



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.07.1996
COM(96) 244 final

**COMMISSION REPORT ON THE IMPLEMENTATION OF
DIRECTIVE 91/671/EEC OF 16 DECEMBER 1991 ON THE
APPROXIMATION OF THE LAWS OF THE MEMBER STATES RELATING
TO COMPULSORY USE OF SAFETY BELTS IN VEHICLES OF LESS THAN
3.5 TONNES**

LIST OF CONTENTS

- I. Introduction
- II. Background
- III. Analysis of the implementation of Directive 91/671/EEC by the Member States
 - III.1 The exemptions covered by Article 4
 - III.2 The exemptions covered by Article 5
 - III.3 The exemptions covered by Article 6
- IV. Possible future developments
- V. Conclusions

I. INTRODUCTION

Article 7 of Directive 91/671/EEC of 16 December 1991 provides that the Commission shall submit a report on the implementation of that Directive for the particular purpose of establishing whether or not more stringent safety measures and much closer harmonization are needed.

The Commission would point out straight away that this report is somewhat late since its deadline had been set at 1 August 1994. Nevertheless, this delay cannot solely be attributed to the Commission's departments. Indeed, in order to write a report that exactly reflected the situation the latter had to have in their possession the transposition texts from all of the Member States by dates that were close to the date of entry into force of the Directive, namely 1 January 1993 (Article 8). However, as can be seen from the table in Annex I, although the vast majority of the countries introduced the provisions needed either before 1 January 1993, or shortly afterwards, two countries transposed the Directive after a relatively significant time lapse.

Owing to this delay in transposition and given the fact that new countries were on the point of acceding to the European Union, the Commission considered it appropriate to await the entry of those new Member States in order to be able to include them in the report and thus present as exhaustive a table as possible showing the situation throughout the Community.

A comparative, updated report on the various national regulations was indeed required before any realistic and objective analysis could be made of the situation in order to provide openings for the future.

That is the aim of this report.

II. BACKGROUND

1. One of the aims of the common transport policy is effectively to reduce the number of traffic accidents and casualties, and one of the forms of action which could help to achieve that aim was to make it mandatory to wear safety belts throughout the Community in all of the seats fitted to vehicles weighing less than 3.5 tonnes.

Directive 91/671/EEC of 16 December 1991 emerged against this backdrop. It may be considered to be a remarkable opening towards a Community road-safety policy which affects an area to which the various Community bodies had been directing their attention since 1984.

2. Thus, in a Resolution of 13 March 1984,¹ Parliament recalled that the compulsory use of safety belts on all roads, whether rural or urban, should take first priority among the measures to be taken. In another Resolution of 18 February 1986,² it stressed the need for making the wearing of belts compulsory for all passengers, including children, except in public service vehicles.

In turn, in its draft Resolution on the implementation of a Community programme on road safety sent to the Council on 20 March 1984,³ the Commission recommended that various forms of action be taken on, in particular, the wearing of safety belts in both the front and rear (of the vehicle). The Council Resolution of 19 December 1984⁴ gave a favourable reception to the Commission's initiative, stated the need to provide for Community action in the road-safety area, and invited the Commission to put forward proposals.

Thus, on 26 October 1988, the Commission put forward a proposal (COM(88)544 final), which was amended on 14 November 1990 (COM(90)524 final) on the basis of which the Council acted in 1991, having received the opinion of the European Parliament and of the Economic and Social Committee.

3. It is a fact that, before Directive 91/671/EEC, the laws of several Member States already contained provisions making the wearing of belts in category M1, and indeed category N1, vehicles compulsory, but the content of those laws varied considerably from one country to another, ranging from the absence of any obligation to a general obligation in both the front and rear seats (six countries) via diverse and varied situations (obligation limited to the front seats or restricted to certain geographical circumstances (outside built up areas)).

In addition the laws very often applied to differing vehicle categories or included different exemption clauses, which did not make it easy to ensure that one Member State recognized an exemption granted by another Member State, more particularly for medical reasons.

¹ OJ C 104, 16.4.1984, p. 38.

² OJ C 68, 24.3.1986, p. 35.

