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COVER NOTE

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

date of receipt: 8 December 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 8.12.2014
supplementing Regulation (EU) No 167/2013 of the European Parliament
and of the Council with regard to vehicle functional safety requirements for
the approval of agricultural and forestry vehicles (Text with EEA relevance)

Delegations will find attached document C(2014) 9198 final.

Encl.: C(2014) 9198 final



Brussels, 8.12.2014
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COMMISSION DELEGATED REGULATION (EU) No .../..

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(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

(a) Grounds for, objectives and outline of the proposal

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. motorised vehicles such as wheeled tractors and track-laying tractors, as well as non-motorised ones such as trailers and interchangeable towed equipment, used for a wide variety of agricultural and forestry purposes, including special purpose works.

In the legislative process leading to the adoption of Regulation 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles¹ which repeal Directive 2003/37/EC with effect from 1st January 2016 the following key concerns as regards the current provisions for the type-approval of new agricultural and forestry vehicles were addressed:

- the complexity of the legal framework;
- the lack of requirements necessary in order to apply for EU whole-vehicle type-approval on a voluntary basis for other categories than T1, T2 and T3;
- vehicle functional safety aspects, including fundamental ones such as those on tyres or tracks, related to type-approval requirements;
- the lack of a legal framework for vehicles fitted with new technologies; and
- the availability on the internal market of certain imported vehicles, systems, components or separate technical units which compliance with the current type-approval requirements regarding vehicle functional safety should be further assessed and monitored.

Based on the empowerments in Regulation (EU) 167/2013, this delegated act largely consolidates current type-approval requirements regarding the functional safety of agricultural and forestry vehicles, updating and supplementing them in line with technical progress and simplifying them as much as possible by referring to international requirements in this area (e.g. European and international standards and UNECE Regulations). Consequently, this Regulation contains requirements regarding the subjects listed in its Annexes I – XXXIV.

(b) Consistency of the proposal with the EU objectives

This Regulation is consistent with the EU objective to make roads safer as outlined, in particular, in the White Paper on European Transport Policy². This was adopted by the Commission in 2001 and provides an umbrella for the European Road Safety Action Programme.

¹ OJ L60, 2.3.2013, p. 1.

² COM (2001) 370.

As an alternative, reference is made to CEN/CENELEC, ISO standards and UNECE regulations which are directly available to the public and referenced therein.

For these reasons, this delegated act on vehicle functional safety stipulates detailed technical provisions and test procedures, with reference to the Codecision act, Regulation (EU) No 167/2013³ to help achieve the EU's goals in terms of simplification and safety.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In the preparation of this act, the Commission carried out appropriate consultations with experts from the relevant industrial stakeholders, social partners and Member States. These were achieved by the means of Expert Group meetings, bilateral meetings and through the work of three studies.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The legal basis of this delegated act is 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.

As the empowering act is a Regulation, this Delegated Act should also be a Regulation and not a Directive.

³ OJ L 60, 2.3.2013, p. 1

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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 vehicles⁴, and in particular Article 17(5) and Article 49(3),

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 as defined by Regulation (EU) No 167/2013 apply.
- (2) Agricultural and forestry vehicles falling under the definition of 'tractor' set out in Article 3(8) of Regulation (EU) No 167/2013, on which machinery is mounted, should be type-approved in accordance with Article 77 of that Regulation.
- (3) That mounted machinery enables tractors to be used for a wide variety of agricultural and forestry purposes, including special purpose works. Therefore, that mounted machinery should be subject to Directive 2006/42/EC of the European Parliament and of the Council⁵, as set out in Article 77 of Regulation (EU) No 167/2013.
- (4) By Council Decision 97/836/EC⁶, the Union 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

⁴ OJ L 60, 2.3.2013, p. 1.

⁵ Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24).

⁶ 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, 17.12.1997, p.78).

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.

