Approval and market surveillance of agricultural and forestry vehicles

2010/0212(COD) - 23/07/2010 - Legislative proposal

PURPOSE: to lay down harmonised rules on the manufacture of agricultural and forestry vehicles.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the technical requirements for the type-approval of tractors with regard to numerous safety and environmental elements have been harmonised at the level of the Union in order to avoid requirements that differ from one Member State to another, to ensure a high level of road and occupational safety and environmental protection throughout the Community and to allow for a harmonized system of EU type-approval. The existing type-approval legislation for tractors is regulated in the following EU-acts: Council Directives 74/347/EEC, 76/432/EEC, 76/763/EEC, 77/537/EEC, 78/764/EEC, 80/720/EEC, 86/297/EEC, 86/298/EEC, 86/415/EEC, 87/402/EEC; European Parliament and Council Directives 2000 /25/EC, 2003/37/EC, 2009/57/EC, 2009/58/EC, 2009/59/EC, 2009/60/EC, 2009/61/EC, 2009/63/EC, 2009 /64/EC, 2009/66/EC, 2009/68/EC, 2009/75/EC, 2009/76/EC and 2009/144/EC.

New technologies like ABS (anti-lock braking systems) are now available and can be implemented in the near future, which will dramatically improve vehicle safety. Research has indicated that there would be significant benefits if such technologies were introduced as standard on new vehicles. Setting common mandatory requirements would also prevent the fragmentation of the internal market resulting from varying product standards emerging across Member States.

IMPACT ASSESSMENT : or each of the main aspects of the proposal, different options were considered:

Simplification aspects – I: Directives or Regulations:

a) no change in policy. This would mean that the existing 24 Directives would be maintained with additional amendments when necessary;

b) replace existing separate Directives by one Regulation;

c) replace existing Directives by one Regulation and a limited number of thematic delegated and implementing acts. This is the chosen option.

Simplification aspect – II: all in detailed EU legislation or reference to international standards:

a) no change in policy. This would mean that the existing 24 Directives would be maintained with additional amendments when necessary. The Directives would continue to operate in parallel with the existing UNECE Regulations and OECD Codes with the technical requirements usually (but not always) being the same.

This is currently the cause of much confusion for stakeholders who are not closely involved with the type-approval system, and leads to a situation of a regulatory system that is less than fully transparent;

b) replace existing separate Directives where possible by equivalent UNECE Regulations.

c) Replace existing separate Directives where possible by equivalent UNECE Regulations, or OECD Codes (roll-over protection systems) or possibly

CEN/CENELEC or ISO standards. This is the chosen option since it would maximise the advantages of simplification at the benefit, in particular, of national authorities and industry.

Completion of the internal market

a) no change in policy. This would mean that bit-by-bit the package as provided in Directive 2003/37/EC would be completed.

b) complete the EU TA requirements and make EU WVTA mandatory for all categories;

c) complete the EU TA requirements but leave EU WVTA optional for certain categories (T4, T5, C, R and S).

LEGAL BASE: Article 114 of the Treaty on the Functioning of the European Union.

CONTENT: this proposal **significantly simplifies the type-approval legislation by replacing 24 base Directives** (and around 35 related amending Directives) in the field of agricultural and forestry vehicle technical requirements with one Regulation. It aims to lay down harmonised rules on the manufacture of agricultural and forestry vehicles (tractors, trailers and towed equipment) with a view to ensuring the functioning of the internal market while at the same time providing for a high level of road and occupational safety and environmental protection. This will also contribute to the competitiveness of the industry by simplifying the existing vehicle type-approval legislation, improving transparency and easing administrative burden.

The draft regulation and its implementing and delegated acts will carry over the existing requirements laid down in the above acts. It will also lay down in detail the new mandatory requirements on braking. In particular, the delegated acts adopted under this proposal will require amongst others:

- mandatory fitting of anti-lock braking systems on some categories (T5 fast tractors and their trailers suitable for speeds over 40 km/h);
- higher deceleration performance;
- compatibility between tractor and trailers/towed equipment.

As far as the environmental aspects of the proposal are concerned, no changes are proposed to the existing levels of protection. The only change is that the Regulation should refer to Directive 97/68/EC on emissions of Non-Road Mobile Machinery instead of having a specific one for tractors, simplifying the current implementation process while keeping the key features for future developments.

It should be noted that the proposal uses the “split-level approach” that was originally introduced at the request of the European Parliament and used in other pieces of legislation in the area of EU type approval of motor vehicles. This approach envisages two steps:

1) the fundamental provisions will be laid down by the European Parliament and the Council in a Regulation based on Article 114 of the Treaty on the Functioning of the European Union through the ordinary legislative procedure;

2) the technical specifications implementing the fundamental provisions will be laid down in delegated acts adopted by the Commission in accordance with Article 290 of the Treaty on the Functioning of the European Union.

FINANCIAL IMPLICATIONS: the proposal has no implication for the EU budget.