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Working Party on Road Traffic Safety
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PROTECTION OF VULNERABLE ROAD USERS

**Conclusions of 26 November 2001
of the meeting of the Council of the European Union on
“Internal market, consumer affairs and tourism”**

“THE COUNCIL OF THE EUROPEAN UNION,

**having discussed the Commission communication of 11 July 2001 entitled
‘Pedestrian protection: commitment by the European automobile industry’,**

RECALLING

- its resolution of 26 June 2000 on the improvement of road safety, in which it invited the Commission, in particular, to submit as quickly as possible legislative proposals for taking the measures mentioned;
- the legislative measure advocated in the above Resolution which consists in ‘Adopting a Directive on the type-approval of vehicles with a forgiving front design, in the event of a collision, for the most vulnerable road users, in particular children, pedestrians and cyclists’;

NOTING

- the intention of the Commission to adopt a recommendation directed at manufacturers' associations inviting them to enter into a voluntary commitment to increase the protection of pedestrians and other road users against injuries resulting from a collision with a motor vehicle;
- the outcome of the negotiations conducted by the Commission with the European Automobile Manufacturers Association (ACEA) and the continuing negotiations with the Japanese and Korean Manufacturers Associations (JAMA and KAMA);

ADOPTS THE FOLLOWING CONCLUSIONS:

'THE COUNCIL,

1. SUPPORTS

- the efforts undertaken by the Commission to obtain a commitment by the European automobile industry to improve pedestrian safety;
- the willingness of manufacturers to work further to achieve increased safety for vulnerable users;

2. NOTES

- that the commitment by the industry is aimed at bringing new vehicle types into line with the recommendations of the Commission Joint Research Centre (JRC) with effect from 1 July 2005 and new vehicles over a period extending from 2010 to 2012,
- that the objectives of the *European Enhanced Vehicle-safety Committee* (EEVC) should be attained from 2010 for new vehicle types and from 2012 to 2014 for new vehicles, subject to a feasibility study to be conducted by 1 July 2004,
- that, in addition to the aforementioned measures on type approval, the commitment provides for:
 - anti-lock braking systems (ABS) to be fitted in all new vehicles from 2003,
 - daytime running lights (DRL) to be fitted in all new vehicles from 2002,
 - rigid bull-bars to be no longer fitted to new vehicles from 2002,
 - gradual fitting of active security systems;

3. POINTS OUT

- that recourse to the instrument of voluntary commitment does not seem necessary for the entry into force of the measures recommended by the EEVC to be brought forward, as the timeframes envisaged allow for action to be taken by means of directives,
- that the fitting of ABS to new vehicles from 2003 does not produce a situation that is very different from that created by Directive 98/12/EC, since type-approved vehicles provide for such a device since 31 March 2001 and that several Member States will make it compulsory before 2004; an amendment to this Directive would therefore also make it possible to achieve the same objective,
- that the Council has not yet decided whether it is advisable, whether from the viewpoint of road safety or energy consumption, to provide for daytime running lights (DRL); and that application of such a measure requires preliminary harmonization of the technical procedures,
- that while the absence of rigid bull-bars from new vehicles constitutes an undoubted step forward in road safety, firstly their use on the roads must be banned, notably by encouraging car component manufacturers to stop selling them as separate accessories and secondly, by extending this measure to all new M1 and N1 vehicles;

4. EMPHASIZES the need to guarantee

- the legal validity of the measures envisaged and their compatibility with existing regulations, especially as regards the provisions on the type-approval and acceptance of vehicles,
- transparent and uniform inspection and follow-up procedures,
- the independence and objectivity of the bodies responsible for testing,
- perfect competition between manufacturers, by preventing the marketing of vehicles which do not meet the requirements laid down;

5. CONSIDERS

- that unless it can provide all these guarantees, a voluntary commitment on the part of the automobile manufacturers industry is unacceptable,
- that, if it were to be established that this commitment had been breached, the drafting, adoption and transposition of directives to make the desired measures obligatory would be substantially delayed.

6. **ACCEPTS**, exceptionally, the principle of a voluntary commitment that will speed up implementation of certain measures improving the safety of pedestrians and other vulnerable road users;
7. **WISHES**, given the prospect of a rapid implementation of these measures, that the commitment by the automobile industry to make new vehicle types and new vehicles conform to the objectives of the EEVC should be enforced more swiftly depending upon the feasibility study to be carried out by 1 July 2004;
8. **SUBJECTS** this agreement, however, to the following conditions:
 - the measure withdrawing rigid bull-bars must be extended to all new M1 and N1 vehicles;
 - Member States will be involved in the agreement's implementation; competent EC type-approval authorities will be involved in control and follow-up procedures; to that end, the Commission could use as a basis the framework adopted for the voluntary agreement on the reduction of CO₂ (European Parliament and Council Decision No. 1753/2000/EC of 22 June 2000);
 - the Commission will request entry on the agenda of the proceedings of the United Nations Economic Commission for Europe Working Party 29, of the measures contained in the agreement, for use as a technical basis for a harmonized global regulation for the protection of pedestrians;
 - the daytime running lights (DRL) measure should be deferred until the technical procedures have been defined; the Commission is requested to put the question of daytime lights to the High Level Working Party on Road Safety;
9. **EMPHASIZES**, in conclusion, that it still considers it important to adopt binding directives for all new road safety and environmental protection requirements and that the voluntary commitment cannot be introduced as a process that would discharge the political authorities from their responsibilities vis-à-vis public opinion;
10. **INVITES** the Commission, in addition to the measure withdrawing bull-bars, to propose as soon as possible an amendment to Directive 74/483/EEC (1) and to examine the possibilities for banning their use on the road in the medium term;
11. **INVITES** the Commission to continue preparation of directives that might supplement and, if necessary, replace the voluntary commitment.””
