



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

A8-0276/2015

30.9.2015

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council on requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery (COM(2014)0581 – C8-0168/2014 – 2014/0268(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Elisabetta Gardini

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery
(COM(2014)0581 – C8-0168/2014 – 2014/0268(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0581),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0168/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 18 February 2015¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on the Internal Market and Consumer Protection (A8-0276/2015),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

Amendment 1

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) This Regulation should contain substantive requirements relating to emission limits and EU type-approval procedures for engines to be installed in non-road mobile machinery. The main elements of the relevant requirements of this Regulation are based on the results of the impact assessment of 20 November 2013 carried out by the Commission analysing different options by listing possible advantages and disadvantages in terms of economic, environmental, safety and societal aspects. Both qualitative and quantitative aspects were included in that analysis. After comparison of the different options, the preferred options were identified and chosen to form the basis for this Regulation.

Amendment

(5) This Regulation should contain substantive requirements relating to emission limits and EU type-approval procedures for engines to be installed in non-road mobile machinery (*NRMM*). The main elements of the relevant requirements of this Regulation are based on the results of the impact assessment of 20 November 2013 carried out by the Commission analysing different options by listing possible advantages and disadvantages in terms of economic, environmental, *and health effects, and* safety and societal aspects. Both qualitative and quantitative aspects were included in that analysis. After comparison of the different options, the preferred options were identified and chosen to form the basis for this Regulation.

Amendment 2

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) This Regulation aims to lay down harmonised rules for the EU type-approval of engines to be installed in non-road mobile machinery, with a view to ensuring the functioning of the internal market. For these purposes, new emission limits should be established to reflect technological progress and ensure convergence with Union policies in the on-road sector, with a view to achieving Union air quality targets

Amendment

(6) This Regulation aims to lay down harmonised rules for the EU type-approval of engines to be installed in non-road mobile machinery, with a view to ensuring the functioning of the internal market *in the broader context of the ongoing review of Union air quality policy*. For these purposes, new emission limits should be established, *which should be applicable also to agricultural machinery*, to reflect

and reducing the emissions from non-road mobile machinery, thus resulting in a more proportionate share of machinery emissions in relation to road vehicle emissions. The scope of Union legislation in this field should be broadened, with a view to improving market harmonisation at **EU** and international level and minimising the risk of market distortions. In addition, this Regulation aims to simplify the current legal framework, including measures for simplifying administrative procedures, and to improve the general conditions for enforcement, in particular by strengthening the rules on market surveillance.

technological progress and ensure convergence with Union policies in the on-road sector, with a view to achieving Union air quality targets and reducing the emissions from non-road mobile machinery **and agricultural vehicles**, thus resulting in a more proportionate share of machinery emissions in relation to road vehicle emissions. The scope of Union legislation in this field should be broadened, with a view to improving market harmonisation at **Union** and international level and minimising the risks of market distortions **and of adverse health effects**. In addition, this Regulation aims to simplify the current legal framework, including measures for simplifying administrative procedures, and to improve the general conditions for enforcement, in particular by strengthening the rules on market surveillance.

Amendment 3

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In addition to broadening the scope of Union legislation in the field of market harmonisation, while minimising market distortions, this Regulation aims to simplify the current legal framework, including measures for simplifying administrative procedures, and to improve the general conditions for enforcement, in particular by strengthening the rules on market surveillance.

Amendment 4

Proposal for a regulation

Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) The Commission White Paper ‘Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system’^{1a} highlights the particular role to be played by railways and inland waterways in achieving climate targets. Given the air pollution-related deficit in those modes of transport, the Commission and Member States, within their respective remits, should provide different ways of supporting innovation in emission technology so that further expanding the volume of freight shifted to rail and inland waterways goes hand-in-hand with an improvement in terms of healthy air in Europe.

^{1a} Commission White Paper ‘Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system’ of 28.3.2011, COM(2011) 144 final.

Justification

Das jährliche Berichtssystem der Europäischen Umweltagentur zu Umweltauswirkungen im Verkehr (TERM) weist auf Defizite bei der Luftreinhaltung (Feinstaub, Stickoxide, Schwefel) bei Eisenbahn und vor allem der Binnenschifffahrt hin. Beide Verkehrsträger werden aber klimapolitisch benötigt. Da mit vorliegendem NRMM-Vorschlag eine Weichenstellung für die Auswirkung von Eisenbahn und Binnenschifffahrt auf die Luftreinhaltung bis 2040 in der EU vorgenommen wird, müssen abgastechnische Innovationen durch Fördermöglichkeiten auf Ebene der EU und in den Mitgliedsstaaten einhergehen.

Amendment 5

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) ***Achieving*** the Union's air quality

(10) ***The sustainable achievement of the***

objectives requires a continuous effort to reduce *engine emissions*. For that reason, manufacturers should be provided with clear information on future emission limit values and should be afforded an appropriate period of time in which to attain them and pursue the requisite technical developments.

Union's air quality *and air protection* objectives *between now and 2020 and beyond that date* requires a continuous effort to reduce *emissions from various types of engines*. For that reason manufacturers should be provided with clear *and comprehensive* information on future emission limit values *in advance* and should be afforded an appropriate period of time in which to attain them and pursue the requisite technical developments

Amendment 6

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Sustainable reduction of emissions from engines requires the constant intensification of direct cooperation between manufacturers and other related businesses on the one hand and well-established scientific research institutions on the other. Such cooperation has a significant role in the development of new products and technologies that have a positive impact on the improvement of air quality.

Amendment 7

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) In order to guarantee an optimum level of protection for persons working in the vicinity of machinery and to keep the cumulative exposure of persons working in the vicinity of several different items of mobile machinery and equipment as low as possible, state-of-the-art technologies

should be used to minimise emissions.

Amendment 8

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) It is **appropriate** to encourage the introduction of alternative fuel vehicles, which can have low NOx and particulate emissions. Thus, limit values for total hydrocarbons should be adapted in order to take into account non-methane hydrocarbons and methane emissions.

Amendment

(14) It is **necessary** to encourage the introduction of alternative fuel vehicles, which can have low NOx and particulate emissions. Thus, limit values for total hydrocarbons should be adapted in order to take into account non-methane hydrocarbons and methane emissions.

Amendment 9

Proposal for a regulation

Recital 14 b (new)

Text proposed by the Commission

Amendment

(14b) This Regulation should be without prejudice to measures at national or Union level regarding the use of engines or non-road mobile machinery that are in conformity with this Regulation if such measures are necessary and proportionate for health and safety at work and are necessary to avoid health hazards for workers affected by emissions produced by such engines in certain applications.

Justification

It should be allowed for Member States to prohibit the use of combustion engines for reasons of health and safety at work, in particular in poor air quality hotspots

Amendment 10

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) In order to ensure that emissions of ultrafine particulate pollutants (size of 0,1 µm and below) are controlled, the Commission should be empowered to adopt a number-based approach to emissions of particulate pollutants, in addition to the mass-based approach which is currently used. The number-based approach to emissions of particles should draw on the results of the Particulate measurement programme (PMP) of the United Nations Economic Commission for Europe (UNECE) and be consistent with the existing ambitious objectives for the environment.

Amendment

(15) In order to ensure that emissions of ultrafine particulate pollutants (size of 0,1 µm and below) are controlled, the Commission should be empowered to adopt a number-based approach to emissions of particulate pollutants, in addition to the mass-based approach which is currently used. The number-based approach to emissions of particles should draw on the results of the Particulate measurement programme (PMP) of the United Nations Economic Commission for Europe (UNECE) **and should achieve at least the level of protection afforded by the existing Union legislation on road vehicles. In addition, it should support the requirement to minimise emissions of carcinogenic substances, thus protecting workers,** and **should** be consistent with the existing ambitious objectives for the environment.

Justification

Der Stand der Technik beim Partikelzahlansatz (PN) wird im NRMM-Vorschlag der Kommission (PN = 1x10¹²) nicht erreicht, obwohl dies bei den Emissionsgrenzwerten (PN= 6.0x10¹¹) für die Typisierung von Motoren bei leichten Kraftfahrzeugen (VO 715/2007) und schweren Nutzfahrzeugen (VO 595/2009) seit Jahren der Fall ist und erwiesenermaßen sich auch schon technisch einwandfrei bei NRMM-Motoren (z.B. Schweiz) bewährt hat. Sollte der Kommissionsvorschlag hier nicht abgeändert werden, würde eine bereits veraltete Technik ab den 2020-er Jahren vorgeschrieben werden! Damit wird wider besseres Wissens die Gesundheit und der Schutz vor allem bei betroffenen ArbeitnehmerInnen vor der gefährlichsten Feinstaubfraktion beeinträchtigt, obwohl Hersteller heute schon sowohl Motoren für leichte Kfz, Lkw und Industriemotoren für NRMM-Maschinen gleichermaßen produzieren. Der EU-Gesetzgeber muss daher für On-road und Off-road den gleichen Standard vorschreiben und in den NRMM-Anhängen den PN nach Stand der Technik einfügen!

Amendment 11

Proposal for a regulation Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Given the long lifetimes of non-road mobile machinery it is appropriate to consider retrofitting the engines already in service. Such retrofitting should in particular target densely populated urban areas and those in breach of Union air quality legislation. To ensure a comparable and ambitious level of retrofitting, Member States should take into account the principles of UNECE Regulation 132 on Retrofit Emission Control (REC).

Amendment 12

Proposal for a regulation Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) Where appropriate, synergies should be sought between the reduction of gaseous and particulate emissions in engines installed in non-road mobile machinery and emission standards as applied in heavy-duty vehicles (HDVs), as the related technologies are interlinked. Such future harmonisation could help to improve economies of scale and improve air quality. Where such standards for NRMM are not immediately achievable, the Commission should consider further action.

Amendment 13

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) In order to better control actual in-use emissions and to prepare the in-service conformity process, a testing methodology for monitoring the emission performance requirements based on the use of portable emission measurement systems should be adopted *within an appropriate timeframe*.

Amendment

(18) In order to better control actual in-use emissions and to prepare the in-service conformity process, a testing methodology for monitoring the emission performance requirements based on the use of portable emission measurement systems should be adopted *by the end of 2017*.

Amendment 14

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) Engines which are in compliance with and covered by the scope of the new rules on emission limits and EU type-approval procedures should be permitted to be placed on the market in the Member States; those engines should not be subject to any other national emission requirement. Member State granting approvals should take *the necessary* verification measures *in order to ensure the identification of engines produced under each* EU type-approval.

Amendment

(20) Engines which are in compliance with and covered by the scope of the new rules on emission limits and EU type-approval procedures should be permitted to be placed on the market in the Member States; those engines should not be subject to any other national emission requirement *governing their placing on the market*. Member State granting approvals should take verification *and control* measures, *where circumstances so require, for the import and supply of engines on the Union market, so as to ensure that they conform to* EU type-approval *requirements in each case. This should be without prejudice to the right of Member States to encourage or restrict the use of engines placed on the market, provided that the methods chosen are not discriminatory and are objectively justified*.

Justification

Identification of engines types entering the EU market must be done on import. This is the safest, most effective and cheapest way to identify and control all such engine types. Compliance with EU standards can be verified with the help of accompanying import documents.

Amendment 15

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) A limited number of exemptions should be granted to address the specific needs related to armed forces, logistic supply constraints, field testing of prototypes and the use of machinery in explosive atmospheres.

Amendment

(21) A limited number of exemptions should be granted to address the specific needs related to armed forces, logistic supply constraints, field testing of prototypes, ***certain replacement engines, engines for certain types of projects in the railway sector*** and the use of machinery in explosive atmospheres.

(See amendments on Article 32(4a) (new) and (4b) (new).)

Amendment 16

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) As a consequence, UNECE regulations and the amendments thereto which the Union has voted in favour of or to which the Union has acceded, in application of Decision 97/836/EC, should be recognized as equivalent to EU type-approvals granted under this Regulation. Accordingly, the Commission should be empowered to adopt delegated acts in order to determine which UNECE regulations will apply to EU type-approvals.

Amendment

(25) As a consequence, UNECE regulations and the amendments thereto which the Union has voted in favour of or to which the Union has acceded, in application of Decision 97/836/EC, should be recognized as equivalent to EU type-approvals granted under this Regulation. Accordingly, ***in order to align this Regulation as closely as possible to agreed UNECE texts***, the Commission should be empowered to adopt delegated acts in order to determine which UNECE regulations will apply to EU type-approvals.

Amendment 17

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to supplement this Regulation with further technical details, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of engine families, tampering, monitoring of in-service emission performance, technical tests and measurement procedures, conformity of production, separate delivery of an engine's exhaust after-treatment system, engines for field-testing, engines for use in hazardous atmospheres, equivalence of engine type-approvals, information for OEMs and end-users, *self-testing*, standards and assessment of technical services, fully and partially gaseous fuelled engines, measurement of the particulate number and test cycles. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment

(27) In order to supplement this Regulation with further technical details, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of engine families, tampering, monitoring of in-service emission performance, technical tests and measurement procedures, conformity of production, separate delivery of an engine's exhaust after-treatment system, engines for field-testing, engines for use in hazardous atmospheres, equivalence of engine type-approvals, information for ***Original Equipment Manufacturers*** (OEMs) and end-users, standards and assessment of technical services, fully and partially gaseous fuelled engines, measurement of the particulate number and test cycles ***and the assessment of the yearly production of OEMs***. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment 18

Proposal for a regulation

Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) This Regulation should also apply to agricultural vehicles covered by the provisions of Regulation (EU) No. 167/2013 of the European Parliament and of the Council^{1a}, replacing those of

the repealed Directive 97/68/EC. Given the combined effect of the Stage IV postponement for agricultural tractors of categories T2, T4.1 and C2 and the Stage V application dates, Stage IV would have a duration of only 2 years and 3 months. In order to avoid unnecessary administrative burden, Stage IIIB engines should be allowed to benefit from the transition clauses defined in this Regulation in view of Stage V application requirements.

