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EUROPEAN COMMISSION

Brussels, 15.12.2010
COM(2010) 746 final

2010/0358 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on the operating space, access to the driving position and the doors and windows of
wheeled agricultural or forestry tractors**

(Codification)

EXPLANATORY MEMORANDUM

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

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 the law is to be clear and transparent.

2. On 1 April 1987 the Commission decided¹ to instruct its staff that all 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 their provisions 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 procedure for the adoption of acts of the Union.

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 80/720/EEC of 24 June 1980 on the approximation of the laws of the Member States relating to the operating space, access to the driving position and the doors and windows 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(87) 868 PV.

² See Annex 3 to Part A of the 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 See Annex III, Part A of this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in 22 official languages, of Directive 80/720/EEC and the instruments amending it, carried out by the Publications Office of the European Union, 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 operating space, access to the driving position and the doors and windows of wheeled agricultural or 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,

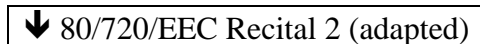
Having regard to the opinion of the European Economic and Social Committee⁵,

Acting in accordance with the ordinary legislative procedure,

Whereas:



- (1) Council Directive 80/720/EEC of 24 June 1980 on the approximation of the laws of the Member States relating to the operating space, access to the driving position and the doors and windows of wheeled agricultural or forestry tractors⁶ has been substantially amended several times⁷. In the interests of clarity and rationality the said Directive should be codified.



- (2) ☒ Directive 80/720/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

⁵ OJ C [...], [...], p. [...].

⁶ OJ L 194, 28.7.1980, p. 1.

⁷ See Annex III, Part A.

and repealing Directive 74/150/EEC⁸, and lays down technical prescriptions concerning the design and construction of agricultural or forestry tractors, as regards the operating space, access to the driving position as well as the doors and windows. 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 relating to the time-limits for transposition into national law and application of the Directives set out in Annex III, Part B,
-

↓ 80/720/EEC

HAVE ADOPTED THIS DIRECTIVE:

↓ 2010/62/EU Art. 1 pt.1

Article 1

1. For the purposes of this Directive, “tractor” means a tractor as defined in Article 2(j) of Directive 2003/37/EC.

For the purposes of this Directive, the tractor categories defined in Annex II to Directive 2003/37/EC shall apply.

2. This Directive shall apply to tractor categories T1, T3 and T4 as defined in Annex II to Directive 2003/37/EC.

This Directive shall not apply to tractors of category T4.3 where the driver’s seat index point, as determined in Annex II to Directive 2009/144/EC of the European Parliament and of the Council⁹, is more than 100 mm from the median longitudinal plane of the tractor.

⁸ OJ L 171, 9.7.2003, p. 1.

⁹ OJ L 27, 30.1.2010, p. 33.

↓ 80/720/EEC (adapted)

Article 2

1. ☒ With respect to tractors which comply with the requirements of Annex I, ☒ Member States may not refuse ☒ to grant ☒ EC type-approval or national type-approval or refuse ☒ the registration ☒ or prohibit the sale, entry into service or use on grounds relating to:

☒ (a) ☒ the operating space ☒ ; ☒

☒ (b) ☒ access to the driving position (means of entry and exit) ☒ ; ☒

☒ (c) ☒ doors and windows ☒ . ☒

↓ 88/414/EEC Art. 2 (adapted)

2. Member States may refuse to grant national type-approval in respect of a type of tractor, the operating space, access to the driving position, doors and windows of which do not comply with the provisions of this Directive.

↓ 80/720/EEC (adapted)

Article 3

Any amendments necessary to adapt the requirements of Annex I to technical progress shall be adopted in accordance with the procedure ☒ referred to ☒ in Article ☒ 20(3) ☒ of Directive ☒ 2003/37/EC ☒ .

Article 4

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.

↓

Article 5

Directive 80/720/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 6

This Directive shall enter into force on 1 May 2011.

↓ 80/720/EEC Art. 5

Article 7

This Directive is addressed to the Member States.

Done at [...],

For the European Parliament
The President

For the Council
The President

ANNEX I

I. Operating space

- I.1. “Operating space” means the minimum volume of space between any fixed parts of the structure which is available to the driver of the tractor to enable him to operate the tractor from his seat in any way required with complete safety.