³ OJ C 95, 6.4.1984, p. 2.

⁴ OJ C 341, 21.12.1984, p. 1.

In the case of the carriage of children there were very few countries having introduced provisions making the use of restraint systems compulsory even if a certain number of these had already banned the carriage of children in the front of the vehicle or else authorized this subject to the use of a restraint device or safety belt.

4. Basing itself on these findings and in view of the analysis of the transposition texts forwarded by the Member States, it is possible to state that Directive 91/671/EEC has made the following possible:

- speeding up the introduction, in certain Member States, of more binding provisions as regards the wearing of belts and/or the use of restraint devices for children;
- upgrading the conditions under which belts and restraint devices for children may be used;
- promoting homogeneous, more safety-conscious behaviour on board vehicles in use throughout the European Union's highway network;
- promoting a citizens' Europe by making travel easier by removing all of the aggravations which can arise from differing regulations, particularly in the case of serious medical contra-indication, by presenting an exemption document whose recognition has been made uniform;
- to reduce the number of traffic accident casualties by simplifying and approximating the laws of the Member States;
- prompting vehicle manufacturers and equipment manufacturers to seek additional means of protection such as those which supplement and boost the effectiveness of belts (for example Eurobags), to make their use widespread and to improve the efficiency of existing devices.

It is however not possible to produce figures assessing the impact of the introduction of this Directive since the Commission does not have sufficient data in its possession on the rate of safety belt use or the use of retention systems for children in the Member States.

Moreover, owing to the principle of subsidiarity, the system of penalties applying to non-compliance with the national provisions adopted in implementation of Directive 91/671/EEC and the measures required in order to implement these are the business of the Member States.

III. ANALYSIS OF THE IMPLEMENTATION OF DIRECTIVE 91/671/EEC BY THE MEMBER STATES

Although the Directive has enabled improvements to begin on safety on board vehicles at European-Union level by requiring (cf. Article 2):

- acceptance of the principle of the compulsory wearing, at all times, of safety belts in all seats so fitted (in the front and rear of the vehicle) of category M1* and M2* vehicles (apart from the rear seats and vehicles having a maximum permissible weight of more than 3.5 tonnes and those incorporating specially-designed standee spaces), and N1* vehicles (apart from the rear seats),
- acceptance of the principle of the compulsory use of restraint devices for children aged less than 12 years,
- acceptance of the principle of priority being given to the use of seats fitted with safety belts or restraint systems for children,

it has nevertheless afforded the Member States a certain degree of flexibility in adapting to these requirements by allowing them to depart from these at three levels:

- (a) the use of restraint systems for children (Article 4);
- (b) for medical reasons (Article 5);
- (c) in order to meet specific situations and needs (Article 6).

These three types of departure are analysed below.

III.1 Exemptions concerning the use of child restraint systems (Article 4 of the Directive)

Article 4 of Directive 91/671/EEC allows Member States to depart from the requirement set out in Article 2(2) that children under 12 years of age and who are less than 150 cm shall use a restraint system that is suitable for both their weight and height.

This exemption which, it must be stressed, only applies on national territory is in fact a twofold exemption.

Indeed, this Article draws a distinction between exemptions for children aged 3 years or more (first indent) and exemptions for children less than 3 years old (second indent), a distinction that can again be seen in the Table set out in Annex III below (points 1 and 2) which provides a summary of the exemptions granted by the Member States in pursuance of Article 4.

* A reminder of the meaning of these categories is given at the end of Annex II.

It should be pointed out that the exemption for children aged 3 years or more applies to both front and rear seats, whereas the exemption for children aged less than 3 years is restricted solely to the rear seats, which again means that children less than 3 years old must, in accordance with Article 2(2) of the Directive, use a restraint system that has been tailored to their weight and size when they are carried in the front of the vehicle, this therefore excluding the possibility of using a safety belt or restraint system that has been approved for adults.