^{1a} OJ L 60, 2.3.2013, p. 1–51.

Justification

Directive 2011/87/EU granted a delay of the Stage IIIB and IV compulsory dates to agricultural and forestry tractors belonging to categories T2, T4.1 and C2. The Stage V compulsory dates defined by this Regulation make Stage IV not sustainable economically for manufacturers, as two tractors redesigns in about two years represent an economic burden without environmental benefit. Tractors of these categories meeting the Stage IIIB requirements should thus be allowed to have access to the Stage V transition period.

Amendment 19

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) the propulsion of inland waterway vessels of net power less than 37 kW;

Amendment

(e) the propulsion, **or for auxiliary purposes**, of inland waterway vessels of net power less than 37 kW;

Amendment 20

Proposal for a regulation

Article 3 – paragraph 1 – point 6

Text proposed by the Commission

(6) “engine” means an energy converter other than a gas turbine **in which combustion of the fuel takes place in a**

Amendment

(6) “engine” means an energy converter, other than a gas turbine, **designed to transform chemical energy (input) into**

confined space, producing expanding gases that are used directly to provide mechanical power, for which EU type-approval may be granted; it includes the emission control system and the communication interface (hardware and messages) between the engine system electronic control unit(s) (***ECU***) and any other powertrain or vehicle control unit necessary to comply with Chapters II and III;

mechanical energy (output) with an internal combustion process; including, where installed, the emission control system and the communication interface (hardware and messages) between the engine system electronic control unit(s) and any other powertrain or vehicle control unit necessary to comply with Chapters II and III;

Justification

It is necessary to clarify the definition in order to cover all engine technologies, in particular with a view to whether or not they use ECU's or after-treatment systems.

Amendment 21

Proposal for a regulation

Article 3 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) "replacement engine" means an engine which:

(a) is placed on the market exclusively to replace an engine already placed on the market and installed in a non-road mobile machine; and

(b) complies with an emission stage which is lower than the one applicable on the date on which the engine is replaced;

Amendment 22

Proposal for a regulation

Article 3 – paragraph 1 – point 29

Text proposed by the Commission

Amendment

(29) “transition period” means the first ***eighteen*** months following the date of mandatory implementation of Stage V, as referred to in Article 17(2);

(29) “transition period” means the first ***twenty-four*** months following the date of mandatory implementation of Stage V, as referred to in Article 17(2);

Justification

Non-road mobile machinery needs to be redesigned in order to be able to accommodate the larger stage V engines. Therefore, a longer transition period is necessary.

Amendment 23

Proposal for a regulation

Article 3 – paragraph 1 – point 43 a (new)

Text proposed by the Commission

Amendment

(43a) “advanced emission technology (AET)” and “enhanced environment-friendly engine” (EEE) mean an engine installed in non-road mobile machinery, as defined in point 1 of this Article, and which complies with the emission limit values set out in Annex IIa.

Amendment 24

Proposal for a regulation

Article 3 – paragraph 1 – point 43 b (new)

Text proposed by the Commission

Amendment

(43b) "mobile crane" means a self-powered jib crane capable of travelling, loaded or unloaded, without the need for fixed runways and relying on gravity for stability, unless excluded from the scope of this Regulation pursuant to point (a) of Article 2(2). It operates on tyres, crawlers or with other mobile arrangements. In fixed positions it may be supported by outriggers or other accessories increasing its stability. The superstructure of a mobile crane may be of the type of full-circle slewing, of limited slewing or non-slewing. It is normally equipped with one or more hoists and/or hydraulic cylinders for lifting and lowering the jib and the load. Mobile cranes are equipped either with telescopic jibs, with articulated jibs, with lattice jibs, or a combination of these,

of a design such that they may readily be lowered. The loads suspended from the jib may be handled by hook block assemblies or other load-lifting attachments for special services;

Justification

(Technical adjustment) This definition of "mobile crane" stems from Annex I, item 38, of Directive 2000/14/EC (Noise Directive).

Amendment 25

Proposal for a regulation

Article 3 – paragraph 1 – point 72

Text proposed by the Commission

Amendment

(72) “self-testing” means the performance of tests in his or her own facilities, the registration of the test results and the submission of a report, including conclusions, to the approval authority by a manufacturer who has been designated as technical service in order to assess the compliance with certain requirements;

deleted

Justification

Self-testing is not feasible with regard to the testing of engines. It is only feasible with regard to the testing of machinery or vehicles.

Amendment 26

Proposal for a regulation

Article 4 – paragraph 1 – point 1 – point b

Text proposed by the Commission

Amendment

(b) engines with a reference power of less than 560 kW used in place of engines of categories IWP, RLL or RLR;

*(b) engines with a reference power of less than 560 kW used in place of engines of categories **IWA**, IWP, RLL or RLR;*

Justification

The amendment to table I-6 in annex II applies the same emission limit values as inland

waterways propulsion engines to inland waterways auxiliary engines for all powers. This amendment will allow a land-based units of <560kW to optionally be used where they can be applied. Such land based units have lower emission limit values than the ones proposed in amendment to table I-6 in annex II.

Amendment 27

Proposal for a regulation

Article 4 – paragraph 1 – point 5 – point a

Text proposed by the Commission

(a) engines exclusively for use in inland waterway vessels, for their propulsion or intended for their propulsion, ***having a reference power that is greater than or equal to 37 kW,***

Amendment

(a) engines exclusively for use in inland waterway vessels, for their propulsion or intended for their propulsion,

Justification

There is no 37 kW minimum in the US regulation 40CFR1042. Removal of this exclusion allows full alignment with the US regulation. This amendment aligns inland waterways propulsion engine reference power with US 40CFR1042 marine emission limit regulation allowing engines developed for the US market to be supplied, yet still provides an 80 % reduction in emissions from current inland waterway propulsion engine emission limits.

Amendment 28

Proposal for a regulation

Article 4 – paragraph 1 – point 5 – point b

Text proposed by the Commission

(b) engines ***with a reference power greater than 560 kW*** used in place of engines of category IWA subject to complying with the requirements of Article 23(8);

Amendment

(b) engines used in place of engines of category IWA subject to complying with the requirements of Article 23(8);

Justification

The amendment to table I-6 in annex II expands the application of the same emission limit values as inland waterways propulsion engines to inland waterways auxiliary engines from >560kW only to include all powers. This amendment aligns the text to allow an inland waterways propulsion engine that has been certified to the correct cycle to be used as an auxiliary engine in line with that principle.

Amendment 29

Proposal for a regulation

Article 4 – paragraph 1 – point 6 – introductory part

Text proposed by the Commission

(6) 'Category IWA', comprising engines exclusively for use in inland waterway vessels, for auxiliary purposes or intended for auxiliary purposes, ***having a net power that is greater than 560 kW.***

Amendment

(6) 'Category IWA', comprising engines exclusively for use in inland waterway vessels, for auxiliary purposes or intended for auxiliary purposes.

Justification

Our amendment to table I-6 in annex II expands the application of the same emission limit values as inland waterways propulsion engines to inland waterways auxiliary engines from >560kW only to include all powers. This amendment aligns the text with this same principle.

Amendment 30

Proposal for a regulation

Article 4 – paragraph 1 – point 8

Text proposed by the Commission

(8) 'Category RLR', comprising ***engines exclusively for use in railcars, for their propulsion or intended for their propulsion;***

Amendment

(8) 'Category RLR', comprising:

(a) engines exclusively for use in railcars, for their propulsion or intended for their propulsion;

(b) engines used in place of engines of category RLL;

Justification

Engines of the type used in railcars may also be used in locomotives and should not be subject to unnecessary double approval.

Amendment 31

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall establish or appoint the approval authorities competent in matters concerning approval and the market surveillance authorities competent in matters concerning market surveillance in accordance with this Regulation. Member States shall notify the Commission of the establishment and appointment of such authorities.

Amendment

1. Member States shall establish or appoint the approval authorities competent in matters concerning approval and the market surveillance authorities competent in matters concerning market surveillance, ***including in-service testing referred to in Article 18***, in accordance with this Regulation. Member States shall notify the Commission of the establishment and appointment of such authorities.

Amendment 32

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In urban areas not complying with the limit values as laid down in Directive 2008/50/EC, Member States shall, as part of the development of air quality plans under Article 23 of that Directive, assess the need to take measures, not entailing disproportionate costs, to ensure retrofitting with the latest emission abatement technology of existing engines installed in non-road mobile machinery. Such retrofitting shall be done with a view to achieving Stage V requirements.

Amendment 33

Proposal for a regulation

Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. This Regulation shall be without prejudice to Member States' entitlement to lay down, in due observance of the

Treaties, such requirements as they may deem necessary to ensure that workers are protected when using the machinery referred to in this Regulation, provided that such requirements do not affect the placing on the market of the engines in question.

Amendment 34

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. Approval authorities shall make public by means of the Union central administrative platform referred to in Article 41, a register of all engine types and engine families, for which they have granted EU type-approval, containing at least the following information: trademark, designation of manufacturer, engine category, number of type-approval, and date of type-approval.

Amendment

3. Approval authorities shall make public by means of the Union central administrative platform referred to in Article 41, a register of all engine types and engine families, for which they have granted EU type-approval, containing at least the following information: trademark, designation of manufacturer, engine category, number of type-approval, and date of type-approval, *as well as technical parameters.*

Amendment 35

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

For EU type-approved engines, market surveillance authorities shall perform, on an adequate scale and on the basis of *adequate* samples, documentary checks and, where appropriate, physical and laboratory checks of engines. When doing so, they shall take account of established principles of risk assessment, of any complaints and of other relevant information.

Amendment

For EU type-approved engines, market surveillance authorities shall perform, on an adequate scale and on the basis of *a significant percentage of* samples, documentary checks and, where appropriate, physical and laboratory checks of engines. When doing so, they shall take account of established principles of risk assessment, of any complaints and of other relevant information.

Amendment 36

Proposal for a regulation Article 8 – paragraph 6

Text proposed by the Commission

6. In addition to the marking affixed to their engines in accordance with Article 31, manufacturers shall indicate on their engines made available on the market their name, registered trade name or registered trade mark and the address in the Union at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the engine.

Amendment

6. In addition to the marking affixed to their engines in accordance with Article 31, manufacturers shall indicate on their engines made available on the market their name, registered trade name or registered trade mark, ***technical parameters*** and the address in the Union at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the engine.

Amendment 37

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

5. Importers shall make available instructions ***and*** information, as required in accordance with Article 41.

Amendment

5. Importers shall make available instructions, information ***and any supporting documentation***, as required in accordance with Article 41.

Amendment 38

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. The gaseous pollutant and particulate emissions of engine types or engine families in service shall be monitored by testing engines installed in non-road mobile machinery operated over their normal operating duty cycles. Such testing shall be conducted on engines that have been correctly maintained and shall comply with the provisions on the selection of

Amendment

1. ***For engine types or engine families, type-approved in accordance with this Regulation***, the gaseous pollutant and particulate emissions of those engine types or engine families in service shall be monitored by testing ***in-service*** engines installed in non-road mobile machinery operated over their normal operating duty cycles. Such testing shall be conducted

engines, testing procedures and reporting of results for the different engine categories.

The Commission shall conduct *pilot* programmes with a view to developing appropriate testing procedures for those engine categories and sub-categories for which such testing procedures are not in place.

under the responsibility of the manufacturer or the entity entrusted with such testing and under the supervision of the national type approval authority, on engines that have been correctly maintained and shall comply with the provisions on the selection of engines, testing procedures and reporting of results for the different engine categories.

The Commission shall conduct ***monitoring*** programmes with a view to developing appropriate testing procedures for those engine categories and sub-categories for which such testing procedures are not in place.

The Commission shall conduct monitoring programmes to determine to what extent, the emissions resulting from the test cycle and on which the type - approval is based, correspond to the emissions measured in actual operation. Those monitoring programmes and their results shall be the subject of a presentation to the Member States and subsequently of a communication to the public annually.

Amendment 39

Proposal for a regulation

Article 20 – paragraph 2 – introductory part

Text proposed by the Commission

2. The contents of information folder ***shall be defined in an implementing act and*** shall include the following:

Amendment

2. The contents of ***the*** information folder shall include the following:

Justification

The contents of the information folder are already defined directly in Article 20(2), and Article 20(4) provides for implementing acts to lay down templates for the information folder. There is hence no need for further implementing acts to define the contents of the information folder.

Amendment 40

Proposal for a regulation

Article 20 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the initial plan for in-service testing in accordance with Article 18(1);

Justification

Provisions from the Euro VI Regulation oblige the manufacturer to present a plan for in-service testing to the type-approval authority. A similar provision is suggested for the NRMM Regulation. Following this suggestion, the plans will already be validated at the moment of type-approval.

Amendment 41

Proposal for a regulation

Article 23 – paragraph 8

Text proposed by the Commission

Amendment

8. In case of an engine of category IWP ***having a reference power greater than 560 kW that*** is intended for use in place of an engine of category IWA in accordance with the second subparagraph of Article 4, the requirements of paragraph 5 shall be met separately for each applicable steady-state test cycle set out in both Tables IV-5 and IV-6 of Annex IV, and the type-approval information document shall indicate each steady-state test cycle for which this requirement was fulfilled.

8. In case of an engine of category IWP ***that*** is intended for use in place of an engine of category IWA in accordance with the second subparagraph of Article 4, the requirements of paragraph 5 shall be met separately for each applicable steady-state test cycle set out in both Tables IV-5 and IV-6 of Annex IV, and the type-approval information document shall indicate each steady-state test cycle for which this requirement was fulfilled.

Justification

Our proposed amendment 9 to table I-6 in annex II expands the application of the same emission limit values as inland waterways propulsion engines to inland waterways auxiliary engines from >560kW only to include all powers. This amendment aligns the text with this principle.

