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EN

## I

(Information)

## COUNCIL

## COMMON POSITION (EC) No 3/2000

adopted by the Council on 15 November 1999

**with a view to adopting Directive 2000/.../EC of the European Parliament and of the Council of ... amending Directive 79/373/EEC on the marketing of compound feedingstuffs and Directive 96/25/EC on the circulation of feed materials**

(2000/C 17/01)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152(4) thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(3)</sup>,

Whereas:

- (1) Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC<sup>(4)</sup> lays down the principle of allocating an approval number to certain establishments or intermediaries; for reasons of transparency and in order to facilitate

checks, the registration number or approval number, as the case may be, should be required to be shown on the label or in the document accompanying the compound feedingstuffs;

- (2) Article 2(1) of Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs<sup>(5)</sup> defines the minimum storage life of a compound feedingstuff as lasting until that date until which, under proper storage conditions, that feedingstuff retains its specific properties; the term 'specific properties' encompasses all the properties which determine the quality of a compound feedingstuff, particularly the effectiveness of the additives it contains; this effectiveness is indicated by the expiry date of the guarantee, which has to be stated in accordance with Council Directive 70/524/EEC<sup>(6)</sup>; therefore, in all cases in which the minimum storage life of an additive is the limiting factor as regards the quality of a compound feedingstuff, this date is decisive in determining the minimum storage life of the compound feedingstuff; however, the relevant provision in Article 5d(1), second subparagraph, of Directive 79/373/EEC does not provide sufficient clarity and should therefore be replaced;

<sup>(1)</sup> OJ C 261, 19.8.1998, p. 3.

<sup>(2)</sup> OJ C 101, 12.4.1999, p. 89.

<sup>(3)</sup> Opinion of the European Parliament of 16 December 1998 (OJ C 98, 9.4.1999, p. 150), Council Common Position of 15 November 1999 and Decision of the European Parliament of ... (not yet published in the Official Journal).

<sup>(4)</sup> OJ L 332, 30.12.1995, p. 15. Directive as last amended by Directive 1999/29/EC (OJ L 115, 4.5.1999, p. 32).

<sup>(5)</sup> OJ L 86, 6.4.1979, p. 30. Directive as last amended by Commission Directive 1999/61/EC (OJ L 162, 26.6.1999, p. 67).

<sup>(6)</sup> OJ L 270, 14.1.1970, p. 1. Directive as last amended by Commission Regulation (EC) No 45/1999 (OJ L 6, 12.1.1999, p. 3).

- (3) The German version of Directive 79/373/EEC uses the term 'circulation' "Verkehr", instead of 'marketing' "Vermarktung", as in the other language versions; since there is a difference in meaning, the language versions need to be aligned; since the scope of more recent Directives on animal feed law usually extends to 'putting into circulation' or 'circulation', Directive 79/373/EEC should be adjusted accordingly and a definition of 'circulation' ('putting into circulation') should be included;
- (4) In accordance with Council Directive 79/373/EEC, Commission Decision 91/516/EEC<sup>(1)</sup> establishes a list of ingredients whose use is prohibited in compound feedingstuffs for reasons related to the protection of human and animal health; this ban does not, however, cover the circulation of such materials as feed materials or the use of these materials as such as feed materials by livestock farmers;
- (5) In order to remedy this situation, it is necessary, firstly, to widen the scope of Council Directive 96/25/EC of 29 April 1996 on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Council Directive 77/101/EEC<sup>(2)</sup>, in order to cover the use of feed materials as well; secondly, a list of materials whose circulation or use as feed materials is prohibited or restricted should be drawn up to replace Commission Decision 91/516/EEC, so that the scope of the prohibitions or restrictions is general and applies both to the use of the feed materials as such as well as to their use in compound feedingstuffs; Council Directive 79/373/EEC should be amended accordingly;
- (6) Experience has shown also that certain by-products which have been subjected to industrial processes may contain substances which, although not representing a threat to animal or human health, may have an unfavourable impact on the environment; it is therefore necessary to provide also that feed materials must not represent any danger to the environment;
- (7) Council Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of

animal or fish origin, and amending Directive 90/425/EEC<sup>(3)</sup>, lays down the rules for the placing on the market of animal waste intended for uses other than human consumption, and Council Directive 96/25/EC lays down rules applying to labelling providing users with accurate information concerning the identity of the products and any restrictions on their use; there is a need to ensure that instruments relating to the veterinary sector and to animal nutrition are in perfect concordance;

- (8) In order to provide users and control authorities with the means to verify without difficulty the origin of feed materials and their compliance with the health guarantees with regard to Directive 90/667/EEC, it is necessary to include among the indications required for those feed materials the name and address of the producing establishment, the approval number, the reference number of the batch or any other particulars that will ensure that the feed material can be traced;
- (9) Council Directives 79/373/EEC and 96/25/EC should be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

Directive 79/373/EEC is amended as follows:

- In Article 2, the following subparagraph shall be added:
 

'(m) "putting into circulation" or "circulation": the holding of compound feedingstuffs for the purposes of sale, including offering for sale, or any other form of transfer, whether free or not, to third parties, and the sale and other forms of transfer themselves.'
- In Article 5(1) point (k) shall be replaced by the following:
 

'(k) from 1 April 2001, the approval number allocated to the establishment in accordance with Article 5 of Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector(\*) or, as the case may be, the registration number allocated to the establishment in accordance with Article 10 of that Directive.

(\*) OJ L 332, 30.12.1995, p. 15. Directive as last amended by Council Directive 1999/29/EC (OJ L 115, 4.5.1999, p. 32).'

<sup>(1)</sup> OJ L 281, 9.10.1991, p. 23. Decision as last amended by Commission Decision 1999/420/EC (OJ L 162, 26.6.1999, p. 69).

<sup>(2)</sup> OJ L 125, 23.5.1996, p. 35. Directive as last amended by Commission Directive 1999/61/EC (OJ L 162, 26.6.1999, p. 67).

<sup>(3)</sup> OJ L 363, 27.12.1990, p. 51. Directive as last amended by the 1994 Act of Accession.

3. In Article 5d(1), the second subparagraph shall be replaced by the following:

'Where other Community provisions concerning compound feedingstuffs require indication of a minimum storage life or an expiry date of guarantee, the indication referred to in the first subparagraph shall be made, giving only the earliest date.'

4. In Article 10, point (c) shall be deleted.
5. In Article 10(e), the words 'and the lists referred to in points (b) and (c)' shall be deleted.
6. In Article 10a, the following paragraph shall be added:

'3. Member States shall prescribe that the feed materials appearing on the list provided for in Article 11(b) of Directive 96/25/EC may not be used as feed materials in the preparation of compound feedingstuffs, in accordance with the provisions laid down in that Directive.'

7. Throughout the Directive, the term 'marketing' shall be replaced by 'circulation'.
8. (Does not concern the English version).

#### Article 2

Directive 96/25/EC is amended as follows.

1. The title shall be replaced by the following:

'Council Directive 96/25/EC of 29 April 1996 on the circulation and use of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC'.

2. In Article 1(1) shall be replaced by the following:

'1. This Directive shall apply to the circulation and use of feed materials within the Community.'

3. Article 3 shall be replaced by the following:

#### 'Article 3

Without prejudice to the obligations arising under other Community provisions, Member States shall prescribe that feed materials may be put into circulation in the Community only if they are of sound, genuine and merchantable quality. They shall prescribe that, when put into circulation or use, feed materials must not represent any danger to animal or human health or to the environment and must not be put into circulation in a manner that is liable to mislead.'

4. In Article 5(1), point (g) shall be replaced by the following:

'(g) the name or business name and the address or registered place of business of the producing establishment, the approval number, the reference number of the batch or any other particulars which ensure that the feed material can be traced, where the establishment must be approved in accordance with:

— Directive 90/667/EEC(\*),

— Community measures included on a list to be drawn up in accordance with the procedure set out in Article 13;

(h) the name or business name and the address or registered place of business of the person responsible for the particulars referred to in this paragraph, if different from the producer referred to in point (g).

(\*) OJ L 363, 27.12.1990, p. 51. Directive as last amended by the 1994 Act of Accession.'

5. Article 11 shall be amended as follows:

(a) the words 'Article 14' shall be replaced by 'Article 13';

(b) point (b) shall be replaced by the following:

'(b) a list of materials whose circulation or use for animal nutrition purposes is restricted or prohibited shall be drawn up in order to ensure their compliance with Article 3;

(c) amendments to the list referred to in point (b) shall be adopted in the light of advances in scientific and technical knowledge;

(d) amendments to the Annex shall be adopted in the light of advances in scientific and technical knowledge.'

#### Article 3

1. Member States shall adopt and publish not later than ...(\*), the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof. The provisions adopted shall apply at the latest from ...(\*\*).

(\*) 12 months after the entry into force of this directive.

(\*\*) 18 months after the entry into force of this directive.

When the Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

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

*Article 4*

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

*Article 5*

This Directive is addressed to the Member States.

Done at ...

