



2016/0014(COD)

15.9.2016

AMENDMENTS

41 - 356

Draft opinion
Christofer Fjellner
(PE585.489v01-00)

on the proposal for a regulation of the European Parliament and of the Council
on the approval and market surveillance of motor vehicles and their trailers,
and of systems, components and separate technical units intended for such
vehicles

Proposal for a regulation
(COM(2016)0031 – C8-0015/2016 – 2016/0014(COD))

AM_Com_LegOpinion

Amendment 41
Notis Marias

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) The internal market comprises an area ***without*** internal frontiers in which the ***free*** movement of goods, persons, services and capital must be ensured. Internal market rules ***should*** be transparent, simple and consistent, thus providing legal certainty and clarity for the benefit ***of businesses and consumers***.

Amendment

(1) The internal market comprises an area ***with weaker*** internal frontiers in which the movement of goods, persons, services and capital must be ensured. Internal market rules ***must*** be transparent, simple and consistent, thus providing legal certainty and clarity for the ***public*** benefit.

Or. el

Amendment 42
Miriam Dalli, Soledad Cabezón Ruiz, Carlos Zorrinho, Nessa Childers, Christel Schaldemose, Daciana Octavia Sârbu, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) This Regulation should ensure that the national type-approval authorities interpret, apply and enforce the requirements of this Regulation across the Union. The Commission should be empowered to oversee the work of the national authorities by means of regular audits, re-tests of a random sample of the type-approvals issued and general monitoring of the harmonised application of this Regulation.

Or. en

Amendment 43
Merja Kyllönen

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) This regulation should ensure a reliable, harmonised and transparent type approval and market surveillance procedures in the Member States.

Or. en

Amendment 44
Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) This Regulation should strengthen the current type-approval framework, in particular through the introduction of provisions on market surveillance. Market surveillance in the automotive sector should be introduced by specifying the obligations of the economic operators in the supply chain, the responsibilities of the enforcement authorities in the Member States, and the *measures* to be *taken* when automotive products are encountered on the market that represent *serious safety or* environmental risks or that do not comply with the type-approval requirements.

(8) This Regulation should strengthen the current type-approval framework, in particular through the introduction of provisions on market surveillance. Market surveillance in the automotive sector should be introduced by specifying the obligations of the economic operators in the supply chain, the responsibilities of the enforcement authorities in the Member States, and the *sanctions* to be *imposed* when automotive products are encountered on the market that represent *safety, health and* environmental risks or that do not comply with the type-approval requirements.

Or. it

Amendment 45
Notis Marias

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) This Regulation should strengthen the current type-approval framework, in particular through the introduction of provisions on market surveillance. Market surveillance in the automotive sector **should** be introduced by specifying the obligations of the economic operators in the supply chain, the responsibilities of the enforcement authorities in the Member States, and the measures to be taken when automotive products are encountered on the market that represent serious safety or environmental risks or that do not comply with the type-approval requirements.

Amendment

(8) This Regulation should strengthen the current type-approval framework, in particular through the introduction of provisions on market surveillance. Market surveillance in the automotive sector **must** be introduced by specifying the obligations of the economic operators in the supply chain, the responsibilities of the enforcement authorities in the Member States, and the measures to be taken when automotive products are encountered on the market that represent serious safety or environmental risks or that do not comply with the type-approval requirements.

Or. el

Amendment 46

Miriam Dalli, Soledad Cabezón Ruiz, Carlos Zorrinho, Nessa Childers, Christel Schaldemose, Daciana Octavia Sârbu, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) An effective implementation of the type-approval requirements should be ensured by enhancing the provisions on conformity of production by, inter alia, providing for mandatory periodic audits of the conformity control methods and the continued conformity of the products concerned and by reinforcing the requirements relating to the competence, obligations and performance of the technical services that carry out tests for whole-vehicle type-approval under the responsibility of type-approval authorities . The proper functioning of technical services is crucial for ensuring a high level

Amendment

(9) An effective implementation of the type-approval requirements should be ensured by enhancing the provisions on conformity of production by, inter alia, providing for mandatory periodic audits of the conformity control methods and the continued conformity of the products concerned and by reinforcing **and harmonising** the requirements relating to the competence, obligations and performance of the technical services that carry out tests for whole-vehicle type-approval under the responsibility of type-approval authorities . The proper functioning of technical services is crucial

of safety and environmental protection and citizens' confidence in the system. The criteria for designation of technical services provided by Directive 2007/46/EC should be laid down in greater detail in order to assure their consistent application. The assessment methods of technical services in the Member States have a tendency to progressively differ due to the increased complexity of their work. Therefore, it is necessary to provide for procedural obligations that ensure an information exchange and monitoring of Member States' practices for the assessment, designation, notification and monitoring of their technical services. Those procedural obligations should remove any existing discrepancies in the methods used and in the interpretation of the criteria for the designation of technical services.

for ensuring a high level of safety and environmental protection and citizens' confidence in the system. The criteria for designation of technical services provided by Directive 2007/46/EC should be laid down in greater detail in order to assure their consistent application ***across all Member States***. The assessment methods of technical services in the Member States have a tendency to progressively differ due to the increased complexity of their work. Therefore, it is necessary to provide for procedural obligations that ensure an information exchange and monitoring of Member States' practices for the assessment, designation, notification and monitoring of their technical services. Those procedural obligations should remove any existing discrepancies in the methods used and in the interpretation of the criteria for the designation of technical services. ***In order to ensure adequate oversight and level playing field across Europe, the assessment of the applicant technical service should include the on-site assessment and witnessing the actual type-approval tests.***

Or. en

Amendment 47 Notis Marias

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) An effective implementation of the type-approval requirements ***should*** be ensured by enhancing the provisions on conformity of production by, inter alia, providing for mandatory periodic audits of the conformity control methods and the continued conformity of the products concerned and by reinforcing the requirements relating to the competence,

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(9) An effective implementation of the type-approval requirements ***must*** be ensured by enhancing the provisions on conformity of production by, inter alia, providing for mandatory periodic audits of the conformity control methods and the continued conformity of the products concerned and by reinforcing the requirements relating to the competence,

obligations and performance of the technical services that carry out tests for whole-vehicle type-approval under the responsibility of type-approval authorities . The proper functioning of technical services is crucial for ensuring a high level of safety and environmental protection and citizens' confidence in the system. The criteria for designation of technical services provided by Directive 2007/46/EC should be laid down in greater detail in order to assure their consistent application. The assessment methods of technical services in the Member States have a tendency to progressively differ due to the increased complexity of their work. Therefore, it is necessary to provide for procedural obligations that ensure an information exchange and monitoring of Member States' practices for the assessment, designation, notification and monitoring of their technical services.

Those procedural obligations should remove any existing discrepancies in the methods used and in the interpretation of the criteria for the designation of technical services.