“Seat reference point” means the reference point determined by the method described in Appendix 1.

“Reference plane” means the plane parallel to the median longitudinal plane of the tractor passing through the seat reference point.

- I.2. For all tractors with the exception of narrow tractors with track width $\leq 1\,150$ mm and those that fall within category T4.3, the width of the operating space must be at least 900 mm, from 400 to 900 mm above the reference point and over a length of 450 mm forward of that point (see Figures 1 and 3).

For tractors of category T4.3, the operating space must, over the zone extending to 450 mm in front of the reference point, have at a height of 400 mm above the reference point, a total width of at least 700 mm, and at a height of 900 mm above the reference point, a total width of at least 600 mm.

- I.3. Vehicle parts and accessories must not hamper the driver when driving the tractor.
- I.4. For all positions of the steering column and the steering wheel →₁ with the exception of those intended solely for entry and exit ←, the clearance between the base of the steering wheel and the fixed parts of the tractor must be at least 50 mm; in all other directions this clearance must be at least 80 mm from the rim of the steering wheel, as measured from outside the area occupied by the steering wheel (see Figure 2).
- I.5. The rear wall of the cab from 300 to 900 mm above the seat reference point must be a minimum of 150 mm behind a vertical plane which is perpendicular to the reference plane and passes through the reference point (see Figures 2 and 3).
- This wall must have a width of at least 300 mm on either side of the seat reference plane (see Figure 3).
- I.6. The manual controls must be located in relation to one another and to the other parts of the tractor so that no danger of injury to the operator's hands arises from their operation.

Where the force required to operate a control exceeds 150 N, a clearance of 50 mm shall be considered adequate and where the force is between 80 N and 150 N, a clearance of 25 mm shall suffice. Any clearance shall be accepted in relation to controls where the operating force required is less than 80 N (see Figure 3).

Alternative locations for the controls which achieve equally satisfactory safety standards are acceptable.

- I.7. No \rightarrow_1 rigid \leftarrow point on the roof must be less than 1 050 mm from the seat reference point in a section situated forward of a vertical plane passing through the reference point and perpendicular to the reference plane (see Figure 2). \rightarrow_1 The padding may extend downwards to 1 000 mm above the seat reference point. \leftarrow

↓ 88/414/EEC Art. 1 and Annex

- I.8. The radius of curvature of the surface between the rear panel of the cab and the roof of the cab may extend up to a maximum of 150 mm.

↓ 80/720/EEC
 \rightarrow_1 88/414/EEC Art. 1 and Annex

II. Access to the driving position (means of entry and exit)

- II.1. It must be possible to use the means of entry and exit without danger. Wheel hubs, hub caps or wheel rims are not acceptable as steps or rungs.
- II.2. The points of access to the driving position and to the passenger seat must be free of any parts liable to cause injury. Where an obstruction such as a clutch pedal is present, a step or footrest must be provided to ensure safe access to the driving position.
- II.3. Steps, integral foot recesses and rungs must have the following dimensions:

depth clearance: 150 mm minimum,

width clearance: 250 mm minimum,

(Values lower than this minimum width are authorised only where justified as being necessary on technical grounds. Where this is the case, the aim must be to achieve the greatest possible width clearance. It must not, however, be less than 150 mm.)

height clearance: 120 mm minimum,

distance between surface of two steps: 300 mm maximum (see Figure 4).

- II.4. The upper step or rung must be easily identifiable and accessible for a person leaving the vehicle. The vertical distance between successive steps or rungs must as far as possible be equal.
- II.5. Appropriate handholds must be provided for all the means of entry and exit.
- II.6. The lowest foothold must not be more than 550 mm above the ground when the tractor is fitted with the largest tyre size recommended by the manufacturer (see Figure 4). Steps or rungs must be designed and constructed in such a way that feet will not slip on them.

III. Doors, windows and emergency exits

- III.1. The devices operating the doors and windows must be designed and installed in such a way that they neither constitute a danger to the driver nor impede him while driving.
- III.2. The opening angle of the door must permit entry and exit without danger.
- III.3. Ventilation windows →₁ if any ← must be easily adjustable.
- III.4. Two-door cabs must have one extra exit constituting an emergency exit.