*For the European Parliament*

*The President*

*For the Council*

*The President*

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## STATEMENT OF THE COUNCIL'S REASONS

### I. INTRODUCTION

1. On 14 July 1998, the Commission submitted to the Council a proposal based on Article 100a of the EC Treaty, amending Directive 79/373/EEC on the marketing of compound feedingstuffs and Directive 96/25/EC on the circulation of feed materials<sup>(1)</sup>.
2. The European Parliament delivered a first opinion to the Commission proposal on 16 December 1998, and approved it without amendment<sup>(2)</sup>. The Economic and Social Committee delivered its opinion on 28 January 1999<sup>(3)</sup>. On the entry into force of the Amsterdam Treaty on 1 May 1999, the Commission changed the legal basis of the proposal to Article 152 EC. The Committee of the Regions waived its right to present an opinion on 15 September 1999.
3. At its meeting on 15 November 1999, the Council adopted its common position in accordance with Article 251 of the EC Treaty.

### II. OBJECTIVES

4. Directive 79/373/EEC covers the marketing of compound feedingstuffs. The main aim of the proposed amendment to the Directive is to make the measure more complete by providing for the following:
  - include a provision requiring that the label or the accompanying document to compound feedingstuffs should show either the approval number of the establishment (as defined by Directive 95/69/EC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC) or the registration number, as the case may be;
  - include a reference in Directive 79/373/EEC to the amendment foreseen in Directive 96/25/EC which provides for a list of prohibited ingredients in feed materials, and which will apply to the circulation and use of such feed materials.
5. Directive 96/25/EC regulates the circulation of feed materials within the Community. One objective of the proposed amendment to the Directive is to broaden the scope to cover both the circulation and use of feed materials. This means that the provisions relating to the putting into circulation of feed materials should apply to all products used as feed, including those that are put to direct use by livestock farmers without ever coming into circulation. In particular, the rules relating to the safety of the feed material will now apply to all products used as feed and will apply also at farm level.

<sup>(1)</sup> OJ C 261, 19.8.1998, p. 3.

<sup>(2)</sup> OJ C 98, 9.4.1999, p. 143.

<sup>(3)</sup> OJ C 101, 12.4.1999, p. 89.

6. Another objective of the amendment is to fill certain gaps that currently exist in Community legislation:
  - firstly the list of ingredients specified in Commission Decision 91/516/EC<sup>(1)</sup>, which may not be used in the preparation of compound feedingstuffs, currently only applies to the marketing of compound feedingstuffs and should therefore be repealed. In order to broaden the scope of application, the repealed list must be replaced in Directive 96/25/EC by a negative list of prohibited ingredients which applies to the circulation and direct use of all feed materials, including compound feedingstuffs,
  - secondly, the provisions in Directive 96/25/EC relating to the safety of the feed materials, must set out that the feed materials must not represent a threat to the environment.
7. A final objective of the amendment to this Directive is to ensure the traceability of feed materials composed of animal waste as defined by Directive 90/667/EEC laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal or fish origin and amending Directive 90/425/EEC. In order for such feed materials to be traceable from the moment they are put into circulation up to the end use, the product label must include information by which the producers can easily be identified (i.e. in addition to the name and address of the establishment, also the approval number of the establishment and reference number of the batch).

### III. ANALYSIS OF THE COMMON POSITION

8. The Council approved the substance of the Commission proposal with only a few amendments to which the Commission could agree. These changes further clarify the intention of the measure and strengthen it in the light of the BSE and dioxin crises. In addition, several editorial changes have been made with the aim of clarifying the meaning of the text.
9. Concerning the amendments to Directive 79/373/EEC, the Council has introduced the following changes:
  - the new Article 1(1) and (7) has been added with a corresponding recital with the aim of harmonising terminology used in existing Community legislation, notably the replacement of the term 'marketing' by the term 'putting into circulation' which has been introduced in Community legislation in the last decade, but which to date has not been correctly reflected in the all language versions,
  - the new Article 1(3) with a corresponding recital which clarifies that the quality of compound feedingstuffs is also conditioned by the minimum storage life of additives contained in the feed material, and which requires that this is made clear to the end user,
  - the new Article 1(8) which provides for the replacement of the term 'mangimi' in the Italian language version by the term 'alimenti per animali',
  - an amendment to Article 2(3), which introduces a distinction as regards the quality requirements for the feed materials that are put into circulation, and those which are put to direct use in animal nutrition. It is provided that neither may represent a danger to animal or human health or to the environment,

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<sup>(1)</sup> Commission Decision 91/516/EEC of 9 September 1991 establishing a list of ingredients whose use is prohibited in compound feedingstuffs. The Decision was adopted under Council Directive 79/373/EEC.

- Article 2(4) first indent has been amended to ensure the traceability of a wider range of feed material than that which was previously covered<sup>(1)</sup>.

#### IV. GENERAL CONCLUSION

The Council has adopted as its common position the Commission proposal, as approved by the European Parliament, subject to the changes described above and certain editorial improvements, with the Commission's agreement.

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<sup>(1)</sup> Previously, this was limited to Directive 90/667/EEC laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal of fish origin and amending Directive 90/425/EEC.



**COMMON POSITION (EC) No 4/2000****adopted by the Council on 15 November 1999****with a view to adopting Directive 2000/.../EC of the European Parliament and of the Council ...  
amending Council Directive 95/53/EC fixing the principles governing the organisation of official  
inspections in the field of animal nutrition**

(2000/C 17/02)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152(4) thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(3)</sup>,

Whereas:

(1) Council Directive 95/53/EC of 25 October 1995 fixing the principles governing the organisation of official inspections in the field of animal nutrition<sup>(4)</sup> lays down the principles in accordance with which official inspections must be carried out; experience has shown that, where appropriate, there should be the possibility of defining those principles more precisely at Community level in order to establish a reliable harmonised procedure and to introduce the new inspection system for products from third countries used in animal nutrition;

(2) In order to adequately protect human and animal health and the environment, Commission and Member State experts should be able to carry out on-the-spot inspections not only in the Community but also in third countries, in particular following the appearance in a third country of any problem likely to affect the health of animal feedingstuffs put into circulation in the Community;

(3) The Commission should furthermore be given the possibility of, where necessary, sending experts to carry out on-the-spot inspections in the Community to check that Community rules are being applied and, where appropriate, adopting Community measures;

(4) For the same reason, a system of protective measures should be laid down; under that system the Commission must be able to act by adopting measures appropriate to the situation;

(5) By Directive 95/53/EC, the Council laid down the principle of organising annual, coordinated Community inspection programmes based on a recommendation from the Commission;

(6) In particular cases justified on human or animal health grounds, the inspections carried out by and in the Member States should be stepped up; to ensure that the inspections and checks are uniformly and effectively applied across the Community in such cases, the Commission should be given responsibility for adopting specific coordinated inspection programmes;

(7) Directive 95/53/EC should be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 95/53/EC is amended as follows:

1. The following paragraph shall be added to Article 5:

'Where appropriate, detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 23.'

<sup>(1)</sup> OJ C 346, 14.11.1998, p. 9.

<sup>(2)</sup> OJ C 138, 18.5.1999, p. 17.

<sup>(3)</sup> Opinion of the European parliament of 16 December 1998 (OJ C 98, 9.4.1999, p. 150), Council Common Position of 15 November 1999 and Decision of the European Parliament of ... (not yet published in the Official Journal).

<sup>(4)</sup> OJ L 265, 8.11.1995, p. 17. Directive as amended by Directive 1999/20/EC (OJ L 80, 25.3.1999, p. 20).

2. The following paragraph shall be added to Article 7:

'Where appropriate, detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 23.'

3. The following Articles shall be inserted:

*Article 9a*

1. Where a problem likely to pose a serious risk to human or animal health or the environment appears or spreads on the territory of a third country, the Commission, on its own initiative or at the request of a Member State, shall immediately take the following measures, in accordance with the procedure laid down in Article 23a:

- suspend imports of products from all or part of the third country concerned or from one or more specific production establishments and, where appropriate, any third country of transit, and/or
- lay down special conditions for products intended for import from all or part of the third country concerned.

2. Where a Member State officially informs the Commission of the need to take protective measures and where the Commission has not acted in accordance with paragraph 1, that Member State may adopt temporary protective measures with regard to imports. Where a Member State adopts temporary protective measures, it shall immediately inform the other Member States and the Commission. The Commission shall submit the matter to the Standing Committee on Feedingstuffs within 10 working days, for its opinion in accordance with the procedure laid down in Article 23 with a view to the extension, amendment or repeal of the national temporary protective measures.

*Article 9b*

1. Where necessary, on-the-spot inspections may be carried out by Commission and Member State experts in third countries to verify whether guarantees, offered by those countries, regarding the conditions for the production and putting into circulation of products can be considered as at least equivalent to those required in the Community.

2. The inspections referred to in paragraph 1 shall be carried out on behalf of the Community, which shall bear the costs thereof.

3. The Commission shall inform the Member States of the results of the inspections referred to in paragraph 1.

4. Where necessary, detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 23.'

4. The title of Chapter IV shall be replaced by the following:

'GENERAL PROVISIONS AND INSPECTIONS'

5. The following Article shall be inserted:

*Article 17a*

1. Without prejudice to Article 15, and in so far as is necessary for the uniform application of the requirements of this Directive, Commission and Member State experts may carry out on-the-spot inspections to verify that the provisions of this Directive, and in particular Articles 4, 5, 7, 11 and 12, are being applied.

The Commission shall appoint Member State experts on a proposal from the Member States.

2. The Member State on whose territory an inspection is carried out shall afford the Commission and Member State experts any assistance necessary to carry out their duties.