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Or. el

Amendment 48

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) An effective implementation of the type-approval requirements should be ensured by enhancing the provisions on conformity of production by, inter alia, providing for mandatory periodic audits of the conformity control methods and the continued conformity of the products concerned and by reinforcing the requirements relating to the competence,

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obligations and performance of the technical services that carry out tests for whole-vehicle type-approval under the responsibility of type-approval authorities . The ***proper functioning*** of technical services is crucial for ensuring a high level of safety and environmental protection and citizens' confidence in the system. The criteria for designation of technical services provided by Directive 2007/46/EC should be laid down in greater detail in order to assure their consistent application. The assessment methods of technical services in the Member States have a tendency to progressively differ due to the increased complexity of their work. Therefore, it is necessary to ***provide for procedural obligations that ensure an information exchange and monitoring of Member States' practices*** for the assessment, designation, notification and monitoring of their technical services. Those procedural obligations should remove any existing discrepancies in the methods used and in the interpretation of the criteria for the designation of technical services.

obligations and performance of the technical services that carry out tests for whole-vehicle type-approval under the responsibility of type-approval authorities . The ***independence of the technical services of automobile firms*** is crucial for ensuring a high level of safety and environmental protection and citizens' confidence in the system. The criteria for designation of technical services provided by Directive 2007/46/EC should be laid down in greater detail in order to assure their consistent application. The assessment methods of technical services in the Member States have a tendency to progressively differ due to the increased complexity of their work. Therefore, it is necessary to ensure ***the same procedures*** for the assessment, designation, notification and monitoring of their technical services ***by the Member States***. Those procedural obligations should remove any existing discrepancies in the methods used and in the interpretation of the criteria for the designation of technical services.

Or. it

Amendment 49

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) This Regulation sets out provisions for monitoring the compliance of Member States with this Regulation, helping to maintain consumer confidence in vehicles on the market and providing a high level of safety and of health and environmental protection. The Forum for Exchange of Information on Enforcement, established by Member States, monitors with support

of the Commission the responsibilities of national authorities by means of regular audits, checks and tests of a sample of the type-approvals issued and verifying the uniform, consistent and effective application of this Regulation.

Or. en

Amendment 50

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The *need for* control and *monitoring of* technical services *by the designating authorities has increased since technical progress has raised the risk* that *technical services do not* possess the necessary competence to test new technologies or devices emerging within their scope of designation. As technical progress shortens product cycles and as the intervals of surveillance on-site assessments and of the monitoring vary between designating authorities, minimum requirements with regard to the intervals of the surveillance and monitoring of the technical services should be established.

Amendment

(10) The *authorities designated to* control and *monitor the* technical services *shall have to guarantee* that *they* possess the necessary competence, *resources and infrastructure* to test new technologies or devices emerging within their scope of designation. As technical progress shortens product cycles and as the intervals of surveillance on-site assessments and of the monitoring vary between designating authorities, minimum requirements with regard to the intervals of the surveillance and monitoring of the technical services should be established.

Or. it

Amendment 51

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Designation and monitoring of technical services by the Member States, in

Amendment

(11) The designation and monitoring of technical services by the Member States, in

accordance with detailed and strict criteria, should *therefore* be subject to supervisory controls at Union level, *including independent audits as a condition for* the renewal of their notification after five years. The position of technical services vis-à-vis manufacturers should be strengthened, *including their right and duty to carry out unannounced factory inspections and to conduct physical or laboratory tests on products covered by this Regulation, in order to ensure continuous compliance by* manufacturers *after they have obtained a type-approval for their products.*

accordance with detailed and strict criteria, should be subject to *independent* supervisory controls at Union level *in order to examine* the renewal of their notification after five years. The position of technical services vis-à-vis manufacturers should be strengthened *by ensuring the incompatibility of providing technical support to the national approval authorities and to the* manufacturers.

Or. it

Amendment 52

Notis Marias

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Designation and monitoring of technical services by the Member States, in accordance with detailed and strict criteria, should therefore be subject to supervisory controls at Union level, including independent audits as a condition for the renewal of their notification after five years. The position of technical services vis-à-vis manufacturers should be strengthened, including their right and duty to carry out unannounced factory inspections and to conduct physical or laboratory tests on products covered by this Regulation, in order to ensure continuous compliance by manufacturers after they have obtained a type-approval for their products.

Amendment

(11) Designation and monitoring of technical services by the Member States, in accordance with detailed and strict criteria, *including minimum, supervision requirements*, should therefore be subject to supervisory controls at Union level, including independent audits as a condition for the renewal of their notification after five years. The position of technical services vis-à-vis manufacturers should be strengthened, including their right and duty to carry out unannounced factory inspections and to conduct physical or laboratory tests on products covered by this Regulation, in order to ensure continuous compliance by manufacturers after they have obtained a type-approval for their products.

Or. el

Amendment 53

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In order to increase transparency and mutual trust and to further align and develop the criteria for the assessment, designation, and notification of technical services, as well as extension and renewal procedures, Member States should cooperate with each other and with the Commission. They should consult each other and the Commission on questions with general relevance for the implementation of this Regulation and inform each other and the Commission on their model assessment checklist.

Amendment

(12) In order to increase transparency and mutual trust and to further align and develop the criteria for the assessment, designation, and notification of technical services, as well as extension and renewal procedures, Member States should cooperate with each other and with the Commission. They should consult each other and the Commission on questions with general relevance for the implementation of this Regulation and inform each other and the Commission on their model assessment checklist. ***This Regulation establishes an Online Type Approval Database, which together with the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council, could provide a useful electronic means to facilitate and enhance administrative cooperation managing the exchange of information on the basis of simple and unified procedures overcoming language barriers.***

Or. en

Amendment 54

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In order to increase transparency and mutual trust and to ***further*** align and

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develop ***the*** criteria for the assessment, designation, and notification of technical services, as well as extension and renewal procedures, Member States should cooperate with each other and with the Commission. They should consult each other and the Commission on questions with general relevance for the implementation of this Regulation ***and inform each other and the Commission on their model assessment checklist.***

homogenous criteria ***in the EU*** for the assessment, designation, and notification of technical services, as well as extension and renewal procedures, Member States should cooperate with each other and with the Commission. They should consult each other and the Commission on questions with general relevance for the implementation of this Regulation.

Or. it

Amendment 55 **Notis Marias**

Proposal for a regulation **Recital 12**

Text proposed by the Commission

(12) In order to increase transparency and mutual trust and to further align and develop the criteria for the assessment, designation, and notification of technical services, as well as extension and renewal procedures, Member States should cooperate with each other and with the Commission. They should consult each other ***and*** the Commission on questions with general relevance for the implementation of this Regulation and inform each other and the Commission on their model assessment checklist.

Amendment

(12) In order to increase transparency and mutual trust and to further align and develop the criteria for the assessment, designation, and notification of technical services, as well as extension and renewal procedures, Member States should cooperate with each other and with the Commission. They should consult each other, ***as well as consulting Parliament*** and the Commission on questions with general relevance for the implementation of this Regulation and inform each other, ***as well as Parliament*** and the Commission on their model assessment checklist.

Or. el

Amendment 56 **Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto**

Proposal for a regulation **Recital 13**

Text proposed by the Commission

(13) Where designation of a technical service is based on accreditation in the meaning of Regulation (EC) No 765/2008 of the European Parliament and of the Council¹², accreditation bodies and designating authorities should ***exchange information relevant for the assessment of*** the competence of technical services.

¹² Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

Amendment

(13) Where designation of a technical service is based on accreditation in the meaning of Regulation (EC) No 765/2008 of the European Parliament and of the Council¹², accreditation bodies and designating authorities should ***ensure*** the competence of technical services.

¹² Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

Or. it

Amendment 57

Notis Marias

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) ***When, in spite of the measures taken to ensure a coherent application and follow up of the requirements by the Member States, the competence of a technical service is in doubt, the Commission should have the possibility to investigate individual cases.***

Amendment

deleted

Or. el

Amendment 58

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) When, in spite of the measures taken to ensure a coherent application and follow up of the requirements by the Member States, the competence of a technical service is in doubt, the Commission should have the possibility to investigate individual cases.

