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Report

drawn up on behalf of the Legal Affairs Committee

on the proposal from the Commission of the European Communities to the Council (Doc. 144/72) for a directive concerning the approximation of Member States' legislation on safety glass for use in motor vehicles

Rapporteur: Mr A. BERMANI

PE 32.159/fin.

1.2.2

English Edition

By letter of 4 October 1972 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive concerning the approximation of Member States' legislation on safety glass for use in motor vehicles.

On 9 October 1972 this proposal was referred to the Legal Affairs Committee as the committee responsible and to the Committee on Regional Policy and Transport and the Committee on Social Affairs and Employment for their opinions. On 21 December 1972 the proposal was referred also to the Committee on Economic and Monetary Affairs for its opinion.

The Legal Affairs Committee appointed Mr Koch rapporteur on 26 October 1972.

The committee discussed the draft report prepared by Mr Koch at its meeting of 9 February 1973, but decided to postpone the final discussion to another meeting, as the opinions of the three abovementioned committees had not yet been delivered. Since the rapporteur had in the meantime ceased to be a member of the European Parliament, on 13 March 1973 the Legal Affairs Committee instructed Mr Bermani to take over the report.

At the meeting of 21 March 1973 the motion for a resolution and the explanatory statement were adopted by ten votes in favour and one abstention.

The following were present: Mr Brouwer, Chairman, Mr Jozeau-Marigné, Vice-Chairman; Mr Bermani, Vice-Chairman and Rapporteur; Mr Armengaud, Mr Bangemann, Mr Brewis, Mr Broekz, Mr Brugger, Mr D'Angelosante, Mr Héger and Mr Schwörer.

The opinions of the Committee on Economic and Monetary Affairs, the Committee on Social Affairs and Employment and the Committee on Regional Policy and Transport are attached.

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The Legal Affairs Committee hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive concerning the approximation of Member States' legislation on safety glass for use in motor vehicles

The European Parliament

- having regard to the proposal from the Commission of the European Communities to the Council¹;
 - having been consulted by the Council, pursuant to Article 100 of the EEC Treaty (Doc. 144/72);
 - having regard to the report of the Legal Affairs Committee and the opinions of the Committee on Economic and Monetary Affairs, the Committee on Social Affairs and Employment and the Committee on Regional Policy and Transport (Doc. 13/73);
1. Congratulates the committee on the intense efforts it is devoting to the harmonization of legislation so as to eliminate distortions of competition and protect human life and health;
 2. Approves the Commission's proposal as a whole;
 3. Urges the committee, however, to consider bringing forward to 1974 the date laid down in the proposal for a directive for the harmonization of Member States' legislation, having regard to the production capacity of the glass industry;
 4. Hopes that the dates fixed will be strictly observed, especially in Member States which still have numerous roads with gravel surfaces, a frequent cause of motor vehicle windscreen breakages;
 5. Invites the Commission to prepare, where appropriate, proposals for directives similar to the present one for three-wheeled vehicles and vehicles running on rails, tractors, and agricultural machinery and also wheeled equipment used for public works;
 6. Invites the Commission to prepare as soon as possible a proposal for a directive for harmonizing national regulations on the fitting of safety glass in motor vehicles, bearing in mind that fitting techniques may have a considerable influence on personal safety;

¹OJ No. C 119, 16 November 1972, p.21

7. Instructs its President to forward this resolution and the accompanying report to the Council and Commission of the European Communities.

EXPLANATORY STATEMENTI. General observations

1. This proposal for a directive comes within the scope of the Council's 'outline directive' of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (OJ No. L 42, 23 February 1970).

2. Type-approval is a procedure for officially establishing a prototype which will then be produced in large quantities and will satisfy all the design and equipment requirements needed to promote road safety and environmental protection. By this type-approval, which will be a precondition for the registration of motor vehicles produced in accordance with the prescribed requirements, the authorities certify that the manufacturer has produced a vehicle to the specifications laid down.

