COUNCIL DIRECTIVE

of 22 December 1986

on the approximation of the laws of the Member States relating to self-propelled industrial trucks

(86/663/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas in each Member State the design and construction of self-propelled industrial trucks are subject to safety provisions which differ from one Member State to another and consequently hinder trade in these appliances; whereas it is therefore necessary to approximate these provisions;

Whereas Council Directive 84/528/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to common provisions for lifting and mechanical handling appliances (4) laid down a series of common procedures, such as EEC type-approval, EEC type-examination and EEC self-certification, for the placing on the market of these lifting and mechanical handling appliances; whereas, in the case of self-propelled industrial trucks, EEC self-certification should be provided for, as is the usual practice in the Member States;

Whereas this Directive is a separate Directive within the meaning of Article 2 (2) of Directive 84/528/EEC;

Whereas the technical provisions contained in Annex I do not preclude Community or national measures concerning other safety aspects of these industrial trucks such as the operator restraint system, electrical safety, traffic safety, safety when working in areas subject to explosion, exhaust emissions and noise;

Whereas, in the interests of greater safety, it would appear advisable to introduce provisions relating to the controls and the fuel tank; whereas a transition period is justified in order to enable manufacturers to adapt their products to these new provisions;

Whereas technical progress necessitates rapid adaptation of the technical requirements; whereas the procedure laid down in Article 22 of Directive 84/528/EEC should therefore be adopted for such adaptations of this Directive;

Whereas certain provisions in Annex I should be excluded from the application of the derogating clause provided for in Article 23 of Directive 84/528/EEC;

Whereas the institution of examination and testing methods is an implementing measure of a technical nature and should therefore be adopted by the Commission in accordance with the procedure referred to above,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall apply to self-propelled industrial trucks, the capacity of which does not exceed 10 000 kilograms, and to tractors with a draw-bar pull of less than 20 000 newtons.

2. For the purpose of this Directive, 'self-propelled industrial truck' means any wheeled vehicle, other than those running on rails, that is designed to carry, tow, push, lift, stack or tier in racks any kind of load and is controlled by an operator who either walks with the truck or rides on a specially arranged driving platform which is either fixed to the chassis or can be raised.

Article 2

1. This Directive does not cover:

(a) tipper vehicles (known as dumpers) or motor-driven barrows operating on building and construction sites;

(b) tractors other than those referred to in Annex I, section 1.2, lorries with or without trailer, forestry and agricultural tractors, construction plant and trucks used in underground mining operations;

(c) milk floats and similar delivery vehicles;

(1) OJ No C 165, 2. 7. 1979, p. 1.
(2) OJ No C 197, 4. 8. 1980, p. 67.
(3) OJ No C 182, 21. 7. 1980, p. 22.
(4) OJ No L 300, 19. 11. 1984, p. 72.

(d) stacking appliances which move only inside guides and are known as stacker cranes;

(e) trucks with elevating operator position and rated load capacity exceeding 5 000 kilograms;

(f) trucks specifically designed to travel with elevated loads exceeding 5 000 kilograms;

(g) straddle carriers;

(h) remote-controlled tractors and trucks not carrying an operator;

(i) equipment used for elevated maintenance;

(j) trucks powered by external forms of electrical energy;

(k) mobile cranes;

(l) mobile lifting platforms;

(m) trucks with telescopic arms.

2. This Directive shall not preclude Community or national measures concerning the environment and other safety aspects of industrial trucks not covered by this Directive, such as:

— electrical equipment for use within specific voltage limits,

— road traffic,

— exhaust emissions,

— risks of operating in explosive atmospheres,

— noise at place of work and in the environment,

— operator restraint.

Article 3

Member States shall take all the necessary measures to ensure that self-propelled industrial trucks covered by this Directive cannot be placed on the market or put into service unless they satisfy the provisions of this Directive.

Article 4

The manufacturer or his authorized representative established in the Community shall certify on his own responsibility the conformity of each industrial truck with this Directive by means of a certificate of conformity, a specimen of which is reproduced in Annex II, and by affixing the conformity mark to the truck under the conditions laid down in Annex III.

Article 5

1. The manufacturer or his authorized representative established in the Community shall issue the certificate of conformity and affix the mark of conformity as laid down in Article 4 provided he is able to show that:

— he possesses the necessary means to carry out the tests referred to in Annex I, and where appropriate,

— he has arranged for such tests as are referred to in Annex I which are not performed by him to be carried out by one or more of the bodies approved for that purpose by the Member State.

2. The manufacturer or his authorized representative established in the Community shall hold at the disposal of the competent bodies of the Member State all documents showing that the tests laid down in Annex I have been performed and that the technical requirements have been complied with.

3. Each Member State shall forward to the other Member States and to the Commission:

— the list of approved bodies authorized to carry out the tests referred to in this Article,

— any subsequent amendments to that list.

Article 6

The Member State shall take all the necessary measures to ensure that the provisions of Article 5 are complied with.

Article 7

The Member State may carry out spot checks to verify whether the equipment referred to in Article 1 complies with the requirements of this Directive. However, such checks must not impose tests and requirements more stringent than those laid down in this Directive.

Article 8

Where the checks referred to in Article 7 show that a self-propelled industrial truck does not comply with the requirements of this Directive, the Member State shall take all the necessary steps to:

— prohibit its being placed on the market,

— prohibit its use,

— order its withdrawal from the market.

Where non-compliance is the result of a design fault or series production defect in the trucks which affect safety,

the Member State shall inform the other Member States and the Commission of the faults and/or defects noted and the measures taken.

The measures taken shall be revoked where it is proved that the truck complies with the requirements of the Directive.

