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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 20 October 2014

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European  
Union

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Subject: COMMISSION DELEGATED REGULATION (EU) No .../.. of 1.10.2014  
supplementing Regulation (EU) No 167/2013 of the European Parliament  
and of the Council as regards environmental and propulsion unit  
performance requirements of agricultural and forestry vehicles

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Delegations will find attached document C(2014) 6860 final.

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Encl.: C(2014) 6860 final



Brussels, 1.10.2014  
C(2014) 6860 final

**COMMISSION DELEGATED REGULATION (EU) No .../..**

**of 1.10.2014**

**supplementing Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards environmental and propulsion unit performance requirements of agricultural and forestry vehicles**

(Text with EEA relevance)

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE DELEGATED ACT

#### (a) Grounds for and objectives of the draft

Type-approval legislation and international harmonisation of vehicle regulations are addressed in the 'CARS 2020' Action Plan<sup>1</sup>. This initiative was launched in 2010 to carry out a regulatory and policy review of the automotive sector to advise the Commission on future policy options with respect to the support of the competitiveness and sustainable growth of the European automotive industry. The CARS 2020 Action Plan is based on the CARS 21 recommendations and Final Report<sup>2</sup>, which concluded that while most of the legislation in force should be maintained for the protection of citizens and the environment, a simplification exercise should be undertaken so as to rationalise the regulatory framework and move towards international harmonisation of requirements. This simplification exercise has been planned in the 'Commission second progress report on the strategy for simplifying the regulatory environment'. Any possible initiative should be aligned with this strategy. In particular making reference to UNECE Regulations replacing current EU legislation is one of the most significant elements to reduce complexity and at the same time helping to reduce burden to vehicle manufacturers, approval authorities and technical services.

The term 'agricultural and forestry vehicles' covers a wide range of different types of tractors (categories T and C), trailers (category R), interchangeable towed equipment (category S) as well as certain types of all-terrain vehicles, type-approved as agricultural or forestry vehicles.

In line with the European strategy on air quality<sup>3</sup>, the European Union has gradually strengthened the emission standards for motor vehicles, in particular for hydrocarbons, carbon monoxide, nitrogen oxides and particulate matter. This will now also be the case for agricultural and forestry vehicles.

For these reasons this draft delegated act on vehicle environmental and propulsion unit performance requirements stipulates the detailed technical provisions and test procedures in those areas, setting uniform rules for vehicle manufacturers and other stakeholders to determine the propulsion unit performance of agricultural and forestry vehicles.

#### (b) Existing provisions in the area of the draft

In order to promote the internal market, Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles<sup>4</sup> sets out a comprehensive Union type-approval system for agricultural and forestry vehicles. Following a request of the European Parliament and with the aim of simplifying and accelerating the adoption of type-approval legislation, Regulation (EU) No 167/2013, sets out the fundamental rules and principles on functional safety, occupational safety and environmental performance and delegates to the Commission the power to lay down the technical specifications in delegated acts.

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<sup>1</sup> COM(2012) 636 final, 08.11.2012

<sup>2</sup> COM(2008) 33 final, 30.1.2008

<sup>3</sup> <http://ec.europa.eu/environment/archives/cape/general/keydocs.htm>.

<sup>4</sup> OJ L 60, 2.3.2013, p. 1

Annex I to Regulation (EU) No 167/2013 sets out the requirements for the purposes of EU vehicle type-approval of agricultural and forestry vehicles and identifies the specific requirements to be addressed in a proposal for a Regulation on Environmental and Propulsion unit Performance Requirements (REPPR). The current draft delegated act amends Annex I in order to introduce environmental and propulsion unit performance requirements for agricultural and forestry vehicles.

Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate matter pollutants from internal combustion engines to be installed in non-road mobile machinery<sup>5</sup>, sets-out measurement requirements and emission limits for internal combustion engines used in agricultural and forestry vehicles. According to Article 19(3) of Regulation (EU) No 167/2013, the specific limit values, test procedures and requirements for pollutant emissions laid down for mobile machinery in Directive 97/68/EC shall apply to agricultural and forestry vehicles.

