or as separate technical units. **Further, more detailed technical requirements shall be developed on the basis of the EEVC test.**

Amendment 4
Article 3(1), Introduction

1. With effect from **1 October 2004**, in respect of a new type of vehicle fitted with a frontal protection system which complies with the requirements laid down in Annex I and Annex II, Member States may not, on grounds relating to frontal protection systems:

1. With effect from **1 October 2005**, in respect of a new type of vehicle fitted with a frontal protection system which complies with the requirements laid down in Annex I and Annex II, Member States may not, on grounds relating to frontal protection systems:

Amendment 5
Article 3(2) Introduction

2. With effect from **1 October 2004**, in respect of a new type of frontal protection system, which is made available as a separate technical unit, and which complies with the requirements laid down in Annex I and Annex II, Member States may not:

2. With effect from **1 October 2005**, in respect of a new type of frontal protection system, which is made available as a separate technical unit, and which complies with the requirements laid down in Annex I and Annex II, Member States may not:

Amendment 6
Article 3(3)

3. With effect from **1 July 2005**, in respect of a type of vehicle fitted with a frontal protection system, or a type of frontal protection system supplied as a separate technical unit, which does not comply with the requirements laid down in Annex I and Annex II, Member States shall refuse to grant EC type-approval or national type-approval.

3. With effect from **1 July 2006**, in respect of a type of vehicle fitted with a frontal protection system, or a type of frontal protection system supplied as a separate technical unit, which does not comply with the requirements laid down in Annex I and Annex II, Member States shall refuse to grant EC type-approval or national type-approval.

Amendment 7
Article 3(4) Introduction

4. With effect from **1 January 2006**, in respect of vehicles which do not comply with the requirements laid down in Annex I and Annex II to this Directive, Member States shall, on grounds relating to frontal protection systems:

4. With effect from **1 January 2007**, in respect of vehicles which do not comply with the requirements laid down in Annex I and Annex II to this Directive, Member States shall, on grounds relating to frontal protection systems:

Amendment 8
Article 3(5)

5. With effect from **1 January 2006**, the requirements under Annex I and Annex II of this Directive, in relation to frontal protection systems made available as separate technical units, shall apply for the purposes of Article 7(2) of Directive 70/156/EEC.

5. With effect from **1 January 2007**, the requirements under Annex I and Annex II of this Directive, in relation to frontal protection systems made available as separate technical units, shall apply for the purposes of Article 7(2) of Directive 70/156/EEC.

Justification

The dates proposed by the Commission needs to be realistic. The proposed change postpones the dates by 1 year.

Amendment 9
Article 3a (new)

3a. Member States may take all necessary measures to prohibit the use of bull bars already on the market before the entry into force of this Directive.

Justification

Because the Council previously has expressed the wish to ban bull bars, individual Member States should keep the possibility to do so.

Amendment 10
Article 4(1)

1. Detailed technical requirements for the

1. Detailed technical requirements for the

test provisions laid down in section 3 of Annex I to this Directive shall be adopted by the Commission, assisted by the Committee established by Article 13(1) of Directive 70/156/EEC, in accordance with the procedure referred to in Article 13(3) of that Directive.

test provisions laid down in section 3 of Annex I to this Directive shall be adopted by the Commission, assisted by the Committee established by Article 13(1) of Directive 70/156/EEC, in accordance with the procedure referred to in Article 13(3) of that Directive **and after consulting stakeholders, including, consumer and safety organisations and the automotive and motor accessories industry.**

Justification

Stakeholder must be involved in the process to ensure better regulation aiming at increasing the safety of pedestrians.

Amendment 11 Article 4(2)

2. Amendments necessary for adapting this Directive shall be adopted by the Commission, in accordance with Article 13 of Directive 70/156/EEC.

2. Amendments necessary for adapting this Directive shall be adopted by the Commission, in accordance with Article 13 of Directive 70/156/EEC **and after consulting stakeholders, including consumer and safety organisations and the automotive and motor accessories industry.**

Justification

Stakeholder must be involved in the process to ensure better regulation aiming at increasing the safety of pedestrians.

