



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.05.1996  
COM(96) 196 final

96/0129 (COD)

Proposal for a

**EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE**

amending Council Directives 74/150/EEC,  
74/151/EEC, 74/152/EEC, 74/346/EEC, 74/347/EEC, 75/321/EEC, 75/322/EEC, 76/432/EEC,  
76/763/EEC, 77/311/EEC, 77/537/EEC, 78/764/EEC, 78/933/EEC, 79/532/EEC, 79/533/EEC,  
80/720/EEC, 86/297/EEC, 86/415/EEC and 89/173/EEC relating to the maximum design speed of  
wheeled agricultural or forestry tractors.

(presented by the Commission)



## EXPLANATORY MEMORANDUM

European type-approval for tractors, which was put in place progressively between 1974 and 1991, consists of a framework directive 74/150/EEC, as last amended by directive 88/297/EEC, and twenty-two individual directives. The objective was to create a single type-approval system, in which free circulation within the Community would be achieved.

Application of the directives and the whole vehicle type-approval remain optional; in other words their use is at the behest of each manufacturer. If a manufacturer, however, chooses to certify his vehicle in accordance with the directives, Member States are obliged to permit free circulation to the tractors in question.

In the last few years the use of the optional European type-approval system by manufacturers has diminished considerably. This is above all because the scope of the framework directive is currently limited to tractors with a maximum design speed of between 6 and 30 km/h. The same maximum design speed is taken to define the scope of the various individual directives. Since a growing number of agricultural and forestry tractors have maximum design speeds in excess of 30 km/h, manufacturers have instead opted to have recourse to national type-approval procedures.

As a first step to bring these directives up to date two measures therefore need to be taken. Firstly, the framework directive and the individual directives need to be amended to increase the maximum vehicle speed from 30 to 40 km/h. This increased speed has been chosen following consultation with Member States' and Industry experts. Secondly, the separate braking directive 76/432/EEC needs to be amended in order to introduce new technical prescriptions reflecting the fact that in future tractors will be permitted to run at faster speeds. This latter amendment must be made under the Committee procedure provided for in Article 12 of the framework directive.

The Commission will in due course propose further amendments, through the Committee of Adaptation to technical progress, to all other individual directives, in order to complete the process of modernisation of the type-approval system for tractors. Once this process will be completed, the Commission will bring forward a further amendment of the framework directive, in order to take account of the experience gained since its entry into force and to enlarge the scope to include other agricultural vehicles or trailers. It will also introduce, after a certain delay, mandatory European type-approval, as is the case of passenger cars. From this date forward new types of tractors will be type-approved only according to European directives. This provision will apply to all new tractors after a further lapse of time.

Finally the Commission wishes to indicate that in the light of this new approach to updating the directives and the conclusions reached at a meeting of Coreper on 19 February 1992, it will

propose shortly to withdraw its old proposal (SEC (91) 466 final) aimed at codifying European legislation in the area of the construction characteristics of agricultural tractors. The priority, as indicated above, is to update the directives and make the type-approval system work at European level. It is proposed to return to the issue of codification at a later date.

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76/763/EEC, 77/311/EEC, 77/537/EEC, 78/764/EEC, 78/933/EEC, 79/532/EEC, 79/533/EEC,  
80/720/EEC, 86/297/EEC, 86/415/EEC and 89/173/EEC relating to the maximum design speed of  
**wheeled agricultural or forestry tractors.**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,<sup>1</sup>

Having regard to the opinion of the Economic and Social Committee,<sup>2</sup>

Whereas the scope of Directive 74/150/EEC on the approximation of the laws of the Member States relating to the type-approval of wheeled or agricultural forestry tractors<sup>3</sup>, as last amended by Directive 88/297/EEC<sup>4</sup>, is currently limited to tractors having a maximum design speed of between 6 and 30 km/h;

Whereas the maximum design speed of a large number of tractors today exceeds 30 km/h; whereas it has therefore become necessary to amend Directive 74/150/EEC and the separate directives forming part of the European whole vehicle type-approval system of these vehicles, so as to avoid the procedure applying to fewer and fewer vehicles;

Whereas separate Directives 74/151/EEC<sup>5</sup>, 74/152/EEC<sup>6</sup>, 74/346/EEC<sup>7</sup>, 74/347/EEC<sup>8</sup>, 75/321/EEC<sup>9</sup>, 75/322/EEC<sup>10</sup>, 76/432/EEC<sup>11</sup>, 76/763/EEC<sup>12</sup>, 77/311/EEC<sup>13</sup>, 77/537/EEC<sup>14</sup>,