3. EEC type-approval means now that type-approval granted in one country of the Community will be recognized in all other Community countries without having to undergo new tests. This approval is granted if the type satisfies all the harmonized requirements (special Community directives). These special directives are laid down for all parts and characteristics of vehicles that have a bearing on road safety and the protection of the environment and are listed in Annex II 'EEC type-approval certificate' of the Council directive of 6 February 1970 ('outline directive'). This procedure, which aims above all at eliminating obstacles to trade arising from differences in technical requirements (Article 100), is necessary for motor vehicles and their trailers to ensure that the needs of road safety and environmental protection are not adversely affected by approximation and can continue to be furthered on the basis of the harmonized provisions (in line with technical progress).

4. The following observations may be made on the technical aspects of the proposal:

At present only two kinds of glass are being used in motor vehicles: laminated glass and toughened glass. Strictly speaking, neither type fully merits the designation of 'safety glass', since in the case of accidents the risk of injury can in neither case be ruled out.

Nevertheless, laminated glass has a number of advantages over toughened glass:

- with laminated glass there is no loss of visibility and therefore less danger of losing control of the vehicle when the windscreen shatters on being struck by an object;
- injuries to passengers are much less serious;
- there is much less risk of serious eye injuries;
- there is practically no danger of serious injuries to the head when this strikes the windscreen;
- there is very little danger of being ejected or partially forced out of the vehicle in the event of an accident.

These advantages of laminated glass over toughened glass have been confirmed by thorough studies and tests recently carried out. In this connection reference is made to page 6 of the explanatory statement accompanying the proposal for a directive.

5. The demands of road safety and the advantages described above should have been sufficient to induce all motor vehicle manufacturers to fit their motor vehicles with safety glass of the laminated type.

Such, however, has not been the case. In fact, as the Committee for Social Affairs and Employment observes in its opinion, out of 8 million motor vehicles manufactured in the Community in 1970, 5,800,000 - or 72 per cent - were fitted with toughened glass windscreens, even though the use of laminated glass windscreens would have meant only a 0.8 per cent increase in the price of the vehicle.

6. The directive proposed by the Commission aims at making the use of laminated glass in motor vehicles compulsory; in the first place in the interest of the preservation of human life, and in the second place by reason of the fact that the economic drawbacks of such an obligation are by no means commensurate with the losses caused to the national economies by injuries and loss of human life caused by broken windscreens.

This is not to overlook the fact that the introduction of uniform standards in this matter within the Community would serve to eliminate distortions of competition at present being caused by the use in certain countries of a cheaper type of safety glass.

7. The directive will be applicable in two stages:

- from 1 October 1974 it will be compulsory to have laminated glass wind-screens fitted on all high-speed vehicles in which windscreen breakages could have more serious consequences;
- for all other motor vehicles, toughened glass windscreens may be given EEC type-approval up to 30 September 1976.

II. Analysis of the proposal for a directive

8. Articles 1 to 6 deal with the procedure for giving EEC type-approval for safety glass.

With regard to windscreens, Article 1(2) lays down that as from 1 October 1976 a certificate of EEC type-approval will be given only for laminated glass windscreens.

The committee considers that the deadline of 1 October 1976 could be brought forward, since it seems that the glass industry in the Community should be able to make the necessary adjustment to its production within a reasonably short time. This view is also shared by the Committee on Economic and Monetary Affairs and the Committee for Social Affairs and Employment.

The Commission of the Communities is therefore invited to carry out a study to determine if the glass industry is really capable of stepping up its production to meet the increased demand that would result from applying the directive at an earlier date, and if so, of bringing forward to 1974 the entry into force of the provisions of the directive itself.

9. Article 9 lays down that toughened glass windscreens may be given EEC type-approval up to 1 October 1976 at the very latest, provided that the maximum speed of the motor vehicle does not exceed 130 km/hr. The observation made in the preceding paragraph applies to this case.

10. Article 10 defines the field of application of the directive. It extends to all four-wheeled motor vehicles with a maximum design speed exceeding 25 km/hr.

The committee points out that, even though three-wheeled vehicles are rare in continental Europe, their use is fairly widespread in the United Kingdom. The committee realizes that the outline directive, issued when the Community consisted only of the Six, does not contemplate this type of vehicle. The Commission of the Communities ought now to make a study to determine if there is a case to be made for preparing a directive also for three-wheeled vehicles.

