REPORT


Committee on Transport and Tourism

Rapporteur: Paolo Costa
Symbols for procedures

* Consultation procedure
  majority of the votes cast

**I Cooperation procedure (first reading)
  majority of the votes cast

**II Cooperation procedure (second reading)
  majority of the votes cast, to approve the common position
  majority of Parliament’s component Members, to reject or amend
  the common position

*** Assent procedure
  majority of Parliament’s component Members except in cases
  covered by Articles 105, 107, 161 and 300 of the EC Treaty and
  Article 7 of the EU Treaty

***I Codecision procedure (first reading)
  majority of the votes cast

***II Codecision procedure (second reading)
  majority of the votes cast, to approve the common position
  majority of Parliament’s component Members, to reject or amend
  the common position

***III Codecision procedure (third reading)
  majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the
Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in **bold italics**. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Codecision procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0570)¹,
– having regard to Article 251(2) and Article 71(1)(c) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0332/2006),
– having regard to Rule 51 of its Rules of Procedure,
– having regard to the report of the Committee on Transport and Tourism (A6-0124/2007),

1. Approves the Commission proposal as amended;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council and the Commission.

Text proposed by the Commission  Amendments by Parliament

Amendment 1
Recital 3 a (new)

(3a) Devices of indirect vision, such as wide angle and close proximity mirrors, cameras, monitors, or other systems, improve the field of vision of the driver and increase the safety features of vehicles.

Justification

Self-explanatory. Improved and other innovative devices of indirect vision reduce blind spots and can influence the driver's behaviour, and thus, contribute to the prevention of accidents.

¹ Not yet published in OJ.
Amendment 2
Recital 6

(6) In order to help reduce road fatalities caused by those vehicles and involving vulnerable road users, it is appropriate, in the meantime, to provide that the vehicles concerned be retrofitted with improved devices for indirect vision.

(6) In order to help reduce fatal and non-fatal road injuries caused by those vehicles and involving vulnerable road users, it is appropriate, in the meantime, to provide that the vehicles concerned be retrofitted with improved devices for indirect vision.

Justification

Although safety has increased in EU, the death toll numbers 41,000 deaths and more than 1.7 million injuries (2005). Road accidents related to the blind spots involving Heavy Goods Vehicles (HGVs) cause not only fatalities but also other type of injuries (serious and slight) which are important as well, in terms of social and economic impact. It should be noted that according to the data provided in the cost-benefit analysis, there are 23 injuries per one fatality concerning the two wheelers and pedestrians.

Amendment 3
Recital 8

(8) It is however appropriate and proportionate to provide exemptions for vehicles whose remaining lifespan is short, vehicles which are equipped with lateral mirrors whose field of vision covers only marginally less than the fields of vision laid down in Directive 2003/97/EC, and vehicles which it is technically impossible to equip with mirrors complying with that Directive.

(8) It is however appropriate and proportionate to provide exemptions and derogations for vehicles whose remaining lifespan is short, vehicles which are equipped with lateral mirrors whose field of vision covers only marginally less than the fields of vision laid down in Directive 2003/97/EC, and vehicles which it is not technically possible to equip at a reasonable cost with mirrors complying with that Directive.

Justification

As the proposed measure will apply to old vehicles, which are in circulation in the EU, there is a need to provide certain flexibility for compliance with regard to the existing Community legislation for new HGVs and avoid trade barriers. The flexibility includes specific exemptions and limited derogations with regard to the requirements of the field of vision and to the equipment of devices of indirect vision set out in Dir. 2003/97/EC, especially for those vehicles where the field of vision can not be fully covered or where no solution at reasonable cost is available.

Amendment 4
Recital 8 a (new)
(8a) Vehicles in categories N₂ and N₃ which were originally registered and/or have been type-approved and/or put into service more than 10 years before the date of transposition of this Directive and which are operated mainly for their historical interest should not be affected by the rules and procedures contained in this Directive.

Justification

The amendment aims to provide an exemption regarding the use of historical vehicles given that this could not affect the output of the proposed measure. The recital intends also to cover historical vehicles for which there are no longer registries or documentation proving their initial date of registration. (The Council in its "general approach" introduced a similar reference to those vehicles into the text).