3. The outcome of the inspections made shall be discussed with the competent authority of the Member State concerned before a final report is drawn up and circulated.

The Commission shall inform the Member States of the results of inspections carried out.

4. Where the Commission or a Member State considers that the results of an inspection justify it, these shall be examined in the Standing Committee on Feedingstuffs. The Commission may adopt any necessary decisions in accordance with the procedure laid down in Article 23.

5. The Commission shall monitor the situation and amend or repeal the decisions referred to in paragraph 4 in accordance with the procedure laid down in Article 23.

6. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 23.'

6. The following paragraph shall be added to Article 22:

'4. Without prejudice to paragraphs 1, 2 and 3, where the protection of human or animal health or the environment requires the prompt introduction of limited, specific, coordinated programmes of inspections at Community level, the Commission shall take the necessary measures in accordance with the procedure laid down in Article 23.

These programmes shall in particular serve in situations provoked by a specific incident.'

7. The following Article shall be inserted:

*Article 23a*

1. The Commission shall be assisted by a Committee (hereinafter referred to as "the Committee").

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply, without prejudice to Article 8 thereof.

The period provided for in Article 5(6) of Decision 1999/468/EC shall be 15 days.

3. The Committee shall draw up its rules of procedure.'

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive from ...(\*) at the latest. They shall forthwith inform the Commission thereof.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

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

*Article 3*

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

*Article 4*

This Directive is addressed to the Member States.

Done at ...

*For the European Parliament*

*The President*

*For the Council*

*The President*

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(1) 12 months after the entry into force of this Directive.

## STATEMENT OF THE COUNCIL'S REASONS

### I. INTRODUCTION

1. On 4 November 1998, the Commission submitted to the Council a proposal based on Article 100a of the EC Treaty, amending Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition <sup>(1)</sup>.
2. The European Parliament delivered a first opinion on the Commission proposal on 16 December 1998, and approved it without amendment <sup>(2)</sup>. The Economic and Social Committee delivered its opinion on 28 January 1999 <sup>(3)</sup>. On the entry into force of the Amsterdam Treaty on 1 May 1999, the Commission changed the legal basis of the proposal Article 152 EC. The Committee of the Regions waived its right to present an opinion on 15 September 1999.
3. At its meeting on 15 November 1999, the Council adopted its common position in accordance with Article 251 of the EC Treaty.

### II. OBJECTIVES

4. Directive 95/53/EC fixes the principles on the basis of which Member States must carry out official inspections in the field of animal nutrition. It covers products originating in the Community as well as products from third countries. The Directive entered into force in May 1998.
5. The aim of the present proposal is to amend Directive 95/53/EC for the following reasons:
  - provide a legal basis for the possible future adoption of application measures to establish a reliable, harmonised procedure for documentary, identity, and physical checks for all products imported from third countries,
  - provide for inspection measures for products imported from third countries, in the event of a risk to public health, including provisions to permit on-the-spot inspections to be carried out in third countries with their consent when so required,
  - provide for inspection measures for application in the Community, to ensure the uniform implementation of the requirements of the present Directive,
  - provide a system allowing for specific inspection programmes when so required in addition to the general programmes already provided for by the Directive.

### III. ANALYSIS OF THE COMMON POSITION

6. The Council approved the substance of the Commission proposal with only one amendment. In addition, editorial changes have been made throughout the text with the aim of clarifying the intention of the measure. The most noteworthy of these editorial changes has been made in Article 1, where the contents of Article 9a and 9b have been interchanged.

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<sup>(1)</sup> OJ C 346, 14.11.1998, p. 9.

<sup>(2)</sup> OJ C 98, 9.4.1999, p. 143.

<sup>(3)</sup> OJ C 138, 18.5.1999, p. 17.

7. As regards the substantive change, the Council agreed to amend Article 1(4) of the original Commission proposal, and to add Article 1(8) to the proposed amendments (a new Article 23a).

Originally, this provision allowed the Commission, in cases of emergency, to take immediate, protective measures against imports from third countries, and to arrange for on-the-spot inspections in third countries with their consent, based on Article 3 of Decision 87/373/EEC which has since been replaced by Decision 1999/468/EC<sup>(1)</sup>.

Taking various considerations into account, including the new arrangements on comitology, the Council agreed to insert the Regulatory Procedure as set out in Article 5 of Decision 1999/468/EC.

#### IV. GENERAL CONCLUSION

The Council has adopted as its common position the Commission proposal, as approved by the European Parliament, subject to the change described above and certain editorial improvements.

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<sup>(1)</sup> Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999).

**COMMON POSITION (EC) No 5/2000****adopted by the Council on 22 November 1999****with a view to adopting Directive 2000/.../EC of the European Parliament and of the Council of ...  
on action to be taken against the emission of gaseous and particulate pollutants by engines  
intended to power agricultural or forestry tractors and amending Council Directive 74/150/EEC**

(2000/C 17/03)

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<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(3)</sup>,

Whereas:

(1) To ensure the proper functioning of the internal market, Council Directive 74/150/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors<sup>(4)</sup> and the 22 specific Directives adopted between 1974 and 1989 harmonised the technical specifications in this field;

(2) In order to further safeguard the environment, it is necessary to supplement the measures already adopted by Council Directive 77/537/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in wheeled agricultural or forestry tractors<sup>(5)</sup> (opacity of exhaust gases) with other measures relating, in particular, to physicochemical emissions; by referring to the provisions of Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws

of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery<sup>(6)</sup>, this Directive lays down the limit values for emissions of gaseous and particulate pollutants to be applied in successive stages, and the test procedure for internal combustion engines intended to power agricultural or forestry tractors; compliance with the provisions of Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles<sup>(7)</sup>, can also be accepted as compliance with the requirements of this Directive;

(3) In order to facilitate access to third-country markets, it is necessary to establish equivalence between the requirements of this Directive for the first stage and the requirements laid down in United Nations Economic Commission for Europe (UN/ECE) Regulation No 96 concerning the component type-approval of compression ignition engines intended to be fitted to agricultural or forestry tractors in terms of their pollutant emissions;

(4) In order to maximise the benefits for the European environment and, at the same time, to ensure the unity of the market, it is necessary to adopt very strict mandatory standards at regular intervals; any further reduction in the limit values and any changes to the test procedure can be adopted only on the basis of studies and research to be conducted into existing and foreseeable technological potential and into the cost effectiveness thereof, in order to allow production on an industrial scale of agricultural or forestry tractors that are capable of meeting these more stringent limits;

(1) OJ C 303, 2.10.1998, p. 9.

(2) OJ C 101, 12.4.1999, p. 13.

(3) Opinion of the European Parliament of 5 May 1999 (OJ C 279, 1.10.1999, p. 209), Council Common Position of 22 November 1999 and Decision of the European Parliament of ... (not yet published in to Official Journal).

(4) OJ L 84, 28.3.1974, p. 10. Directive as last amended by Directive 97/54/EC (OJ L 277, 10.10.1997, p. 24).

(5) OJ L 220, 29.8.1977, p. 38. Directive as last amended by Directive 97/54/EC.

(6) OJ L 59, 27.2.1998, p. 1.

(7) OJ L 36, 9.2.1988, p. 33. Directive as last amended by Directive 96/1/EC (OJ L 40, 17.2.1996, p. 1).

- (5) Technical progress requires rapid adaptation of the technical requirements set out in the Annexes to this Directive; the Commission is committed to aligning without delay the limit values and dates in this Directive to future changes in Directive 97/68/EC; in every case where the European Parliament and the Council empower the Commission to implement the rules drawn up for agricultural or forestry tractors, a prior consultation procedure involving the Commission and the Member States meeting in committee should be introduced;
- (6) The requirements of this Directive supplement those of Directive 77/537/EEC, which is referred to in item 2.8.1 of Annex II to Directive 74/150/EEC; Directive 74/150/EEC thus needs to be amended in order to add a new item 2.8.2 in Annex II covering the topic dealt with by this Directive in conjunction with the reference SD (Specific Directive);
- (7) The objective of reducing the level of pollutant emissions from agricultural or forestry tractors and the smooth functioning of the internal market for such vehicles cannot be sufficiently achieved by individual Member States and can therefore be better achieved by the approximation of the laws of the Member States relating to measures to be taken against air pollution by such vehicles; the measures contained in this Directive do not go beyond what is necessary to achieve the objectives of the Treaty.

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

#### Definitions

For the purposes of this Directive:

- 'agricultural or forestry tractor' (hereinafter referred to as 'tractor') means any vehicle as defined in Article 1(1) of Directive 74/150/EEC,
- 'engine' means any internal combustion engine intended to power tractors as defined in Annex I,
- 'type-approval of an engine type or family as a separate technical unit with respect to pollutant emissions' means the instrument whereby a Member State certifies that an engine type or family intended to power tractors meets the technical requirements of this Directive,

- 'type-approval of a tractor type in respect of pollutant emissions' means the instrument whereby a Member State certifies that a tractor type equipped with an engine meets the technical requirements of this Directive,
- 'family of engines' means two or more types of engine that are similar in design and which, therefore, could display characteristics that are comparable in terms of pollutant emission.