Single-door cabs must have two extra exits constituting emergency exits.

Each of the three exits must be on a different cab wall (the term “wall” may include the roof). Windscreens and side, rear and roof windows may be regarded as emergency exits if provision is made to open them →₁ or to move them ← quickly from inside the cab.

The surrounds of emergency exits must present no danger on exit.

Emergency exits must have the minimum dimensions required to circumscribe an ellipse with a minor axis of 440 mm and a major axis of 640 mm.

↓ 2010//22/EU Art. 1 and Annex I
pt. 2

Any window of sufficient size may be designated as an emergency exit if they are made of breakable glass and can be broken with a tool provided in the cab for that purpose. Glass referred to in Appendices 3 to 7 of Annex III B to Council Directive 89/173/EEC¹⁰ is not considered to be breakable glass for the purpose of this Directive.

¹⁰ OJ L 67, 10.3.1989, p. 1.

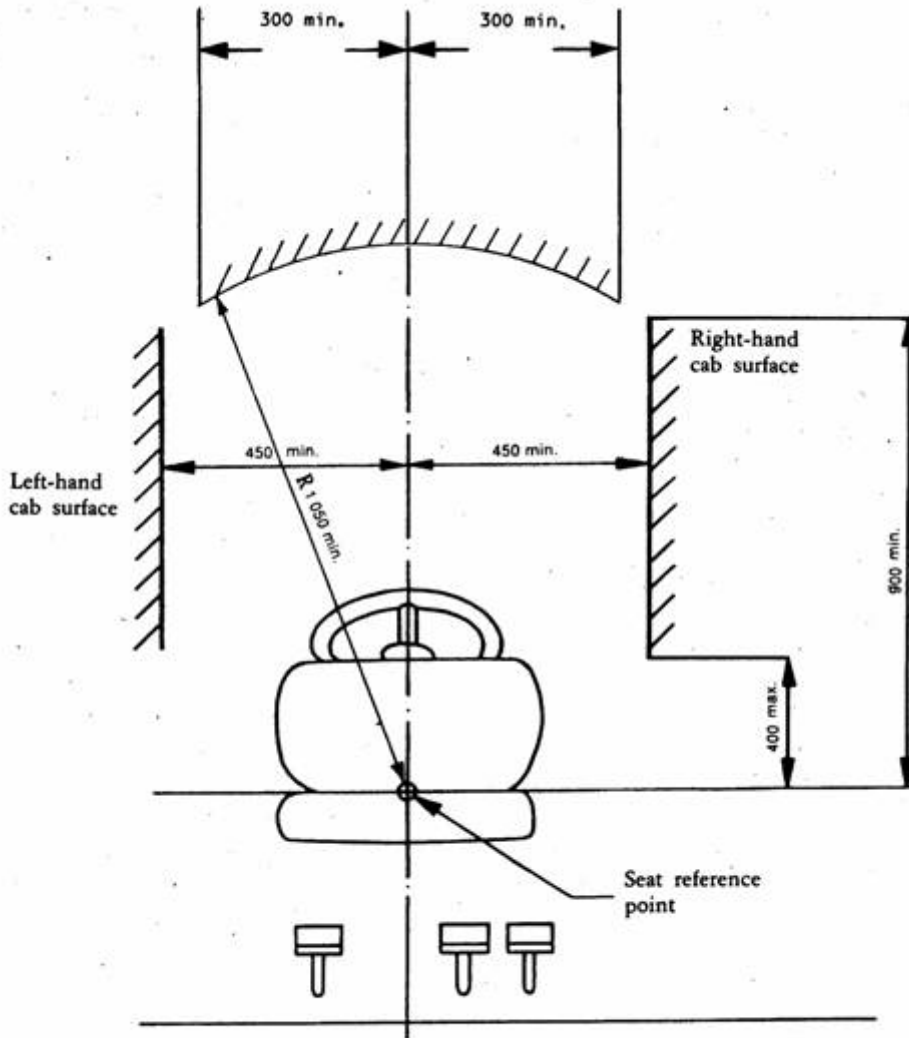


Figure 1

(Dimensions in millimetres)