Amendment

(15) When, in spite of the measures taken to ensure a ***homogenous and*** coherent application and follow up of the requirements by the Member States, the competence of a technical service is in doubt, the Commission should have the possibility to investigate individual cases ***and propose solutions.***

Or. it

Amendment 59

Miriam Dalli, Soledad Cabezón Ruiz, Carlos Zorrinho, Nessa Childers, Christel Schaldemose, Daciana Octavia Sârbu, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) In order to ensure that tests and reports provided by technical services are not influenced by non-legitimate circumstances, the organisation and operation of technical services should ensure full impartiality. To be able to carry out their tasks in a coherent and systematic manner the technical services should possess a satisfactory management system including provisions on professional secrecy. In order to allow technical services to perform their work properly, the level of knowledge and competence and independence of their personnel should be guaranteed at all times.

Amendment

(16) In order to ensure that tests and reports provided by technical services are not influenced by non-legitimate circumstances, the organisation and operation of technical services should ensure full impartiality. To ***this extent the in-house technical services of the manufacturer should not carry out type-approval and conformity testing for safety, fuel consumption, emissions and other compliance aspects of vehicles and those should be verified by independent third party laboratories only.*** To be able to carry out their tasks in a coherent and systematic manner the technical services should possess a satisfactory management system including provisions on professional secrecy. In order to allow technical services to perform their work properly, the level of knowledge and competence and independence of their

personnel should be guaranteed at all times.

Or. en

Amendment 60

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The independence of technical services vis-à-vis manufacturers should be ensured, including by avoiding direct or indirect payments by the manufacturers for the type-approval inspections and tests they have carried out. Therefore the Member States should establish a type-approval fee structure that should cover the costs for carrying out all type-approval tests and inspections carried out by the technical services designated by the type-approval authority, as well as the administrative costs for issuing the type-approval *and the costs for carrying out ex-post compliance verification tests and inspections.*

Amendment

(17) The independence of technical services vis-à-vis manufacturers should be ensured, including by avoiding direct or indirect payments by the manufacturers for the type-approval inspections and tests they have carried out. Therefore the Member States should establish a type-approval fee structure that should cover the costs for carrying out all type-approval tests and inspections carried out by the technical services designated by the type-approval authority, as well as the administrative costs for issuing the type-approval.

Or. it

Amendment 61

Miriam Dalli, Soledad Cabezón Ruiz, Carlos Zorrinho, Nessa Childers, Christel Schaldemose, Daciana Octavia Sârbu, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) A robust compliance enforcement mechanism is necessary in order to ensure that the requirements under this Regulation are met. Ensuring compliance with the

Amendment

(18) A robust compliance enforcement mechanism is necessary in order to ensure that the requirements under this Regulation are met. Ensuring compliance with the

type-approval and conformity of production requirements of the legislation governing the automotive sector should remain the key responsibility of the approval authorities, as it is an obligation closely linked to the issuing of the type-approval and requires detailed knowledge of its content. It is therefore important that the performance of approval authorities is ***regularly verified by means of peer-reviews***, to ensure that a uniform level of quality and stringency is applied by all approval authorities in enforcing the type-approval requirements. Moreover, it is important to provide for the verification of the correctness of the type approval itself.

type-approval and conformity of production requirements of the legislation governing the automotive sector should remain the key responsibility of the approval authorities, as it is an obligation closely linked to the issuing of the type-approval and requires detailed knowledge of its content. It is therefore important that the performance of approval authorities is ***subject to regular supervisory controls at Union level, including independent audits***, to ensure that a uniform level of quality and stringency is applied by all approval authorities in enforcing the type-approval requirements. Moreover, it is important to provide for the verification of the correctness of the type approval itself.

Or. en

Amendment 62

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) A robust compliance enforcement mechanism is necessary in order to ensure that the requirements under this Regulation are met. Ensuring compliance with the type-approval and conformity of production requirements ***of*** the legislation governing the automotive sector should remain the key responsibility of the approval authorities, as it is an obligation closely linked to the issuing of the type-approval and requires detailed knowledge of its content. It is therefore important that the performance of approval authorities is regularly verified by means of peer-reviews, to ensure that a uniform level of quality and stringency is applied by all approval authorities in enforcing the type-approval requirements. Moreover, it is important to provide for the verification of

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(18) A robust compliance enforcement mechanism is necessary in order to ensure that the requirements under this Regulation are met. Ensuring compliance with the type-approval and conformity of production requirements ***with*** the legislation governing the automotive sector should remain the key responsibility of the approval authorities, as it is an obligation closely linked to the issuing of the type-approval and requires detailed knowledge of its content. It is therefore important that the performance of approval authorities is regularly verified by means of peer-reviews, to ensure that a uniform level of quality and stringency is applied by all approval authorities in enforcing the type-approval requirements. Moreover, it is important to provide for the verification ***by***

the correctness of the type approval itself.

independent third parties of the correctness of the type approval itself.

Or. it

Amendment 63

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) *Closer coordination between national authorities through information exchange and coordinated assessments under the direction of a coordinating authority is fundamental for ensuring a consistently high level of safety and health and environmental protection within the internal market. This should also lead to more efficient use of scarce resources at national level. For this purpose a Forum should be established for Member States and the Commission to exchange information on and to coordinate their activities related to the enforcement of type-approval legislation. The currently informal cooperation between Member States in this respect would benefit from a more formal framework.*

Amendment

(19) *A robust compliance enforcement mechanism is necessary in order to ensure that the requirements under this Regulation are met. Ensuring compliance with the type-approval and conformity of production requirements with the legislation governing the automotive sector should remain the key responsibility of the approval authorities, as it is an obligation closely linked to the issuing of the type-approval and requires detailed knowledge of its content. It is therefore important that the performance of approval authorities is regularly verified by means of peer-reviews, to ensure that a uniform level of quality and stringency is applied by all approval authorities in enforcing the type-approval requirements. It is, moreover, important to provide for verification by an independent specialised control body in order to prove the compliance of the type-approval and control requirements so as to ensure that this type-approval is fair. The outcome of these controls shall be disclosed in order to facilitate effective public participation.*

Or. it

Amendment 64

Notis Marias

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Closer coordination between national authorities through information exchange and coordinated assessments under the direction of a coordinating authority is fundamental for ensuring a consistently high level of safety and health and environmental protection within the internal market. This should also lead to more efficient use of scarce resources at national level. For this purpose a Forum should be established for Member States **and the Commission** to exchange information on and to coordinate their activities related to the enforcement of type-approval legislation. The currently informal cooperation between Member States in this respect would benefit from a more formal framework.

Amendment

(19) Closer coordination between national authorities through information exchange and coordinated assessments under the direction of a coordinating authority is fundamental for ensuring a consistently high level of safety and health and environmental protection within the internal market. This should also lead to more efficient use of scarce resources at national level. For this purpose a Forum should be established for Member States to exchange information on and to coordinate their activities related to the enforcement of type-approval legislation. The currently informal cooperation between Member States in this respect would benefit from a more formal framework.

Or. el

Amendment 65

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) The rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 apply to motor vehicles and their trailers, and to systems, components and separate technical units intended for such vehicles ***without preventing Member States from choosing the competent authorities to carry out those tasks.*** Market surveillance ***may be a competence shared between different national authorities to take***

Amendment

(20) The rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 apply to motor vehicles and their trailers, and to systems, components and separate technical units intended for such vehicles. ***In order to ensure that market surveillance is homogenous, it must be centralised at Community level. Conferring powers of control on a centralised authority at Union level should ensure that the new***

*account of the national market surveillance systems in the Member States established under Regulation (EC) No 765/2008. Effective coordination and monitoring at Union and national levels should **guarantee** that **approval** and market surveillance **authorities enforce the new type-approval and market surveillance framework**.*

***type-approval** and market surveillance **framework is fully** and **properly implemented**.*

Or. it

Amendment 66

Notis Marias

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) The rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 apply to motor vehicles and their trailers, and to systems, components and separate technical units intended for such vehicles without preventing Member States from choosing the competent authorities to carry out those tasks. Market surveillance may be a competence shared between different national authorities to take account of the national market surveillance systems in the Member States established under Regulation (EC) No 765/2008. Effective coordination and monitoring at Union and national levels should guarantee that approval and market surveillance authorities **enforce** the new type-approval and market surveillance framework.