Amendment 42

Proposal for a regulation

Article 24 – paragraph 4 – introductory part

Text proposed by the Commission

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 of this Regulation setting out:

Amendment

4. **No later than 31 December 2017**, the Commission shall be empowered to adopt delegated acts in accordance with Article 55 of this Regulation setting out:

Amendment 43

Proposal for a regulation

Article 30 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Instead of delivering a certificate of conformity, the manufacturer may apply a conformity marking to the engine. That conformity marking shall include an electronic code which is readable with widely available information technology (IT) tools and allows the retrieval of information on the engine from the manufacturer's website. The retrievable information shall be equivalent to the information contained in a certificate of conformity.

Justification

The requirement to hold a certificate of conformity in paper form for each engine represents an unnecessary administrative burden and seems outdated in today's digital world. The possibility to replace the certificate of conformity with a conformity marking giving access to electronically stored information alleviates this burden, while equally allowing for the reliable tracking of engines.

Amendment 44

Proposal for a regulation

Article 30 – paragraph 7

Text proposed by the Commission

7. The Commission shall be empowered to adopt **by means of** implementing acts the template for the certificate of conformity, including the technical features designed to prevent forgery. **To that end, the implementing acts shall provide the security printing features protecting the paper used in the certificate.** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2) by [31 December 2016].

Amendment

7. The Commission shall be empowered to adopt implementing acts **concerning** the template for the certificate of conformity, including the technical features designed to prevent forgery **and the security printing features protecting the paper used in the certificate, and a template for the conformity marking and the retrievable information, including the acceptable types of electronic codes used to access the information on the engine, referred to in paragraph 6a of this Article.** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2) by [31 December 2016].

Justification

The Commission should be empowered to adopt a template for the conformity marking and the retrievable information and to establish the acceptable types of electronic codes used to access the information on the engine.

Amendment 45

Proposal for a regulation Article 31 – paragraph 2

Text proposed by the Commission

2. Before leaving the production line **the** engines must bear the marking required by this Regulation.

Amendment

2. Before leaving the production line engines **manufactured in the Union, as well as those manufactured outside the Union,** must bear the marking required by this Regulation. **This requirement shall in no way affect other markings required under Member State or Union legislation.**

Amendment 46

Proposal for a regulation

Article 31 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where applicable, the statutory marking shall, for engines placed on the market in accordance with Article 32(4a), include the following phrase: "For use in lifeboat launch vehicles only".

Amendment 47

Proposal for a regulation

Article 31 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to adopt by means of implementing acts the template for the marking referred to in paragraph 1, including its mandatory essential information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2) by [31 December 2016].

4. The Commission shall be empowered to adopt by means of implementing acts the template for the marking referred to in paragraph 1, including its mandatory essential information ***and, where applicable, the additional information referred to in paragraph 3a of this Article.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2) by [31 December 2016].

Amendment 48

Proposal for a regulation

Article 32 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Notwithstanding Article 5(2) and (3) and Article 17(2), Member States may authorise placing on the market of engines that are intended for installation in machinery that is exclusively used for the launch and recovery of lifeboats operated by a national rescue service ("lifeboat launch vehicle").

Justification

The technical requirements for Lifeboat Launch Vehicles (LLVs) are very challenging and it is therefore not possible to install engines which meet the emission limits proposed in this regulation. The space around the engine has to be kept to a minimum to avoid buoyancy effects which cannot simply be overcome by adding weight. As a consequence of these challenges it is not possible to fit the exhaust after-treatment or emission control systems to meet any of the emission limits proposed in the regulation. Thus the derogation from the emissions requirements for LLVs, which they receive in the current Directive, needs to be continued.

Amendment 49

Proposal for a regulation

<Article>Article 32 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Notwithstanding Article 5(3) and Article 17(2), Member States shall authorise the placing on the market of replacement engines, for a period not longer than 15 years, starting from the applicable dates for placing on the market of Stage V engines set out in Annex III, provided that the engines:

(a) belong to category NRE or category NRS, do not have a reference power greater than 560 kW and comply with an emission stage that expired not more than 20 years before the placing on the market of those engines and which is at least as stringent as the emission limits that the engines had to meet when originally placed on the market;

(b) belong to a category equivalent to NRE or NRS, where the replacement engine and the original engine belong to an engine category and power range that was not subject to type approval at Union level on ...*;

(c) belong to category RLL or RLR and comply with the emission limits that the engines had to meet when originally placed on the market, or belong to category NRE or NRG and have a

reference power greater than 560 kW.

** Date of repeal of Directive 97/68/EC.*

Amendment 50

Proposal for a regulation

Article 32 – paragraph 5 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the placing on the market of engines that are to be installed in lifeboat launch vehicles, as referred to in paragraph 4a;

Amendment 51

Proposal for a regulation

Article 32 – paragraph 5 – subparagraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the placing on the market of engines that are to be installed in lifeboat launch vehicles, as referred to in paragraph 4b;

Amendment 52

Proposal for a regulation

Article 32 – paragraph 5 – subparagraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) the placing on the market of replacement engines, as referred to in paragraph 4a.

Justification

The Commission should be empowered to adopt delegated acts concerning the technical specifications and conditions for the placing on the market of replacement engines.

Amendment 53

Proposal for a regulation Article 32 – 5 a (new)

Text proposed by the Commission

Amendment

5b. Notwithstanding the requirements of Article 32(4b) for engines of categories RLL and RLR, Member States may authorise, upon request by the OEM, the placing on the market of engines that belong to those categories which, on ...* are part of a project that is at an advanced stage of development within the meaning of point (t) of Article 2 of Directive 2008/57/EC of the European Parliament and of the Council^{1a}, and comply with the requirements of any EU emissions stage that preceded the one in force at the time of their placing on the market, where the use of replacement engines that meet the requirements of the new stage would give rise to disproportionate costs. Each Member State shall forward a list of the projects that are at an advanced stage of development concerned to the Commission by ...**.

^{1a} Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community, OJ L 191, 18.7.2008, p. 1.

**** OJ please insert: The date of entry into force of this Regulation.***

***** OJ please insert: One year from the date of publication of this Regulation.***

Amendment 54

Proposal for a regulation

Article 36 – paragraph 4

Text proposed by the Commission

4. If, at the request of the approval authority, the manufacturer is not able to verify the engine marking requirements specified in Article 31, the approval granted in respect of the corresponding engine type or family pursuant to this Regulation may be withdrawn. The information procedure shall be carried out as set out in Article 36(4).

Amendment

4. If, at the request of the approval authority, the manufacturer is not able to verify the engine marking requirements specified in Article 31, the approval granted in respect of the corresponding engine type or family pursuant to this Regulation may be withdrawn. The information procedure shall be carried out as set out in Article 37(4).

Justification

This amendment merely corrects an editing error in the Commission proposal. The information procedure to be followed is set out in Article 37(4).

Amendment 55

Proposal for a regulation Article 38 – paragraph 1

Text proposed by the Commission

1. Where a manufacturer which has been granted an EU type-approval is obliged, in accordance with Article 20(1) of Regulation (EC) No 765/2008, to recall engines placed on the market, whether installed or not in machinery, due to the fact that the engines represent *a serious* infringement of this Regulation with regard to the protection of the environment, that manufacturer shall immediately inform the approval authority that granted the EU engine type-approval.

Amendment

1. Where a manufacturer which has been granted an EU type-approval is obliged, in accordance with Article 20(1) of Regulation (EC) No 765/2008, to recall engines placed on the market, whether installed or not in machinery, due to the fact that the engines represent *an* infringement of this Regulation with regard to the protection of the environment *and public health*, that manufacturer shall immediately inform the approval authority that granted the EU engine type-approval.

Amendment 56

Proposal for a regulation

Article 41 – paragraph 3

Text proposed by the Commission

3. Manufacturers shall make available to OEMs all relevant information and necessary instructions intended for the end-user, notably describing any special conditions or restrictions linked to the use of an engine.

Amendment

3. Manufacturers shall make available to OEMs, **and to any other third party upon request**, all relevant information and necessary instructions intended for the end-user, notably describing any special conditions or restrictions linked to the use of an engine.

Amendment 57

Proposal for a regulation Article 41 – paragraph 4

Text proposed by the Commission

4. Notwithstanding the requirements in paragraph 3, manufacturers shall make available **to OEMs** the value of the carbon dioxide (CO₂) emissions determined during the EU type-approval process and instruct the OEMs to communicate this information to the end-user of the machinery where the engine is intended to be installed.

Amendment

4. Notwithstanding the requirements in paragraph 3, manufacturers shall make **publicly** available the value of the carbon dioxide (CO₂) emissions determined during the EU type-approval process and instruct the OEMs to communicate this information to the end-user of the machinery where the engine is intended to be installed.

Amendment 58

Proposal for a regulation Article 42 – title

Text proposed by the Commission

Union central administrative platform and database

Amendment

Exchange of data and information via the Internal Market Information System

Justification

Using the well-established Internal Market Information System saves costs and unnecessary administrative efforts as compared to the set-up of a new digital platform.

Amendment 59

Proposal for a regulation Article 42 – paragraph 1

Text proposed by the Commission

1. ***The Commission shall set up a Union central administrative digital platform for the exchange of data and information related to EU type-approvals in electronic format. The platform shall be used for the exchange of data and information between the approval authorities, or between the approval authorities and the Commission, which takes place in the framework of this Regulation.***

Amendment

1. ***The exchange of data and information between the approval authorities, or between the approval authorities and the Commission, in the framework of this Regulation shall take place via the Internal Market Information System ('IMI') established pursuant to Regulation (EU) No 1024/2012 of the European Parliament and of the Council^{1a}.***

^{1a} Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p.1).

(This amendment applies throughout the text. Adopting it will necessitate changing any reference to the "Union central administrative platform" or "platform" into "Internal Market Information System" or "IMI" throughout the text.)

Justification

Using the well-established Internal Market Information System saves costs and unnecessary administrative efforts as compared to the set-up of a new digital platform.

Amendment 60

Proposal for a regulation Article 42 – paragraph 2

Text proposed by the Commission

2. ***The Union central administrative***

Amendment

2. ***Any information of relevance in respect***

digital platform shall also comprise a database where any information of relevance in respect of EU type-approvals granted in accordance with this Regulation shall be centrally gathered and made accessible to the approval authorities and to the Commission. **The database shall connect national databases to the Union central database**, where agreed with the Member States concerned.

of EU type-approvals granted in accordance with this Regulation shall be centrally gathered and made accessible to the approval authorities and to the Commission **via IMI**. National databases **shall be connected to IMI**, where agreed with the Member States concerned.

Justification

Using the well-established Internal Market Information System saves costs and unnecessary administrative efforts as compared to the set-up of a new digital platform.

Amendment 61

Proposal for a regulation

Article 42 – paragraph 3 – introductory part

Text proposed by the Commission

3. Subsequent to the implementation of paragraphs 1 and 2, the Commission shall extend the Union central administrative digital platform with modules which shall allow for:

Amendment

3. The Commission shall *make sure that IMI allows* for:

Justification

Using the well-established Internal Market Information System saves costs and unnecessary administrative efforts as compared to the set-up of a new digital platform.

Amendment 62

Proposal for a regulation

Article 42 – paragraph 4

Text proposed by the Commission

4. The Commission shall be empowered to adopt by means of implementing acts the detailed technical requirements and procedures necessary for setting up the Union central administrative platform

Amendment

deleted

*and database referred to in this Article.
Those implementing acts shall be adopted
in accordance with the examination
procedure referred to in Article 54(2) by
[31 December 2016].*

Justification

*IMI is already well-established and there is no need for further specifications by
implementing acts.*

Amendment 63

**Proposal for a regulation
Article 46**

Text proposed by the Commission

Amendment

[...]

deleted

Justification

*Self-testing is not feasible with regard to the testing of engines. It is only feasible with regard
to the testing of machinery or vehicles.*

Amendment 64

**Proposal for a regulation
Article 55 a (new)**

Text proposed by the Commission

Amendment

Article 55a

Financial support for retrofitting

***1. Subject to the entry into force of the
implementing measures for this
Regulation, Member States may make
provision for financial incentives that
apply to the retrofitting of in-use engines
which do comply with this Regulation in
order to meet the emission limit values set
out in the Annex applicable to the type of
engine to be retrofitted.***

***2. For each type of engine, the financial
incentives referred to in paragraph 1 shall***

not exceed the additional cost of the technical devices used to ensure compliance with the emission limits specified in the respective Annex, including the cost of installation on the engine.

Justification

Member States should be able to allow operators of non-road mobile machinery to choose between upgrading existing systems and buying new equipment. Some of the equipment addressed in this Regulation exhibits extremely long life expectancies, which means that the expected effect of this Regulation on the emissions of those sectors would be very limited in the short to medium term. Having cost-effectiveness under consideration and aiming for more immediate results for this kind of machinery, provisions should be included encouraging Member States to implement measures in favour of the retrofitting of existing equipment having a very long life expectancy.

Amendment 65

Proposal for a regulation Article 56 a (new)

Text proposed by the Commission

Amendment

Article 56a

Amendment to Regulation (EU) No 1024/2012

The following point is added to the Annex to Regulation (EU) No 1024/2012 of the European Parliament and of the Council^{1a}:

"8a. Regulation (EU) 20xx/xx of the European Parliament and of the Council of xx on requirements relating to emission limits and type-approval for internal combustion engines in non-road mobile machinery⁺: Article 42.*

** OJ L XX, xx.xx.xxxx, p. x."*

⁺ OJ: please insert the reference number and date for the regulation and complete footnote details.

^{1a} Regulation (EU) No 1024/2012 of the

European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).

Amendment 66

Proposal for a regulation Article 57 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the provisions in Chapters II and III, this Regulation shall not invalidate, before the dates for placing on the market of engines referred to in Annex III, any EU type-approval.