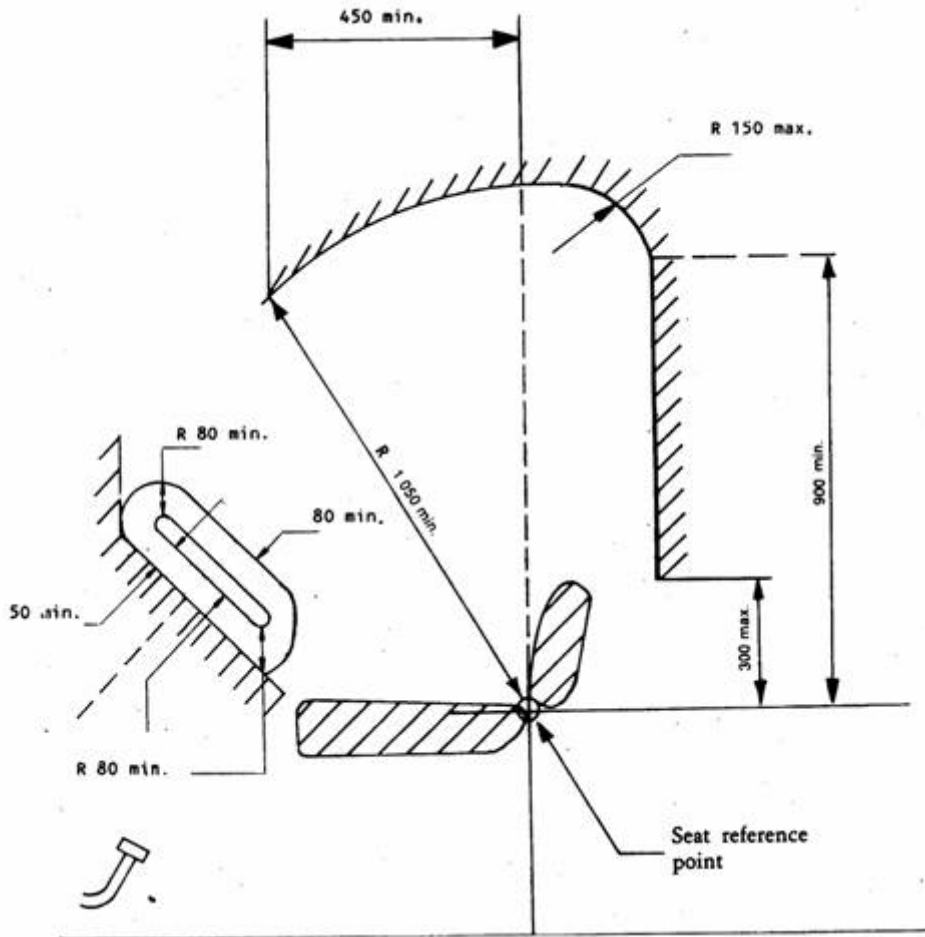


Figure 2
(Dimensions in millimetres)

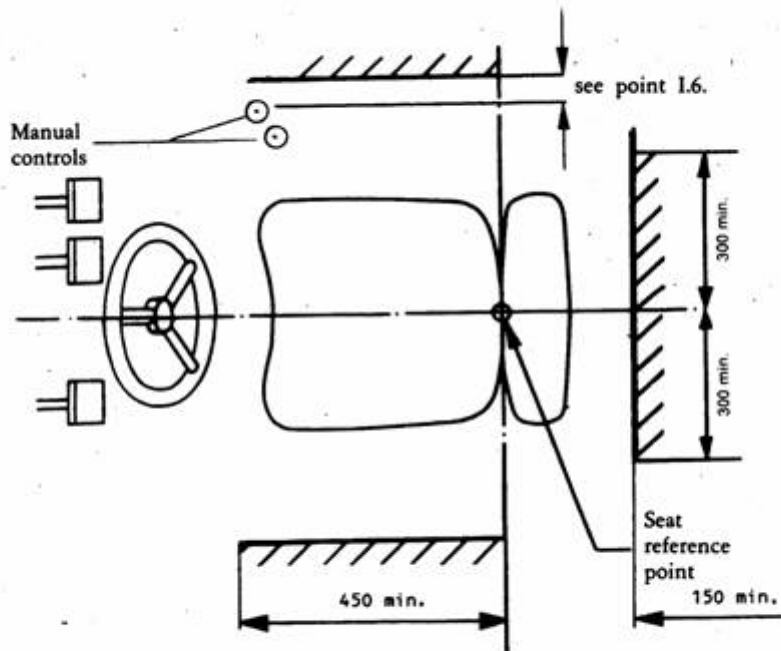


Figure 3
(Dimensions in millimetres)