Directive 2000/25/EC of the European Parliament and of the Council of 22 May 2000 on action to be taken against the emission of gaseous and particulate matter pollutants by engines intended to power agricultural and forestry vehicles and amending Council Directive 74/150/EEC<sup>6</sup> sets out, in its Annexes I and II, the requirements for EU type-approval of a type of engine or engine family for an agricultural and forestry vehicle as a separate technical unit in terms of the exhaust pollutants emitted, and the requirements for the EU type-approval of an agricultural and forestry vehicle type equipped with an internal combustion engine in respect of the pollutants emitted. That Directive will be repealed by Regulation (EU) No 167/2013 with effect from 1 January 2016 and therefore its provisions must be carried over to this Delegated act.

Directive 2009/63/EC of the European Parliament and of the Council of 13 July 2009 on certain parts and characteristics of wheeled agricultural and forestry vehicles<sup>7</sup> sets out, in its Annex VI, the requirements for EU type-approval of wheeled agricultural and forestry vehicles in terms of the permissible external sound levels. That Directive will be repealed by Regulation (EU) No 167/2013 with effect from 1 January 2016 and therefore its provisions must be carried over to this Delegated act.

## **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

### **(a) Consultation of interested parties**

In developing this draft the European Commission has consulted stakeholders and stakeholder organisations. The draft takes into account their opinions and positions.

The content of this draft was also presented in the Working Group for Agricultural Tractors (WGAT).

### **(b) Consultation methods, main sectors targeted and general profile of respondents**

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<sup>5</sup> OJ L 59, 27.2.1998, p. 1.

<sup>6</sup> OJ L 173, 12.7.2000, p. 1

<sup>7</sup> OJ L 214, 19.8.2009, p. 23.

In developing the draft, the European Commission has consulted stakeholders through a number of bilateral meetings with individual stakeholders that have been held at which their opinions and views could be freely expressed.

The elements of the delegated act draft have been discussed in several meetings of the WGAT on agricultural and forestry vehicles.

### **(c) Impact assessment**

The adoption of the this draft delegated act does not lead to a revision of emission limits, thresholds and/or testing procedures currently set out in Directive 97/68/EC. Therefore, the proposed delegated act is not expected to have societal, environmental and economic impact for the Union or the EEA.

All the elements of this delegated act on the environmental and propulsion unit performance requirements of agricultural and forestry vehicles were carried over from Directive 2000/25/EC and Directive 2009/63/EC, which were repealed by Regulation (EU) No 167/2013. Therefore, it was not deemed necessary to conduct an impact assessment specifically addressing environmental and propulsion unit performance requirements as no new limit values and test methods have been developed.

Finally, the impact assessment that was carried-out prior to the adoption of Regulation (EU) No 167/2013<sup>8</sup> has provided policy options on issues relative to the type-approval of agricultural and forestry vehicles.

## **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

### **(a) Legal basis**

The legal basis of the draft is Article 19(6) of Regulation (EU) No 167/2013 in conjunction with Article 290 of the Treaty on the Functioning of the European Union (TFEU).

### **(b) Subsidiarity principle**

Prior to the establishment of EU type-approval for agricultural and forestry vehicles, standards were set out at Member State level. This legislation adopted by Member States often differed, and manufacturers selling vehicles, systems, components or separate technical units on several markets were obliged to vary their production according to the Member States for which their vehicles, systems, components or separate technical units were intended and had these tested in each Member State concerned, which was time-consuming and costly. Different national rules consequently hindered trade, and had a negative effect on the establishment and functioning of the internal market.

It was therefore necessary to establish rules at EU level, especially to address EU-wide trans-boundary concerns regarding the adverse health and environmental effects of air pollution. High emissions in local urban settings may be controlled by Member States' individual measures, but global emissions do not stop at the border of a Member State. This Europe-wide concern can only be addressed with harmonised, EU-wide measures and therefore Regulation (EU) No 167/2013 aims at establishing an internal market for agricultural and forestry

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<sup>8</sup> SEC(2010) 933 final

vehicles while ensuring a high level of protection of health, safety and the environment. Therefore, action at the level of the European Union is necessary to avoid fragmentation of the internal market and to ensure a high and equal level of protection across Europe.