Amendment

1. Without prejudice to the provisions in Chapters II and III, this Regulation shall not invalidate, before the dates for placing on the market of engines referred to in Annex III, any EU type-approval **or exemption**.

Justification

Not only the EU type-approvals granted under Directive 97/68/EC, but also the exemptions granted under that Directive should remain valid.

Amendment 67

Proposal for a regulation Article 57 – paragraph 2

Text proposed by the Commission

2. Approval authorities may continue to grant type-approvals in accordance with the relevant legislation applicable on the date of entry into force of this Regulation until the mandatory dates for the EU type-approval of engines referred to in Annex III.

Amendment

2. Approval authorities may continue to grant type-approvals **and exemptions** in accordance with the relevant legislation applicable on the date of entry into force of this Regulation until the mandatory dates for the EU type-approval of engines referred to in Annex III.

Justification

During the period between the repeal of Directive 97/68/EC and the mandatory dates for stage V, it should not only still be possible to grant EU type-approvals under Directive

97/68/EC, but also the applicable exemptions.

Amendment 68

Proposal for a regulation

Article 57 – paragraph 5 – subparagraph 1

Text proposed by the Commission

5. Without prejudice to Articles 5(3) and 17(2), transition engines and, where applicable, the machinery in which those transition engines are installed may continue to be placed on the market during the transition period on condition that the machine in which the transition engine is installed has a production date prior to **1 year** after the start of the transition period.

Amendment

5. Without prejudice to Articles 5(3) and 17(2), transition engines and, where applicable, the machinery in which those transition engines are installed may continue to be placed on the market during the transition period on condition that the machine in which the transition engine is installed has a production date prior to **18 months** after the start of the transition period ***without prejudice to Directive 2008/57/EC of the European Parliament and of the Council^{1a} and to Commission Regulation (EU) No 1302/2014^{1b}.***

^{1a} ***Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast) (OJ L 191, 18.7.2008, p. 1).***

^{1b} ***Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the ‘rolling stock — locomotives and passenger rolling stock’ subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 228).***

Amendment 69

Proposal for a regulation

Article 57 – paragraph 5 – subparagraph 2

Text proposed by the Commission

For engines of the category NRE, Member States shall authorise an extension of the transition period and the **12-months** period referred to in the first sub-paragraph by an additional 12 months for OEM's with a total yearly production of fewer than **50** units of non-road mobile machinery equipped with combustion engines. For the purposes of the calculation of the **total yearly production** referred to in this paragraph, all OEM's under the control of the same natural or legal person shall be considered to be a single OEM.

Amendment

For engines of the category NRE, Member States shall authorise an extension of the transition period and the **18-months** period referred to in the first sub-paragraph by an additional 12 months for OEMs with a total yearly production of fewer than **80** units of non-road mobile machinery equipped with internal combustion engines. For the purposes of the calculation of the **ceilings** referred to in this paragraph, all OEMs under the control of the same natural or legal person shall be considered to be a single OEM.

Amendment 70

Proposal for a regulation

Article 57 – paragraph 5 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For engines of category NRE used in mobile cranes, Member States shall authorise an extension of the transition period by an additional 12 months.

Justification

Mobile cranes are subject to tight dimensional limitations when transported on the road and are produced in relatively small quantities of different models, each of them sold in tiny quantities.

Amendment 71

Proposal for a regulation

Article 57 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the methods for assessing the yearly production of OEMs

claiming the extension provided for by the second subparagraph of paragraph 5 of this Article. Those delegated acts shall be adopted by [31 December 2016].

Justification

Abuse of the extension provided for by the second subparagraph of Article 57(5) needs to be avoided. Type approval authorities should therefore have adequate and uniform methods to assess the yearly production of OEM's.

Amendment 72

Proposal for a regulation

Article 57 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. Notwithstanding Articles 5(3), 17(2) and 21 and for a period not exceeding 10 years from the applicable date for the placing on the market of Stage V engines set out in Annex III, Member States may authorise the placing on the market of engines of category RLL with a maximum net power greater than 2000 kW that do not comply with the emission limits set out in Annex II, and which are to be installed in locomotives which only run on a technically isolated 1520 mm railway network. During that period the engines placed on the market shall comply at least with the emission limits that engines had to meet for being placed on the market on 31 December 2011. The approval authorities of the Member states shall grant EU type-approval and authorise the placing on the market of such engines.

Amendment 73

Proposal for a regulation Article 59 – paragraph 1

Text proposed by the Commission

1. By 31 December 2020, the Commission shall submit a report to the European Parliament and to the Council regarding:

(a) the assessment of further pollutant emission reduction potential, on the basis of available technologies and cost/benefit analysis;

(b) the identification of potentially relevant pollutant types that do not **currently** fall within the scope of this Regulation.

Amendment 74

Proposal for a regulation Article 59 – paragraph 2

Text proposed by the Commission

2. By 31 December 2025, the Commission shall submit a report to the European Parliament and to the Council regarding:

Amendment

1. By 31 December 2020, the Commission shall submit a report to the European Parliament and to the Council regarding:

(a) the assessment of further pollutant emission reduction potential, on the basis of available technologies and cost/benefit analysis and an assessment of Member States' progress towards their emission reduction commitments as established in Directive 2001/81/EC; The report shall in particular contain the assessment of the technological and economic feasibility of adding PN limit values to those NRMM categories that do not have one set in Annex II of this Regulation as well as setting lower PN limits for all categories in line with those set for EURO VI HDV's in Directive 2005/55/EC . The report should also consider revising the emission limits for HC including.

- the A factor for fully and partially gaseous-fuelled engines in the framework of a climate-neutral operation compared to diesel fuelled engines;

(b) the identification of potentially relevant pollutant types that do not fall within the scope of this Regulation.

- (a) the use of the exemption clauses provided for in Article 32(3) and (4);
- (b) the monitoring of results of the emission tests set out in Article 18 and the conclusions thereof.

- (a) the use of the exemption clauses provided for in Article 32(3) and (4);
- (b) the monitoring of results of the emission tests set out in Article 18 and the conclusions thereof, *as well as an evaluation of the feasibility of introducing PEMS tests;*

(b a) the monitoring of tests for EU type-approval set out in Article 23 and 24, with a particular focus on evaluating whether those tests correspond to the conditions of normal use of engines.

Amendment 75

Proposal for a regulation Article 59 – paragraph 3

Text proposed by the Commission

3. The reports referred to in paragraphs 1 and 2 shall be based on a consultation of the relevant stakeholders and shall take into account existing related **European** and international standards. It shall be accompanied, where appropriate, by legislative proposals.

Amendment

3. The reports referred to in paragraphs 1 and 2 shall:

- (a)* be based on a consultation of the relevant stakeholders;
- (b)* and shall take into account existing related **Union** and international standards; **and**
- (c)* it shall be accompanied, where appropriate, by legislative proposals.

Amendment 76

Proposal for a regulation Article 59 a (new)

Text proposed by the Commission

Amendment

Article 59a

Amendment to Regulation (EU) 167/2013

*In Article 19 (3), the following
subparagraph is added:*

“For the purposes of placing on the market, registration or entry into service of tractors of categories T2, T4.1 and C2, the engines meeting the Stage IIIB requirements shall be considered to be transition engines as defined in Regulation (EU) XX/2015^{1a}, Article 3, paragraph 30.

^{1a} Regulation (EU) XX/2015, Article 3, paragraph 30.”

Amendment 77

Proposal for a regulation Annex I – table I-5

Text proposed by the Commission

Table I-5: Sub-categories of engine category IWP defined in Article 4 point (5)

| Category | Ignition type | Speed <i>mode</i> | Power range (kW) | Sub-category | Reference power |
|----------|---------------|-------------------|---------------------|--------------|-------------------|
| IWP | all | variable | $37 \leq P < 75$ | IWP-v-1 | Maximum net power |
| | | | $75 \leq P < 130$ | IWP-v-2 | |
| | | | $130 \leq P < 300$ | IWP-v-3 | |
| | | | $300 \leq P < 1000$ | IWP-v-4 | |
| | | | $P \geq 1000$ | IWP-v-5 | |

| | | | | | |
|--|--|----------|---------------------|---------|-----------------|
| | | constant | $37 \leq P < 75$ | IWP-c-1 | Rated net power |
| | | | $75 \leq P < 130$ | IWP-c-2 | |
| | | | $130 \leq P < 300$ | IWP-c-3 | |
| | | | $300 \leq P < 1000$ | IWP-c-4 | |
| | | | $P \geq 1000$ | IWP-c-5 | |

Amendment

| Category | Ignition type | Speed operation | Displacement | Power range (kW) | Sub-category | Reference power |
|----------|---------------|-----------------|------------------------|--------------------|--------------|-------------------|
| IWP | all | variable | < 0.9 | $19 \leq P < 75$ | IWP-v-1 | Maximum net power |
| | | | | $75 \leq P < 300$ | IWP-v-2 | |
| | | | | $300 \leq P < 600$ | IWP-v-3 | |
| | | | $0.9 \leq disp. < 1.2$ | < 300 | IWP-v-3 | |
| | | | | $300 \leq P < 600$ | IWP-v-5 | |
| | | | $1.2 \leq disp. < 3.5$ | < 300 | IWP-v-6 | |
| | | | | $300 \leq P < 600$ | IWP-v-7 | |
| | | | $3.5 \leq disp. < 7.0$ | < 300 | IWP-v-8 | |
| | | | | $300 \leq P < 600$ | IWP-v-9 | |
| | | | <i>all</i> | $P \geq 600$ | IWP-v-10 | |
| | | constant | < 0.9 | $19 \leq P < 75$ | IWP-c-1 | Rated net power |
| | | | | $75 \leq P < 300$ | IWP-c-2 | |
| | | | | $300 \leq P < 600$ | IWP-c-3 | |
| | | | $0.9 \leq disp. < 1.2$ | < 300 | IWP-c-3 | |
| | | | | $300 \leq P < 600$ | IWP-c-5 | |
| | | | $1.2 \leq disp. < 3.5$ | < 300 | IWP-c-6 | |
| | | | | $300 \leq P < 600$ | IWP-c-7 | |
| | | | $3.5 \leq disp. < 7.0$ | < 300 | IWP-c-8 | |
| | | | | $300 \leq P < 600$ | IWP-c-9 | |
| | | | <i>all</i> | $P \geq 600$ | IWP-c-10 | |

Amendment 78

Proposal for a regulation Annex I – table I-6

Text proposed by Commission

| Category | Ignition type | Speed mode | Power range (kW) | Sub-category | Reference power |
|------------|---------------|------------|--|--------------|-------------------|
| IWA | all | variable | $560 \leq P < 1000$ | IWA-v-1 | Maximum net power |
| | | | $P \geq 1000$ | IWA-v-2 | |
| | | constant | $560 \leq P < 1000$ | IWA-c-1 | Rated net power |

Amendment

| Category | Ignition type | Speed operation | Displacement | Power range (kW) | Sub-category | Reference power |
|---|---------------|-----------------|---|---|--------------|-------------------|
| IWA | all | variable | < 0.9 | $19 \leq P < 75$ | IWA-v-1 | Maximum net power |
| | | | | $75 \leq P < 300$ | IWA-v-2 | |
| | | | | $300 \leq P < 600$ | IWA-v-3 | |
| | | | $0.9 \leq disp. < 1.2$ | < 300 | IWA-v-4 | |
| | | | | $300 \leq P < 600$ | IWA-v-5 | |
| | | | $1.2 \leq disp. < 3.5$ | < 300 | IWA-v-6 | |
| | | | | $300 \leq P < 600$ | IWA-v-7 | |
| | | | $3.5 \leq disp. < 7.0$ | < 300 | IWA-v-8 | |
| | | | | $300 \leq P < 600$ | IWA-v-9 | |
| | | | <i>all</i> | $P \geq 600$ | IWA-v-10 | |
| | | constant | < 0.9 | $19 \leq P < 75$ | IWA-c-1 | Rated net power |
| | | | | $75 \leq P < 300$ | IWA-c-2 | |
| | | | | $300 \leq P < 600$ | IWA-c-3 | |
| | | | $0.9 \leq disp. < 1.2$ | < 300 | IWA-c-4 | |
| $300 \leq P < 600$ | IWA-c-5 | | | | | |

| | | | | | |
|--|--|--|-------------------------------|--------------------|----------|
| | | | $1.2 \leq \text{disp.} < 3.5$ | < 300 | IWA-c-6 |
| | | | | $300 \leq P < 600$ | IWA-c-7 |
| | | | $3.5 \leq \text{disp.} < 7.0$ | < 300 | IWA-c-8 |
| | | | | $300 \leq P < 600$ | IWA-c-9 |
| | | | <i>all</i> | $P \geq 600$ | IWA-c-10 |

Amendment 79

Proposal for a regulation

Annex II – heading 1 – table II-1

Text proposed by the Commission

Table II-1: Stage V emission limits for engine category NRE defined in Article 4 point (1)

| Emission stage | Engine sub-category | Power range | Engine ignition type | CO | HC | NOx | PM mass | PN | A |
|----------------|---------------------|-----------------------|----------------------|-------|----------------------|-------|--------------------|--------------------------------------|------|
| | | kW | | g/kWh | g/kWh | g/kWh | g/kWh | #/kWh | |
| Stage V | NRE-v-1 NRE-c-1 | $0 < P < 8$ | CI | 8,00 | (HC+NOx \leq 7,50) | | 0,40 ¹⁾ | - | 1,10 |
| Stage V | NRE-v-2 NRE-c-2 | $8 \leq P < 19$ | CI | 6,60 | (HC+NOx \leq 7,50) | | 0,40 | - | 1,10 |
| Stage V | NRE-v-3 NRE-c-3 | $19 \leq P < 37$ | CI | 5,00 | (HC+NOx \leq 4,70) | | 0,015 | 1×10^{12} | 1,10 |
| Stage V | NRE-v-4 NRE-c-4 | $37 \leq P < 56$ | CI | 5,00 | (HC+NOx \leq 4,70) | | 0,015 | 1×10^{12} | 1,10 |
| Stage V | NRE-v-5 NRE-c-5 | $56 \leq P < 130$ | all | 5,00 | 0,19 | 0,40 | 0,015 | 1×10^{12} | 1,10 |
| Stage V | NRE-v-6 NRE-c-6 | $130 \leq P \leq 560$ | all | 3,50 | 0,19 | 0,40 | 0,015 | 1×10^{12} | 1,10 |
| Stage V | NRE-v-7 NRE-c-7 | $P > 560$ | all | 3,50 | 0,19 | 3,50 | 0,045 | - | 6,00 |