Amendment

(20) The rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 apply to motor vehicles and their trailers, and to systems, components and separate technical units intended for such vehicles without preventing Member States from choosing the competent authorities to carry out those tasks. Market surveillance may be a competence shared between different national authorities to take account of the national market surveillance systems in the Member States established under Regulation (EC) No 765/2008. Effective coordination and monitoring at Union and national levels should guarantee that approval and market surveillance authorities **jointly configure** the new type-approval and market surveillance framework.

Or. el

Amendment 67

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) It is necessary to include rules on market surveillance in this Regulation in order to ***reinforce the rights and obligations of the national competent authorities, to ensure effective coordination of their market surveillance activities and*** to clarify the applicable procedures.

Amendment

(21) It is necessary to include rules on ***centralised*** market surveillance in this Regulation in order to ***ensure respect for the obligations of the national type-approval authorities and manufacturers and at the same time*** to clarify the applicable procedures.

Or. it

Amendment 68

Miriam Dalli, Soledad Cabezón Ruiz, Carlos Zorrinho, Nessa Childers, Christel Schaldemose, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) In order to ensure independent testing for in-service compliance throughout the complete life-cycle of all applicable vehicles, robust and mandatory emission testing methods should be developed in order to provide roadworthiness test requirements that are based on the combination of direct tailpipe testing and of OBD testing, including the establishment of test methods for the measurement of NOx during the periodic emission testing pursuant to Directive 2014/45/EU and particulate levels and of their limit values. In particular, new remote sensing technologies can be used to identify grossly polluting vehicles on the road and focus in-service compliance testing for the regulated emission limits (PN, NOx, CO

and HC) on these vehicles as the most cost-effective way to carry out periodic technical inspections in the future.

Or. en

Amendment 69

Miriam Dalli

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) In order to increase transparency in the approval process and facilitate the exchange of information and the independent verification by market surveillance authorities, approval authorities ***and*** the Commission, ***type approval documentation*** should be provided in electronic format and be made publicly available, subject to exemptions due to protection of commercial interests and the protection of personal data.

Amendment

(22) In order to increase transparency in the approval process and facilitate the exchange of information and the independent verification by market surveillance authorities, approval authorities, the Commission ***and third parties, disclosure of vehicle and testing information is necessary to carry out such checks. Relevant information*** should be provided in electronic format and be made publicly available, subject to exemptions due to protection of commercial interests, ***intellectual property rights*** and the protection of personal data, ***unless it is in the public interest.***

Or. en

Amendment 70

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) In order to increase transparency in the approval process and facilitate the exchange of information and the independent verification by ***market surveillance*** authorities, ***approval***

Amendment

(22) In order to increase transparency in the approval process and facilitate the exchange of information and the independent verification by ***the approval*** authorities, ***the Commission*** and ***third***

authorities and *the Commission*, type approval documentation should be provided in electronic format and be made publicly available, *subject to exemptions due to* protection of commercial interests and the protection of personal data.

parties, type approval documentation, *including the methodology and results of the tests*, should be provided in electronic format and be made publicly available, *with the sole exception of sensitive data for the* protection of commercial interests and the protection of personal data.

Or. it

Amendment 71

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) The obligations of *national authorities concerning* market surveillance *provided in this Regulation are more specific than those laid down in Article 19 of Regulation (EC) No 765/2008 to* take account of the specificities of the type-approval framework and the need to complement that framework with an effective market surveillance mechanism ensuring a robust ex-post verification of compliance of the products covered by this Regulation.

Amendment

(23) The obligations of *the European* market surveillance *authority provided in this* Regulation *shall* take account of the specificities of the type-approval framework and the need to complement that framework with an effective market surveillance mechanism ensuring a robust ex-post verification of compliance of the products covered by this Regulation.

Or. it

Amendment 72

Miriam Dalli, Soledad Cabezón Ruiz, Carlos Zorrinho, Nessa Childers, Christel Schaldemose, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Those more specific obligations for national authorities provided in this Regulation should include ex-post

Amendment

(24) Those more specific obligations for national authorities provided in this Regulation should include ex-post

compliance verification testing and inspections of a sufficient number of vehicles placed on the market. The selection of the vehicles to be subject to this ex-post compliance verification should be based on an appropriate risk assessment which takes account of the seriousness of the possible non-compliance and the likelihood of its occurrence.

compliance verification testing and inspections of a sufficient number of vehicles placed on the market. The selection of the vehicles to be subject to this ex-post compliance verification should be based on an appropriate risk assessment which takes account of the seriousness of the possible non-compliance and the likelihood of its occurrence. ***Moreover, it should be based on clear and detailed criteria and include among others random percentage checks on all current models, on vehicles with a new engine or technology installed, on vehicles with high or very low fuel economy, on vehicles with a very high sales volume and take into account past history of compliance, tips from consumers, results of remote sensing testing as well as concerns of independent research bodies.***

Or. en

Amendment 73

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Those more specific obligations for ***national authorities*** provided in this Regulation should include ex-post compliance verification testing and inspections of a sufficient number of vehicles placed on the market. The selection of the vehicles to be subject to this ex-post compliance verification should be based on an appropriate ***risk*** assessment which takes account of the seriousness of the possible non-compliance ***and the likelihood of its occurrence.***

Amendment

(24) Those more specific obligations for ***the European authority*** provided in this Regulation should include ex-post compliance verification testing and inspections of a sufficient number of vehicles placed on the market. The selection of the vehicles to be subject to this ex-post compliance verification should be based on an appropriate assessment of ***the market penetration of the product*** which takes account of the seriousness of the possible non-compliance.

Or. it

Amendment 74

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) *In addition, the Commission should organise and carry out or require to carry out ex-post compliance verification tests and inspections, independent from those carried out by Member States under their national market surveillance obligations. When non-compliance is established by those tests and inspections, or where it is found that a type approval has been granted on the basis of incorrect data the Commission should be entitled to initiate Union-wide remedial actions to restore the conformity of the vehicles concerned and to investigate the reasons for the incorrectness of the type approval. Appropriate funding should be ensured in the general budget of the Union to enable the execution of such compliance verification testing and inspections. In view of the budgetary constraints of the Multiannual Financial Framework 2014-2020 the implementation of the legislative proposal will have to be built on existing resources and to be designed in such a manner that they do not generate additional financial resources.* The Commission should be entitled to impose administrative fines where non-compliance is established.

Amendment

(25) *When* non-compliance is established by tests and inspections, or where it is found that a type approval has been granted on the basis of incorrect data the Commission should be entitled to initiate Union-wide remedial actions to restore the conformity of the vehicles concerned and to investigate the reasons for the incorrectness of the type approval. Appropriate funding should be ensured to enable the execution of such compliance verification testing and inspections. *Those resources should come from the prepayment of the service at the time of sale of the type approved products at no more than 1 / 1000th of the sales cost of the asset.* The Commission should be entitled to impose administrative fines where non-compliance is established.