#### Article 2

#### Type-approval procedure

The procedure for granting type-approval for an engine type or family in respect of pollutant emissions, the procedure for granting type-approval for tractors with respect to pollutant emissions, and the conditions of the unrestricted placing on the market of such engines and tractors, are as laid down in Directive 74/150/EEC.

#### Article 3

#### Obligations

1. Subject to Article 5, any engine type or family must meet the requirements of Annex I.
2. Any tractor type must meet the requirements of Annex II. In this respect type-approvals for engine type or families which have been approved in accordance with Annex I or the provisions mentioned in Annex III shall be recognised.

#### Article 4

#### Timetable

1. Member States may not after 30 September 2000:
  - refuse to grant EC type-approval or national type-approval in respect of an engine type or family, or
  - prohibit the sale, entry into service or use of a new engine, or
  - refuse to grant EC type-approval or national type-approval of tractor types, or

— prohibit the use, the sale, the initial entry into service of tractor types,

on grounds relating to air pollution if the pollutants emitted by those engines or the engines fitted to those tractors meet the requirements of this Directive.

2. Member States may no longer grant EC type-approval or national type-approval for a type or family of engines or a tractor type where the pollutants emitted by the engine do not meet the requirements of this Directive:

(a) in stage I

— after 31 December 2000 for engines of Categories B and C (power range as defined in Article 9(2) of Directive 97/68/EC);

(b) in stage II

— after 31 December 2000 for engines of Categories D and E (power range as defined in Article 9(3) of Directive 97/68/EC),

— after 31 December 2001 for engines of Category F (power range as defined in Article 9(3) of Directive 97/68/EC),

— after 31 December 2002 for engines of Category G (power range as defined in Article 9(3) of Directive 97/68/EC).

3. Member States shall prohibit the initial entry into service of engines and tractors where the pollutants emitted by the engines do not meet the requirements of the Directive

— after 30 June 2001 for engines of Categories A, B, and C,

— after 31 December 2001 for engines of Categories D and E,

— after 31 December 2002 for engines of Category F,

— after 31 December 2003 for engines of Category G.

However, for tractors fitted with category E or F engines, the above dates shall be postponed for six months.

4. The requirements of paragraph 3 do not apply to engines intended to be installed in tractor types for export to third countries and the replacement of engines for tractors in service.

5. Member States may postpone the dates mentioned in paragraph 3 for two years with respect to engines with a production date prior to the said date. They may grant other exceptions under the conditions laid down in Article 10 of Directive 97/68/EC.

#### Article 5

### Recognition of equivalence and conformity

The authorities of Member States granting EC type-approval for a type or family of engines shall recognise the type-approvals granted in accordance with the provisions of Annex III and the corresponding type-approval marks as being in conformity with this Directive.

#### Article 6

### Further reduction in emission limit values

As soon as the provisions referred to in Article 19 of Directive 97/68/EC are adopted by the European Parliament and the Council, the Commission shall, in accordance with the procedure laid down in Article 13 of Directive 74/150/EEC, without delay align the limit values and dates contained in this Directive with those adopted following the decisions taken pursuant to the abovementioned Article 19.

#### Article 7

### Technical adaptations

Any amendments needed in order to adapt the requirements of the Annexes to technical progress shall be adopted in accordance with the procedure laid down in Article 13 of Directive 74/150/EEC.

#### Article 8

### Amendment of Directive 74/150/EEC

In Annex II to Directive 74/150/EEC the following item 2.8.2 shall be inserted: '2.8.2. Emission of gaseous and particulate pollutants by engines: SD'.

#### Article 9

### Transposition into national law

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 29 September 2000. They shall forthwith inform the Commission thereof.



They shall apply these provisions from 31 December 2000.

*Article 11*

When Member States adopt these measures, they shall contain a reference to this Directive, or be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

**Addressees**

This Directive is addressed to the Member States.

*Article 10*

Done at ...

**Entry into force**

*For the European Parliament*

*For the Council*

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

*The President*

*The President*

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**LIST OF ANNEXES**

- ANNEX I      Requirements for EC type-approval of a type of engine or engine family for a tractor as a separate technical unit in terms of the pollutants emitted
- Appendix 1:    Information document concerning the EC type-approval of a parent engine type for use in a tractor as a separate technical unit, in terms of the pollutants emitted
- Appendix 2:    EC type-approval certificate for a separate technical unit
- Appendix 3:    Marking of engines
- Appendix 4:    Numbering
- Appendix 5:    EC type-approval mark
- ANNEX II      Requirements for the EC type-approval of a tractor type equipped with a compression ignition engine in respect of the pollutants emitted
- Appendix 1:    Information document
- Appendix 2:    EC type-approval certificate
- ANNEX III      Recognition of alternative type-approvals
-

## ANNEX I

**REQUIREMENTS FOR EC TYPE-APPROVAL OF A TYPE OF ENGINE OR ENGINE FAMILY FOR A TRACTOR AS A SEPARATE TECHNICAL UNIT IN TERMS OF THE POLLUTANTS EMITTED**

## 0. GENERAL

Unless otherwise defined by this Directive, the appropriate definitions, symbols and abbreviations contained in Directive 97/68/EC are applicable.

## 1. DEFINITIONS

- 'type of tractor engine in terms of pollutants emitted' means compression ignition engines which display no essential differences with regard to the characteristics defined in Appendix 1 to Annex I,
- 'pollutants emitted' means gaseous pollutants (carbon monoxide, hydrocarbons, and nitrogen oxides) and polluting particulates.

## 2. APPLICATION FOR EC TYPE-APPROVAL FOR A TYPE OF ENGINE OR ENGINE FAMILY AS A SEPARATE TECHNICAL UNIT

- 2.1. The application for the type-approval of an engine type or family in terms of the pollutants emitted shall be made by the engine manufacturer or his agent.
- 2.2. It shall be accompanied by the information document, completed in triplicate, a specimen for which is provided in Appendix 1 to this Annex.
- 2.3. An engine conforming to the 'engine type' or 'parent engine' characteristics described in Appendix 1 to this Annex shall be submitted to the technical service responsible for conducting the approval tests.
- 2.4. In the case of an applicant for type-approval of an engine family, if the approval authority determines that, with regard to the selected parent engine, the submitted application does not fully represent the engine family, described in Annex II, Appendix 2, of Directive 97/68/EC an alternative and, if necessary an additional parent engine which is determined by the approval authority shall be provided for approval according to Article 3(1) of Directive 97/68/EC.

## 3. SPECIFICATIONS AND TESTS

The provisions of Directive 97/68/EC, Annex I, Section 4 and Annexes III, IV and V are applicable.

## 4. TYPE-APPROVAL FOR A SEPARATE TECHNICAL UNIT

An EC type-approval certificate conforming to the specimen provided in Appendix 2 to this Annex shall be issued.

## 5. ENGINE MARKING

The engine shall be marked in accordance with the requirements of Appendix 3 to this Annex. The identification number must comply with the provisions of Appendices 4 and 5 to this Annex.

## 6. CONFORMITY OF PRODUCTION

Without prejudice to the requirements of Article 8 of Directive 74/150/EEC, conformity of production shall be checked in accordance with the provisions of Section 5 of Annex I to Directive 97/68/EC.

7. NOTIFICATION ON THE ISSUE OF APPROVALS

Notice of the approval, extension, refusal or withdrawal of approval or of production definitely discontinued in relation to an engine type pursuant to Annex I or a tractor type pursuant to Annex II must be communicated to the Member States in accordance with Article 5(1) of Directive 74/150/EEC.

8. ENGINE FAMILY

8.1. Parameters defining the engine family

The engine family may be defined by basic design parameters which must be common to all engines within the family. In some cases there may be interaction of parameters. These effects must also be taken into consideration in order to ensure that only engines with similar exhaust-emission characteristics are included within an engine family.

For engines to be considered to belong to the same engine family, the following list of basic parameters must be common.

- 8.1.1. Combustion cycle: 2 stroke/4 stroke<sup>(1)</sup>
- 8.1.2. Cooling medium: air/water/oil<sup>(1)</sup>
- 8.1.3. Individual cylinder displacement
  - engines to be within a total spread of 15 %
  - number of cylinders for engines with after-treatment device
- 8.1.4. Method of air aspiration: naturally aspirated/pressure charged<sup>(1)</sup>
- 8.1.5. Combustion chamber type/design
  - pre-chamber
  - swirl chamber
  - open chamber
- 8.1.6. Valve and porting — configuration, size and number
  - cylinder head
  - cylinder wall
  - crankcase
- 8.1.7. Fuel system
  - pump-line-injector
  - in-line pump
  - distributor pump
  - single element
  - unit injector
- 8.1.8. Exhaust gas recirculation
- 8.1.9. Water injection/emulsion<sup>(1)</sup>
- 8.1.10. Air injection

- 8.1.11. Charge cooling system
  - 8.1.12. Oxidation catalyst
  - 8.1.13. Reduction catalyst
  - 8.1.14. Thermal reactor
  - 8.1.15. Particulates trap
  
  - 8.2. Choice of parent engine
    - 8.2.1. The parent engine of the family shall be selected using the primary criterion of the highest fuel delivery per stroke at the declared maximum torque speed. If two or more engines share this primary criterion, the parent engine shall be selected using the secondary criterion of highest fuel delivery per stroke at rated speed. Under certain circumstances, the approval authority may conclude that the worst-case emission rate of the family can best be characterised by testing a second engine. Thus, the approval authority may select an additional engine for tests based on features which indicate that it may have the highest emission levels of the engines within that family.
    - 8.2.2. If engines within the family incorporate other variable features which could be considered to affect exhaust emissions, these features must also be identified and taken into account in the selection of the parent engine.
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(1) Delete where inappropriate.

