



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.10.2007
COM(2007) 588 final

2007/0205 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

relating to the driver-perceived noise level 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 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 were 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 77/311/EEC of 29 March 1977 on the approximation of the laws of the Member States relating to the driver-perceived noise level of 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(1987) 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 IV, 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 77/311/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 V to the codified Directive.

↓ 77/311/EEC (adapted)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

relating to the driver-perceived noise level 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 Committee¹,

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

Whereas:

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- (1) Council Directive 77/311/EEC of 29 March 1977 on the approximation of the laws of the Member States relating to the driver-perceived noise level of 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 73/311/EEC is one of the separate Directives of the EC type-approval system provided for in Council Directive 74/150/EC, 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 agricultural or forestry tractors, as regards

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ OJ L 105, 28.4.1977, p. 1. Directive as last amended by Commission Directive 2006/26/EC (OJ L 65, 7.3.2006, p. 22).

⁴ See Annex IV, Part A.

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

driver-perceived noise level. 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 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 concerning the time-limits for transposition into national law and application of the Directives set out in Annex IV, Part B,

↓ 77/311/EEC

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. For the purposes of this Directive, ‘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.

↓ 82/890/EEC Art. 1(1) (adapted)
→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 ←.

↓ 77/311/EEC (adapted)

Article 2

No Member State may refuse to grant EC type-approval or national type-approval or prohibit the sale, registration or entry into service of any tractor on grounds relating to the driver-perceived noise level if this level is within the following limits:

- 90 dB (A) in accordance with Annex I, or
- 86 dB (A) in accordance with Annex II.

↓ 77/311/EEC

Article 3

For the purposes of this Directive, ‘cab’ means any structure built of rigid components, transparent or not, which totally encloses the driver and isolates him from the outside, and is capable of being kept permanently closed during service.

Article 4

Member States shall take all necessary measures to ensure that in both the sales presentation and advertising there is nothing to suggest that the tractors have features regarding the driver-perceived noise level which they do not in fact possess.

↓ 77/311/EEC (adapted)

Article 5

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

Article 6

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

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Article 7

1. Directive 77/311/EEC, as amended by the acts listed in Annex IV, Part A, is repealed, 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 IV, Part B.

2. 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 V.

Article 8

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

↓ 77/311/EEC Art. 7

Article 9

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

↓ 77/311/EEC (adapted) → ₁ 2006/26/EC Art. 2 and Annex II
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ANNEX I

APPARATUS, CONDITIONS AND METHOD OF MEASUREMENT

1. UNIT OF MEASUREMENT AND MEASURING APPARATUS

1.1. Unit of measurement

Noise level shall be measured in dB with A-weighting, expressed as dB (A).

1.2. Measuring apparatus

Driver-perceived noise level shall be measured by means of a sound-level meter as described in the first edition of Publication 179/1965 of the International Electrotechnical Commission.

In the case of variable readings, the average of the maximum values must be taken.

2. CONDITIONS OF MEASUREMENT

Measurements shall be made under the following conditions:

- 2.1. the tractor must be unladen, i.e. without optional accessories, but must include coolant, lubricant, full fuel tank, tools and driver. The latter may not wear any abnormally thick clothing, scarf or hat. There may be no object on the tractor likely to distort the noise level;
- 2.2. the tyres must be inflated to the pressure recommended by the tractor manufacturer, the engine, transmission and drive axles must be at normal running temperature and radiator blinds when fitted must be kept open during measurements;
- 2.3. if it is liable to affect the noise level, extra equipment powered by the engine or self-powered such as windscreen wipers, warm air fan or power take-off, for example, may not be in operation when measurements are being made; parts which normally operate at the same time as the engine, such as the engine cooling fan, for example, must be in operation when measurements are being made;
- 2.4. the test area must be in an open and sufficiently silent location; it may take the form, for instance, of an open space of 50-metre radius, having a central part with a radius of at least 20 m which is practically level, or of a level section having a solid track with as flat a surface and as few gullies as possible. The track must be as clean and dry as possible (e.g. free of gravel, leaves, snow, etc.). Slopes and irregularities are acceptable only if the variations in noise level caused by them lie within the error tolerances of the measuring equipment;

- 2.5. the surface of the track must be such as not to cause excessive tyre noise;
- 2.6. the weather must be fine and dry with little or no wind. The driver-perceived ambient noise level due to the wind or other sources of noise must be at least 10 dB (A) below the noise level of the tractor;
- 2.7. if a vehicle is used for measurements, it must be towed or driven at sufficient distance from the tractor to avoid all interference. During measurements no object interfering with the measurements or reflective surfaces may be located within 20 m of each side of the test track and less than 20 m to the front or rear of the tractor. This condition can be considered fulfilled if the variations in noise level thus caused remain within the error tolerances; if not, the measurements must be discontinued for the duration of the interference;
- 2.8. all measurements in a given series must be carried out on the same track.

