

Approval and market surveillance of agricultural and forestry vehicles

2010/0212(COD) - 26/01/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Pier Antonio PANZERI (S&D, IT) on the proposal for a Regulation of the European Parliament and the Council on the approval of agricultural or forestry vehicles.

The committee recommends that the European Parliament's position, adopted at first reading following the ordinary legislative procedure, should be to amend the Commission proposal as follows:

Objective of the legislation: the Members noted that the Regulation lays down harmonised rules on the administrative and technical requirements for the **approval and market surveillance** of agricultural and forestry vehicles. It also establishes the requirements for the placing on the market or entry into service of systems, components and separate technical units intended for vehicles approved in accordance with this Regulation.

Mobile machinery (category U): the Members consider that, in order to complete the internal market and ensure a high level of road safety, it is necessary to develop an appropriate instrument at Union level in order to harmonise requirements applicable to mobile machinery. To that end, they propose to exclude mobile machinery (category U) from the scope of this Regulation. They call, however, on the Commission to assess the need for harmonisation of technical requirements and conformity assessment procedures applicable to such machinery, and make, as soon as possible, legislative proposals.

Alignment with the New Legislative Framework and other Union legislation on type-approval: the amendments introduced by the Members aim to:

- align the provisions of this Regulation with Decision No 768/2008/EC of the European Parliament and of the Council on a common framework for the marketing of products, in order to enhance the implementation and enforcement of the new Regulation. These provisions specify the responsibilities of the economic operators (manufacturer, representative of the manufacturer, importer or distributor) in the supply chain and of the respective surveillance authorities, in particular with regard to post market surveillance and control of products entering the Union market;
- reinforce requirements for bodies or organisations to which Member States may delegate some assessment tasks. The objective is to ensure a level playing field and avoiding distortion of competition that may arise from different levels of stringency and performance applied by these third party organisations when testing, inspecting and assessing vehicles, systems, components or separate technical units.

Safety requirements and relationship with the Machinery Directive: the report introduces a number of requirements in Articles 7 (road and functional safety) and 8 (occupational safety), on the basis of the health and safety requirements set out in the Machinery Directive, which do not appear to be covered in the Commission proposal.

“Functional safety” means the absence of unacceptable risk of physical injury or of damage to the health of people, property or domestic animals owing to hazards caused by malfunctioning of mechanical, hydraulic, pneumatic, electrical or electronic systems, components or separate technical units.

Access to repair and maintenance information: the Members consider that unrestricted and non-discriminatory access to such information is therefore crucial for the correct repair and maintenance of vehicles. The Member States should ensure that the authorised dealers, repairers and independent operators providing repair or maintenance services for vehicles have the necessary technical skills and knowledge to ensure that the safety and environmental performance of those vehicles is maintained.

Technical amendments: the Members have also introduced a significant number of amendments aimed to clarify certain technical aspects, including among others: the use of vehicles on public roads; the procedures applicable at the national level for vehicles, systems, components or separate technical units; the procedure for Union level back-up; technical services requirements.

Delegated powers: the Commission should have the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in respect of detailed arrangements for approval and market surveillance of all new vehicles, as well as for placing on the market or entry into service of parts and equipment.