

**Amendment to Regulation No.107**

(M<sub>2</sub> and M<sub>3</sub> Vehicles)

The European Commission has been requested by the European Ombudsman to study a possible amendment to Directive 2001/85/EC, following a number of complaints lodged by Spanish citizens.

GRSG might be aware that the European Ombudsman investigates complaints about maladministration in the institutions and bodies of the European Union.

The query was submitted initially by the Regional Ombudsman of Andalucia. It arises as a result of a number of complaints of Andalucian citizens who wish to use public transport with their babies within prams as it appears that this is not allowed and/or that users have to fold the prams and hold the babies before entering the bus.

In September 2008, the Commission submitted its observations to the Ombudsman in which it gave its interpretation of Directive 2001/85/EC. In the opinion of the Commission, there is no legal reason for refusing access to pushchairs or prams in buses if the bus complies with the provisions of that Directive.

However, the Ombudsman in his final conclusions took the view that "*the Commission appeared willing to study the Andalucia Ombudsman suggestion to amend the Directive in order to introduce mandatory technical rules whereby buses must be equipped with devices to restrain prams during travel*".

In return the Commission informed the Ombudsman that Directive 2001/85/EC will be soon repealed since the implementation measures adopted in application of a new piece of legislation adopted by the European Parliament and the Council (the General Safety Regulation) will make compliance with UNECE Regulation 107 obligatory.

It cannot be ignored that buses must be accessible for passengers with reduced mobility, which includes children seated in pushchairs. In contrast to the provisions of Annex 8 of UNECE 107 no specific area is provided which would allow the child to remain seated in his pram or pushchair.

The Commission is willing to propose the necessary amendments to Regulation 107 if the Contracting Parties agree with the conclusions adopted by the European Ombudsman.