3. METHOD OF MEASUREMENT

- 3.1. The microphone must be located 250 mm to the side of the centre plane of the seat, the side being that on which the higher noise level is encountered.

The microphone diaphragm must face forward and the centre of the microphone must be 790 mm above and 150 mm forward of the seat reference point described in Annex III. Excessive vibration of the microphone must be avoided.

- 3.2. The maximum noise level in dB (A) shall be determined as follows:

- 3.2.1. all openings (e.g. doors, windows) in tractors having a closed series-produced cab structure must be closed during an initial series of measurements.

- 3.2.1.1. During a second series of measurements they must be left open, provided that when open they do not create a road safety hazard, but fold-down or fold-up windscreens must remain closed;

- 3.2.2. noise must be measured using slow sound-level meter response at the load corresponding to the maximum noise in the gear giving the forward speed nearest to $\rightarrow_1 7,5 \text{ km/h} \leftarrow$.

The governor control lever must be fully open. Starting with no load, the load applied must be increased until the maximum noise level is found. After each increase of load, time must be allowed for the noise level to stabilise before making the measurement;

- 3.2.3. noise must be measured using slow sound-level meter response at the load corresponding to the maximum noise in any gear other than that referred to in \boxtimes point \boxtimes 3.2.2 in which the noise level recorded is at least 1 dB (A) above that recorded in the gear referred to in \boxtimes point \boxtimes 3.2.2.

The governor control lever must be fully open. Starting with no load, the load applied must be increased until the maximum noise level is found. After each increase of load, time must be allowed for the noise level to stabilise before making the measurement;

- 3.2.4. noise must be measured at the maximum design speed of the unladen tractor.
- 3.3. The test report shall include noise-level measurements carried out under the following conditions:
 - 3.3.1. in the gear giving the speed nearest to $\rightarrow_1 7,5 \text{ km/h} \leftarrow$;
 - 3.3.2. in any gear, if the conditions described in point 3.2.3 are fulfilled;
 - 3.3.3. at maximum design speed.

4. ASSESSMENT CRITERIA

The measurements described in points 3.2.1, 3.2.2, 3.2.3 and 3.2.4 may not exceed the values laid down in Article 2.

↓ 77/311/EEC (adapted) → ₁ 2006/26/EC Art. 2 and Annex II
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ANNEX II

APPARATUS, CONDITIONS AND METHOD OF MEASUREMENT

1. UNIT OF MEASUREMENT AND MEASURING APPARATUS

1.1. Unit of measurement

Noise level shall be measured in dB with A-weighting, expressed as dB (A).

1.2. Measuring apparatus

Driver-perceived noise level shall be measured by means of a sound-level meter as described in the first edition of publication 179/1965 of the International Electrotechnical Commission.

In the case of variable readings, the average of the maximum values must be taken.

2. CONDITIONS OF MEASUREMENT

Measurements shall be made under the following conditions:

- 2.1. the tractor must be unladen, i.e. without optional accessories, but must include coolant, lubricant; full fuel tank, tools and driver. The latter may not wear any abnormally thick clothing, scarf or hat. There may be no object on the tractor likely to distort the noise level;
- 2.2. the tyres must be inflated to the pressure recommended by the tractor manufacturer, the engine, transmission and drive axles must be at normal running temperature and, if the engine has cooling louvres, these must remain completely open;
- 2.3. if it is liable to affect the noise level, extra equipment powered by the engine or self-powered such as windscreen wipers, warm air fan or power take-off, for example, may not be in operation when measurements are being made; parts which normally operate at the same time as the engine, such as the engine cooling fan, for example, must be in operation when measurements are being made;
- 2.4. the test area must be in an open and sufficiently silent location: it may take the form, for instance, of an open space of 50-metre radius, having a central part with a radius of at least 20 m which is practically level, or of a level section having a solid track with as flat a surface and as few gullies as possible. The track must be as clean and dry as possible (e.g. free of gravel, leaves, snow, etc.). Slopes and irregularities are acceptable only if the variations in noise level caused by them lie within the error tolerances of the measuring equipment;

- 2.5. the surface of the track must be such as not to cause excessive tyre noise;
- 2.6. the weather must be fine and dry with little or no wind.