Amendment 5
Recital 8b (new)

(8b) For the proportion of trucks which cannot fully comply with the requirements of this Directive for technical and/or economic reasons, the relevant authorities should allow for and approve alternative solutions. In such cases Member States shall communicate lists of permitted and approved technical solutions, including best practices on aspects of the retrofitting exercise, to the Commission, who should in turn make them available to all Member States.

Justification

It is necessary to provide flexibility with regard the general obligation set out for compliance with the requirements of Directive 2003/97/EC. In some trucks, the retrofitting cannot be technically possible or economically affordable, unless major changes in the cabin structure or in the door are made. In order to provide safety, legal certainty and avoid trade barriers, all technical solutions including best practices should be communicated to the Commission who will make them available. (The Council in its "general approach" introduced a similar reference into the text).
(9) In order to let the market cope with a very high demand for mirrors in a very short period of time transitional periods should be provided for.

**Justification**

Citations on difficulties of the market in coping with a very high demand for mirrors in a very short period are not shared between producers of such devices. A long transitional period, as proposed, cannot be justified as any delay for the measure reduces its effectiveness. In addition, the total number of the HGVs that has to be retrofitted is likely to be less than the initial estimates of the Commission, and therefore a short transitional period should be provided for.

**Amendment 7**

Recital 10

(10) Heavy goods vehicles retrofitted before **entry into force** of Directive 2003/97/EC with devices of indirect vision which largely cover the field of vision required in that **directive** should be exempted from the requirements of this legislation.

**Justification**

In order to increase road safety, some Member States - the Netherlands, Belgium and Denmark - implemented national schemes on retrofitting of mirrors to their existing fleet and based on the requirements set out in Directive 2003/97/EC. Therefore, the exemption should cover HGVs retrofitted before the expiry of the deadline set for transposition (24 January 2005) and not at the date of the entry into force of the Directive (date of its publication in OJ, i.e. 29.1.2004). (The Council in its "general approach" introduced identical reference into the text).

**Amendment 8**

Recital 10 a (new)

(10a) For the sake of clarity, where reference is made to the field of vision of mirrors and others devices for indirect vision fitted to vehicles covering only marginally less than the field of vision provided for in Directive 2003/97/EC, the remaining requirements and flexibility set out in Annex III of that Directive
concerning the field of vision and the fitting of mirrors and others devices for indirect vision to vehicles should be applied.

Justification

The requirements for the fitting of mirrors or others devices of indirect vision to vehicles laid down in Dir. 2003/97/EC should apply also to vehicles where a reduced field of vision is foreseen. Therefore, all conditions or additional flexibility set out in Annex III of that Directive should be valid for the retrofitting of mirrors with a reduced field of vision, e.g. 10% reduction of the specified field of vision of Class IV or V when there is obstruction due to the bodywork and some of his components, such as other mirrors, door handlers etc (see remark 5.8.2 in Annex III of Dir. 2003/97/EC).

Amendment 9
Recital 11

(11) The retrofitting exercise should be accompanied by appropriate measures designed to raise awareness of the dangers linked to the existence of blind spots of heavy goods vehicles.

Justification

In order to take advantage of the retrofitting of mirrors to HGVs and their effect on the prevention or reduction of accidents, accompanying measures are required to be taken. Awareness campaigns have to be launched covering all road users and especially the two-wheelers and the pedestrians. Likewise, as mirrors have to be correctly adjusted, appropriate training for drivers as well as for personnel in charge of inspection and controls will be needed.

Amendment 10
Recital 11 a (new)

(11a) Types of vehicles other than those covered by this Directive, such as light goods vehicles and buses, which are not equipped with improved devices for indirect vision, are often involved in
"blind spot" accidents, and there is therefore a need for Community legislation on active and passive safety requirements to be continuously reviewed with a view to improving and promoting road safety.

Justification

According to Article 71 of the EC Treaty, transport safety is an integral part of the common transport policy. The scope of the proposal does not cover, (same in Directive 2003/97/EC), Light Goods Vehicles (22.5 million) and coaches/buses (700,000), which are also implicated in accidents related to the blind spot. Therefore, there is need for continuous reviewing and further developing road safety related to the "lateral blind spot" accidents.

