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#### COVER NOTE

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

date of receipt: 12 February 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 12.2.2018  
supplementing Regulation (EU) No 167/2013 of the European Parliament  
and of the Council as regards environmental and propulsion unit  
performance requirements for agricultural and forestry vehicles and their  
engines and repealing Commission Delegated Regulation (EU) 2015/96

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Delegations will find attached document C(2018) 721 final.

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Encl.: C(2018) 721 final



Brussels, 12.2.2018  
C(2018) 721 final

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 12.2.2018**

**supplementing Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards environmental and propulsion unit performance requirements for agricultural and forestry vehicles and their engines and repealing Commission Delegated Regulation (EU) 2015/96**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

The enclosed draft delegated act aims at introducing the requirements of Stage V engine pollutant emissions for the type approval of agricultural and forestry tractors with regard to pollutant emissions, in line with the requirements of Regulation (EU) 2016/1628<sup>1</sup> and at the same time at providing for the transitional provisions from the currently applicable Stage IV and, for certain tractor categories, Stage IIIB. In parallel, it aims, as part of the environmental performance of agricultural and forestry tractors, at reaching the state-of-the-art sound emission requirements of Regulation (EU) 2015/96<sup>2</sup>, which are carried over for the type-approval of agricultural and forestry tractors with regard to sound emissions.

Consequently, the act supplements Regulation (EU) No 167/2013<sup>3</sup> by repealing and replacing Regulation (EU) 2015/96, which lays down the requirements up to pollutant emissions Stage IV.

This act is proposed by the European Commission on the basis of the empowerment through Regulation (EU) 2016/1628 to lay down the engine pollutant emission requirements of tractors, in accordance with the engine pollutant emissions of that Regulation.

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

In the preparation of this act, the Commission carried out appropriate consultations at expert level comprising the relevant industrial stakeholders, social partners and Member State experts, in accordance with Article 7 of the Rules of Procedure of the Committee on Agricultural or Forestry Vehicles (ENTR/1644/04) adopted by The Committee for the adaptation to technical progress of Directives on “Agricultural Tractors” – CATP-AT of 14 December 2004<sup>4</sup>. It is noted that CATP-AT has been created in accordance with Article 20 of Directive 2003/37/EC<sup>5</sup>.

This act has been subject to a public consultation through the Better Regulation Portal from 30 November 2017 to 28 December 2017; no comments have been received.

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

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

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 amended by Regulation (EU) 2016/1628.

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<sup>1</sup> Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ, L252, 16.9.2016, p. 53)

<sup>2</sup> Commission Delegated Regulation (EU) 2015/96 of 1 October 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 (OJ L 16, 23.1.2015, p. 1)

<sup>3</sup> 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 (OJ, L 60, 2.3.2013, p. 1)  
[https://circabc.europa.eu/sd/a/18f12b3e-2608-47a7-8b96-073fee056b25/19\\_en.pdf](https://circabc.europa.eu/sd/a/18f12b3e-2608-47a7-8b96-073fee056b25/19_en.pdf)

<sup>5</sup> Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on 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 L 171, 9.7.2003, p. 1.)

(b) **Choice of instruments**

A regulation is the appropriate instrument to supplement Regulation (EU) No 167/2013.

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 12.2.2018**

**supplementing Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards environmental and propulsion unit performance requirements for agricultural and forestry vehicles and their engines and repealing Commission Delegated Regulation (EU) 2015/96**

(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>6</sup>, and in particular Articles 19(6) and 20(8), 28(6) and 53(12), thereof,

Whereas:

- (1) Having regard to the European strategy on clean and energy efficient vehicles<sup>7</sup>, the detailed technical requirements for the type-approval of agricultural and forestry vehicles with regard to their environmental and propulsion unit performance should aim at improving the environmental performance of such vehicles and at the same time strengthening the competitiveness of the Union's automotive industry.
- (2) A considerable reduction in hydrocarbon emissions from agricultural and forestry vehicles is necessary to improve air quality and comply with limit values for pollution. That objective should be achieved not only by reducing the hydrocarbon tailpipe and evaporative emissions from these vehicles, but also by helping to reduce volatile particle levels.
- (3) Given the application of the provisions of Regulation (EU) 2016/1628 of the European Parliament and of the Council – on engine categories, exhaust emission limits, test cycles, emission durability periods, exhaust emission requirements, the monitoring of emissions of in-service engines and the conduct of measurements and tests, as well as the transitional provisions and provisions allowing the early EU type-approval and the placing on the market of Stage V engines – to the environmental performance of agricultural and forestry vehicles, the provisions of this Regulation covering the remaining aspects of such approval should be closely modelled on those contained in Regulation (EU) 2016/1628.
- (4) For the purposes of the engine pollutant emission stage for agricultural and forestry vehicle engines, referred to as 'Stage V', that will succeed the one laid down in Commission Delegated Regulation (EU) 2015/96<sup>8</sup>, ambitious gaseous and particulate