11. This directive does not cover vehicles running on rails, tractors and agricultural machinery or wheeled equipment used for public works.

Your committee does not approve of this exclusion. It is obvious that users of these vehicles also ought to be adequately protected in the event of windscreen breakages. The Commission of the Communities ought, therefore, to draw up directives for such types of vehicle too.

12. The remaining articles do not call for any particular comment, except for Article 11 the Dutch text of which ought to be brought into line with the texts in the other languages.

III. Conclusions

13. Subject to its observations on Articles 1, 9, 10 and 11, the committee approves this proposal for a directive.

The Economic and Monetary Affairs Committee, the Committee on Social Affairs and Employment and the Committee on Regional Policy and Transport have delivered favourable opinions on the proposal for a directive as a whole. The Committee on Social Affairs and Employment insisted on the need to respect the dates laid down for the harmonization of legislation, especially in Member States where many roads still have gravel surfaces, a frequent cause of windscreen breakages. The Economic and Monetary Affairs Committee, on the other hand, expressed the view, shared by your rapporteur, that it would be advisable to bring the deadline forward from 1 October 1976 to 1974.

Your committee hopes that the Commission of the Communities will prepare as soon as possible a proposal for a directive harmonizing the regulations on fitting motor vehicles with safety glass, since the techniques employed in such fitting may be of great importance to personal safety.

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Draftsman: Mr A. BERMANI

The Committee on Economic and Monetary Affairs appointed Mr Bermani draftsman for the opinion on 2 February 1973.

At its meeting of 22 February 1973 the committee discussed the draft opinion and adopted it unanimously with one abstention.

The following were present: Mr Lange, chairman; Mr Bos and Mr Hougardy, vice-chairmen; Mr Bermani, rapporteur for the opinion; Mr Antoniozzi, Mr Artzinger, Mr Berkhouwer, Mr Berthoin, Mr Borm, Mr Bousch, Lord Brecon, Mr Burgbacher, Mr Federspiel, Mr Flämig (deputizing for Mr Dubois), Mr van der Gun, Mr Leonardi, Miss Lulling, Mr Martens, Mr Mitterdorfer, Mr Müller (deputizing for Mr Löhr), Mr Richarts (deputizing for Mr Ryan), Mr Riedel and Mr Starke (deputizing for Mr Colin).

Explanatory Statement

1. Through the proposal for a directive under consideration, the Commission wished to propose to the Council a means of eliminating the disparities between Member States' legislation on safety glass for use in motor vehicles.

The choice of windscreen is particularly important, both from the point of view of road safety, in that in certain circumstances the consequences of an accident may depend to a great extent on the type of windscreen used, and also from the economic angle, because of the implications for motor vehicle production.

2. The Commission has studied the results of scientific tests of the two types of windscreen manufactured at present; these tests show that the laminated glass windscreen offers a higher degree of safety than the toughened glass windscreen.

The Commission therefore proposes that legislation should be enacted to make the use of laminated glass windscreens compulsory in all new cars from 30 September 1976.

The proposal for a directive further envisages that, as from 1 October 1974, it should be compulsory for all faster vehicles, that is, those with a maximum speed exceeding 130 km/hour, to be fitted with laminated glass windscreens. For other vehicles the toughened glass windscreen will continue to be legal until September 1976, as long as it meets the standards expressly laid down in this proposal for a directive.

3. Since there can be no valid economic reasons to justify opposition to a wide use of the laminated glass windscreen in view of the greater degree of safety it has been proved to afford, the committee feels that the provisions of the Commission's proposal for a directive can be supported without reservation. Objections made on the ground of technical manufacturing difficulties have been overcome by recent technical progress.

As far as the production capacity of the relevant industries is concerned, surveys carried out by the Commission have established that within a few years there will be no difficulty in meeting the demand for laminated glass windscreens so as to meet fully the needs of the European market.

4. The committee considers, particularly in view of the greater safety afforded to road users by laminated glass windscreens, that the final date

for implementing the directive should be brought forward from 30 September 1976 to 1974; the choice of the new date of implementation should be based on balanced and objective considerations with a view to taking into account the requirements both of industry and of the consumer.

