

Proposal for a Regulation on the approval of agricultural and forestry vehicles

Overview and background information

European Parliament - IMCO

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European Commission
Enterprise and Industry

2. Scope (1)

Subjects covered :

- EU type approval
 - small series
 - individual approval (national)

EU type approval is mandatory: tractors T1, T2, T3
(and C1, C2, C3)

EU type approval is optional for tractors T4, T5 (and C4, C5)
and trailers R, towed equipment S (specs to be completed)
(‘optional’ means at choice of manufacturer;
alternative: national type approval)

2. Scope (2)

Subjects covered (continued):

EU type approval is optional (upon choice of manufacturer; alternatively: national type approval) for non-road mobile machinery for road safety aspects

Vehicles excluded from EU type approval :
individual vehicles.

3. Concerns addressed by this proposal

- the complexity of the legal structure of the existing framework: 24 Directives + many amendments;
- obligation of Member States to transpose Directives and the delays caused by transposition;
- type approval requirements envisaged in Directive 2007/37/EC were not completed for categories T4, T5, R and S;
- safety aspects related to type-approval requirements for vehicles, in particular braking requirements, needed updating.

4. Impact Assessment (1)

- The Impact Assessment was carried out in 2008 – 2009 after public consultation in July-Sep 2008.
- The impact assessment addressed the pros and cons of the following policy options :
 - Simplification / Better Regulation
 - Legislative approach for the regulatory set of measures ('split level')
 - Completion of Single Market
 - Scope / Mandatory approach

4. Impact Assessment (2)

The impact assessment did NOT address any change in the technical requirements, as these are not part of the present proposal.

4. Impact Assessment (3)

Some conclusions:

- Replacing current 2003/37 package by limited no. of Regulations is beneficial for governments and industry in the long term.
- Best to refer to international documents (UNECE, OECD and/or CEN/ISO) whenever feasible.
- 'Mandatory EU type approval': not efficient for all categories (T4, T5, C, R, S).
- Completion for all categories is needed.

5. Legal structure (1)

I. From a directive to a regulation

- The preceding acts were directives.
- A Regulation is the more adequate format for this measure:
 - there is not much room for MS to implement. Certain decisions (e.g. choice of national authority, fixing penalties) can also be entrusted to MS by means of a regulation;
 - no need for COM to verify correct transposition by MS; less risk of errors / misinterpretation;
 - no additional delays for transposition needed in case of the regular updates of the requirements to technical progress.
- Consequently, the existing texts (2003/37/EC; 2007/46/EC; 2002/24) needed reformulation, in order to be sufficiently precise for integration into a Regulation.

5. Legal structure (2)

II. Implementation of the ‘split level approach‘

- In the past years the ‘split level approach‘ was introduced in type approval legislation. This means that one codecision act is implemented by one or more Comitology act(s) (recently: regulations in both cases).
- Previously, the legislation (2003/37/EC; 2007/47/EC) was based on „separate legal acts“ (directives, later on regulations) that contained the regulatory requirements for specific items.

5. Legal structure (3)

II. Implementation of the 'split level approach'

- This regulation will now be the only act adopted by Council and Parliament with regard to the type approval of agricultural and forestry vehicles. Thus, it will be much more comprehensive than the preceding Directive 2003/37/EC.
- It will not be called 'framework regulation' any longer, since there will be no other act of equal legal ranking (before: several Council-EP Directives / Regulations, one of them setting the regulatory frame).

5. Legal structure (4)

III. Consequences of the new Treaty provisions

1. Delegated acts

- Until now, the ‘separate legal acts’ and recently the codecision regulation + the implementing Commission regulation included both the technical details as well as the harmonised administrative requirements (forms, test procedures, etc.).
- The TFEU now obliges the legislators to separate ‘delegated acts’ under Article 290 from ‘implementing acts’ under Article 291. Consequently, the regulation includes provisions empowering the Commission to adopt delegated acts and implementing acts.

5. Legal structure (5)

III. Consequences of the new Treaty provisions

1. Delegated acts (continued)

- delegated acts are ‘non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act’.
- they include all the detailed technical requirements which are not so essential that Council and Parliament would want to determine these themselves in the Regulation adopted in ordinary legislative procedure.
- the empowerments in the Regulation follow the requirements in Article 290 TFEU.

5. Legal structure (6)

III. Consequences of the new Treaty provisions

2. Implementing acts

- Implementing acts lay down the necessary ‘uniform conditions for implementing legally binding Union acts’ in accordance with Article 291.
- in type-approval legislation, EU type-approval can be issued by national authorities in all MS; they will be valid throughout the EU.
- therefore, it is essential that the national authorities apply the same test procedures when examining whether the harmonised substantive requirements are met and that they use harmonised templates for certificate issues, etc.

5. Legal structure (7)

III. Consequences of the new Treaty provisions

2. Implementing acts (continued)

The empowerment for such harmonisation of national implementation of the regulation follows the requirements of Article 291.

3. Other provisions

- new legal base
- transmission to national parliaments
- signature

6. Simplification of existing EU legislation - specific objectives

- Develop a less complex regulatory approach that allows efficiency improvements, so less time loss in the analysis and a clearer text to avoid substantial gaps between the interpretation of the text and the spirit of the law;
- Less burdensome adaptation to technical progress;
- Reduce duplications with international standards (UNECE regulations, OECD Codes or CEN/ISO standards) so that stakeholders are not confronted with several sets of requirements addressing the same aspects, often slightly different.

7. Additional legislation needed and application dates

1. Structure of the Regulation as envisaged by the proposal :
 - Act in ordinary legislative procedure
 - Delegated acts :
 - one act on road safety requirements
 - one act on requirements of occupational safety
 - one act on environmental requirements
 - one for braking
 - one for testing
 - one for access to repair and maintenance information
 - one for technical services
 - Implementing act
 - One act harmonizing administrative requirements
2. Application date : one common date envisaged for all categories :
1.1.2014

8. Road safety measures (Article 7)

Safety requirements comprise i.a. the following items:

- Steering
- Visibility / field of vision
- Lamps / lighting installation
- Interior fittings, head restraint, seat belts, doors
- Vehicle exterior and accessories
- EMC; etc.

No major change versus existing type-approval legislation.

! Braking requirements expected to be addressed in a separate Regulation because of complexity.

9. Measures on occupational safety (Article 8)

Requirements concerning occupational safety comprise i.a. the following items:

- Roll-over protection systems
- Falling-objects protection systems
- Driver's and passenger seats
- Internal sound levels
- Protection of drive components and power take-offs

No major change versus existing type-approval legislation

10. Environmental measures (Article 9)

Environmental requirements comprise i.a. the following items:

- Pollutant emissions
- External sound level

No change to technical requirements is envisaged in current proposal, but

- In the draft Regulation it is proposed to repeal Directive 2000/25/EC on exhaust emissions and to
- Replace it with reference to Machinery emissions Directive 97/68/EC, having the same requirements. Thus again the legal framework is simplified without effecting the outcome.

11. Other requirements

- On Board Diagnostic (OBD) systems
(– later, via amendment of 97/68/EC)
- Access to repair & maintenance information

Thank you for your attention !

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