Article 9

No Member State may, on grounds relating to the requirements referred to by this Directive, refuse, prohibit or restrict the placing on the market, entry into service or use for their intended purpose of industrial trucks which comply with the requirements of this Directive.

Article 10

Any amendments necessary to adapt Annex I to technical progress, with the exception of sections 9.12.1.1 and 9.12.1.2, shall be adopted in accordance with the procedure laid down in Article 22 of Directive 84/528/EEC.

Test and examination methods shall also be adopted and adapted to technical progress in accordance with that procedure.

The procedure laid down in Article 23 of Directive 84/528/EEC shall apply to Annex I.

Article 11

The provisions of this Directive shall not affect the Member States' entitlement to lay down, with due observance of the Treaty, the requirements they deem necessary to ensure that workers are protected when using the equipment in question, provided that this does not mean that the equipment is modified in a way not specified in the Directive.

Article 12

1. Member States shall adopt, publish and bring into force the laws, regulations and administrative provisions necessary in order to comply with this Directive by 1 January 1989. They shall forthwith inform the Commission thereof.

2. Member States shall ensure that the texts of the provisions of national law which they adopt in the field governed by this Directive are communicated to the Commission.

Article 13

This Directive is addressed to the Member States.

Done at Brussels, 22 December 1986.

For the Council

The President

G. SHAW

ANNEX I

TECHNICAL REQUIREMENTS FOR SELF-PROPELLED INDUSTRIAL TRUCKS

1. CLASSIFICATION OF TRUCKS BY MODE OF ACTION

1.1. **Platform truck**

Truck carrying its load on a non-elevating platform or attachment.

1.2. **Industrial tractor**

Industrial truck travelling on the ground, fitted with coupling means, and specially designed to draw vehicles travelling on the ground.

1.3. **Shunting-tractor**

Tractor which, being fitted at the front end and/or rear with a buffer plate, can also push vehicles travelling on the ground or on railway track.

1.4. **Lift-truck**

Industrial truck which is capable of raising, lowering and transporting loads.

1.4.1. *Stacking lift-truck*

Truck fitted with a platform, a fork, or other load-handling devices, able to raise a load, either palletized or not, up to sufficient lift height to allow stacking or tiering in racks.

1.4.1.1. Counterbalanced truck:

stacking lift-truck fitted with a fork on which the load, either palletized or not, is put in a cantilever position in relation with the front wheels and balanced by the mass of the truck.

1.4.1.2. Reach truck with retractable mast or fork carriage:

stacking lift-truck with outriggers where the load can be placed in a cantilever position by extending the mast or the fork carriage.

1.4.1.3. Straddle truck:

stacking lift-truck with outriggers, fitted with a fork located between the outriggers and where the centre of gravity of the load is always within the stability polygon.

1.4.1.4. Pallet stacker:

stacking lift-truck where the fork arms extend over the frame structure.

1.4.1.5. Platform high-lift truck:

stacking lift-truck with a load platform extending over the frame structure.

1.4.1.6. Truck with elevated operator:

stacking lift-truck, fitted with an operating position which can be raised with the load-carrying means (platform or fork) for stacking loads in racks.

1.4.1.7. Side-loading truck:

fork truck the retractable mast of which is located between the axles and perpendicular to the longitudinal axis of the truck, allowing it to take and raise a load in a counterbalanced position in relation to one side of the truck and to place it on the integral load platform.

1.4.1.8. Rough-terrain fork truck:

machine specially designed to load, lift, carry and stack loads on unprepared ground (large wheels, large ground clearance, special drive unit) fitted with a load-carrying device sliding vertically on a fixed or tilting mast.

1.4.1.9. Lateral stacking truck:

stacking lift-truck capable of stacking and retrieving loads to one or both sides of the direction of travel.

1.4.1.10. Lateral and front stacking truck:

lift-truck capable of stacking and retrieving loads along and to one or both sides of the direction of travel.

1.4.2. *Low-lift non-stacking lift-truck*

Powered truck fitted with a platform, fork or other load-handling equipment and able to raise its load to a height just sufficient to allow its transportation.

1.4.2.1. Pallet truck:

non-stacking lift-truck, fitted with a fork for the handling of pallets.

1.4.2.2. Platform floor truck: non-stacking lift-truck fitted with a platform or other device for the transportation of loads.

1.4.2.3. Straddle carriers: lift-truck, where the frame and lift unit straddle the load to raise it and move it.

1.4.3. *High- and medium-lift order-picking trucks*

A truck with an elevatable platform for an operator and a device to accommodate the aggregated load (normally fork arms to accept a pallet or stillage) to facilitate picking (and occasional replacing) from stored goods.

Medium-lift designates trucks able to elevate the operator platform not more than 2,5 metres.

1.4.4. Straddle carriers: lift-truck where the frame and lift unit straddle the load to raise it, move it and stack it.

2. CLASSIFICATION OF TRUCKS BY MODE OF CONTROL (1)

3. CLASSIFICATION OF TRUCKS BY HEIGHT OF LIFT (1)

4. CLASSIFICATION OF TRUCKS BY MODE OF TRAVELLING (1)

5. CLASSIFICATION OF TRUCKS BY POWER SOURCE (1)

6. CLASSIFICATION OF TRUCKS BY TYPES OF WHEEL (1)

7. TERMINOLOGY OF THE MAIN COMPONENTS OF TRUCKS (1)

8. CAPACITY OF TRUCKS AND REMOVABLE ATTACHMENTS (1)

8.1. **High-lift trucks**

8.1.1. *Rated capacity of high-lift trucks*

The rated capacity of a self-propelled industrial high-lift truck is the load in kilograms, permitted by the manufacturer, that the truck type is capable of transporting or lifting in normal operation under specific conditions (see Addendum A).

(1) As included in ISO Standard 5053/I of 15 September 1980.