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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on rear-view mirrors for wheeled agricultural or forestry tractors

(Codified version)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this was a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake the codification of Council Directive 74/346/EEC of 25 June 1974 on the approximation of the laws of the Member States relating to rear-view mirrors for wheeled agricultural or forestry tractors³. The new Directive will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

¹ COM(87) 868 PV.

² See Annex 3 to Part A of these Conclusions.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ Annex II, Part A of this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Directive 74/346/EEC and the instruments amending it, carried out by the Office of Official Publications of the European Communities, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex III to the codified Directive.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on rear-view mirrors for wheeled agricultural or forestry tractors

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article ~~95~~ 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the procedure laid down in Article 251 of the Treaty²,

Whereas:



- (1) Council Directive 74/346/EEC of 25 June 1974 on the approximation of the laws of the Member States relating to rear view mirrors for wheeled agricultural or forestry tractors³ has been substantially amended several times⁴. In the interests of clarity and rationality the said Directive should be codified.
- (2) Directive 74/346/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/EEC⁵ and lays down technical prescriptions concerning the design and construction of wheeled agricultural or forestry tractors as

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ L 191, 15.7.1974, p. 1. Directive as last amended by Commission Directive 98/40/EC (OJ L 171, 17.6.1998, p. 28).

⁴ See Annex II, Part A.

⁵ OJ L 171, 9.7.2003, p. 1. Directive as last amended by Commission Directive 2006/96/EC (OJ L 363, 20.12.2006, p. 81).

regards rear-view mirrors. Those technical prescriptions concern the approximation of the laws of the Member States to enable the EC type-approval procedure provided for in 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 or 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 concerning the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B,

↓ 74/346/EEC

HAVE ADOPTED THIS DIRECTIVE:

↓ 74/346/EEC
→₁ Corrigendum 74/346/EEC
(OJ L 226, 18.8.1976, p. 16)

Article 1

1. ‘Agricultural or forestry tractor’ means any motor vehicle, fitted with wheels or →₁ endless tracks ← and having at least two axles, the main function of which lies in its tractive power and which is specially designed to tow, push, carry or power certain tools, machinery or trailers intended for agricultural or forestry use. It may be equipped to carry a load and passengers.

↓ 82/890/EEC Art. 1(1)
→₁ 97/54/EC Art. 1

2. This Directive shall apply only to tractors defined in paragraph 1 which are equipped with pneumatic tyres and have a maximum design speed of between 6 and →₁ 40 km/h ←.

↓ 74/346/EEC (adapted)

Article 2

No Member State may refuse to grant EC type-approval or national type-approval of a tractor on grounds relating to rear-view mirrors if these satisfy the requirements set out in Annex I.

Article 3

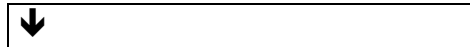
No Member State may refuse or prohibit the sale, registration, entry into service or use of tractors on grounds relating to rear-view mirrors if these satisfy the requirements set out in Annex I.

Article 4

The amendments necessary for adapting to technical progress the requirements of Annex I shall be adopted in accordance with the procedure referred to in Article 20(2) of Directive 2003/37/EC .

Article 5

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



Article 6

Directive 74/346/EEC, as amended by the Directives listed in Annex II, 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 II, 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 III.

Article 7

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

It shall apply from [...].

Article 8

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament
The President*

*For the Council
The President*

↓ 74/346/EEC → ₁ 98/40/EC Art. 1 point 1
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ANNEX I

1. DEFINITIONS

- 1.1. ‘Rear-view mirror’ means any device intended to give, within the field of vision geometrically defined in item 2.5 below, a clear view to the rear which, within reasonable limits, is not blocked by component parts of the tractor or by the occupants of the tractor itself. →₁ The additional mirrors and rear-view mirrors designed in order to monitor the implements while working in the fields are not necessarily open to component type-approval but must be located in accordance with the setting requirements contained in items 2.3.3 to 2.3.5. ←
- 1.2. ‘Interior rear-view mirror’ means a device as defined in item 1.1 which is fitted inside the cab or frame of a tractor.
- 1.3. ‘Exterior rear-view mirror’ means a device as defined in item 1.1 which is mounted on any part of the external surface of a tractor.
- 1.4. ‘Class of rear-view mirror’ means all rear-view mirrors having one or more common characteristics or functions. Interior rear-view mirrors are grouped in class I. Exterior rear-view mirrors are grouped in class II.

2. REQUIREMENTS FOR FITTING

2.1. General

↓ 74/346/EEC (adapted)

- 2.1.1. Tractors may be fitted with rear-view mirrors of classes I and II only bearing the EC type-approval mark laid down in Directive ☒ 2003/97/EC of the European Parliament and of the Council¹ ☒.

