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Safety Requirements for Tractors According to the Industry's Point of View

The European tractor industry is very interested in retaining in the future an exclusive, binding and comprehensive body of legislation for tractors the EC type approval, according to 2003/37/EC. For this it is necessary to amend several separate directives.

With the EC type-approval procedure, within approximately 30 years the European harmonised regulatory system for the areas of occupational safety, road safety and environmental protection has been established for tractors. The first EC type-approval for a tractor was issued at the beginning of the year 1990, four years prior to the first EC car type-approval. With Directive 2003/37/EC, a revision of the framework directive was undertaken. This formally included additional vehicle categories in the procedure, particularly tractors with a maximum speed greater than 40 km/h, as well as trailers and towed equipment. Due to a continued lack of separate directives, an EC type-approval for towed vehicles and tractors with a maximum speed greater than 40 km/h is not yet possible; the national regulations of the Member States therefore continue to apply.

Tractors partially within the scope of the Machinery Directive

However, even in the case of tractors previously completely and conclusively regulated by EC type-approval, in the meantime a new situation has arisen, since with the revised Machinery Directive 2006/42/EC tractors are no longer completely exempt from the Machinery Directive as before, but in future (with effect from 29 December 2009) only 'with regard to the risks that are covered by Directive 2003/37/EC'.

However, with the adoption of the new Machinery Directive, the Council of Ministers, the European Parliament and the European Commission stated in a joint declaration that tractors are also to be completely harmonised in the future by the EC type-approval Directive 2003/37/EC and that the omitted risks are to be included in separate directives. When this has been done, tractors are again to be completely exempt from the scope of the Machinery Directive.

From the beginning, at the request of the German occupational safety organisations (agricultural employers' liability insurance associations), the area of tractor work safety has been incorporated into the EC type-ap-

proval procedure, in order to establish a single harmonised European regulatory system for tractors. Even in the case of only a partial application of the Machinery Directive to tractors, this self-contained system of EC type-approval for tractors would be reduced to absurdity. In addition, a significant increase in documentation and administration costs would arise for manufacturers, which would provide no benefit whatsoever in terms of safety, but would only create legal uncertainty. The European tractor industry is therefore very interested in maintaining EC type-approval in accordance with 2003/37/EC as the sole binding, comprehensive tractor regulatory system for the future. For this purpose a few separate directives are to be amended. As early as 2004 and 2005, the European Commission established and chaired an ad hoc working group of Member States and industry which, in a total of three meetings, identified a need for action with regard to six technical matters, and then presented this to the Member States in February 2005 within the framework of a meeting of the European tractor working group.

Within the European Committee of Associations of Manufacturers of Agricultural Machinery (CEMA), a project team addressed the subject, developed a directive proposal that deals with these six technical matters and then submitted this to the Commission with a request for processing and passing in the competent bodies. The situation with respect to the six technical matters is as follows:

1. Extreme temperatures

Here an appropriate requirement has now been incorporated into the type-approval procedure through Directive 2006/26/EC. This point is therefore to be regarded as settled. The requirements specified are identical to those of the corresponding harmonised standards for comparable machinery that have been used as a basis in order to put the essential requirements of the Machinery Directive into concrete form.

2. Operating instructions

Here the CEMA proposal contains require-

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ments based upon ISO 3600 and Annex I of the Machinery Directive.

3. Falling objects

Here the CEMA proposal refers to OECD code 10, which has meanwhile become available.

4. Entry of objects into the cab

With Directive 2006/26/EC, the use of polycarbonate windscreens has been declared to be permissible; these provide effective protection. In addition, the CEMA proposal refers to the requirements of ISO 8084.

5. Hazardous substances

In the year 2007, the European Commission gave a mandate to the European Committee for Standardization (CEN) to develop a corresponding EN standard. The comments received for the draft standard prEN 15695-1 has already been dealt with in the responsible working group, so that the formal final vote will probably soon be introduced. The CEMA proposal provides for reference to this EN standard within the framework of type-approval.

6. Protection of passengers

Here too the Commission gave the CEN a mandate to develop a corresponding standard. Consultation has likewise already taken place concerning the comments received for the draft standard, and preparation for the final vote is under way. In addition, the future EN 15694 can replace Directive 76/763/EEC concerning passenger seats. Here too the CEMA proposal provides for reference to EN 15694 within the framework of type-approval.

Further development of the EC type-approval procedure for tractors

In the process of simplifying the regulatory system and reducing the number of existing directives, the Commission plans to replace the framework Directive 2003/37/EC with a so called 'Mother Regulation', which is to contain the administration procedure for type-approval as well as fundamental requirements and limit values. The requirements that are put into concrete terms in the currently applicable 24 separate directives, as well as the description of the test procedures,

are to be compiled in a few so called 'Implementation Regulations'. The requirements in the areas of work safety, road safety and environmental protection are to be contained in three such Implementation Regulations. Reference to international (ISO) or European (CEN) standards as well as to UNECE regulations, insofar as these are applicable, is greatly desired from the point of view of the Commission.

In the opinion of the industry, this approach is to be welcomed in principle; however, it is to be kept in mind that

- the exemption of tractors from the Machinery Directive is of highest priority for the industry,
- the ongoing work of adapting the applicable separate directives must not be hindered, and
- the transition from the existing type-approval regime to the new structure must not create a 'legal vacuum'.

The Commission estimates that the time required for the work will be at least three years.