1) 0,6 for hand-startable, air-cooled direct injection engines

Amendment

Table II-1: Stage V emission limits for engine category NRE defined in Article 4 point (1)

| Emission stage | Engine sub-category | Power range | Engine ignition type | CO | HC | NOx | PM mass | PN | A |
|----------------|---------------------|-------------|----------------------|-------|-------|-------|---------|-------|---|
| | | kW | | g/kWh | g/kWh | g/kWh | g/kWh | #/kWh | |
| | | | | h | h | h | | | |

| | | | | | | | | | |
|---------|--------------------|---------------|-----|------|--------------------------------|------|-------------|--------------------------|------|
| Stage V | NRE-v-1 NRE-c-1 | 0<P<8 | CI | 8,00 | (HC+NO _x ≤7, 50) | | 0,401) | - | 1,10 |
| Stage V | NRE-v-2 NRE-c-2 | 8≤P<19 | CI | 6,60 | (HC+NO _x ≤7, 50) | | 0,40 | - | 1,10 |
| Stage V | NRE-v-3 NRE-c-3 | 19≤P<37 | CI | 5,00 | (HC+NO _x ≤4, 70) | | 0,015 | 1x10 ¹² | 1,10 |
| Stage V | NRE-v-4 NRE-c-4 | 37≤P<56 | CI | 5,00 | (HC+NO _x ≤4, 70) | | 0,015 | 1x10 ¹² | 1,10 |
| Stage V | NRE-v-5 NRE-c-5 | 56≤P<130 | all | 5,00 | 0,19 | 0,40 | 0,01 | 9x10¹¹ | 1,10 |
| Stage V | NRE-v-6 NRE-c-6 | 130≤P≤56 0 | all | 3,50 | 0,19 | 0,40 | 0,01 | 9x10¹¹ | 1,10 |
| Stage V | NRE-v-7 NRE-c-7 | P>560 | all | 3,50 | 0,19 | 3,50 | 0,045 | - | 6,00 |

¹⁾ 0,6 for hand-startable, air-cooled direct injection engines

EXPLANATORY STATEMENT

Introduction

The Rapporteur in principle welcomes the Commission proposal for a regulation aiming, in the first place, at contributing to address the public health concern created by studies indicating ultra-fine particles as a carcinogenic substance, to generally improve the air quality and to create a market without barriers not only within the EU but also with our main trade partners around the world. The staggered approach, differentiated by engine sizes and machinery types, allows for a smooth introduction for the industries concerned with the new requirements taking into account the wide variety of machines and engines.

Today several EU urban areas do not fully meet the air quality standards. This issue is growing as more people are attracted to live in urban conglomerations. The NRMM sector is one of the several sectors contributing to noxious emissions in the form of gases or particulate matter. For cars, light duty and heavy duty vehicles ambitious programmes are underway to reduce both CO₂ and pollutant emissions as well as for combustion plants and industrial emissions. Although the NRMM sector is much smaller than the other sources mentioned above and the successive stages up to Stage IV allowed to reduce emissions dramatically, its contribution risks to be out weighted unless a comparable step forward is made to contribute to improving air quality. Non-road mobile machinery emit, according to the Commission data, 15% of all NO_x and 5% of all particulate matter in the EU. In order to address this problem the Commission proposes to set stricter standards for most of the engines already in the scope and of the current Directive 97/68/EC and to extend its scope to new engine power ranges, combustion types and fuels used as well as a number of new categories of machines, to eliminate loopholes in the legislation. This, apart from the obvious and desirable environmental and health benefits for our citizens, has the advantage of creating for industry and users of the machinery a harmonised internal market and facilitating trade and competitiveness, eventually making environmental legislation also a business opportunity.

The Commission by going for policy Option 4 aims at combining the best of all options: alignment with US standards when these are stricter than the EU standards and with road sector ambitions where the current NRMM ambitions are lagging behind; moreover, in combination with enhanced monitoring provisions, where appropriate.

Technological progress can justify stricter regulation without putting undue pressure on the manufacturing industry. Indeed, to a large extent, the technology necessary to comply with the new proposed standards has matured in other sectors and can be drawn from and adapt to the specificities of the NRMM-sectors concerned. This adaptation path has not been completed yet and this justifies why some engines are not subject to the most ambitious goals set for the vast majority of cases.

The effect of creating an internal market will also have an advantage in a much larger context. It will greatly facilitate and enhance external trade with other developed industrial economies, particularly with the US but probably also with regions and cities where air pollution is a problem.

Remarks

With this report the primary goal is to strike a reasonable balance between the health and environmental concerns, as proposed by the Commission, and the competitiveness of the EU manufacturing industry, the jobs and the know-how it entails. Health and safety of our citizens is a key element in this proposal and especially of those who work every day with the machines which are within the scope of this proposal because they are particularly exposed to pollutant emissions. Considering the competition aspects, the Rapporteur deems that SME's, generators of many jobs, might be vulnerable and should be granted some advantages.

Another important goal should be to offer the industry a long-term planning certainty and a stable regulatory environment. In this respect, the choice of this new legislative instrument, in the form of a regulation, offers a clear advantage over a directive which needs time to be transposed into national legislation with the inherent risk of differing interpretations. With these goals in mind the Rapporteur has proposed a number of amendments:

- It is advisable to reduce administrative obligations to a minimum. Legislation and formalities have to evolve with the digital age and advantage should be taken to reduce red tapes and the costs related to it. Therefore the format and form of the certificate of conformity could be simplified and be easily retrievable in an appropriate database.
- In the same logic of efficiency and cost savings, the Rapporteur prefers to make use of the already existing Internal Market Information System, which has an obvious advantage over creating a new administrative system.
- The possibility to replace engines with other engines of at least the same emission stage contained in the current Directive 97/68/EC should be preserved. However, the Rapporteur would prefer to limit this possibility to certain categories of machines in a differentiated way according to several factors, such as longer average life time, investment capitalisation and technology developments. Moreover, this possibility should also be limited in time, depending on the categories and power classes.

The Rapporteur is also somewhat concerned regarding the potential clashes in the railway sector. In fact, the one year period foreseen in Article 57 (5) of the proposal could be in contrast with the obligations and procedures to be followed for the authorisation procedures laid down in Directive 2008/57/EC (Interoperability Directive) and Regulation No 1302/2014. Therefore, the Rapporteur invites the Commission and Member States to avoid creating a conflict stemming from potentially contradictory provisions. Considering these specific requirements in terms of obligations, replacement engines and introduction timing should be granted.

A general increase of the transition period by six months has been conceded, as stated before, and in some specific cases even longer.

The Commission is asked when considering further reviewing the scope of this Regulation to consider including several categories of narrow tractors in the scope of this regulation, since this seems to the Rapporteur to be more appropriate, in particular in the view of the economically unsustainable timing of the stages IV and V for those tractors.

For inland waterways vessels, the Commission proposal is very ambitious and might create an excessive burden on the industry which has to recover its development costs on only a few

hundred machines or less produced per year. The Rapporteur advocates a somewhat softer approach for the heavier categories – but at the same time by far the most numerous - of inland waterway engines that combine the reinstatement of this transport mode as an energy-efficient and environment friendly one with the indispensable economic sustainability.

24.6.2015

**OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER
PROTECTION**

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council on
requirements relating to emission limits and type-approval for internal combustion engines for
non-road mobile machinery
(COM(2014)0581 – C8-0168/2014 – 2014/0268(COD))

Rapporteur: Jiří Pospíšil

SHORT JUSTIFICATION

Background and Commission proposal

This legislative proposal aims to protect the environment and to ensure the proper functioning of the internal market for non-road mobile machinery engines. It covers an important number of combustion engine types installed in a wide range of machines, which include small handheld equipment, construction machinery and generating sets, railcars, locomotives and inland waterway vessels. Successful implementation of this Regulation would achieve a significant environmental gain by reducing emissions of new engines which, over time, would replace older, more polluting engines.

The proposal aims to contribute to the competitiveness of the European industry and to lower the risk of market distortion by simplifying the type-approval legislation, improving transparency and alleviating administrative burdens. In addition, by aligning EU and US emission requirements, it removes obstacles to external trade and reduces regulatory barriers.

The competitiveness of the European industry

Your Rapporteur welcomes the Commission's proposal and fully supports its aims. Several adjustments will be necessary however in order to fully ensure that this Regulation contributes to the competitiveness of the European industry in this sector.

In his draft Opinion your Rapporteur seeks to rebalance the proposal and to provide enough flexibility to ensure that manufacturers can comply with the environmental requirements without hampering the EU's competitiveness. The proposed changes will significantly help manufacturers when adapting to the new environmental requirements without lowering them.

In light of the above your Rapporteur proposes to extend by six months the transition period that is foreseen by the proposal. Further exceptions are foreseen for small volume manufacturers that produce less than 100 machines per year as the manufacturers concerned are mainly SMEs. Your Rapporteur is also of the opinion that, in clearly defined cases, the use of replacement engines should be allowed.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) This Regulation aims to lay down harmonised rules for the EU type-approval of engines to be installed in non-road mobile machinery, with a view to ensuring the functioning of the internal market. For these purposes, new emission limits should be established to reflect technological progress and ensure convergence with Union policies in the on-road sector, with a view to achieving Union air quality targets and reducing the emissions from non-road mobile machinery, thus resulting in a more proportionate share of machinery emissions in relation to road vehicle emissions. ***The scope of Union legislation in this field should be broadened, with a view to improving market harmonisation at EU and international level and minimising the risk of market distortions. In addition, this Regulation aims to simplify the current legal framework, including measures for simplifying administrative procedures, and to improve the general conditions for enforcement, in particular by strengthening the rules on market surveillance.***

Amendment 2

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6) This Regulation aims to lay down harmonised rules for the EU type-approval of engines to be installed in non-road mobile machinery, with a view to ensuring the functioning of the internal market. For these purposes, new emission limits should be established to reflect technological progress and ensure convergence with Union policies in the on-road sector, with a view to achieving Union air quality targets and reducing the emissions from non-road mobile machinery, thus resulting in a more proportionate share of machinery emissions in relation to road vehicle emissions. ***Member States should actively support those objectives through national schemes encouraging users to switch to new equipment, thus gradually reducing the share of the most emitting old non-road mobile machinery.***

(6a) The scope of Union legislation in this field should be broadened, with a view to improving market harmonisation at Union and international level and minimising the risk of market distortions. In addition, this Regulation aims to

simplify the current legal framework, including measures for simplifying administrative procedures, and to improve the general conditions for enforcement, in particular by strengthening the rules on market surveillance.

Amendment 3

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) In order to guarantee an optimum level of protection for persons working in the vicinity of machinery and to keep the cumulative exposure of persons working in the vicinity of several different items of mobile machinery and equipment as low as possible, state-of-the-art technologies should be used to minimise emissions.

Amendment 4

Proposal for a regulation

Recital 20

Text proposed by the Commission

Amendment

(20) Engines which are in compliance with and covered by the scope of the new rules on emission limits and EU type-approval procedures should be permitted to be placed on the market in the Member States; those engines should not be subject to any other national emission requirement. Member State granting approvals should take *the necessary* verification measures *in order to ensure the identification of engines produced under each* EU type-approval.

(20) Engines which are in compliance with and covered by the scope of the new rules on emission limits and EU type-approval procedures should be permitted to be placed on the market in the Member States; those engines should not be subject to any other national emission requirement *governing their placing on the market.* Member State granting approvals should take verification *and control* measures, *where circumstances so require, for the import and supply of engines on the Union market, so as to ensure that they conform to* EU type-approval

requirements in each case. This should be without prejudice to the right of Member States to encourage or restrict the use of engines placed on the market, provided that the methods chosen are not discriminatory and are objectively justified.

Justification

Identification of engines types entering the EU market must be done on import. This is the safest, most effective and cheapest way to identify and control all such engine types. Compliance with EU standards can be verified with the help of accompanying import documents.

Amendment 5

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) A limited number of exemptions should be granted to address the specific needs related to armed forces, logistic supply constraints, field testing of prototypes and the use of machinery in explosive atmospheres.

Amendment

(21) A limited number of exemptions should be granted to address the specific needs related to armed forces, logistic supply constraints, field testing of prototypes, **replacement engines** and the use of machinery in explosive atmospheres.

Amendment 6

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) As a consequence, UNECE regulations and the amendments thereto which the Union has voted in favour of or to which the Union has acceded, in application of Decision 97/836/EC, should be recognized as equivalent to EU type-approvals granted under this Regulation. Accordingly, the Commission should be

Amendment

(25) As a consequence, UNECE regulations and the amendments thereto which the Union has voted in favour of or to which the Union has acceded, in application of Decision 97/836/EC, should be recognized as equivalent to EU type-approvals granted under this Regulation. Accordingly, **in order to**

empowered to adopt delegated acts in order to determine which UNECE regulations will apply to EU type-approvals.

align this Regulation as closely as possible to agreed UNECE texts, the Commission should be empowered to adopt delegated acts in order to determine which UNECE regulations will apply to EU type-approvals.