Amendment 12 Article 6(1), 1st subparagraph

Transposition

1. Member States shall adopt and publish, by **30 June 2004** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Transposition

1. Member States shall adopt and publish, by **30 June 2005** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Justification

The dates proposed by the Commission need to be realistic. The proposed change is postponing the dates by 1 year.

Amendment 13
Article 6(1) 2nd subparagraph

They shall apply those provisions from **1 July 2004**.

They shall apply those provisions from **1 July 2005**

Justification

The dates proposed by the Commission need to be realistic. The proposed change is postponing the dates by 1 year.

Amendment 14
ANNEX 1 (3.1.4)

3.1.4. Child **and/or** Adult headform to Frontal Protection System. These tests are carried out at speeds of 40km/h. The Headform Performance Criterion (HPC), calculated from the resultant of the accelerometer time histories, in accordance with paragraph 1.13, shall not exceed 1000 in all cases.

3.1.4. Child **and** Adult **Headform** to Frontal Protection System. These tests are carried out at speeds of 40km/h. The Headform Performance Criterion (HPC), calculated from the resultant of the accelerometer time histories, in accordance with paragraph 1.13, shall not exceed 1000 in all cases.

Justification

The relevance of the options for headform testing are dependent upon the height of the structure and the technical parameters for the test developed by the EEVC have already been defined in the Commission Decision (2004/90/EEC).

Amendment 15
ANNEX II (3.2.1)

3.2.1. A rectangle surrounding the letter

3.2.1. A rectangle surrounding the letter

“e” followed by the distinguishing number or letters of the Member State which has granted type-approval:

- 1 for Germany
- 2 for France
- 3 for Italy
- 4 for the Netherlands
- 5 for Sweden
- 6 for Belgium
- 9 for Spain
- 11 for United Kingdom
- 12 for Austria
- 13 for Luxembourg
- 17 for Finland
- 18 for Denmark
- 21 for Portugal
- 23 for Greece
- IRL for Ireland

“e” followed by the distinguishing number or letters of the Member State which has granted type-approval:

- 1 for Germany
- 2 for France
- 3 for Italy
- 4 for the Netherlands
- 5 for Sweden
- 6 for Belgium
- 9 for Spain
- 11 for United Kingdom
- 12 for Austria
- 13 for Luxembourg
- 17 for Finland
- 18 for Denmark
- 21 for Portugal
- 23 for Greece
- IRL for Ireland
- nn Cyprus*
- nn Czech Republic*
- nn Estonia*
- nn Hungary*
- nn Latvia*
- nn Lithuania*
- nn Malta*
- nn Poland*
- nn Slovak Republic*
- nn Slovenia*

Justification

Technical adjustment of the proposal.

EXPLANATORY STATEMENT

I. Introduction

Bull bars are not a new subject in a road safety context. They originated in Australia where they are designed to protect the front of the vehicle in the event of a collision in the countryside with animals such as kangaroos, emus or horses. In Europe, however, there are hardly any areas to compare with the Australian outback. Bull bars are used on vehicles here in normal traffic and they are considered to be dangerous for pedestrians and cyclists, particularly in urban areas where most accidents involving those road-users occur.

II. Why legislation?

The European, Japanese and Korean car manufacturers appreciate this danger and have already negotiated with the Commission and given a commitment not to fit rigid bull bars as frontal protection on new vehicles as of 2002.

The main thrust of that commitment, however, was that the car manufacturers would try to 'soften up' car fronts in two stages (stage 1 - 2005, stage 2 - 2010) to make them less dangerous in the event of a collision with pedestrians. Parliament and the Council, however, considered that a voluntary commitment was not an adequate instrument in this case and embodied these provisions (with certain amendments) in a directive.

Both Parliament¹ and the Council² consider that in this case likewise (a ban on bull bars) legislation is primarily the way to go to fill a major loophole in the voluntary commitment as it covers only bull bars supplied as original equipment on the vehicle and not those which can be bought as separate accessories (the aftermarket).