## Appendix 1

**Information document****concerning the EC type-approval of a parent engine type for use in a tractor as a separate technical unit, in terms of the pollutants emitted**

The information set out below shall be supplied in triplicate and be accompanied by a list of enclosures. Any drawings needed shall be supplied to an appropriate scale and with sufficient details in A4 format or in a folder of this format. Photographs shall, where needed, show sufficient detail.

## SECTION 1 GENERAL

1. **Parent engine/engine type** <sup>(1)</sup> <sup>(3)</sup>

1.1. Make(s) (trade name of manufacturer): .....

1.2. Type and commercial description of the parent and (if applicable) of the family of engine(s) <sup>(1)</sup>:  
.....

1.3. Manufacturer's type coding as marked on the engine(s) and method of affixing:

1.3.1. Location, coding and method of affixing of the type engine identification number: .....

1.3.2. Location and method of affixing of the EC component type-approval mark: .....

1.4. Name and address of manufacturer: .....

1.5. Address(es) of assembly plant(s): .....

## SECTION 2 ENGINE TYPE

2. **Essential characteristics of the engine type**

2.1. Description of the compression ignition engine

2.1.1. Manufacturer: .....

2.1.2. Manufacturer's engine code as affixed to engines: .....

2.1.3. Cycle: four stroke/two stroke <sup>(1)</sup>

2.1.4. Bore: ..... mm

2.1.5. Stroke: ..... mm

2.1.6. Number and arrangement of cylinders: .....

2.1.7. Swept volume: ..... cm<sup>3</sup>

- 2.1.8. Rated speed: ..... r/min
- 2.1.9. Peak torque speed: ..... r/min
- 2.1.10. Compression ratio<sup>(2)</sup>: .....
- 2.1.11. Combustion system: .....
- 2.1.12. Drawing(s) of combustion chamber and piston crown .....
- 2.1.13. Minimum cross sectional area of inlet and outlet ports: .....
- 2.1.14. Cooling system
- 2.1.14.1. Coolant
- 2.1.14.1.1. Nature of coolant: .....
- 2.1.14.1.2. Circulating pump(s): yes/no<sup>(1)</sup>
- 2.1.14.1.3. Characteristics or make(s) and type(s) (if applicable): .....
- 2.1.14.1.4. Drive ratio(s) (if applicable): .....
- 2.1.14.2. Air
- 2.1.14.2.1. Blower: yes/no<sup>(1)</sup>
- 2.1.14.2.2. Characteristics or make(s) and type(s) (if applicable): .....
- 2.1.14.2.3. Drive ratio(s) (if applicable): .....
- 2.1.15. Temperature permitted by the manufacturer:
- 2.1.15.1. Liquid cooling: maximum temperature at outlet: ..... K
- 2.1.15.2. Air cooling: reference point: .....
- Maximum temperature at reference point: ..... K
- 2.1.15.3. Maximum charge-air temperature at the intercooler outlet (if applicable): ..... K
- 2.1.15.4. Maximum exhaust temperature at the point in the exhaust pipe(s) adjacent to the outer flange(s) of the exhaust manifold(s): ..... K
- 2.1.15.5. Lubricant temperature: minimum: ..... K maximum: ..... K
- 2.1.16. Pressure charger: yes/no<sup>(1)</sup>
- 2.1.16.1. Make: .....

- 2.1.16.2. Type: .....
- 2.1.16.3. Description of the system (e.g. maximum charge pressure, waste-gate, if applicable): .....
- 2.1.16.4. Intercooler: yes/no<sup>(1)</sup>
- 2.1.17. Intake system: maximum allowable intake depression at rated engine speed ..... r/min:  
..... kPa and at 100 % load: ..... kPa
- 2.1.18. Exhaust system: Maximum permissible exhaust back pressure at rated engine speed ..... r/min:  
..... kPa and at 100 % load: ..... kPa
- 2.2. Additional anti-pollution devices (if any, and if not covered by another heading)  
Description and/or diagram(s): .....
- 2.3. Fuel feed
- 2.3.1. Feed pump  
Pressure<sup>(2)</sup> or characteristic diagram: ..... kPa
- 2.3.2. Injection system
- 2.3.2.1. Pump
- 2.3.2.1.1. Make(s): .....
- 2.3.2.1.2. Type(s): .....
- 2.3.2.1.3. Delivery: ..... and ..... mm<sup>3</sup> <sup>(2)</sup> per stroke or cycle at pump speed of: ..... r/min  
(rated) and ..... r/min (maximum torque) respectively, or characteristic diagram.  
State which method used: On engine/on pump bench<sup>(1)</sup>
- 2.3.2.1.4. Injection advance
- 2.3.2.1.4.1. Injection advance curve<sup>(2)</sup>: .....
- 2.3.2.1.4.2. Timing<sup>(2)</sup>: .....
- 2.3.2.2. Injection piping
- 2.3.2.2.1. Length: ..... mm



- 2.3.2.2.2. Internal diameter: ..... mm
- 2.3.2.3. Injector(s)
  - 2.3.2.3.1. Make(s): .....
  - 2.3.2.3.2. Type(s): .....
  - 2.3.2.3.3. Opening pressure <sup>(2)</sup> or characteristic diagram <sup>(1)</sup>: .....
- 2.3.2.4. Governor(s)
  - 2.3.2.4.1. Make(s): .....
  - 2.3.2.4.2. Type(s): .....
  - 2.3.2.4.3. Speed at which cut-off starts under full load <sup>(2)</sup>: ..... r/min
  - 2.3.2.4.4. Maximum no-load speed <sup>(2)</sup>: ..... r/min
  - 2.3.2.4.5. Idling speed <sup>(2)</sup>: ..... r/min
- 2.3.3. Cold-start system
  - 2.3.3.1. Make(s): .....
  - 2.3.3.2. Type(s): .....
  - 2.3.3.3. Description: .....
- 2.4. Valve timing
  - 2.4.1. Maximum lift and opening and closing angles in relation to top dead centre or equivalent data: ....
  - 2.4.2. Reference clearances and/or setting ranges <sup>(1)</sup> .....
- 2.5. Electronic command functions
 

If the engine features electronically controlled functions, information concerning their performance must be provided including:

  - 2.5.1. Make: .....
  - 2.5.2. Type: .....
  - 2.5.3. Part number: .....

- 2.5.4. Location of engine electronic control unit: .....
- 2.5.4.1. What does it sense: .....
- 2.5.4.2. What does it control: .....

SECTION 3 COMPRESSION-IGNITION ENGINE FAMILY

3. **Essential characteristics of the engine family**

- 3.1. List of engine types within a family
- 3.1.1. Name of engine family: .....
- 3.1.2. Specification of engine types within this family:

|   |  |  |  |  | Parent engine |
|---|--|--|--|--|---------------|
| Engine type   |  |  |  |  |               |
| Number of cylinders   |  |  |  |  |               |
| Rated speed (r/min)   |  |  |  |  |               |
| Fuel delivery per stroke (mm <sup>3</sup> ) at rated speed          |  |  |  |  |               |
| Rated net power (kW)  |  |  |  |  |               |
| Maximum torque speed (r/min)  |  |  |  |  |               |
| Fuel delivery per stroke (mm <sup>3</sup> ) at maximum torque speed |  |  |  |  |               |
| Maximum torque (Nm)   |  |  |  |  |               |
| Low idle speed (r/min)  |  |  |  |  |               |
| Cylinder swept volume as % of parent engine                         |  |  |  |  | 100           |

SECTION 4 ENGINE TYPE WITHIN THE FAMILY

4. **Essential characteristics of the family's parent engine <sup>(3)</sup>**

- 4.1. Description of the compression ignition engine
- 4.1.1. Manufacturer: .....
- 4.1.2. Manufacturer's engine code as affixed to engines: .....
- 4.1.3. Cycle: four stroke/two stroke<sup>(1)</sup>
- 4.1.4. Bore: ..... mm
- 4.1.5. Stroke: ..... mm

- 4.1.6. Number and layout of cylinders: .....
- 4.1.7. Swept volume: ..... cm<sup>3</sup>
- 4.1.8. Rated speed: ..... r/min
- 4.1.9. Peak-torque speed: ..... r/min
- 4.1.10. Compression ratio<sup>(2)</sup>: .....
- 4.1.11. Combustion system description: .....
- 4.1.12. Drawing(s) of combustion chamber and piston crown: .....
- 4.1.13. Minimum cross sectional area of inlet and outlet ports: .....
- 4.1.14. Cooling system
- 4.1.14.1. Coolant
- 4.1.14.1.1. Nature of coolant: .....
- 4.1.14.1.2. Circulating pump(s): yes/no<sup>(1)</sup>
- 4.1.14.1.3. Characteristics or make(s) and type(s) (if applicable): .....
- 4.1.14.1.4. Drive ratio(s) (if applicable): .....
- 4.1.14.2. Air
- 4.1.14.2.1. Blower: yes/no<sup>(1)</sup>
- 4.1.14.2.2. Characteristics or make(s) and type(s) (if applicable): .....
- 4.1.14.2.3. Drive ratio(s) (if applicable): .....
- 4.1.15. Temperature permitted by the manufacturer:
- 4.1.15.1. Liquid cooling: maximum temperature at outlet: ..... K
- 4.1.15.2. Air cooling: reference point: .....
- Maximum temperature at reference point: ..... K
- 4.1.15.3. Maximum charge air temperature at the intercooler outlet (if applicable): ..... K
- 4.1.15.4. Maximum exhaust temperature at the point in the exhaust pipe(s) adjacent to the outer flange(s) of the exhaust manifold(s): ..... K
- 4.1.15.5. Lubricant temperature: minimum: ..... K maximum: ..... K

