



STATUTORY INSTRUMENTS.

S.I. No. 621 of 2015



EUROPEAN COMMUNITIES (MACHINERY) (AMENDMENT)
REGULATIONS 2015

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I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, 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 partial effect to Regulation (EU) No. 167/2013 of the European Parliament and of the Council of 5 February 2013¹ hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Machinery) (Amendment) Regulations 2015.

(2) The Principal Regulations, the Regulations of 2011 and these Regulations may be cited together as the European Communities (Machinery) Regulations 2008 to 2015.

2. These Regulations come into operation on 1 January 2016.

3. In these Regulations—

“Principal Regulations” means the European Communities (Machinery) Regulations 2008 (S.I. No. 407 of 2008);

“Regulations of 2011” means the European Communities (Machinery) (Amendment) Regulations 2011 (S.I. No. 310 of 2011).

4. Regulation 3 of the Principal Regulations (as amended by Regulation 3(a)(i) of the Regulations of 2011) is amended—

(a) in paragraph (1) by substituting for the definition of “Directive” the following:

“‘Directive’ means Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006², as amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council of 18 June 2009³, Directive 2009/127/EC of the European Parliament and of the Council of 21 October 2009⁴ and Regulation (EU) No. 167/2013 of the European Parliament and of the Council of 5 February 2013¹;”,

(b) in paragraph (3) by substituting “Subject to paragraph (4) these Regulations” for “These Regulations”, and

¹OJ No. L 60, 2.3.13, p. 1.

²OJ No. L 157, 9.6.2006, p. 24.

³OJ No. L 188, 18.7.2009, p. 14.

⁴OJ No. L 310, 25.11.2009, p. 29.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 5th January, 2016.*

(c) by inserting after paragraph (3), the following paragraph—

“(4) Tractors covered by type approval legislation under Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003⁵ put into service prior to 1 January 2018 shall be subject to these Regulations for risks not covered by that Directive”.

5. Regulation 4 of the Principal Regulations is amended by substituting “putting it into service” for “putting it into use”.

6. Schedule 12 of the Principal Regulations is amended by substituting for the first indent of paragraph (e) the following paragraph:

“— agricultural and forestry tractors, with the exclusion of machinery mounted on those vehicles,”



GIVEN under my Official Seal,
22 December 2015.

RICHARD BRUTON,
Minister for Jobs, Enterprise and Innovation.

⁵OJ No. L 171, 9.7.2003, p. 1.

EXPLANATORY NOTE

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

These Regulations transpose in Irish law an amendment to Directive 2006/42/EC on machinery that was given effect by Article 77 of Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles.

These Regulations also amend the European Communities (Machinery) Regulations 2008 (S.I. No. 407 of 2008) that gave effect to Directive 2006/42/EC and which were subsequently amended by the European Communities (Machinery) (Amendment) Regulations 2011 (S.I. No. 310 of 2011) that gave effect to Directive 2009/127/EC with regard to machinery for pesticide application.

In particular, the provisions to give effect to Regulation (EU) No. 167/2013 will come into effect from 1 January 2016. From that date Directive 2006/42/EC will no longer apply to new type approved tractors since such vehicles will be completely excluded from that Directive in accordance with Article 77 of Regulation (EU) No. 167/2013.

New tractors covered by existing type approval legislation (Directive 2003/37/EC) may continue to be registered until 31 December 2017 and such vehicles are subject to the requirements of Directive 2006/42/EC.

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