Amendment 7

Proposal for a regulation

Article 3 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) "replacement engine" means a newly built engine which has been supplied with the sole purpose of replacing an engine in a machine which is in service;

Amendment 8

Proposal for a regulation

Article 3 – paragraph 1 – point 22 a (new)

Text proposed by the Commission

Amendment

(22a) 'equipment used underground' means equipment used in the mining industry;

Amendment 9

Proposal for a regulation

Article 3 – paragraph 1 – point 29

Text proposed by the Commission

Amendment

(29) ‘transition period’ means the first ***eighteen*** months following the date of mandatory implementation of Stage V, as referred to in Article 17(2);

(29) ‘transition period’ means the first ***twenty-four*** months following the date of mandatory implementation of Stage V, as referred to in Article 17(2);

Amendment 10

Proposal for a regulation

Article 3 – paragraph 1 – point 40 a (new)

Text proposed by the Commission

Amendment

(40a) "mobile crane" means a self-powered jib crane capable of travelling on-road and/or off-road, relying on gravity for stability, and which operates on tyres, crawlers or with other mobile apparatus. Mobile cranes on tyres shall be considered to be special purpose vehicles falling within the scope of Directive 2007/46/EC;

Amendment 11

Proposal for a regulation

Article 4 – paragraph 1 – point 1 – point b

Text proposed by the Commission

Amendment

(b) engines with a reference power of less than 560 kW used in place of engines of categories IWP, RLL or RLR;

(b) engines with a reference power of less than 560 kW used in place of engines of categories **IWA**, IWP, RLL or RLR;

Justification

The proposed amendment [9] to table I-6 in annex II applies the same emission limit values as inland waterways propulsion engines to inland waterways auxiliary engines for all powers. This amendment will allow a land-based units of <560kW to optionally be used where they can be applied. These land based units have lower emission limit values than those proposed in the amendment to table I-6 in annex II.

Amendment 12

Proposal for a regulation

Article 4 – paragraph 1 – point 5 – point a

Text proposed by the Commission

Amendment

(a) engines exclusively for use in inland

(a) engines exclusively for use in inland

waterway vessels, for their propulsion or intended for their propulsion, **having a reference power that is greater than or equal to 37 kW**,

waterway vessels, for their propulsion or intended for their propulsion,

Justification

There is no 37 kW minimum in the US regulation 40CFR1042. Removal of this exclusion allows full alignment with the US regulation.

Amendment 13

Proposal for a regulation

Article 4 – paragraph 1 – point 5 – point b

Text proposed by the Commission

(b) engines **with a reference power greater than 560 kW** used in place of engines of category IWA subject to complying with the requirements of Article 23(8);

Amendment

(b) engines used in place of engines of category IWA subject to complying with the requirements of Article 23(8);

Justification

The proposed amendment [9] to table I-6 in annex II expands the application of the same emission limit values as inland waterways propulsion engines to inland waterways auxiliary engines from >560kW only to include all powers. This amendment aligns the text to allow an inland waterways propulsion engine that has been certified to the correct cycle to be used as an auxiliary engine in line with that principle.

Amendment 14

Proposal for a regulation

Article 4 – paragraph 1 – point 6 – subparagraph 1

Text proposed by the Commission

‘Category IWA’, comprising engines exclusively for use in inland waterway vessels, for auxiliary purposes or intended for auxiliary purposes, **having a net power that is greater than 560 kW**.

Amendment

‘Category IWA’, comprising engines exclusively for use in inland waterway vessels, for auxiliary purposes or intended for auxiliary purposes.

Justification

The proposed amendment [9] to table I-6 in annex II expands the application of the same emission limit values as inland waterways propulsion engines to inland waterways auxiliary engines from >560kW only to include all powers. This amendment aligns the text with this principle.

Amendment 15

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. Approval authorities shall make public by means of the Union central administrative platform referred to in Article 41, a register of all engine types and engine families, for which they have granted EU type-approval, containing at least the following information: trademark, designation of manufacturer, engine category, number of type-approval, and date of type-approval.

Amendment

3. Approval authorities shall make public by means of the Union central administrative platform referred to in Article 41, a register of all engine types and engine families, for which they have granted EU type-approval, containing at least the following information: trademark, designation of manufacturer, engine category, number of type-approval, and date of type-approval, **as well as technical parameters**.

Amendment 16

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

For EU type-approved engines, market surveillance authorities shall perform, on an adequate scale and on the basis of **adequate** samples, documentary checks and, where appropriate, physical and laboratory checks of engines. When doing so, they shall take account of established principles of risk assessment, of any complaints and of other relevant information.

Amendment

For EU type-approved engines, market surveillance authorities shall perform, on an adequate scale and on the basis of **a significant percentage of** samples documentary checks and, where appropriate, physical and laboratory checks of engines. When doing so, they shall take account of established principles of risk assessment, of any complaints and of other relevant information.

Amendment 17

Proposal for a regulation Article 8 – paragraph 6

Text proposed by the Commission

6. In addition to the marking affixed to their engines in accordance with Article 31, manufacturers shall indicate on their engines made available on the market their name, registered trade name or registered trade mark and the address in the Union at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the engine.

Amendment

6. In addition to the marking affixed to their engines in accordance with Article 31, manufacturers shall indicate on their engines made available on the market their name, registered trade name or registered trade mark, ***technical parameters*** and the address in the Union at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the engine.

Amendment 18

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

5. Importers shall make available instructions ***and*** information, as required in accordance with Article 41.

Amendment

5. Importers shall make available instructions, information ***and all documentation***, as required in accordance with Article 41.

Amendment 19

Proposal for a regulation Article 23 – paragraph 8

Text proposed by the Commission

8. In case of an engine of category IWP ***having a reference power greater than 560 kW*** that is intended for use in place of an engine of category IWA in accordance with the second subparagraph of Article 4,

Amendment

8. In case of an engine of category IWP that is intended for use in place of an engine of category IWA in accordance with the second subparagraph of Article 4, the requirements of paragraph 5 shall be

the requirements of paragraph 5 shall be met separately for each applicable steady-state test cycle set out in both Tables IV-5 and IV-6 of Annex IV, and the type-approval information document shall indicate each steady-state test cycle for which this requirement was fulfilled.

met separately for each applicable steady-state test cycle set out in both Tables IV-5 and IV-6 of Annex IV, and the type-approval information document shall indicate each steady-state test cycle for which this requirement was fulfilled.

Justification

The proposed amendment [9] to table I-6 in annex II expands the application of the same emission limit values as inland waterways propulsion engines to inland waterways auxiliary engines from >560kW only to include all powers. This amendment aligns the text with this principle.

Amendment 20

Proposal for a regulation Article 30

Text proposed by the Commission

Certificate of conformity

1. The manufacturer, in its capacity as the holder of an engine type or engine family EU type-approval, shall deliver a *certificate* of conformity to accompany *each engine which is manufactured in conformity with the approved engine type*.

Such a *certificate* shall be delivered free of charge together with the engine and shall accompany the machinery in which the engine is installed. Its delivery *may* not be made dependent on an explicit request or on the submission of additional information to the manufacturer.

For a period of 10 years after the

Amendment

Statement of conformity

1. The manufacturer, in its capacity as the holder of an engine type or engine family EU type-approval, shall deliver a *statement* of conformity ("*statement of conformity*") to accompany *engines which are placed on the market on the basis of:*

(a) an exemption referred to in Article 32 (1), (3) or (4); or

(b) a transitional provision referred to in Article 57.

Such a *statement* shall *state the particular features and restrictions that are to apply to the engine, and* shall be delivered free of charge together with the engine and shall accompany the *non-road mobile* machinery in which the engine is installed. Its delivery *shall* not be made dependent on an explicit request or on the submission of additional information to the manufacturer.

For a period of 10 years after the *engine*

production date *of the engine*, the engine manufacturer shall, at the request of the engine *owner*, issue a duplicate of the *certificate* of conformity against a payment not exceeding the cost of issuing it. The word ‘duplicate’ shall be clearly visible on the face of any duplicate *certificate*.

3. The *certificate* of conformity shall be drawn up in at least one of the official languages of the Union. Any Member State may request the *certificate* of conformity to be translated into its own official language or languages.

4. The person(s) authorised to sign *certificates* of conformity shall *be in* the manufacturer’s organisation and shall be duly authorised by the management to fully engage the legal responsibility of the manufacturer with respect to the design and the construction or with respect to the conformity of the production of the engine.

5. The *certificate* of conformity shall be completed in its entirety and shall not contain restrictions as regards the use of the engine other than those provided for in this Regulation *or any of the delegated acts adopted pursuant to this Regulation*.

6. The certificate of conformity shall, for engine types or engine families approved in accordance with Article 33(2), display in its title the phrase ‘For engines type-approved in application of Article 31 of Regulation (EU) No xx/xx of the European Parliament and of the Council of [date] on requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery (provisional approval)’.

7. The Commission shall be empowered to adopt by means of implementing acts the template for the *certificate* of conformity, including the technical features designed to prevent forgery. To that end, the

production date, the engine manufacturer shall, at the request of the engine *end-user*, issue a duplicate of the *statement* of conformity against payment *of an amount* not exceeding the cost of issuing it. The word ‘duplicate’ shall be clearly visible on the face of any duplicate *statement of conformity*.

3. The *statement* of conformity shall be drawn up in at least one of the official languages of the Union. Any Member State may request *from the engine manufacturer that* the *statement* of conformity to be translated into its own official language or languages.

4. The person(s) authorised to sign *statements* of conformity shall *belong to* the manufacturer’s organisation and shall be duly authorised by the management *of that organisation* to fully engage the legal responsibility of the manufacturer with respect to the design and the construction or with respect to the conformity of the production of the engine.

5. The *statement* of conformity shall be completed in its entirety and shall not contain restrictions as regards the use of the engine other than those provided for in this Regulation.

7. The Commission shall be empowered to adopt by means of implementing acts the template for the *statement* of conformity, including the technical features designed to prevent forgery. To that end, the

implementing acts shall provide the security printing features protecting the paper used in the *certificate*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2) by [31 December 2016].

implementing acts shall provide the security printing features protecting the paper used in the *statement of conformity*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2) by [31 December 2016].

Amendment 21

Proposal for a regulation Article 31 – paragraph 2

Text proposed by the Commission

2. Before leaving the production line *the* engines must bear the marking required by this Regulation.

Amendment

2. Before leaving the production line engines *manufactured in the Union, as well as those manufactured outside the Union*, must bear the marking required by this Regulation. *This requirement shall in no way affect other markings required under Member State or Union legislation.*

Amendment 22

Proposal for a regulation Article 32 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Notwithstanding the requirements of Article 5(2) and (3) and Article 17(2), Member States shall permit the placing on the market of replacement engines that belong to one of the following categories:

(a) engines of category NRE, NRG or NRS that comply with the limit values that the engine which is intended to be replaced had to meet when originally placed on the market;

(b) engines of category RLL or RLR that comply with the limit values that the

engine which is intended to be replaced had to meet when originally placed on the market, if the engine to be replaced was manufactured on or after 1 January 2012;

(c) engines of category RLL or RLR that comply with the limit values that applied to engines within the scope of the respective category on 31 December 2011 for placing on the market if the engine to be replaced was produced on or before that date and the use of a replacement engine that meets the requirements of the latest applicable emissions stage in the railcar or locomotive in question will involve significant technical difficulties;

(d) engines of category NRE, NRG, NRS, RLL, RLR can have the same power, or higher, provided they comply with points (a), (b) and (c) of this paragraph.

Amendment 23

Proposal for a regulation

Article 32 – paragraph 5 – – point c a (new)

Text proposed by the Commission

Amendment

(ca) the placing on the market of replacement engines, as referred to in paragraph 4a.

Amendment 24

Proposal for a regulation

Article 35 – paragraph 4

Text proposed by the Commission

Amendment

The manufacturer shall retain copies of the lists for a minimum period of **20** years after the end of validity of the EU type-approval

The manufacturer shall retain copies of the lists for a minimum period of **10** years after the end of validity of the EU type-approval

concerned.

concerned.

Amendment 25

Proposal for a regulation Article 39 a (new)

Text proposed by the Commission

Amendment

Article 39a

***Ensuring the health and safety of workers
in underground mining industries***

In cases where electric motors cannot be used, underground equipment running on less pollutant fuel such as LPG shall be selected. Pollutants emitted by each individual engine shall not exceed levels corresponding to half the limits permissible in open spaces and specified in Annex II.

Justification

Specific emission limits should be imposed on the mining industry since the use of engines running on fossil fuel presents a major health risk to workers.

Amendment 26

Proposal for a regulation Article 42 – title

Text proposed by the Commission

Amendment

***Union central administrative platform
and database***

***Exchange of data and information
through the Internal Market Information
System (IMI)***

Amendment 27

Proposal for a regulation Article 42 – paragraph 1

Text proposed by the Commission

1. ***The Commission shall set up a Union central administrative digital platform for the exchange of data and information related to EU type-approvals in electronic format. The platform shall be used for the exchange of data and information between the approval authorities, or between the approval authorities and the Commission, which takes place in the framework of this Regulation.***

Amendment

1. The exchange of data and information related to EU type-approvals in electronic format ***shall take place through the IMI. The IMI*** shall be used for the exchange of data and information between the approval authorities, or between the approval authorities and the Commission, which takes place in the framework of this Regulation.

Amendment 28

Proposal for a regulation Article 42 – paragraph 2

Text proposed by the Commission

2. ***The Union central administrative digital platform shall also comprise a database where any information of relevance in respect of EU type-approvals granted in accordance with this Regulation shall be centrally gathered and made accessible to the approval authorities and to the Commission. The database shall connect national databases to the Union central database, where agreed with the Member States concerned.***

Amendment

2. ***Any information that is*** of relevance in respect of EU type-approvals ***which are*** granted in accordance with this Regulation shall be centrally gathered and made accessible to the approval authorities and to the Commission ***through the IMI***. The database shall connect national databases to the Union central database, where agreed with the Member States concerned.

