

Mr Gwenole Cozigou
Director
DG GROW
European Commission
Avenue d'Auderghem, 45
B-1040 Brussels
Belgium



By email

AD/BR1048580/MBI

Brussels, 14 December 2020

IRU CALLS ON THE EUROPEAN COMMISSION TO OPPOSE THE OBLIGATION TO MARK BLIND SPOTS ON HEAVY-DUTY VEHICLES IN FRANCE

Dear Mr Cozigou,

By this letter, IRU calls on the European Commission to engage with the French competent authorities to oppose the introduction of obligatory blind spot stickers for heavy-duty vehicles operating in France.

Please find below information regarding the French measure and IRU's arguments regarding the futility, lack of proportionality, and non-compliance of the measure with EU law.

1. Background regarding the French measure

Article L-313-1 of the French highway code, introduced by Article 55 of Law n 2019-1428 of 24 December 2019 on the orientation of mobility, requires that vehicles over 3.5 tonnes be equipped with stickers showing the position of blind spots as of 1 January 2021. The purpose of these stickers is to allow other road users, and in particular the most vulnerable, to better understand the existence and position of blind spots on heavy-duty vehicles.

Two texts aimed at defining the precise and practical methods of implementing this obligation, have been prepared:

- A decree n 2020-1396 of 17 November 2020 relating to the signage materialising blind spots on vehicles whose total authorised weight exceeds 3.5 tonnes. This decree was published in the French Official Journal on 19 November 2020 and will enter into force on 1 January 2021.
- A draft law implementing Article R. 313-32-1 of the Highway Code relating to signage materialising blind spots on heavy vehicles. This text has been notified to the European Commission. A status quo period opened until 4 January, 2021. The text should therefore, be published in the French Official Journal from 5 January 2021.

The obligation to identify blind spots will apply to French and foreign vehicles operating in France. The draft decree provides for a number of exemptions from the positioning criteria when technically impossible to affix stickers. Vehicles for which a structural

impossibility is proven may, for their part, be partially or fully exempted from the affixing of stickers.

As the world's road transport organisation, IRU represents nearly 1 million road transport companies in Europe. Road safety is a top priority for commercial road goods and passenger transport operators and they are working on a daily basis to improve it. IRU is deeply concerned about the compatibility of this new French measure with EU legislation and about the proportionality of this measure with the objective to reduce the number of blind spot accidents involving heavy goods and passenger transport vehicles.

2. Questionable feasibility and unrealistic timeline

As the French laws will apply to all heavy-duty goods and passenger transport vehicles operating on French territory, they will have an impact on vehicles not registered in France and on the freedom to provide services and the free movement of passengers and goods.

IRU is deeply concerned that this unilateral French measure is introduced without a scientific impact assessment. It could be the start of a range of different sticker models being introduced in different Member States without cooperation and harmonisation.

It is estimated that, for some vehicle combinations, six or more stickers may be required. It should be noted that the fixing of such stickers is not technically or even structurally feasible in many cases, including for mixers, car transporters, timber transporters, hook lifts, containers and swap bodies, articulated tank vehicles and construction equipment transporters.

Stickers do not adhere well to used canvas; it is difficult to make the adhesive stick to canvas if it is not new. Moreover, the lifespan of stickers is limited and they may have to be replaced on a regular basis.

The implementing law will only be published on 5 January 2021, five days after the entry into force of the measure. The implementing law lays down the technical specifications of the stickers and where they should be affixed. The timeline will make it impossible for all French and non-French commercial passenger and goods transport operators who are active in France to purchase, receive and affix the necessary number of stickers in time to comply with new rules entering into force on 1 January 2021.

3. Road safety will not be substantially improved by the obligatory affixing of stickers on heavy-duty vehicles

A scientific impact study of the proposed measure should have been conducted. IRU doubts whether the new French rules will substantially reduce the number of blind spot accidents involving heavy-duty vehicles.

- Placing the stickers on various parts of heavy-duty vehicles and combinations does not guarantee that vulnerable road users understand what the stickers mean and will avoid the blind spots. Information will be provided without guarantees of road safety improvements.
- Placing the stickers could render the liability discussions very complex in case of accidents. The stickers do not improve direct and indirect visibility for the driver; they only inform other road users. One of the key objectives of European type approval and road safety legislation is to reduce the human error involved in such accidents and improve the direct and indirect visibility of the driver to better detect other road users.
- Singling out heavy-duty vehicles may encourage the use of smaller vehicles that will not have to comply with this new obligation. This could increase the overall number of vehicles on the road and challenge road safety. It should be noted that light commercial vehicles also have blind spots.

4. The proposed measures are not compatible with EU legislation

EU legislation already provides for a number of harmonised solutions to address the blind spot challenges of heavy-duty passenger and goods vehicles. IRU seriously questions the compatibility of the French measures with EU legislation.

- The legal basis used by France to justify this obligation is [Directive \(EU\) 2015/1535](#) on information in the field of technical regulations. The preamble indicates that the Directive primarily targets information relating to national standards and rules, rather than European ones.
- The Directive also provides for a procedure to avoid national standards and rules leading to distortions of competition, introducing barriers to trade and impeding the freedom to provide services, including the free movement of passengers and goods. A comitology procedure should be followed to examine ways to harmonise initiatives between Member States.
- As the new French rule will affect French and non-French registered vehicles, it will introduce barriers to trade, the freedom to provide services and the free movement of passengers and goods. This unilateral French measure will no longer allow foreign vehicles to operate in France without blind spot stickers.
- Article 6.5 of type approval [Regulation \(EU\) 2018/858](#) states that Member States shall not prohibit, restrict or impede the placing on the market, the registration or the entry into service of vehicles, components or separate technical units that comply with this Regulation. It does not mention an obligation for vehicles to have blind spot stickers.
- EU legislation requires all heavy-duty goods and passenger vehicles to be equipped with rear view mirrors and/or other devices specially designed to improve driver visibility in blind spots.
- The recently revised [General Safety Regulation 2019/2144](#) provides for further measures, which should become applicable from 2022 onwards. These measures aim to reduce human error and do not include the affixing of blind spot stickers on heavy-duty vehicles.

5. The proposed measures are not proportionate to their objective

A [2012 European Commission report](#) on the implementation of the European rules on the retrofitting of blind spot mirrors indicated that it is very important to complement the installation of driver aid systems with awareness-raising campaigns for professional drivers and other road users.

IRU recalls that in several European countries, including Belgium, Germany, the Netherlands, Switzerland and the UK, such passenger and goods awareness-raising campaigns have been organised or are taking place with the participation of the industry, authorities and other road users. Blind spot stickers were made available on a voluntary basis for vehicles registered in the respective countries, as an awareness-raising tool.

To summarise, blind spot stickers could be made available on a voluntary basis and their use could be encouraged, where feasible and recommended, on the basis of scientific research. A unilateral obligation by one single Member State with a negative impact on the free movement of passenger and goods is not acceptable.

IRU therefore calls on the European Commission to oppose the introduction of obligatory blind spot stickers for heavy duty vehicles operating in France.

I remain entirely at your disposal to discuss this issue further with you or your competent services, and to provide additional information or evidence where appropriate. Please do not hesitate to contact me should you have any questions.

I look forward to hearing from you regarding this important matter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Raluca Marian', with a stylized flourish at the end.

Raluca Marian

General Delegate

IRU Permanent Delegation to the EU