

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 682 final.

Brussels, 7 December 1978

Proposal for a
COUNCIL DIRECTIVE

amending Directive 150/74/EEC on the approximation of the
Laws of the Member States relating to the type-approval of
wheeled agricultural or forestry tractors

(submitted to the Council by the Commission)

COM(78) 682 final.

EXPLANATORY MEMORANDUM

Council Directive 150/74/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors has been in force for several years in most of the Member States.

The experience gained during this period from the Community type-approval of tractors pursuant to Directive 150/74/EEC has provided greater understanding of certain situations which were not clearly defined when the Directive was in the course of preparation and for which, therefore, it makes no provision.

The Commission considers that Directive 150/74/EEC should now be amended in order to take account of experience gained in the field of type-approval : these amendments relate to the legally operative part and the technical annexes.

LEGALLY OPERATIVE PART

Directive 150/74/EEC shall be amended by a new Article, Article 9a, and by an addition to Article 11 :

Article 9a

Experience has shown that certain tractor accessories which are not produced by the tractor manufacturer may at present only be submitted for type-approval by their manufacturer when fitted to a tractor and on the initiative of the tractor manufacturer. These accessories constitute independant technical entities which may be marketed as such provided they are checked by the competent authority in accordance with harmonized requirements.

The Commission therefore thought it advisable to introduce into the type-approval procedure a provision whereby the manufacturers of such parts may themselves apply for type-approval to the competent authority, independently of the tractor manufacturer, thereby obtaining free access to the market for their equipment in accordance with the provisions of the Directive on type-approval.

This possibility is covered by the new Article, 9a.

Article 11

The provisions relating to EEC type-approval of technical entities will be incorporated in the relevant special Directives using the procedure laid down in Article 13 (Committee on Adaptation to Technical Progress).

TECHNICAL ANNEXES

Article 11 of Directive 150/74/EEC states that the so-called Committee procedure set out in Article 13 of this Directive shall apply in the case of amendments introduced to adapt Annex I (Model information document) and Annex II (EEC type-approval certificate) to technical progress. However, the Commission did not consider it necessary to employ this procedure in order to amend these Annexes and instead forwarded a proposal for a Directive concerning these amendments to the Council. This was to avoid the publication in separate instruments of amendments relating to the same Directive, which would impair its clarity.

Examination revealed that certain technical requirements in force in some Member States did not appear in the type-approval certificates, which lists the tractor parts of characteristics which must be included in the approximation of the laws of the Member States before EEC type-approval procedure can be introduced. In particular, these requirements relate to the driver's operating space (item 7.4.4) and windows (item 7.4.5).

The Commission recently forwarded proposals for Directives on these questions to the Council.

CONSULTATION OF THE EUROPEAN PARLIAMENT AND THE ECONOMIC AND SOCIAL COMMITTEE

The opinion of these two bodies is required pursuant to Article 100 (2) of the Treaty.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof ;

Having regard to the proposal from the Commission ;

Having regard to the Opinion of the European Parliament ;

Having regard to the Opinion of the Economic and Social Committee ;

Whereas at present certain tractor attachments or parts which constitute a technical entity are already marketed both separately and after being fitted to a tractor ; whereas in so far as they could also be checked before being fitted to a tractor, the free movement of these attachments or parts could be facilitated by the introduction of an EEC type-approval procedure for these technical entities also ;

Whereas it therefore is advisable to supplement forthwith Council Directive 150/74/EEC (1) by provisions introducing such a type-approval procedure ;

Whereas EEC type-approval of technical entities to be fitted on tractors will facilitate the type-approval procedure for tractors by avoiding repetition of certain checks ; whereas, in addition, it must be possible to lay down restrictions concerning the use and/or requirements relating to the fitting of technical entities when EEC type-approval is granted ;

Whereas it must always be possible to adapt the special Directives concerning the production of technical entities to take account of technical progress and whereas the procedure laid down in Article 13 of Directive 150/74/EEC is appropriate for this purpose ;

(1) OJ L 84 of 28.3.1974, p. 10.

Whereas the technical requirements relating to the operating space and windows of tractors differ from one Member State to another ; whereas there is a resultant need for all the Member States immediately to adopt the same requirements either in addition to or in place of their existing regulations ;

Whereas it is advisable that compliance with these requirements should be supervised under the EEC type-approval procedure for each tractor type laid down in Directive 150/74/EEC; whereas it is therefore necessary to supplement this Directive by incorporating the necessary references in Annex I (Model information document) and Annex II (Model EEC type-approval certificate),

HAS ADOPTED THIS DIRECTIVE :

Article 1

Council Directive 150/74/EEC is amended as follows :

1. The following Article is inserted after Article 9 :

"Article 9a

1. EEC type-approval may also be granted for types of tractor attachments or parts which constitute a technical entity where this is expressly provided for by special Directives.

2. Where the technical entity submitted for approval only fulfils its function or exhibits a particular characteristic in combination with other tractor parts and where, as a result, compliance with one more requirements can only be checked if the technical entity in question operates in conjunction with other tractor parts, whether simulated or real, the scope of EEC type-approval for the technical entity shall be limited accordingly. In this case, the EEC type-approval certificate shall mention the restrictions relating to use and any requirements relating to fitting ; compliance with these restrictions and requirements shall be checked when the tractor is submitted for EEC type-approval.

3. Articles 3 to 9 and Article 14 shall apply mutatis mutandis.

Nevertheless, the holder of an EEC type-approval certificate for a technical entity which has been granted in accordance with the terms of this Article shall both complete the certificate referred to in Article 5 (2) and affix to each entity manufactured in conformity with the approved type his trade mark, the type designation and, if the special Directive so provides, the type-approval number."

2. The following paragraph is added to Article 11 :

"This procedure shall also apply to the incorporation in a special Directive of the provisions relating to EEC type-approval for technical entities."

3. The following items are added to Annex I (Model information document):

- "8.4.4. : Operating space" ,
- "8.4.5. : Windows".

4. The following items are added to Annex II (Model EEC type-approval certificate) :

- "7.4.4 : Operating space SD" ,
- "7.4.5 : Windows SD".

Article 2

1. The Member States shall bring into force the provisions necessary in order to comply with this Directive within eighteen months following its notification and shall forthwith inform the Commission thereof.

2. As soon as this Directive has been notified, the Member States shall ensure that the Commission is informed, in sufficient time for it to submit its comments, of any laws, regulations or administrative provisions which they propose to adopt in the field covered by this Directive.

Article 3

This Directive is addressed to the Member States.