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<sup>6</sup> OJ L 60, 2.3.2013, p. 1

<sup>7</sup> COM(2010)186 final, 28.4.2010.

<sup>8</sup> Commission Delegated Regulation (EU) 2015/96 of 1 October 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 (OJ L 16, 23.1.2015, p. 1).

matter pollutant emission limits should be set while aligning with international standards in order to reduce emissions of particulate matter and ozone precursors such as nitrogen oxides and hydrocarbons.

- (5) 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 the Member States. For the same reason, it is also appropriate to ensure that customers and users are supplied with objective and precise information regarding the same subjects.
- (6) In order to ensure that new vehicles, components and separate technical units placed on the market provide a high level of environmental protection, equipment or parts that 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 should be subject to prior control by an approval authority before they are placed on the market. For that purpose, technical provisions concerning the requirements that those parts or equipment have to comply with should be laid down.
- (7) Technical progress and high level environmental protection require prescribing technical requirements for the introduction of Stage V in relation to agricultural and forestry vehicles, replacing the previous engine pollutant emission stages laid down in Delegated Regulation (EU) 2015/96. The necessary technical requirements concerning in particular engine categories, limit values and implementation dates in this Regulation, should be aligned to the ones in Regulation (EU) 2016/1628.
- (8) By Council Decision 97/836/EC<sup>9</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"<sup>10</sup>, the Commission stressed that the acceptance of international regulations under the 1958 UNECE Agreement is the best way to remove non-tariff barriers to trade. Therefore, references to the corresponding UNECE regulations should be used, where appropriate, for the purposes of laying down requirements for EU type-approval. That possibility is provided for in Regulation (EU) No 167/2013.
- (9) Concerning environmental and propulsion unit performance requirements of agricultural and forestry vehicles, UNECE regulations should be used on an equal basis to Union legislation in order to avoid duplication not only of technical requirements but also of certification and administrative procedures. Type-approval should be based directly on internationally agreed standards because that approach can 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.

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<sup>9</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, 17.12.1997, p. 78).

<sup>10</sup> COM(2012) 636 final of 8 November 2012.

- (10) It should be possible for engines which before the entry into force of this Regulation were not subject to pollutant emission related type-approval at Union level and for vehicles equipped with such engines to be placed on the market until the mandatory dates of application of Regulation (EU) 2016/1628 for the placing on the market of the corresponding engine category, provided they comply with applicable national rules.
- (11) Union legislation should not lay down technical requirements which cannot be reasonably met in time. The industry should be provided sufficient lead time as regards the application of Stage V engine pollutant emission limits to agricultural and forestry vehicles. Therefore, it is necessary to lay down transitional measures allowing for the granting of EU type-approvals and exemptions in accordance with the legislation applicable before the day of entry into force of this Regulation during a limited period of time. In particular, it is necessary to permit for a limited period of time the application of engine pollutant emission stages preceding Stage V in parallel with the latter due to technical difficulties of certain vehicle categories, mainly narrow-track tractors, in complying with Stage V from the mandatory dates of application of Regulation (EU) 2016/1628 for the placing on the market of engines.
- (12) In order to take account of logistic supply constraints and to allow for ‘just in time’ production flow, and to avoid unnecessary costs and administrative burden, an engine manufacturer should, with the consent of the vehicle manufacturer, be allowed to deliver an engine based on an approved type separately from its exhaust after-treatment system.
- (13) The provisions on the engine pollutant emission stages preceding Stage V are laid down in Delegated Regulation (EU) 2015/96. Those provisions, concerning type-approval or placing on the market of tractors, should only apply until the mandatory dates of application of Regulation (EU) 2016/1628 for the EU type-approval of engines or for their placing on the market, respectively, or beyond those dates in accordance with the transitional provisions. Delegated Regulation (EU) 2015/96 should therefore be repealed from the entry into force of this Regulation,