Amendment 11
Recital 11 b (new)

(11b) In order to have a more comprehensive analysis and a future strategy on reducing "blind spot" accidents, the Commission, under the framework of Council Decision 93/704/EC of 30 November 1993 on the creation of a Community database on road accidents and other relevant Community acts, such as Decision No 2367/2002/EC of the European Parliament and of the Council of 16 December 2002 on the Community statistical programme 2003 to 2007), should gather relevant data from Member States and process that data in an appropriate manner.


Justification

Self-explanatory. In order to facilitate the development of a more integrated approach for the prevention of "blind spot" accidents, it is necessary that the Commission, in cooperation with Member States, proceeds to the collection and processing of more complete and comparable data.
(11c) Directive 96/96/EC stipulates that periodic roadworthiness tests must be carried out for motor vehicles used for the carriage of goods and having a maximum permissible mass exceeding 3 500 kg, at least on a yearly basis. Heavy goods vehicles must, among others, be fitted with rear-view mirrors complying with the requirements of this Directive in order to pass the roadworthiness test. Roadworthiness certificates delivered by the Member State for vehicles registered on their territory are mutually recognised for the purpose of the vehicles' free circulation on Member States' roads.

Justification

In order to ensure that adequate field of vision is provided for HGVs in accordance with the requirements set out in the proposed measure, periodic roadworthiness tests should be applied (Directive 96/96/EC). These tests are necessary in order to provide safety and legal certainty on compliance with the reduced field of vision set out in the proposed measure and thus, to prevent any market distortion. (The Council in its "general approach" introduced identical reference into the text).

(12a) In accordance with point 34 of the Interinstitutional Agreement on better law-making¹, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public.


Justification

Self-explanatory. (The Council in its "general approach" introduced identical reference into the text).
Amendment 14
Article 2, paragraph 1

1. This Directive shall apply to vehicles of categories N2 and N3 as referred to in point 2 of Annex II to Directive 70/156/EC which are not covered by Directive 2003/97/EC.

1. This Directive shall apply to vehicles of categories N2 and N3 as referred to in point 2 of Annex II to Directive 70/156/EC which are not type-approved or approved as a single vehicle under Directive 2003/97/EC.

Justification

It gives more clarity to the scope and it is in accordance with the wording of Directive 2003/97/EC. (The Council in its "general approach" introduced identical reference into the text).

Amendment 15
Article 2, paragraph 2, point (a)

(a) Vehicles of categories N2 and N3 registered more than 10 years before the date set out in Article 7;

(a) Vehicles of categories N2 and N3 registered before 1 January 2000;

Amendment 16
Article 2, paragraph 2, point (b)

(b) Vehicles of categories N2 and N3 where it is impossible to mount class IV and class V mirrors in a way that ensures that the following conditions are fulfilled:

(b) Vehicles of category N2, having a maximum total permissible mass not exceeding 7.5 tons, where it is impossible to mount a class V mirror in a way that ensures that the following conditions are fulfilled:

Justification

The text is aligned with the existing legislation covering new HGVs (Directive 2003/97/EC). The exemption should concern only vehicles of category N2 not exceeding 7.5 t and not vehicles N2 exceeding 7.5 tons and N3, because there is no obstruction on mounting a Class IV mirror to those vehicles, i.e. 2 m from the ground. Directive 2003/97/EC provides compulsory fitting of Class IV mirror to N2 >7,5 t and to N3. (The Council in its "general approach" introduced identical reference into the text).

Amendment 17
Article 2, paragraph 2, point (b), point (i)

(i) no parts of the mirrors are less than 2 m (±10 cm) from the ground, regardless of the adjustment position, when the vehicle is under a load corresponding to its maximum technically permissible weight;

(i) no part of the mirror is less than 2 m (+10 cm) from the ground, regardless of the adjustment position, when the vehicle is under a load corresponding to its maximum technically permissible weight, and

Justification

The text is aligned with the existing legislation covering new HGVs according to the requirements of Directive 2003/97/EC (see previous justification). The condition for fitting a Class IV mirror stipulated in Annex III of that Directive is not less than 2 m with tolerance of ±10 cm from the ground, but less than 2 m with tolerance of +10 cm from the ground. (The Council in its "general approach" introduced identical reference into the text.)

Amendment 18
Article 2, paragraph 2, point (b), point (ii)

(ii) the mirrors are fully visible from the driving position.

