

# European Communities

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9 November 1977

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## Report

drawn up on behalf of the Committee on Regional Policy, Regional Planning and  
Transport

on the proposal from the Commission of the European Communities to the  
Council (Doc. 234/77) for a directive on the approximation of the laws of the  
Member States relating to the driver's seat on wheeled agricultural or forestry  
tractors

Rapporteur: Mr M. HERBERT



By letter of 25 July 1977, the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to the driver's seat on wheeled agricultural or forestry tractors.

The President of the European Parliament referred this proposal to the Committee on Regional Policy, Regional Planning and Transport as committee responsible and to the Legal Affairs Committee and the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Consumer Protection for their opinions.

The Committee on Regional Policy, Regional Planning and Transport appointed Mr Herbert rapporteur at its meeting of 17 October 1977, when it considered the proposal and adopted the motion for a resolution and the explanatory statement unanimously.

Present: Mr Nyborg (vice-chairman); Mr Herbert (rapporteur); Mr Albers, Mr Corrie, Mr Giraud, Mr Hoffmann, Mr Johnston, Mr Ligios, Mr Mascagni, Mr Noé, Mr Schwabe, Mr Schyns and Mr Seefeld.

The opinions of the Legal Affairs Committee, the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Consumer Protection are attached.

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The Committee on Regional Policy, Regional Planning and Transport hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to the driver's seat on wheeled agricultural and forestry tractors

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council<sup>1</sup>;
  - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 234/77);
  - having regard to the report of the Committee on Regional Policy, Regional Planning and Transport and the opinions of the Legal Affairs Committee, the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Consumer Protection (Doc. 356/77);
  - noting the emphasis which the Commission has placed on the importance of the proposed directive as a means towards ensuring the protection of the tractor driver whether he is driving the tractor on the road or operating it on the land;
  - recalling that it has consistently stressed the need to introduce compulsory harmonisation to a minimum Community level, rather than optional harmonisation, where questions of safety or health arise;
1. Considers that the optional system provided for in the proposed directive should be applicable for a limited period only and that unified Community legislation for all the Member States should be enacted at a later stage,
  2. Invites the Commission to adopt the following amendment pursuant to Article 149(2) of the EEC Treaty.

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<sup>1</sup> OJ N. C 229, 26.9.1977, p. 16

Proposal for a Council directive on the approximation of the  
laws of the Member States relating to the driver's seat on  
wheeled agricultural or forestry tractors

Preamble, recitals and Articles 1 to 10 unchanged

Article 11

1. Member States shall bring into force the provisions necessary in order to comply with this Directive within 18 months of its notification and shall forthwith inform the Commission thereof.

2. Once this Directive has been notified Member States shall also ensure that the Commission is informed, in sufficient time for it to submit its comments, of any draft laws, regulations or administrative provisions which they propose to adopt in the field covered by this Directive.

Article 11

3. The Commission shall subsequently submit to the Council a further proposal for the adoption of a single Community system for all the Member States

Article 12 and Annexes unchanged

<sup>1</sup> For full text see OJ N. C 229, 26.9.1977, p. 16

EXPLANATORY STATEMENT

1. The proposed directive forms one of a series concerning the type approval of wheeled agricultural and forestry tractors which follows from the Council Directive 74/150/EEC of 4 March 1974<sup>1</sup>.
2. The European Parliament has consistently endorsed the advice not only of the Committee on Regional Policy, Regional Planning and Transport but also of the Legal Affairs Committee and the Committee on Economic and Monetary Affairs that, particularly where questions of safety and health are concerned, the harmonised standards for type approval should be compulsory rather than optional<sup>2</sup>. That is to say that the standards laid down should represent the minimum standards within all Member States and not just standards which must be accepted for vehicles imported from other Member States.
3. It is made clear, both in the Commission's Explanatory Memorandum (Section I, General Remarks) and in Annex II, paragraph 1.1. that the health and safety of the tractor driver forms a primary consideration behind this proposal. As paragraph 1.1. states:

"The driver's seat must be designed to ensure a comfortable position for the driver when controlling and manoeuvring the tractor, and to afford him the utmost protection as regards health and safety."
4. Given this it would be quite inconsistent if your Rapporteur, while approving the general purpose of the proposal, did not urge that the European Parliament should suggest the amendment designed to ensure the ultimate adoption of a single Community system which has been put forward for all similar proposed directives in the past.

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<sup>1</sup> O.J. No. L 84 of 28 March 1974

<sup>2</sup> See for example O.J. No. C 160, 18 December 1969, p. 29 or Doc 364/74.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter from the chairman of the committee to Mr Evans, chairman of the Committee on Regional Policy, Regional Planning and Transport

Brussels, 27 September 1977

Dear Mr. Chairman,

At its meeting of 26/27 September 1977 the Legal Affairs Committee considered the proposal for a Council Directive (Doc. 234/77) on the approximation of the laws of the Member States relating to the driver's seat on wheeled agricultural or forestry tractors. This proposal was referred to the Legal Affairs Committee for its opinion by letter of 9 August 1977.