HAS ADOPTED THIS REGULATION:

## CHAPTER I

### SUBJECT MATTER AND DEFINITIONS

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

This Regulation establishes

- (a) the detailed technical requirements on the environmental and propulsion unit performance and permissible external sound levels for the approval of:
  - (i) agricultural and forestry vehicles,
  - (ii) engines with regard to their installation and the impact this has on engine performance,
  - (iii) their systems, components and separate technical units; and
- (b) the test procedures necessary to assess the compliance with the requirements referred to in point (a).

This Regulation also establishes the detailed requirements with regard to type-approval procedures and conformity of production.

## *Article 2* *Definitions*

For the purposes of this Regulation, the following definitions shall apply:

- (1) ‘engine’ means an energy converter, other than a gas turbine, designed to transform chemical energy (input) into mechanical energy (output) with an internal combustion process; it includes, where they have been installed, the emission control system and the communication interface (hardware and messages) between the engine's electronic control unit(s) and any other powertrain or vehicle control unit necessary to comply with Chapters II and III of Regulation (EU) 2016/1628;
- (2) ‘engine type’ means a group of engines which do not differ in essential engine characteristics;
- (3) ‘engine family’ means a manufacturer's grouping of engine types which, through their design, have similar exhaust emission characteristics, and respect the applicable emission limit values;
- (4) ‘parent engine’ means an engine type selected from an engine family in such a way that its emissions characteristics are representative of that engine family;
- (5) ‘replacement engine’ means an engine that meets both of the following criteria:
  - (a) it is exclusively used to replace an engine already placed on the market and installed in an agricultural and forestry vehicle;
  - (b) it complies with an emission stage which is lower than that applicable on the date of the engine's replacement;
- (6) ‘net power’ means the engine power in kW obtained on a test bench at the end of the crankshaft, or its equivalent, measured in accordance with the method of measuring the power of engines specified in UNECE Regulation No 120<sup>11</sup> using a reference fuel or fuel combination laid down in Article 25(2) of Regulation (EU) 2016/1628;
- (7) ‘transition engine’ means an engine that has an engine production date that is prior to the date laid down in Annex III to Regulation (EU) 2016/1628 in respect of the placing on the market of Stage V engines and that meets at least one of the following conditions:
  - (a) it complies with the latest applicable emission limits laid down in the relevant legislation applicable on [*the date preceding the date of entry into force of this Regulation*];
  - (b) it falls within a power range, or is used or intended to be used in an application that was not subject to pollutant emission related type-approval in accordance with Delegated Regulation (EU) 2015/96 on [*the date preceding the date of entry into force of this Regulation*];

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<sup>11</sup> Regulation No 120 of the Economic Commission for Europe of the United Nations (UNECE) — Uniform provisions concerning the approval of internal combustion engines to be installed in agricultural and forestry tractors and in non-road mobile machinery, with regard to the measurement of the net power, net torque and specific fuel consumption [2015/1000] (OJ L 166, 30.6.2015, p. 170)



