



European Economic and Social Committee

INT/183
Protection of pedestrians

Brussels, 16 July 2003

OPINION

of the European Economic and Social Committee

on the

Proposal for a Directive of the European Parliament and of the Council relating to the protection of pedestrians and other vulnerable road users in the event of a collision with a motor vehicle and amending Directive 70/156/EEC

(COM(2003) 67 final - 2003/0033 (COD))

On 7 March 2003 the Council decided to consult the European Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, on the

Proposal for a Directive of the European Parliament and of the Council relating to the protection of pedestrians and other vulnerable road users in the event of a collision with a motor vehicle and amending Directive 70/156/EEC
COM(2003) 67 final – 2003/0033 (COD).

The Section for the Single Market, Production and Consumption, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 25 June 2003. The rapporteur was **Mr Levaux**.

At its 401st plenary session, held on 16 and 17 July 2003 (meeting of 16 July), the European Economic and Social Committee adopted the following opinion by 109 votes to four:

1. Introduction

1.1 Aim of the proposal

1.1.1 This proposal aims to reduce the number of deaths and injuries that occur in accidents involving pedestrians and cyclists, through changes to the front of passenger cars and light vans of less than 2.5 tonnes.

1.1.2 The need for the directive can be seen from the sheer number of accidents – 8,000 pedestrians and cyclists killed and a further 300,000 injured in the Community each year in road accidents – and from the fact that the harmonised technical requirements for the type-approval of motor vehicles laid down in Directive 70/156/EEC are in need of modification.

1.1.3 In 2001 the Commission successfully concluded negotiations with the associations representing the European car manufacturers (including American vehicles sold in Europe) and Japanese and Korean car manufacturers (ACEA, JAMA and KAMA) obtaining a commitment by the industry to introduce measures to increase pedestrian protection. This commitment was the subject of a Communication to the Council and the Parliament on 11 July 2001. In the light of the opinions received, the Commission proposed either to accept the manufacturers' commitment by means of a recommendation, or to put forward a directive based on the contents of the commitment. The latter option was selected in the end.

1.1.4 Thus the proposed directive gives a formal framework to the relevant parts of the commitment undertaken by the industry, thereby ensuring legal certainty concerning the implementation of the relevant measures. In addition, the new requirements will be part of the EC type-approval system, thus involving the Member States in the application of the legal provisions.

1.2 Content of the directive

1.2.1 Most accidents occur in urban areas, and it is accepted that at speeds below about 40 km/h it is possible to reduce significantly the seriousness of injuries in collisions between pedestrians and motor vehicles by improving the frontal structures of the vehicles.

1.2.2 The prescriptions chosen are based on the work of Working Group 17 of the European Enhanced-safety Vehicle Committee (EEVC) and the Joint Research Centre of the European Commission.

1.2.3 In order to comply with the proposed limit values, motor vehicles (cars and light vans) will have to pass a number of tests:

- from 1 October 2005 new types of vehicles must comply with two tests (protection of the head and legs);
- from 1 September 2010 four stricter tests will be required for new types of vehicles;
- within the five following years, all new vehicles will have to comply with these test requirements.

1.2.4 It is recognised that the application to heavier vehicles (lorries and buses) of the criteria selected for passenger cars and light vans would be of limited value. They are therefore not covered by the directive.

1.2.5 The Commission points out that the technical requirements laid down by the directive will mean substantial changes in vehicle design, but that the lead-time allowed and the phased introduction mean that these changes can be made during the development of new vehicles without having to make costly changes to vehicles already in production.

1.2.6 The Commission anticipates probable technological changes by allowing for the development of alternative measures to the requirements laid down in the draft directive. A feasibility assessment will therefore be carried out by 1 July 2004 on the proposed technical test provisions, and a possible amendment of this directive will be considered.

1.2.7 Finally, the Commission points out in the explanatory memorandum that car manufacturers have undertaken to introduce the following active and passive safety measures to improve protection of pedestrians:

- from 1 July 2004, to equip all new motor vehicles with anti-lock braking systems (ABS), which are currently in use and are monitored separately;
- from 1 October 2003, to equip all new motor vehicles with Daytime Running Lights (DRL). The Commission has decided not to recommend the introduction of DRL by the industry until a harmonised approach to it has been achieved at Community level;

- to study the possibility of non-rigid bull-bars on new vehicles, and to ban the sale of rigid bull-bars as soon as possible. The Commission intends to propose a directive containing a test procedure for all bull-bars and similar devices placed on the market;
- gradually to introduce information and communication technology (ICT) elements on vehicles, to improve active safety.

2. General comments

2.1 The Committee approves and supports the Commission's approach, since all useful measures should be taken to seek to reduce the consequences of road accidents involving pedestrians and cyclists. It welcomes the fact that the draft directive has an annexed impact assessment making possible better measurement of the future effects of the proposed text. On the other hand, the Committee wishes to point out that protection of pedestrians and cyclists from road accidents must form part of an overall approach. While it is obviously necessary to take all the necessary measures to reduce the consequences of an accidental collision with a motor vehicle, everything possible must also be done to minimise the risk of collision.

2.2 In particular, three aspects of preventing collisions between pedestrians or cyclists and motor vehicles should be systematically borne in mind and developed:

2.2.1 Increasing the sense of responsibility of those involved, by stressing that carelessness by pedestrians, cyclists and vehicle drivers very often causes collisions and by pointing out that vehicle drivers are sometimes not solely responsible for accidents; responsible behaviour by other road users could thus be encouraged.