Or. it

Amendment 75

Notis Marias

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) In addition, the Commission should organise and carry out or require to carry out ex-post compliance verification tests and inspections, independent from those carried out by Member States under their national market surveillance obligations. When non-compliance is established by those tests and inspections, or where it is found that a type approval has been granted on the basis of incorrect data the Commission should be entitled to initiate Union-wide remedial actions to restore the conformity of the vehicles concerned and to investigate the reasons for the incorrectness of the type approval. Appropriate funding should be ensured in the general budget of the Union to enable the execution of such compliance verification testing and inspections. In view of the budgetary constraints of the Multiannual Financial Framework 2014-2020 the implementation of the legislative proposal will have to be built on existing resources and to be designed in such a manner that they do not generate additional financial resources. The Commission should be entitled to impose administrative fines where non-compliance is established.

Amendment

(25) In addition, the Commission should organise and carry out or require to carry out ex-post compliance verification tests and inspections, independent from those carried out by Member States under their national market surveillance obligations. When non-compliance is established by those tests and inspections, or where it is found that a type approval has been granted on the basis of incorrect data the Commission, ***together with the national authorities***, should be entitled to initiate Union-wide remedial actions to restore the conformity of the vehicles concerned and to investigate the reasons for the incorrectness of the type approval. Appropriate funding should be ensured in the general budget of the Union to enable the execution of such compliance verification testing and inspections. In view of the budgetary constraints of the Multiannual Financial Framework 2014-2020 the implementation of the legislative proposal will have to be built on existing resources and to be designed in such a manner that they do not generate additional financial resources. The Commission should be entitled to impose administrative fines where non-compliance is established.

Or. el

Amendment 76
Karin Kadenbach

Proposal for a regulation
Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) PTI- periodic technical inspection: The functionality of exhaust gas after-treatment systems (particle filters, oxidation Catalysts, Selective

Catalytic NOx-Reduction (SCR) during the lifetime of a vehicle can effectively only be guaranteed by periodic technical inspections. However, this is essential for public health. With a view to prevent various kinds of tampering and manipulation exhaust gas after-treatment systems, Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC should be amended for mandatory periodic inspections.

Or. en

Justification

The control of emissions should also prevail after type approval. This amendment reminds that the emission stability for the useful lifetime of a vehicle can finally be ensured by periodic inspections. Legally required electronic on-board OBD control clearly is not sufficient. As this is currently not the case, Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC should be amended.

Amendment 77

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) The objectives of this Regulation should not be affected by the fact that certain systems, components, separate technical units or parts and equipment can be fitted to or in a vehicle after that vehicle has been placed on the market, registered or entered into service. Appropriate measures should therefore be taken to ensure that the systems, components, separate technical units or parts and equipment that can be fitted to or in vehicles and that can significantly impair

Amendment

(27) The objectives of this Regulation should not be affected by the fact that certain systems, components, separate technical units or parts and equipment can be fitted to or in a vehicle after that vehicle has been placed on the market, registered or entered into service. Appropriate measures should therefore be taken to ensure that the systems, components, separate technical units or parts and equipment that can be fitted to or in vehicles and that can significantly impair

the functioning of systems that are essential for environmental protection or functional safety are controlled by an approval authority before they are placed on the market, registered or entered into service.

the functioning of systems that are essential for environmental protection or functional safety are controlled ***and authorised in advance*** by an approval authority before they are placed on the market, registered or entered into service. ***The authority which issues the authorisation for such ancillary components shall inform the Commission and other approval authorities and make available all the necessary documents and verify the prior control procedures.***

Or. it

Amendment 78

Miriam Dalli, Soledad Cabezón Ruiz, Carlos Zorrinho, Nessa Childers, Christel Schaldemose, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) The objectives of this Regulation should not be affected by the fact that certain systems, components, separate technical units or parts and equipment can be fitted to or in a vehicle after that vehicle has been placed on the market, registered or entered into service. Appropriate measures should therefore be taken to ensure that the systems, components, separate technical units or parts and equipment that can be fitted to or in vehicles and that can ***significantly*** impair the functioning of systems that are essential for environmental protection or functional safety are controlled by an approval authority before they are placed on the market, registered or entered into service.

Amendment

(27) The objectives of this Regulation should not be affected by the fact that certain systems, components, separate technical units or parts and equipment can be fitted to or in a vehicle after that vehicle has been placed on the market, registered or entered into service. Appropriate measures should therefore be taken to ensure that the systems, components, separate technical units or parts and equipment that can be fitted to or in vehicles and that can impair the functioning of systems that are essential for environmental protection or functional safety are controlled by an approval authority before they are placed on the market, registered or entered into service.

Or. en

Amendment 79

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Conformity of production is one of the cornerstones of the EU type-approval system, and therefore the arrangements set up by the manufacturer to ensure such conformity should be approved by the competent authority or by an appropriately qualified technical service designated for that purpose, and be subject to regular verification by means of independent periodic audits. In addition, approval authorities should ensure the verification of the continued conformity of the products concerned.

Amendment

(29) Conformity of production is one of the cornerstones of the EU type-approval system, and therefore the arrangements set up by the manufacturer to ensure such conformity should be approved by the competent authority or by an appropriately qualified technical service designated for that purpose ***but other than the technical service that performed the testing for type-approval purpose***, and be subject to regular verification by means of independent periodic audits. In addition, approval authorities should ensure the verification of the continued conformity of the products concerned.

Or. en

Amendment 80

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Conformity of production is one of the cornerstones of the EU type-approval system, and therefore the arrangements set up by the manufacturer to ensure such conformity should be approved by the competent authority or by ***an appropriately qualified*** technical service designated ***for that purpose***, and be subject to regular verification by means of independent periodic audits. In addition, approval authorities should ensure the verification of the continued conformity of the products

Amendment

(29) Conformity of production is one of the cornerstones of the EU type-approval system, and therefore the arrangements set up by the manufacturer to ensure such conformity should be approved by the competent authority or by ***a*** technical service designated ***from among those providing exclusive services to the approval authorities***, and be subject to regular verification by means of independent periodic audits. In addition, approval authorities should ensure the

concerned.

verification of the continued conformity of the products concerned.

Or. it

Amendment 81

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) The assessment of ***reported serious*** risks to safety and of harm to public health and the environment should be conducted at national level, but coordination at Union level should be ensured where the ***reported*** risk or harm may exist beyond the territory of one Member State with the objective of sharing resources and ensuring consistency regarding the corrective action to be taken to ***mitigate*** the identified risk and harm.

Amendment

(31) The assessment of risks to safety and of harm to public health and the environment should be conducted at national level, but coordination at Union level should be ensured where the risk or harm may exist beyond the territory of one Member State with the objective of sharing resources and ensuring consistency regarding the corrective action to be taken to ***eliminate*** the identified risk and harm.

Or. it

Amendment 82

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) In order to ensure that all vehicles, systems, components and separate technical units placed on the market offer a high level of safety and environmental protection, the manufacturer or any other economic operator in the supply chain should take effective corrective measures, including the recall of vehicles, where a vehicle, system, component or separate technical unit presents a ***serious*** risk for users or the environment ***as referred to in***

Amendment

(32) In order to ensure that all vehicles, systems, components and separate technical units placed on the market offer a high level of safety and environmental protection, the manufacturer or any other economic operator in the supply chain should take effective corrective measures, including the recall of vehicles, where a vehicle, system, component or separate technical unit presents a risk for users or the environment. Approval authorities

Article 20 of Regulation (EC) No 765/2008. Approval authorities should be empowered to assess and verify whether those measures are sufficient. The authorities of other Member States' should have the right to take safeguard measures in case they would consider that the manufacturer's corrective measures are not sufficient.

should be empowered to assess and verify whether those measures are sufficient. The authorities of other Member States' should have the right to take safeguard measures in case they would consider that the manufacturer's corrective measures are not sufficient.