(Dimensions in mm)

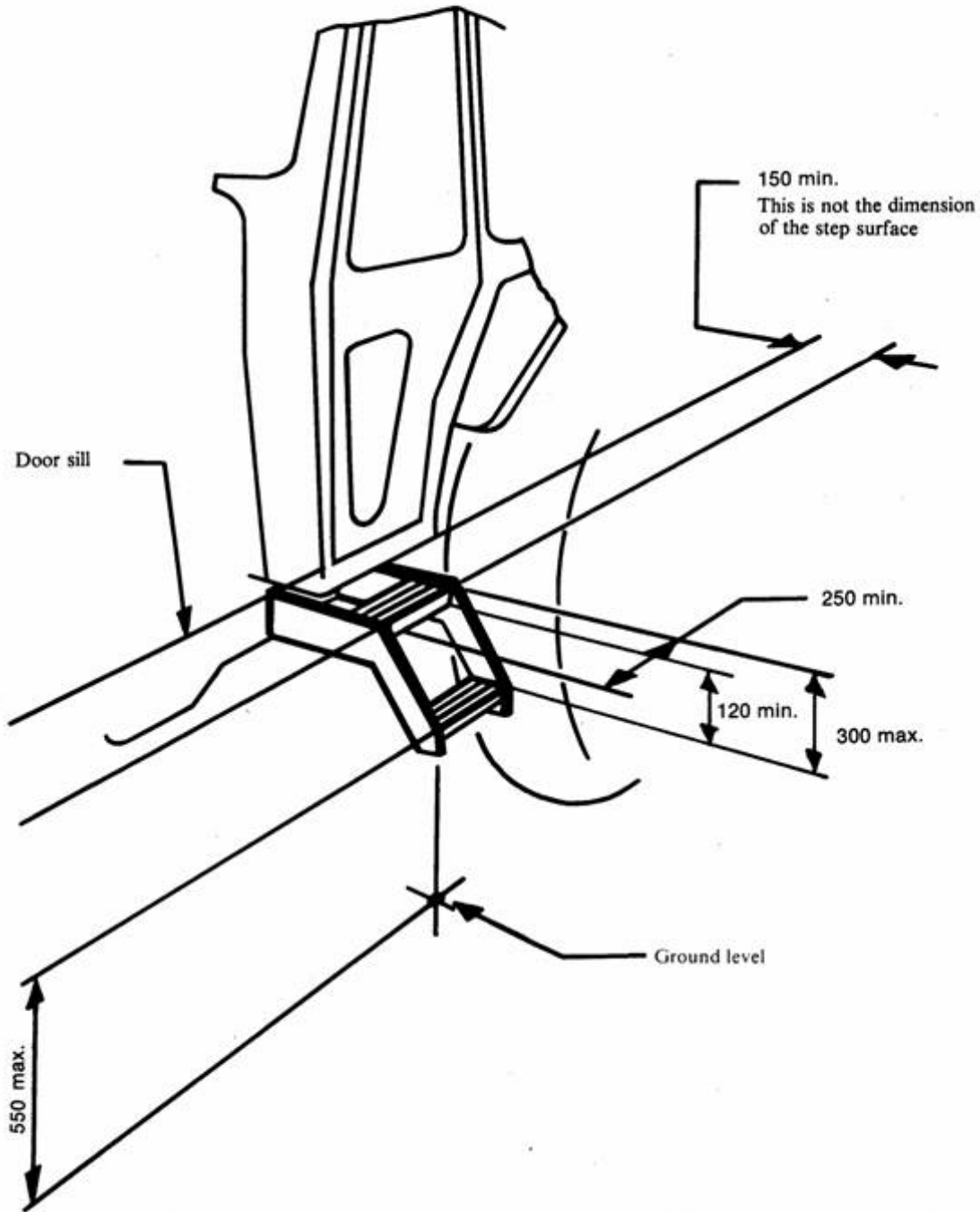


Figure 4

METHOD OF DETERMINING THE SEAT REFERENCE POINT (S)