The Legal Affairs Committee noted that the proposal does not raise any major legal problems. It wishes to make two comments on it:

- 1) The proposal for a directive is based on Article 100 of the EEC Treaty. The Legal Affairs Committee considers this legal basis justified, because the proposal is a clear case of approximation of provisions of the Member States which affect the establishment or functioning of the common market.
- 2) The Legal Affairs Committee expresses its satisfaction about the wording of Article 11, paragraph 2, which reads:  
"2. Once this Directive has been notified, Member States shall also ensure that the Commission is informed, in sufficient time for it to submit its comments, of any draft laws, regulations or administrative provisions which they propose to adopt in the field covered by this Directive."

The Legal Affairs Committee is of the view that this will provide a valuable opportunity for the Commission to work in close cooperation with the Member States in the preparation of their future legislation.

The committee is therefore of the opinion that the proposal should be approved<sup>1</sup>.

sgd. Sir Derek WALKER-SMITH

- 1 The following were present: Sir Derek Walker-Smith, chairman; Lord Ardwick, Mr Broeks, Mr Calewaert, Mr De Keersmaeker, Mr Fletcher-Cooke, Mr Masullo, Lord Murray of Gravesend, Mr Scelba.



OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Letter from the chairman of the committee to Mr Evans, chairman of the Committee on Regional Policy, Regional Planning and Transport

Brussels, 19 October 1977

Dear Mr Chairman,

At its meeting of 29 and 30 September 1977 the Committee on Economic and Monetary Affairs considered the proposal from the Commission of the European Communities to the Council for a Directive on the approximation of the laws of the Member States relating to the driver's seat on wheeled agricultural or forestry tractors (Doc. 234/77).

This proposal is a typical example of the harmonization procedure employed until now. The chief characteristic of this procedure is its piecemeal approach: the present proposal concerns the harmonization of one component of a particular product while other aspects have already been the subject of earlier proposals and future proposals will deal with the harmonization of still further aspects of this selfsame product. The Council has already adopted a number of directives on agricultural and forestry tractors concerning such matters as maximum speed, load platforms, maximum weight, the number plate, liquid fuel tanks, noise levels, the rear-view mirror and windscreen wipers. Other proposals on agricultural and forestry tractors on which Parliament has already delivered its opinion are still under consideration in the Council and concern inter al. the towable load, protection of drive components and moving, projecting parts, the driving seat, and lighting and light signalling devices. The proposal on the driving seat which dates from 1968 has been revised in the present proposal for a directive in order to adapt it to the progress made in this field. This case demonstrates clearly the length of time taken between the drawing up of a proposal and its adoption and how the harmonization of one particular product is fragmented into a whole series of harmonizations of specific parts of the product concerned. It is therefore urgent that the procedure should be simplified and here the Committee on Economic and Monetary Affairs would refer once again to its proposal for the revision of the existing procedure (Doc. 323/74/corr.) which was adopted by Parliament. Briefly this proposal was as follows: the sectors defined in action programmes laid down in directives adopted by the Council should be the subject of an outline directive in accordance with Article 100 of the Treaty; the Commission would lay down on its own responsibility provisions for their implementation pursuant to Article 155.

In addition to this general remark on procedure the Committee on Economic and Monetary Affairs wishes to refer briefly to the method of harmonization proposed by the Commission, i.e. optional harmonization. This method is not sufficient to remove all barriers to trade. Furthermore the method selected is even less suitable in cases where proposals deal with safety and environmental protection where total harmonization is required. In the long term optional harmonization ought to be replaced by total harmonization.

Subject to these reservations the Committee on Economic and Monetary Affairs adopted this Commission proposal by .....<sup>1</sup>

Please regard this letter as the committee's opinion requested on 9 August 1977 (Doc. 234/77).

(sgd.) E. GLINNE

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<sup>1</sup> Present: Mr Glinne, chairman; Lord Ardwick, Mr Cousté, Mr Delmotte (deputizing for Mr Van der Hek), Mr Evans (deputizing for Mr Haase), Mr Fletcher-Cooke (deputizing for Mr Jakobsen), Mr Lange, Mr Müller-Hermann, Mr Normanton, Mr Ripamonti and Mr Van der Hek.

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND CONSUMER PROTECTION

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Letter from the chairman of the committee to Mr Evans, chairman of the Committee on Regional Policy, Regional Planning and Transport

Luxembourg, 25 October 1977

Dear Mr Chairman,

At its meeting of 19 October 1977 the Committee on the Environment, Public Health and Consumer Protection considered the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to the driver's seat on wheeled agricultural or forestry tractors (Doc. 234/77).

This proposal was originally submitted in 1968. It has been fully revised to take account of scientific progress in the field of the protection of drivers against the vibrations to which the human body as a whole is subjected.

On the previous occasion the committee approved the proposal for a directive in question and it hopes that this revised version, which seeks to introduce the administrative procedure for EEC type-approval adopted in March 1974 for all types of driver's seats complying with the construction and test specifications laid down in Annexes I and II, will be adopted as soon as possible by the Council, so that the drivers concerned may enjoy the benefit of improved safeguards for their health.

(sgd.) Aldo AJELLO

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Present: Mr Baas, acting chairman; Mr Andersen, Mr Bréqégère, Mr Edwards, Mr Evans, Lady Fisher of Rednal, Mr Guerlin, Mr Willi Müller, Mr Emile Muller, Mr Noé, Lord St. Oswald and Mrs Squarcialupi.

