Commission Delegated Regulation (EU) No 1322/2014 of 19 September 2014 supplementing and amending Regulation (EU) No 167/2013 of the European Parliament and of the Council with regard to vehicle construction and general requirements for the approval of agricultural and forestry vehicles (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) No 1322/2014

of 19 September 2014

supplementing and amending Regulation (EU) No 167/2013 of the European Parliament and of the Council with regard to vehicle construction and general 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 Articles 18(4), 20(8), 27(6), 28(6), 49(3), 53(12) and 60(1) and Articles 61 and 70 thereto,

Whereas:

(1) This Regulation aims to set out the technical requirements and test methods required for the construction of agricultural and forestry vehicles in order to minimise the risk of injury to persons working on or with the vehicle.

(2) By Council Decision 97/836/EC[(2)], 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, 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.

(3) The possibility to apply UNECE regulations for the purposes of EU vehicle type-approval is provided for in Regulation (EU) No 167/2013. UNECE regulations being part of the requirements for the EU type-approval of a vehicle help 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 Union industry's competitiveness.

(4) In the interest of clarity, predictability, rationality and simplification and in order to reduce the burden on vehicle manufacturers, technical services and type-approval authorities, Regulation (EU) No 167/2013 provides for the recognition of test reports drawn up under the Codes established by the Organisation for Economic Cooperation and Development (OECD) for the purposes of EU type-approval as an alternative to the test reports drawn up under that Regulation or the delegated acts adopted pursuant to that Regulation. It is therefore appropriate to establish a list of OECD Codes the subject-matter of which falls within the scope of this Regulation and which can be the bases for test reports recognised for the purposes of EU type-approval.

(5) With the aim to adapt the provisions on the construction of agricultural and forestry vehicles to technical progress, latest versions of CEN/Cenelec or ISO standards which are accessible by the public should be made applicable as regards certain requirements.

(6) In view of reducing manufacturers' costs by no longer obliging them to build prototypes for the purposes of obtaining EU type-approval, this Regulation sets out detailed conditions with respect to virtual testing and self-testing carried out by the manufacturers. Manufacturers not wishing to take advantage of virtual testing methods should be allowed to continue to use the existing physical test methods.

(7) The virtual testing method should guarantee the same level of confidence in the results as the physical test. Therefore, it is appropriate to lay down relevant conditions to ensure that the manufacturer or the technical service can properly validate the mathematical models used.

(8) Checks on the conformity of vehicles, components or separate technical units throughout the production process are an essential part of the EU type-approval process. The conformity of production procedures for agricultural and forestry vehicles should be further improved and aligned with similar procedures applicable to passenger cars.

(9) Virtual methods should not be permissible for the purposes of conformity of production testing, even if they have been used for type-approval purposes, because at this stage, a physical test of the existing vehicle does not imply unnecessary burden for the manufacturer.

(10) The provisions of Regulation (EU) No 167/2013 on the access to repair and maintenance information are largely based on Regulation (EC) No 595/2009[(3)] of the European Parliament and of the Council. In order to adopt the harmonized approach for access to repair and maintenance information provided for in this Regulation, it is appropriate to carry over to this Regulation the provisions on access to repair and maintenance information set out in the Commission Regulation (EC) No 582/2011[(4)] and adapt it to the specificities of the agricultural and forestry vehicles sector.

(11) In particular, it is appropriate to adopt specific requirements and procedures for access to vehicle repair and maintenance information in the case of small volume production in order to avoid unproportionate burden. It is also appropriate to lay down specific procedures for access to vehicle repair and maintenance information in the case of multi-stage type-approval to take account of the fact that there is more than one manufacturer involved.

(12) With regard to vehicle types of categories R and S, the figures introduced to categorise small volume manufacturers should take account of the fact that Regulation (EU) No 167/2013 does not provide for the national type-approval of small series for such vehicle types and such vehicle categories cannot be fully exempted from the obligation to provide vehicle repair and maintenance information under that Regulation. Should Annex II to that Regulation be modified in order to expand the possibility to grant national type approval of small series to categories R and S, the Commission should consider reducing these figures.

(13) Harmonised provisions on the access to vehicle on-board diagnostic (OBD) and vehicle repair and maintenance information are necessary to improve the effective competition within and the functioning of the internal market, particularly as regards the free movement of goods, freedom of establishment and freedom to provide services for independent vehicle repair and maintenance operators. A great proportion of such information relates to the OBD system and its interaction with other vehicle systems. It is appropriate to lay down the technical specifications that manufacturers' websites should follow, along with targeted measures to ensure reasonable access for small and medium-sized enterprises.

(14) Common standards for the reprogramming of the electronic control units agreed with the stakeholders concerned can facilitate the exchange of information between manufacturers and service providers. It is therefore appropriate that manufacturers use those common standards. Nevertheless, to reduce the burden on vehicle manufacturers, an appropriate lead time for their implementation should be provided for in this Regulation.

