

COM(76) 229 final.

Brussels, 8 June 1976.

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Proposal for amendments to the
proposal for a Council Directive
on the approximation of the laws of the Member States relating to
rail-over protection structures

presented by the Commission to the Council pursuant to
Article 149-2) of the EEC Treaty)

COM(76) 229 final

EXPLANATORY MEMORANDUM

Under the procedure for the Community-wide type-approval of wheeled agricultural tractors and forestry vehicles, which was the subject of Council Directive 74/150/EEC of 4 March 1974 (1), the Commission transmitted to the Council on 31 December 1974 a proposal for a directive on roll-over protection structures (2).

In the explanatory memorandum to the proposal, the Commission pointed out that there was a gap in this proposal in that it did not cover the free movement of devices which were not fixed to the tractor. It noted the legal difficulties which would arise in the implementation of an administrative procedure for permitting such movement.

These difficulties were mainly due to the fact that the roll-over protection structure could not be checked without being mounted on the type of tractor for which it was intended. The other parts of a tractor which may be granted EEC component type-approval (rear-view mirror, audible warning devices, lighting systems) are checked without being mounted on the tractor. There is therefore a clear separation between the responsibilities of the tractor manufacturer and those of the manufacturer of the accessory. When the latter applies the mark of EEC conformity, he is responsible for the conformity of that accessory, while the tractor manufacturer, in drawing up the certificate of conformity, accepts responsibility for the conformity of the fitting of that accessory.

(1) OJ N° L 84, 28 March 1974

(2) COM(74) 2197, 20 December 1974

However, this clear distinction cannot be made in the case of roll-over protection structures since a certain degree of coresponsibility must exist as regards the mounting of the structures on the tractor. In view of the considerable cost involved in the type-approval tests, which are often of a destructive type, it was not possible to enforce a repetition of the tests. The Commission has accordingly tried to solve the problem by devising a simple procedure which at the same time offers sufficient guarantees.

The proposal for amending the initial proposal for a directive referred to above (1) is therefore concerned with a administrative procedure for the free movement of roll-over protection structures not mounted on the tractor.

This procedure is briefly explained in the light of the various practical cases which might arise when the manufacturer of the structure or the constructor of the tractor submits a prototype of the roll-over protection structure to the competent authorities.

1. Applications for EEC component type approval and EEC type approval are submitted by the manufacturer of the tractor.

The manufacturer of the tractor submits to the competent authorities a protection structure mounted on the tractor for which it is intended. If the results of the tests are positive, the competent authorities :

.../...

(1) COM(74) 2197 fin., 20 December 1974

- grant an EEC component type-approval mark. The test report (Annex V) and the EEC component type-approval certificate (Annex VII) are transmitted to the competent authorities in the other Member States;
- complete the EEC type-approval certificate with the abbreviation SD. This certificate, together with the particulars required under Annex IX, is also transmitted to the competent authorities of the other Member States.

The manufacturer of the tractor is responsible for the conformity of the safety cab or frame and its attachment to the tractor.

2. Application for EEC component type-approval is submitted by the manufacturer of the structure and the application for EEC vehicle type-approval is submitted by the manufacturer of the tractor.

The manufacturer of the structure applies to the competent authorities for EEC component type-approval and submits a model of the protection structure mounted on the tractor for which it is intended. If the results of the tests are positive, a component type-approval mark will be granted. The report (Annex V) and the EEC component type-approval certificate (Annex VII) are transmitted to the competent authorities of the other Member States.

The manufacturer of the tractor applies for EEC vehicle type-approval and submits a tractor complete with safety cab or frame to the competent authorities. The authorities check whether the component has been type-approved, whether it is intended for the type of tractor submitted for type-approval and whether the attachment complies with the requirements set out in the component type-approval report. If their findings are positive, the EEC type-approval certificate is completed with the abbreviation SD. It is forwarded, together with the particulars required under Annex IX, to the competent authorities in the other Member States.

The manufacturer of the structure is responsible for the conformity of his structure, and the manufacturer of the tractor is responsible for its attachment to the tractor.

3. Application for EEC component type-approval and EEC vehicle type-approval are submitted by the manufacturer of the structure

This case seems hardly feasible under Community legislation because the entire EEC type-approval procedure (Directive 74/150/EEC) is addressed to the manufacturer of the tractor. However, the question arises as to whether this case requires a Community-level solution. At national level, a Member State could admit that the complete tractor be marketed on its own territory under the responsibility of the manufacturer of the protection structure only.

4. Free circulation of the roll-over protection structure only

The free circulation of the structure and its attachment, if they have received EEC component type-approval, is guaranteed. However, the attachment of the structure to the tractor by a salesman or private individual would be covered by national legislation.

