Commission Delegated Regulation (EU) 2018/830 of 9 March 2018 amending Annex I to Regulation (EU) No 167/2013 of the European Parliament and of the Council and Commission Delegated Regulation (EU) No 1322/2014 as regards the adaptation of the vehicle construction and general requirements for the approval of agricultural and forestry vehicles

COMMISSION DELEGATED REGULATION (EU) 2018/830

of 9 March 2018

amending Annex I to Regulation (EU) No 167/2013 of the European Parliament and of the Council and Commission Delegated Regulation (EU) No 1322/2014 as regards the adaptation of the vehicle construction and general requirements for the approval of agricultural and forestry vehicles

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 Article 18(4) and Article 49(3) thereof,

Whereas:

(1) Several entries of Annex I to Regulation (EU) No 167/2013 should be amended to permit laying down requirements for additional vehicle categories in accordance with the latest versions of certain standard Codes for the official testing of agricultural and forestry tractors of the Organisation for Economic Cooperation and Development (OECD standard Codes)[(2)].

(2) UNECE regulations which apply on a compulsory basis set out in Annex I to Commission Delegated Regulation (EU) No 1322/2014[(3)] are updated frequently. In that regard, the list should be complemented with an explanatory note clarifying that manufacturers are allowed to use subsequent supplements of the applicable series of amendments of those UNECE regulations, even if they are not published in the *Official Journal of the European Union*.

(3) To make clear that certain requirements of Union legislation are equivalent and fully aligned with the requirements set out in the OECD standard Codes, the text of the requirements and the numbering set out in certain Annexes to Delegated Regulation (EU) No 1322/2014 should be adapted to make them identical with the text and numbering of the corresponding OECD standard Code.

(4) To reduce the number of injuries and fatal accidents caused by the failure to raise the rear – mounted foldable roll-over protection structure on narrow-track tractors in potentially dangerous situations, ergonomic requirements should be made compulsory to facilitate and encourage the raising of the roll-over protection structure when needed.

(5) The list of test reports issued on the basis of the OECD standard Codes and recognised for the purposes of EU type approval as an alternative to the test reports issued on the basis of Delegated Regulation (EU) No 1322/2014 should be brought up to date.

(6) For the purposes of clarifying and improving certain test procedures, additional minor amendments should be made to the test method for the driver's seat and to the requirements on access to the driving position, on the minimum strength of control devices and on the burning rate of cab material set out in Delegated Regulation (EU) No 1322/2014.

(7) Regulation (EU) No 167/2013 and Delegated Regulation (EU) No 1322/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Annex I to Regulation (EU) No 167/2013

In Annex I to Regulation (EU) No 167/2013, in row No 38, in the columns for vehicle categories Ca and Cb, ‘NA’ is replaced by ‘X’.

Article 2

Amendments to Delegated Regulation (EU) No 1322/2014

Delegated Regulation (EU) No 1322/2014 is amended as follows:

(1) in Article 12, the words ‘for vehicles of categories T2, T3 and T4.3’ are replaced by the words ‘for vehicles of categories T2/C2, T3/C3 and T4.3/C4.3’;

(2) in Chapter V, the following Article 35a is inserted:

Article 35a

Transitional provisions

1 Until 26 June 2018, national authorities shall continue to grant type-approvals to agricultural and forestry vehicle types, or types of systems, components or separate technical units in accordance with this Regulation, in its version applicable on 25 June 2018.

2 Until 31 December 2018, the Member States shall permit the placing on the market, registration or entry into service of agricultural and forestry vehicles, systems, components or separate technical units based on a type approved in accordance with this Regulation, in its version applicable on 25 June 2018.;

(3) in Annex I, in the text under the heading ‘Explanatory note:’, the following paragraphs are added:

The transitional provisions of the UNECE regulations listed in this table shall apply, except where specific alternative dates are provided for in this Regulation.