Or. it

Amendment 83

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) The Union is a contracting party to the Agreement of the United Nations Economic Commission for Europe (UNECE) concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement')¹³. The Union has accepted a significant number of regulations annexed to the Revised 1958 Agreement and has therefore the obligation to accept type-approvals issued in accordance with those regulations, as complying with the equivalent Union requirements. For the purpose of simplifying its type-approval framework and aligning it with the international framework of the UNECE, the Union in Regulation (EC) No 661/2009 of the European Parliament and of the Council¹⁴ repealed its specific type-approval Directives and replaced them with the obligatory application of the relevant UNECE regulations. To reduce the

Amendment

(34) The Union is a contracting party to the Agreement of the United Nations Economic Commission for Europe (UNECE) concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement')¹³. The Union has accepted a significant number of regulations annexed to the Revised 1958 Agreement and has therefore the obligation to accept type-approvals issued in accordance with those regulations, as complying with the equivalent Union requirements. For the purpose of simplifying its type-approval framework and aligning it with the international framework of the UNECE, the Union in Regulation (EC) No 661/2009 of the European Parliament and of the Council¹⁴ repealed its specific type-approval Directives and replaced them with the obligatory application of the relevant UNECE regulations. To reduce the

administrative burden of the type-approval process, manufacturers of vehicles, systems, components and separate technical units should be allowed to seek type-approval in accordance with this Regulation, where appropriate, directly by means of obtaining approval under the relevant UNECE regulations referred to in the Annexes to this Regulation.

administrative burden of the type-approval process, *without being less ambitious in terms of road safety and pollutant emissions*, manufacturers of vehicles, systems, components and separate technical units should be allowed to seek type-approval in accordance with this Regulation, where appropriate, directly by means of obtaining approval under the relevant UNECE regulations referred to in the Annexes to this Regulation.

¹³ Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') (OJ L 346, 17.12.1997, p. 81).

¹⁴ Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.7.2009, p. 1).

¹³ Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') (OJ L 346, 17.12.1997, p. 81).

¹⁴ Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.7.2009, p. 1).

Or. it

Amendment 84

Notis Marias

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) Consequently, UNECE regulations and the amendments thereto which the

Amendment

(35) Consequently, UNECE regulations and the amendments thereto which the

Union has voted in favour of or that the Union applies, in accordance with Council Decision 97/836/EC¹⁵, should be incorporated within the EU type-approval legislation. Accordingly, the power should be delegated to the Commission to amend the Annexes to this Regulation and to adopt delegated acts to ensure that the references to the UNECE regulations and their respective amendments in the list of the relevant regulatory acts are kept up-to-date.

¹⁵ Council Decision 97/836/EC of 27 November 1997 (OJ L 346, 17.12.1997, p. 78).

Union has voted in favour of or that the Union applies, in accordance with Council Decision 97/836/EC¹⁵, should be incorporated within the EU type-approval legislation. Accordingly, the power should be delegated to the Commission to amend the Annexes to this Regulation and to adopt delegated acts to ensure that the references to the UNECE regulations and their respective amendments in the list of the relevant regulatory acts are kept up-to-date ***under the supervision of the European Parliament.***

¹⁵ Council Decision 97/836/EC of 27 November 1997 (OJ L 346, 17.12.1997, p. 78).

Or. el

Amendment 85

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 37

Text proposed by the Commission

(37) Whereas technical progress introducing new methods or techniques for vehicle diagnostics and repair, such as remote access to vehicle information and software, should ***not weaken*** the objectives of this Regulation with respect to access to repair and maintenance information for independent operators.

Amendment

(37) Whereas technical progress introducing new methods or techniques for vehicle diagnostics and repair, such as remote access to vehicle information and software, should ***strengthen*** the objectives of this Regulation with respect to access to repair and maintenance information for independent operators.

Or. it

Amendment 86

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) **Member States** should lay down rules on penalties for the infringements of this Regulation and ensure that those rules are implemented. Those penalties should be effective, proportionate and dissuasive. ***Member States shall report the imposed penalties to the Commission annually, to monitor the coherence of the implementation of these provisions.***

Amendment

(40) **The European Union** should lay down rules on penalties for the infringements of this Regulation and ensure that those rules are implemented. Those penalties should be effective, proportionate and dissuasive.

Or. it

Amendment 87

Nicola Caputo

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) Member States ***should*** lay down rules on penalties for the infringements of this Regulation and ensure that those rules are implemented. Those penalties ***should*** be effective, proportionate and dissuasive. Member States shall report the imposed penalties to the Commission annually, to monitor the coherence of the implementation of these provisions.

Amendment

(40) Member States ***shall*** lay down rules on penalties for the infringements of ***the obligations provided for in*** this Regulation and ensure that those rules are implemented. Those penalties ***shall*** be effective, proportionate and dissuasive. Member States shall report the imposed penalties to the Commission annually, to monitor the coherence of the implementation of these provisions.

Or. it

Amendment 88

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Daciana Octavia Sârbu

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) Member States should lay down rules on penalties for the infringements of this Regulation and ensure that those rules are implemented. Those penalties should be effective, proportionate and dissuasive. Member States *shall* report the imposed penalties to the Commission annually, to monitor the coherence of the implementation of these provisions.

Amendment

(40) Member States should lay down rules on penalties for the infringements of this Regulation and ensure that those rules are implemented. Those penalties should be effective, proportionate and dissuasive. Member States *should* report the imposed penalties to the Commission annually, to monitor the coherence of the implementation of these provisions.

Or. en

Amendment 89
Bas Eickhout

Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Regulation also lays down the powers and responsibilities of the new European Vehicles Surveillance Agency (EVSA).

Or. en

Amendment 90
Julie Girling

Proposal for a regulation
Article 2 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. For the following vehicles and machinery, the manufacturer may apply for type-approval or individual vehicle approval under this Regulation, provided that those vehicles fulfil the *substantive* requirements of this Regulation:

3. For the following vehicles and machinery, the manufacturer may apply for type-approval or individual vehicle approval under this Regulation, provided that those vehicles fulfil the requirements of this Regulation:

Amendment 91
Merja Kyllönen

Proposal for a regulation
Article 3 – paragraph 1 – point 2

Text proposed by the Commission

(2) ‘market surveillance’ means the activities carried out and measures taken by the market surveillance authorities to ensure that vehicles, systems, components or separate technical units as well as parts and equipment made available on the market comply with the requirements set out in the relevant Union legislation and do not endanger health, safety or any other aspect of public interest protection;

Amendment

(2) ‘market surveillance’ means the activities carried out and measures taken by the market surveillance authorities to ensure that vehicles, systems, components or separate technical units as well as parts and equipment made available on the market comply with the requirements set out in the relevant Union legislation and do not endanger health, safety, ***the environment*** or any other aspect of public interest protection ***including consumer rights***;

Or. en

Amendment 92
Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation
Article 3 – paragraph 1 – point 2

Text proposed by the Commission

(2) ‘market surveillance’ means the activities carried out and measures taken by the market surveillance ***authorities*** to ensure that vehicles, systems, components or separate technical units as well as parts and equipment made available on the market comply with the requirements set out in the relevant Union legislation and do not endanger health, safety or any other aspect of public interest protection;

Amendment

(2) ‘market surveillance’ means the activities carried out and measures taken by the market surveillance ***authority*** to ensure that vehicles, systems, components or separate technical units as well as parts and equipment made available on the market comply with the requirements set out in the relevant Union legislation and do not endanger health, safety, ***the environment*** or any other aspect of public interest protection;

Amendment 93

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Daciana Octavia Sârbu, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 3 – paragraph 1 – point 8 a (new)