- 4.1.16. Pressure charger: yes/no <sup>(1)</sup>
- 4.1.16.1. Make: .....
- 4.1.16.2. Type: .....
- 4.1.16.3. Description of the system (e.g. maximum charge pressure, waste-gate, if applicable): .....
- 4.1.16.4. Intercooler: yes/no <sup>(1)</sup>
- 4.1.17. Intake system: maximum allowable intake depression at rated engine speed ..... r/min:  
..... kPa and at 100 % load: ..... kPa
- 4.1.18. Exhaust system: maximum permissible exhaust back pressure at rated engine speed ..... r/min:  
..... kPa and at 100 % load: ..... kPa
- 4.2. Additional anti-pollution devices (if any, and if not covered by another heading)  
Description and/or <sup>(1)</sup> diagram(s): .....
- 4.3. Fuel feed
- 4.3.1. Feed pump  
Pressure <sup>(2)</sup> or characteristic diagram ..... kPa
- 4.3.2. Injection system
- 4.3.2.1. Pump
- 4.3.2.1.1. Make(s): .....
- 4.3.2.1.2. Type(s): .....
- 4.3.2.1.3. Delivery: ..... mm<sup>3</sup> <sup>(2)</sup> per stroke or cycle at pump speed of: ..... r/min  
(rated) and ..... r/min (maximum torque), respectively, or characteristic diagram  
State which method is used: on engine/on pump bench <sup>(1)</sup>
- 4.3.2.1.4. Injection advance
- 4.3.2.1.4.1. Injection advance curve <sup>(2)</sup>: .....
- 4.3.2.1.4.2. Timing <sup>(2)</sup>: .....

- 4.3.2.2. Injection piping
  - 4.3.2.2.1. Length ..... mm
  - 4.3.2.2.2. Internal diameter ..... mm
- 4.3.2.3. Injector(s)
  - 4.3.2.3.1. Make(s): .....
  - 4.3.2.3.2. Type(s): .....
  - 4.3.2.3.3. Opening pressure <sup>(2)</sup> or characteristic diagram: .....
- 4.3.2.4. Governor
  - 4.3.2.4.1. Make(s): .....
  - 4.3.2.4.2. Type(s): .....
  - 4.3.2.4.3. Cut-off initiation speed under full load <sup>(2)</sup>: ..... r/min
  - 4.3.2.4.4. Maximum no-load speed <sup>(2)</sup>: ..... r/min
  - 4.3.2.4.5. Idling speed <sup>(2)</sup>: ..... r/min
- 4.3.3. Cold-start system
  - 4.3.3.1. Make(s): .....
  - 4.3.3.2. Type(s): .....
  - 4.3.3.3. Description: .....
- 4.4. Valve timing
  - 4.4.1. Maximum lift and angles of opening and closing in relation to top dead centre or equivalent data: .....  
.....
  - 4.4.2. Reference clearances and/or setting ranges <sup>(1)</sup>
- 4.5. Electronic control functions
 

If the engine features electronically controlled functions, the information concerning their performance must be provided including:

  - 4.5.1. Make: .....

4.5.2. Type: .....

4.5.3. Part number: .....

4.5.4. Location of engine electronic control unit: .....

4.5.4.1. What does it sense: .....

4.5.4.2. What does it control: .....

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(1) Delete where inappropriate.

(2) Specify tolerance.

(3) Where applications are made for several parent engines a separate form must be filled in for each of these.

(4) Where appropriate.

Appendix 2

SPECIMEN

(Maximum format A4 (210 x 297 mm))

EC TYPE-APPROVAL CERTIFICATE FOR A SEPERATE TECHNICAL UNIT

Stamp of administration

Communication concerning the

- component type-approval<sup>(1)</sup>
- extension of component type-approval<sup>(1)</sup>
- refusal of component type-approval<sup>(1)</sup>
- withdrawal of component type-approval<sup>(1)</sup>

pursuant to Directive .../.../EC of a compression-ignition engine type or family as a seperate technical unit that is intended to power tractors, in terms of the pollutants emitted.

EC component type-approval No: .....

Extension No<sup>(2)</sup>: .....

Reason for extension<sup>(2)</sup>: .....

SECTION I

- 0. General
- 0.1. Make (name of undertaking): .....
- 0.2. Name and address of the manufacturer (or where appropriate of his agent) of the parent-engine type and (where appropriate) of the engine types within the family<sup>(1)</sup>: .....
- 0.3. Manufacturer's type coding as marked on the engine(s): .....
- Location: .....
- Method of affixing: .....
- 0.4. Location, coding and method of affixing of the type engine identification number: .....
- 0.5. Location and method of affixing of the EC component type-approval mark: .....
- 0.6. Address(es) of assembly plant(s): .....

SECTION II

- 1. Restriction on use (if any): .....
- 1.1. Particular conditions to be met when fitting the engine(s) to the tractor .....
- 1.1.1. Maximum permissible intake depression: ..... kPa
- 1.1.2. Maximum permissible back pressure: ..... kPa
- 2.1. Technical service responsible for carrying out the type-approval tests: .....
- 2.2. Date of test report: .....
- 2.3. Number of test report: .....
- 2.4. Test results

Measured in accordance with the requirements of Directive 97/68/EC

| CO (g/kWh) | HC (g/kWh) | NO <sub>x</sub> (g/kWh) | Particulates (g/kWh) |
|------------|------------|-------------------------|----------------------|
|            |            |                         |                      |

- 3. The undersigned hereby certifies the accuracy of the manufacturer's description of the engine type/parent engine within the family<sup>(1)</sup> given above and that the test results set out in the type-approval file are correct.

Component type-approval is granted/refused/withdrawn<sup>(1)</sup>

Place: .....

Date: .....

Signature: .....

Annex: .....

Component type-approval file: .....

\_\_\_\_\_

<sup>(1)</sup> Delete where appropriate.  
<sup>(2)</sup> Specify tolerance.



*Appendix 3***Marking of engines**

1. Any engine approved as a separate technical unit must bear:
  - 1.1. the trade mark or trade name of the engine's manufacturer;
  - 1.2. the engine type, and if applicable engine family, and a unique engine identification number;
  - 1.3. the EC type-approval mark in accordance with Appendix 5 of this Annex.
2. These marks must last throughout the useful life of the engine and remain clearly legible and indelible. If labels or plates are used, they must be affixed in such a way that they too last throughout the useful life of the engine, and the labels/plates cannot be removed without destroying or defacing them.
3. The marks must be secured to an engine part that is necessary for normal engine operation and not normally requiring replacement during engine life.

These marks must be located so as to be readily visible to the average person once the engine has been fitted to the tractor, together with all the accessories needed for engine operation. If a bonnet is to be removed in order to make the mark visible, this requirement shall be considered to have been met if removal of that bonnet is simple and does not require the use of a tool.

In case of doubt concerning the meeting of this requirement, it shall be considered to have been met if an additional mark containing at least the engine identification number and the name, trade name or logo of the manufacturer has been added.

That additional mark shall be affixed to, or next to, a major component that would not normally have to be replaced during the service life of the engine, and be easily accessible, without the assistance of tools, during routine maintenance operations; otherwise, it must be located at a distance from the original mark on the engine crankcase. The original mark and, where appropriate, the additional mark shall both be clearly visible once all of the accessories needed for the operation of the engine have been fitted. A bonnet meeting the requirements set out in the above paragraph shall be authorised. The additional mark shall be affixed in a durable manner preferably directly to the topside of the engine, for example by means of an engraving, or a sticker or plate that meets the requirements of item 2.

4. The engines must be classified by means of their identification numbers in such a way that the production sequence can be determined unambiguously.
5. Before leaving the production line, the engines must bear all of the required marks.
6. The exact location of the engine marks shall be declared in the information document, in accordance with Annexes I and II.