↓ 74/346/EEC → ₁ 98/40/EC Art. 1 point 2
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- 2.1.2. Rear-view mirrors must be fixed in such a way that they remain steady under normal driving conditions.

¹ OJ L 25, 29.1.2004, p. 1.

2.2. Number

All tractors shall be equipped with at least one exterior rear-view mirror fitted to the left side of the tractor in Member States in which traffic drives on the right and to the right side of the tractor in Member States in which traffic drives on the left.

2.3. Position

- 2.3.1. The exterior rear-view mirror must be so placed that the driver, when sitting on the driving seat in a normal driving position, has a clear view of that part of the road defined in item 2.5.
- 2.3.2. The exterior rear-view mirror must be visible through the portion of the windscreen that is swept by the windscreen wiper or through the side windows if the tractor is fitted with them.
- 2.3.3. The rear-view mirror must not protrude beyond the external bodywork of the tractor or the tractor-trailer combination substantially more than is necessary to obtain the fields of vision laid down in item 2.5.
- 2.3.4. Where the bottom edge of an exterior rear-view mirror is less than 2 m above the ground when the tractor is laden, this rear-view mirror must not project more than 0,20 m beyond the overall width of the tractor or tractor-trailer combination measured without rear-view mirrors.
- 2.3.5. Subject to the requirements of items 2.3.3 and 2.3.4, rear-view mirrors may project beyond the tractor's permissible maximum width.

2.4. Adjustment

- 2.4.1. Any interior rear-view mirror must be adjustable by the driver from his driving position.
- 2.4.2. →₁ The driver must be able to adjust the exterior rear-view mirror without leaving the driving position. ← The mirror may, however, be locked into position from the outside.
- 2.4.3. The requirements of item 2.4.2 do not apply to exterior rear-view mirrors which, after being displaced, are returned automatically to their original position or can be restored to their original position without the use of tools.

2.5. Fields of vision

2.5.1. *Member States in which traffic drives on the right*

The field of vision of the left hand exterior rear-view mirror must be such that the driver can see to the rear at least that level part of the road as far as the horizon, which is to the left of the plane parallel to the vertical longitudinal median plane and which passes through the leftmost point of the overall width of the tractor or tractor-trailer combination.

2.5.2. *Member States in which traffic drives on the left*

The field of vision of the right hand exterior rear-view mirror must be such that the driver can see to the rear at least that level part of the road, as far as the horizon, which is to the right of the plane parallel to the vertical longitudinal median plane and which passes through the rightmost point of the overall width of the tractor or tractor-trailer combination.



ANNEX II

Part A

Repealed Directive with list of its successive amendments (referred to in Article 6)

Council Directive 74/346/EEC
(OJ L 191, 15.7.1974, p. 1)

Council Directive 82/890/EEC
(OJ L 378, 31.12.1982, p. 45)

Only the references made by
Article 1(1) to Directive 74/346/EEC

Directive 97/54/EC of the European Parliament
and of the Council
(OJ L 277, 10.10.1997, p. 24)

Only the references made by Article 1
to Directive 74/346/EEC

Commission Directive 98/40/EC
(OJ L 171, 17.6.1998, p. 28)

Part B

List of time-limits for transposition into national law and application (referred to in Article 6)

Directive	Time-limit for transposition	Date of application
74/346/EEC	2 January 1976	_____
82/890/EEC	22 June 1984	_____
97/54/EC	22 September 1998	23 September 1998
98/40/EC	30 April 1999	1 May 1999 ⁽¹⁾

⁽¹⁾ In conformity with Article 2 of Directive 98/40/EC:

“1. From 1 May 1999, no Member State may:

- refuse, in respect of a type of tractor, to grant EC type-approval, to issue the document referred to in the third indent of Article 10(1) of Directive 74/150/EEC, or to grant national type-approval, or
- to prohibit the entry into service of tractors,

if those tractors meet the requirements of Directive 74/346/EEC, as amended by this Directive.

2. From 1 October 1999, Member States:
- may no longer issue the document referred to in the third indent of Article 10(1) of Directive 74/150/EEC for a type of tractor that does not meet the requirements of Directive 74/346/EEC, as amended by this Directive,
 - may refuse to grant national type-approval in respect of a type of tractor which does not meet the requirements of Directive 74/346/EEC, as amended by this Directive.”
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ANNEX III

CORRELATION TABLE

Directive 74/346/EEC	This Directive
Articles 1 to 4	Articles 1 to 4
Article 5(1)	_____
Article 5(2)	Article 5
_____	Article 6
_____	Article 7
Article 6	Article 8
Annex	Annex I
_____	Annex II
_____	Annex III