Text proposed by the Commission

Amendment

(8a) 'defeat device' means any element of design which senses temperature, vehicle speed, engine speed (RPM), transmission gear, manifold vacuum or any other parameter for the purpose of activating, modulating, delaying or deactivating the operation of any part of the emission control system, that reduces the effectiveness of the emission control system under all ambient or engine operating conditions regularly pertaining in the territory of the Union and encountered either during normal vehicle operation or outside the type-approval test procedures;

Or. en

Amendment 94

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 3 – paragraph 1 – point 8 b (new)

Text proposed by the Commission

Amendment

(8b) 'Base Emission Strategy' (hereinafter 'BES') means an emission strategy that is active throughout the speed and load operating range of the engine unless an AES is activated;

Amendment 95

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Carlos Zorrinho, Soledad Cabezón Ruiz, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 3 – paragraph 1 – point 8 c (new)

Text proposed by the Commission

Amendment

(8c) 'Auxiliary Emission Strategy' (hereinafter 'AES') means an emission strategy that becomes active and replaces or modifies a base emission strategy for a specific purpose and in response to a specific set of ambient and/or operating conditions and only remains operational as long as those conditions exist;

Or. en

Amendment 96

Karin Kadenbach

Proposal for a regulation

Article 3 – paragraph 1 – point 13

Text proposed by the Commission

Amendment

(13) 'market surveillance authority' means the national authority or authorities responsible for carrying out market surveillance on the territory of the Member State;

(13) 'market surveillance authority' means the national authority or authorities, ***independent of any type-approval authority, which are*** responsible for carrying out market surveillance on the territory of the Member State;

Or. de

Amendment 97

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Article 3 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘market surveillance authority’ means the ***national*** authority ***or authorities*** responsible for carrying out market surveillance on the territory of the ***Member State***;

Amendment

(13) ‘market surveillance authority’ means the authority responsible for carrying out market surveillance on the territory of the ***EU***;

Or. it

Amendment 98

Bas Eickhout

Proposal for a regulation

Article 3 – paragraph 1 – point 43

Text proposed by the Commission

(43) ‘***end-of-series vehicle***’ means a vehicle that is part of a stock and that, due to the entry into force of new technical requirements against which it has not been type-approved, cannot or can no longer be made available on the market, registered or entered into service;

Amendment

deleted

Or. en

Amendment 99

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 3 – paragraph 1 – point 44 a (new)

Text proposed by the Commission

Amendment

(44a) ‘remote sensing’ means scanning and measuring pollutant levels in a vehicle's exhaust while the vehicle is in motion using sensor-equipped instruments positioned roadside with the

purpose of collecting performance data required to monitor the average on-road fleet emissions and identify excessive polluters;

Or. en

Amendment 100

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall establish or appoint the approval authorities *and the market surveillance authorities*. Member States shall notify the Commission of the establishment and appointment of such authorities.

Amendment

Member States shall establish or appoint the approval authorities. Member States shall notify the Commission of the establishment and appointment of such authorities.

Or. it

Amendment 101

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

That notification shall include the name of those authorities, their address, including their electronic address, and their competences. The Commission shall publish on its website a list and details of the approval authorities *and the market surveillance authorities*.

Amendment

That notification shall include the name of those authorities, their address, including their electronic address, and their competences. The Commission shall publish on its website a list and details of the approval authorities.

Or. it

Amendment 102
Karin Kadenbach

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

4. Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the market, in accordance with Chapter III of Regulation (EC) No 765/2008.

Amendment

4. Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the market, in accordance with Chapter III of Regulation (EC) No 765/2008 ***and shall make the results of those actions available to the public free of charge, on the Commission's website, within one month of conclusion of the tests.***

Or. de

Amendment 103
Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

4. Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the market, in accordance with Chapter III of Regulation (EC) No 765/2008.

Amendment

4. Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the market, in accordance with Chapter III of Regulation (EC) No 765/2008. ***Member States may decide to carry out joint market surveillance activities for the purposes set out in Article 8.***

Or. en

Amendment 104
Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

4. **Member States** shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the market, in accordance with Chapter III of Regulation (EC) No 765/2008.

Amendment

4. **The European market surveillance authority** shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the market, in accordance with Chapter III of Regulation (EC) No 765/2008.

Or. it

Amendment 105

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation
Article 6 – paragraph 5

Text proposed by the Commission

5. **Member States shall take the necessary measures to ensure that** market surveillance **authorities may**, where **they consider** it necessary and justified, be entitled to enter the premises of economic operators and seize the necessary samples of vehicles, systems, components and separate technical units for the purposes of compliance testing.

Amendment

5. **The European** market surveillance **authority**, where **it considers** it necessary and justified, **shall** be entitled to enter the premises of economic operators and seize the necessary samples of vehicles, systems, components and separate technical units for the purposes of compliance testing.

Or. it

Amendment 106

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Karin Kadenbach

Proposal for a regulation
Article 6 – paragraph 5

Text proposed by the Commission

5. Member States shall take the

Amendment

5. Member States shall take the

necessary measures to ensure that market surveillance authorities may, where they consider it necessary and justified, be entitled to enter the premises of economic operators and seize the necessary samples of vehicles, systems, components and separate technical units for the purposes of compliance testing.

necessary measures to ensure that market surveillance authorities may, where they consider it necessary and justified, be entitled to enter the premises of economic operators ***without prior notice*** and seize the necessary samples of vehicles, systems, components and separate technical units for the purposes of compliance testing.

Or. en

Amendment 107

Julie Girling

Proposal for a regulation

Article 6 – paragraph 6

Text proposed by the Commission

6. The Member States shall periodically review and assess the functioning of their type-approval activities. Such reviews and assessments shall be carried out at least every ***four*** years and the results thereof shall be communicated to the other Member States ***and the Commission***. The Member State concerned shall make a summary of the results accessible to the public, in particular the number of ***type-approval*** granted and the identity of the corresponding manufacturers.

Amendment

6. The Member States shall periodically review and assess the functioning of their type-approval activities. Such reviews and assessments shall be carried out at least every ***three*** years and the results thereof shall be communicated to the other Member States, ***the Commission, the Forum established in Article 10, and, in accordance with Article 12 of Directive (EU) 2016/XXX on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC, the European Clean Air Forum***. The Member State concerned shall make a summary of the results accessible to the public, ***which shall include*** in particular the number of ***type-approvals*** granted ***or rejected, the subject of the type-approval certificate***, and the identity of the corresponding manufacturers.

Or. en

Amendment 108

Bas Eickhout, Merja Kyllönen

Proposal for a regulation
Article 6 – paragraph 6

Text proposed by the Commission

6. The Member States shall periodically review and assess the functioning of their type-approval activities. Such reviews and assessments shall be carried out at least every **four** years and the results thereof shall be communicated to the other Member States **and** the Commission. The Member State concerned shall make a summary of the results accessible to the public, in particular the number of **type-approval** granted and the identity of the corresponding manufacturers.

Amendment

6. The Member States shall periodically review and assess the functioning of their type-approval activities **and the quality and accuracy of the type-approvals issued**. Such reviews and assessments shall be carried out at least every **two** years and the results thereof shall be communicated to the other Member States, the Commission, **the Forum and third parties upon request**. The Member State concerned shall make a summary of the results accessible to the public, in particular the number of **type-approvals** granted **or rejected** and the identity of the corresponding manufacturers **and vehicle types**.

