



STATUTORY INSTRUMENTS.

**S.I. No. 531 of 2011**



EUROPEAN COMMUNITIES (AGRICULTURAL OR FORESTRY  
TRACTORS TYPE APPROVAL) REGULATIONS 2011

**(Prn. A11/1902)**

EUROPEAN COMMUNITIES (AGRICULTURAL OR FORESTRY  
TRACTORS TYPE APPROVAL) REGULATIONS 2011

I, SIMON COVENEY, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003<sup>1</sup> as amended by Council Directive 2004/66/EC of 24 April 2004<sup>2</sup>, Commission Directive 2005/13/EC of 21 February 2005<sup>3</sup>, Commission Directive 2005/67/EC of 18 October 2005<sup>4</sup>, Council Directive 2006/96/EC of 20 November 2006<sup>5</sup>, Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008<sup>6</sup>, Commission Directive 2010/22/EU of 15 March 2010<sup>7</sup>, Commission Directive 2010/62/EU of 8 September 2010<sup>8</sup>; Directive 2009/144/EC of the European Parliament and of the Council of 30 November 2009<sup>9</sup> and Commission Directive 2010/52/EU of 11 August 2010<sup>10</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Agricultural or Forestry Tractors Type Approval) Regulations 2011.

2. (1) In these Regulations—

“authorised officer” means—

- (a) a person appointed under Regulation 16,
- (b) a Member of an Garda Síochána, or
- (c) an officer of Customs and Excise;

“Minister” means Minister for Agriculture, Fisheries and Food;

“separate directives” means the directives listed in Annex II, Chapter B to the Tractor Directive and includes Directive 2009/144/EC of the European Parliament and of the Council of 30 November 2009 (as amended by Commission Directive 2010/52/EU of 11 August 2010 and Commission Directive 2010/62/EU of 8 September 2010);

<sup>1</sup>O.J. No. L 171, 09.7.2003 p.1

<sup>2</sup>O.J. No. L 168, 1.5.2004, p.35

<sup>3</sup>O.J. No. L 055, 01.3.2005 p.35

<sup>4</sup>O.J. No. L 273, 19.10.2005 p.17

<sup>5</sup>O.J. No. L 363, 20.12.2006 p.81

<sup>6</sup>O.J. No. L 311, 21.11.2008, p.1

<sup>7</sup>O.J. No. L 091, 10.4.2010 p.1

<sup>8</sup>O.J. No. L 238, 9.9.2010, p.7

<sup>9</sup>O.J. No. L 027, 30.1.2010, p.33

<sup>10</sup>O.J. No. L 213, 13.8.2010, p.37

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 21st October, 2011.*

“Tractor Directive” means Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 as amended by Council Directive 2004/66/EC of 26 April 2004, Commission Directive 2005/13/EC of 21 February 2005, Commission Directive 2005/67/EC of 18 October 2005, Council Directive 2006/96/EC of 20 November 2006, Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008, Commission Directive 2010/22/EU of 15 March 2010 and Commission Directive 2010/62/EU of 8 September 2010.

(2) A word or expression that is used in these Regulations and is also used in the Tractor Directive or in the separate directives has, in these Regulations, the same meaning as in the Tractor Directive or in the separate directives.

3. (1) These Regulations apply to a vehicle and to a component of such a vehicle, having a design speed of not less than 6 km/hr.

(2) These Regulations do not apply to—

- (a) approval of single vehicles,
- (b) machinery that has been specially designed for forestry use, such as skidders and forwarders as defined in standard ISO 6814:2000,
- (c) forestry machinery based on chassis for earthmoving equipment as defined in standard ISO 6165:2001,
- (d) interchangeable machinery that is fully raised from the ground when the vehicle to which it is attached is in use on a road,
- (e) vehicles intended for use by the defence forces, An Garda Síochána and the fire fighting services.

4. (1) A manufacturer of a vehicle or a component shall apply for an EC type-approval or for a multi stage EC type-approval for the vehicle or component in writing to the Minister.

(2) The manufacturer shall supply with the application an information folder containing the information laid down in Article 3 of the Tractor Directive and in accordance with the separate directives if so required.

(3) The manufacturer shall not make a similar application in another Member State in respect of the same type of vehicle or component.