---

*Appendix 4***Numbering**

1. The EC type-approval number shall consist of five sections, separated by the sign '\*':
  - Section 1 a lower-case letter 'e' followed by the distinguishing number of the Member State which has granted the type-approval:
    - '1' for Germany
    - '2' for France
    - '3' for Italy
    - '4' for the Netherlands
    - '5' for Sweden
    - '6' for Belgium
    - '9' for Spain
    - '11' for the United Kingdom
    - '12' for Austria
    - '13' for Luxembourg
    - '17' for Finland
    - '18' for Denmark
    - '21' for Portugal
    - '23' for Greece
    - '24' for Ireland
  - Section 2 The number of the base Directive followed by a letter A for stage I, letter B for stage II
  - Section 3 The number of the latest amending Directive applicable to the approval. If a Directive contains different implementation dates referring to different technical standards, an alphabetical character shall be added in order to specify the standard in accordance with which the approval was granted
  - Section 4 A four-digit sequential number (with leading zeros as applicable) to denote the base approval number. The sequence shall start from 0001 for each base Directive
  - Section 5 A two-digit sequential number (with leading zeros as applicable) to denote the extension. The sequence shall start from 00 for each approval number

2. Example of the third approval by France according to this Directive meeting the requirements of stage I of this Directive:

e2\*NN/NN<sup>(1)</sup>A\*00/00\*0003\*00

3. Example of the second extension to the fourth approval issued by the United Kingdom according to this Directive meeting the requirements of stage II of this Directive:

e11\*NN/NN<sup>(1)</sup>B\*00/00\*0004\*02

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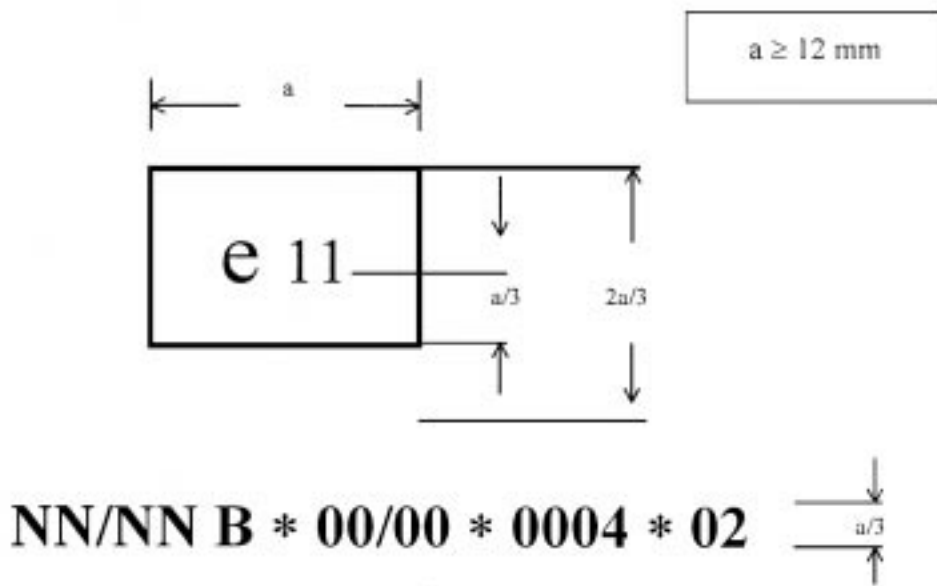
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<sup>(1)</sup> NN/NN = the number of these Directives.

## Appendix 5

## EC type-approval mark

1. The EC type-approval mark will consist of a rectangle surrounding the lower case letter 'e' followed by the distinguishing number or letters of sections 2 to 5 of the EC type-approval number.
2. Example of the EC type-approval mark:



## ANNEX II

**REQUIREMENTS FOR THE EC TYPE-APPROVAL OF A TRACTOR TYPE EQUIPPED WITH A COMPRESSION IGNITION ENGINE IN RESPECT OF THE POLLUTANTS EMITTED**

## 0. GENERAL

Unless otherwise defined by this Directive, the appropriate definitions, symbols and abbreviations contained in Directive 97/68/EC are applicable.

## 1. DEFINITIONS

- 'Type of tractor in terms of the pollutants emitted' means tractors which display no essential differences with regard to the characteristics as defined in Appendix 1 to this Annex,
- 'Pollutants emitted' means gaseous pollutants (carbon monoxide, hydrocarbons, and nitrogen oxides) and polluting particulates.

## 2. APPLICATION FOR EC TYPE-APPROVAL FOR A TRACTOR TYPE

2.1. *Application for the EC type-approval of a tractor type in respect of its engine*

2.1.1. The application for type-approval of a tractor type in terms of the pollutants emitted shall be made by the tractor manufacturer or his agent.

2.1.2. It shall be accompanied by the information document, completed in triplicate, a specimen for which is provided in Appendix 1 to this Annex.

2.1.3. The tractor engine conforming to the 'engine type' or 'parent engine' characteristics described in Appendix 1 to this Annex shall be submitted to the technical service responsible for conducting the approval tests.

2.2. *Application for the EC type-approval of a tractor type with an approved engine*

2.2.1. The application for type-approval of a tractor type in terms of the pollutants emitted shall be made by the tractor manufacturer or his agent.

2.2.2. It shall be accompanied by the information document, completed in triplicate, a specimen for which is provided in Appendix 1 to this Annex and a copy of the EC type-approval certificate for the engine or engine family, if applicable, for the separate technical unit which is installed in the tractor type.

## 3. SPECIFICATIONS AND TESTS

3.1. *General*

The provisions of Directive 97/68/EC, Annex I, Section 4, Annexes III, IV and V are applicable.

3.2. *Engine installation on the vehicle*

The engine installation on the vehicle shall comply with the following characteristics in respect to the type-approval of the engine:

3.2.1. intake depression shall not exceed that specified for the type-approved engine,

3.2.2. exhaust back pressure shall not exceed that specified for the type-approved engine.

3.3. Those tractor components which may affect the pollutants emitted shall be designed, built and assembled in such a way as to meet the technical requirements of this Directive under the tractor's normal operating conditions and despite any vibrations to which it could be subjected.

4. APPROVAL

Any tractor type fitted with an engine which has been issued with a certificate of approval in accordance with Annex I or the provisions mentioned in Annex III shall be issued with a type-approval certificate in accordance with Appendix 2 to this Annex.

5. ENGINE MARKING

The engine shall be marked in accordance with the requirements of Appendix 3 to Annex I. The EC type-approval identification number must meet the requirements of Appendices 4 and 5 to Annex I.

6. CONFORMITY OF PRODUCTION

Without prejudice to the requirements of Article 8 of Directive 74/150/EEC, conformity of production shall be checked in accordance with the provisions of Section 5 of Annex I to Directive 97/68/EC.

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## Appendix 1

**Information document****Concerning the EC type-approval of a type of tractor equipped with a compression-ignition engine in terms of the pollutants emitted**

The information set out below shall be supplied in triplicate and be accompanied by a list of enclosures. Any drawings needed shall be supplied to an appropriate scale and with sufficient details in A4 format or in a folder of this format. Photographs shall, where needed, show sufficient detail

## SECTION 1 GENERAL

1. **Tractor type**

1.1. Make(s) (trade name of manufacturer): .....

1.2. Type and commercial description of the tractor: .....

1.3. Manufacturer's type codes if marked on the tractor and method of affixing: .....

1.3.1. Location, coding and method of affixing of the tractor identification number: .....

1.3.2. Location and method of affixing of the EC type-approval mark: .....

1.4. Name and address of manufacturer: .....

1.5. Address(es) of assembly plant(s): .....

## SECTION 2 TRACTOR TYPE

2. **Essential characteristics of the tractor type**

2.1. Description of the compression ignition engine

2.1.1. Manufacturer: .....

2.1.2. Manufacturer's code as affixed to engine: .....

2.1.3. Cycle: four stroke/two stroke<sup>(1)</sup>

2.1.4. Bore: ..... mm

2.1.5. Stroke: ..... mm

2.1.6. Number and arrangement of cylinders: ..... cm<sup>3</sup>

- 2.1.7. Swept volume: ..... cm<sup>3</sup>
- 2.1.8. Rated speed: ..... r/min
- 2.1.9. Peak torque speed: ..... r/min
- 2.1.10. Compression ratio (2): .....
- 2.1.11. Combustion system: .....
- 2.1.12. Drawing(s) of combustion chamber and piston crown: .....
- 2.1.13. Minimum cross sectional area of inlet and outlet ports: .....
- 2.1.14. Cooling system
- 2.1.14.1. Coolant
- 2.1.14.1.1. Nature of coolant: .....
- 2.1.14.1.2. Circulating pump(s): yes/no (1)
- 2.1.14.1.3. Characteristics or make(s) and type(s) (if applicable): .....
- 2.1.14.1.4. Drive ratio(s) (if applicable): .....
- 2.1.14.2. Air
- 2.1.14.2.1. Blower: yes/no (1)
- 2.1.14.2.2. Characteristics or make(s) and type(s) (if applicable): .....
- 2.1.14.2.3. Drive ratio(s) (if applicable): .....
- 2.1.15. Temperature permitted by the manufacturer: .....
- 2.1.15.1. Liquid cooling: Maximum temperature at outlet: ..... K
- 2.1.15.2. Air cooling: Reference point: .....
- Maximum temperature at reference point: ..... K
- 2.1.15.3. Maximum charge air temperature at the intercooler outlet (if applicable): ..... K
- 2.1.15.4. Maximum exhaust temperature at the point in the exhaust pipe(s) adjacent to the outer flange(s) of the exhaust manifold(s): ..... K
- 2.1.15.5. Lubricant temperature: min: ..... K max: ..... K



- 2.1.16. Pressure charger: yes/no <sup>(1)</sup>
- 2.1.16.1. Make: .....
- 2.1.16.2. Type: .....
- 2.1.16.3. Description of the system (e.g. max. charge pressure, waste-gate, if applicable): .....
- 2.1.16.4. Intercooler: yes/no <sup>(1)</sup>
- 2.1.17. Intake system: maximum permissible intake depression at rated engine speed ..... r/min:  
..... kPa and at 100 % load: ..... kPa
- 2.1.18. <sup>(1)</sup> Exhaust system: maximum permissible exhaust back pressure at rated engine speed ..... r/min:  
..... kPa and at 100 % load: ..... kPa
- 2.2. Additional anti-pollution devices (if any, and if not covered by another heading)  
Description and/or diagram(s): .....
- 2.3. Fuel feed
- 2.3.1. Feed pump  
Pressure <sup>(2)</sup> or characteristic diagram: ..... kPa
- 2.3.2. Injection system
- 2.3.2.1. Pump
- 2.3.2.1.1. Make(s): .....
- 2.3.2.1.2. Type(s): .....
- 2.3.2.1.3. Delivery: ..... and ..... mm<sup>3</sup> <sup>(2)</sup> per stroke or cycle at pump speed of: ..... r/min  
(rated), and ..... r/min (maximum torque) respectively, or characteristic diagram.  
State which method used: on engine/on pump bench <sup>(1)</sup>
- 2.3.2.1.4. Injection advance
- 2.3.2.1.4.1. Injection advance curve <sup>(2)</sup> .....
- 2.3.2.1.4.2. Timing <sup>(2)</sup>: .....

