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In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

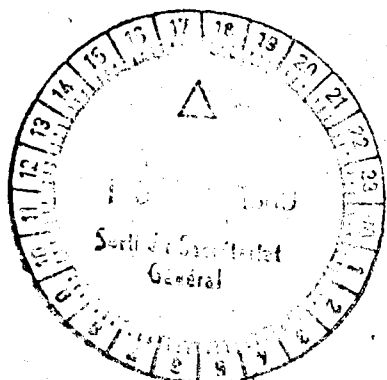
COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 772 final

Brussels, 31 December 1979.

PROPOSAL FOR A COUNCIL DIRECTIVE
ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES RELATING
TO REAR-VIEW MIRRORS FOR TWO- OR THREE-WHEELED MOTOR
VEHICLES

(presented by the Commission to the Council)



COM(79) 772 final

EXPLANATORY MEMORANDUM

I. GENERAL

Mopeds and motor cycles, included respectively in the "General programme for the removal of technical barriers to trade which result from disparities between the provisions laid down by law, regulation or administrative action in the Member States" of 28 May 1969¹ and the supplement to it dated 21 May 1973², have been the subject of three proposals for directives on EEC type approval procedures for mopeds and for motor cycles, and on the permissible sound level and exhaust system of motor cycles, forwarded to the Council by the Commission in 1973, 1974 and 1975. In connection with the two proposals for directives on EEC type approval for mopeds and for motor cycles, the Council has encountered political and administrative difficulties owing to the wide differences between the definitions of mopeds and motor cycles in force in the Member States and consequently it has not yet been able to adopt these new proposals. However, in 1978 it adopted the Directive on the permissible sound level and the exhaust system of motor cycles³.

This proposal for a directive relates to the approximation of the laws of the Member States on rear-view mirrors for two- or three-wheeled vehicles. In its letter of 9 July 1979, the French Government informed the Commission, pursuant to the agreement of 28 May 1969, as amended on 5 March 1973, providing for standstill and notification to the Commission, of its intention to amend the French regulations on the subject. In particular, the French draft required a rear-view mirror to be fitted to mopeds sold new as from 1 October 1980.

Since other Member States also had regulations in force or in prospect, and the differences between them are likely to create barriers to trade, the Commission, pursuant to Article 100 of the Treaty, is proposing

¹OJ No C 76, 17.6.1969, p.1.

²OJ No C 38, 5.6.1973, p.1.

³OJ No L 349, 13.12.1978, p.21.

Community arrangements to harmonize the national provisions in force that affect the establishment and functioning of the common market. In drafting this proposal for a directive, the Commission departments have given full consideration to the opinions of the Member State experts expressed at a meeting of the Working Party on Motor Vehicles held on 7-9 November 1979. Consequently the proposed requirements go beyond the initial French draft but are designed to regulate at Community level everything concerning rear-view mirrors for two- or three-wheeled vehicles. The main aim of this proposal is not only to remove barriers to intra-Community trade but also and above all greatly to increase road safety. The mandatory fitting of one or two rear-view mirrors to these types of vehicles is intended to facilitate visibility to the rear and to the side and thus greatly reduce the number of accidents. The obligation to fit one or two rear-view mirrors to these vehicles will increase the cost of the vehicle by around 1% which, in view of the consequent reduction in accidents, is an insignificant capital sum in comparison with the costs that would have been incurred by the accidents that it will prevent.

II. COMMENTS ON THE PROPOSAL FOR A DIRECTIVE

The scope is as wide as possible, i.e. it embraces all two- or three-wheeled vehicles, with or without a cab, fitted with an engine, intended for use on the road and having a maximum design speed of more than 25 km/h (Article 1).

Articles 2, 3, 5, 6 and 7 incorporate in the "national type approval" procedure in each Member State or, if there is no such procedure, in the national provisions concerning registration, sale, entry into service or use of these vehicles, the Community requirements concerning rear-view mirrors for two- or three-wheeled vehicles.

Article 4 contains provisions on the number of rear-view mirrors, their design and where to fit them on the vehicle.