- (5) By Decision 97/836/EC, the Union also acceded to UNECE Regulations Nos 3, 4, 5, 6, 7, 19, 23, 31, 37, 38, 43, 71, 79, 98 and 99.
- (6) In the Union, some of the requirements under regulations on vehicle parts are taken over from the corresponding UNECE regulations. As technology progresses, UNECE regulations are constantly amended and the relevant Union regulations have to be regularly updated to keep them in line with the content of the respective UNECE regulations.
- (7) The possibility to apply UNECE regulations for the purpose of EU vehicle type-approval as a basis to Union legislation is provided for in Regulation (EU) No 167/2013. According to that Regulation, type-approval in accordance with UNECE regulations which apply on an equal basis to Union legislation is to be considered as EU type-approval in accordance with that Regulation and its delegated and implementing acts.
- (8) 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 competitiveness of Union industry.
- (9) It is appropriate to include UNECE Regulations Nos 3, 4, 5, 6, 7, 19, 23, 31, 37, 38, 43, 71, 79, 98, 99, 106, 112, 113 in Annex I to this Regulation, which lists the UNECE regulations that apply on an equal basis to Union legislation.
- (10) Article 17 of Regulation (EU) No 167/2013 and Annex I to that regulation lay down functional safety requirements previously covered in Directives repealed in that Regulation. While the requirements laid down in this Regulation have to a large extent been carried over from those repealed directives, important modifications should be introduced where necessary to update to technical progress, extend the scope to further vehicle categories or to increase the level of safety as regards, for example: steer-ability, glazing, dimensions and masses, tyres and mechanical couplings are deemed paramount for the functional safety of agricultural and forestry vehicles. Requirements regarding the maximum design speed, speed governor and speed limitation devices should be introduced to address specific characteristics of agricultural and forestry tractors that are designed for off-road use but that travel also on hard-paved public roads.
- (11) Where manufacturers may choose to apply for national type approval in accordance with Article 2 of Regulation (EU) No 167/2013, Member States should, for all subjects covered in this Regulation be free to set requirements for the purposes of national type approval which are different from the requirements of this Regulation.

For the purposes of national type approval, national authorities may not, on grounds relating to the functional safety, refuse to approve types of vehicles, systems, components and separate technical units which are compliant with the requirements provided for in this

Regulation, with the exception of the requirements on certain subjects, as some Member States have stricter requirements at national level.

- (12) Member States should prohibit the making available on the market, registration, or entry into service of new vehicles not complying with the requirements of this Regulation as from the same date as provided for in Regulation 167/2013 and the other delegated acts adopted thereunder.
- (13) In order to allow for a uniform application date of all new type-approval rules, this Regulation should apply as from 1 January 2016, 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 functional safety, except with respect to braking performance, for the approval and market surveillance of agricultural and forestry vehicles and the systems, components and separate technical units intended for such vehicles in accordance with Regulation (EU) No 167/2013.

Article 2 ***Definitions***

The definitions of Regulation (EU) No 167/2013 shall apply. In addition, the following definitions shall apply:

- (1) ‘Towing device’ means a component on the tractor designed to provide a mechanical link between the tractor and a towing vehicle to tow the tractor away in case it cannot be self-propelled;
- (2) ‘Unladen mass in running order’ of a vehicle means the mass of the unladen vehicle ready for normal use and including the standard equipment in accordance with the manufacturer's specifications, coolant, lubricants, fuel, tools and driver (considered equal to 75 kg) and excluding optional accessories;
- (3) ‘Steering control’ means the part directly operated by the driver in order to steer the tractor;
- (4) ‘Steering effort’ means the force exerted by the driver on the steering control in order to steer the tractor;

- (5) 'Tyres normally fitted' means the type or types of tyre provided by the manufacturer on the vehicle type in question and specified in the information document the template of which is set out in Article 68(a) of Regulation (EU) No 167/2013;
- (6) 'Tracks normally fitted' means the type or types of track provided by the manufacturer on the vehicle type in question and specified in the information document the template of which is set out in Article 68(a) of Regulation (EU) No 167/2013;
- (7) 'Rear-view mirror' means any device intended to give, within the field of vision geometrically defined in point 5 of Annex IX, a clear view to the rear which, within reasonable limits, is not blocked by component parts of the tractor or by the occupants of the tractor itself;
- (8) 'Interior rear-view mirror' means a rear-view mirror which is fitted inside the cab or frame of a tractor;
- (9) 'Class of rear-view mirror' means all rear-view mirrors having one or more common characteristics or functions;
- (10) 'Lamp' means a device designed to illuminate the road (headlamp) or to emit a light signal;
- (11) 'Tractor wheelbase' or 'Vehicle wheelbase' means the distance between the vertical planes perpendicular to the median longitudinal plane of the tractor or of the vehicle passing through the axles of the tractor or of the vehicle;
- (12) 'Laden vehicle' means the vehicle laden to the maximum permitted technical mass.

