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COM(2007) 319 final

2007/0117 (COD)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the coupling device and the reverse of 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 decided<sup>1</sup> to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is 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 this<sup>2</sup>, 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 a codification of Council Directive 79/533/EEC of 17 May 1979 on the approximation of the laws of the Member States relating to the coupling device and the reverse of wheeled agricultural or forestry tractors<sup>3</sup>. The new Directive will supersede the various acts incorporated in it<sup>4</sup>; 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.

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<sup>1</sup> COM(87) 868 PV.

<sup>2</sup> See Annex 3 to Part A of the Conclusions.

<sup>3</sup> 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.

<sup>4</sup> See Annex III, 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 79/533/EEC and the instruments amending it, carried out by the Office for 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 IV to the codified Directive.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the coupling device and the reverse of 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~~ thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>2</sup>,

Whereas:

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- (1) Council Directive 79/533/EEC of 17 May 1979 on the approximation of the laws of the Member States relating to the coupling device and the reverse of wheeled agricultural or forestry tractors<sup>3</sup> has been substantially amended several times<sup>4</sup>. In the interests of clarity and rationality the said Directive should be codified.
- (2) Directive 79/533/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<sup>5</sup> and lays down technical prescriptions concerning the design and construction of agricultural or forestry tractors as regards the coupling device and the reverse. Those technical prescriptions concern the

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<sup>1</sup> OJ C [...], [...], p. [...].

<sup>2</sup> OJ C [...], [...], p. [...].

<sup>3</sup> OJ L 145, 13.6.1979, p. 20. Directive as last amended by Commission Directive 1999/58/EC (OJ L 148, 15.6.1999, p. 37).

<sup>4</sup> See Annex III, Part A.

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

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 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 III, Part B,

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↓ 79/533/EEC

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

1. ‘(Agricultural or forestry) tractor’ means any motor vehicle, fitted with wheels or 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.

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↓ 82/890/EEC Art. 1(1) (adapted)  
→<sub>1</sub> 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 →<sub>1</sub> 40 km/h ←.

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↓ 79/533/EEC

*Article 2*

No Member State may refuse to grant EC type-approval or national type-approval of a tractor on grounds relating to the coupling device or to the reverse if these satisfy the requirements set out in Annexes I and II.

*Article 3*

No Member State may refuse the registration or prohibit the sale, entry into service or use of tractors on grounds relating to the coupling device or to the reverse, if these satisfy the requirements set out in Annexes I and II.

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↓ 79/533/EEC (adapted)

*Article 4*

⊗ The ⊗ amendments necessary to adapt the requirements of Annexes I and II to ⊗ take account of ⊗ technical progress shall be adopted in accordance with the procedure ⊗ referred to ⊗ in Article ⊗ 20 (2) ⊗ of Directive ⊗ 2003/37/EC ⊗.

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↓ 79/533/EEC

*Article 5*

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.

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*Article 6*

Directive 79/533/EEC, as amended by the Directives listed in Annex III, 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 III, 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 IV.

*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 [...].

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↓ 79/533/EEC Art. 6

*Article 8*

This Directive is addressed to the Member States.

Done at Brussels, [...]

*For the European Parliament*  
*The President*  
[...]

*For the Council*  
*The President*  
[...]

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↓ 79/533/EEC

**ANNEX I**

**COUPLING DEVICE**

**1. Number**

Every tractor must have a special device to which it must be possible to attach a connection such as a tow-bar or a tow-rope for towing purposes.

**2. Position**

The device must be fitted to the front of the tractor, which must be equipped with a coupling pin.

**3. Design**

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↓ 1999/58/EC Art. 1 pt. 1

The device shall be of the slotted-jaw type. The opening at the centre of the locking pin shall be  $60 \text{ mm} + 0,5/- 1,5 \text{ mm}$  and the depth of the jaw measured from the centre of the pin shall be  $62 \text{ mm} \pm 0,5 \text{ mm}$ .

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↓ 79/533/EEC (adapted)

The coupling pin must have a diameter of  $30 + 1,5 \text{ mm}$  and be fitted with a device preventing it from leaving its seating during use. The securing device must be non-detachable.

The tolerance of  $+ 1,5$  referred to above should not be regarded as a manufacturing tolerance but as a permissible variation in nominal dimensions for pins of different designs.

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## **ANNEX II**

### **REVERSE**

All tractors must be equipped with a device for reversing which can be operated from the driving position.

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## **ANNEX III**

### **Part A**

#### **Repealed Directive with list of its successive amendments**

(referred to in Article 6)

Council Directive 79/533/EEC  
(OJ L 145, 13.6.1979, p. 20)

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

Only as regards the references made in  
Article 1(1) to Directive 79/533/EEC

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

Only as regards the references made in  
the first indent of Article 1 to  
Directive 79/533/EEC

Commission Directive 1999/58/EC  
(OJ L 148, 15.6.1999, p. 37)

### **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
79/533/EEC	21 November 1980	
82/890/EEC	21 June 1984	
97/54/EC	22 September 1998	23 September 1998
1999/58/EC	30 June 2000 <sup>(*)</sup>	

(\*) In compliance with Article 2 of Directive 1999/58/EC:

“1. From 1 July 2000, Member States may not:

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

if the tractors in question comply with the requirements of Directive 79/533/EEC, as amended by this Directive.

2. From 1 January 2001, Member States:
- may no longer issue the document provided for in the third indent of Article 10(1) of Directive 74/150/EEC in respect of a type of tractor which does not meet the requirements of Directive 79/533/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 79/533/EEC, as amended by this Directive.”
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**ANNEX IV**

**CORRELATION TABLE**

Directive 79/533/EEC	This Directive
Articles 1 to 4	Articles 1 to 4
Article 5(1)	-
Article 5(2)	Article 5
-	Articles 6 and 7
Article 6	Article 8
Annex I	Annex I
Annex II	Annex II
-	Annex III
-	Annex IV