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 a main 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 human 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 and 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](https://example.com), [ED 6154](https://example.com), [ED 6122](https://example.com), and [ED 6129](https://example.com).
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 written in French (Article L. 4311-4 of the French Labour Code and French Order of 22 October 2009 defining the characteristics of the warning).

Examples of warnings for non-conforming work equipment in France:

- **ATTENTION !** Machine en cours de conception, non-conforme
- **ATTENTION !** Tracteur en cours d’homologation
- **ATTENTION !** Machine destinée au marché hors UE

### GENERAL SAFETY OBLIGATION FOR ALL EMPLOYERS

- It is forbidden to use non-compliance work equipment, other than for demonstration purposes only, but this may be derogated 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 (DUER in French) 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).