- (c) it is an engine in the power range 56-130 kW, meeting the Stage IIIB requirements and installed or intended to be installed in a tractor of categories T2, T4.1 or C2;
- (8) ‘exhaust after-treatment system’ means a catalyst, particulate filter, deNO<sub>x</sub> system, combined deNO<sub>x</sub> particulate filter or any other emission-reducing device, with the exception of exhaust gas recirculation and turbochargers, that is part of the emission control system but is installed downstream of the engine exhaust ports;
- (9) ‘external noise-abatement device’ means a component, system or separate technical unit which is part of 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;
- (10) ‘SI engine’ means an engine that works on the spark-ignition (‘SI’) principle;
- (11) ‘track belt’ means a continuous flexible rubber like belt, reinforced internally to enable the tractive forces;
- (12) ‘track chain’ means a continuous metallic chain which engages with the track driver and where each link is with a transversal metallic track shoe, the latter optionally padded with a rubber strip for road surface protection;
- (13) ‘in-service engine’ means an engine that is operated in agricultural and forestry vehicle over its normal operating patterns, conditions and payloads, and is used to perform the emission monitoring tests as referred to in Article 19 of Regulation (EU) 2016/1628;
- (14) ‘maximum net power’ means the highest value of the net power on the nominal full-load power curve for the engine type;
- (15) ‘engine production date’ means the date, expressed as the month and year, on which the engine passes the final check, after it has left the production line, and is ready to be delivered or to be put into stock;
- (16) ‘vehicle production date’ means the month and year in which an agricultural and forestry vehicle passes the final check after it has left the production line and which are indicated on the statutory marking of that vehicle;
- (17) ‘end-user’ means any natural or legal person, other than the manufacturer, vehicle manufacturer, importer or distributor, that is responsible for operating the engine installed in agricultural and forestry vehicles;
- (18) ‘exhaust gas recirculation’ or ‘EGR’ means a technical device that is part of the emission control system and reduces emissions by routing exhaust gases that have been expelled from the combustion chamber(s) back into the engine to be mixed with incoming air before or during combustion, except for the use of valve timing to increase the amount of residual exhaust gas in the combustion chamber(s) that is mixed with incoming air before or during combustion;
- (19) ‘tampering’ means inactivation, adjustment or modification of the emission control system, including any software or other logical control elements of such a system, that has the effect, whether intended or not, of worsening the emissions performance of the engine;

- (20) ‘pollution control device’ means a component, system or separate technical unit which is part of the exhaust after-treatment system;
- (21) ‘initial entry into service’ means:
- (a) where the registration of agricultural or forestry vehicles is compulsory, the first registration in a Member State;
  - (b) where the registration of agricultural or forestry vehicles is compulsory only for road circulation or is not compulsory in a Member State, the placing on the market.

## CHAPTER II

### SUBSTANTIVE REQUIREMENTS

#### *Article 3* *Pollutant emissions*

The manufacturer shall ensure that agricultural and forestry vehicles and the engines installed in them are designed, constructed and assembled so as to comply with the provisions applicable to engine categories NRE or NRS laid down in Regulation (EU) 2016/1628 and in the delegated and implementing acts adopted pursuant thereto, with the adaptations laid down in Part 1 of Annex I to this Regulation; the specific requirements laid down in Part 2 of Annex I to this Regulation shall be also complied with.

Alternatively, agricultural and forestry vehicles and the engines installed in them may be designed, constructed and assembled so as to comply with the provisions applicable to engine category ATS laid down in Regulation (EU) 2016/1628 and in the delegated and implementing acts adopted pursuant thereto, with the adaptations laid down in Part 1 of Annex I to this Regulation, where such vehicles are equipped with a SI engine and fulfil either of the following conditions:

- (a) are equipped with a straddle seat and handlebar;
- (b) are equipped with a steering wheel and bench seats or bucket seats in one or more rows and achieve a maximum design speed greater than or equal to 25 km/h.

The specific requirements laid down in Part 2 of Annex I to this Regulation shall be also complied with.

#### *Article 4* *External sound levels*

In order to meet the requirements of Article 19(4) of Regulation (EU) No 167/2013, the manufacturer shall ensure that agricultural and forestry vehicles and their systems, components and separate technical units that may affect the vehicle's external sound levels are designed, constructed and assembled, and that their external sound levels are measured so as to comply with the requirements laid down in Annex II.

*Article 5*  
*Propulsion performance*

For the purposes of the evaluation of propulsion unit performance of agricultural and forestry vehicles, the measurements of net power, engine torque and specific fuel consumption shall be carried out by the manufacturer in accordance with paragraph 5 of UNECE Regulation No 120, 01 series of amendments. During those measurements, the presence of the approval authority or technical service representatives is not necessary.

Instead of performing the measurements laid down in the first paragraph, a vehicle or engine manufacturer may attest the fulfilment of the requirements of the first paragraph by submitting, to the approval authority, an approval issued under the UNECE Regulation No 120, 01 series of amendments.

