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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: 15 February 2018

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

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No. Cion doc.: C(2018) 863 final

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 15.2.2018  
amending and correcting Delegated Regulation (EU) 2015/208  
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

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Delegations will find attached document C(2018) 863 final.

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Encl.: C(2018) 863 final



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

**of 15.2.2018**

**amending and correcting Delegated Regulation (EU) 2015/208 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**

## **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/EC<sup>1</sup> and its implementing Directives which have been repealed with effect from 1 January 2016 and replaced by Regulation (EU) No 167/2013<sup>2</sup> 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) 2015/208 with the update of certain state-of-the-art requirements and to correct certain editorial errors, following feedback received by stakeholders and Member States in the first period of implementation. More precisely, this act includes updated references to directly applicable UNECE Regulations, improved steering system requirements for alignment with international regulation, enhanced conspicuity requirements as a measure estimated to reduce road accidents, appropriate frequency ranges for electromagnetic compatibility testing, safety requirements to allow for maximum vehicle width up to 3m, if such a dimension is necessary to accommodate wide tyres or tools for proper field work and corrections and improvements of requirements related respectively to testing and usage of mechanical couplings.

### **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>3</sup>. It is noted that CATP-AT has been created in accordance with Article 20 of Directive 2003/37/EC.

This act has been subject to a public consultation through the Better Regulation Portal from 5 December 2017 to 2 January 2018; 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.

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<sup>1</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)

<sup>2</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)

<sup>3</sup> [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)

(b) **Choice of instruments**

A regulation is the appropriate instrument to amend Regulation (EU) 2015/208.

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

of 15.2.2018

**amending and correcting Delegated Regulation (EU) 2015/208 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)

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>4</sup>, and in particular Articles 17(5) and 49(3) thereof,

Whereas:

- (1) UNECE regulations which apply on a compulsory basis set out in Annex I to Commission Delegated Regulation (EU) 2015/208<sup>5</sup> are updated frequently. In that regard, the list should be complemented with an explanatory note clarifying that manufacturers are allowed to use subsequent supplements of the applicable series of amendments of those UNECE regulations, even if they are not published in the Official Journal of the European Union.
- (2) Certain editorial errors in the list of UNECE regulations set out in Annex I to Delegated Regulation (EU) 2015/208 need to be corrected.
- (3) Editorial improvements to Annex IV to Delegated Regulation (EU) 2015/208 and precise references to vehicle categories to which that Annex applies are necessary for the smooth implementation by national authorities.
- (4) The requirements on steering laid down in Annex V to Delegated Regulation (EU) 2015/208 need to be adapted to technical progress in line with the standard ISO 10998:2008 and with the requirements laid down in UNECE Regulation No 79, which is included in the list set out in Annex I to Delegated Regulation (EU) 2015/208.
- (5) Modern agricultural and forestry vehicles are exposed to electromagnetic signals the frequency of which is up to 2 000 MHz. Therefore, Annex XV to Delegated Regulation (EU) 2015/208 should be amended to include the appropriate frequency ranges for testing and to be aligned with UNECE Regulation No 10, which includes such testing requirements and applies as an alternative to the requirements laid down in Annex XV.

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

<sup>5</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).

- (6) Modern farming techniques require the use of wider tyres to avoid soil compaction as well as the use of bigger tools. Therefore, the requirements on dimensions and trailer masses laid down in Annex XXI to Delegated Regulation (EU) 2015/208 need to be adapted as regards the vehicle width in line with what is already allowed in a number of Member States.
- (7) The adaptation of the dimensions requirements entails the need to adapt some of the requirements laid down in the Annexes to Delegated Regulation (EU) 2015/208, namely Annex VII on the field of vision and windscreen wipers, Annex XII on lighting installation, Annex XIV on vehicle exterior and accessories, Annex XXVI on rear protective structures, Annex XXVII on lateral protection and Annex XXVIII on load platforms, as their provisions directly depend on the permissible vehicle width.
- (8) It is estimated that fatal accidents may be considerably reduced by increasing the conspicuity of agricultural and forestry vehicles by adapting the requirements for appropriate enhanced lighting installations in Annex XII to Delegated Regulation (EU) 2015/208.
- (9) In order to allow for the correct application of the testing requirements laid down in Annex XXXIV to Delegated Regulation (EU) 2015/208, it is necessary to update a certain mathematical formula related to such testing.
- (10) In order to ensure the safeguarding of road safety, with respect to trailers and interchangeable towed equipment to which Regulation (EU) No 167/2013 applies, the requirements for mechanical couplings in Annex XXXIV to Delegated Regulation (EU) 2015/208 should be adapted to allow for the use of 3-point mechanical couplings and improved specifications for mechanical couplings on towed vehicles towing other vehicles should be introduced.
- (11) Delegated Regulation (EU) 2015/208 should therefore be amended and corrected accordingly.
- (12) Considering that this Regulation contains a number of corrections to Delegated Regulation (EU) 2015/208, it should enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

##### *Amendments to Delegated Regulation (EU) 2015/208*

Annexes I, V, VII, XII, XIV, XV, XXI, XXVI, XXVII, XXVIII and XXXIV to Delegated Regulation (EU) 2015/208 are amended in accordance with Annex I to this Regulation.

#### *Article 2*

##### *Corrections to Delegated Regulation (EU) 2015/208*

Annexes I, IV, XII and XXXIV to Delegated Regulation (EU) 2015/208 are corrected in accordance with Annex II to this Regulation.

#### *Article 3*

##### *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*