(ii) the mirror is fully visible from the driving position.

Justification

See previous justifications. (The Council in its "general approach" introduced identical reference into the text.)

Amendment 19
Article 2, paragraph 2, point (c)

(c) Vehicles of categories N2 and N3 that were subject, prior to the entry into force of Directive 2003/97/EC, to national measures requiring fitment of other means of indirect vision covering not less than 95% of the total field of vision at ground level of the class IV and the class V mirror under that Directive.

(c) Vehicles of categories N2 and N3 that are subject to national measures that entered into force prior to the dates of transposition of Directive 2003/97/EC, requiring fitment, on the passenger's side, of other means of indirect vision covering not less than 95% of the total field of vision at ground level of the class IV and the class V mirror under that Directive.

Justification

This exemption concerns "Grandfather’s cases" - the Netherlands, Belgium and Denmark – that implemented national schemes on retrofitting of mirrors to their existing fleet based on the requirements set out in Directive 2003/97/EC before the expiry of the deadline for
transposition (24 January 2005) and not at the date of the entry into force of the Directive as proposed by the Commission. It brings also more clarity. (The Council in its "general approach" introduced identical reference into the text).

Amendment 20  
Article 3, paragraph 1

With effect from the date set out in Article 7 Member States shall ensure that all vehicles referred to in Article 2(1) are equipped, on the passenger’s side, with close proximity and large angle mirrors which fulfil the requirements for class IV and class V mirrors under Directive 2003/97/EC respectively.

Justification

Delaying the introduction of the measure reduces its effectiveness and the beneficial effects of its implementation, which are to save lives. An extra 1200 lives could be saved up to 2020, if the implementation was to start from 2008 and the societal costs correspond to 2.4 billion EUR. In order to have more consistency, better wording on wide angle and close proximity mirrors is needed. (The Council in its "general approach" introduced similar reference into this paragraph).

Amendment 21  
Article 3, paragraph 2

By way of derogation from the first paragraph compliance with the requirements of this Directive shall be deemed to be achieved where vehicles are equipped with mirrors, whose combination of field of vision covers not less than 99% of the total field of vision at ground level of the class IV and the class V mirror under Directive 2003/97/EC.

2. By way of derogation from the first paragraph compliance with the requirements of this Directive shall be deemed to be achieved where vehicles are equipped, on the passenger’s side, with wide angle and close proximity mirrors, whose combination of fields of vision covers not less than 95% of the field of vision at ground level of the class IV mirror and not less than 85% of the field of vision at ground level of the class V mirror under Directive 2003/97/EC.

Justification

The reduction of the field of vision from 99% to 95% disadvantages the effectiveness of the measure but gives flexibility. As the total field of vision of Class V mirror is relative small (5.5
m2) in contrary to that of Class IV (307.9 m2), the introduction of a separate field of vision for Class V mirror covering up to 85% from the total field set out in Dir. 2003/97/EC appears to be necessary in order provide safety. Also, setting separate field of vision for Class IV and V is simpler and provides clarity. (The Council in its "general approach" introduced similar reference into the text).

Amendment 22  
Article 3, paragraph 2a (new)

2a. Vehicles referred to in Article 2 which, by reason of the lack of available and economically viable technical solutions, cannot be equipped with mirrors which comply with the requirements set out in paragraphs 1 and 2 of this Article, may be equipped with supplementary mirrors and/or other devices of indirect vision, provided that the combination of such devices covers not less than 95% of the field of vision at ground level of the class IV mirror and not less than 85% of the field of vision at ground level of the class V mirror under Directive 2003/97/EC.

Justification

Alternative solutions, such as additional mirrors or other devices of indirect vision should be provided for compliance to the requirements of the Dir. 2003/97/EC, especially for trucks where no kit is available in the market. As there is a possibility to cover the field of vision of Class IV and V mirrors with device and in order to ensure better visibility in terms of safety, separation of the field of vision of Class IV mirror from that of the Class V mirror is necessary. See previous justification. (The Council in its "general approach" introduced a similar reference into the text).

Amendment 23  
Article 3, paragraph 2b (new)

2b. Member States shall communicate to the Commission a list of the technical solutions, including best practices on aspects of the retrofitting exercise, complying with the provisions of this Article. The Commission shall make this list publicly available through publication in the Official Journal of the European Union and through any other appropriate
means to all Member States.