1. Definition of the \boxtimes seat \boxtimes reference point (S)

“Seat reference point” (S) means the point of intersection in the median longitudinal plane of the seat between the tangential plane at the base of the padded backrest and a horizontal plane. This horizontal plane intersects the lower surface of the seat 150 mm in front of the seat reference point (S).

2. Positioning of the seat

The seat must be set in the rearmost longitudinal position and at the mid-point of the height adjustment range. Seats having a suspension system, whether or not adjustable according to the driver's weight, must be set at the mid-point of the suspension travel.

3. Device for determining the seat reference point (S)

The device illustrated in Figure 1 consists of a seat pan board and backrest boards. The lower backrest board must be hinged in the region of the ischium humps (A) and the loin (B), the hinge (B) being adjustable in height.

4. Method of determining the seat reference point (S)

The seat reference point (S) must be obtained by using the device illustrated in Figures 1 and 2, which simulates loading by a human occupant. The device must be positioned on the seat. It must then be loaded with a force of 550 N at a point 50 mm in front of hinge (A) and two parts of the backrest lightly pressed tangentially against the padded backrest.

If it is not possible to determine definite tangents to each area of the padded backrest (below and above the lumbar region) the following procedure must be adopted:

- (a) where there is no possibility of defining the tangent to the lowest possible area, the lower part of the backrest board in a vertical position must be lightly pressed against the padded backrest;
- (b) where there is no possibility of defining the tangent to the highest possible area, if the lower part of the backrest board is vertical, the hinge (B) must be fixed at a height of 230 mm above the seat reference point (S). The two parts of the backrest board in a vertical position must then be lightly pressed tangentially against the padded backrest.

Figure 1

Device for determining the seat reference point (S)

