

Directive 2005/40/EC of the European Parliament and of the Council of 7 September 2005 amending 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 (Text with EEA relevance)

DIRECTIVE 2005/40/EC OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

of 7 September 2005

amending 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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽²⁾,

Whereas:

- (1) Research has shown that the use of safety belts and restraint systems can contribute to a substantial reduction in the number of fatalities and the severity of injury in the event of an accident, even due to rollover. Their fitting in all categories of vehicles will certainly constitute an important step forward in bringing about an increase in road safety and a consequent saving of lives.
- (2) A substantial benefit to society can be attained if all vehicles are provided with safety belts.
- (3) In its Resolution of 18 February 1986 on common measures to reduce road accidents, as part of the Community's programme for road safety⁽³⁾, the European Parliament stressed the need for making the wearing of safety belts compulsory for all passengers, including children, except in public service vehicles. Therefore, a distinction has to be made between public service buses and other vehicles as regards the compulsory installation of safety belts and/or restraint systems.
- (4) Pursuant to Council Directive 70/156/EEC 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⁽⁴⁾, the Community type-approval system has only been implemented for all new vehicles of category M₁ since 1 January 1998. Consequently, only these vehicles have to be fitted with safety belts and/or restraint systems fulfilling the provisions of Directive 77/541/EEC⁽⁵⁾.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (5) Until the Community type-approval system is extended to all categories of vehicles, the installation of safety belts and/or restraint systems should be required, in the interests of road safety, in vehicles belonging to categories other than M₁.
- (6) Directive 77/541/EEC already provides for all technical and administrative provisions allowing the type-approval of vehicles of categories other than M₁. Therefore, the Member States do not need to introduce further provisions.
- (7) Since the entry into force of Commission Directive 96/36/EC of 17 June 1996 adapting to technical progress Council Directive 77/541/EEC relating to safety belts and restraint systems of motor vehicles⁽⁶⁾, several Member States have already made compulsory the provisions contained therein in respect of certain categories of vehicles other than M₁. Manufacturers and their suppliers have thus developed the appropriate technology.
- (8) Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat⁽⁷⁾, makes provision for allowing persons of reduced mobility such as disabled people to access more easily vehicles used for the carriage of passengers comprising more than eight seats. It is necessary to allow Member States to permit the installation of safety belts and/or restraint systems which do not comply with the technical specifications of Directive 77/541/EEC but are specifically designed for the purposes of securing those people in such vehicles.
- (9) Directive 77/541/EEC should be amended accordingly.
- (10) Since the objective of this Directive, namely the improvement of road safety by the introduction of the compulsory fitting of safety belts in certain categories of vehicles, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS DIRECTIVE:

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (1) [OJ C 80, 30.3.2004, p. 10.](#)
- (2) Opinion of the European Parliament of 17 December 2003 ([OJ C 91 E, 15.4.2004, p. 491](#)), Council Common Position of 24 January 2005 ([OJ C 111 E, 11.5.2005, p. 28](#)), Position of the European Parliament of 26 May 2005 (not yet published in the Official Journal).
- (3) [OJ C 68, 24.3.1986, p. 35.](#)
- (4) [OJ L 42, 23.2.1970, p. 1.](#) Directive as last amended by Commission Directive 2004/78/EC ([OJ L 153, 30.4.2004, p. 103](#)).
- (5) [OJ L 220, 29.8.1977, p. 95.](#) Directive as last amended by the 2003 Act of Accession.
- (6) [OJ L 178, 17.7.1996, p. 15.](#)
- (7) [OJ L 42, 13.2.2002, p. 1.](#)