Since many bull bars are procured on the aftermarket, there would be dangerous and non-dangerous bull bars on the market, which would also discriminate against the auto industry, which is bound by the commitment, as opposed to suppliers of bull bars as optional accessories, who are not.

Moreover, the term 'soft' bull bar is extremely vague and unclearly defined in the voluntary commitment. Your rapporteur believes that more stringent standards are required to make bull bars acceptable in terms of road safety and even have a positive impact in that respect.

The procedure using a directive therefore creates legal certainty both for the auto trade and manufacturers of accessories.

III. Arguments for and against bull bars

¹ Council conclusions (Internal Market) 26 November 2001

² Resolution of 13 June 2002

Bull bars can provide protection in collisions with animals at low speeds. It can be important in the outback not to be stranded as a result of damage caused by such a collision but there are hardly any areas in Europe where this reason can be used to justify fitting bull bars.

On the other hand, there is a greater risk that vulnerable road-users, such as pedestrians, cyclists and motorcyclists, suffer more serious injuries with hard bull bars than otherwise would have been the case.

Bull bars disrupt the effective operation of devices designed to lessen the impact of a crash for motorists, such as airbags, collapsible steering columns etc. and which can be fatal for them.

There can also be negative technical consequences, which fall outside the terms of reference of this report.

There are, however, positive aspects to bull bars which, in some cases, can also contribute to better road safety.

This has been shown by several reports on bull bars, in Australia for example, where certain types of foam plastic have a positive effect. However, the most important research for Europe has been carried out by the TRL (Transport Research Laboratory - an institution which does a great deal of work on behalf of the government) in England. The TRL has published a report¹ (1) which shows great differences between various types of bull bar depending on the material they are made of, the fitting and the shape. One of the conclusions in the report is that there are "smart bars", bull bars which are flexible and even protect pedestrians who collide with vehicles fitted with this type of bar. The report also shows that it is possible for bull bars to meet the standards proposed by the Commission.

This report by the TRL is the basis for the Commission's proposal. In brief, the Commission's proposals are as follows:

IV. Content of the Commission's proposal

1. This proposal lays down requirements to be complied with by frontal protection systems either as originally fitted to a vehicle or sold on the market as a separate accessory.
2. The requirements are specified in Annex I, point 3 and consist of 4 tests.
3. In article 3 it lays down a timetable for the phasing out of old-style "rigid" bull bars and the phasing in of "non-rigid" bull bars in the sense of this directive.
4. The scope of the directive has been limited to M1 (up to 8 persons) and N1 (goods up to 3,5 tonnes) in article 2, par. 1.
5. The other articles and annexes are related to administrative provisions (like type-approval

¹ (1) TRL Report 460 - "Assessment and test procedures for bull bars"

documents for vehicles and bull bars as separate technical units) publication, transposition and entry into force of the directive.

V. The rapporteur's comments

- At the time of writing this draft report new findings probably in reaction to the tests, are due to come out in the coming weeks, which could have influence and consequences for the views the rapporteur takes.

Once the findings are known, the rapporteur will share them with the other members and will try to take these into account at the time of tabling (additional) amendments.

- It is logical and reasonable to postpone the dates of application set out in article 3 because of the delay with which this proposal has been treated by the European Parliament.
- The Commission proposes to go directly to the so called "Stage 2"-tests (see Annex I, point 3) which are rather strict but will save every year then or hundreds of lives in the EU. Testing in laboratories has shown that there are "smart bars" which means bull bars that improve the "performance" of a hard, rigid car front when colliding with a vulnerable road user. It means that the bull bar acts as cushion absorbing a part of the impact energy. This can save lives or prevent more serious injuries.

As long as we have rigid, hard car fronts, non rigid-bull bars in the sense of this proposal are acceptable. However, to comply with the tests proposed by the Commission is the price to pay in order to be accepted in our every day traffic. This is not only a traffic safety issue, which for the rapporteur is the most important one, but also a balance which the rapporteur tries to strike between the Council's view (no bull bars at all) and views taken by defenders of bull bars.