Amendment 29

Proposal for a regulation Article 42 – paragraph 3 – introductory part

Text proposed by the Commission

3. Subsequent to the implementation of paragraphs 1 and 2, the Commission shall

Amendment

3. Subsequent to the implementation of paragraphs 1 and 2, the Commission shall

extend the *Union central administrative digital platform* with modules which shall allow for:

extend the *IMI* with modules which shall allow for:

Amendment 30

Proposal for a regulation Article 42 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to adopt by means of implementing acts the detailed technical requirements and procedures necessary for setting up the Union central administrative platform and database referred to in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2) by [31 December 2016].

deleted

Amendment 31

Proposal for a regulation Article 46

Text proposed by the Commission

Amendment

Article 46

deleted

Accredited in-house technical services of the manufacturer

1. An accredited in-house technical service of a manufacturer may be designated only for category A activities with regard to technical requirements for which self-testing is allowed by a delegated act adopted pursuant to this Regulation. That technical service shall constitute a separate and distinct part of the undertaking and shall not be involved in the design, manufacturing, supply or maintenance of the engines it assesses.

2. An accredited in-house technical

service shall meet the following requirements:

(a) in addition to being designated by the approval authority of a Member State it shall be accredited by a national accreditation body as defined in point 11 of Article 2 of Regulation (EC) No 765/2008 and in accordance with the standards and procedure referred to in Article 47 of this Regulation;

(b) the accredited in-house technical service and its personnel shall be organisationally identifiable and have reporting methods within the undertaking of which they form part which ensure their impartiality and demonstrate it to the relevant national accreditation body;

(c) neither the accredited in-house technical service nor its personnel shall engage in any activity that might conflict with their independence of judgment or integrity in relation to the categories of activities for which they have been designated;

(d) the accredited in-house technical service shall supply its services exclusively to the undertaking of which it forms part.

3. An accredited in-house technical service need not be notified to the Commission for the purposes of Article 49, but information concerning its accreditation shall be given by the undertaking of which it forms part or by the national accreditation body to the designating approval authority at the request of that authority.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 laying down the technical requirements for which self-testing is allowed, as referred to in paragraph 1. Those delegated acts shall be adopted by [31 December 2016].

Amendment 32

Proposal for a regulation Article 55 – paragraph 1

Text proposed by the Commission

1. The power to adopt the delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

Amendment

1. The power to adopt the delegated acts is conferred on the Commission subject to the conditions laid down in this Article. ***With that aim in view, the Commission shall set up a working group, consisting of social partners and relevant representatives.***

Amendment 33

Proposal for a regulation Article 56 a (new)

Text proposed by the Commission

Amendment

Article 56a

Amendment to Regulation (EU) No 1024/2012

The following point is added to the Annex to Regulation (EU) No 1024/2012 of the European Parliament and of the Council^{1a}:

"8a. Regulation (EU) 20xx/xx of the European Parliament and of the Council of xx on requirements relating to emission limits and type-approval for internal combustion engines in non-road mobile machinery^{*+}: Article 42.

**** OJ L XX, xx.xx.xxxx, p. x."***

+ OJ: please insert the reference number and date for the regulation and complete footnote details.

^{1a} Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market

Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).

Amendment 34

Proposal for a regulation Article 57 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the provisions in Chapters II and III, this Regulation shall not invalidate, before the dates for placing on the market of engines referred to in Annex III, any EU type-approval.

Amendment

1. Without prejudice to the provisions in Chapters II and III, this Regulation shall not invalidate, before the dates for placing on the market of engines referred to in Annex III, any EU type-approval **or exemption**.

Amendment 35

Proposal for a regulation Article 57 – paragraph 2

Text proposed by the Commission

2. Approval authorities may continue to grant type-approvals in accordance with the relevant legislation applicable on the date of entry into force of this Regulation until the mandatory dates for the EU type-approval of engines referred to in Annex III.

Amendment

2. Approval authorities may continue to grant type-approvals **and exemptions** in accordance with the relevant legislation applicable on the date of entry into force of this Regulation until the mandatory dates for the EU type-approval of engines referred to in Annex III.

Amendment 36

Proposal for a regulation Article 57 – paragraph 5 – subparagraph 1

Text proposed by the Commission

5. Without prejudice to Articles 5(3) and 17(2), transition engines and, where applicable, the machinery in which those transition engines are installed may

Amendment

5. Without prejudice to Articles 5(3) and 17(2), transition engines and, where applicable, the machinery in which those transition engines are installed may

continue to be placed on the market during the transition period on condition that the machine in which the transition engine is installed has a production date prior to **1 year** after the start of the transition period.

continue to be placed on the market during the transition period on condition that the machine in which the transition engine is installed has a production date prior to **18 months** after the start of the transition period *without prejudice to Directive 2008/57/EC of the European Parliament and of the Council^{1a} and to Commission Regulation (EU) No 1302/2014^{1b}.*

^{1a} *Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast) (OJ L 191, 18.7.2008, p. 1).*

^{1b} *Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the ‘rolling stock — locomotives and passenger rolling stock’ subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 228).*

Amendment 37

Proposal for a regulation Article 57 – paragraph 5 – subparagraph 2

Text proposed by the Commission

For engines of the category NRE, Member States shall authorise an extension of the transition period and the **12**-months period referred to in the first sub-paragraph by an additional 12 months for OEM's with a total yearly production of fewer than **50** units of non-road mobile machinery equipped with combustion engines. For the purposes of the calculation of the total yearly production referred to in this paragraph, all OEM's under the control of the same natural or legal person shall be considered to be a single OEM.

Amendment

For engines of the category NRE, Member States shall authorise an extension of the transition period and the **18**-months period referred to in the first sub-paragraph by an additional 12 months for OEM's with a total yearly production of fewer than **100** units of non-road mobile machinery equipped with combustion engines. For the purposes of the calculation of the total yearly production referred to in this paragraph, all OEM's under the control of the same natural or legal person shall be considered to be a single OEM.

Amendment 38

Proposal for a regulation

Article 57 – paragraph 5 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For engines of the category NRE used in mobile cranes, Member States shall authorise an extension of the transition period referred to in the first subparagraph by an additional 12 months.

Amendment 39

Proposal for a regulation

Article 57 – paragraph 7 – point a

Text proposed by the Commission

Amendment

(a) **18** months from the date for placing on the market of engines set out in Annex III, in the case set out in the first subparagraph of paragraph 5;

(a) **24** months from the date for placing on the market of engines set out in Annex III, in the case set out in the first subparagraph of paragraph 5;

Amendment 40

Proposal for a regulation

Article 57 – paragraph 7 – point b

Text proposed by the Commission

Amendment

(b) **30** months from the date for placing on the market of engines set out in Annex III, in the case set out in the second subparagraph of paragraph 5.

(b) **36** months from the date for placing on the market of engines set out in Annex III, in the case set out in the second subparagraph of paragraph 5.

Amendment 41

Proposal for a regulation

Annex I – Table I-5: Sub-categories of engine category IWP defined in Article 4 point (5)

Text proposed by the Commission

| Category | Ignition type | Speed mode | Power range (kW) | Sub-category | Reference power |
|----------|---------------|------------|---------------------|----------------|-------------------|
| IWP | all | variable | $37 \leq P < 75$ | <i>IWP-v-1</i> | Maximum net power |
| | | | $75 \leq P < 130$ | <i>IWP-v-2</i> | |
| | | | $130 \leq P < 300$ | <i>IWP-v-3</i> | |
| | | | $300 \leq P < 1000$ | <i>IWP-v-4</i> | |
| | | | $P \geq 1000$ | <i>IWP-v-5</i> | |
| | | constant | $37 \leq P < 75$ | <i>IWP-c-1</i> | Rated net power |
| | | | $75 \leq P < 130$ | <i>IWP-c-2</i> | |
| | | | $130 \leq P < 300$ | <i>IWP-c-3</i> | |
| | | | $300 \leq P < 1000$ | <i>IWP-c-4</i> | |
| | | | $P \geq 1000$ | <i>IWP-c-5</i> | |

Amendment

| Category | Ignition type | Speed mode | <i>Displacement</i> | Power range (kW) | Sub-category | Reference power |
|----------|---------------|------------|-----------------------------|------------------------|----------------|-------------------|
| IWP | all | variable | <i>disp. < 0.9</i> | <i>P < 19</i> | <i>IWP-v-1</i> | Maximum net power |
| | | | <i>disp. < 0.9</i> | <i>19 ≤ P < 37</i> | <i>IWP-v-2</i> | |
| | | | <i>disp. < 0.9</i> | <i>37 ≤ P < 75</i> | <i>IWP-v-3</i> | |
| | | | <i>disp. < 0.9</i> | <i>75 ≤ P < 600</i> | <i>IWP-v-4</i> | |
| | | | <i>0.9 ≤ disp. < 1.2</i> | <i>P ≤ 600</i> | <i>IWP-v-5</i> | |
| | | | <i>1.2 ≤ disp. ≤ 3.5</i> | <i>P ≤ 600</i> | <i>IWP-v-6</i> | |
| | | | <i>3.5 ≤ disp. ≤ 7.0</i> | <i>P ≤ 600</i> | <i>IWP-v-7</i> | |
| | | | <i>all</i> | <i>P > 600</i> | <i>IWP-v-8</i> | |
| | | Constant | <i>disp. < 0.9</i> | <i>P < 19</i> | <i>IWP-c-1</i> | Rated net power |
| | | | <i>disp. < 0.9</i> | <i>19 ≤ P < 37</i> | <i>IWP-c-2</i> | |
| | | | <i>disp. < 0.9</i> | <i>37 ≤ P < 75</i> | <i>IWP-c-3</i> | |
| | | | <i>disp. < 0.9</i> | <i>75 ≤ P < 600</i> | <i>IWP-c-4</i> | |
| | | | <i>0.9 ≤ disp. < 1.2</i> | <i>P ≤ 600</i> | <i>IWP-c-5</i> | |

| | | | | | |
|--|--|--|----------------------------------|--------------|----------------|
| | | | $1.2 \leq \text{disp.} \leq 3.5$ | $P \leq 600$ | <i>IWP-c-6</i> |
| | | | $3.5 \leq \text{disp.} \leq 7.0$ | $P \leq 600$ | <i>IWP-c-7</i> |
| | | | <i>all</i> | $P > 600$ | <i>IWP-c-8</i> |

Amendment 42

Proposal for a regulation

Annex I – Table I-6: Sub-categories of engine category IWA defined in Article 4 point (6)

Text proposed by the Commission

| Category | Ignition type | Speed mode | Power range (kW) | Sub-category | Reference power |
|----------|---------------|------------|---------------------|----------------|-------------------|
| IWA | all | variable | $560 \leq P < 1000$ | <i>IWA-v-1</i> | Maximum net power |
| | | | $P \geq 1000$ | <i>IWA-v-2</i> | |
| | | constant | $560 \leq P < 1000$ | <i>IWA-c-1</i> | Rated net power |
| | | | $P \geq 1000$ | <i>IWA-c-2</i> | |

Amendment

| Category | Ignition type | Speed mode | <i>Displacement</i> | Power range (kW) | Sub-category | Reference power |
|----------|---------------|------------|----------------------|------------------|----------------|-----------------|
| IWA | all | variable | $\text{disp.} < 0.9$ | $P < 19$ | <i>IWA-v-1</i> | Maximum net |

| | | | | | |
|--|----------|---------------------------|-------------------|----------------|-----------------|
| | | <i>disp. < 0.9</i> | $19 \leq P < 37$ | <i>IWA-v-2</i> | power |
| | | <i>disp. < 0.9</i> | $37 \leq P < 75$ | <i>IWA-v-3</i> | |
| | | <i>disp. < 0.9</i> | $75 \leq P < 600$ | <i>IWA-v-4</i> | |
| | | $0.9 \leq disp. < 1.2$ | $P \leq 600$ | <i>IWA-v-5</i> | |
| | | $1.2 \leq disp. \leq 3.5$ | $P \leq 600$ | <i>IWA-v-6</i> | |
| | | $3.5 \leq disp. \leq 7.0$ | $P \leq 600$ | <i>IWA-v-7</i> | |
| | | <i>all</i> | $P > 600$ | <i>IWA-v-8</i> | |
| | Constant | <i>disp. < 0.9</i> | $P < 19$ | <i>IWA-c-1</i> | Rated net power |
| | | <i>disp. < 0.9</i> | $19 \leq P < 37$ | <i>IWA-c-2</i> | |
| | | <i>disp. < 0.9</i> | $37 \leq P < 75$ | <i>IWA-c-3</i> | |
| | | <i>disp. < 0.9</i> | $75 \leq P < 600$ | <i>IWA-c-4</i> | |
| | | $0.9 \leq disp. < 1.2$ | $P \leq 600$ | <i>IWA-c-5</i> | |
| | | $1.2 \leq disp. \leq 3.5$ | $P \leq 600$ | <i>IWA-c-6</i> | |
| | | $3.5 \leq disp. \leq 7.0$ | $P \leq 600$ | <i>IWA-c-7</i> | |
| | | <i>all</i> | $P > 600$ | <i>IWA-c-8</i> | |

Amendment 43

Proposal for a regulation

Annex II –Table II-5: Stage V emission limits for engine category IWP defined in Article 4 point (5)