(15) In order to keep aligned the technical requirements carried over to this Commission Delegated Regulation with the requirements of the separate directives repealed by Regulation (EU) 167/2013 and with the requirements of the OECD standard Codes, the seat reference point (S) and the seat index point (SIP) should be maintained unmodified.

(16) To be able to EU type-approve the same types of tractors according to each of the Annexes listed in Annex II as those approved under the corresponding OECD Codes and to be effectively able to recognise the OECD test reports for the purposes of EU type-approval, the technical field of application of the EU requirements should be aligned with the field of application of the OECD standard Codes.

(17) To make clear that certain requirements of Union legislation are 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 should be identical with the text and numbering of the corresponding OECD standard Code.

(18) To reduce the number of injuries and fatal accidents caused by the failure to raise the front-mounted foldable ROPS for narrow-track tractors in potentially dangerous situations, new requirements based on an ergonomic approach should be included in Annex IX to facilitate and encourage the raising of the ROPS when needed.

(19) As in forestry applications tractors are confronted with higher energy levels from falling and penetrating objects than in agricultural applications, stricter requirements

for protection structures against these objects should be required for tractors equipped for forestry applications.

(20) While large parts of the requirements laid down in this Regulation have been carried over from repealed directives, important modifications should be introduced where necessary to update to technical progress, extent the scope to further vehicle categories or to increase the level of safety as regards, for example: access to driving position, emergency exits, control devices and their position, operator's manual, warnings, symbols and pictograms, protection against hot surfaces, greasing points, jacking points, engine hood, burning rate of cab material, battery isolators, etc.

(21) As the scope of Council Directive 80/720/EEC[(5)] did not include tractors of category T2 and tractors of category T.4.3 with an offset of the cabin of more than 100 mm, the requirements for operating space and the number of emergency exits should be adapted to cover all tractor categories.

(22) As many of the requirements and test methods carried over from repealed Directives apply only to tractors equipped with pneumatic tyres, specific requirements and test methods should be established for track-laying tractors. This is the case for: driver's perceived noise level, access to the driving position, control devices, etc.

(23) The same applies to R- and S-category vehicles, for which requirements and test methods should be prescribed for guards and protective devices, operators manual Information, warnings and markings and protection against other mechanical hazards, as tipping operation of trailers.

(24) In addition, vehicles of categories R and S should comply with the requirements of Directive 2006/42/EC of the European Parliament and of the Council[(6)], where applicable.

(25) As far as the level of safety is maintained, alternative requirements and test procedures should be permitted for tractors equipped with a straddle seat and a handlebar to take into account their specific technical characteristics. This is the case of some of the requirements and test procedures for: driver's seat, control devices and protection of drive components.

(26) The reference to the requirements in passenger cars' legislation for seat-belt anchorages and safety belts set out in repealed Directive 2003/37/EC[(7)] should be substituted by requirements adapted to the specificities of agricultural and forestry tractors.

(27) In order to allow the type-approval authorities to assess the compliance with the requirements for protection against hazardous substances set out in this regulation, these requirements should be based on the level of protection provided by the type of tractor instead of the possible use of a given vehicle. The level of protection required for each particular use of each hazardous substance should be determined in accordance with the relevant EU and/or national legislation.

(28) In order to ensure that technical services meet the same high level of performance standards in all Member States, this Regulation should set out the standards with which

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) No 1322/2014. (See end of Document for details)*

technical services have to comply, as well as the procedure for the assessment of that compliance and for the accreditation of those services.

(29) For the purposes of national type-approval granted in accordance with Regulation (EU) No 167/2013, Member States should be free to set construction requirements which differ from those provided for in this Regulation. However, they should have the obligation to approve types of vehicles, systems, components and separate technical units compliant with the requirements provided for this Regulation.

(30) Several entries of Annex I to Regulation (EU) No 167/2013 should be amended to permit laying down requirements for additional vehicle categories where it is necessary.

(31) This Regulation should apply from the 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 vehicle design, construction and assembly for the approval of agricultural and forestry vehicles and their systems, components and separate technical units, the detailed arrangements and requirements with regard to type-approval procedures, virtual testing and conformity of production, the technical specifications with regard to access to repair and maintenance information and the performance standards and criteria for the assessment of technical services in accordance with Regulation (EU) No 167/2013.

Article 2

Definitions

The following definitions shall apply:

(1) ‘seat reference point (S)’ means the point of intersection in the median longitudinal plane of the seat between the tangential plane at the base of the padded backrest and a horizontal plane. This horizontal plane intersects the lower surface of the seat 150 mm in front of the seat reference point (S) as determined in Appendix 8 to Annex XIV.

(2) ‘control device’ means any device whose direct actuation enables the state or operation of the tractor or of any equipment linked to it to be altered.

(3) ‘shield’ means a protective device located immediately in front of a dangerous part and which, either on its own or with other parts of the machine, protects on all sides against contact with the dangerous part.