**CHAPTER III**  
**TYPE APPROVAL PROCEDURES**

*Article 6*

*EU type approval of an agricultural and forestry vehicle with regard to pollutant emissions*

1. EU type-approval in accordance with Regulation (EU) No 167/2013 shall only be granted to an agricultural and forestry vehicle, where it complies with the requirements with regard to pollutant emissions laid down in Regulation (EU) 2016/1628 and in the delegated and implementing acts adopted pursuant thereto with the adaptations laid down in Part 1 of Annex I to this Regulation; the specific requirements laid down in Part 2 of Annex I to this Regulation shall be also complied with.
2. In addition to the requirements under Regulation (EU) No 167/2013 and Commission Implementing Regulation (EU) 2015/504<sup>12</sup>, an application for EU type-approval of an agricultural and forestry vehicle with an approved engine type or family shall be accompanied by a copy of the EU type-approval certificate or an approval certificate issued in accordance with the provisions referred to in Article 11 of this Regulation for the engine type or engine family and, where applicable, for the systems, components and separate technical units which are installed in the agricultural and forestry vehicle.
3. In addition to the requirements under Regulation (EU) No 167/2013 and Implementing Regulation (EU) 2015/504, an application for EU type-approval of an agricultural and forestry vehicle without an approved engine type or family shall be accompanied by an information document relating to EU type-approval of a type of (or a type of a vehicle with regard to) an installation of an engine/engine family system in accordance with Appendix 1 to Annex I to Implementing Regulation (EU) 2015/504 and an information document relating to EU type-approval of an engine, engine family as a component or a separate technical unit in accordance with Appendix 3 to Annex I to Implementing Regulation (EU) 2015/504.

For the purposes of such an application, the manufacturer shall submit to the technical service responsible for conducting the approval tests an agricultural and

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<sup>12</sup> Commission Implementing Regulation (EU) 2015/504 of 11 March 2015 implementing Regulation (EU) No 167/2013 of the European Parliament and of the Council with regard to the administrative requirements for the approval and market surveillance of agricultural and forestry vehicles (OJ L 85, 28.3.2015, p. 1).

forestry vehicle engine conforming to the characteristics of the engine type or, where applicable, parent engine.

#### *Article 7*

##### *EU type-approval of an engine or an engine family with regard to pollutant emissions*

EU type-approval in accordance with Regulation (EU) No 167/2013 shall only be granted to an engine type or an engine family where it complies with the requirements with regard to pollutant emissions laid down in Regulation (EU) 2016/1628 and in the delegated and implementing acts adopted pursuant thereto with the adaptations laid down in Part 1 of Annex I to this Regulation; the specific requirements laid down in Part 2 of Annex I to this Regulation shall be also complied with. The application for EU type-approval shall be accompanied by the information folder in accordance with Article 2 of Implementing Regulation (EU) 2015/504.

#### *Article 8*

##### *EU type-approval of an agricultural and forestry vehicle with regard to external sound levels*

1. EU type-approval in accordance with Regulation (EU) No 167/2013 shall only be granted to an agricultural and forestry vehicle where it complies with the requirements with regard to external sound levels laid down in paragraphs 2 to 5 and in Annex II to this Regulation.
2. 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 track belts in motion, for type-approval purposes, in accordance with the test conditions and methods laid down in point 1.3.1 of Annex II.
3. The technical services shall measure the external sound level of stationary agricultural and forestry vehicles of categories T and C equipped with track belts, for type-approval purposes, in accordance with the test conditions and methods laid down in point 1.3.2 of Annex II. They shall record the results in accordance with the provisions laid down in point 1.3.2.4 of Annex II.
4. The technical services shall measure the external sound level of agricultural and forestry vehicles of category C equipped with track chains, for type-approval purposes, in accordance with the stationary test conditions and methods laid down in point 1.3.2 of Annex II.
5. The technical services shall measure the external sound level of agricultural and forestry vehicles of category C equipped with track chains in motion, for the type-approval purposes, in accordance with the test conditions and methods laid down in point 1.3.3 of Annex II. They shall record the results.
6. The application for type-approval shall be accompanied by the information folder in accordance with Article 2 of Implementing Regulation (EU) 2015/504.

#### *Article 9*

##### *Extension of EU type-approvals*

The EU type-approval regarding 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 those vehicle variants, versions, engine types and

families satisfy the requirements on pollutant emissions and external sound levels set out in Article 19(3) and (4) of Regulation (EU) No 167/2013.