Justification

In order to provide safety, legal certainty and avoid trade barriers and market distortion, all technical solutions including best practices should be communicated to the Commission who will make them available through publication or any other appropriate means. (The Council in its "general approach" introduced a similar reference into the text).

Amendment 24
Article 3 a (new)

Article 3a

1. Compliance with the requirements set out in paragraphs 1, 2 and 2a of Article 3 shall be established by means of a proof issued by a Member State in accordance with Article 3 of Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers.

2. The Commission, assisted by the committees referred to in Article 8(1) of Directive 96/96/EC and Article 13(1) of Directive 70/156/EEC within their respective remits, shall take the appropriate measures to ensure that the equipment referred to in Article 3 is installed and tested for compliance and roadworthiness in accordance with the requirements of this Directive. These measures shall be taken not later than the date referred to in Article 7.


Justification

In order to ensure that the adequate field of vision is provided for the existing fleet of HGVs and according to the requirements set out in the proposed measure, periodic roadworthiness tests should be applied on the basis of the Directive 96/96/EC. These tests are necessary in order to provide safety and legal certainty on compliance with the different field of vision set...
out in the proposed measure and thus, to prevent any market distortion. (The Council in its "general approach" introduced identical reference into the text).

Amendment 25
Article 3 b (new)

**Article 3b**

Member States and, where appropriate, the Commission, within their respective areas of competence, shall accompany measures taken under this Directive by initiatives designed to raise awareness of the dangers for road users arising from vehicle blind spots.

**Justification**

In order to take advantage of the retrofitting of mirrors to HGVs and their effect on the prevention or reduction of accidents, accompanying measures are required. Awareness campaigns have to be launched covering all road users and especially the two-wheelers and the pedestrians. Likewise, as mirrors have to be correctly adjusted, appropriate training for drivers as well as for personnel in charge of inspection and controls will be needed.

Amendment 26
Article 4

**Article 4**

deleted

By way of derogation from the first paragraph of Article 3 Member States may provide the following:

(1) Vehicles registered from 4 to 7 years before the date set out in Article 7 shall comply with the requirements of this Directive at the latest 1 year after that date;

(2) Vehicles registered from 7 to 10 years before the date set out in Article 7 shall comply with the requirements of this Directive at the latest 2 years after that date.

**Justification**

While the Commission’s proposal foresees early phasing-in date (1998) due mainly to the
high cost-benefit ratio and immediate implementation for the most recent lorries (registered after 2004), the progressive retrofitting through various steps may compromise the overall objective, which is to save lives. Delaying the introduction of this measure with no particular reason cannot be justified. (The Council in its "general approach" deleted also this text).

Amendment 27
Article 5

Article 5  

Vehicles of categories N_2 and N_3 which, by reason of the lack of available technical solutions, cannot be equipped with mirrors which comply with this Directive may be equipped with other devices of indirect vision, provided that such devices cover at least the same field of vision as set out in the second paragraph of Article 3.

Vehicles retrofitted in accordance with the first subparagraph shall be individually approved by the competent authorities of the Member States.

Justification

The text is replaced by another text under Article 3. See previous amendments. (The Council in its "general approach" deleted also this text).

Amendment 28
Article 7a (new)

Article 7a
By ... * at the latest the Commission shall submit to the European Parliament and to the Council a report on the implementation of this Directive together with a study on "blind spot" accidents covering all vehicles and costs incurred and aiming at the improvement of road safety. On the basis of a more comprehensive cost-benefit analysis, the Commission's report shall be accompanied, if appropriate, by a proposal for reviewing existing legislation.
* Three years after the date of entry into force of this Directive.

Justification

A progress report should be presented on the implementation of this Directive and on aspects covering costs of blind spot accidents, including the introduction of devices of indirect vision to other types of vehicles, e.g. $N_i$. Further collection of data and figures should be provided in order to have a more comprehensive picture of the cost-benefit of retrofitting of mirrors and it should be accompanied by a proposal for reviewing existing legislation or introducing new one.
EXPLANATORY STATEMENT

1. Introduction

In order to remedy shortcomings in the exterior field of vision of the existing lorries in circulation in the EU and improve road safety, the Commission proposes the retrofitting of mirrors to Heavy Goods Vehicles (HGVs) registered in the Community.