Compliance with prescriptions in accordance with subsequent amendments to those listed in this table shall also be accepted.;

(4) Annex II is amended in accordance with Annex I to this Regulation;

(5) Annex VI is amended as follows:

(a) Point B is amended as follows:

(a) in point 3.8.2., the first paragraph is replaced by the following

When applicable, cold weather embrittlement properties shall be verified either in accordance with the requirements in points 3.8.2.1. to 3.8.2.7., or with the requirements in point 3.8.3.;

(b) the following point 3.8.3. is inserted:

3.8.3. Resistance to cold weather embrittlement may be demonstrated by applying the rules and directions of Section 3 of this Point B at a reduced temperature of – 18 °C or colder. Prior to dynamic testing the protective structure and all mounting hardware shall be cooled to – 18 °C or colder.;

(6) in the Explanatory notes to Annex VI, explanatory note (1) is replaced by the following:

(1) Unless otherwise stated, the text of the requirements and the numbering set out in point B are identical with the text and numbering of the OECD standard Code for the official testing of protective structures on agricultural and forestry tractors (dynamic test), OECD standard Code 3, Edition 2017 of February 2017.;

(7) in Annex VII, in the Explanatory notes to Annex VII, explanatory note (1) is replaced by the following:

(1) Unless otherwise stated, the text of the requirements and the numbering set out in point B are identical with the text and numbering of the OECD standard Code for the official testing of protective structures on agricultural and forestry track-laying tractors, OECD standard Code 8, Edition 2017 of February 2017.;

(8) Annex VIII is amended as follows:

(a) in point B, point 3.11.2. is replaced by the following:

3.11.2. Where applicable, cold weather embrittlement properties shall be verified in accordance with the requirements given in 3.11.2.1 to 3.11.2.7;

(b) in the Explanatory notes to Annex VIII, explanatory note (1) is replaced by the following:

(1) Unless otherwise stated, the text of the requirements and the numbering set out in point B are identical with the text and numbering of the OECD standard Code for the official testing of protective structures on agricultural and forestry tractors (static test), OECD standard Code 4, Edition 2017 of February 2017.;

(9) Annex IX is amended in accordance with Annex II to this Regulation;

(10) Annex X is amended in accordance with Annex III to this Regulation;

(11) Annex XI is amended in accordance with Annex IV to this Regulation;

(12) Annex XIII is amended as follows:

(a) in point 3.1.3., the following paragraph is added:

At the discretion of the manufacturer, an additional optional noise measurement may be made with the engine stopped and auxiliaries such as ventilating fans, defrosters and other electrical facilities working at maximum settings.;

(b) the following point 3.2.2.2.2. is inserted:

3.2.2.2.2. During the optional third series of measurements the engine shall be stopped and auxiliaries such as ventilating fans, defrosters and other electrical facilities shall be working at maximum settings.;

(13) Annex XIV is amended in accordance with Annex V to this Regulation;

(14) In Annex XV, point 3.3.2., is replaced by the following:

3.3.2. The upper step or rung must be easily identifiable and accessible for a person leaving the vehicle. The vertical distance between successive steps or rungs shall be equal. However, a tolerance of 20 mm is allowed.;

(15) in Annex XVIII, in the Explanatory notes to Annex XVIII, explanatory note (1) is replaced by the following:

(1) Unless the numbering, the requirements set out in point B are identical with the text of the OECD standard Code for the official testing of for the official testing of protective structures on agricultural and forestry tractors (static test), OECD standard Code 4, Edition 2017 of February 2017.;

(16) in Annex XXII, point 4 is replaced by the following:

4. Noise declaration

The operator's manual shall give the values of the noise at the operator's ear for each testing condition set out in Annex XIII, or alternatively the results of sound level test of OECD standard Code 5 in accordance with point 4 of its specimen test report.;

(17) in Annex XXIII, point 1.2.1. is replaced by the following:

1.2.1. Control devices such as steering wheels or steering levers, gear levers, control levers, cranks, pedals and switches shall be chosen, designed, constructed and arranged so that their actuating forces, displacement, locations, methods of operation and colour coding are in accordance with the standard ISO 15077:2008, including the provisions set out in Annexes A and C of that standard.;

(18) in Annex XXVII, point 2 is replaced by the following:

2. Burning rate of cab material

The burning rate of cab interior material such as the seat covering, wall, floor and headliner coverings when provided shall not exceed the maximum rate of 150 mm/min when tested in accordance with the standard ISO 3795:1989 or the standard FMVSS302..

Article 3

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 March 2018.

For the Commission

The President

Jean-Claude JUNCKER