Council Directive of 16 December 1991 relating to the compulsory use of safety belts and child-restraint systems in vehicles (91/671/EEC)

[[F1]COUNCIL DIRECTIVE

of 16 December 1991

relating to the compulsory use of safety belts and child-restraint systems in vehicles

(91/671/EEC)**]**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission[(1)],

Having regard to the opinion of the European Parliament[(2)],

Having regard to the opinion of the Economic and Social Committee[(3)],

Whereas the national laws on compulsory use of safety belts differ widely from one Member State to another; whereas it is therefore necessary to harmonize that compulsory use;

Whereas the obligation to use safety belts should be harmonized in vehicles of less than 3,5 tonnes in order to guarantee road users a greater degree of safety;

Whereas Directives 76/115/EEC[(4)] and 77/541/EEC[(5)] concern the technical requirements relating to safety belts with which motor vehicles must comply, but not the use of safety belts;

Whereas in the resolution of 19 December 1984[(6)], the Council and the Representatives of the Governments of the Member States, meeting within the Council, undertook to ensure the rapid adoption of road safety measures, and invited the Commission to submit proposals;

Whereas resolutions of the European Parliament on road safety[(7)] have recommanded that the wearing of safety belts by all passengers, including children, on all roads and in all seats in passenger vehicles (except public service vehicles), should be compulsory;

Whereas provision should be made for the compulsory use of child restraint systems on seats fitted with safety belts;

Whereas, pending harmonized Community standards for child restraint systems, those standards which correspond to Member States' national requirements must be recognized throughout the Member States;

Whereas studies have also shown that rear seats are almost as hazardous as front seats for unbelted passengers and that rear-seat passengers not wearing belts increase the risk of injuries to front seat passengers; whereas deaths and injuries could thus be further reduced if the wearing of belts in rear seats was made compulsory;

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

Whereas the fixing of the date of entry into force of the measures referred to in this Directive should allow time for the drafting of the implementing provisions required, particularly in those Member States where as yet no provisions on this matter exist,

HAS ADOPTED THIS DIRECTIVE:

Textual Amendments

F1 Substituted by Directive 2003/20/EC of the European Parliament and of the Council of 8 April 2003 amending Council Directive 91/671/EEC 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.

[F1 Article 1

1 This Directive shall apply to all motor vehicles in categories M1, M2, M3, N1, N2 and N3 as defined in Annex II to Directive 70/156/EEC(8), intended for use on the road, having at least four wheels and a maximum design speed exceeding 25 km/h.

2 For the purposes of this Directive:

— the definitions of safety systems, including safety belts and child restraints, with regard to vehicles in categories M1 and N1, and of the components thereof shall be those appearing in Annex I to Directive 77/541/EEC(9),

— 'rearward-facing' shall mean facing in the direction opposite to the normal direction of travel of the vehicle.

3 Child restraints shall be classified in five 'mass groups':

a group 0 for children of a mass of less than 10 kg;

b group 0+ for children of a mass of less than 13 kg;

c group I for children of a mass of from 9 kg to 18 kg;

d group II for children of a mass of from 15 kg to 25 kg;

e group III for children of a mass of from 22 kg to 36 kg.

4 Child restraints shall be subdivided into two classes:

a an integral class comprising a combination of straps or flexible components with a securing buckle, adjusting device, attachments and in some cases a supplementary chair and/or impact shield, capable of being anchored by means of its own integral strap or straps;

b a non-integral class that may comprise a partial restraint which, when used in conjunction with an adult belt which passes around the body of the child or restrains the device in which the child is placed, forms a complete child-restraint system.**]**

Textual Amendments

F1 Substituted by Directive 2003/20/EC of the European Parliament and of the Council of 8 April 2003 amending Council Directive 91/671/EEC 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.

[F1 Article 2

1 M1, N1, N2 and N3 vehicles:

a (i) **[**[F2]For M1, N1, N2 and N3 vehicles, Member States shall require that all occupants of vehicles in use shall use the safety systems provided.