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roll-over protection structures

"WHEREAS" clauses

The following "whereas" clause should be added after the second "whereas" :

whereas a harmonized type-approval procedure for roll-over protection structures and their attachment to the tractor makes it possible for each Member State to check compliance with the common construction and testing requirements and to inform the other Member States of its findings by sending a copy of the component type-approval certificate completed for each type of roll-over protection structure and its attachment to the tractors; whereas the placing of an EEC type-approval mark on all structures and their attachments manufactured in conformity with the approved type obviates any need for technical checks on those structures and their attachments in the other Member States;

ARTICLES

The following articles relating to EEC approval of a type of roll-over protection structure :

.../...

Article 1

1. Member States shall grant EEC type-approval in respect of any type of roll-over protection structure and its attachment to the tractor which satisfies the construction and testing requirements laid down in Annexes I, II, III, IV and V hereto.
2. Every Member State which grants such type-approval shall take the measures required in order to verify, insofar as is necessary and if need be in cooperation with the competent authorities in the other Member States, that production models conform to the type approved. Such verification shall be carried out by means of spot checks.

Article 2

Member States shall, for each type of roll-over protection structure and its attachment to the tractor which they approve pursuant to Article 1, issue to the manufacturer of a tractor or the manufacturer of a roll-over protection structure, or their authorised representatives, an EEC type-approval mark conforming to the model shown in Annex VI hereto.

Member States shall take all appropriate measures to prevent the use of marks liable to create confusion between roll-over protection structures and their attachments to the tractor which have been type-approved pursuant to Article 1 and other roll-over protection structures and attachments.

Article 3

1. No Member State may prohibit the placing on the market of roll-over protection structures and their attachments to the tractor on grounds relating to their construction or method of functioning if they bear the EEC type-approval mark.
2. Nevertheless, a Member State may prohibit the placing on the market of roll-over protection structures and their attachment to the tractor bearing the EEC type-approval mark which, by their design, do not conform to the approved prototype.

That State shall forthwith inform the other Member States and the Commission of the measures taken, specifying the reason for its decision.

Article 4

The competent authorities of the relevant Member State shall within one month send to the competent authorities of the other Member States a copy of the type-approval certificates (conforming to the model in Annex VII), completed for each type of roll-over protection structure and its attachment to the tractor, which they approve or refuse to approve.

Article 5

1. If the Member State which has granted EEC type-approval finds that a number of roll-over protection structures and attachments bearing the same type-approval mark do not conform to the type which it has approved, it shall take the necessary measures to ensure that production models conform to the approved type. The competent authorities of that State shall advise those of the other Member States of the measures taken, which may where necessary extend to withdrawal of EEC type-approval. The said authorities shall take the like measures if they are informed by the competent authorities of another Member State of such failure to conform.
2. The competent authorities of Member States shall inform each other within one month of any withdrawal of EEC type-approval, and of the reasons for such measure.

Article 6

All decisions taken pursuant to the provisions adopted in implementation of this Directive which refuse or withdraw EEC type-approval for roll-over protection structures and their attachment to the tractor, or prohibit the marketing or use, shall set out in detail the reasons on which they are based. A decision shall be notified to the party concerned, who shall at the same time be informed of the remedies available to him under the laws in force in the Member States and of the time limits allowed for the exercise of such remedies.

Article 7

No Member State may refuse to grant EEC type-approval or national type-approval of a vehicle on grounds relating to the roll-over protection structures of their attachment to the tractor if these bear the EEC type-approval mark and if the requirements laid down in Annex VIII have been met.

Article 8

No Member State may refuse or prohibit the sale or registration, entry into service or use of a vehicle on grounds relating to the roll-over protection structures and their attachment to the tractor if these bear the EEC type-approval mark and if the requirements laid down in Annex VIII have been met.

Article 9

Take Article 1 from Document R/1692/75 (ECO 190)

Article 10

Take Article 5 of Document R/1692/75 (ECO 190)

Article 11

Take Article 6 from Document R/1692/75 (ECO 190)

Article 12

Take Article 7 from Document R/1692/75 (ECO 190)

LIST OF ANNEXES

ANNEX I	Conditions for EEC type-approval
ANNEX II	Conditions for testing the strength of the roll-over protection structures and of their attachment to tractor.
ANNEX III	Test procedures
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ANNEX VIII	Conditions for EEC type-approval
ANNEX IX	Annex to the EEC type-approval certificate with regard to the strength of the roll-over protection structures as well as of their attachment to tractor.

