II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 16 May 1988

adapting to technical progress Council Directive 71/127/EEC on the approximation of the laws of the Member States relating to the rear-view mirrors of motor vehicles

(88/321/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 71/127/EEC of 1 March 1971 on the approximation of the laws of the Member States relating to the rear-view mirrors of motor vehicles[1], as last amended by Commission Directive 86/562/EEC [2], and in particular Article 9 thereof,

Whereas, in view of the experience gained, and account being taken of the current state of the art, it is now possible to make certain requirements of Directive 71/127/EEC more stringent in order to improve road safety;

Whereas the current requirements in respect of category N_2 vehicles having a mass of more than 7,5 tonnes and category N_3 vehicles other than tractive units for semi-trailers have proved to be inadequate in respect of the outside field of vision to the side and to the rear of the vehicle; whereas, in order to deal with this shortcoming, it is necessary to provide for the fitting of an additional rear-view mirror of the so-called 'wide-angle' type;

Whereas the current requirements in respect of category N_2 vehicles having a mass of more than 7,5 tonnes have proved to be inadequate too with regard to the field of vision in the zone adjacent to the side of the cab structure opposite the driver; whereas, in order to deal with this shortcoming, it is necessary to provide for the fitting of a rear-view mirror of the 'close-proximity' type;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee on the adaptation to technical progress of the Directives aimed at the removal of technical barriers to trade in the motor-vehicle sector,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes II and III to Directive 71/127/EEC are hereby amended in accordance with the Annex to this Directive.

Article 2

1. From 1 January 1989 Member States may not, for reasons concerning rear-view mirrors:

— either refuse EEC type approval or the issue of the document provided for in the third indent of Article 10 (1) of Council Directive 70/156/EEC [3], or national type approval, for a type of vehicle,

— or prohibit the entry into service of vehicles,

if the rear-view mirrors of that type of vehicle or vehicles comply with the provisions of this Directive.

2. From 1 October 1990, Member States:

— may not longer issue the document provided for in the third indent of Article 10 (1) of Directive 70/156/EEC for a type of vehicle, the rear-view mirrors of which do not comply with the provisions of this Directive,

(1) OJ No L 68, 22. 3. 1971, p. 1.
(2) OJ No L 327, 22. 11. 1986, p. 49.
(3) OJ No L 42, 23. 2. 1970, p. 1.