Moreover, analysis of the national laws shows that all of the Member States meet the requirement (cf. Annex V which gives a comparison of the national laws concerning the seating for children on board vehicles). It should also be noted, as regards this Table, that Member States have adopted two different philosophies on this point and that these are roughly divided into equal parts: the one consisting of banning the seating of children in front, except where there are specific exemptions, and the other authorizing that seating at the front, together with the mandatory use of a restraint system for the under 3 years olds, or the wearing of seatbelts for more than 3 year olds.

A distinction based on the age criterion has been included in all of the national laws. Analysis of those laws (cf. Annex III) enables the following to be stated:

- virtually all Member States authorize children over 3 years of age to use safety belts instead of a restraint system;
- Table III (point 2) sets out two different approaches as regards the younger than 3 year olds:

- the "maximalist" approach adopted by a minority of States, who have established the principle of the compulsory use of a restraint system when children are carried, with however a certain number of exemptions in order to cater for specific situations;

- a "minimalist" approach (majority of States) revolving around that defined in Article 4(2) of the Directive, which provides for an obligation solely to use a restraint system where one is on board the vehicle. In this context this means (a) leaving it to the responsibility of the driver as to whether or not to fit a restraint device in the rear of his vehicle and (b) not penalizing any failure to fit any such device when a child is carried in the rear of the vehicle, in contrast to the logic of the preceding approach. Despite the absence of any obligation to fit a restraint device certain Member States having adopted that approach have also provided for exemptions in order to cover specific situations.

NB: the absence of any regulation requiring the use of a restraint device does not necessarily mean the absence of any other constraint from any other source. The adoption of a certain form of behaviour in this area may indeed be the result of requirements or incentives arising, for example, from a vehicle insurance contract.

- Among the exemptions regarding the use of a restraint device or safety belt by children, the most widespread is that justified by the presence, in the rear of the vehicle, of a number of persons greater than the number of actual seats, followed by that exempting the carriage of children by taxis or chauffeur-driven hire vehicles, with, however, certain specific features indicated by a reference to footnotes.
- In exemptions concerning children some countries have also expressly referred to that for medical reasons, which has thus expanded the number of general medical exemptions concerning the wearing of safety belts. It is for this reason that they have been included in the table. Nevertheless, this does not mean that the other countries do not grant exemptions in such cases, since the latter can indeed be covered by the general exemption for medical reasons granted in pursuance of Article 5 of the directive.

The other exemptions from the use of a restraint device or safety belt by children are relatively marginal in that they only relate to one or two countries.

III.2 Exemptions for medical reasons (Article 5 of the directive)

Among the various types of exemption provided for by the directive medical exemptions are the only ones whose validity is extended *ipso facto* throughout the European Union where validated by a medical certificate bearing the symbol described in Article 5.

This is an automatic, comprehensive exemption which all Member States have had to adopt or introduce into their national legislation in order, in particular, to include the exemption symbol.

Since that exemption is required in all of the Member States it proved pointless to conduct an exhaustive analysis of it. This is why it does not appear as such in the appended table.

However, a point 1 entitled "owing to specific physical conditions", which also concerns situations where medical aspects or criteria come into play is set out in the table in Annex IV on exemptions granted in implementation of Article 6.

It should be noted that the various cases covered (pregnant women, persons whose size precludes the wearing of belts, invalids) have been included under this heading, having been added to the general case of exemptions for medical reasons in certain national laws.

Nevertheless this does not mean that these countries do not issue medical certificates for such exemptions conforming to those referred to in Article 5. In such cases, they are covered by the provisions of Article 5 and are thus valid throughout the Community. If, however, the medical certificates are not issued in conformity with Article 5, they will be valid only on national territory. The users concerned should therefore be aware of the limits to the validity of this type of certificate which will not benefit from the provisions of Article 5 in the other Member States.

Similarly it does not mean that the countries where the corresponding boxes in point 1 of the table in Annex IV are not ticked do not issue medical certificates accompanied by the exemption symbol for those same cases.

III.3 Exemptions issued for particular situations or needs (Article 6 of the directive)

The table set out in Annex IV lists the various exemptions authorized by the Member States.

