



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.11.2006
COM(2006) 667 final

2006/0219 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the maximum design speed of and load platforms for wheeled agricultural or forestry tractors

(Codified version)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this was a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules were clear and readily understandable.

3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake the codification of Council Directive 74/152/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to the maximum design speed of and load platforms for wheeled agricultural or forestry tractors³. The new Directive will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

¹ COM(87) 868 PV.

² See Annex 3 to Part A of these Conclusions.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ Annex II, part A of this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Directive 74/152/EEC and the instruments amending it, carried out by the Office of Official Publications of the European Communities, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex III to the codified Directive.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the maximum design speed of and load platforms for wheeled agricultural or forestry tractors

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article \boxtimes 95 \boxtimes thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the procedure laid down in Article 251 of the Treaty²,

Whereas:



- (1) Council Directive 74/152/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to the maximum design speed of and load platforms for wheeled agricultural or forestry tractors³ has been substantially amended several times⁴. In the interests of clarity and rationality the said Directive should be codified.
- (2) Directive 74/152/EEC is one of the separate Directives of the EC type-approval system provided for in Council Directive 74/150/EEC as replaced by Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC⁵ and lays down technical prescriptions

¹ [OJ C [...], [...], p. [...]].

² [OJ C [...], [...], p. [...]].

³ OJ L 84, 28.3.1974, p. 33. Directive as last amended by Commission Directive 98/89/EC (OJ L 322, 1.12.1998, p. 40).

⁴ See Annex II, Part A.

⁵ OJ L 171, 9.7.2003, p. 1. Directive as last amended by Commission Directive 2005/67/EC (OJ L 273, 19.10.2005, p. 17).

concerning the design and construction of wheeled agricultural or forestry tractors as regards their maximum design speed and load platforms. These technical prescriptions concern the approximation of the laws of the Member States to enable the EC type-approval procedure provided for in Directive 2003/37/EC to be applied in respect of each type of tractor. Consequently, the provisions laid down in Directive 2003/37/EC relating to agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units apply to this Directive.

- (3) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B,

↓ 74/152/EEC → ₁ Corrigendum 74/152/EEC (OJ L 226, 18.8.1976, p. 16)

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. “Agricultural or forestry tractor” means any motor vehicle, fitted with wheels or →₁ endless tracks ← and having at least two axles, the main function of which lies in its tractive power and which is specially designed to tow, push, carry or power certain tools, machinery or trailers intended for agricultural or forestry use. It may be equipped to carry a load and passengers.

↓ 82/890/EEC Art. 1(1) (adapted) → ₁ 97/54/EC Art. 1
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2. This Directive shall apply only to tractors defined in paragraph 1 which are equipped with pneumatic tyres and have a maximum design speed of between 6 and →₁ 40 km/h ←.

↓ 74/152/EEC (adapted)

Article 2

No Member State may refuse to grant EC type-approval or national type-approval of a tractor on grounds relating to the maximum design speed or the load platforms if these satisfy the requirements set out in Annex I.

Article 3

No Member State may refuse or prohibit the sale, registration, entry into service, or use of tractors on grounds relating to the maximum design speed or the load platforms if these satisfy the requirements set out in Annex I.

Article 4

1. No Member State may prohibit the fitting of load platforms or require that tractors must be fitted with one or more such platforms.

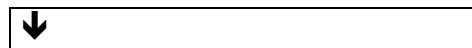
2. No Member State may prohibit the carriage on load platforms of products which they permit to be carried on trailers used for agriculture or forestry purposes. Within the limits laid down by the manufacturer, a maximum load of at least 80% of the weight of the tractor in running order is authorised.

Article 5

The amendments necessary for adapting to technical progress the requirements of Annex I shall be adopted in accordance with the procedure referred to in Article 20(2) of Directive 2003/37/EC .

Article 6

Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.



Article 7

Directive 74/152/EEC, as amended by the Directives listed in Annex II, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.

Article 8

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [...].

Article 9

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

↓ 74/152/EEC

ANNEX I

1. MAXIMUM DESIGN SPEED

- 1.1. For the type-approval tests, the average speed shall be measured on a straight track, which the tractor shall traverse in both directions from a flying start. The soil of the track shall be stabilised; the track shall be flat and at least 100 metres long; however it may include slopes of not more than 1.5%.
- 1.2. During the test, the tractor shall be unladen and in running order without ballast weights or special equipment and the tyre pressures shall be those specified for road use.

↓ 88/412/EEC Art. 1

- 1.3. During the test the tractor shall be fitted with new pneumatic tyres having the greatest rolling radius intended by the manufacturer for the tractor.

↓ 74/152/EEC

- 1.4. The gear ratio used during the test shall be that producing the maximum vehicle speed and the throttle shall be fully open.