#### *Article 10*

##### *Subsequent changes affecting the environmental and propulsion unit performance*

The manufacturer shall notify to the approval authority without delay any changes to systems, components and separate technical units that may affect the environmental and propulsion unit performance of the agricultural and forestry vehicles of the approved type placed on the market in accordance with Article 19 of Regulation (EU) No 167/2013.

The notification referred to in the first paragraph shall include the following:

- (a) evidence that the changes referred to in the first paragraph do not deteriorate the environmental performance of a vehicle compared to the environmental performance demonstrated at type-approval;
- (b) description of the engine type or the engine family, including the exhaust after-treatment system, in accordance with Article 11 of and Annex IX to Commission Implementing Regulation (EU) 2017/656<sup>13</sup>;
- (c) information in accordance with Appendix 2 to Annex I to Implementing Regulation (EU) 2015/504.

## CHAPTER IV

### EQUIVALENCE

#### *Article 11*

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

1. EU type-approvals and the corresponding statutory markings of engine types or engine families granted on the basis of Regulation (EU) 2016/1628 shall be recognised as equivalent to type-approvals and approval marks granted to engines in accordance with this Regulation.
2. A statement of conformity granted on the basis of Article 31 of Regulation (EU) 2016/1628 shall be accepted by national authorities for the purposes of EU type-approval, under this Regulation, of agricultural and forestry vehicles equipped with engines bearing that statement of conformity.
3. Type-approvals granted to engines and the corresponding statutory markings that are in conformity with UNECE regulations referred to in Article 42(2) of Regulation (EU) 2016/1628 as well as EU type-approvals granted to engines on the basis of the Union acts referred to in Article 42(3) of that Regulation shall be recognised as equivalent to the EU type-approvals granted to engines in accordance with this Regulation and to the corresponding statutory markings required in accordance with

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Commission Implementing Regulation (EU) 2017/656 of 19 December 2016 laying down the administrative requirements relating to emission limits and type-approval of internal combustion engines for non-road mobile machinery in accordance with Regulation (EU) 2016/1628 of the European Parliament and of the Council (OJ L 102, 13.4.2017, p. 364).

Implementing Regulation (EU) 2015/504 provided that the requirements of Annex XIII to Commission Delegated Regulation (EU) 2017/654<sup>14</sup> are met.

## CHAPTER V

### ACCESS TO VEHICLE REPAIR AND MAINTENANCE INFORMATION

#### Article 12

##### *Obligation on engine manufacturers*

For the purposes of fulfilling the obligations laid down in Articles 53 to 56 of Regulation (EC) No 167/2013 and Article 8 of Commission Delegated Regulation (EU) No 1322/2014<sup>15</sup>, where the manufacturer of an agricultural or forestry vehicle is not the engine manufacturer, the engine manufacturer shall make available to the vehicle manufacturer the information necessary to fulfil those obligations.

## CHAPTER VI

### FINAL PROVISIONS

#### Article 13

##### *Transitional provisions*

1. From [*date of entry into force of this Regulation*]:
  - (a) the approval authorities shall not refuse to grant an EU type-approval or a national type-approval to a new engine type or new engine family where that engine type or engine family complies with Articles 3, 5 and 7;
  - (b) the approval authorities shall not refuse to grant an EU type-approval or a national type-approval to a new vehicle type where that vehicle type complies with Articles 3 to 6 and Article 8;
  - (c) the Member States shall permit the placing on the market, sale and entry into service of engines complying with Articles 3, 5 and 7 or with Article 11 and the placing on the market, sale, registration and entry into service of agricultural and forestry vehicles complying with Articles 3 to 6 and Article 8.
2. Until the mandatory date of application of Regulation (EU) 2016/1628 in respect of EU type-approval of the engine category concerned, as laid down in Annex III to that Regulation, approval authorities shall continue to grant EU type-approvals and exemptions to agricultural and forestry vehicle types or engine types and engine families in accordance with Delegated Regulation (EU) 2015/96, in its version applicable on [*the date preceding the date of entry into force of this Regulation*].
3. As of the mandatory dates of application of Regulation (EU) 2016/1628 in respect of the placing on the market of the engine category concerned, as laid down in Annex III to that Regulation, the Member States shall no longer permit the placing on the

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<sup>14</sup> Commission Delegated Regulation (EU) 2017/654 of 19 December 2016 supplementing Regulation (EU) 2016/1628 of the European Parliament and of the Council with regard to technical and general requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery (OJ L 102, 13.4.2017, p.1).