These exemptions are grouped in four subcategories, thus applying the same distinction as that in Article 6 of the directive:

1. exemptions owing to specific physical conditions;
2. exemptions owing to specific circumstances;
3. exemptions intended to enable certain activities to be performed efficiently;
4. exemptions intended to ensure the proper performance of police, security or emergency service activities.

It is above all important to point out again that all of these exemptions, which may be described as convenience exemptions, are only valid on national territory. It should be stated in general terms that they, or at least most of them, concern situations that are restricted in either territorial terms or in time which do not involve any frontier crossings. Thus these are more particularly exemptions intended to enable certain activities to be carried out efficiently (such as by postmen, delivery men, taxi drivers etc.), are intended to ensure that public safety or emergency services (such as the police, ambulance or fire services, ...) operate efficiently, and are thus exemptions which meet purely national needs.

Conversely the first two categories of exemption referred to above cover situations which can be transposed to other Member States where the users concerned are caused to travel beyond their national territorial limits. This applies to the exemptions issued in order to take particular account of physical states as already mentioned in paragraph III.2 above. This also applies to exemptions granted in order to take account of specific circumstances (such as reversing, parking manoeuvres, the presence on board the vehicle of more persons than there are safety belts available).

The consequences for these beneficiaries may be treated on the same basis as that in section 1. They may therefore find themselves facing the same problem as that mentioned in the sixth paragraph of III.2, although the risk is extremely limited owing to the very short duration of this type of situation.

This being the case, even if certain among them are only encountered in a very restricted number of countries, all of the exemptions granted by the Member States follow the spirit of Article 6 of the directive, the heading of which was, in any case, sufficiently broad and flexible to enable a very broad range of situations to be covered.

IV. POSSIBLE FUTURE DEVELOPMENTS

A. In terms of exemptions

Analysis of the various exemptions granted by the Member State on the basis of Directive 91/671/EEC illustrates the limits to the possible future developments in this area, since they touch upon aspects where national competence is clearly affirmed, as least as regards the exemptions deriving from Articles 4 and 6.

Without challenging that national competence, which received formal support in the Maastricht Treaty via the introduction of the principle of subsidiarity (Article 3b) the following three points should nevertheless be stressed:

- A.1 As regards the departures set out in Article 4, and more particularly those concerning the carriage of children less than three years old, the fact that there are two different approaches, as stated in paragraph III.1, may cause problems in intra-Community traffic where a vehicle from a country in which there is an obligation only to use a device if it is available on board a vehicle travels, without a restraint device, in a country which has adopted the maximalist approach by requiring vehicle drivers to carry children within a suitable restraint system, without any precise exemption. In this particular instance one is again faced with the same set of problems as those mentioned in the sixth paragraph of III.2 in that such drivers, thinking in all good faith that the regulations in their country are identical in essence to those in the other countries of the European Union, could encounter some difficulties when driving in one of those countries.

Although the Commission has so far had no knowledge of any actual instances of this it is in general advisable for users in one country to make themselves aware or be made aware of the differences in traffic rules in force in the other Member States when they need to travel there, whether as regards the use of restraint devices or other aspects such as speeds, blood alcohol levels, traffic signs, etc. Moreover, the Commission, which is aware of the difficulties inherent in those different regulations, conducted information campaigns jointly with the Alliance Internationale de Tourisme in 1991 and 1992, and intends to do so again.

If any possible developments in the regulations concerning restraint systems were to be envisaged these should point towards greater stringency in the use of such devices, thus moving closer to the principle of compulsory use referred to in Article 2(2) of the directive.

In order, moreover, to make comparisons of the use of restraint devices in the various states of the European Union, it will be necessary to have statistics on the subject which themselves alone would provide a precise overview of the situation in both the "maximalist" and "minimalist" countries. Only data of this type would enable an assessment to be made of the impact of those two approaches. It is appropriate, in this connection to point out that the (UN) Economic Commission for Europe sent out a questionnaire in early 1995 to all of those countries involved in the activities of the Committee on Internal Transport on precisely the use of restraint devices for children. Analysis of this questionnaire should thus make it possible to produce more precise data on the matter. Thus, and in order to avoid any duplication of effort, the Commission does not intend to launch a study on this matter, but proposes that the results of the UN study be awaited.