A further added value of EU legislation is that the industry will be able to profit from economies of scale through harmonised legal requirements: vehicles, systems, components or separate technical units can be made for the whole European market, instead of being customised to obtain national type-approval for every single Member State. Also, adaptation of the legal framework to technical progress will ensure a level playing field for manufacturers with regard to new technology. Consumers will benefit from lower prices of vehicles, systems, components or separate technical units, which are constantly under pressure owing to EU-wide competition.

**(c) Proportionality principle**

The draft complies with the proportionality principle because it does not go beyond what is necessary in order to achieve the objectives of ensuring the proper functioning of the internal market while at the same time providing for a high level of environmental protection.

**(d) Choice of instruments**

Article 19(6) of Regulation (EU) No 167/2013 empowers the Commission to adopt delegated acts in accordance with Article 290 TFEU concerning the detailed technical requirements on the external sound level, including test procedures, and on the installation in a vehicle of engines which have been approved as regards pollutant emissions and the related provisions for flexibility in order to ensure that a high level of environmental performance will be obtained.

The use of a Delegated Regulation is considered to be appropriate in that it provides the required assurance for compliance while not requiring transposition into Member States' legislation, thus guaranteeing uniform rules in the Union.

# COMMISSION DELEGATED REGULATION (EU) No .../..

of 1.10.2014

## supplementing Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards environmental and propulsion unit performance requirements of agricultural and forestry vehicles

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles<sup>9</sup>, and in particular Article 19(6) thereof,

Whereas:

- (1) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured. To that end, a comprehensive EU type-approval system and a strengthened market surveillance system for agricultural and forestry vehicles and their systems, components and separate technical units was established by Regulation (EU) No 167/2013 apply.
- (2) The term ‘agricultural and forestry vehicles’ covers a wide range of different vehicle types with one or more axles and two, four or more wheels or track-laying vehicles, e.g. wheeled tractors, track-laying tractors, trailers and towed equipment, used for a wide variety of agricultural and forestry purposes, including special purpose works.
- (3) Following the request of the European Parliament and with the aim of simplifying and accelerating the adoption of type-approval legislation, a new regulatory approach has been introduced in Union vehicle type-approval legislation in accordance with which the legislator in the ordinary legislative procedure sets out the fundamental rules and principles only and delegates the power to adopt delegated acts concerning further technical details to the Commission. In accordance with this principle, Regulation (EU) No 167/2013 lays down the fundamental provisions on functional safety, occupational safety and environmental performance and delegates to the Commission the power to lay down the corresponding technical specifications in delegated acts.
- (4) Therefore, the technical requirements for the type-approval of agricultural and forestry vehicles with regard to their environmental and propulsion unit performance should now be set out.

<sup>9</sup>

OJ L 60, 2.3.2013, p. 1.

- (5) In 2010, the Commission established a European strategy on clean and energy efficient vehicles<sup>10</sup>. This strategy proposed the Union to act in the areas where it can have distinct value added and complement the actions taken by the industry, national and regional public authorities. Those actions should aim at improving the environmental performance of vehicles and at the same time strengthening the competitiveness of the Union automotive industry. In particular, a considerable reduction in hydrocarbon emissions from agricultural and forestry vehicles is necessary to improve air quality and comply with limit values for pollution. This should be achieved not only by reducing the hydrocarbon tailpipe and evaporative emissions from these vehicles, but also by helping reducing volatile particle levels.
- (6) By referring to the provisions of Directive 97/68/EC of the European Parliament and of the Council<sup>11</sup>, this Regulation lays down the limit values for emissions of gaseous and particulate matter pollutants to be applied in successive stages, and the test procedure for internal combustion engines intended to power agricultural or forestry vehicles. The IIIA, IIIB and IV Stage emission limits for agricultural and forestry vehicle engines, by setting ambitious gaseous and particulate matter pollutant emission limits while aligning with international standards, are one of the measures designed to reduce emissions of particulate matter and ozone precursors such as nitrogen oxides and hydrocarbons.
- (7) A standardised method of measuring fuel consumption and carbon dioxide emissions of agricultural and forestry vehicle engines, is necessary to ensure that no technical barriers to trade arise between Member States. Furthermore, it is also appropriate to ensure that customers and users are supplied with objective and precise information.
- (8) One of the main objectives of Union legislation on the approval of vehicles is to ensure that new vehicles, components and separate technical units placed on the market provide a high level of environmental protection. That objective should not be impaired by the fitting of certain parts or equipment after vehicles have been placed on the market or have entered into service. Thus, appropriate measures should be taken in order to make sure that parts or equipment which can be fitted to agricultural and forestry vehicles and which are capable of significantly impairing the functioning of systems that are essential in terms of environmental protection, are subject to prior control by an approval authority before they are placed on the market. Those measures should consist of technical provisions concerning the requirements that those parts or equipment have to comply with.
- (9) Directive 2003/37/EC of the European Parliament and of the European Council<sup>12</sup> provided for the EC whole-vehicle type-approval of all-terrain vehicles and side-by-side vehicles as agricultural and forestry vehicles. Those vehicle types should therefore also be covered by this Regulation with respect to their environmental and propulsion unit performance requirements, provided that the type of vehicle

