Commission Delegated Regulation (EU) 2018/985 of 12 February 2018 supplementing Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards environmental and propulsion unit performance requirements for agricultural and forestry vehicles and their engines and repealing Commission Delegated Regulation (EU) 2015/96 (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2018/985

of 12 February 2018

supplementing Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards environmental and propulsion unit performance requirements for agricultural and forestry vehicles and their engines and repealing Commission Delegated Regulation (EU) 2015/96

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles[(1)], and in particular Articles 19(6) and 20(8), 28(6) and 53(12), thereof,

Whereas:

(1) Having regard to the European strategy on clean and energy efficient vehicles[(2)], the detailed technical requirements for the type-approval of agricultural and forestry vehicles with regard to their environmental and propulsion unit performance should aim at improving the environmental performance of such vehicles and at the same time strengthening the competitiveness of the Union's automotive industry.

(2) A considerable reduction in hydrocarbon emissions from agricultural and forestry vehicles is necessary to improve air quality and comply with limit values for pollution. That objective should be achieved not only by reducing the hydrocarbon tailpipe and evaporative emissions from these vehicles, but also by helping to reduce volatile particle levels.

(3) Given the application of the provisions of Regulation (EU) 2016/1628 of the European Parliament and of the Council[(3)] — on engine categories, exhaust emission limits, test cycles, emission durability periods, exhaust emission requirements, the monitoring of emissions of in-service engines and the conduct of measurements and tests, as well as the transitional provisions and provisions allowing the early EU type-approval and the placing on the market of Stage V engines — to the environmental performance of agricultural and forestry vehicles, the provisions of this Regulation covering the remaining aspects of such approval should be closely modelled on those contained in Regulation (EU) 2016/1628.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2018/985. (See end of Document for details)*

(4) For the purposes of the engine pollutant emission stage for agricultural and forestry vehicle engines, referred to as 'Stage V', that will succeed the one laid down in Commission Delegated Regulation (EU) 2015/96[(4)], ambitious gaseous and particulate matter pollutant emission limits should be set while aligning with international standards in order to reduce emissions of particulate matter and ozone precursors such as nitrogen oxides and hydrocarbons.

(5) A standardised method of measuring fuel consumption and carbon dioxide emissions of agricultural and forestry vehicle engines is necessary to ensure that no technical barriers to trade arise between the Member States. For the same reason, it is also appropriate to ensure that customers and users are supplied with objective and precise information regarding the same subjects.

(6) In order to ensure that new vehicles, components and separate technical units placed on the market provide a high level of environmental protection, equipment or parts that can be fitted to agricultural and forestry vehicles and which are capable of significantly impairing the functioning of systems that are essential in terms of environmental protection should be subject to prior control by an approval authority before they are placed on the market. For that purpose, technical provisions concerning the requirements that those parts or equipment have to comply with should be laid down.

(7) Technical progress and high-level environmental protection require prescribing technical requirements for the introduction of Stage V in relation to agricultural and forestry vehicles, replacing the previous engine pollutant emission stages laid down in Delegated Regulation (EU) 2015/96. The necessary technical requirements concerning in particular engine categories, limit values and implementation dates in this Regulation, should be aligned to the ones in Regulation (EU) 2016/1628.

(8) By Council Decision 97/836/EC[(5)], the Union has acceded to the Agreement of the United Nations Economic Commission for Europe (UNECE) concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions (Revised 1958 Agreement). In its communication 'CARS 2020: Action Plan for a competitive and sustainable automotive industry in Europe'[(6)], the Commission stressed that the acceptance of international regulations under the 1958 UNECE Agreement is the best way to remove non-tariff barriers to trade. Therefore, references to the corresponding UNECE regulations should be used, where appropriate, for the purposes of laying down requirements for EU type-approval. That possibility is provided for in Regulation (EU) No 167/2013.

(9) Concerning environmental and propulsion unit performance requirements of agricultural and forestry vehicles, UNECE regulations should be used on an equal basis to Union legislation in order to avoid duplication not only of technical requirements but also of certification and administrative procedures. Type-approval should be based directly on internationally agreed standards because that approach can improve market access in third countries, in particular in those which are contracting parties to the Revised 1958 Agreement, thus enhancing the Union industry's competitiveness.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2018/985. (See end of Document for details)*

(10) It should be possible for engines which before the entry into force of this Regulation were not subject to pollutant emission-related type-approval at Union level and for vehicles equipped with such engines to be placed on the market until the mandatory dates of application of Regulation (EU) 2016/1628 for the placing on the market of the corresponding engine category, provided they comply with applicable national rules.

(11) Union legislation should not lay down technical requirements which cannot be reasonably met in time. The industry should be provided sufficient lead time as regards the application of Stage V engine pollutant emission limits to agricultural and forestry vehicles. Therefore, it is necessary to lay down transitional measures allowing for the granting of EU type-approvals and exemptions in accordance with the legislation applicable before the day of entry into force of this Regulation during a limited period of time. In particular, it is necessary to permit for a limited period of time the application of engine pollutant emission stages preceding Stage V in parallel with the latter due to technical difficulties of certain vehicle categories, mainly narrow-track tractors, in complying with Stage V from the mandatory dates of application of Regulation (EU) 2016/1628 for the placing on the market of engines.