With regard to the number of rear-view mirrors, two-wheeled vehicles with a maximum design speed not exceeding 80 km/h will have to be fitted with one rear-view mirror mounted on the left of the vehicle in Member States where traffic moves on the right and on the right of the vehicle in Member States where traffic moves on the left, while two-wheeled vehicles with a maximum design speed exceeding 80 km/h and all three-wheeled vehicles will have to have two rear-view mirrors, one on the right and the other on the left of the vehicle. The speed limit selected, 80 km/h, more or less corresponds to the existing classification in some Member States (e.g. 80 km/h in Germany and 75 km/h in France) and is in line with safety considerations. At high speeds, wind is a hindrance to a driver who tries to turn his head when wearing a crash helmet and it is also advisable at high speeds to have two rear-view mirrors to ensure that the wind acts symmetrically on the handlebars.

Although the design requirements are the same as already laid down by the directive on rear-view mirrors for motor vehicles¹, it was not possible here to lay down conditions concerning the field of vision for two-wheeled vehicles: in view of the rotating movements of the handlebars and the angle at which these vehicles take curves, it would have been pointless to define requirements that could only have been verified and properly observed when the vehicle was stationary.

Article 8 lays down the procedure for adapting to technical progress the requirements in Article 4 and the data in the Annex.

Finally, Article 9 stipulates the final date by which Member States are obliged to put into force the provisions needed in order to comply with the directive.

¹ Directive 71/127/EEC (OJ No L 68 of 22.3.1971), as amended by Directive 79/795/EEC (OJ No L 239 of 22.9.1979).

III. CONSULTATION OF THE EUROPEAN PARLIAMENT AND THE
ECONOMIC AND SOCIAL COMMITTEE

Pursuant to the provisions of Article 100(2), the opinion of these two bodies is required.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the opinion of the European Parliament;

Having regard to the opinion of the Economic and Social Committee;

Whereas the requirements which two- or three-wheeled vehicles must satisfy pursuant to national laws relate, inter alia, to their rear-view mirrors;

Whereas these requirements, whether already in force or merely in draft, differ from one Member State to another; whereas it is therefore necessary that all Member States adopt the same requirements either in addition to or in place of their existing requirements;

Whereas the increased numbers and use of two- and three-wheeled vehicles increase the risk of road accidents; whereas it is therefore necessary to improve road safety by requiring these vehicles to be fitted with one or two rear-view mirrors designed to give a view to the rear and to the sides of the vehicle;

Whereas the approximation of national laws on two- or three-wheeled vehicles necessitates reciprocal recognition by Member States of the checks carried out by each of them on the basis of the common requirements;

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this directive, "vehicle" means any two- or three-wheeled vehicle, with or without a cab, fitted with an engine, intended for use on the road and having a maximum design speed of more than 25 km/h.

Article 2

For the purposes of this Directive "national type approval" means the administrative procedure known as:

- agréation par type/aanneming, in Belgian law,
- standardtypegodkendelse, in Danish law,
- allgemeine Betriebserlaubnis, in German law,
- réception par type, in French law,
- type approval, in Irish law,
- omologazione or approvazione del tipo, in Italian law,
- agréation, in Luxembourg law,
- typegoedkeuring, in Dutch law,
- type approval, in United Kingdom law.

Article 3

At the request of a manufacturer or his authorized representative, Member States shall check that a type of vehicle complies with the provisions of Article 4 (1), (2) and (3). No application in respect of any one type of vehicle may be submitted to more than one Member State.

Article 4

1. All two-wheeled vehicles with a maximum design speed not exceeding 80 km/h shall be fitted with a rear-view mirror. This rear-view mirror shall be situated on the left of the vehicle in Member States where traffic moves on the right and on the right of the vehicle in Member States where traffic moves on the left.
2. All two-wheeled vehicles with a maximum design speed exceeding 80 km/h and all three-wheeled vehicles shall be equipped with two rear-view mirrors, one on the left and one on the right of the vehicle.
3. The rear-view mirrors of all vehicles shall comply with the requirements of Directive 71/127/EEC¹ as last amended by Directive 79/795/EEC². However the requirements concerning field of vision shall not apply to two-wheeled vehicles.