The driver-perceived ambient noise level due to the wind or other sources of noise must be at least 10 dB (A) below the noise level of the tractor;

- 2.7. if a vehicle is used for measurements, it must be towed or driven at sufficient distance from the tractor to avoid all interference. During measurements no object interfering with the measurements or reflective surfaces may be located within 20 m of each side of the test track and less than 20 m to the front or rear of the tractor. This condition can be considered fulfilled if the variations in noise level thus caused remain within the error tolerances; if not, the measurements must be discontinued for the duration of the interference;
- 2.8. all measurements in a given series must be carried out on the same track.

3. METHOD OF MEASUREMENT

- 3.1. The microphone must be located 250 mm to the side of the central plane of the seat, the side being that on which the higher noise level is encountered.

The microphone diaphragm must face forward and the centre of the microphone shall be 790 mm above and 150 mm forward of the seat reference point described in Annex III. Excessive vibration of the microphone must be avoided.

- 3.2. Noise level shall be determined as follows:

- 3.2.1. the tractor must travel along the section at the same test speed at least three times for at least 10 seconds;
- 3.2.2. all openings (e.g. doors, windows) in tractors having a closed series-produced cab structure must be closed during an initial series of measurements.
 - 3.2.2.1. During a second series of measurements they must be left open, provided that when open they do not create a road safety hazard, but fold-down or fold-up windscreens must remain closed;
- 3.2.3. noise must be measured at the maximum rpm using slow sound-level meter response i.e. in the gear giving the speed nearest to $\rightarrow_1 7,5 \text{ km/h} \leftarrow$ at the rated rpm. The tractor must be unladen when measurements are being made.

4. ASSESSMENT CRITERIA

The measurements described in points 3.2.2 and 3.2.3 may not exceed the values laid down in Article 2.

ANNEX III

DETERMINATION OF SEAT REFERENCE POINT

1. DEFINITION

- 1.1. The seat reference point (S) shall be the point in the central longitudinal plane of the seat where the tangential plane of the lower backrest and a horizontal plane intersect. This horizontal plane cuts the lower surface of the seat-pan board 150 mm in front of the seat reference point.

2. DETERMINATION OF SEAT REFERENCE POINT

- 2.1. The reference point shall be obtained using the device illustrated in figures 1 and 2 of the Appendix to this Annex, which makes it possible to simulate loading by a human occupant.
- 2.2. The seat must be set at the mid point of the range allowed for vertical adjustment, this adjustment being independent of the horizontal adjustment. For purposes of determining the microphone location referred to in point 3 of Annexes I and II, the seat must be at or as near as possible to the mid point of the horizontal adjustment range.