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<sup>10</sup> COM(2010)186 final, 28.4.2010.

<sup>11</sup> Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery (OJ L 59, 27.2.1998, p. 1).

<sup>12</sup> Directive 2003/37/EC of the European Parliament and of the European Council of 26 May 2003 on the type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC (OJ L171, 9.7.2003, p. 1).



concerned falls within a vehicle category as referred to in Regulation (EU) No 167/2013.

- (10) Technical progress requires adaptation of the technical requirements set out in the Annexes to this Directive. The engine categories, limit values and implementation dates in this should be aligned to future changes in Directive 97/68/EC in accordance with Article 71 of Regulation (EU) No 167/2013.
- (11) Environmental and propulsion unit performance requirements in respect to gaseous and particulate matter pollutant emissions should not apply to vehicles equipped with engines not covered by the scope of application of Directive 97/68/EC until the date when those engines become covered by that Directive. However, vehicles equipped with engines not covered by the scope of application of Directive 97/68/EC may be granted whole vehicle type-approval under this Regulation.
- (12) By Council Decision 97/836/EC<sup>13</sup>, the Union has acceded to the Agreement of the United Nations Economic Commission for Europe (UNECE) concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement'). In its Communication CARS 2020: Action Plan for a competitive and sustainable automotive industry in Europe, the Commission highlighted that the acceptance of international regulations under the 1958 UNECE Agreement is the best way to remove non-tariff barriers to trade. Therefore, the requirements set out in the Directives repealed by Regulation (EU) No 167/2013 should be replaced, where appropriate, with references to the corresponding UNECE regulations.
- (13) The possibility to apply UNECE regulations for the purpose of EU vehicle type-approval as a basis to the Union legislation is provided for in Regulation (EU) No 167/2013. In accordance with this Regulation type-approval in accordance with UNECE regulations which apply on an equal basis to the Union legislation is to be considered as EU type-approval in accordance with that Regulation and its delegated and implementing acts.
- (14) Using UNECE regulations on an equal basis to Union legislation helps to avoid duplication not only of technical requirements but also of certification and administrative procedures. In addition, type-approval that is directly based on internationally agreed standards should improve market access in third countries, in particular in those which are contracting parties to the Revised 1958 Agreement, thus enhancing the Union industry's competitiveness.
- (15) Given the scale and impact of the action proposed in the sector in question, the Union measures in this Regulation are indispensable if the environmental and safety objectives set, namely the approval of vehicles in the Union, are to be achieved.

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<sup>13</sup> Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') (OJ L 346, 17.12.97, p. 78).

These objectives cannot be adequately achieved by the Member States acting individually

- (16) Since environmental and propulsion unit performance requirements of agricultural and forestry vehicles are essential for the type-approval of these vehicles, this Regulation should apply as from date of application of Regulation (EU) No 167/2013.

HAS ADOPTED THIS REGULATION:

## **CHAPTER I**

### **SUBJECT MATTER AND DEFINITIONS**

#### *Article 1* ***Subject matter***

This Regulation establishes the detailed technical requirements and test procedures regarding environmental and propulsion unit performance with respect to pollutant emissions and permissible external sound levels, and the approval and market surveillance of agricultural and forestry vehicles, their engines and their systems, components and separate technical units in accordance with Regulation (EU) No 167/2013.