5. (1) Where the Minister is satisfied that an application made under Regulation 4 meets the requirements set out in the Tractor Directive and the separate directives, the Minister may grant as appropriate—

- (a) the EC type-approval to the vehicle type,
- (b) the multi-stage EC type-approval to incomplete or completed base vehicles,

- (c) system, component or separate technical unit EC type-approval to types of systems, components or separate technical units, or,
- (d) an exemption, within the provisions set out in the Tractor Directive, as appropriate.

(2) Where an approval is granted under paragraph (1) the Minister may issue—

- (a) the appropriate type approval certificate as set out in the Tractor Directive, and
- (b) the appropriate approval mark as set out in the separate directives.

(3) The Minister may at any time withdraw an approval granted under paragraph (1) and a certificate or approval mark granted under paragraph (2).

(4) The manufacturer shall notify the Minister in writing of any alterations of the relevant aspects of design, construction, equipment or marking (other than alterations permitted by the type approval requirements).

(5) Where the manufacturer proposes to cease manufacturing the vehicle or component for which an approval has been granted, he or she shall notify the Minister in writing of that fact, indicating the relevant date and, where appropriate, the serial number of the last such vehicle or component manufactured by him or her.

6. Where the Minister is satisfied that an application made under Regulation 4 does not meet the requirements set out in the Tractor Directive or in the separate directives or there is insufficient information the Minister may refuse the application.

7. (1) The manufacturer of a vehicle in respect of which a type approval certificate has been issued and is in force shall, in respect of each vehicle manufactured in conformity with the approved vehicle type, complete and issue a certificate of conformity.

(2) The holder of an EC type-approval certificate for a system, component or separate technical unit, shall affix to each component or unit manufactured in conformity with the approved type the trade name or mark, the type and, if the separate directives so provide, the EC type-approval mark or number.

(3) The holder of an EC type-approval certificate for a vehicle shall not sell or supply a type approved new vehicle unless it is accompanied by a valid certificate of conformity.

8. A person shall not use on a component a mark which would be liable to cause confusion between a component in respect of which a type approval mark has been issued and is in force and another component.

9. (1) The Minister may approve a mark referred to in these Regulations as an EC type-approval mark in any case where the separate directives so provide.

(2) Where the Minister is satisfied that there has been a breach of a condition of a type approval mark he or she may cancel the type approval mark.

10. (1) Where the Minister—

(a) is satisfied after examination of at least two vehicles of a type that the Minister has granted a type approval certificate and—

(i) a certificate of conformity is in force, or

(ii) bear a type approval mark

and each such vehicle or component has not been manufactured so as to conform with the type approval, or

(b) is notified by the competent authority of another Member State that, in relation to a specified vehicle or component, the authority, after an examination of the kind mentioned in subparagraph (a), is satisfied that the vehicle or component has not been manufactured in conformity with the type approval,

the Minister may give notice of that fact to the manufacturer.

(2) A notice under this Regulation shall specify—

(a) in what respect the vehicles or components have been found not to conform,

(b) the steps that should be taken by the manufacturer to ensure that vehicles or components of the type in question conform and the period within which the Minister requires those steps to be taken, and

(c) that unless those steps are taken within that period the type approval certificate in question may be cancelled.

(3) Where after the expiration of a period specified under paragraph (2)(b) the Minister is not satisfied that all the steps so specified have been taken, the Minister may cancel the type approval certificate.

11. (1) If the Minister establishes that vehicles, systems, components or separate technical units of a particular type pose a serious risk to road safety or occupational safety although accompanied by a valid certificate of conformity or are properly marked, the Minister may, for a maximum period of six months, prohibit the sale or entry into service in the State of such vehicles, systems, components or separate technical units.

(2) A person shall not deviate from an EC type-approval without prior authorisation by the Minister and in accordance with the provision of Article 5 of the Tractor Directive.

12. (1) Where the Minister decides to cancel a type approval certificate or type approval mark the Minister shall give notice of the decision to the person to whom the certificate or mark was issued.

(2) A notice under this Regulation shall—

- (a) specify the date of cancellation of the certificate or mark,
- (b) notify the person of his or her right of appeal,
- (c) specify the grounds for the decision to cancel.

13. A person who—

- (a) has an application refused under Regulation 6, or
- (b) is the subject of a notice under Regulation 12,

may apply to the Minister for a review of the decision under Regulation 6 or 12 as appropriate in writing no later than 14 days from the date of the decision, stating the grounds on which the appeal is being made.