3. DESCRIPTION OF THE DEVICE

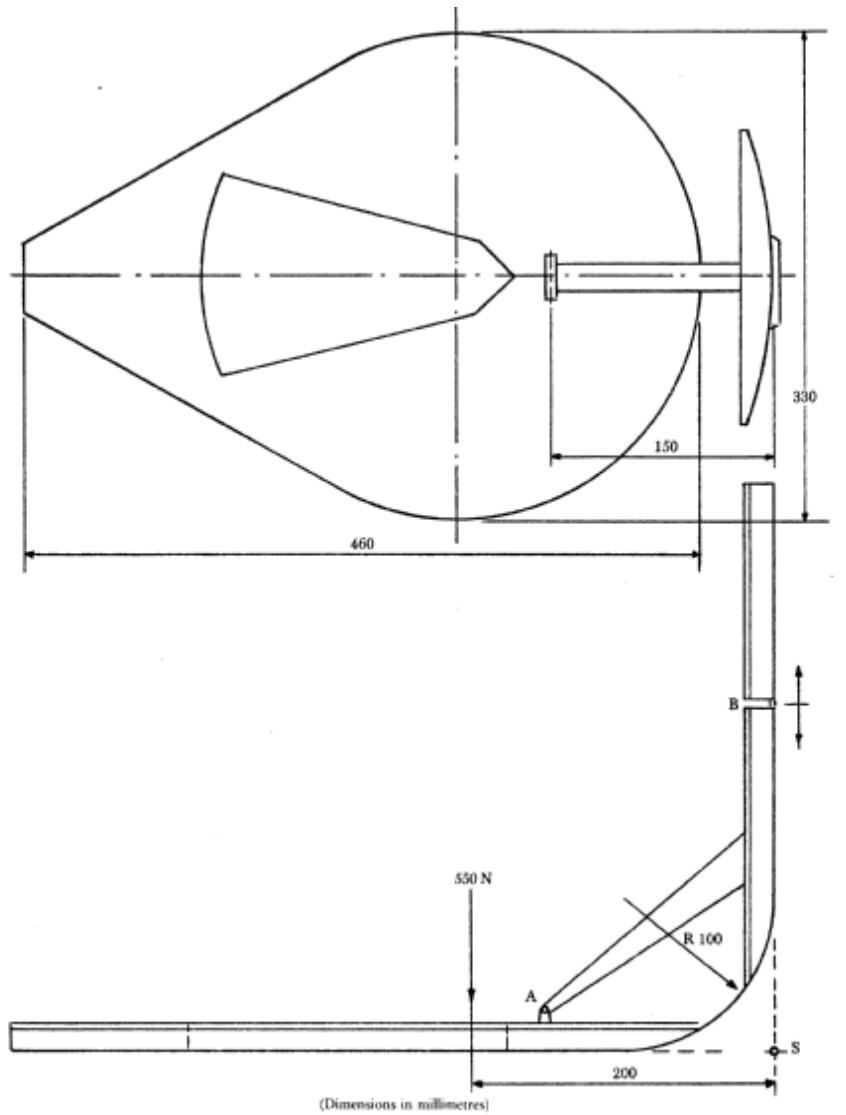
- 3.1. The device referred to in point 2.1 shall consist of a seat-pan board and two backrest boards.
- 3.2. The lower backrest board shall be jointed in the region of the ischium humps (A) and loin (B), the joint (B) being adjustable in height (see figure 2).

4. SETTING UP THE DEVICE

The device shall be set up as follows:

- 4.1. the device shall be positioned on the seat;
- 4.2. it shall then be loaded with a force of 550 N at a point 50 mm in front of joint (A), and the two backrest boards shall be lightly pressed tangentially against the backrest;
- 4.3. if it is not possible to determine a definite tangent to the lower area of the backrest, the lower backrest board in vertical position must be lightly pressed against the backrest;
- 4.4. in the case of seats with a suspension adjustable to the driver's weight, the suspension shall be set so that the seat is at a point equidistant from its two extreme positions.

