

Approval and market surveillance of agricultural and forestry vehicles

2010/0212(COD) - 20/11/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 651 votes to 13, with 15 abstentions, a legislative resolution on the proposal for a Regulation of the European Parliament and the Council on the approval of agricultural or forestry vehicles.

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between Parliament and the Council. They amend the Commission proposal as follows:

Purpose and scope: the amended Regulation establishes the administrative and technical requirements for the type-approval of all new vehicles, systems, components and separate technical units. It also lays down the requirements for the **market surveillance** of vehicles, systems, components and separate technical units which are subject to approval. In particular, it applies to the following vehicles:

- tractors (categories T and C);
- trailers (category R); and
- interchangeable towed equipment (category S).

For the following vehicles, the manufacturer may choose whether to apply for approval under this Regulation or whether to comply with the relevant national requirements :

- trailers (category R) and interchangeable towed equipment (category S);
- track-laying tractors (category C); and
- special purpose wheeled tractors (categories T4.1 and T4.2).

In certain limited cases, it is appropriate to allow for national **small series** type-approval.

Alignment with the New Legislative Framework and other Union legislation on type-approval: the amendments introduced 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.

Safety requirements: the amendments seek to guarantee a high level of functional safety, safety at work and environmental protection.

“Functional safety” is defined as the absence of unacceptable risk of physical injury or of damage to the health of people or property arising from hazards caused by malfunctioning of mechanical, hydraulic, pneumatic, electrical or electronic systems, components or separate technical units.

Access to repair and maintenance information: manufactures shall provide:

- **non-discriminatory access to vehicle repair and maintenance information** to authorised dealers, repairers and independent operators through websites using a standardised format in a readily accessible and prompt manner. This obligation shall not apply if a vehicle has been approved as a small series vehicle. Until the Commission has adopted a standardised format for the provision of the information, that information shall be made available in a consistent manner that can be processed by independent operators with reasonable effort;
- access on a non-discriminatory basis to **training material and relevant working tools** to authorised dealers, repairers and independent operators . Such access shall include, where applicable, adequate training with regard to the download of software, diagnostic trouble codes management and the use of working tools.

Penalties: Member States shall provide for penalties for infringement by economic operators of this Regulation and the delegated or implementing acts adopted pursuant to this Regulation. They shall take all measures necessary to ensure that the penalties are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Delegated acts: to add further technical specifications to the Regulation, the Commission can adopt delegated acts in respect of functional safety, construction requirements, environmental and propulsion performance, access to repair and maintenance information and appointment and specific authorised tasks of technical services.

Other technical amendments: Members also introduced amendments aimed to clarify certain technical aspects, including: procedures applicable at national level for vehicles, systems, components or separate technical units; the procedure for Union level back-up; technical services requirements.

Review: by **31 December 2022**, the Commission shall submit a report to the European Parliament and to the Council regarding:

- the number of individual approvals granted to vehicles covered by this Regulation before their first registration per year by the national authorities of that Member State since 1 January 2016;
- the national criteria upon which such approvals were based insofar as these criteria deviated from the requirements obligatory for EU type-approval.

The report shall be accompanied, where appropriate, by legislative proposals, and shall examine the inclusion of individual approvals in this Regulation on the basis of harmonised requirements.