Moreover, a general introduction of the compulsory use of restraint devices is closely linked with the technical improvements in the manufacture of the restraint devices themselves, or in the design of on-board seats via the development of integral seats that can be converted or adapted to the carriage of children.

- A.2 No developments as regards exemptions from Article 5 seem worthy of consideration since this would be a routine exemption which, however, affords the Member States complete freedom in defining serious medical contra-indications regarding the wearing of a safety belt or the use of a child restraint system. It could not, moreover, be otherwise since everybody agrees that the drawing up of a detailed, precise and uniform list at European level of the serious medical contra-indications for the wearing of a safety belt or use of a child restraint system would be impossible to obtain.

This being the case the introduction of provisions concerning the recognition of a medical exemption via the use of a uniform symbol has constituted a major simplification for users.

- A.3 It is not possible to envisage improvements at Community level with regard to the "convenience" exemptions from the wearing of belts set out in Article 6 since any move towards uniformity in this area would have no practical effect.

However, since these are exemptions issued by certain Member States in order to take account of specific physical conditions, the Commission can only recommend that these states provide as much legal cover as possible for the recipients of those exemptions by issuing a medical certificate bearing the exemption symbol.

Exemptions for particular circumstances do not need to be applied generally at Community level, especially those concerning reversing or manoeuvring in order to park. In view of the brevity of these activities and of the fact that they are performed at extremely low speeds, and thus in themselves reduce the risk of an accident, harmonization would hold only very little appeal except that of reassuring users visiting a country where that exemption does not apply. One may, finally, point out that the wholesale use of inertia-reel belts nowadays enables drivers to carry out this type of manoeuvre completely without necessarily having to remove the belt.

B. Other possible changes in the regulations

Nowadays all lightweight vehicles (<3.5 tonnes) placed in service must be fitted with both front and rear safety belts in order to comply with Community law (cf. Table II below).

It should, however, be noted that well before the mandatory fitting required by Community regulations, the vast majority of Member States had already made the fitting of safety belts mandatory in national terms where those vehicles had been registered on their territory. Thus, for example, the mandatory dates as regards category M1 vehicles spread from 1965 to 1979 for the front seats, and from 1969 to 1992 for the rear seats, depending upon the country concerned. Since there is no obligation to retrofit at Community level it is thus for those states having required the fitting of belts more particularly to the rear seats, relatively recently to take any action in this direction, where appropriate.

There are nevertheless vehicle categories to which the fitting of safety belts is not yet a requirement, in particular motor coaches.

The absence of this form of protection on board vehicles of this type has taken increasing prominence as a result of the dramatic traffic accidents affecting this category of vehicle. The most recent directive on this matter points to positive moves in this direction (cf. Table II), since all seats in all new motor coaches having European type approval will have to be fitted with safety belts before the end of the century.

However, one must expect the effects of these provisions initially to be limited since they are closely linked with the replacement of the vehicle fleet. Indeed, owing to the technical problems besetting, in particular, the fitting of belt attachment points to vehicles that have not been designed to receive them, it would be disproportionately costly to fit them to coaches that are already in use.

V. CONCLUSIONS

The wearing of safety belts and the use of restraint systems for children are essential protective factors as regards vehicle occupancy whatever the nationality of those occupants or on whose territory they are travelling. It was thus considered important to have Community regulations that contribute towards homogeneous behaviour.

The adoption of Directive 91/671/EEC has, in this connection, been a significant step towards improving road safety.

Although this Directive came into being before the adoption of the Maastricht Treaty it is possible to say, with hindsight, that it has been a *de facto* example, before being so *de jure*, of a useful balance between the two principles introduced by said Treaty, namely:

- an affirmation, following the amendment of Article 75, of Community competence as regards transport safety, and thus including road safety;
- the principle of subsidiarity introduced in Article 3b, which can be found at Directive level via the scope given to the Member States to grant exemptions in order to take account of specific national aspects.