(12) In order to take account of logistic supply constraints and to allow for 'just in time' production flow, and to avoid unnecessary costs and administrative burden, an engine manufacturer should, with the consent of the vehicle manufacturer, be allowed to deliver an engine based on an approved type separately from its exhaust after-treatment system.

(13) The provisions on the engine pollutant emission stages preceding Stage V are laid down in Delegated Regulation (EU) 2015/96. Those provisions, concerning type-approval or placing on the market of tractors, should only apply until the mandatory dates of application of Regulation (EU) 2016/1628 for the EU type-approval of engines or for their placing on the market, respectively, or beyond those dates in accordance with the transitional provisions. Delegated Regulation (EU) 2015/96 should therefore be repealed from the entry into force of this Regulation,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND DEFINITIONS

Article 1

Subject matter

This Regulation establishes

(a) the detailed technical requirements on the environmental and propulsion unit performance and permissible external sound levels for the approval of:

(i) agricultural and forestry vehicles;

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2018/985. (See end of Document for details)*

(ii) engines with regard to their installation and the impact this has on engine performance;

(iii) their systems, components and separate technical units; and

(b) the test procedures necessary to assess the compliance with the requirements referred to in point (a).

This Regulation also establishes the detailed requirements with regard to type-approval procedures and conformity of production.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(1) ‘engine’ means an energy converter, other than a gas turbine, designed to transform chemical energy (input) into mechanical energy (output) with an internal combustion process; it includes, where they have been installed, the emission control system and the communication interface (hardware and messages) between the engine's electronic control unit(s) and any other powertrain or vehicle control unit necessary to comply with Chapters II and III of Regulation (EU) 2016/1628;

(2) ‘engine type’ means a group of engines which do not differ in essential engine characteristics;

(3) ‘engine family’ means a manufacturer's grouping of engine types which, through their design, have similar exhaust emission characteristics, and respect the applicable emission limit values;

(4) ‘parent engine’ means an engine type selected from an engine family in such a way that its emissions characteristics are representative of that engine family;

(5) ‘replacement engine’ means an engine that meets both of the following criteria:

(a) it is exclusively used to replace an engine already placed on the market and installed in an agricultural and forestry vehicle;

(b) it complies with an emission stage which is lower than that applicable on the date of the engine's replacement;

(6) ‘net power’ means the engine power in kW obtained on a test bench at the end of the crankshaft, or its equivalent, measured in accordance with the method of measuring the power of engines specified in UNECE Regulation No 120[(7)] using a reference fuel or fuel combination laid down in Article 25(2) of Regulation (EU) 2016/1628;

(7) ‘transition engine’ means an engine that has an engine production date that is prior to the date laid down in Annex III to Regulation (EU) 2016/1628 in respect of the placing on the market of Stage V engines and that meets at least one of the following conditions:

(a) it complies with the latest applicable emission limits laid down in the relevant legislation applicable on 20 July 2018;

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(b) it falls within a power range, or is used or intended to be used in an application that was not subject to pollutant emission related type-approval in accordance with Delegated Regulation (EU) 2015/96 on 20 July 2018;

(c) it is an engine in the power range 56-130 kW, meeting the Stage IIIB requirements and installed or intended to be installed in a tractor of categories T2, T4.1 or C2;

(8) 'exhaust after-treatment system' means a catalyst, particulate filter, deNOx system, combined deNOx particulate filter or any other emission-reducing device, with the exception of exhaust gas recirculation and turbochargers, that is part of the emission control system but is installed downstream of the engine exhaust ports;

(9) 'external noise-abatement device' means a component, system or separate technical unit which is part of the exhaust and the silencing system, including the exhaust system, the air intake system, the silencer or any systems, components, and separate technical units with a relevance to the permissible external sound levels emitted by the agricultural or forestry vehicle, of a type fitted to the vehicle at the time of type-approval or extension of type-approval;

(10) 'SI engine' means an engine that works on the spark-ignition ('SI') principle;

(11) 'track belt' means a continuous flexible rubber like belt, reinforced internally to enable the tractive forces;

(12) 'track chain' means a continuous metallic chain which engages with the track driver and where each link is with a transversal metallic track shoe, the latter optionally padded with a rubber strip for road surface protection;

(13) 'in-service engine' means an engine that is operated in agricultural and forestry vehicle over its normal operating patterns, conditions and payloads, and is used to perform the emission monitoring tests as referred to in Article 19 of Regulation (EU) 2016/1628;

(14) 'maximum net power' means the highest value of the net power on the nominal full-load power curve for the engine type;

(15) 'engine production date' means the date, expressed as the month and year, on which the engine passes the final check, after it has left the production line, and is ready to be delivered or to be put into stock;

(16) 'vehicle production date' means the month and year in which an agricultural and forestry vehicle passes the final check after it has left the production line and which are indicated on the statutory marking of that vehicle;

(17) 'end-user' means any natural or legal person, other than the manufacturer, vehicle manufacturer, importer or distributor, that is responsible for operating the engine installed in agricultural and forestry vehicles;

(18) 'exhaust gas recirculation' or 'EGR' means a technical device that is part of the emission control system and reduces emissions by routing exhaust gases that have been expelled from the combustion chamber(s) back into the engine to be mixed with incoming air before or during combustion, except for the use of valve timing to increase the amount of residual exhaust gas in the combustion chamber(s) that is mixed with incoming air before or during combustion;