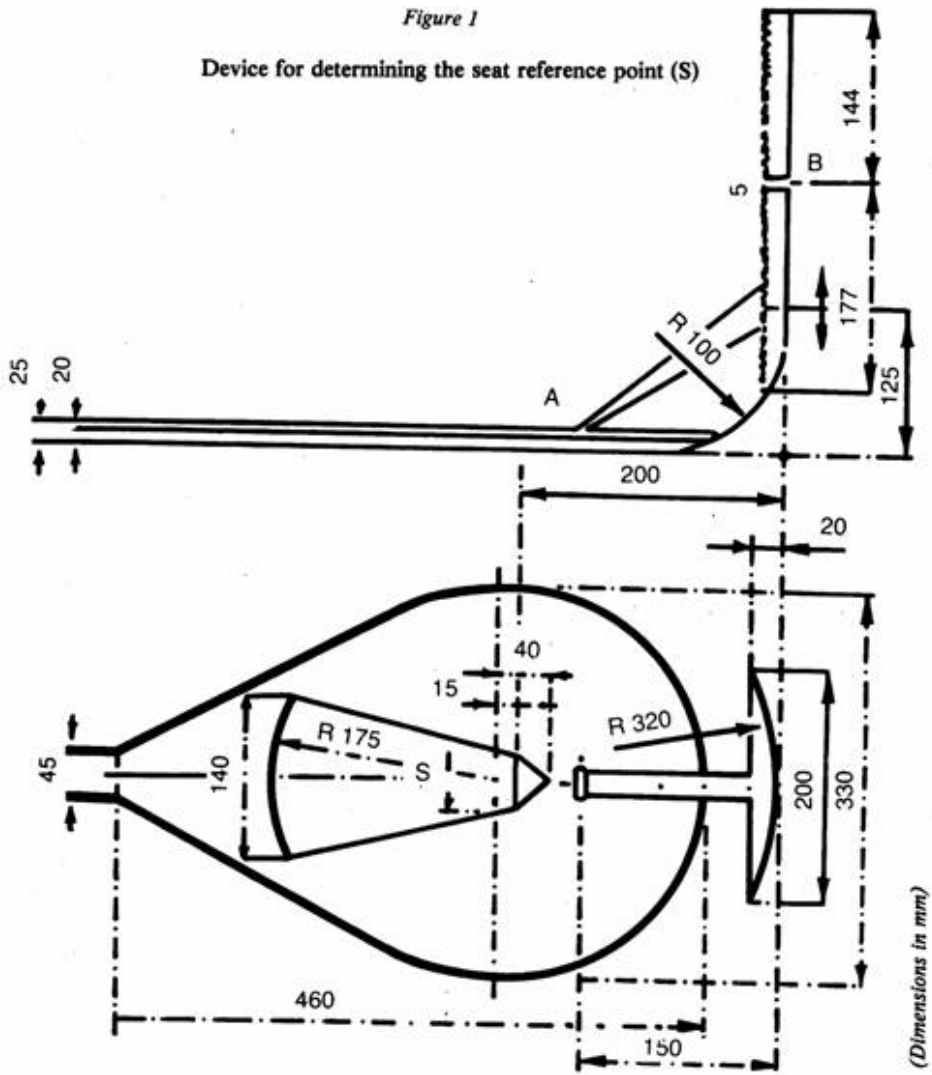
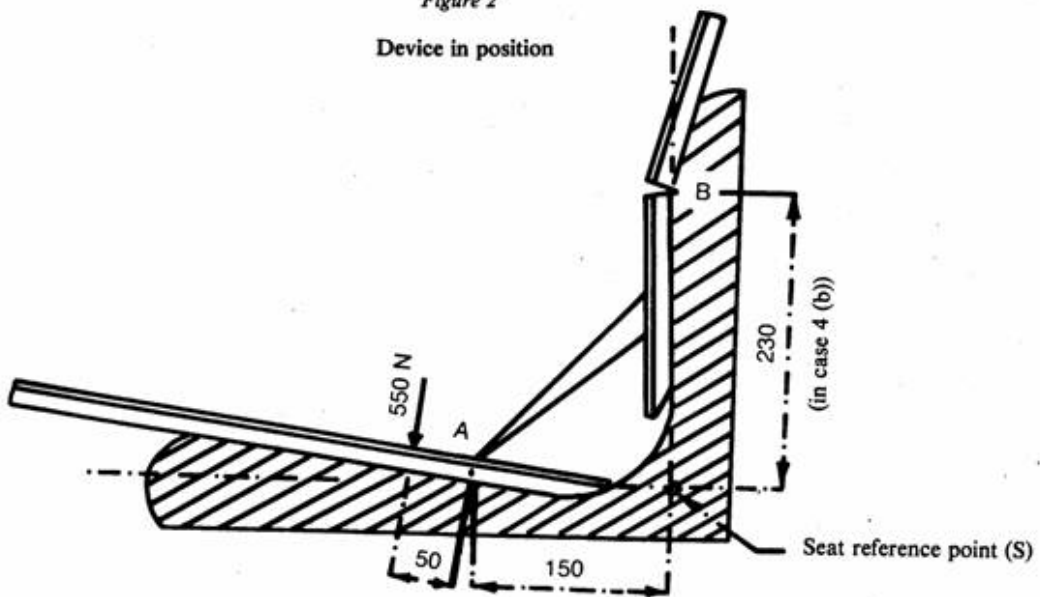


Figure 2

Device in position



ANNEX II

MODEL

Name of administration

ANNEX TO THE EC TYPE-APPROVAL CERTIFICATE FOR A TRACTOR TYPE WITH REGARD TO THE OPERATING SPACE, ACCESS TO THE DRIVING POSITION (MEANS OF ENTRY AND EXIT) AND DOORS AND WINDOWS
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(Article 4 of 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)
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EC type-approval No

1. Component(s) or characteristic(s)
 - operating space,
 - access to the driving position (means of entry and exit),
 - doors and windows

2. Make of tractor or business name of manufacturer

3. Type and commercial description of tractor

4. Manufacturer's name and address

5. If applicable, name and address of manufacturer's authorised representative

6. Description of component(s) and/or characteristic(s) mentioned under 1 above

7. Date of submission of tractor for EC type-approval

8. Technical service conducting the type-approval tests

9. Date of report issued by that service

10. Number of report issued by that service

11. EC-type approval for the operating space, access to the driving position (means of entry and exit) and the doors and windows is granted/refused^(*).