In the light of the new Directive⁵ mandating the fitment of seat belts to certain categories of minibuses and coaches, the Commission intends to examine extending Directive 91/671/EEC to require the wearing of seat belts on these vehicles.

⁵ Commission Directive 96/36/EC, of 17 June 1996, adapting to technical progress Council Directive 77/541/EEC on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles (not yet published in the Official Journal).

ANNEX I

**Transposition by the Member States
of Directive 91/671/EEC of 16 December 1991**

Date of entry into force: 1.1.1993

COUNTRY	DATE WHEN TEXTS TRANSPOSED	DATE OF ENTRY INTO FORCE AT NATIONAL LEVEL
B	29.05.1996	01.09.1996
D	22.12.1992	01.04.1993
DK	09.12.1992	31.12.1992
E	08.02.1993	16.02.1993
F	27.12.1991	01.01.1992
GR	15.02.1993	Date of publication 17.03.1993
I	10.09.1993	
IRL	20.12.1991	01.01.1993
L	16.12.1992	01.01.1993
NL	14.02.1992	01.04.1992
P	22.09.1994	01.10.1994
UK	01.02.1993 17.08.1993	02.02.1993 01.10.1993 N. Ireland
A		01.1994
FIN	28.06.1994	01.07.1994
S	21.06.1993	

ANNEX II

Community legislation on the fitting of safety belts to vehicles

VEHICLE CATEGORY	SEATS CONCERNED + TYPE OF BELT	DATE OF IMPLEMENTATION	
		OPTIONAL	MANDATORY
M1*	front: 3-point belts rear: 2-point belts	28.6.1977 + 18 months = Jan. 1979 (Dir. 77/541/EEC)	1.10.1983 for new models 1.10.1990 for all new cars (Dir. 82/319/EEC)
	rear: 3-point belts on the outer seats rear: 2-point belts on the inner seat	July 1981 (Dir. 81/576/EEC)	1.07.1992 for new models 1.07.1997 for all new cars (Dir. 90/628/EEC)
M2* ≤ 3.5 t	front: 3-point belts rear: 2-point belts	July 1981 (Dir. 81/576/EEC)	1.07.1992 for new models 1.07.1997 for all new minibuses (Dir. 90/628/EEC)
	3-point belts in all seating positions	1.01.1997 (Dir. 96/36/EC**)	1.10.1999 for new models 1.10.2001 for all new minibuses (Dir. 96/36/EC**)
M2* > 3.5 t	exposed seats: 2-point belts	1.05.1991 (Dir. 90/628/EEC)	1.07.1992 for new models 1.07.1997 for all new coaches (Dir. 90/628/EEC)
	in all seating positions: . either 3-point belts . or 2-point belts (and energy absorbing seats.	1.01.1997 (Dir. 96/36/EC**) (Dir. 96/37/EC***)	1.10.1997 for new models 1.10.1999 for all new coaches (Dir. 96/36/EC**)

M3*	Exposed seats: 2-point belts	1.05.1991 (Dir. 90/628/EEC)	1.07.1992 for new models 1.07.1997 for all new coaches (Dir. 90/628/EEC)
	in all seating positions: 2-point belts (and energy absorbing seats).	1.01.1997 (Dir. 96/36//EC**) (Dir. 96/37/EC***)	1.10.1997 for new models 1.10.1999 for all new coaches (Dir. 96/36/EC**)
N1*	front: 3-point belts	July 1981 (Dir. 81/576/EEC)	1.10.1983 for new models 1.10.1990 for all new vans (Dir. 82/319/EEC)
N2* N3*	front: 3-point belts	July 1991 (Dir. 90/628/EEC)	1.07.1992 for new models 1.07.1997 for all new lorries (Dir. 90/628/EEC)

- *M1 = Vehicles for the carriage of passengers including 8 seats + that of the driver
M2 = Vehicles for the carriage of passengers including more than 9 seats and having a maximum weight not exceeding 5 t
M3 = Vehicles for the carriage of passengers including more than 9 seats and a maximum weight exceeding 5 t
N1 = Vehicles for the carriage of goods having a maximum weight not exceeding 3.5 t
N2 = Vehicles for the carriage of goods having a maximum weight exceeding 3.5 t but not exceeding 12 t
N3 = Vehicles for the carriage of goods having a maximum weight exceeding 12 t.