¹ OJ No L 68, 22.3.1971, p.1.

² OJ No L 239, 22.9.1979.

4. When the checks have been completed, the Member State shall issue a rear-view mirror certificate for the vehicle, hereinafter called "the certificate", using the model given in the Annex and specifying in particular whether or not the type of vehicle complies with the provisions of this Directive.
5. Every Member State having issued a certificate that a type of vehicle complies with the provisions of this Directive shall take the necessary measures to verify, insofar as is necessary and if need be in cooperation with the competent authorities of other Member States, that production models conform to the type for which the certificate was issued. Such verification shall be limited to spot checks.

Article 5

The competent authorities of a Member State shall send within one month to the competent authorities of the other Member States a copy of the certificates for each type of vehicle which they have checked. The applicant shall also be issued with a copy of the certificate. The other Member States shall treat this document as proof that the provisions of this Directive are met.

Article 6

1. In those Member States where vehicles or certain categories thereof, are subject to national type approval, that approval shall be based on the provisions of this Directive instead of the corresponding national requirements if the manufacturer or his authorized representative so requests.
2. No Member State where vehicles or certain categories thereof are not subject to national type approval may refuse the registration or prohibit the sale, entry into service or use of such vehicles on the grounds that the provisions of this Directive have been complied with instead of the corresponding national requirements.

Article 7

1. Every Member State having issued a certificate that a type of vehicle complies with the provisions of this Directive shall take the necessary

measures to ensure that it is informed of any modification to the type of vehicle.

2. If the State in question considers that such a modification does not involve any charge in the data on the basis of which the certificate was issued, the competent authorities of that State shall so inform the manufacturer or his authorized representative.
3. If, however, the State in question finds that a modification warrants fresh checks and that it is accordingly necessary to amend the existing certificate or complete a fresh certificate, the competent authorities of that State shall so inform the manufacturer or his authorized agent, and shall, within one month from the date on which the new documents are drawn up, forward these documents to the competent authorities of the other Member States, together with a note of the frame number of the last vehicle manufactured in conformity with the old certificate and, where appropriate, of the frame number of the first vehicle manufactured in conformity with the amended or new certificate.

Article 8

Any amendments necessary to adapt to technical progress the requirements of Article 4(1), (2) and (3) and of the Annex hereto shall be adopted in accordance with the procedure provided for in Article 13 of Directive 70/156/EEC¹, as last amended by Directive 78/547/EEC².

Article 9

1. Member States shall put into force the provisions needed in order to comply with this Directive before 1 October 1981 and shall forthwith inform the Commission thereof.
2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

¹OJ No L 42, 23.2.1970, p. 1.

²OJ No L 168, 26.6.1978, p. 39.

Article 10

This Directive is addressed to the Member States.

Done at Brussels

For the Council
The President

ANNEX

M O D E L

Name of administration

REAR-VIEW MIRRORS FOR TWO- OR THREE-WHEELED VEHICLES

CERTIFICATE

(in accordance with Council Directive 80/.../EEC on the approximation of the laws of the Member States on rear-view mirrors for two- or three-wheeled vehicles)

Drawn up on the basis of:

Report No name of examining body Date

1. Two-/three^(*)-wheeled vehicle, without/with^(*) cab
 - 1.1 Manufacturer:
 - 1.1.1 Authorized agent:
 - 1.2 Type:
 - 1.3 Model:
 - 1.3.1 Version:
 - 1.4 Frame No.:
2. Engine:
- 2.1 Manufacturer:
- 2.2 Type:
- 2.3 Model:
- 2.4 Maximum output (indicate standard used):kW atr/min
- 2.5 Maximum design speed:km/h
3. Rear-view mirror(s)
 - 3.1 Number:
 - 3.2 Manufacturer:
 - 3.2.1 Authorized agent of the manufacturer if applicable:
 - 3.3 Model:
 - 3.4 Type:
 - 3.5 Type approval number:

(*) Delete as appropriate.

ANNEX

4. The type of vehicle conforms/does not conform* with the requirements of Directive 80/..../EEC
 5. Place:
 6. Date:
 7. Signature:
-

*Delete as appropriate.