↓ 82/890/EEC Art. 1(4) (adapted)
→₁ 98/89/EC Art. 1
→₂ Corrigendum 98/89/EC
(OJ L 18, 23.1.1999, p. 68)

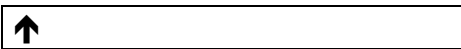
- 1.5. In order to take account of various unavoidable errors due, in particular, to the measuring technique and to the increase in running speed of the engine with a partial load, →₁ a measured speed ⊗ exceeding ⊗ the value for the maximum design speed by →₂ 3 km/h ← ← shall be acceptable for the type-approval test.

↓ 74/152/EEC

- 1.6. So that the authorities competent for the type-approval of tractors may calculate their maximum theoretical speed, the manufacturer shall specify as a guide the gear ratio, the actual forward movement of the powered wheels corresponding to one complete revolution, and the rpm at maximum power output with the throttle fully open and the speed governor, if fitted, adjusted as laid down by the manufacturer.

2. LOAD PLATFORMS

- 2.1. The centre of gravity of the platform shall be situated between the axles.
 - 2.2. The dimensions of the platform shall be such that:
 - the length does not exceed 1.4 times the front or rear track of the tractor, whichever is the larger;
 - the width does not exceed the maximum overall width of the tractor without equipment.
 - 2.3. The platform shall be laid out symmetrically in relation to the longitudinal median plane of the tractor.
 - 2.4. The height of the load platform above the ground shall be not more than 150 cm.
 - 2.5. The type of platform and the way it is fitted shall be such that, with a normal load, the driver's field of vision remains adequate and the various compulsory lighting and light-signalling devices may continue to fulfil their proper function.
 - 2.6. The load platform shall be detachable; it shall be attached to the tractor in such a way as to avoid any risk of accidental detachment.
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ANNEX II

Part A

Repealed Directive with its successive amendments (referred to in Article 7)

Council Directive 74/152/EEC
(OJ L 84, 28.3.1974, p. 33)

Council Directive 82/890/EEC
(OJ L 378, 31.12.1982, p. 45)

Only as regards the references to
Directive 74/152/EEC in
Article 1(1)

Commission Directive 88/412/EEC
(OJ L 200, 26.7.1988, p. 31)

Directive 97/54/EC of the European Parliament and
of the Council
(OJ L 277, 10.10.1997, p. 24)

Only as regards the references to
Directive 74/152/EEC in Article 1

Commission Directive 98/89/EC
(OJ L 322, 1.12.1998, p. 40)

Part B

List of time-limits for transposition into national law and application (referred to in Article 7)

Directive	Time-limit for transposition	Date of application
74/152/EEC	6 September 1975	_____
82/890/EEC	21 June 1984	_____
88/412/EEC	30 September 1988	1 October 1988 ⁽¹⁾
97/54/EC	22 September 1998	23 September 1998
98/89/EC	31 December 1999	1 January 2000 ⁽²⁾

⁽¹⁾ In conformity with Article 2 of Directive 88/412/EEC:

“1. From 1 October 1988 no Member State may:

- refuse, in respect of a type of tractor, to grant EEC type-approval, to issue the document referred to in Article 10(1), final indent, of Directive 74/150/EEC, or to grant national type approval; or

- prohibit the entry into service of tractors;

if the maximum design speed and load platforms of this type of tractor or tractors comply with the provisions of this Directive.

2. From 1 October 1989 Member States:

- may no longer issue the document referred to in Article 10(1), final indent, of Directive 74/150/EEC for a type of tractor of which the maximum design speed and load platforms do not comply with the provisions of this Directive;
- may refuse to grant national type approval in respect of a type of tractor of which the maximum design speed and load platforms do not comply with the provisions of this Directive.”

⁽²⁾ In conformity with Article 2 of Directive 98/89/EC:

“1. From 1 January 2000 no Member State may:

- refuse, in respect of a type of tractor, to grant EC type approval, to issue the document referred to in Article 10(1), final indent of Directive 74/150/EEC, or to grant national type approval, or
- prohibit the entry into service of tractors,

if those tractors meet the requirements of Directive 74/152/EEC, as amended by this Directive.

2. From 1 October 2004, Member States:

- may no longer issue the document referred to in Article 10(1), final indent, of Directive 74/150/EEC for a type of tractor if this does not meet the requirements of Directive 74/152/EEC, as amended by this Directive,
- may refuse to grant national type approval in respect of a type of tractor if this does not meet the requirements of Directive 74/152/EEC as amended by this Directive.”

ANNEX III

CORRELATION TABLE

Directive 74/152/EEC	This Directive
Articles 1 to 5	Articles 1 to 5
Article 6(1)	—
Article 6(2)	Article 6
—	Article 7
—	Article 8
Article 7	Article 9
Annex	Annex I
—	Annex II
—	Annex III