ANNEX I

CONDITIONS FOR EEC COMPONENT TYPE-APPROVAL

1. Definition of a Roll-Over Protection Structure

(Safety cab/frame)

See Document R/1692/75 (ECO 190)

2. General Requirements

See Document R/1692/75 (ECO 190)

3. Application for EEC Type-Approval and EEC Type-Approval component

3.1 The application for EEC/type-approval with regard to the strength of roll-over protection structures as well as to the strength of their attachment to tractor shall be submitted by the tractors' manufacturer or by the manufacturer of the roll-over protection structure or by their authorised representatives.

3.2 The application of EEC type-approval - see Doc. R/1692/75 (ECO 190)

3.3 See Document R/1692/75 (ECO 190)

component

3.4 The holder of the EEC/type-approval may ask for its extension to other tractor types. The competent authority which has granted the original EEC component type-approval shall grant the extension if the approved roll-over protection structure and the type(s) of tractor for which the extension is asked, comply with the following conditions:

- See Document R/1692/75 (ECO 190)

4. Markings

4.1 Every roll-over protection structure conforming to the approved-type shall bear the following markings:

4.1.1 the trade mark or name;

- 4.1.2 a component type-approval mark conforming to the model in Annex VI;
 - 4.1.3 serial number of the protection structure;
 - 4.1.4 type or types of tractors for which the protection structure is intended.
- 4.2 All these particulars must be entered on a small plate.

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ANNEX II

CONDITIONS FOR TESTING THE STRENGTH OF THE ROLL-OVER
PROTECTION STRUCTURES AND OF THEIR ATTACHMENT TO TRACTOR

1 to 4 See Document R/1692/75 (ECO 190)

5. Test Report

5.1 The test report shall be annexed to the EEC/^{component}type-approval certificate of Annex VII. The style and the content of the report shall be as shown in Annex V. The report shall include:

5.1.1 to See Document R/1692/75 (ECO 190)

5.2.

5.3 If an extension of the EEC component type-approval is granted to other tractor types, the report shall include the exact reference to the report of the original EEC component type-approval as well as exact indications relating to the requirements laid down in Item 3.4 of Annex I.

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ANNEX III

TEST PROCEDURES

See Document COM (74) 2197 Final

ANNEX IV

FIGURES

See Document COM (74) 2197 Final

ANNEX V

REPORT MODEL RELATING TO THE ^{COMPONENT}EEC /TYPE-APPROVAL TEST OF
A ROLL-OVER PROTECTION STRUCTURE (FRAME/CAB (x)) WITH
REGARD TO ITS STRENGTH AS WELL AS TO THE STRENGTH OF ITS
ATTACHMENT TO TRACTOR

<u>CAB/FRAME</u>	
<u>MAKE</u>	
<u>TRACTOR MAKE</u>	<u>Name of the competent test station</u>
<u>MODEL</u>	
<u>TEST METHOD</u>	<u>A/B (x)</u>

- EEC component type-approval no
1. Trade mark or name of frame/cab*
-

./.

* Delete items not applicable

2. Name and address of tractor manufacturer or manufacturer of frame/cab*
.....
3. If applicable, name and address of tractor or cab/frame manufacturer's authorized representative
.....
4. Specifications of tractor on which the test is carried out
See Document COM(74) 2197 Final, Items 3.1 - 3.6
5. Other tractors to which the component type-approval certificate applies
See Document COM (74) 2197 Final, Items 4.1 - 4.6
6. Specifications of roll-over protection structure
See Document COM (74) 2197, Items 5.1 - 5.5
7. Test Results
See Document COM(74) 2197 Final, Items 6.1 - 6.2, 7, 8, 9.

ANNEX VI

MARKS

1. The EEC type-approval mark shall consist of a rectangle surrounding the lower case letter "e" followed by a number or distinctive letter identifying the Member State which has granted the EEC type-approval:

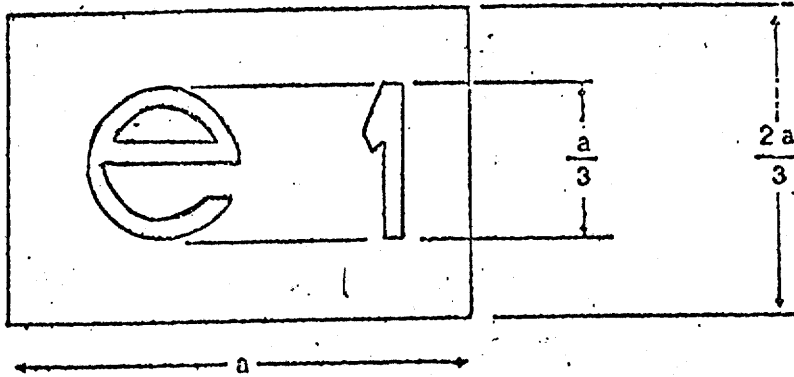
1	for Germany
2	for France
3	for Italy
4	for the Netherlands
6	for Belgium
11	for the United Kingdom
13	for Luxembourg
DK	for Denmark
IRL	for Ireland

It must also include in the vicinity of the rectangle the EEC type-approval number corresponding to the number of the EEC type-approval certificate issued for the type of roll-over protection structure and its attachment to the tractor.

