Commission Delegated Regulation (EU) 2016/1788 of 14 July 2016 amending Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards the list of requirements for vehicle EU type-approval, and amending and correcting Commission Delegated Regulations (EU) No 1322/2014, (EU) 2015/96, (EU) 2015/68 and (EU) 2015/208 with regard to vehicle construction and general requirements, to environmental and propulsion unit performance requirements, to vehicle braking requirements and to vehicle functional safety requirements (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2016/1788

of 14 July 2016

amending Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards the list of requirements for vehicle EU type-approval, and amending and correcting Commission Delegated Regulations (EU) No 1322/2014, (EU) 2015/96, (EU) 2015/68 and (EU) 2015/208 with regard to vehicle construction and general requirements, to environmental and propulsion unit performance requirements, to vehicle braking requirements and to vehicle functional safety requirements

(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 17(5), 18(4), 19(6), 20(8), 27(6), 28(6), 49(3), 53(12), 60(1) and Articles 61 and 70 thereto,

Whereas:

(1) As Article 27(3) of Regulation (EU) No 167/2013 allows for the use of virtual testing methods as an alternative to the physical tests performed by designated technical services, and considering that such virtual testing methods reduce considerably the burden on manufacturers and are particularly easy to apply with regard to dimensional checking, further requirements should be added to the list of requirements which may be subject to virtual testing set out in Annex III to Commission Delegated Regulation (EU) No 1322/2014[(2)].

(2) In order to improve the accuracy, the technical requirements related to the measuring apparatus for the driver-perceived noise level set out in Annex XIII to Delegated Regulation (EU) No 1322/2014 should be updated to technical progress.

(3) To ensure consistency it is necessary to provide further conditions for EU component type-approval of a seat in Annex XIV to Delegated Regulation (EU) No 1322/2014.

(4) For the purposes of clarity and accuracy, further requirements on the information to be included in the operator's manual in accordance with Annex XXII to Delegated Regulation (EU) No 1322/2014 should be added, in particular with regard to the information on how to fix the three-point hitch laterally and vertically for road travel, on instructions and specific warnings on the reduced dimensions of the protective device for a power take-off Type 3 and on the greasing intervals.

(5) Due to their technical design, vehicles of category T or C with a hydrostatic drive controlled by the right foot and vehicles of category C with a maximum design speed of less than 15 km/h referred to in Annex XXIII to Delegated Regulation (EU) No 1322/2014 regarding control devices should be exempted from the requirement of having clutch, brake and accelerator pedals with the same function and arrangement as those of a motor vehicle.

(6) To improve the accuracy, the requirements for the safe start of the engine set out in Annex XXIII to Delegated Regulation (EU) No 1322/2014 should be improved and adapted to the particularities of certain vehicle designs.

(7) To ensure consistency with Delegated Regulation (EU) No 1322/2014, requirements for control devices related to virtual terminals, set out in Annex X to Commission Delegated Regulation (EU) 2015/208[(3)] regarding requirements on driver information systems, should be moved to Annex XXIII to Delegated Regulation (EU) No 1322/2014 regarding requirements on control devices.

(8) For the purposes of consistency and simplification, the marking requirements for the flexible hydraulic hoses set out in Annex XXIV to Delegated Regulation (EU) No 1322/2014 regarding protection against other mechanical hazards should be harmonised with standard ISO 17165-1:2007 currently used by hose manufacturers.

(9) To ensure consistency it is necessary to include in the scope of Annex XXIX to Delegated Regulation (EU) No 1322/2014 regarding protection against hazardous substances, any tractor fitted with a cab, including those fitted with cabs of level 1, even if they do not provide any protection.

(10) In order to ensure that the meaning of the term 'cab' is understood in the same way, a definition for 'cab' should be introduced in Delegated Regulation (EU) 2015/208. The definition should be based on the internationally recognised standard EN 15695-1:2009.

(11) The calculation of tractors' maximum theoretical speed set out in Annex III to Delegated Regulation (EU) 2015/208 should take into account the latest technical developments regarding engine control.

(12) The conditions for fulfilment of ISO requirements set out in Annex VII to Delegated Regulation (EU) 2015/208 regarding field of vision and windscreen wipers do not expressly include conditions regarding direct and indirect vision. Conditions regarding direct and indirect vision should be expressly stated in that Annex to ensure that the ISO requirements are fulfilled uniformly.

(13) Lighting installations referred to in Annex XII to Delegated Regulation (EU) 2015/208 should comply with certain stricter requirements for fast tractors, to increase their safety.

(14) Control devices, providing the driver with haptic information, have protruding edges. In order to protect vehicle occupants while retaining the possibility to provide haptic information, it is necessary to introduce specific requirements for those devices in Annex XIII to Delegated Regulation (EU) 2015/208.

(15) Specific requirements should be introduced in Annex XIV to Delegated Regulation (EU) 2015/208 for the exterior and accessories of agricultural and forestry vehicles, due to the particular purpose of certain exterior configurations.

(16) The requirements for cab heating and cooling in Annex XVII to Delegated Regulation (EU) 2015/208 should be compatible with the requirements of Annex XXIX to Delegated Regulation (EU) No 1322/2014 regarding the pressure level and the air flow.

(17) It is necessary to improve the visibility of the registration plates referred to in Annex XIX to Delegated Regulation (EU) 2015/208.

(18) Certain requirements for the fuel tanks in Annex XXV to Delegated Regulation (EU) 2015/208 should be aligned with the latest technical developments set out in the United Nations Economic Commission for Europe (UNECE) Regulation No 34.

(19) Due to particular dimensions of T2 tractors, it is necessary to adapt the length of platform specified in Annex XXVIII to Delegated Regulation (EU) 2015/208.

(20) The towing device requirements in Annex XXIX to Delegated Regulation (EU) 2015/208 need to be adapted to take into account the latest technical developments.

(21) Additional definitions are necessary in relation to tracks in Annex XXXIII to Delegated Regulation (EU) 2015/208. It is also necessary to update a number of the existing definitions to take into account the latest technical developments.

(22) Additional terms and requirements are necessary in relation to mechanical couplings in Annex XXXIV to Delegated Regulation (EU) 2015/208, to ensure the consistency of tests on both towing vehicle (tractor) and towed vehicle (trailer or interchangeable towed equipment). Number of the terms and requirements in relation to mechanical couplings need to be adapted to avoid the use of the same terms in different contexts.

(23) Certain terms and requirements related to braking of agricultural and forestry vehicles in Annex I to Commission Delegated Regulation (EU) 2015/68[(4)] should be aligned with the latest technical developments regarding construction and fitting of brakes.

(24) Braking tests set out in Annex II to Delegated Regulation (EU) 2015/68 should be aligned with the latest technical developments regarding the braking behaviour and performance and with corresponding requirements of UNECE Regulation No 13.

(25) Additional definitions in relation to alternative braking tests are necessary and certain terms and requirements concerning alternative braking tests set out in Annex VII to Delegated Regulation (EU) 2015/68 should be clarified to fully align with the requirements laid down in UNECE Regulation No 13.

(26) Certain terms and requirements related to braking of agricultural and forestry vehicles with hydrostatic drive set out in Annex IX to Delegated Regulation (EU) 2015/68 should

be aligned with the latest technical developments regarding the performance of brakes installed in such vehicles.

(27) The requirements in Annex XII to Delegated Regulation (EU) 2015/68 for electronically controlled braking systems on certain tractors should be adapted to avoid failures to the greatest possible degree and to increase braking performance.

(28) The definitions regarding engine pollutant emissions set out in Commission Delegated Regulation (EU) 2015/96[(5)] should be aligned with the corresponding definitions used in relation to non-road mobile machinery. It is also necessary to fully align the requirements in relation to non-road mobile machinery set out in that Regulation with the requirements set out in Directive 97/68/EC of the European Parliament and of the Council[(6)] and with UNECE Regulation No 96.

(29) In order to improve the readability and clarity of Delegated Regulation (EU) No 1322/2014, Delegated Regulation (EU) 2015/96, Delegated Regulation (EU) 2015/68 and Delegated Regulation (EU) 2015/208, it is necessary to correct some editorial mistakes, contradictions and wrong references.

(30) Annex I to Regulation (EU) No 167/2013 regarding requirements for vehicle EU type-approval should allow laying down functional safety requirements for additional vehicle categories where that is necessary.

(31) Regulation (EU) No 167/2013 should therefore be amended accordingly.

(32) Delegated Regulation (EU) No 1322/2014, Delegated Regulation (EU) 2015/96, Delegated Regulation (EU) 2015/68 and Delegated Regulation (EU) 2015/208 should therefore be amended and corrected accordingly.

(33) Given that Regulation (EU) No 167/2013, Delegated Regulation (EU) No 1322/2014, Delegated Regulation (EU) 2015/96, Delegated Regulation (EU) 2015/68 and Delegated Regulation (EU) 2015/208 are already applicable and that the amendments to those acts include number of corrections, this Regulation should enter into force as soon as possible,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 167/2013 on the approval and market surveillance of agricultural and forestry vehicles

Annex I to Regulation (EU) No 167/2013 is amended in accordance with Annex I to this Regulation.

Article 2

Amendments to Delegated Regulation (EU) No 1322/2014

Delegated Regulation (EU) No 1322/2014 is amended in accordance with Annex II to this Regulation.

Article 3

Amendments to Delegated Regulation (EU) 2015/96

Delegated Regulation (EU) 2015/96 is amended as follows:

(1) Article 2 is amended as follows:

(a) the first sentence and the introductory sentence are replaced by the following:

> For the purposes of this Regulation, the definitions in Annex XXXIII to Commission Delegated Regulation (EU) 2015/208[(7)] shall apply. The following definitions shall also apply:

(b) point (2) is replaced by the following:

> (2) "pollutant exhaust emissions after-treatment system" means the passage of exhaust gases through a device or system whose purpose is to chemically or physically alter the emitted pollutants prior to their release to the atmosphere, including catalysts, particulate traps or any other component, system or separate technical unit for the reduction or treatment of the engine gaseous and particulate matter exhaust pollutant emissions;

(c) points (4) and (5) are replaced by the following:

> (4) "pollution control device" means a component, system or separate technical unit which is part of the pollutant exhaust emissions after-treatment system;
>
> (5) "replacement pollution control device" means a component, system or separate technical unit intended to replace, partially or fully, a pollutant exhaust emissions after-treatment system on a vehicle type-approved in accordance with Regulation (EU) No 167/2013 and this Regulation;

(d) point (12) is replaced by the following:

> (12) "net power" means the engine power obtained on a test bench at the end of the crankshaft or its equivalent at the corresponding engine speed with the auxiliaries, listed in Table 1 of Annex 4 to UNECE Regulation No 120, 01 series of amendments[(8)], determined under reference atmospheric conditions.;

(2) Article 4 is amended as follows:

(a) paragraph 2 is replaced by the following:

> 2. The type-approval regarding exhaust pollutant emissions and external sound level requirements may be extended by the type-approval authorities to different vehicle variants, versions and engine types and families, provided that the vehicle variant, version, propulsion unit and pollution control system parameters have an identical performance or remain within the levels specified in Article 19(3) and (4) of Regulation (EU) No 167/2013.