CHAPTER II

VEHICLE FUNCTIONAL SAFETY REQUIREMENTS

Article 3

Fitting and demonstration requirements related to functional safety

1. Manufacturers shall equip agricultural and forestry vehicles with systems, components and separate technical units affecting their functional safety that are designed, constructed and assembled so as to enable the vehicle in normal use and maintained according to the prescriptions of the manufacturer to comply with the detailed technical requirements and testing procedures laid down in Articles 5 to 38.
2. Manufacturers shall demonstrate by means of physical demonstration testing to the approval authority that the agricultural and forestry vehicles made available on the market, registered or entering into service in the Union comply with the functional safety requirements laid down in Article 17 of Regulation (EU) No 167/2013 and Annex I to that Regulation and comply with the detailed technical requirements and test procedures laid down in Articles 5 to 38 of this Regulation.

3. Manufacturers shall ensure that spare parts that are made available on the market or are entering into service in the Union comply with the detailed technical requirements and test procedures laid down in this Regulation.
4. Manufacturers shall submit to the approval authority a description of the measures taken to prevent tampering with, and modification of, the powertrain management system, including the functional safety electronic control computers, where fitted.

Article 4

Application of UNECE regulations

The UNECE regulations and amendments thereto set out in Annex I to this Regulation shall apply to type approval of agricultural and forestry vehicles.

Article 5

Technical specifications on functional safety requirements and test procedures

1. The functional safety performance test procedures shall be performed in accordance with the test requirements laid down in this Regulation.
2. The tests shall be carried out or witnessed by the approval authority or, where authorised by the approval authority, by the technical service.
3. The measurement methods and test results shall be reported to the approval authority in the test report format set out in Article 68(f) of Regulation (EU) No 167/2013.

Article 6

Requirements on vehicle structure integrity

The performance requirements applying to vehicle structure integrity referred to in Article 17(2)(a) of Regulation (EU) No 167/2013 shall be verified in accordance with Annex II to this Regulation.

Article 7

Requirements on the maximum design speed, speed governors and speed limitation devices

The test procedures and performance requirements applying to speed, speed governors and speed limitation devices referred to in Article 17(2)(b) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex III to this Regulation.

Article 8

Requirements on steering for fast tractors

The test procedures and performance requirements applying to steering for fast tractors referred to in Article 17(2)(b) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex IV to this Regulation.

Article 9
Requirements on steering

The test procedures and performance requirements applying to steering referred to in Article 17(2)(b) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex V to this Regulation.

Article 10
Requirements on speedometers

The test procedures and performance requirements applying to speedometer referred to in Article 17(2)(b) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex VI to this Regulation.

Article 11
Requirements on the field of vision and windscreen wipers

The test procedures and performance requirements applying to field of vision and windscreen wipers referred to in Article 17(2)(c) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex VII to this Regulation.

Article 12
Requirements on glazing

The test procedures and requirements applying to glazing referred to in Article 17(2)(c) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex VIII to this Regulation.

Article 13
Requirements on rear-view mirrors

The test procedures and performance requirements applying to rear view mirrors referred to in Article 17(2)(c) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex IX to this Regulation.

Article 14
Requirements on driver information systems

The test procedures and requirements applying to driver information systems referred to in Article 17(2)(c) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex X to this Regulation.

Article 15

Requirements on lighting, light signalling devices and their light sources

The test procedures and performance requirements applying to lighting, light signalling devices and their light sources referred to in Article 17(2)(d) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XI to this Regulation.

Article 16

Requirements on lighting installations

The test procedures and requirements applying to lighting installations referred to in Article 17(2)(d) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XII to this Regulation.

Article 17

Requirements on vehicle occupant protection, including interior fittings, head restraints, seat belts, vehicle doors

The test procedures and performance requirements applying to occupant protection, including interior fittings, head restraint, seat belts and vehicle doors referred to in Article 17(2)(e) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XIII to this Regulation.

Article 18

Requirements on vehicle exterior and accessories

The test procedures and requirements applying to vehicle exterior and accessories referred to in Article 17(2)(f) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XIV to this Regulation.

Article 19

Requirements on the electro-magnetic compatibility

The test procedures and performance requirements applying to electro-magnetic compatibility referred to in Article 17(2)(g) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XV to this Regulation.

Article 20

Requirements on audible warning devices

The test procedures and performance requirements applying to audible warning devices referred to in Article 17(2)(h) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XVI to this Regulation.