2. These markings must be placed in such a way that they are indelible and clearly legible.

EXAMPLE OF AN EEC TYPE-APPROVAL MARK*

a 45 mm



The roll-over protection structure bearing the EEC type-approval mark above is type-approved in the United Kingdom (11) under No.1471. ./.

* The figure '1' after letter 'e' and the type-approval certificate number (1471) are included solely as examples

ANNEX VII

MODEL FOR AN EEC COMPONENT TYPE-APPROVAL CERTIFICATE

Name of competent authority

Notification concerning the grant, refusal, withdrawal or extension of EEC type-approval with regard to the strength of roll-over protection structures (cab/frame*) as well as to the strength of their attachment to tractor.

EEC Component type-approval no.....
..... extension (**)

1. Trade name or mark of cab/frame*
2. Name and address of manufacturer of cab/frame*
3. If applicable, name and address of manufacturer's authorised representative
4. Type, trade mark and name of tractor for which cab/frame* is intended:
5. Extension of ^{component}EEC/type-approval to (*) following tractor type(s):
.....
- 5.1 The unballasted weight, as defined in item 1.3 of Annex II, exceeds/ does not exceed (*) the reference weight used for the test by more than 5%
- 5.2 The method of attachment and points of attachment are/are not (*) identical in all respects
- 5.3 All the components likely to serve as supports for the roll-over protection structure are/are not(*) identical in all respects.....
6. Submitted for ^{component}EEC/type-approval on
7. Test station

(*) Delete items not applicable
(**) State, if appropriate, whether this is the first, second, etc. extension of the original EEC type-approval.

- 8. Date and number of the report of the test station
- 9. Date of grant/refusal/withdrawal of the EEC component type approval (*)
- 10. Date of grant/refusal/withdrawal of the extension of the EEC component type approval (*)
- 11. Place
- 12. Date
- 13. The following documents, bearing the component type approval number shown above, are annexed to this certificate : report of the test station (*)
- 14. Remarks, if any :
- 15. Signature

(*) Delete where inapplicable

ANNEX VIIICONDITIONS FOR EEC TYPE-APPROVAL

1. The application for EEC type-approval of a tractor, with regard to the strength of roll-over protection structures and the strength of their attachment to the tractor, shall be submitted by the tractor's manufacturer or by his authorised representative.
2. A tractor representative of the tractor type to be approved, on which a protection structure and its attachment, duly approved, are mounted, shall be submitted to the technical service responsible for conducting the type-approval tests.
3. The technical service responsible for conducting the type-approval tests shall check whether the approved type of protection structure is intended to be mounted on the type of tractor for which the type-approval is requested. In particular, it shall ascertain that the attachment of the protection structure corresponds to that which was tested when the EEC component type-approval was granted.
4. The holder of the EEC type-approval may ask for its extension to other types of protection structures.
5. The competent authority shall grant such extension on the following conditions:
 - 5.1 the new type of roll-over protection structure and its attachment to the tractor have received EEC component type-approval;
 - 5.2 it is designed to be mounted on the type of tractor for which the extension of the EEC type-approval is requested;
 - 5.3 the attachment of the protection structure to the tractor corresponds to that which was tested when EEC component type-approval was granted.
6. A certificate, of which the model is shown in Annex IX, shall be annexed to the EEC type-approval certificate for each type-approval extension which has been granted or refused.

7. If the application for EEC type-approval of a tractor is introduced at the same time as the request for EEC component type-approval for a type of roll-over protection structure intended to be mounted on the type of tractor for which EEC type-approval is requested, the tests laid down in Sections 2.2 and 2.3 will not be conducted.

ANNEX IX

ANNEX TO THE BEC TYPE-APPROVAL CERTIFICATE WITH
REGARD TO THE STRENGTH OF ROLL-OVER PROTECTION
STRUCTURE (FRAME/CAB (x)) AS WELL AS TO THE
STRENGTH OF THEIR ATTACHMENT TO TRACTOR

See Document COM (74) 2197 Final

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