** Commission Directive 96/36/EC, of 17 June 1996, adapting to technical progress Council Directive 77/541/EEC on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles. (not yet published in the Official Journal).

*** Commission Directive 96/37/EC, of 17 June 1996, adapting to technical progress Council Directive 74/408/EEC relating to the interior fittings of motor vehicles (strength of seats of their anchorages). (not yet published in the Official Journal).

ANNEX III

Use of child restraint systems on rear seats
Application of Article 4 of the Directive

	A	B	D	DK	E	F	FIN	GR.	IRL	I	L	NL	P	S	UK
1. <u>Application of Article 4.1</u> (children from 3 to 12 years)															
- safety belt permitted instead of a restraint system	X(2)	X		X(8)	X	X	X		X (1)	X	X (2)	X(2)	X	X(14)	X
2. <u>Application of Article 4.2</u> (<3 years)															
- obligation to transport children of less than 3 years old in an approved restraint system	X		X	X		X				X(7)			X		
- obligation to use a restraint system only if it is available on board the vehicle		X			X		X	X	X (3)		X	X		X	X
3. <u>Exemptions from the obligation to use a restraint system:</u>															
- number of transported persons higher than the effective seating capacity in the back of the vehicle (e.g. large families)	X	X	X	X(9)		X	X		X	X	X			X	

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	A	B	D	DK	E	F	FIN	GR.	IRL	I	L	NL	P	S	UK
- transport of children in the back of taxis or of hire vehicles	X		X(12)	X		X				X (4)			X		X(6)
- transport of children in other vehicles for the public transport of persons	X					X							X		
- child of less than one year transported in baby carrier retained by straps															X
- handicapped child with a belt for the disabled	X		X	X(10)											X
- medical exemption	X		X	X(10)		X					X(5)	X(11)	X	X(13)	X

- 51
- (1) Child from 4 to 12 years
 - (2) For a 3 point belt, the use of the under-abdominal element is only permitted on rear seats
 - (3) Child of less than 4 years old
 - (4) If accompanied by a passenger of more than 16 years old and in a town or travelling between a town and its station, airport or port
 - (5) Subject to a ministerial exemption
 - (6) Exemption concerning children of less than 14 years, but only in taxis with internal separation (between driver and passenger)
 - (7) If a restraint system is not available in the rear of the vehicle, the child must be accompanied by a passenger older than 16 years
 - (8) Children between 3 and 7 years old can use safety belts or an approved restraint system
 - (9) However, children of less than 3 years have priority for use of the seats fitted with safety belts
 - (10) If proved by a doctor's certificate
 - (11) Exemption delivered by the Ministry of Transport
 - (12) For a transitional period
 - (13) When doctor's certificate is issued before travel.
 - (14) A child of less than 7 years should use a special restraint system instead of or together with safety belt.

ANNEX IV

Exemptions to the wearing of seat belts (in vehicles equipped with belts)

Application of article 6 of the Directive

	A	B	D	DK	E	F	FIN	GR.	IRL	I	L	NL	P	S	UK
1. <u>Owing to special physical conditions</u>															
- pregnant women				X(2)	X(2)		X(2)	X(2)		X(2)					
- persons whose size is unsuited to the wearing of the belt	X	X (3)	X	X(2)	X	X		X	X		X (1)	X (13)			
- Handicapped persons with a belt for the disabled	X		X	X(2)					X			X(14)		X(19)	X
2. <u>Owing to special circumstances</u>															
- when reversing	X	X	X	X	X				X		X			X	X
- when parking	X		X(18)	X	X									X	
- vehicles taking part in official corteges or processions under police supervision															X
- when the vehicle is moving slowly			X	X(11)											