Article 21
Requirements on heating systems

The test procedures and performance requirements applying to heating systems referred to in Article 17(2)(i) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XVII to this Regulation.

Article 22
Requirements on devices to prevent unauthorised use

The test procedures and performance requirements applying to devices to prevent unauthorised use referred to in Article 17(2)(j) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XVIII to this Regulation.

Article 23
Requirements on registration plates

The test procedures and requirements applying to registration plates referred to in Article 17(2)(k) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XIX to this Regulation.

Article 24
Requirements on statutory plates and markings

The requirements applying to statutory plates and marking referred to in Article 17(2)(k) of Regulation (EU) No 167/2013 shall be verified in accordance with Annex XX to this Regulation.

Article 25
Requirements on dimensions and trailer masses

The test procedures and requirements applying to dimensions and trailer masses referred to in Article 17(2)(l) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XXI to this Regulation.

Article 26
Requirements on the maximum laden mass

The test procedures and requirements applying to the maximum laden mass referred to in Article 17(2)(l) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XXII to this Regulation.

Article 27
Requirements on ballast masses

The test procedures and requirements applying to ballast masses referred to in Article 17(2)(l) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XXIII to this Regulation.

Article 28
Requirements on the safety of electrical systems

The requirements applying to electrical systems referred to in Article 17(2)(m) of Regulation (EU) No 167/2013 shall be verified in accordance with Annex XXIV to this Regulation.

Article 29
Requirements on fuel tanks

The test procedures and performance requirements applying to fuel tanks referred to in Article 17(2)(a) and (m) and 18(2)(l) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XXV to this Regulation.

Article 30
Requirements on rear protective structures

The test procedures and performance requirements applying to rear protective structures referred to in Article 17(2)(n) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XXVI to this Regulation.

Article 31
Requirements on lateral protection

The test procedures and requirements applying to lateral protection referred to in Article 17(2)(o) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XXVII to this Regulation.

Article 32
Requirements on load platforms

The test procedures and requirements applying to load platforms referred to in Article 17(2)(p) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XXVIII to this Regulation.

Article 33
Requirements on towing devices

The performance requirements applying to towing devices referred to in Article 17(2)(q) of Regulation (EU) No 167/2013 shall be verified in accordance with Annex XXIX to this Regulation.

Article 34
Requirements on tyres

The test procedures and performance requirements applying to tyres referred to in Article 17(2)(a) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XXX to this Regulation.

Article 35
Requirements on spray-suppression systems

The test procedures and performance requirements applying to spray-suppression systems referred to in Article 17(2)(s) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XXXI to this Regulation.

Article 36
Requirements on the reverse gear

The requirements applying to the reverse gear referred to in Article 17(2)(t) of Regulation (EU) No 167/2013 shall be verified in accordance with Annex XXXII to this Regulation.

Article 37
Requirements on tracks

The test procedures and performance requirements applying to tracks referred to in Article 17(2)(u) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XXXIII to this Regulation.

Article 38
Requirements on mechanical couplings

The test procedures and performance requirements applying to mechanical couplings referred to in Article 17(2)(v) of Regulation (EU) No 167/2013 shall be conducted and verified in accordance with Annex XXXIV to this Regulation.

CHAPTER III

OBLIGATIONS OF THE MEMBER STATES

Article 39

Type-approval of vehicles, systems, components and separate technical units

With effect from 1 January 2018, national authorities shall, in the case of new vehicles that do not comply with Regulation (EU) No 167/2013 and this Regulation on functional safety, prohibit the making available on the market, registration, or entry into service of such vehicles.

Article 40

National type-approval of vehicles, systems, components and separate technical units

National authorities shall not refuse to grant national type-approval to a type of vehicle, system, component or separate technical unit on grounds relating to functional safety where the vehicle, system, component or separate technical unit complies with the requirements set out in this Regulation, with the exception of requirements on the following:

- (a) vehicle dimensions and trailer mass set out in Article 25;
- (b) maximum laden mass set out in Article 26;
- (c) mean ground contact pressure and maximum load per track roller for tractors of category C set out in Article 37;
- (d) signalling panels and foils, set out in Article 16, of S-category vehicles with width exceeding 2.55 m.

CHAPTER IV

FINAL PROVISIONS

Article 41

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 as of 1 January 2016.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8.12.2014

For the Commission
The President
Jean-Claude JUNCKER