Accidents related to the blind spot and devices of indirect vision

A large number of accidents are caused by drivers of vehicles who are not aware that other road users are very close to or beside their own vehicle. These accidents are often related to a change of direction at crossings, junctions or roundabouts, when drivers fail to detect other road users in the blind spots which exist in the area immediately round the vehicles. Larger vehicles are implicated in a significant number of accidents related to the so-called blind spot and it is estimated that every year over 400 people lose their life in such circumstances in the EU, most of them being vulnerable road users, such as cyclists, motorcyclists and pedestrians. Based on real accident investigations, it became apparent that the vehicles equipped with devices of indirect vision, such as mirrors of wide-angle (Class IV) and close proximity (Class V) or camera-monitor, improve vulnerable road users' safety and avoid accidents due to the lateral blind spot on the passenger's side. Some Member States opted to introduce measures/schemes for the fitting of additional mirrors in order to reduce the blind spots to the driver’s vision, in particular the right passenger side (left for the UK) of the vehicle.

2. Existing legislation on exterior field of indirect vision for new HGVs

The equipment with devices of indirect vision eliminating blind spots is compulsory for new HGV's. According to Dir. 2003/97/EC\(^1\), the fitting of wide-angle mirrors (Class IV), close-proximity mirrors (Class V) or supplementary vision, for those vehicles of category N\(^2\) above 7.5 t and less 12 t and for all those of category N\(^3\) (above 12 t), is mandatory as from 26 January 2006 to any new vehicle type and from 26 January 2007 to any new vehicle. The compulsory fitting of Class IV and Class V mirrors was extended to all new vehicles of category N\(^2\) under certain conditions, by the Commission’s directive 2005/27/EC, amending directive 2003/97/EC to technical progress, in order to reduce the blind spot of N\(^2\) vehicles ≤ 7.5 tonnes.

3. Commission proposal on the retrofitting of mirrors to HGV registered in the Community

As the existing fleet of HGVs, which represents a great number of vehicles circulating in European roads, were not included under the EC mandatory lateral field of vision, some Member States - the Netherlands, Belgium and Denmark - implemented national schemes because they judged the obligation for new vehicles not far-reaching enough. After a thorough consultation process among stakeholders, the Commission opted for compulsory and gradual introduction of retrofitting of existing HGVs on the passenger’s side with wide-angle mirrors

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(Class IV) and close-proximity mirrors (Class V).

- **The scope of the directive**
While the proposed measure aims to cover the existing fleet of lorries and thus complement the existing EC legislation on devices of indirect vision, its scope is restricted to HGVs registered no more than ten years before the entry into force of the Directive. The estimated fleet of HGVs which is currently in circulation in EU 25 is approximately 5 millions. The Commission assumed that the cost of retrofitting of HGVs older than 10 years (between 100 and 150 € per vehicle) will exceed the benefits\(^1\). If the proposed Directive enters into force by 2008, the retrofit should concern HGVs registered after 1998, which is estimated at almost 4 million (Bulgaria and Romania not included).

Exemption for HGVs registered in three Member States (NL, DK, BE) is foreseen, where effective national measures have been already implemented in order to eliminate blind spots.

- **Differentiation and accompanying measures**
It is worth mentioning that the proposal provides a differentiated set of requirements of the Directive 2003/97/EC mainly, in order to accept alternative solutions with low costs and avoid distortions in the market. Compliance is considered to be achieved for the mirrors, if the field of vision covers no less than 99% of the total field of vision at ground level of Class IV and Class V mirror. Member States are allowed to extend the scope of the proposed directive in order to cover more vehicles and even those registered before 1998.

Accompanying measures are proposed to be taken by Member States in order to raise awareness of the dangers for road users arising from vehicle blind spots.

- **Transposition and implementation periods**
The period for transposing the Directive at national law is set at one year after its entry into force. As regards the implementation, it is proposed that compliance has to be fulfilled immediately for vehicles registered after 2004 and for the remaining vehicles, flexibility is foreseen according to their date of registration, i.e. one additional year for those registered between four and seven years before the date of transposition, which is one year, and two years for those registered between seven and ten years before the date of transposition.