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	A	B	D	DK	E	F	FIN	GR.	IRL	I	L	NL	P	S	UK
- number of passengers higher than the number of belts installed	X	X(4)	X	X(12)		X	X					X(15)		X	
3. <u>In order to allow certain activities</u>															
- in the event of frequent stops (door-to-door deliveries, mail, etc)		X	X	X	X(6)	X(6)	X	X			X	X(16)		X	X
- taxi driver at work	X	X	X	X	X(6)	X	X	X	X	X(8)	X	X	X	X	X
- hire vehicle driver at work			X	X			X	X	X	X(8)	X		X		X
- driving school teachers					X(6)				X	X					
- driving test inspectors					X(6)				X						X(7)
- inspector of the vehicle inspection							X								
- testing vehicles after repair														X	X

21

	A	B	D	DK	E	F	FIN	GR.	IRL	I	L	NL	P	S	UK
4. <u>in order to ensure the smooth operation of the activities connected with public service, emergency or security forces</u>															
- police forces	X	X(5)		X	X(6)	X(9)	X		X	X(9)	X	X(17)	X	X	X
- ambulances	X	X(5)			X(6)	X(9)				X(9)			X	X	
- fire vehicles	X	X(5)			X(6)	X(9)				X(9)			X	X	X
- other emergency vehicles (gas, electricity services,...)		X(5)													
- transport of prisoners				X			X					X(17)	X		X
- legally recognized security services										X(10)					

- 186
- (1) The underabdominal element of the 3 point safety belt has, nevertheless, to be used
 - (2) If medical reason verified by a doctor's certificate
 - (3) Driver only
 - (4) Possible for children less than 12 years old on the rear seats
 - (5) Only for vehicles equipped with a special signaling when justified by the nature of their work
 - (6) In urban area only
 - (7) Only if there is a danger for the examiner
 - (8) Only for work in town
 - (9) Only for emergency services
 - (10) Only during escort duties
 - (11) Only when the vehicle is used commercially and is driving slowly (with frequent stops not exceeding 500 m)
 - (12) Children of less than 3 years old have priority for the seats fitted with safety belts when they must use a restraint system
 - (13) Exemption may be delivered by the Ministry of Transport when the underabdominal element of the 3 point belt cannot be used
 - (14) Exemption delivered by the Ministry of Transport
 - (15) Nevertheless the available safety belts must be used
 - (16) In certain cases, the Ministry of Transport may deliver exemptions for operators making frequent delivery or pick-up
 - (17) Only in case of need
 - (18) On parkingspaces only;
 - (19) A child of less than 7 years should use a special restraint system instead of or together with safety belt.

ANNEX V
Seating position of children in cars

	A	B	D	DK	E	F	FIN	G R.	IRL	I	L	NL	P	S	UK
Obligation to transport children in the rear of a vehicle	No (2)	Yes (1)	No (2)	No (2)	Yes (6)	Yes	No (2)	No (2)	Yes (3)	No (2)	Yes (4)	No (7)	Yes	No (2)	No (2)
Age limits	-> 12 years(8)	-> 12 years			-> 12 years	-> 10 years			-> 17 years		-> 12 years		-> 12 years		
<u>Exemptions</u>															
- when the vehicle does not have any rear seats	X(8)	X				X							X		
- when all the rear seats are already occupied by children	X(8)	X				X									
- when the rear seats are temporarily unusable (broken etc)		X				X									
- if a specially designed restraint system to be placed in front is used	X(8)	X				X					X(5)		X		
- when the child is taller than 1.5 m	X(8)										X				

203

- (1) permitted however in the front seat if a restraint system (≤ 3 years) or the safety belt (3 to 12 years) is used
- (2) but obligatory use in the front seat of a suitable restraint system appropriate to the size and weight of the child
- (3) permitted however in the front seat if a restraint system (< 4 years) or the safety belt (> 4 years) is used
- (4) when rear seats are available
- (5) ban on using a rear-facing restraint system in seats fitted with air bags
- (6) permitted on the front seat if a special security seat for children is used or any other system adapted to their length and weight and duly type approval
- (7) but for children of less than 12 years, obligatory use, in the front, of restraint system if height $< 1,50$ m or safety belt if height $> 1,50$ m
- (8) when no restraint system is available for the front, then, other than in exceptional cases, children must be transported in the rear