#### *Article 2* ***Definitions***

For the purposes of this Regulation, the definitions in Article 3 of Regulation (EU) No 167/2013 shall apply. The following definitions shall also apply:

- (1) 'emitted pollutants' means gaseous and particulate matter exhaust pollutant emissions;
- (2) 'pollutant exhaust emissions after-treatment system' means the passage of exhaust gases through a device or system whose purpose is to chemically or physically alter the emitted pollutants prior to their release to the atmosphere, including catalysts, particulate matter traps or any other component, system or separate technical unit for the reduction or treatment of the engine gaseous and particulate matter exhaust pollutant emissions;
- (3) 'external sound emissions abatement system' means all the components and separate technical units that comprise the exhaust and the silencing system, including the exhaust system, the air intake system, the silencer or any systems, components, and separate technical units with a relevance to the permissible external sound levels emitted by the agricultural or forestry vehicle, of a type fitted to the vehicle at the time of type-approval or extension of type-approval;
- (4) 'pollution control device' means a component system or separate technical unit which is part of the pollutant exhaust emissions after-treatment system
- (5) 'replacement pollution control device' means a component system or separate technical unit intended to replace, partially or fully, a pollutant exhaust emissions after-treatment system on a vehicle type-approved in accordance with Regulation (EU) No 167/2013 and this Regulation;
- (6) 'engine type' means a category of engines which do not differ in such essential engine characteristics as specified in Appendix 1 of Annex II, to Directive 97/68/EC;

- (7) 'parent engine' means an engine representative of the propulsion unit or engine family as set out in point 7 of Annex I to Directive 97/68/EC;
- (8) 'engine family' means a grouping of engines of a manufacturer in accordance to point 6 of Annex I of Directive 97/68/EC which, due to their design, are expected to have similar exhaust pollutant emission characteristics and which comply with the requirements of this Regulation;
- (9) 'replacement engine' means a newly built engine intended to replace an engine in an agricultural or forestry vehicle and which has been supplied for that purpose only;
- (10) 'auxiliaries' means all equipment, apparatus and devices listed in Table 1 of Annex 4 to UNECE Regulation No 120 01 series of amendments;
- (11) 'engine power' means the power obtained on a test bench at the end of the crankshaft or its equivalent at the corresponding engine speed;
- (12) 'net engine power' means the engine power obtained on a test bench at the end of the crankshaft or its equivalent at the corresponding engine speed with the auxiliaries and equipment listed in Table 1 of Annex 4 to UNECE Regulation No 120 01 series of amendments<sup>14</sup>, determined under reference atmospheric conditions.

## **CHAPTER II**

### **OBLIGATIONS OF MANUFACTURERS**

#### *Article 3* **General obligations**

1. The manufacturer shall ensure that all new vehicles placed on the market, registered or entering into service within the Union, all new and replacement engines placed on the market or entering into service within the Union and all new systems, components and separate technical units that may affect the vehicle's environmental and propulsion unit performance which are placed on the market or enter into service within the Union are designed, constructed and assembled so as to enable the vehicle, in normal use and maintained in accordance with the prescriptions of the manufacturer, to comply with the requirements laid down in this Regulation.
2. The manufacturer of vehicles, engines, systems, components and separate technical units shall demonstrate to the approval authority, by means of physical demonstration and testing, that the vehicles, engines, systems, components and separate technical units made available on the market, registered or entering into service in the Union comply with the detailed technical requirements and test procedures laid down in Articles 6 to 9a and Annexes I and II of Directive 97/68/EC.
3. This Article shall not apply to vehicle types for export to third countries.

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<sup>14</sup> OJ L 257, 6.4.2005, p. 257

#### Article 4

##### ***General requirements on pollutant emissions and external sound levels***

1. The manufacturer shall comply with the requirements regarding pollutant emissions laid down in Annexes I and II.

The manufacturer shall comply with the requirements regarding external sound level laid down in Annex III.

2. The type-approval regarding exhaust pollutant emissions and external sound level requirements may be extended by the type-approval authorities to different vehicle variants, versions and engine types and families, provided that the vehicle variant, propulsion unit and pollution control system parameters have an identical performance or remain within the levels specified in Article 19(4) of Regulation (EU) No 167/2013.