Text proposed by the Commission

| Emission stage | Engine sub-category | Power range | Engine ignition type | CO | HC | NOx | PM mass | PN | A |
|----------------|---------------------|--|----------------------|-------------|--|-------------|-------------|--------------------------------------|------|
| | | kW | | g/kWh | g/kWh | g/kWh | g/kWh | #/kWh | |
| Stage V | IWP-v-1 IWP-c-1 | $37 \leq P < 75$ | all | 5,00 | $(HC+NOx \leq 4,70)$ | | 0,30 | - | 6,00 |
| Stage V | IWP-v-2 IWP-c-2 | $75 \leq P < 130$ | all | 5,00 | $(HC+NOx \leq 5,40)$ | | 0,14 | - | 6,00 |
| Stage V | IWP-v-3 IWP-c-3 | $130 \leq P < 300$ | all | 3,50 | 1,00 | 2,10 | 0,11 | - | 6,00 |
| Stage V | IWP-v-4 IWP-c-4 | $300 \leq P < 1000$ | all | 3,50 | 0,19 | 1,20 | 0,02 | 1×10^{12} | 6,00 |
| Stage V | IWP-v-5 IWP-c-5 | $P > 1000$ | all | 3,50 | 0,19 | 0,40 | 0,01 | 1×10^{12} | 6,00 |

Amendment

| Emission Stage | Engine sub-category | Displacement | Net Power range | Engine ignition type | CO | HC | NOx | PM mass | A |
|----------------|---------------------|---------------------|------------------------|----------------------|-------|-------|-------|---------|---|
| | | (L/cyl) | kW | | g/kWh | g/kWh | g/kWh | g/kWh | |
| | | | | | | | | | |

| | | | | | | | | | |
|---------|--------------------|------------------------------------|-------------------|-----|--------------------|---------------------------|-----|--------------------|---|
| Stage V | IWP-v-1 IWP-c-1 | <i>disp.</i> < 0.9 | $P < 19$ | all | 6.6 ⁽¹⁾ | $(HC+NOx \leq 7.5)$ | | 0.4 | 6 |
| Stage V | IWP-v-2 IWP-c-2 | <i>disp.</i> < 0.9 | $19 \leq P < 37$ | all | 5.5 | $(HC+NOx \leq 4.7)^{(2)}$ | | 0.3 ⁽²⁾ | 6 |
| Stage V | IWP-v-3 IWP-c-3 | <i>disp.</i> < 0.9 | $37 \leq P < 75$ | all | 5.0 | $(HC+NOx \leq 4.7)^{(2)}$ | | 0.3 ⁽²⁾ | 6 |
| Stage V | IWP-v-4 IWP-c-4 | <i>disp.</i> < 0.9 | $75 \leq P < 600$ | all | 5.0 | $(HC+NOx \leq 5.4)$ | | 0.14 | 6 |
| Stage V | IWP-v-5 IWP-c-5 | $0.9 \leq \textit{disp.} < 1.2$ | $P \leq 600$ | all | 5.0 | $(HC+NOx \leq 5.4)$ | | 0.12 | 6 |
| Stage V | IWP-v-6 IWP-c-6 | $1.2 \leq \textit{disp.} \leq 3.5$ | $P \leq 600$ | all | 5.0 | $(HC+NOx \leq 5.6)$ | | 0.10 | 6 |
| Stage V | IWP-v-7 IWP-c-7 | $3.5 \leq \textit{disp.} \leq 7.0$ | $P \leq 600$ | all | 5.0 | $(HC+NOx \leq 5.8)$ | | 0.10 | 6 |
| Stage V | IWP-v-8 IWP-c-8 | all | $P > 600$ | all | 5.0 | 0.19 | 1.8 | 0.045 | 6 |

(1) 8.0 g/kWh for ≤ 8 kw

(2) Optionally, these categories may be certified to a NOx +HC level of 5.8 g/kW.hr and a PM level of 0.2 g/kW.hr

Justification

The Commission proposal does not align with any international marine engine standard and has emission limits based on on-highway technology for truck sized engines. These emission limit values are not applicable in a marine installation due to restrictions on cooling system design, surface temperature limitations and safety concerns. With the high costs involved, a valid business case for developing unique products at an affordable cost for this niche EU market could not be established. Without new products the sector would be reliant on maintaining existing engines with associated higher emissions. This amendment aligns inland waterways propulsion engine emission limit values with US 40CFR1042 marine emission limit regulation allowing engines developed for the US market to be supplied, yet still provides an 80% reduction in emissions from current inland waterway propulsion engine emission limits.

Amendment 44

Proposal for a regulation

Annex II – Table II-6: Stage V emission limits for engine category IWA defined in Article 4 point (6)

Text proposed by the Commission

| Emission stage | Engine sub-category | Power range | Engine ignition type | CO | HC | NOx | PM mass | PN | A |
|----------------|---------------------|--|----------------------|-------------|-------------|-------------|-------------|--------------------------------------|-------------|
| | | kW | | g/kWh | g/kWh | g/kWh | g/kWh | #/kWh | |
| Stage V | IWA-v-1 IWA- | $560 \leq P < 1000$ | all | 3,50 | 0,19 | 1,20 | 0,02 | 1×10^{12} | 6,00 |

| | | | | | | | | | |
|---------|--------------------|---------------|-----|-------------|-------------|-------------|-------------|--------------------|-------------|
| | c-1 | | | | | | | | |
| Stage V | IWA-v-2 IWA-c-2 | $P \geq 1000$ | all | 3,50 | 0,19 | 0,40 | 0,01 | 1×10^{12} | 6,00 |

Amendment

| Emission Stage | Engine sub-category | Displacement | Net Power range | Engine ignition type | CO | HC | NOx | PM mass | A |
|----------------|---------------------|---------------------------|-------------------|----------------------|--------------------------|-------------------------------------|-------|--------------------------|---|
| | | (L/cyl) | kW | | g/kWh | g/kWh | g/kWh | g/kWh | |
| Stage V | IWA-v-1 IWA-c-1 | $disp. < 0.9$ | $P < 19$ | all | 6.6⁽¹⁾ | (HC+NOx ≤ 7.5) | | 0.4 | 6 |
| Stage V | IWA-v-2 IWA-c-2 | $disp. < 0.9$ | $19 \leq P < 37$ | all | 5.5 | (HC+NOx ≤ 4.7)⁽²⁾ | | 0.3⁽²⁾ | 6 |
| Stage V | IWA-v-3 IWA-c-3 | $disp. < 0.9$ | $37 \leq P < 75$ | all | 5.0 | (HC+NOx ≤ 4.7)⁽²⁾ | | 0.3⁽²⁾ | 6 |
| Stage V | IWA-v-4 IWA-c-4 | $disp. < 0.9$ | $75 \leq P < 600$ | all | 5.0 | (HC+NOx ≤ 5.4) | | 0.14 | 6 |
| Stage V | IWA-v-5 IWA-c-5 | $0.9 \leq disp. < 1.2$ | $P \leq 600$ | all | 5.0 | (HC+NOx ≤ 5.4) | | 0.12 | 6 |
| Stage V | IWA-v-6 IWA-c-6 | $1.2 \leq disp. \leq 3.5$ | $P \leq 600$ | all | 5.0 | (HC+NOx ≤ 5.6) | | 0.10 | 6 |
| Stage V | IWA-v-7 IWA-c-7 | $3.5 \leq disp. \leq 7.0$ | $P \leq 600$ | all | 5.0 | (HC+NOx ≤ 5.8) | | 0.10 | 6 |

| | | | | | | | | | |
|----------------|----------------------------|------------|-------------------|------------|------------|-------------|------------|--------------|----------|
| <i>Stage V</i> | <i>IWA-v-8 IWA-c-8</i> | <i>all</i> | <i>P > 600</i> | <i>all</i> | <i>5.0</i> | <i>0.19</i> | <i>1.8</i> | <i>0.045</i> | <i>6</i> |
|----------------|----------------------------|------------|-------------------|------------|------------|-------------|------------|--------------|----------|

(1) 8.0 g/kWh for ≤ 8 kw

(2) Optionally, these categories may be certified to a NOx +HC level of 5.8 g/kW.hr and a PM level of 0.2 g/kW.hr

Justification

Installed auxiliary engines have the same technology restricting installation limitations as propulsion engines. Due to this engine manufacturers use substantially the same engine as the propulsion engine for auxiliary purposes and therefore the same emission limit values are applicable. This is recognised in the US regulation 40CFR1042 which applies the same emission limit values to propulsion and auxiliary engines.

PROCEDURE

| | | | |
|---|--|--------------|-----------|
| Title | Emission limits and type-approval for internal combustion engines for non-road mobile machinery | | |
| References | COM(2014)0581 – C8-0168/2014 – 2014/0268(COD) | | |
| Committee responsible Date announced in plenary | ENVI 12.11.2014 | | |
| Opinion by Date announced in plenary | IMCO 12.11.2014 | | |
| Rapporteur Date appointed | Jiří Pospíšil 5.11.2014 | | |
| Discussed in committee | 24.3.2015 | 7.5.2015 | 22.6.2015 |
| Date adopted | 23.6.2015 | | |
| Result of final vote | +: -: 0: | 31 2 4 | |
| Members present for the final vote | Dita Charanzová, Carlos Coelho, Lara Comi, Anna Maria Corazza Bildt, Daniel Dalton, Nicola Danti, Dennis de Jong, Pascal Durand, Vicky Ford, Ildikó Gáll-Pelcz, Evelyne Gebhardt, Maria Grapini, Sergio Gutiérrez Prieto, Robert Jarosław Iwaszkiewicz, Liisa Jaakonsaari, Philippe Juvin, Antonio López-Istúriz White, Jiří Maštálka, Marlene Mizzi, Jiří Pospíšil, Marcus Pretzell, Virginie Rozière, Christel Schaldemose, Andreas Schwab, Olga Sehnalová, Igor Šoltes, Ivan Štefanec, Catherine Stihler, Mylène Troszczynski, Mihai Țurcanu, Anneleen Van Bossuyt, Marco Zullo | | |
| Substitutes present for the final vote | Kaja Kallas, Emma McClarkin, Adam Szejnfeld, Marc Tarabella, Lambert van Nistelrooij | | |

PROCEDURE

| | |
|---|---|
| Title | Emission limits and type-approval for internal combustion engines for non-road mobile machinery |
| References | COM(2014)0581 – C8-0168/2014 – 2014/0268(COD) |
| Date submitted to Parliament | 25.9.2014 |
| Committee responsible Date announced in plenary | ENVI 12.11.2014 |
| Committees asked for opinions Date announced in plenary | IMCO 12.11.2014 |
| Rapporteurs Date appointed | Elisabetta Gardini 10.2.2015 |
| Discussed in committee | 26.5.2015 |
| Date adopted | 15.9.2015 |
| Result of final vote | +: 64 –: 3 0: 0 |
| Members present for the final vote | Margrete Auken, Pilar Ayuso, Zoltán Balczó, Catherine Bearder, Ivo Belet, Simona Bonafè, Cristian-Silviu Buşoi, Nessa Childers, Birgit Collin-Langen, Mireille D’Ornano, Miriam Dalli, Seb Dance, Angélique Delahaye, Jørn Dohrmann, Ian Duncan, Stefan Eck, Bas Eickhout, Eleonora Evi, José Inácio Faria, Karl-Heinz Florenz, Francesc Gambús, Iratxe García Pérez, Elisabetta Gardini, Gerben-Jan Gerbrandy, Jens Gieseke, Julie Girling, Sylvie Goddyn, Matthias Groote, Andrzej Grzyb, Jytte Guteland, György Hölvényi, Benedek Jávor, Josu Juaristi Abaunz, Karin Kadenbach, Kateřina Konečná, Giovanni La Via, Peter Liese, Susanne Melior, Massimo Paolucci, Bolesław G. Piecha, Pavel Poc, Frédérique Ries, Daciana Octavia Sârbu, Annie Schreijer-Pierik, Renate Sommer, Dubravka Šuica, Claudiu Ciprian Tănăsescu, Estefanía Torres Martínez, Nils Torvalds, Jadwiga Wiśniewska, Damiano Zoffoli |
| Substitutes present for the final vote | Paul Brannen, Nicola Caputo, Elena Gentile, Adam Gierek, Martin Häusling, Krzysztof Hetman, Jan Huitema, Jean-François Jalkh, Mairead McGuinness, James Nicholson, Bart Staes |
| Substitutes under Rule 200(2) present for the final vote | Daniela Aiuto, Tiziana Beghin, Ashley Fox, Anja Hazekamp, Stefano Maullu |

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

| | |
|------------|---|
| 64 | + |
| ALDE: | Catherine Bearder, José Inácio Faria, Gerben-Jan Gerbrandy, Jan Huitema, Frédérique Ries, Nils Torvalds |
| ECR: | Jørn Dohrmann, Ian Duncan, Ashley Fox, Julie Girling, James Nicholson, Bolesław G. Piecha, Jadwiga Wiśniewska |
| EFDD: | Daniela Aiuto, Tiziana Beghin, Eleonora Evi |
| GUE/NGL: | Stefan Eck, Anja Hazekamp, Josu Juaristi Abaunz, Kateřina Konečná, Estefanía Torres Martínez |
| NI/ | Zoltán Balczó |
| PPE: | Pilar Ayuso, Ivo Belet, Cristian-Silviu Buşoi, Birgit Collin-Langen, Angélique Delahaye, Karl-Heinz Florenz, Francesc Gambús, Elisabetta Gardini, Jens Gieseke, Andrzej Grzyb, Krzysztof Hetman, György Hölvényi, Giovanni La Via, Peter Liese, Stefano Maullu, Mairead McGuinness, Annie Schreijer-Pierik, Renate Sommer, Dubravka Šuica |
| S&D: | Simona Bonafè, Paul Brannen, Nicola Caputo, Nessa Childers, Miriam Dalli, Seb Dance, Iratxe García Pérez, Elena Gentile, Adam Gierek, Matthias Groote, Jytte Guteland, Karin Kadenbach, Susanne Melior, Massimo Paolucci, Pavel Poc, Daciana Octavia Sârbu, Claudiu Ciprian Tănăsescu, Damiano Zoffoli |
| VERTS/ALE: | Margrete Auken, Bas Eickhout, Martin Häusling, Benedek Jávor, Bart Staes |
| 3 | - |
| ENF: | Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh |
| 0 | 0 |

Key to symbols:

+ : in favour
- : against
0 : abstention