



Council of the
European Union

015725/EU XXVI. GP
Eingelangt am 22/03/18

Brussels, 21 March 2018
(OR. en)

7145/18

AGRI 134
ENT 48
MI 176
DELECT 53

COVER NOTE

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

date of receipt: 21 March 2018

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

No. Cion doc.: C(2018) 1840 final

Subject: CORRIGENDUM of 21.3.2018 to Commission Delegated Regulation
(C(2018) 863 final) of 15 February 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

Delegations will find attached document C(2018) 1840 final.

Encl.: C(2018) 1840 final



Brussels, 21.3.2018
C(2018) 1840 final

CORRIGENDUM

of 21.3.2018

to Commission Delegated Regulation (C(2018) 863 final) of 15 February 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 PROPOSAL

- **Reasons for and objectives of the proposal**

On 15 February 2018 the Commission adopted Commission Delegated Regulation C(2018) 863 final 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.

After this adoption, transitional provisions turned out to be necessary in order to provide manufacturers of agricultural and forestry vehicles and of systems, components or separate technical units intended therefor with sufficient time to adapt their production to the new technical requirements resulting from Delegated Regulation C(2018) 863 final.

The present corrigendum contains the necessary modifications to Delegated Regulation C(2018) 863 final.

- **Consistency with existing provisions in the policy area**

Transitional provisions are usually introduced as a standard measure when new requirements are introduced in a binding act in the vehicles sector, in order to allow for the necessary implementation time of them.

- **Consistency with other Union policies**

As the corrigendum introduces substantive modifications to Delegated Regulation C(2018) 863 final, it will re-trigger the period of objections for the European Parliament and the Council. Should the European Parliament and the Council not object within that new period of objections, the Delegated Regulation will be published with the substantive corrections already incorporated in it, giving economic operators in the Union the necessary legal certainty, fully in line with the requirements flowing from the principle of legality.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis of Delegated Regulation C(2018) 863 final and of any modification and correction to that Delegated Regulation is to be found in 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.

- **Subsidiarity (for non-exclusive competence)**

This corrigendum introduces transitional provisions into Delegated Regulation (EU) 2015/208 with respect to the amendments by Delegated Regulation C(2018) 863 final, which cannot be achieved by national measures.

- **Proportionality**

The transitional provisions introduced by this corrigendum provide manufacturers of agricultural and forestry vehicles and of systems, components or separate technical units

intended therefor with sufficient time to adapt their production to the new technical requirements resulting from Delegated Regulation C(2018) 863 final.

- **Choice of the instrument**

Taking into account that the empowerment of the Commission to adopt delegated acts under Regulation (EU) No 167/2013 expires on 21 March 2018, the introduction of transitional provisions, which turned out to be necessary after the adoption of Delegated Regulation C(2018) 863 final, is only possible by way of adopting a corrigendum to the latter during the period of objections of the European Parliament and of the Council.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Stakeholder consultations**

The relevant expert group on Tractors (Working Group on Agricultural Tractors) was consulted on 15 March 2018 and raised no comments.

4. BUDGETARY IMPLICATIONS

There are no budgetary implications.

CORRIGENDUM

to Commission Delegated Regulation (C(2018) 863 final) of 15 February 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

Article 1:

for:

*'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.'

read:

*'Article 1
Amendments to Delegated Regulation (EU) 2015/208*

Delegated Regulation (EU) 2015/208 is amended as follows:

(1) in Chapter IV, the following Article 40a is inserted:

"Article 40a

Transitional provisions

1. Notwithstanding the application of the provisions of this Regulation, as amended by Commission Delegated Regulation (EU) 2018/[OJ Please insert the number of the Regulation adopted under the PE/2018/293, C(2018) 863 final], national authorities shall, until 31 December 2018, also continue to grant type-approvals to agricultural and forestry vehicle types, or types of systems, components or separate technical units in accordance with this Regulation, in its version applicable on [OJ Please insert the date immediately preceding the date of entry into force of this Regulation].

2. Notwithstanding the application of the provisions of this Regulation, as amended by Commission Delegated Regulation (EU) 2018/[OJ Please insert the number of the Regulation adopted under the PE/2018/293, C(2018) 863 final], the Member States shall, until 30 June 2019, also permit the placing on the market, registration or entry into service of agricultural and forestry vehicles, systems, components or separate technical units based on a type approved in accordance with this Regulation, in its version applicable on [OJ Please insert the date immediately preceding the date of entry into force of this Regulation].";

(2) Annexes I, V, VII, XII, XIV, XV, XXI, XXVI, XXVII, XXVIII and XXXIV are amended in accordance with Annex I to this Regulation. '