<sup>15</sup> Commission Delegated Regulation (EU) No 1322/2014 of 19 September 2014 supplementing and amending Regulation (EU) No 167/2013 of the European Parliament and of the Council with regard to vehicle construction and general requirements for the approval of agricultural and forestry vehicles (OJ L 364, 18.12.2014, p.1).

market, sale, registration or entry into service of vehicles or the placing on the market, sale or entry into service of engines type-approved on the basis of Delegated Regulation (EU) 2015/96.

Until those dates, Member States may permit the placing on the market, sale, registration or entry into service of vehicles or the placing on the market, sale or entry into service of engines in accordance with the requirements laid down in Delegated Regulation (EU) 2015/96. The flexibility scheme provided for in Article 14 of that Delegated Regulation shall apply only to agricultural and forestry vehicles fitted with engines approved in accordance with the requirements of the emission limits stage immediately preceding the applicable one.

4. Engines that were not subject to pollutant emission related type-approval in accordance with Delegated Regulation (EU) 2015/96 on [*day preceding the date of entry into force of this Regulation*] may continue to be placed on the market, sold or to enter into service until the mandatory date of application of Regulation (EU) 2016/1628 in respect of the placing on the market of the engine category concerned, as laid down in Annex III to that Regulation, on the basis of the national rules in force.

Agricultural and forestry vehicles type-approved in accordance with Regulation (EU) No 167/2013 and equipped with those engines may continue to be placed on the market, sold, registered or to enter into service until the same dates.

5. Transition engines may continue to be placed on the market, sold or to enter into service during the 24 months following the mandatory date of application of Regulation (EU) 2016/1628 in respect of the placing on the market of the engine category concerned, as laid down in Annex III to that Regulation.

Agricultural and forestry vehicles equipped with transition engines may be placed on the market, sold, registered or enter into service during the 24 months following the mandatory date of application of Regulation (EU) 2016/1628 in respect of the placing on the market of the engine category concerned, as laid down in Annex III to that Regulation, provided that those vehicles fulfil both of the following conditions:

- (a) they have a production date not later than 18 months following the mandatory date of application of Regulation (EU) 2016/1628 in respect of the placing on the market of the engine category concerned, as laid down in Annex III to that Regulation;
- (b) they are marked in accordance with the requirements in point 2.1 of Part 2 in Annex I to this Regulation.

For engines of category NRE, Member States shall authorise the extension of the 24-month period and of the 18-month period referred to in the first and second subparagraphs by additional 12 months for vehicle manufacturers with a total yearly production of less than 100 units of agricultural and forestry vehicles equipped with an engine. For the purposes of the calculation of that total yearly production, all vehicle manufacturers under the control of the same natural or legal person shall be considered to be a single vehicle manufacturer.

6. For the purposes of the placing on the market of replacement engines for agricultural and forestry vehicles in accordance with paragraphs 10 and 11 of Article 58 of Regulation (EU) 2016/1628, manufacturers shall ensure that the replacement engines comply with the marking requirements referred to in point 6 of Annex XX to

Commission Delegated Regulation (EU) 2015/208<sup>16</sup>, Article 32(2)(e) of Regulation (EU) 2016/1628 and points 1 and 5.4 of Annex IV to Implementing Regulation (EU) 2015/504.

*Article 14*  
*Exemptions*

1. With the consent of the vehicle manufacturer, an engine manufacturer may deliver to that vehicle manufacturer an engine separately from its exhaust after-treatment system in accordance with the provisions laid down in Annex X to Delegated Regulation (EU) 2017/654.
2. Member States may authorise the temporary placing on the market, for the purposes of field testing in accordance with the provisions of Annex XI to Delegated Regulation (EU) 2017/654, of engines that have not been EU type-approved in accordance with Articles 3, 5 and 7 of this Regulation.

*Article 15*  
*Repeal*

Delegated Regulation (EU) 2015/96 is repealed.

*Article 16*  
*Entry into force and application*

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

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

Done at Brussels, 12.2.2018

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*

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<sup>16</sup> Commission Delegated Regulation (EU) 2015/208 of 8 December 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 (OJ L 42, 17.2.2015, p. 1).