

SUPPORT YOU IN DESIGNING, EXHIBITING, OR TESTING AGRICULTURAL MACHINERY RULES

APRIL 2020



DESIGN

What work equipment am I designing? A tractor or a machine?

Design rules vary according to the type of equipment.

A TRACTOR IS:

- A motorised agricultural or forestry vehicle:
- with wheels or tracks;
 - with at least two axles;
 - maximum speed per construction of 6 kph or more;
 - with an essential traction power function;
 - specifically designed to pull, push, carry, or operate certain interchangeable equipment intended for agricultural or forestry uses or to tow agricultural or forestry trailers;
 - can be equipped to carry a load in an agricultural or forestry situation and be fitted with passenger seats.

A MACHINE IS:

An assembly, fitted with or intended to be fitted with a drive system other than directly applied manual or animal effort, consisting of linked parts or components, at least one of which moves, and which are joined together for a specific application.

What rules must I follow?

Article L. 4311-1 et seq. of the French Labour Code lays down the principles: work equipment is designed and built so as not to put people, animals, property, and the environment at risk.

TRACTOR: APPROVAL BY BODIES

A tractor is designed in compliance *with Regulation (EU) 167/2013 or Decree 2005-1236 of 30 September 2005, as amended*, providing for:

- a **risk assessment** on the type of tractor controlled and resulting in **approval of compliance** with both occupational health and safety and road safety requirements;
- requirements defined by **delegated regulations** describing specifications or referring to standards (ISO or EN) and OECD codes;
- a **technical file**.

As a minimum, the following documents must be provided with a tractor:

- certificate of conformity with the approved type;
- tractor marking and type;
- user manual printed in French for the French market.

Tools to help you:

- [le guide juridique](#) regulation on agricultural and forestry vehicles issued by the French Ministry of Agriculture and Food;
- UTAC CERAM.

MACHINE: SELF-CERTIFICATION

(except for machines listed in Article R. 4313-78 of the French Labour Code)

A machine is designed in compliance with *Directive 2006/42/EC on machinery* providing for:

- a **risk assessment** carried out by the manufacturer;
- use of **harmonised standards** giving presumption of conformity to directive's essential health and safety requirements, or failing this, other standards;
- a **technical file**.

As a minimum, the following documents must be provided with a machine:

- EC declaration of conformity;
- machine marking and **CE** marking;
- instruction manual in French.

Road use:

- a mobile machine intended to be used on public roads requires a road type approval (*Articles R. 311-1 and R. 321-1 to R. 321-25 of the French Highway Code and French Order of 19 December 2016 on the approval of agricultural and forestry vehicles*).

Tools to help you:

- the INRS's website, section '[Conception et utilisation des équipements de travail](#)' and guides: [ED 6154](#), [ED 54](#), [ED 6122](#), and [ED 6129](#).

EXHIBITION

It is **forbidden to sell, exhibit, rent, or loan** non-conforming work equipment (*Article L. 4311-3 of the French Labour Code*), but this **can be derogated from** (prototype, imported equipment, for example) with the obligation of affixing a warning (*Article L. 4311-4 of the French Labour Code and French Order of 22 October 2009 defining the characteristics of the warning*).

Examples of warning:

WARNING!
Machine under design,
non-compliant

WARNING!
Tractor pending approval

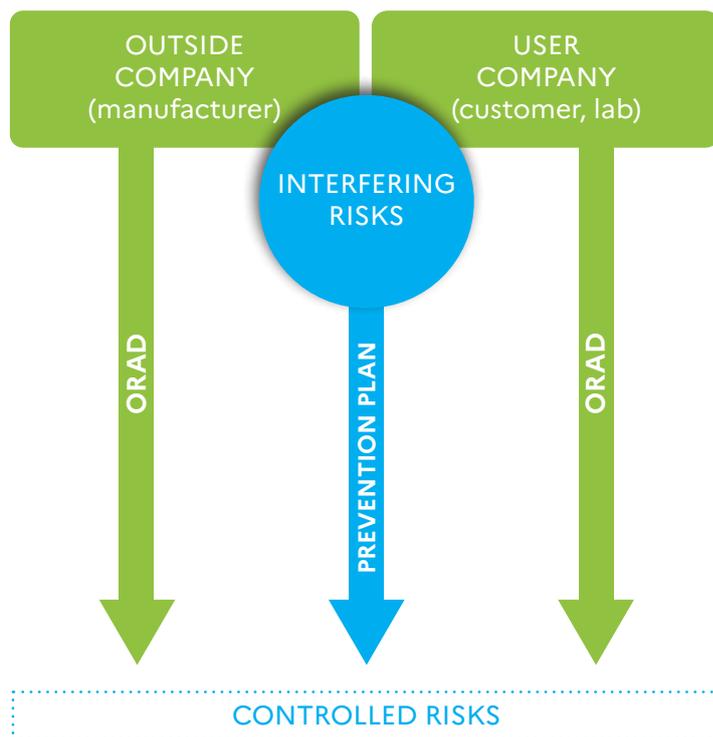
WARNING!
Machine intended
for the non-EU market

DEMONSTRATION — TESTS

GENERAL SAFETY OBLIGATION FOR ALL EMPLOYERS

- It is **forbidden to use non-compliance work equipment**, other than for demonstration purposes only, but it is **possible derogate from this** by taking compensatory measures and affixing a warning (*Articles L. 4321-2 and L. 4321-3 of the French Labour Code*).
- The **Occupational Risk Assessment Document (ORAD)** covers the risks relating to the trades of each company (*Article R. 4121-1 of the French Labour Code*).
- During a demonstration or test, a **prevention plan** makes it possible to assess the interfering risks and the implementation of prevention means (*Articles R. 4511-1 to R. 4511-12, R. 4512-1 to R.4512-16, and R. 4513-1 to R. 4513-8 of the French Labour Code*). To support you, INRS has published Guide [ED 941](#).

In order to be used **on public roads**, all vehicles must be **approved and registered**, but this **may be derogated from** with a **W garage** (*Articles R. 322-1 and R. 322-3 of the French Highway Code and French Order of 9 February 2009, as amended, on vehicle registration - Art.9*).



PENALTIES FOR BREACHES

Work equipment manufacturers may be subject to **criminal prosecution** for offences set out in:

- **the French Criminal Code** (damage to the physical integrity of people);
- **the French Labour Code** (non-compliance with safety rules). The latter also provides for **administrative penalties**.

CRIMINAL PENALTIES

› French Labour Code:

- *Article L. 4741-9*: €3,750 fine, €9,000 for a repeated infringement, and 1 year imprisonment.

› French Criminal Code:

- *Article 223-1* (endangering other persons): 1 year imprisonment and €15,000;
- *Article 222-20* (accident causing total incapacity to work of three months or less): 1 year imprisonment and €15,000;
- *Article 222-19* (accident causing a total incapacity to work in excess of three months): 3 years imprisonment and €45,000;
- *Article 221-6* (accident causing death): 5 years imprisonment and €75,000.

ADMINISTRATIVE PENALTIES

Articles L. 4314-1 and R. 4314-1 to R. 4314-5 of the French Labour Code: prohibition of marketing, withdrawal, or recall of non-compliant work equipment (safeguard clause).