Wednesday 11 May 2011

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Roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors ***I

P7_TA(2011)0211

European Parliament legislative resolution of 11 May 2011 on the proposal for a directive of the European Parliament and of the Council on roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors (codified text) (COM(2010)0610 – C7-0340/2010 – 2010/0302(COD))

(2012/C 377 E/38)

(Ordinary legislative procedure – codification)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0610),

— having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0340/2010),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 19 January 2011 [1],

— having regard to the Interinstitutional Agreement of 20 December 1994 – Accelerated working method for official codification of legislative texts [2],

[1] OJ C 84, 17.3.2011, p. 54.
[2] OJ C 102, 4.4.1996, p. 2.

— having regard to Rules 86 and 55 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A7-0098/2011),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance,

1. Adopts its position at first reading hereinafter set out;

2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2010)0302

Position of the European Parliament adopted at first reading on 11 May 2011 with a view to the adoption of Directive 2011/…/EU of the European Parliament and of the Council on roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors (Codification)

(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 [1],

Acting in accordance with the ordinary legislative procedure [2],

Whereas:

(1) Council Directive 87/402/EEC of 25 June 1987 on roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors [3] has been substantially amended several times [4]. In the interests of clarity and rationality the said Directive should be codified.

(2) Directive 87/402/EEC is one of the separate Directives of the EC type-approval system provided for in Council Directive 74/150/EEC, as replaced by Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC [5], and lays down technical prescriptions concerning the design and construction of agricultural or forestry tractors as regards the roll-over protection structures mounted in front of the driver's seat. Those technical prescriptions concern the approximation of the laws of the Member States to enable the EC type-approval procedure provided for in

[1] OJ C 84, 17.3.2011, p. 54.
[2] Position of the European Parliament of 11 May 2011.
[3] OJ L 220, 8.8.1987, p. 1.
[4] See Annex VIII, Part A.
[5] OJ L 171, 9.7.2003, p. 1.

Directive 2003/37/EC to be applied in respect of each type of tractor. Consequently the provisions laid down in Directive 2003/37/EC relating to agricultural and forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units, apply to this Directive.

(3) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex VIII, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to tractors as defined in Article 2(j) of Directive 2003/37/EC having the following characteristics:

(a) ground clearance of not more than 600 mm beneath the lowest points of the front and rear axles, allowing for the differential;

(b) fixed or adjustable minimum track width with one of the axles less than 1 150 mm fitted with tyres of a larger size. It is assumed that the axle mounted with the wider tyres is set at a track width of not more than 1 150 mm. It must be possible to set the track width of the other axle in such a way that the outer edges of the narrower tyres do not go beyond the outer edges of the tyres of the other axle; where the two axles are fitted with rims and tyres of the same size, the fixed or adjustable track width of the two axles must be less than 1 150 mm;

(c) mass greater than 600 and not more than 3 000 kilograms, corresponding to the unladen mass of the tractor as defined in point 2.1 of Model A in Annex I to Directive 2003/37/EC, including the roll-over protection structure fitted in compliance with this Directive and tyres of the largest size recommended by the manufacturer.

Article 2

1. Each Member State shall grant EC component type-approval for any type of roll-over protection structure and its tractor attachment which satisfies the construction and testing requirements laid down in Annexes I and II.

2. A Member State which has granted EC component type-approval shall take the measures required to verify, in so far as is necessary and if need be in cooperation with the competent authorities in the other Member States, that production models conform to the approved type. Such verification shall be limited to spot checks.

Article 3

Member States shall, for each type of roll-over protection structure and its tractor attachment which they approve pursuant to Article 2, issue to the manufacturer of the tractor or of the roll-over protection structure, or to his authorised representative, an EC component type-approval mark conforming to the example shown in Annex IV.

Member States shall take all appropriate measures to prevent the use of marks liable to create confusion between roll-over protection structures which have been component type-approved pursuant to Article 2 and other devices.

Article 4

A Member State shall not prohibit the placing on the market of roll-over protection structures or their tractor attachments on grounds relating to their construction if they bear the EC component type-approval mark.

However, a Member State may prohibit the placing on the market of roll-over protection structures bearing the EC component type-approval mark which fail to conform to the approved type.

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

Article 5

The competent authorities of each Member State shall within one month send to the competent authorities of the other Member States copies of the EC component type-approval certificate, the model of which is given in Annex V, completed for each type of roll-over protection structure which they approve or refuse to approve.

Article 6

1. If the Member State which has granted EC component type-approval finds that a number of roll-over protection structures and their tractor attachments bearing the same EC component 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 Member State shall advise those of the other Member States of the measures taken which may, where there is a serious and repeated failure to conform, extend to the withdrawal of EC component type-approval.

Those authorities shall take the same measures if they are informed by the competent authorities of another Member State of such failure to conform.

2. The competent authorities of the Member States shall within one month inform each other of any withdrawal of EC component type-approval and of the reasons for any such measure.

Article 7

Any decision taken pursuant to the provisions adopted in implementation of this Directive to refuse or withdraw EC component type-approval for roll-over protection structures and their tractor attachments, or to prohibit their placing on the market or their use, shall set out in detail the reasons on which it is based.

Such 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 8

1. With respect to tractors which comply with the requirements laid down in this Directive, Member States may not:

(a) refuse, for a type of tractor, to grant EC type-approval or to grant national type-approval;

(b) prohibit the first entry into service of tractors.

2. Member States may refuse to grant national type-approval for a type of tractor if it does not comply with the requirements laid down in this Directive.

Article 9

1. No Member State may refuse the registration or prohibit the sale or use of any tractor on grounds relating to the roll-over protection structure and its tractor attachment if these bear the EC component type-approval mark and if the requirements laid down in Annex VI have been met.

However, Member States may, in compliance with the Treaty, impose restrictions on the use of tractors referred to in Article 1 in certain areas where safety so dictates, owing to the specific nature of certain terrains or crops. Member States shall inform the Commission of any such restrictions before they are implemented and of the reasons for their adoption.

2. This Directive shall not affect the right of Member States to specify, in due compliance with the Treaty, the requirements they deem necessary to ensure that workers are protected when using the tractors in question, provided this does not mean that the protection structures are modified in a way unspecified in this Directive.

Article 10

1. In connection with EC type-approval, any tractor to which Article 1 refers shall be fitted with a roll-over protection structure.

2. The structure referred to in paragraph 1, unless it is a rear-mounted protection structure, shall comply with the requirements laid down in Annexes I and II to this Directive or in Annexes I to IV to Directives 2009/57/EC [1] or 2009/75/EC [2] of the European Parliament and of the Council.

Article 11

The amendments necessary to adapt the requirements of Annexes I to VII to take account of technical progress shall be adopted in accordance with the procedure referred to in Article 20(3) of Directive 2003/37/EC.

Article 12

Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 13

Directive 87/402/EEC, as amended by the Acts listed in Annex VIII, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex VIII, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IX.

Article 14

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 15

This Directive is addressed to the Member States.

Done at …

For the European Parliament
The President

For the Council
The President

[1] OJ L 261, 3.10.2009, p. 1.
[2] OJ L 261, 3.10.2009, p. 40.