



Council of the
European Union

Brussels, 19 June 2018
(OR. en)

9143/1/18
REV 1

Interinstitutional File:
2018/0142 (COD)

ENT 96
MI 371
ENV 314
AGRI 270
CODEC 809

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending and correcting Regulation (EU) No 167/2013 on the approval and market surveillance of agricultural and forestry vehicles

Delegations will find attached **a revised version of the Presidency compromise proposal** following the Working Party meeting on Technical Harmonisation (Motor Vehicles) of 12 June 2018. At this stage, all delegations maintain a scrutiny reservation of the text.

In the Annex to this document new text compared to the Commission's proposal is indicated in **bold/underlined** and deletions are marked with ~~strikethrough~~. Highlighted text shows changes following the last Working Party meeting on 12 June 2018.

Delegations are kindly invited to signal major concerns to Council Secretariat and Presidency **by Wednesday 20 June 16h00.**

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114
thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The descriptions of T1 and T2 category vehicles require clarification regarding the position of the axle closest to the driver for tractors with reversible driving position and regarding the method of calculating the height of the centre of gravity. In order to accurately and uniformly establish the height of the centre of gravity for T2 category vehicles, reference should be made to internationally applicable standards which determine the centre of gravity of a tractor.
- (2) Regulation (EU) No 167/2013 empowers the Commission to adopt delegated acts for a period of five years, which ~~will expire~~ **expired** on 21 March 2018. As there is a continuing need to update various elements of the type-approval process as laid down by Regulation (EU) No 167/2013 and the acts adopted pursuant to it, in particular to adapt it to technical progress or to introduce corrections, the period for the exercise of the delegation of power laid down in that Regulation should be extended with also the possibility for further tacit extensions, **whilst ensuring legal certainty with regard to delegated acts already adopted.**
- (3) Recital (28) and Article 76(1) of Regulation (EU) No 167/2013 of the European Parliament and of the Council¹, erroneously refer to the repeal of Council Directive 74/347/EEC² rather than to the repeal of Directive 2008/2/EC³, which codified the former Directive. It is therefore necessary to correct those references in Regulation (EU) No 167/2013.

¹ 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 (OJ L 060 2.3.2013, p. 1).

² Council Directive 74/347/EEC of 25 June 1974 on the approximation of the laws of the Member States relating to the field of vision and windscreen wipers for wheeled agricultural or forestry tractors (OJ L 191 15.7.1974, p. 5).

³ Directive 2008/2/EC of the European Parliament and of the Council of 15 January 2008 on the field of vision and windscreen wipers for wheeled agricultural or forestry tractors (Codified version) (OJ L 24, 29.1.2008, p. 30).

- (4) In Article 2(2) of Regulation (EU) No 167/2013, the term ‘interchangeable machinery’ should be replaced by the term ‘interchangeable towed equipment’ in order to ensure the correct and consistent use of terminology throughout that Regulation.
- ~~(5) In Article 12(3) of Regulation (EU) No 167/2013, importers are erroneously required to retain a copy of the certificate of conformity rather than that of a type approval certificate in respect of products that are not in conformity with that Regulation or which present a serious risk. Article 12(3) should therefore be corrected to refer to the appropriate document.~~
- (6) Article 25(1) of Regulation (EU) No 167/2013 erroneously requires that an EU type-approval certificate contains, as an attachment, the test results rather than the test results sheet. Consequently, Article 25(1) should be corrected to refer to the appropriate attachment.
- (7) As this Regulation modifies Regulation (EU) No 167/2013 without expanding its regulatory content, and since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (8) Regulation (EU) No 167/2013 should therefore be amended and corrected accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 167/2013

Regulation (EU) No 167/2013 is amended as follows:

(1) Article 4 is amended as follows:

(a) in point (2), the following sentence is added:

‘for tractors with a reversible driving position (reversible seat and steering wheel), the closest axle to the driver is the one fitted with the largest diameter tyres;’;

(b) in point (3), the words ‘measured in relation to the ground’ are replaced by the words ‘determined in accordance with ISO standard 789-6:1982 and measured in relation to the ground’;

(1)(2) in Article 71, paragraph 2 is replaced by the following:

‘2. The power to adopt delegated acts referred to in Article 17(5), Article 18(4), Article 19(6), Article 20(8), Article 27(6), Article 28(6), Article 45(4), Article 49(3), Article 53(12), Article 61 and Article 70 shall be conferred on the Commission for a period of ~~ten~~**five** years from 22 March 2013. The delegation of power shall be tacitly extended for further periods of five years, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. The Commission shall draw up a report in respect of the delegation of power not later than 22 June 2022 and nine months before the end of each subsequent five-year period.’

Article 2

Corrections to Regulation (EU) No 167/2013

Regulation (EU) No 167/2013 is corrected as follows:

(1) recital 28 is corrected as follows:

(a) the second indent is deleted;

(b) the following indent is inserted after the indent relating to Directive 2000/25/EC of the European Parliament and of the Council:

‘— Directive 2008/2/EC of the European Parliament and of the Council of 15 January 2008 on the field of vision and windscreen wipers for wheeled agricultural or forestry tractors(*),

(*) OJ L 24, 29.1.2008, p. 30.’;

- (2) in Article 2(2), the word ‘machinery’ is replaced by the words ‘~~towed~~ equipment’;
- ~~(3) in Article 12(3), the words ‘certificate of conformity’ are replaced by the words ‘type-approval certificate’;~~
- (4) in Article 25(1), point (b) is replaced by the following:

‘(b) the test results sheet;’;

(4a) in Article 39(1) second subparagraph, the words ‘made available on the market,’ are deleted;

(5) Article 76(1) is corrected as follows:

- (a) the words ‘74/347/EEC,’ are deleted;
- (b) the words ‘2008/2/EC,’ are inserted after the words ‘2000/25/EC,’.

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,

For the European Parliament

For the Council

The President

The President