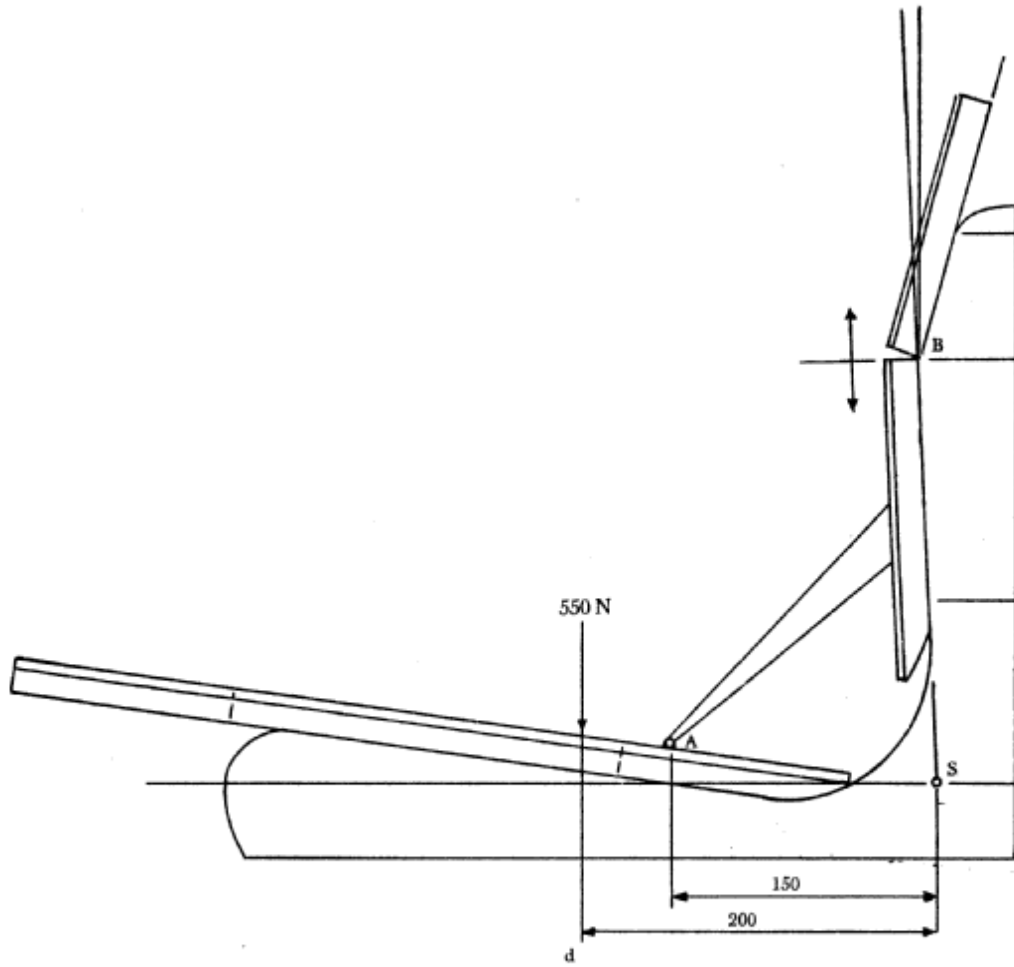
APPENDIX



(Dimensions in millimetres)

Figure 1

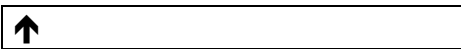
Device for determining the seat reference point



(Dimensions in millimetres)

Figure 2

Method of determining the seat reference point.



ANNEX IV

Part A

Repealed Directive with list of its successive amendments (referred to in Article 7)

Council Directive 77/311/EEC
(OJ L 105, 28.4.1977, p. 1)

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

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

Commission Decision 96/627/EC
(OJ L 282, 1.11.1996, p. 72)

Commission Decision 2000/63/EC
(OJ L 22, 27.1.2000, p. 66)

Commission Directive 2006/26/EC
(OJ L 65, 7.3.2006, p. 22)

Only the references made by Article 1(1)
to Directive 77/311/EEC

Only the references made by Article 1,
first indent, to Directive 77/311/EEC

Only Article 2 and Annex II

Part B

List of time-limits for transposition into national law and application (referred to in Article 7)

Directive	Time-limit for transposition	Date of application
77/311/EEC	1 October 1978	_____
82/890/EEC	22 June 1984	_____
97/54/EC	22 September 1998	23 September 1998
2006/26/EC	31 December 2006	_____ ⁽¹⁾

⁽¹⁾ In accordance with Article 5 Of Directive 2006/26/EC:

- “1. With effect from 1 January 2007, with respect to vehicles which comply with the requirements laid down respectively in Directives 74/151/EEC, 78/933/EEC, 77/311/EEC and 89/173/EEC, as amended by this Directive, Member States shall not, on grounds relating to the subject-matter of the Directive concerned:
 - (a) refuse to grant EC type-approval or to grant national type-approval;
 - (b) prohibit the registration, sale or entry into service of such a vehicle.
2. With effect from 1 July 2007, with respect to vehicles which do not comply with the requirements laid down respectively in Directives 74/151/EEC, 78/933/EEC, 77/311/EEC and 89/173/EEC, as amended by this Directive, and on grounds relating to the subject-matter of the Directive concerned, Member States:
 - (a) shall no longer grant EC type-approval;
 - (b) may refuse to grant national type-approval.
3. With effect from 1 July 2009, with respect to vehicles which do not comply with the requirements laid down respectively in Directives 74/151/EEC, 78/933/EEC, 77/311/EEC and 89/173/EEC, as amended by this Directive, and on grounds relating to the subject-matter of the Directive concerned, Member States:
 - (a) shall consider certificates of conformity which accompany new vehicles in accordance with the provisions of Directive 2003/37/EC to be no longer valid for the purposes of Article 7(1);
 - (b) may refuse the registration, sale or entry into service of those new vehicles.”

ANNEX V

CORRELATION TABLE

Directive 77/311/EEC	This Directive
Article 1	Article 1
Article 2(1), first subparagraph	Article 2
Article 2(1), second subparagraph	_____
Article 2(2)	_____
Articles 3, 4 and 5	Articles 3, 4 and 5
Article 6(1)	_____
Article 6(2)	Article 6
_____	Article 7
_____	Article 8
Article 7	Article 9
Annex I	Annex I
Annex II	Annex II
Annex III	Annex III
_____	Annex IV
_____	Annex V