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COVER NOTE

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

date of receipt: 15 February 2018

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

No. Cion doc.: C(2018) 862 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 15.2.2018
amending Delegated Regulation (EU) 2015/68 as regards requirements
relating to Anti-Lock Braking Systems, high pressure energy storage
devices and hydraulic connections of the single-line type

Delegations will find attached document C(2018) 862 final.

Encl.: C(2018) 862 final



Brussels, 15.2.2018
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COMMISSION DELEGATED REGULATION (EU) .../...

of 15.2.2018

amending Delegated Regulation (EU) 2015/68 as regards requirements relating to Anti-Lock Braking Systems, high pressure energy storage devices and hydraulic connections of the single-line type

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The term ‘agricultural and forestry vehicles’ covers a wide range of different vehicle types with at least two axles, e.g. narrow-track tractors, extra-wide tractors, track-laying tractors, agricultural trailers and interchangeable towed equipment, such as rollers, tillers, seed drills, etc.

Type-approval requirements applying to agricultural and forestry vehicles are set out in Directive 2003/37/EC¹ and its implementing Directives which have been repealed with effect from 1 January 2016 and replaced by Regulation (EU) No 167/2013² and its four delegated and one implementing acts.

The European Commission wishes to upgrade to technical progress this new legislative package by amending Regulation (EU) 2015/68 with the adaptation to state-of-the-art of certain requirements, namely: a) on anti-lock braking systems, following an assessment by the Commission on their availability for and applicability to agricultural and forestry vehicles with maximum design speed between 40km/h and 60km/h, b) improvement of the requirements related to high pressure energy storage devices and c) extension of the application period of the transitional requirements for hydraulic connections of the single line type between tractor and trailer, based on the feedback on braking requirements received by stakeholders and Member States in the first period of implementation.

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.

This act has been subject to a public consultation through the Better Regulation Portal from 18 December 2017 to 15 January 2018; one positive comment has 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.

(b) Choice of instruments

A regulation is the appropriate instrument to amend Regulation (EU) 2015/68.

¹ 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)

² 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)

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(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 vehicles³, and in particular Article 17(5) thereof,

Whereas:

- (1) Recital (6) of Commission Delegated Regulation (EU) 2015/68 anticipates that the Commission assesses the requirement to fit anti-lock braking systems (ABS) on tractors with maximum design speed between 40 km/h and 60 km/h as of 1 January 2020. Following an assessment of that requirement, the Commission concluded that removing the ABS requirement from the Delegated Regulation for those vehicles avoids disproportionate financial costs for the industry and the users, which would ultimately delay the effective use of state-of-the-art braking technology on the market. Therefore, the requirement to fit ABS on those vehicles should be deleted.
- (2) The conditions of operation of high pressure energy storage devices should allow for the state-of-the-art pressure range and provide for the corresponding test. The pressure limit values should therefore be adapted accordingly.
- (3) In order to allow for a smooth transition to the prohibition of hydraulic connections of the single-line type, for the Member States and the industry, when applying the braking requirements of Delegated Regulation (EU) 2015/68 to new tractors connected with trailers already in service, taking into consideration the renewal rate of the agricultural and forestry towed vehicles fleet, the application of the transitional requirements on the single-line type hydraulic connections of braking devices and trailer braking couplings should be extended until 31 December 2024.
- (4) Delegated Regulation (EU) 2015/68 should therefore be amended accordingly.
- (5) Considering that this Regulation contains a number of important amendments to Delegated Regulation (EU) 2015/68, necessary for its smooth application, it should enter into force as a matter of urgency,

³ OJ L 60, 2.3.2013, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1
Amendments to Delegated Regulation (EU) 2015/68

Delegated Regulation (EU) 2015/68 is amended as follows:

(1) Article 16 is replaced by the following:

"Article 16

Requirements applying to hydraulic connections of the single-line type and to tractors fitted with them

1. The performance requirements applying to hydraulic connections of the single-line type of braking devices and trailer braking couplings and to tractors fitted with hydraulic connections of the single-line type are laid down in Annex XIII. Those requirements shall apply until 31 December 2024.

2. Manufacturers shall not fit hydraulic connections of the single-line type to new tractors after 31 December 2024."

(2) Article 17 is amended as follows:

(a) the second paragraph is deleted;

(b) the fourth paragraph is replaced by the following:

"With effect from 1 January 2025, national authorities shall prohibit the making available on the market, registration, or entry into service of new tractors fitted with hydraulic connections of the single-line type."

(3) Annexes I, IV and XIII to Delegated Regulation (EU) 2015/68 are amended in accordance with the Annex to this Regulation.

Article 2
Entry into force

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, 15.2.2018

For the Commission
The President
Jean-Claude JUNCKER