3. The manufacturer shall report without delay to the approval authority any modification to systems, components and separate technical units that may affect the environmental and propulsion unit performance of the agricultural and forestry vehicle after the approved vehicle type is placed on the market in accordance with Article 19 of Regulation (EU) No 167/2013. The obligation to report shall include the following:

- (a) the parameters of the type or engine family, as set out in Annex II to Directive 97/68/EC and in point 9 of Annex I to this Regulation;
- (b) the engine's pollutant exhaust emissions after-treatment system, as described in point 6 of Annex I to Directive 97/68/EC and point 9.1 of Annex I and point 3.2 of Annex II to this Regulation;
- (c) the external sound emissions abatement system of the vehicle, in accordance with the requirements of Annex III.

4. In addition to the provisions of paragraphs 1, 2 and 3 and Article 14, the manufacturer shall comply to the following environmental and propulsion unit requirements:

- (d) as regards the reference fuels, the requirements set-out in Annex 7 to UNECE Regulation No 120. 01 series of amendments and Annex V to Directive 97/68/EC;
- (e) as regards pollution control devices and replacement pollution control devices, the requirements set out in Appendix 5 of Annex III to Directive 97/68/EC;
- (f) as regards test equipment, the requirements set out in Annex III to Directive 97/68/EC.

5. The manufacturer shall provide evidence to the approval authority that the changes referred to in paragraph 3 do not deteriorate the environmental performance of a vehicle in relation to the environmental performance demonstrated at type-approval.

6. The manufacturer shall demonstrate that replacement pollution control devices requiring type-approval pursuant to Articles 9 to 13 of this Regulation, which are placed on the market or enter into service in the Union are approved in accordance with the detailed technical requirements and test procedures set out in point 4.1.1. of Annex I of Directive 97/68/EC, where applicable.
7. Vehicles equipped with a replacement pollution control device shall meet the same environmental test requirements and pollutant emission limit values as vehicles equipped with an original pollution control device.

#### *Article 5*

##### ***Specific obligations with respect to type approval of vehicles or engines***

1. The manufacturer shall ensure that the gaseous and particulate matter exhaust pollutant emissions of the engine type do not exceed the gaseous and particulate matter exhaust pollutant emissions as specified for the engine categories and power ranges under the scope of Directive 97/68/EC.
2. The manufacturer shall ensure that the propulsion unit performance corresponds to the level reported to the approval authority in the information folder when making the vehicle available on the market or before its entry into service.

The use of defeat devices, as defined in point 2.8c of Annex I to Directive 97/68/EC, that reduce the effectiveness of emission control equipment shall be prohibited in accordance to point 4.1.1 of Annex III to Directive 97/68/EC.

3. Changes to the make of a system, component or separate technical unit that occur after a type-approval shall not automatically invalidate a type-approval, unless its original characteristics or technical parameters are changed in such a way that the functionality of the engine or pollution control system is affected.

#### *Article 6*

##### ***Requirements for type-approval of engines as a separate technical unit***

In order to receive an EU type-approval of an engine or engine family as a separate technical unit, the manufacturer shall, in accordance with the provisions of Annex I of this Regulation, demonstrate that the engines are subject to the tests and comply with the requirements set out in this Regulation and in Directive 97/68/EC.

## **CHAPTER III**

### **OBLIGATIONS OF THE MEMBER STATES**

#### *Article 7*

#### ***Equivalence of alternative type-approvals***

1. National authorities shall recognise alternative type-approvals as equivalent to an approval under this Regulation in accordance with Annex IV.
2. In addition to the requirements referred to in the first subparagraph, for an alternative type-approval to be recognised as equivalent to an approval under this Regulation, the manufacturer shall provide non-discriminatory access to vehicle repair and maintenance information as required by Chapter XV of Regulation (EC) No 167/2013 and the corresponding delegated act.

#### *Article 8*

#### ***Measurement of pollutant emissions***

The technical services shall measure the pollutant exhaust emissions of agricultural and forestry vehicles and engines in accordance with the provisions of Directive 97/68/EC as adapted by the requirements of Annex I to this Regulation.

