

Directive 2009/76/EC of the European Parliament and of the Council of 13 July 2009 relating to the driver-perceived noise level of wheeled agricultural or forestry tractors (Codified version) (Text with EEA relevance) (repealed)

*Article 1*

1 For the purposes of this Directive, ‘tractor’ (agricultural or forestry) means any motor vehicle, fitted with wheels or endless tracks and having at least two axles, the main function of which lies in its tractive power and which is specially designed to tow, push, carry or power certain tools, machinery or trailers intended for agricultural or forestry use. It may be equipped to carry a load and passengers.

2 This Directive shall apply only to tractors defined in paragraph 1 which are equipped with pneumatic tyres and have a maximum design speed of between 6 and 40 km/h.

*Article 2*

1 No Member State may refuse to grant EC type-approval or national type-approval of any type of tractor on grounds relating to the driver-perceived noise level if that level is within the following limits:

— 90 dB(A) in accordance with Annex I,

or

— 86 dB(A) in accordance with Annex II.

2 With respect to vehicles which do not comply with the requirements laid down in this Directive, and on grounds relating to the subject-matter of this Directive, Member States:

— shall no longer grant EC type-approval,

— may refuse to grant national type-approval.

3 With respect to new vehicles which do not comply with the requirements laid down in this Directive, and on grounds relating to the subject-matter of this Directive, Member States:

— shall consider certificates of conformity which accompany new vehicles in accordance with the provisions of Directive 2003/37/EC to be no longer valid for the purposes of Article 7(1) of that Directive,

— may refuse the registration, sale or entry into service of those new vehicles.

4 No Member State may refuse to register or prohibit the sale, entry into service or use of any tractor on grounds relating to the driver-perceived noise level if that level is within the following limits:

— 90 dB(A) in accordance with Annex I,

or

— 86 dB(A) in accordance with Annex II.

*Article 3*

For the purposes of this Directive, ‘cab’ means any structure built of rigid components, transparent or not, which totally encloses the driver and isolates him from the outside, and is capable of being kept permanently closed during service.

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*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

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#### *Article 4*

Member States shall take all necessary measures to ensure that in both the sales presentation and advertising there is nothing to suggest that the tractors have features regarding the driver-perceived noise level which they do not in fact possess.

#### *Article 5*

The amendments necessary to adapt to technical progress the requirements of Annexes I, II and III shall be adopted in accordance with the procedure referred to in Article 20(3) of Directive 2003/37/EC.

#### *Article 6*

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

#### *Article 7*

Directive 77/311/EEC, as amended by the acts listed in Part A of Annex IV, is repealed, without prejudice to the obligations of the Member States concerning the time-limits for transposition into national law and application of the Directives set out in Part B of Annex IV.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex V.

#### *Article 8*

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2010.

#### *Article 9*

This Directive is addressed to the Member States.

Done at Brussels, 13 July 2009.

*For the European Parliament*

*The President*

H.-G. PÖTTERING

*For the Council*

*The President*

E. ERLANDSSON