- **Commission's impact assessment**
Based on a cost-benefit analysis\(^2\), the Commission estimates that an extra 1200 lives could be saved up to 2020, if the implementation were to start from 2008. This corresponds to 2.4 billion € in societal costs calculated on the average of an accident cost per fatality which is estimated at 2 Mio €. The total benefits from the proposed directive are estimated to be around of 1.7 billion €, while the costs would amount to be between 400 and 600 million. The cost benefit ratio of the measure is in order of 3.5 : 1. This means that for 1 € spent, there is societal benefit of 3.5 €.

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\(^1\) The benefit of retrofitting on existing truck depends on its risks of being involved in relevant accident and decreases with the remaining lifespan of the vehicle (16 years for a HGV). See Commission’s “Full impact assessment”, SEC(2006)1238.

4. The general approach of the Council (12/12/06)

The Council's general approach adopted by the Transport Ministers amends the Commission's proposal with regard to the 10 years approach and introduces a cut-off date of 1 January 2000 for the obligation to retrofit. It is proposed that Member States should implement these new requirements in 3 years (1 for transposition + 2 for implementation) following the entry into force of the directive (14 days after publication). Regarding flexibility to the requirements of the field of vision of Class IV and V mirrors provided under Directive 2003/97/EC, the total field of vision is fixed at 95% for IV and 85% for V instead of the 99% (Commission proposal). While Council's text made progress on extending the retrofitting of Class IV mirror, certification and controls (roadworthiness tests) and exemption on historical vehicles, it deletes awareness campaigns.

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<td>Lorries registered after 01/01/2000</td>
<td>One (1) year</td>
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<td>No additional periods</td>
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5. Assessment of Commission’s proposal

The measure improves safety by reducing blind spots to the right passenger side (left in the UK) and creates a level playing field on equipment of indirect vision between new and existing lorries.

- **Phasing-in date and progressive implementation**
  The timid approach through progressive implementation and various steps may compromise the overall objective, which is to save lives. The references made to difficulties of the market in coping with high demand for mirrors in a very short period are not shared between producers of such devices. In addition, the total number of HGVs that has to be retrofitted is likely to be less than the Commission's estimates.

- **The limitation to the retrofitting of Class IV mirrors and exclusion of LGVs**
  The limitation of the retrofitting of Class IV seems not to be correct as in most situations the Class IV mirror is fitted on height lower than 2 m. Therefore, rectification is needed. The scope of the proposal does not cover LGVs (22.5 million) and coaches/buses (700,000) due to low cost-benefit ratio.

- **Flexibility for compliance**
  The differentiated approach to the requirements of Dir. 2003/97/EC, while cited by the Commission, is not reflected fully in the text.

6. The main proposals of the Rapporteur
As progressive implementation and delays for its application alters the principal objective (save lives), rapid adoption and immediate implementation after the period given to the Member States for transposing the measure into national law, but not later than 30 June 2008, is proposed. A clear cut-off date is included for the retrofitting phasing-in.

More flexible approach is proposed on the percentage of the field of vision set out in Dir. 2003/97/EC for the wide angle mirror (Class IV, 95% instead of 99% of the Commission's) and for the close proximity mirror (Class V, 85% instead of 99% of the Commission's) in order to avoid restrictions in the market. In addition, the separation of the field of vision of wide angle mirror from that of the close proximity mirror is made in order to ensure better visibility in terms of safety and provide legal certainty.

Where no available solutions exist for the fitting of Class IV and V, in terms of technical and economical affordability, the same flexible approach is proposed for the devices, which are different from the type of mirrors Class IV and V.

Accompanying measures, including awareness campaigns for all road users, by Member States and where appropriate, by the Commission, are included. Collection of data in order to provide a more comprehensive analysis and a better strategy on blind spots accidents together with a progress report on the implementation of the measure and on the opportunity of extending requirements to other types of vehicles, e.g. N, are proposed.
Annexes

I. Definitions

- Vehicles N categories (Directive 70/156/EEC):

  Category N₁: vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes.

  Category N₂: vehicles designed and constructed for the carriage of goods and having a mass exceeding 3.5 tonnes but not exceeding 12 tonnes.