12. Place

13. Date

14. Signature

15. The following documents, bearing the EC type-approval number indicated above, are annexed to this certificate:

..... dimensional drawing,

..... exploded view or photograph of the cab and/or means of entry and exit.

The data must be supplied to the competent authorities of the other Member States if they so request.

16. Remarks

.....

(*) Delete where inapplicable.



ANNEX III

Part A

Repealed Directive with list of its successive amendments (referred to in Article 5)

Council Directive 80/720/EEC
(OJ L 194, 28.7.1980, p. 1)

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

Only Article 1(2)

Commission Directive 88/414/EEC
(OJ L 200, 26.7.1988, p. 34)

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

Only with regards to the reference
made in the first indent of
Article 1 to Directive 80/720/EEC

Commission Directive 2010/22/EU
(OJ L 91, 10.4.2010, p. 1)

Only Article 1 and Annex I

Commission Directive 2010/62/EU
(OJ L 238, 9.9.2010, p. 7)

Only Article 1 and Annex I

Part B

List of time-limits for transposition into national law and application (referred to in Article 5)

Directive	Time-limit for transposition	Date of application
80/720/EEC	26 December 1981	-
82/890/EEC	21 June 1984	-
88/414/EEC	30 September 1988 ^(*)	-
97/54/EC	22 September 1998	23 September 1998
2010/22/EU	30 April 2011	1 May 2011
2010/62/EU	29 September 2011	29 September 2011 ^(**)

(*) In compliance with Article 2 of Directive 88/414/EEC:

- “1. From 1 October 1988, no Member State may:
- refuse, in respect of a type of tractor, to grant EEC type-approval, to issue the document referred to in Article 10(1), final indent of Directive 74/150/EEC, or to grant national type-approval; or
 - prohibit the entry into service of a type of tractor or tractors, the operating space, access to the driving position, doors and windows of which comply with the provisions of this Directive.
2. From 1 October 1989, Member States:
- shall not issue the document referred to in Article 10(1), final indent, of Directive 74/150/EEC in respect of a type of tractor, the operating space, access to the driving position, doors and windows of which do not comply with the provisions of this Directive;
 - may refuse to grant national type-approval in respect of a type of tractor, the operating space, access to the driving position, doors and windows of which do not comply with the provisions of this Directive.”

(**) In compliance with Article 6 of Directive 2010/62/EU:

- “1. For tractor categories T1, T2 and T3 as defined in Annex II to Directive 2003/37/EC, Member States shall apply the provisions referred to in Article 7(1) of this Directive to new types of vehicles from 29 September 2011 and to new vehicles from 29 September 2012.
2. For tractors of category T4.3 as defined in Annex II to Directive 2003/37/EC, Member States shall apply the provisions referred to in Article 7(1) of this Directive to new types of vehicles from 29 September 2013 and to new vehicles from 29 September 2016.
3. For vehicle categories T4.1, T4.2, T5, C, R and S as defined in Annex II to Directive 2003/37/EC, Member States shall apply the provisions referred to in Article 7(1) of this Directive to new types of vehicles and to new vehicles from the dates laid down in Article 23(2) of Directive 2003/37/EC.”

ANNEX IV

CORRELATION TABLE

Directive 80/720/EEC	Directive 88/414/EEC	This Directive
Article 1		Article 1
Article 2, introductory sentence		Article 2(1), introductory sentence
Article 2, first indent		Article 2(1)(a)
Article 2, second indent		Article 2(1)(b)
Article 2, third indent		Article 2(1)(c)
Article 2, final sentence		Article 2(1), introductory sentence
-	Article 2(2), second indent	Article 2(2)
Article 3		Article 3
Article 4(1)		-
Article 4(2)		Article 4
-		Article 5
-		Article 6
Article 5		Article 7
Annexes I and II		Annexes I and II
-		Annex III
-		Annex IV