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Brussels, 15 November 2010

Subject: Reaction from ANEC to the European Commission's Note for the TCMV of 17 November (Ref. D5/PB D (2010), dated 8 November 2010)

Dear Mr Jean

ANEC has become aware of the above Note, recently added to the agenda of the TCMV meeting on 17 November 2010. The Note provides information on the status of the draft regulation for Child Restraint Systems used in motor vehicles.

ANEC, represented in the GRSP working group on child restraint systems (CRS) under the umbrella of Consumers International, wishes to highlight the following in response to the Note.

We do not agree with the suggestion that the new regulation is 'not near being ready yet' nor that there are 'no pressing issues on timing'. Experts acknowledge that the current UNECE Regulation (ECE R44) is very dated and too complicated for consumers to understand. This was the reason to set up the informal working group on CRS and to start drafting a new regulation, not modify the current one.

Contrary to the Commission's notion that the working group was dominated by CRS manufacturers, and that a small number of vehicle manufacturers and other stakeholders were present, we must stress some 30 attendees were present on average with the vast majority being other than CRS manufacturers. Moreover, status reports from the informal working group were regularly sent to GRSP where more stakeholders were present. No party opposed these reports.

The Note focuses on isolated issues in the new regulation, and ignores the bigger picture: a new innovative approach with some important elements that address concerns voiced historically by consumer groups.

I-size concept & stature based classification

The biggest achievement is the introduction of a simplified classification, based on the stature rather than mass of a child. The I-size concept replaces old style categories, and allows any I-size CRS to be fitted in any I-size ready car. The key step forward of improved requirements for the interface between CRS and car was achieved through agreement of the car and CRS industries. Hence R14 and R16 do indeed need to be modified to include the optional definition for I-size ready – please note this requirement will not be mandatory: a manufacturer will be free to decide whether a car will be I-size ready or not.

For cars outside the definition of I-size, there is a specific-to-vehicle solution.

The risk of misuse of CRS will be reduced when consumers no longer need to check mass groups and the suitability of a CRS for a particular car.

Introduction of side impact test procedure

So far there is NO dynamic test requirement for lateral impact. That the majority of CRS do provide side impact protection is thanks to the steering of market forces by independent consumer test programmes. The new regulation contains an enhanced, more realistic method than used in the consumer test mentioned above, sets a legal requirement and requires CRS manufacturers to bring their products in line with these requirements.

Mandatory rear facing transport of children up to 15 months

Current legislation allows - even encourages - children to be turned forward-facing at 9kg which means as early as 6 months of age. Yet accident data shows the benefits of rear-facing transport for as long as possible. The informal working group would have preferred mandatory rear-facing until the age of 18 months, but even the 15 months compromise is a significant step forward. This should be implemented as soon as possible and without further delay.

Q dummies

The use of Q dummies - a more advanced and biofidelic measuring tool than the P generation - contributes to a state-of-the-art test procedure.

With respect to the proposed changes from the Commission, the frontal impact pulse was discussed in the informal working group. After a debate on several options, the group decided that the current pulse is adequate, at least for the time being. The Commission proposal to change the pulse was made at the 21st (!) meeting of the informal working group, and lacks sufficient underpinning. Moreover the definition of 'badly behaving (existing) products' that should be banned from the market is questionable.

It cannot be foreseen which products will be brought to the market and how they will be used. The new concept requires a new mindset, and testing old school products to this new set of criteria is not the way forward (for example, because of the absence of rear-facing CRS that accommodate 15 months old children in the tests carried out by the Commission).

In summary, we do not share the conclusions expressed in the Note. The biggest improvement is the new approach which is ready for implementation in our view. It should not be put on hold for another year. Most of the Commission's concerns deal with isolated issues that are adequately covered at least for the time being. *'Tomorrow is always better'*, but we should keep momentum and bring forward implementation of the new regulation.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Russell', written in a cursive style.

Stephen Russell
Secretary-General

cc: Peter Broertjes, European Commission, DG ENTR
Pierre Castaing, Chairperson, GRSP Informal Group on CRS
Ronald Vroman, ANEC/CI representative to UNECE