  Category N₃: vehicles designed and constructed for the carriage of goods and having a maximum mass exceeding 12 tonnes.

- Light Goods Vehicle: less than 3.5 t of Gross Vehicle Weight.

- Heavy Goods Vehicle: above 3.5 t of Gross Vehicle Weight.

<table>
<thead>
<tr>
<th>Vehicle category</th>
<th>Interior mirror</th>
<th>Exterior mirrors</th>
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<tbody>
<tr>
<td></td>
<td>Class I</td>
<td>Class II</td>
</tr>
<tr>
<td>N₁</td>
<td>Compulsory</td>
<td>Optional</td>
</tr>
<tr>
<td></td>
<td>Unless a mirror would not provide rearward vision (as defined in item 5.1 Annex III)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Optional</td>
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</tr>
<tr>
<td></td>
<td>If the mirror does not provide rearward vision</td>
<td></td>
</tr>
<tr>
<td>N₂ ≤7,5 t</td>
<td>Optional</td>
<td>Compulsory</td>
</tr>
<tr>
<td></td>
<td>no requirements for the field of view</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Optional</td>
<td>Compulsory</td>
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<tr>
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<tr>
<td>N₁</td>
<td>Optional</td>
<td>Compulsory</td>
</tr>
<tr>
<td></td>
<td>no requirements for the field of view</td>
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</tr>
</tbody>
</table>

*Class V and VI mirrors shall be mounted on vehicles in such a way that, regardless of their position after adjustment, no part of these mirrors or their holders is less than 2 m from the ground when the vehicle is under a load corresponding to its technically permissible maximum laden mass. These mirrors shall not, however, be mounted on vehicles the cab height of which is such as to prevent compliance with this requirement. In this case an other device for indirect vision is not required. In case the field of vision can be perceived through the combination of the field of vision from a Class IV wide-angle mirror and that of a Class VI front mirror, the installation of a Class V close proximity mirror is not compulsory.
III. Figures on mirrors with the field of indirect vision (extracted from Directive 2003/97/EC)

Figure 1: Field of vision of Class I mirror

![Field of vision of Class I mirror](image1)

Figure 2: Field of vision of Class II mirror

![Field of vision of Class II mirror](image2)

Figure 3: Field of vision of Class III mirror

![Field of vision of Class III mirror](image3)
Figure 4: Field of vision of Class IV wide-angle mirror
Figures 5a and 5b: Field of vision of Class V close-proximity mirror

Figure 6: Field of vision of Class VI front mirror
**PROcedure**

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<th>Retrofitting of mirrors to heavy goods vehicles registered in the Community</th>
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<td>5.10.2006</td>
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<td>28.11.2006</td>
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<td>Rapporteur(s)</td>
<td>Paolo Costa</td>
</tr>
<tr>
<td>Date appointed</td>
<td>21.11.2006</td>
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<tr>
<td>Discussed in committee</td>
<td>24.1.2007 28.2.2007</td>
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<td>Members present for the final vote</td>
<td>Inés Ayala Sender, Etelka Barsi-Pataky, Jean-Louis Bourlanges, Paolo Costa, Luis de Grandes Pascual, Arūnas Degutis, Christine De Veyrac, Petr Duchoň, Robert Evans, Emanuel Jardim Fernandes, Mathieu Grosch, Georg Jarzembsowski, Stanisław Jałowiecki, Timothy Kirkhope, Dieter-Lebrecht Koch, Jaromir Kohlíček, Sepp Kusstatscher, Jörg Leichtfried, Bogusław Liberadzki, Eva Lichtenberger, Erik Meijer, Robert Navarro, Seán Ó Neachtain, Willi Piecyk, Reinhard Rack, Luca Romagnoli, Brian Simpson, Renate Sommer, Dirk Sterckx, Ulrich Stockmann, Armando Veneto, Marta Vincenzi, Roberts Žīle</td>
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<td>Substitute(s) present for the final vote</td>
<td>Margrethe Auken, Johannes Blokland, Philip Bradbourn, Zita Gurmai, Jeanine Hennis-Plasschaert, Corien Wortmann-Kool</td>
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<tr>
<td>Substitute(s) under Rule 178(2) present for the final vote</td>
<td>Marian-Jean Marinescu, Alexandru Athanasiu</td>
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