#### *Article 9*

#### ***Measurement of the external sound level***

1. The technical services shall measure the external sound level of agricultural and forestry vehicles of category T equipped with pneumatic tyres and of category C equipped with rubber tracks, for type-approval purposes, in accordance with the test conditions and methods set out in point 1.3.1 of Annex III.
2. The test conditions and methods set out in point 1.3.2 of Annex III shall also be carried out and the results shall be recorded by the technical services in accordance to the provisions of point 1.3.2.4 of Annex III.
3. The technical services shall measure the external sound level of agricultural and forestry vehicles of category C equipped with metallic tracks, for type-approval purposes, in accordance with the stationary test conditions and methods set out in point 1.3.2 of Annex III.
4. The test conditions and methods set out in point 1.3.3 of Annex III shall also be carried out and the results recorded by the technical services.

#### *Article 10*

#### ***Requirements on propulsion unit performance***

For the evaluation of propulsion unit performance of agricultural and forestry vehicles, measurements of net engine power, engine torque and specific fuel

consumption shall be carried out in accordance with UNECE Regulation No 120, 01 series of amendments.

#### *Article 11*

##### ***Specific provisions concerning Type approval of vehicles or engines***

1. Type-approvals may be granted to vehicles equipped with engines not covered by the scope of application of Directive 97/68/EC.
2. From 24 months after the date of entry into force of the legislation extending the scope of Directive 97/68/EC to vehicles equipped with engines not currently covered by the scope of application of that directive [or on 1 January 2018 at the latest], Member States shall refuse to grant type-approvals under this Regulation to vehicles not complying with all the requirements of this Regulation.
3. Type-approvals granted under the first paragraph shall cease to be valid three years after the date of entry into force of the legislation extending the scope of Directive 97/68/EC to those engines [or on 31 December 2018 at the latest].

With effect from 1 January 2019, Member States shall consider certificates of conformity in respect of new vehicles to be no longer valid for the purposes of Article 38 of Regulation (EU) No 167/2013, and prohibit the registration, sale and entry into service of such vehicles.

4. For the purposes of type-approval, the dates set out in Article 9 (3c), 9 (3d) and 9(4a) of Directive 97/68/EC shall, for agricultural and forestry vehicles of categories T2, T4.1 and C2, as defined in Articles 4(3), (6) and (9) and 2(2) of Regulation (EU) No 167/2013 and equipped with engines of categories L to R, be postponed for 3 years. The transition and derogation clauses in Articles 9 (4a) and 10 (5) of Directive 97/68/EC and Article 39 of Regulation (EU) No 167/2013 shall also be delayed accordingly.
5. Replacement engines shall comply with the same limit values that the engine to be replaced had to meet when originally placed on the market.
6. Replacement engines shall be marked in accordance with the Appendix to Annex I.

#### *Article 12*

##### ***EU type-approval procedures***

Without prejudice to Article 11 and subject to entry into force of the implementing measures referred to in Article 68 of Regulation (EU) 167/2013, if a manufacturer so requests, national authorities may not, on grounds relating to emissions of vehicles, refuse to grant EU type-approval or national type-approval for a new type of vehicle or engine, or prohibit the registration, sale or entry into service of a new vehicle and the sale or use of new engines, where the vehicle or engines concerned comply with this Regulation and its implementing measures.



*Article 13*

***Making available on the market or installation on a vehicle of replacement pollution control devices***

Replacement pollution control devices which are also covered by a system type-approval with respect to a vehicle shall not be subject to any additional component or separate technical unit approval in accordance with Article 26(3) or Regulation EU No 167/2013.

*Article 14*

***Flexibility scheme***

1. By way of derogation from Article 10(3), Member States shall allow the placing on the market of a limited number of vehicles fitted with engines meeting the requirements of Article 9 of Directive 97/68/CE under a flexibility scheme, in accordance to the provisions of Annex V, at the request of the manufacturer, and on condition that an approval authority has granted the relevant permit for entry into service.
2. The flexibility scheme set out in paragraph 1 shall apply from the moment each stage begins and shall have the same duration as the stage itself.

The flexibility scheme referred to in point 1.2 of Annex V shall be restricted to the duration of Stage III B or to a period of three years where no subsequent stage exists.

3. Vehicle types entering into service under the flexibility scheme shall be equipped with engine types which comply with the provisions of Annex V.

**CHAPTER IV  
FINAL PROVISIONS**

*Article 15*

***Entry into force and application***

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2016.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 1.10.2014

*For the Commission*  
*The President*  
*José Manuel BARROSO*