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- 1 OJ No C
  - 2 OJ No C
  - 3 OJ No L 84, of 28.03.1974, p. 10
  - 4 OJ No L 126, of 20.05.1988, p. 52
  - 5 OJ No L 84 of 28.03.1974, p. 25
  - 6 OJ No L 84 of 28.03.1974, p. 33
  - 7 OJ No L 191 of 15.07.1974, p. 1
  - 8 OJ No L 191 of 15.07.1994, p. 5
  - 9 OJ No L 147 of 09.06.1975, p. 24
  - 10 OJ No L 147 of 09.06.1975, p. 28

78/764/EEC<sup>15</sup>, 78/933/EEC<sup>16</sup>, 79/532/EEC<sup>17</sup>, 79/533/EEC<sup>18</sup>, 80/720/EEC<sup>19</sup>, 86/297/EEC<sup>20</sup>, 86/415/EEC<sup>21</sup> and 89/173/EEC<sup>22</sup>, contain a specific definition of their scope in relation to maximum design speed; whereas these Directives also need to be amended under the procedure foreseen in article 12 of Directive 74/150/EEC, so as to avoid their applying to fewer and fewer vehicles;

Whereas an appropriate increase in the design speed is from 30 to 40 km/h;

Whereas an increase in the maximum design speed used to define the scope of Directive 74/150/EEC and certain individual Directives requires also a change to Directive 76/432/EEC on the approximation of the laws of the Member States relating to the braking devices of wheeled agricultural or forestry tractors<sup>23</sup>; whereas this change, which is made in a separate act, must enter into force no later than this directive;

HAVE ADOPTED THIS DIRECTIVE

#### Article 1

In Article 1(2) of Directives 74/150/EEC, 74/151/EEC, 74/152/EEC, 74/346/EEC, 74/347/EEC, 75/321/EEC, 75/322/EEC, 76/432/EEC, 76/763/EEC, 77/311/EEC, 77/537/EEC, 78/933/EEC, 79/532/EEC, 79/533/EEC, 80/720/EEC, 86/297/EEC, 86/415/EEC and 89/173/EEC, Article 9(2) of Directive 78/764/EEC and Item 1.5 in the Annex to Directive 74/152/EEC, the words "30 km/h" are hereby replaced by "40 km/h".

#### Article 2

1. Member States shall adopt and publish the measures necessary to comply with this Directive by 1 October 1997 and shall forthwith inform the Commission thereof. They shall apply the measures from 1 March 1998 insofar as Annexes I and II to Directive 76/432/EEC have been amended accordingly.

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11 OJ No L 122 of 08.05.1976, p. 1  
12 OJ No L 262 of 27.09.1976, p.135  
13 OJ No L 105 of 28.04.1977, p. 1  
14 OJ No L 220 of 29.08.1977, p. 38  
15 OJ No L 255 of 18.09.1978, p. 1  
16 OJ No L 325 of 20.11.1978, p. 16  
17 OJ No L 145 of 13.06.1979, p. 16  
18 OJ No L 145 of 13.06.1979, p. 20  
19 OJ No L 194 of 28.07.1980, p. 1  
20 OJ No L 186 of 08.07.1980, p. 19  
21 OJ No L 240 of 26.08.1980, p. 1  
22 OJ No L 67 of 10.03.1989, p. 1  
23 OJ No L 122 of 08.05.1976, p. 1

2. When Member States adopt these measures, they must contain a reference to this Directive, or be accompanied by such a reference when they are officially published. The form of the reference shall be decided by the Member States.

#### Article 3

This Directive will enter into force on the twentieth day following its publication in the Official Journal of the European Community.

#### Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament  
The President

For the Council  
The President

## IMPACT STATEMENT ON COMPETITIVENESS AND JOBS

Proposal for a Parliament and Council directive amending framework directive 74/150/EEC relating to agricultural or forestry tractors and, accordingly, certain individual directives.

- I. What is the main justification of the measure?
- Harmonisation of national laws,
  - Improvement of road and passenger safety,
  - Achievement of the internal market.
- II. Characteristics of the companies involved, more particularly:  
do they include a large number of small- and medium-sized businesses? No.
- eligible for Member State regional aid? No.
  - eligible under the European Regional Development Fund? No.
- III. What obligations are imposed on those companies? None.
- IV. What obligations are likely to be imposed indirectly upon those companies via the local authorities? None.
- V. Do any special measures apply to small- and medium-sized businesses? No.
- VI. What is the foreseeable outcome:
- on company productivity? No negative effect.
  - on jobs? No negative effect.
- VII. Have both sides of industry been consulted? Yes.

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