14. The Minister may designate testing stations for the testing of vehicles, components or systems for type approval under these Regulations and the cost of such testing, as determined by a testing station so designated, shall be borne by the applicant for type approval.

15. The manufacturer of a vehicle in respect of which a type approval certificate has been issued and is in force shall keep a record of every certificate of conformity issued by him or her including a record of the serial number of the certificate and of the manufacturer's identification number assigned to the vehicle.

16. (1) The Minister may, by instrument in writing, appoint such and so many persons or a class of persons as he or she thinks fit to be authorised officers for the purposes of some or all of the functions of an authorised officer as may be specified in the instrument.

(2) The Minister may terminate the appointment of an authorised officer whether or not the appointment was for a fixed period.

(3) An appointment as an authorised officer ceases—

- (a) if it is terminated pursuant to paragraph (2),
- (b) if it is for a fixed period, on the expiry of that period, or
- (c) if the person appointed is an officer of the Minister upon the person ceasing to be such an officer.

(4) Nothing in paragraph (3) is to be construed so as to prevent the Minister from reappointing as an authorised officer a person to whom paragraph (3) relates.

(5) An officer of the Minister shall furnish an authorised officer (other than an officer of Customs and Excise or member of the Garda Síochána) with a warrant of his or her appointment as an authorised officer and, when exercising a power conferred on him or her, the officer, officer of Customs and Excise or member of the Garda Síochána shall, if requested by a person affected, produce the warrant or evidence that he or she is such an officer or member to the person.

(6) The authorised officer may, at all reasonable times—

- (a) carry out or cause to be carried out such tests on a vehicle as he or she thinks fit for the purposes of these Regulations,
- (b) examine and take copies of any book, document or any other record in whatever form or of extracts from any such record,
- (c) examine and copy books, records, data or data material (within the meaning of the Data Protection Acts 1988 to 2003), extract information from any such data and take extracts from any such material,
- (d) require a person to give his or her name and address and such information or produce any book, certificate, document or other thing as the authorised officer considers necessary or expedient,
- (e) require the manufacturer to give assistance, to carry out such instructions and to give such information as may be reasonably necessary, and
- (f) seize and detain any vehicle that he or she has reasonable cause to suspect may be evidence of an offence under these Regulations.

(7) A person who forges or alters or, utters knowing it to be forged or altered with intent to defraud or deceive a document or record commits an offence.

(8) A person who obstructs or impedes an authorised officer in the exercise of his or her functions under paragraph (6) commits an offence.

17. (1) A person commits an offence and is liable on summary conviction to a Class A fine if he or she contravenes Regulation 4, 5(4), 5(5), 7, 8, 11(2), 15, 16(6), 16(7), 16(8) or the Tractor Directive or the separate directives.

(2) Where an offence under these Regulations is proved to have been committed with the consent or approval of a person who is a director, member of the committee of management or other controlling authority of a body corporate or a manager, secretary or other officer of the body corporate, or to have been facilitated by any neglect on the part of any such person, that person shall also

be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly.

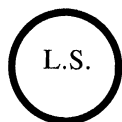
(3) An offence under these Regulations may be prosecuted by the Minister.

18. (1) The following are revoked—

(a) the European Communities (Agricultural or Forestry Tractors Type Approval) Regulations 2010 (S.I. No. 321 of 2010), and

(b) the European Communities (Agricultural or Forestry Tractors Type Approval) (Amendment) Regulations 2011 (S.I. No. 281 of 2011).

(2) An officer appointed under Regulation 16 of the European Communities (Agricultural or Forestry Tractors Type Approval) Regulations 2010 (S.I. No. 321 of 2010) as an authorised officer shall continue to be an authorised officer as though appointed under these Regulations.



GIVEN under my Official Seal,  
13 October 2011.

SIMON COVENEY,  
Minister for Agriculture, Fisheries and Food.



EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations implement the provisions of Commission Directive 2010/62/EU relating to power take-offs on agricultural and forestry tractors and consolidates all Regulations relating to the type approval of agricultural and forestry tractors.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

---

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased directly from the  
GOVERNMENT PUBLICATIONS SALE OFFICE  
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,  
or by mail order from  
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,  
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,  
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)  
or through any bookseller.

---

€3.05