Children less than 150 cm in height occupying M1, N1, N2 and N3 vehicles fitted with safety systems shall be restrained by an integral or non-integral child-restraint system, within the meaning of Article 1(4)(a) and (b), which is suitable for the child's physical features in accordance with:

— classification provided for in Article 1(3), for child restraint systems approved in accordance with point (c)(i) of this paragraph;

— the size range and maximum occupant mass for which the child restraint system is intended, as indicated by the manufacturer, for child restraint systems approved in accordance with point (c)(ii) of this paragraph.

In M1, N1, N2 and N3 vehicles that are not fitted with safety systems:

— children under three years of age may not be transported,

— without prejudice to point (ii), children aged three and over and less than 150 cm in height shall occupy a seat other than a front seat;**]**

(ii) Member States may allow, in their territory, children of less than 150 cm in height and of at least 135 cm in height to be restrained by a safety belt for adults. These height limits shall be re-examined according to the procedure referred to in Article 7b(2);

(iii) Member States may, however, allow, in their territory, those children referred to in (i) and (ii) not to be restrained by a child-restraint system when travelling in taxis. However, when the abovementioned children are travelling in taxis not fitted with restraint systems they shall occupy a seat other than a front seat;

b children may not be transported using a rearward-facing child-restraint system in a passenger seat protected by a front air bag, unless the air bag has been deactivated, even in cases where the air bag is automatically deactivated in a sufficient manner;

[[F2]c where a child-restraint system is used, it shall be approved to the standards of:

i) UNECE Regulation 44/03 or Directive 77/541/EEC or

ii) UNECE Regulation 129;

or any subsequent adaptation thereto.

The child restraint system shall be installed in accordance with fitting information (e.g. instruction manual, leaflet or electronic publication) provided by the manufacturer of the child restraint system declaring in what manner and in which vehicle types the system may be safely used;**]**

d until 9 May 2008 Member States may permit the use of child-restraint systems approved in accordance with the national standards applicable in the Member State on the date of installation of the restraint system or with national standards equivalent to Regulation 44/03 of the United Nations Economic Commission for Europe or Directive 75/541/EEC.

2 M2 and M3 vehicles:

a Member States shall require that all occupants aged three and over of M2 and M3 vehicles in use shall use the safety systems provided while they are seated.

Child restraints shall be approved in accordance with paragraph (1)(c) and (d);

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

b passengers in M2 and M3 vehicles shall be informed of the requirement to wear safety belts whenever they are seated and the vehicle is in motion. They shall be informed in one or more of the following ways:

— by the driver,

— by the conductor, courier or official designated as group leader,

— by audio-visual means (e.g. video),

— by signs and/or the pictogram established by the Member States in accordance with the Community design in the Annex, prominently displayed at every seating position.**]**

Textual Amendments

F1 Substituted by Directive 2003/20/EC of the European Parliament and of the Council of 8 April 2003 amending Council Directive 91/671/EEC 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.

F2 Substituted by Commission Implementing Directive 2014/37/EU of 27 February 2014 amending Council Directive 91/671/EEC relating to the compulsory use of safety belts and child restraint systems in vehicles.

Article 3

The provisions of this Directive shall also apply to drivers and passengers of vehicles being used on the road in the Community which are registered in a third country.

[F3]Article 4

. . . . . .

Textual Amendments

F3 Deleted by Directive 2003/20/EC of the European Parliament and of the Council of 8 April 2003 amending Council Directive 91/671/EEC 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.

Article 5

Persons provided by the competent authorities with an exemption certificate for serious medical reasons shall be exempt from the obligations laid down in Article 2. Any medical certificate issued by the competent authorities in one Member State shall also be valid in any other Member State; the medical certificate must indicate its period of validity and be shown to all authorized persons upon request in accordance with the relevant provisions in force in each Member State. It must bear the following symbol:

