Commission Delegated Regulation (EU) 2015/208 of 8 December 2014 supplementing Regulation (EU) No 167/2013 of the European Parliament and of the Council with regard to vehicle functional safety requirements for the approval of agricultural and forestry vehicles (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2015/208

of 8 December 2014

supplementing Regulation (EU) No 167/2013 of the European Parliament and of the Council with regard to vehicle functional safety requirements for the approval of agricultural and forestry vehicles

(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 Article 17(5) and Article 49(3),

Whereas:

(1) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured. To that end, a comprehensive EU type-approval system and a strengthened market surveillance system for agricultural and forestry vehicles and their systems, components and separate technical units as defined by Regulation (EU) No 167/2013 apply.

(2) Agricultural and forestry vehicles falling under the definition of 'tractor' set out in Article 3(8) of Regulation (EU) No 167/2013, on which machinery is mounted, should be type-approved in accordance with Article 77 of that Regulation.

(3) That mounted machinery enables tractors to be used for a wide variety of agricultural and forestry purposes, including special purpose works. Therefore, that mounted machinery should be subject to Directive 2006/42/EC of the European Parliament and of the Council[(2)], as set out in Article 77 of Regulation (EU) No 167/2013.

(4) By Council Decision 97/836/EC[(3)], the Union 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*, the Commission highlighted that the acceptance of international regulations under the 1958 UNECE Agreement is the best way to remove non-tariff barriers to trade.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2015/208. (See end of Document for details)*

(5) By Decision 97/836/EC, the Union also acceded to UNECE Regulations Nos 3, 4, 5, 6, 7, 19, 23, 31, 37, 38, 43, 71, 79, 98 and 99.

(6) In the Union, some of the requirements under regulations on vehicle parts are taken over from the corresponding UNECE regulations. As technology progresses, UNECE regulations are constantly amended and the relevant Union regulations have to be regularly updated to keep them in line with the content of the respective UNECE regulations.

(7) The possibility to apply UNECE regulations for the purpose of EU vehicle type-approval as a basis to Union legislation is provided for in Regulation (EU) No 167/2013. According to that Regulation, type-approval in accordance with UNECE regulations which apply on an equal basis to Union legislation is to be considered as EU type-approval in accordance with that Regulation and its delegated and implementing acts.

(8) Using UNECE regulations on an equal basis to Union legislation helps to avoid duplication not only of technical requirements but also of certification and administrative procedures. In addition, type-approval that is directly based on internationally agreed standards should improve market access in third countries, in particular in those which are contracting parties to the Revised 1958 Agreement, thus enhancing the competitiveness of Union industry.

(9) It is appropriate to include UNECE Regulations Nos 3, 4, 5, 6, 7, 19, 23, 31, 37, 38, 43, 71, 79, 98, 99, 106, 112, 113 in Annex I to this Regulation, which lists the UNECE regulations that apply on an equal basis to Union legislation.

(10) Article 17 of Regulation (EU) No 167/2013 and Annex I to that regulation lay down functional safety requirements previously covered in Directives repealed in that Regulation. While the requirements laid down in this Regulation have to a large extent been carried over from those repealed directives, important modifications should be introduced where necessary to update to technical progress, extend the scope to further vehicle categories or to increase the level of safety as regards, for example: steerability, glazing, dimensions and masses, tyres and mechanical couplings are deemed paramount for the functional safety of agricultural and forestry vehicles. Requirements regarding the maximum design speed, speed governor and speed-limitation devices should be introduced to address specific characteristics of agricultural and forestry tractors that are designed for off-road use but that travel also on hard-paved public roads.

(11) Where manufacturers may choose to apply for national type-approval in accordance with Article 2 of Regulation (EU) No 167/2013, Member States should, for all subjects covered in this Regulation be free to set requirements for the purposes of national type-approval which are different from the requirements of this Regulation.
For the purposes of national type-approval, national authorities may not, on grounds relating to the functional safety, refuse to approve types of vehicles, systems, components and separate technical units which are compliant with the requirements provided for in this Regulation, with the exception of the requirements on certain subjects, as some Member States have stricter requirements at national level.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2015/208. (See end of Document for details)*

(12) Member States should prohibit the making available on the market, registration, or entry into service of new vehicles not complying with the requirements of this Regulation as from the same date as provided for in Regulation 167/2013 and the other delegated acts adopted thereunder.

(13) In order to allow for a uniform application date of all new type-approval rules, this Regulation should apply as from 1 January 2016, date of application of Regulation (EU) No 167/2013,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND DEFINITIONS

Article 1

Subject matter

This Regulation establishes the detailed technical requirements and test procedures regarding functional safety, except with respect to braking performance, for the approval and market surveillance of agricultural and forestry vehicles and the systems, components and separate technical units intended for such vehicles in accordance with Regulation (EU) No 167/2013.

Article 2

Definitions

The definitions of Regulation (EU) No 167/2013 shall apply. In addition, the following definitions shall apply:

(1) ‘Towing device’ means a component on the tractor designed to provide a mechanical link between the tractor and a towing vehicle to tow the tractor away in case it cannot be self-propelled;

(2) ‘Unladen mass in running order’ of a vehicle means the mass of the unladen vehicle ready for normal use and including the standard equipment in accordance with the manufacturer’s specifications, coolant, lubricants, fuel, tools and driver (considered equal to 75 kg) and excluding optional accessories;

(3) ‘Steering control’ means the part directly operated by the driver in order to steer the tractor;

(4) ‘Steering effort’ means the force exerted by the driver on the steering control in order to steer the tractor;

(5) ‘**[**[F1]Tyres normally fitted’ means the type or types of tyre provided by the manufacturer on the vehicle type in question and specified in the information document the template of which is set out in Article 2 of Commission Implementing Regulation (EU) 2015/504[(4)];**]**

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2015/208. (See end of Document for details)*

(6) **[**F1‘Tracks normally fitted’ means the type or types of track provided by the manufacturer on the vehicle type in question and specified in the information document the template of which is set out in Article 2 of Implementing Regulation (EU) 2015/504;**]**

(7) ‘Rear-view mirror’ means any device intended to give, within the field of vision geometrically defined in point 5 of Annex IX, a clear view to the rear which, within reasonable limits, is not blocked by component parts of the tractor or by the occupants of the tractor itself;

(8) ‘Interior rear-view mirror’ means a rear-view mirror which is fitted inside the cab or frame of a tractor;

(9) ‘Class of rear-view mirror’ means all rear-view mirrors having one or more common characteristics or functions;

(10) ‘Lamp’ means a device designed to illuminate the road (headlamp) or to emit a light signal;

(11) ‘Tractor wheelbase’ or ‘Vehicle wheelbase’ means the distance between the vertical planes perpendicular to the median longitudinal plane of the tractor or of the vehicle passing through the axles of the tractor or of the vehicle;

(12) **[**F1‘Laden vehicle’ means a vehicle loaded at its technically permissible maximum laden mass;**]**

(13) **[**F2‘Cab’ means the operator enclosure which surrounds the operator by means of a physical barrier and prevents the free passage of external air into the area of the operator.**]**

Textual Amendments

F1 Substituted by 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).

F2 Inserted by 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).

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2015/208. (See end of Document for details)*

CHAPTER II

VEHICLE FUNCTIONAL SAFETY REQUIREMENTS

Article 3

Fitting and demonstration requirements related to functional safety

1 Manufacturers shall equip agricultural and forestry vehicles with systems, components and separate technical units affecting their functional safety that are designed, constructed and assembled so as to enable the vehicle in normal use and maintained according to the prescriptions of the manufacturer to comply with the detailed technical requirements and testing procedures laid down in Articles 5 to 38.

2 Manufacturers shall demonstrate by means of physical demonstration testing to the approval authority that the agricultural and forestry vehicles made available on the market, registered or entering into service in the Union comply with the functional safety requirements laid down in Article 17 of Regulation (EU) No 167/2013 and Annex I to that Regulation and comply with the detailed technical requirements and test procedures laid down in Articles 5 to 38 of this Regulation.

3 Manufacturers shall ensure that spare parts that are made available on the market or are entering into service in the Union comply with the detailed technical requirements and test procedures laid down in this Regulation.

4 Manufacturers shall submit to the approval authority a description of the measures taken to prevent tampering with, and modification of, the powertrain management system, including the functional safety electronic control computers, where fitted.

Article 4

Application of UNECE regulations

The UNECE regulations and amendments thereto set out in Annex I to this Regulation shall apply to type-approval of agricultural and forestry vehicles.

Article 5

Technical specifications on functional safety requirements and test procedures

1 The functional safety performance test procedures shall be performed in accordance with the test requirements laid down in this Regulation.

2 The tests shall be carried out or witnessed by the approval authority or, where authorised by the approval authority, by the technical service.

[[F1]3 The measurement methods and test results shall be reported to the approval authority in the test report format set out in Article 9 of Implementing Regulation (EU) 2015/504.**]**

Textual Amendments

F1 Substituted by 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