- 2.3.2.2. Injection piping
  - 2.3.2.2.1. Length ..... mm
  - 2.3.2.2.2. Internal diameter: ..... mm
  - 2.3.2.3. Injector(s)
    - 2.3.2.3.1. Make(s): .....
    - 2.3.2.3.2. Type(s): .....
    - 2.3.2.3.3. Opening pressure <sup>(2)</sup> or characteristic diagram <sup>(1)</sup>: .....
  - 2.3.2.4. Governor
    - 2.3.2.4.1. Make(s): .....
    - 2.3.2.4.2. Type(s): .....
    - 2.3.2.4.3. Speed at which cut-off starts under full load <sup>(2)</sup>: ..... r/min
    - 2.3.2.4.4. Maximum no-load speed <sup>(2)</sup>: ..... r/min
    - 2.3.2.4.5. Idling speed <sup>(2)</sup>: ..... r/min
  - 2.3.3. Cold start system
    - 2.3.3.1. Make(s): .....
    - 2.3.3.2. Type(s): .....
    - 2.3.3.3. Description: .....
- 2.4. Valve timing
  - 2.4.1. Maximum lift and angles of opening and closing in relation to top dead centre or equivalent data: ..  
.....
  - 2.4.2. Reference clearances and/or setting ranges <sup>(1)</sup>:
- 2.5. Electronic command functions
 

If the engine features electronically controlled functions, the information concerning their performance should be provided including: .....

- 2.5.1. Make: .....
- 2.5.2. Type: .....
- 2.5.3. Part number: .....
- 2.5.4. Location of engine electronic control unit: .....
- 2.5.4.1. What does it sense: .....
- 2.5.4.2. What does it control: .....

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(<sup>1</sup>) Delete where appropriate.  
(<sup>2</sup>) Specify the tolerance.

Appendix 2

SPECIMEN

(Maximum format A4 (210 x 297 mm))

EC TYPE-APPROVAL CERTIFICATE

Stamp of administration

Communication concerning the:

- type-approval <sup>(1)</sup>
- extension of type-approval <sup>(1)</sup>
- refusal of type-approval <sup>(1)</sup>
- withdrawal of type-approval, <sup>(1)</sup>

of a type of tractor equipped with a compression ignition engine pursuant to Directive .../.../EC, on pollutant emissions.

EC type-approval No: .....

Extension No <sup>(2)</sup>: .....

Reason for extension <sup>(2)</sup>: .....

SECTION I

0. General .....

0.1. Make(s) (name of undertaking) .....

0.2. Name and address of the manufacturer (or if appropriate of his agent) of the type of tractor: .....

.....

0.3. Manufacturer's type code as marked on the tractor: .....

Location: .....

Method of affixing: .....

0.4. Location, code and method of affixing of the tractor identification No: .....

.....

0.5. Location and method of affixing of the EC type-approval mark: .....

.....

0.6. Name(s) and address(es) of assembly plant(s): .....

## SECTION II

1. Restrictions on use of engine (if any): .....
- 1.1. Particular conditions to be met when fitting the engine(s) to the tractor: .....
- 1.1.1. Maximum permissible intake depression: ..... kPa
- 1.1.2. Maximum permissible back pressure: ..... kPa
2. The engine or tractor has been subjected to specific component type-approval YES/NO<sup>(1)</sup>
- 2.1. If YES
- 2.1.1. Reference Regulations: 97/68/EC, or where appropriate 88/77/EEC / UN-ECE Regulation No 49.02 / UN-ECE Regulation No 96
- 2.1.2. Component type approval No .....  
and attach the component type approval certificate for the engine type or family concerned
- 2.2. If NO
- 2.2.1. Technical service responsible for carrying out the component type-approval tests: .....  
.....
- 2.2.2. Date of test report: .....
- 2.2.3. Number of test report: .....
- 2.2.4. Test results
- Measured in accordance with the requirements of Directive 97/68/EC
- | CO (g/kWh) | HC (g/kWh) | NO <sub>x</sub> (g/kWh) | Particulates (g/kWh) |
|------------|------------|-------------------------|----------------------|
|            |            |                         |                      |
- or attach the component type-approval certificate for the engine type or family concerned
- 2.3. Tractor components which may affect the pollutants emitted (indicate, if relevant, the nature of effect): .....

- 3. The undersigned hereby certifies the accuracy of the manufacturer's description of the tractor type given above and that the test results mentioned in the type-approval file are correct.

Type-approval is granted/refused/withdrawn<sup>(1)</sup>

Place: .....

Date: .....

Signature: .....

Annex: .....

Type-approval file: .....

\_\_\_\_\_

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<sup>(1)</sup> Delete where appropriate.  
<sup>(2)</sup> Where appropriate.

## ANNEX III

**RECOGNITION OF ALTERNATIVE TYPE-APPROVALS**

1. For stage I the following certificates of type-approvals are recognised to be equivalent for engines of categories B and C as defined in Directive 97/68/EC:
  - 1.1. Certificates of type-approvals according to Directive 97/68/EC.
  - 1.2. Certificates of type-approvals according to Directive 88/77/EEC, complying with the requirements of stage A or B regarding Article 2 and Annex I, Section 6.2.1 of Directive 88/77/EEC as amended by Directive 91/542/EEC, or UN-ECE Regulation 49.02 series of amendments corrigenda 1/2.
  - 1.3. Certificates of type-approvals according to ECE-Regulation No 96.
2. For stage II the following certificates of type-approvals are recognised to be equivalent:

Certificates of type-approvals according to Directive 97/68/EC, stage II for engine of categories D, E, F and G.

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## STATEMENT OF THE COUNCIL'S REASONS

### I. INTRODUCTION

1. On 7 September 1998, the Commission submitted a proposal, based on Article 95 (formerly Article 100a) of the EC Treaty, amending Directive 74/150/EEC on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors.
2. The European Parliament delivered its opinion on 5 May 1999 and proposed four amendments to the Commission proposal. In the light of that opinion the Commission submitted an amended proposal on 18 August 1999, incorporating two of the European Parliament's amendments.
3. The Economic and Social Committee delivered its opinion on 29 January 1999.
4. On 22 November 1999, the Council adopted a common position on the Commission proposal in accordance with Article 251 of the Treaty.

### II. OBJECTIVE

5. The objective of the Commission's proposal is to introduce emissions-control legislation on agricultural and forestry tractors analogous to that laid down for off-road mobile machinery in Directive 97/68/EC so as to ensure an equivalent level of environmental protection. The proposal covers those requirements which, in particular, concern the component type-approval procedures applying to engines intended to be fitted to tractors and thus also to the definition of the type-approval procedures for such vehicles in terms of their pollutant emissions. Furthermore, the Directive applies the same test requirements as the ones that have been adopted for off-road mobile machinery and the emission limit values are also the same.

### III. ANALYSIS OF THE COMMON POSITION

#### 6. Preliminary comment

In establishing a common position, the Council has slightly modified the original Commission proposal seeking to make it clearer and changing certain deadlines, in particular as far as application dates are concerned (Article 4).

#### 7. Enacting terms

##### (a) *Recitals*

Recital 5 of the original Commission proposal has been deleted as a result of the deletion of Article 7 on tax incentives.

##### (b) *Article 4*

Article 4 has been completely redrafted as the Council considered that the original proposal on the timetable was not clear enough. Thus, precise dates for all categories of engines have been introduced in order to render the Directive more readable and to allow for more flexibility for manufacturers.



(c) *Previous Article 7*

The Council has decided to delete the original Article 7 on tax incentives as it seems unjustified to legislate on this in the field of agricultural tractors. Furthermore, the Council has found it best to follow Directive 97/68/EC which does not contain any provision on tax incentives.

(d) *Articles 3, 5 and 6*

The drafting of Articles 3, 5 and 6 differs slightly from the original Commission proposal as the Council found that the previous text lacked clarity.

(e) *Annex III*

In order to group the equivalencies with other EC regulations referred to in the Commission proposal, the Council has found it useful to add new Annex III on the recognition of alternative type-approvals.

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