2.2.2 Education and information, which must involve constant training sessions from primary school onwards and repeated communication campaigns to ensure more respect for the highway code and encourage people to act correctly.

2.2.3 The physical separation of road and street users, which is undoubtedly the most effective way of preventing pedestrians, cyclists and vehicles from colliding when in motion. To that end, it would be advisable to initiate widespread studies on redesigning streets in cities where users' co-existence is most dense and constant. The resulting works to install protected pedestrian crossings, footbridges, cycle-tracks, dedicated traffic lanes, suitable lighting, beacons etc., will need to be accompanied by public funding arrangements. As well as the direct contribution these works will make to reducing the number of accidents, they will help to create an urban environment better suited to special circumstances, such as those of disabled people, and will contribute to city-dwellers' quality of life.

2.3 The Committee is well aware that the aim of the proposed directive is a technical one and relates to a precise aspect – modifying the frontal parts of motor vehicles. It sees some merit in the practice of solving the problems on a case-by-case basis, but wishes to see a reminder both of the objectives and of the overall strategy for achieving them, so as to encourage those involved to adopt

the new measures more readily. The Committee would therefore ask the Commission to supplement its explanatory memorandum with a reminder that the directive is part of an overall policy, three of the main aspects of which are recalled under point 2.2 above.

2.4 The proposed directive amends Directive 70/156/EEC of 6 February 1970 which sets out the system of EC type-approval for motor vehicles. Over the last 33 years, this directive has been rectified, amended or supplemented about thirty times, which shows that the Council seeks to take account of all new factors which can improve its effectiveness. Given that the directive is so old and that so many amendments have been made, the Committee would like the Commission to consider reviewing it in its entirety, reworking it and if necessary updating it in the form of a new directive. That would be an opportunity to clarify once again the content of the overall prevention policy for road users – pedestrians, cyclists, motorcyclists (who are curiously omitted) and vehicle drivers. At the same time, the statistical and evaluation tools on the causes and consequences of accidents could be supplemented to make it possible at last to identify clearly the origin of and responsibility for road accidents.

2.5 The proposed directive states in paragraph (3) of its preamble:

"... this Directive presents tests and limit values based on the EEVC recommendations."

The Committee suggests that this paragraph be supplemented by:

"... , which constitute the final objective of the Directive if by 1 July 2004 new alternative measures with the same effects have not been formulated."

3. Specific comments

3.1 The draft directive was drawn up in consultation with the car manufacturing industry, particularly the ACEA, and essentially recapitulates the commitments presented in a Commission Communication of 11 July 2001.

3.2 Without waiting, European manufacturers have begun to implement the directive's provisions. They hope it will be rapidly adopted to provide them with legal certainty. The Committee supports this request, since any delay could compromise the investments made and compliance with the deadlines laid down for the various phases (July 2004, September 2010 etc.).

3.3 The Committee also supports the Commission and the manufacturers in their shared approach (Article 5(1)) of assessing the progress made in the field of pedestrian protection on the basis of independent information and studies. Similarly, it approves the principle of a feasibility study, planned for July 2004, which should make possible a set of new, alternative measures with at least the same effects in terms of protection as the recommendations envisaged in the tests advocated by the EEVC.

3.4 Noting that the studies have already been started in this context, without waiting, thanks to the anticipated application of the planned measures, the Committee emphasises the need for the directive to be adopted as soon as possible in order to respect the already generous deadlines.

3.5 Finally, the Committee wonders what will become of the old vehicles, not covered by the directive, which will still be in circulation after 2015. The Committee hopes that the Commission will propose, for 2010 onwards, withdrawal or adaptation arrangements spread over five years, to avoid a situation where vehicles meeting the new requirements and vehicles not meeting them are circulating together for several years. For the new Member States, however, there should be a transitional phase ending in 2020.

4. **Conclusions**

4.1 The Committee is in favour of this directive and hopes that it will be adopted very quickly. It takes the view that it will make it possible to minimise the effects of accidents on pedestrians and cyclists who collide with a motor vehicle (passenger car or light van) of less than 2.5 tonnes.

4.2 The Committee stresses that the content of the draft directive is the result of considerable preparatory work carried out with car manufacturers. From 2001 onwards, to improve the safety of users, they have worked out and applied certain commitments, which are shown in the technical part of the directive's text.

4.3 The Committee asks the Commission to include a reminder, in the explanatory statement to this directive, that this overall prevention policy has three main aspects:

- Increasing the sense of responsibility of all road and street users (pedestrians, cyclists, motorcyclists, vehicle drivers etc.).
- Education and information in the form of repeated training to encourage respect for the highway code.
- Redesigning roads and streets to give priority to the physical separation of different user categories, as the best form of prevention is to avoid collisions whenever possible between vehicles, pedestrians, cyclists etc. The design changes must be made systematically when road repairs are being carried out, and must be supported by appropriate financial incentives available to local authorities.

4.4 The Committee is pleased that the Commission has undertaken a review of the whole of Directive 70/156/EEC, which has been amended about thirty times since it was first issued. This updating must be co-ordinated with the car manufacturing industry, users' associations and others. The Committee takes the view that this would be an opportunity to clarify the content of an overall policy on accident prevention for road and street users.

Brussels, 16 July 2003.

The President
of the
European Economic and Social Committee

The Secretary-General
of the
European Economic and Social Committee

Roger Briesch

Patrick Venturini