It also feels that in setting the date for implementation of the directive the question of maximum speed should be left entirely out of consideration, since the speed limit in question is too high from the point of view of road safety.

5. The committee believes there is no danger that the proposal for a directive under consideration will put a stop to further progress in the matter of windscreen safety, since the proposals put forward by the Commission are based on an accurate and thorough technical survey and it is therefore likely that the standards set by the Commission will remain technically valid for a reasonably long time ahead. Furthermore, it should be noted that Member States are always free to amend their national legislation to keep pace with technical progress if new inventions should lead to more efficient safety glass than is at present available.

OPINION OF THE SOCIAL AFFAIRS AND EMPLOYMENT

Rapporteur: Mr J. LUCIUS

The Committee on Social Affairs and Health Protection appointed Mr Lucius rapporteur for an opinion on 24 October 1972.

The Committee discussed and unanimously adopted the draft report. At its meeting of 1 February 1973 the following were present: Miss Lulling, acting chairman; Mr Durand, vice-chairman; Mr Artzinger, Mr Christensen, Mr Dittrich, Baroness Elles, Mr van der 'Gun, Mr Hill, Mr Marras, Mr Nolan, Mr Pêtre, Mr Schwabe and Mr Vermeylen.

1. The proposal for a directive which has been submitted to us and deals with the approximation of Member States' legislation on safety glass for use in motor vehicles is of particular importance at a time when 45 million vehicles are registered in the Community of Six and when in one country alone, such as France, more than a million cases of shattered windscreens are reported annually, with far-reaching implications for road safety: loss of control of the vehicle, accidents, injuries to drivers and passengers, and in particular eye damage. It has been calculated that a driver whose windscreen shatters has only one chance in three of emerging unhurt. The problem is thus a vital one.

2. The Commission has suggested the following remedy: replace toughened glass by laminated glass in windscreens. All scientific tests have shown that the danger of a shattered windscreen is reduced considerably in vehicles fitted with laminated glass windscreens, that is to say windscreens made of glass reinforced with plastic. Unfortunately, economic considerations still induce most manufacturers to fit their vehicles with toughened glass windscreens. Thus of the 8 million vehicles manufactured in the Community in 1970, 5,800,000 or 72% were fitted with toughened glass windscreens. Only one of the six countries, Italy, has made laminated glass windscreens compulsory for its manufacturers. In the other countries the customers must ask specially for laminated glass windscreens to be fitted on their vehicles. Needless to say, the customer, who is generally badly informed, is seldom concerned about this safety factor. On the strength of information supplied by a distributor, the Commission points out that of all the optional extras offered to the customer, ranging from leather seats to the laminated glass windscreen, and from electric windows to revolution counters, the laminated glass windscreen is in the least demand. Yet it is also the least expensive!

3. Under these circumstances, there was an urgent need for the Commission to propose that the Council should require all manufacturers in the Community countries to fit their vehicles with laminated glass windscreens. This also seems logical for economic reasons, considering that one country, Italy, has already stipulated laminated glass windscreens for its own cars, thus raising their prices. By continuing to benefit from their own lack of professional conscience, other manufacturers would be engaging in unfair competition contrary to the provisions of the Treaty of Rome.

On the economic aspect, the Commission rightly points out in the explanatory statement preceding its proposal that the increase in the price of a vehicle due to the fitting of a laminated glass windscreen would certainly not exceed 0.8% of the total cost, i.e. an increase of FB 1,200 for a car costing FB 150,000; the actual figure might well be less.

4. On considering the Commission's proposal, the Committee on Social Affairs and Employment wondered whether it went far enough on a number of points. Two important questions arise:

- Firstly :

The proposed directive states that laminated glass windscreens should become compulsory on 30 September 1976. Is this not an unnecessarily long delay (four years)? In fact, the Commission wanted to fix an earlier date, but then felt that the glass industry would be unable to cope with a sudden increase in demand for laminated glass windscreens. For this reason, the Commission suggested a compromise; the proposed date for fast vehicles, defined as those capable of exceeding 130 km/hour, is 1 October 1974. The Commission also proposed stricter manufacturing standards for the toughened glass windscreens which will continue to be fitted on slower vehicles. All in all, it seems that the proposals submitted by the Commission go as far as possible, bearing in mind the production capacity of the glass industry. In some countries the roads are still covered with fine gravel which is one of the main causes of shattered windscreens. It is therefore important that the dates set for application of this directive should be duly respected in all our Member States, but more particularly in these countries.

