

Article 1 Scope, clause 2 (e), first indent

„The following are excluded from the scope of this Directive:

(e) the following means of transport:

- agricultural and forestry tractors for the risks covered by Directive 2003/37/EC, with the exclusion of machinery mounted on these vehicles „

What is unclear in the directive 2006/42/EC and has to be clarified?

Agricultural and forestry tractors are in the scope of the Machinery Directive (MD) for the risks that are not covered by Directive 2003/37/EC.

However, the following should be clarified:

→ What are the risks not covered by Directive 2003/37/EC?

→ What is meant by machinery mounted on these vehicles?

Orgalime Proposal for the European Commission Guidelines:

→ Regarding what are the residual risks and whether there is an exhaustive list where these risks are defined?

The answer must be found in the reasons why agricultural tractors were not completely excluded from the scope of 2006/42/EC, as they were in 98/37/EC.

The guarantee to achieve the highest safety level is to ensure the best compatibility between the tractor and the interchangeable equipment. To this end the tractor and its interfaces shall be built according to detailed prescriptions outlined in the separate Directives under 2003/37/EC. So far this worked very well.

→ The latter question is the easiest to answer:

Machinery mounted may mean mounted, semi-mounted or trailed equipment. This equipment is specified as interchangeable equipment according to Article 2, definition (b). The manufacturer of this machinery must fulfill all the requirements of the Machinery Directive as he/she is the most competent and qualified person knowing the particular risks related to this machinery and the standards that apply on this machinery.

Machinery mounted on tractors shall take into account the interface to the tractor, and the information for use shall clearly define the limitations and requirements of the tractor in terms of required power, mass, stability, controls etc....

Disclaimer: The content of this fiche represents European industries' position on the subject. This position has been coordinated and agreed by European industrial associations collaborating on Orgalime's platform. This is therefore not an official European Commission guidance document.

Orgalime, the European Engineering Industries Association, speaks for 35 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10.9 million people in the EU and in 2007 accounted for some €1,813 billion of annual output. The industry not only represents more than one quarter of the output of manufactured products but also a third of the manufactured exports of the European Union.

Processes are in place in the European Commission type-approval to adapt the prescriptions according to technical progress.

However it has been recognized that these processes are sometimes slow. This may have been the main reason for bringing the tractors in the scope of the Machinery Directive for those risks that while identified, were taking too long to be developed.

The Risk Assessment done by a working group of the European Commission identified the following 6 risks which are not (yet) covered¹ and work is ongoing in order to solve the issues by amending 2003/37/EC:

- Extreme temperatures
- Operator's manual
- Falling objects
- Penetration of objects into the cabin
- Hazardous substances
- Seat-belt anchorages for passenger seats

Meanwhile there will be a "moratorium" until the European Commission will judge that the reasonable time span is over and that, by absence of specific regulation under 2003/37/EC, the Machinery Directive will apply for those risks. In many cases, as soon as any of these risks are dealt with under 2003/37/EC, this risk shall disappear from the list.

When a manufacturer considers that all risks are covered by 2003/37/EC and those remaining on the list given above are not relevant for his/her tractor, he then shall not affix the CE marking on the tractor and not supply a European Commission Declaration of Conformity. (See Article 17)

If however, the manufacturer considers that one or more risks of the above list are not covered (yet) by 2003/37/EC and that they are relevant for his/her tractor, he/she then shall affix the CE marking and issue a CE Declaration of Conformity. This document shall also indicate the risks dealt with under the Machinery Directive.

¹ Document ENTR-80-1

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