- Secondly :

Conceivably the proposed directive might hold up progress in the field of windscreen safety. The laminated glass windscreen might well be superseded one day by new discoveries, in which case it would be wrong if the present directive were to stipulate for years to come the use of windscreens already out of date. In fact, there is no such risk since the proposed directive is very flexible. It is based on the optional method of approximating legislation, which means that it does not prohibit the amendment of national legislation by Member States to take account of new inventions found to be more effective than the methods currently in use.

The European Parliament.....

- Supports unreservedly the provisions contained in the Commission's proposal for a directive;
- Expresses the wish that the dates laid down in the proposed directive on the approximation of Member States' legislation will be duly respected, particularly in those countries where the roads frequently still have **gravel** surfaces.

OPINION OF THE COMMITTEE ON REGIONAL POLICY AND

TRANSPORT

Committee on Regional Policy
and Transport
- Chairman -

The Chairman of the Legal Affairs
Committee
European Centre
Luxembourg

Subject: Opinion of the Committee on Regional Policy and Transport for the Legal Affairs Committee, as the committee responsible, on the proposal from the Commission of the European Communities to the Council for a directive concerning the approximation of Member States' legislation on safety glass for use in motor vehicles (Doc. 144/72)

Dear Sir,

The Committee on Regional Policy and Transport considered the above proposal at its meeting of 23 March 1973 on the basis of introduction by Mr Seefeld, who had been appointed draftsman of the opinion on 9 October 1972. A list of the members present is attached.

The committee has instructed me to submit to you the following opinion drawn up by Mr Seefeld:

1. The Commission's proposal for a directive is welcomed by the Committee on Regional Policy and Transport and approved as it stands.
2. The Committee finds that the proposal for a directive falls in line with the Commission's measures for harmonizing technical regulations on motor vehicles, which on the one hand promote the common market for motor vehicles, and on the other remove certain discriminations for road users.
3. Harmonization of safety glass for motor vehicles has also, however, an important bearing on road safety and the reduction of injuries caused by accidents, a matter to which the Transport Committee has always given high priority.
4. In order to protect human life, the Commission of the European Communities proposes that only those windscreens should be allowed which ensure maximum safety on the basis of the present state of research and technology, namely those made of laminated safety glass. Toughened safety glass is to be allowed only for a transitional period.

5. According to the Commission, this will send up the price of cars. However, the Committee on Regional Policy and Transport feels that price should play no part where questions of safety are concerned.
6. In the course of public discussion the objection has been raised that progress continues to be made in research on toughened safety glass, and that a ban on it would put an end to this valuable work. This argument cannot be regarded as decisive, however, since there appears to be no reason why manufacturers should not continue their research on toughened safety glass, even though laminated glass may be specified for all motor vehicles on the basis of the present state of knowledge.
7. It has also been suggested that even laminated glass does not rule out injuries if the head of the driver or front seat passenger is flung against the windscreen in an accident.

In this connection, the Committee on Regional Policy and Transport urges the Commission of the European Communities to make the following three-point safety system compulsory throughout Europe as soon as possible:

- (1) safety belt,
- (2) head rest,
- (3) laminated glass windscreen.

No really significant advance in safety can be made until these three independent but complementary measures are generally enforced.

Yours faithfully,

(James Hill)
Chairman of the Committee on
Regional Policy and Transport

Annex

List of Members present during the adoption of the opinion of the Committee on Regional Policy and Transport on Doc. 144/72 at the meeting held on 23 March 1973 in Brussels:

James Hill, chairman
N. Kollwelter, vice-chairman
H. Seefeld, vice-chairman and
draftsman for the opinion
Mr Aigner
Mr Ariosto
Mr Colin
Mr Giraud
Mr Noe'
Mr Pêtre
Mr Pounder
Mr Schwabe