Or. en

Amendment 109

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 6 – paragraph 6

Text proposed by the Commission

6. The Member States shall periodically review and assess the functioning of their type-approval activities. Such reviews and assessments shall be carried out at least every **four** years and the results thereof shall be communicated to the other Member States **and the Commission**. The Member State concerned shall make a **summary** of the results accessible to the public, in particular the number of type-approval granted and the identity of the

Amendment

6. The Member States shall periodically review and assess the functioning of their type-approval activities **and the quality of the type-approvals issued**. Such reviews and assessments shall be carried out at least every **two** years and the results thereof shall be communicated to the other Member States, **the Commission and third parties upon request**. The Member State concerned shall make a **full report** of the results accessible to the **general** public, in particular the

corresponding manufacturers.

number of type-approval granted and ***rejected and*** the identity of the corresponding manufacturers ***and vehicle types***.

Or. en

Amendment 110

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds, Fredrick Federley

Proposal for a regulation

Article 6 – paragraph 6

Text proposed by the Commission

6. The Member States shall periodically review and assess the functioning of their type-approval activities. Such reviews and assessments shall be carried out at least every ***four*** years and the results thereof shall be communicated to the other Member States and the Commission. The Member State concerned shall make a summary of the results accessible to the public, in particular the number of type-approval granted and the identity of the corresponding manufacturers.

Amendment

6. The Member States shall periodically review and assess the functioning of their type-approval activities ***and the quality of the type-approvals issued***. Such reviews and assessments shall be carried out at least every ***two*** years and the results thereof shall be communicated to the other Member States and the Commission ***and third parties upon request***. The Member State concerned shall make a summary of the results accessible to the public, in particular the number of type-approval granted and ***rejected and*** the identity of the corresponding manufacturers ***and vehicle types***.

Or. en

Amendment 111

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 6 – paragraph 7

Text proposed by the Commission

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be

Amendment

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be

carried out at least every **four** years and the results thereof shall be communicated to the other Member States and the Commission. The Member State concerned shall make a summary of the results accessible to the public.

carried out at least every **two** years and the results thereof shall be communicated to the other Member States and the Commission **and third parties upon request**. The Member State concerned shall make a summary of the results accessible to the public, **including in particular the vehicles, systems, components or separate technical units that are not in compliance with this Regulation as well as the correctness of the type approvals and the identity of the corresponding approval authorities, manufacturers and vehicle types**.

Or. en

Amendment 112 Julie Girling

Proposal for a regulation Article 6 – paragraph 7

Text proposed by the Commission

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every **four** years and the results thereof shall be communicated to the other Member States and the Commission. The Member State concerned shall make a summary of the results accessible to the public.

Amendment

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every **three** years and the results thereof shall be communicated to the other Member States and the Commission. The Member State concerned shall make a summary of the results accessible to the public. **The summary shall include a list of those vehicles, systems, components or separate technical units that are found not to be in compliance with the requirements of this Regulation, if any, the identity of the corresponding manufacturers, and a short description of the nature of the non-compliance.**

Or. en

Amendment 113

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 6 – paragraph 7

Text proposed by the Commission

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every **four** years and the results thereof shall be communicated to the other Member States **and the Commission**. The Member State concerned shall make a **summary** of the results accessible to the public.

Amendment

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every **two** years and the results thereof shall be communicated to the other Member States, **the Commission and third parties upon request**. The Member State concerned shall make a **full report** of the results accessible to the **general public free of charge, in particular the number of those vehicles, systems, components or separate technical units that are not in compliance with this Regulation together with the identity of the corresponding manufacturers**.

Or. en

Amendment 114

Bas Eickhout, Merja Kyllönen

Proposal for a regulation

Article 6 – paragraph 7

Text proposed by the Commission

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every **four** years and the results thereof shall be communicated to the other Member States **and the Commission**. The Member State concerned shall make a summary of the results accessible to the public.

Amendment

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every **two** years and the results thereof shall be communicated to the other Member States, **the Commission, the Forum and third parties upon request**. The Member State concerned shall make a summary of the results accessible to the

public, *in particular the number of those vehicles, systems, components or separate technical units that are not in conformity together with the identity of the corresponding manufacturers.*

Or. en

Amendment 115

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Approval authorities shall only approve such vehicles, systems, components or separate technical units that comply with the requirements of this Regulation.

Amendment

1. Approval authorities shall only approve such vehicles, systems, components or separate technical units that comply with the requirements of this Regulation. *The authority shall ensure that the cars tested for approval are exactly equivalent to those that will be placed on the market.*

Or. it

Amendment 116

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Approval authorities shall ensure that the vehicle provided by the manufacturer for the purpose of type-approval testing is fully representative of the vehicle to be produced and placed on the market and which testing does not lead to test results that are systematically divergent from the performance of those vehicles operated

under conditions that may reasonably be expected to be encountered in normal operation and use.

Or. en

Amendment 117

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Daciana Octavia Sârbu, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Approval authorities shall interpret and enforce the requirements of this Regulation in a uniform and consistent manner to avoid divergent standards being applied across the Union. They shall cooperate with the Commission and the Forum in its monitoring and oversight activities as regards the application of this Regulation and provide all the necessary information upon request.

Or. en

Amendment 118

Miriam Dalli, Jytte Guteland, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Approval authorities shall carry out their duties independently and impartially. They shall observe confidentiality where necessary in order to protect commercial secrets, subject to the obligation of

2. Approval authorities shall carry out their duties independently and impartially. They shall observe confidentiality where necessary in order to protect commercial secrets, ***unless it is in the public interest,***

information laid down in Article 9(3) in order to protect the interests of users in the Union.

subject to the obligation of information laid down in Article 9(3) in order to protect the interests of users in the Union.

Or. en

Amendment 119

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds, Fredrick Federley

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Approval authorities within a Member State shall *cooperate with each other by sharing* information relevant to their role and functions.

Amendment

Approval authorities within a Member State shall *put in place procedures to ensure efficient and effective coordination and* information *sharing* relevant to their role and functions.

Or. en

Amendment 120

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Daciana Octavia Sârbu, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 7 – paragraph 5

Text proposed by the Commission

5. The Commission *may* adopt implementing acts to lay down the common criteria to appoint, review and assess the approval authorities at national level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment

5. The Commission *shall* adopt implementing acts to lay down the common criteria to appoint, review and assess the approval authorities at national level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

Amendment 121

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 8 – title

Text proposed by the Commission

Obligations of market surveillance
authorities

Amendment

Obligations of *the* market surveillance
authority

Or. it

Amendment 122

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on an adequate scale, by means of documentary checks and real-drive and laboratory tests on the basis of statistically relevant samples. When doing so, market surveillance authorities shall take account of established principles of risk assessment, complaints and other information.

Amendment

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on an adequate scale, by means of documentary checks and real-drive and laboratory tests on the basis of statistically relevant samples *that are representative of the number of vehicles in that member state*. When doing so, market surveillance authorities shall take account of established principles of risk assessment, *including* complaints, *popularity of vehicle models and their parts, third-party testing results, very high or very low fuel economy models, first application of new engine or technology, reports from periodic technical inspections, sampling programmes using remote sensing* and other information.

In case of vehicles, market surveillance authorities shall aim to cover annually at

least 20% of the new models put on the market of the Member State concerned each year to verify that the vehicles comply with the Union safety and environmental legislation.

Or. en

Amendment 123
Karin Kadenbach

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on an adequate scale, by means of documentary checks and real-drive and laboratory tests on the basis of statistically **relevant** samples. When doing so, market surveillance authorities shall take account of established principles of risk assessment, complaints and other information.

Amendment

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on an adequate scale, by means of documentary checks and real-drive and laboratory tests on the basis of statistically **significant** samples **and coordinated with other Member States as laid down in Art 10 of this regulation**. When doing so, market surveillance authorities shall take account of established principles of risk assessment, complaints and other information. **For any vehicle that undergoes a conformity of production or in-service conformity check, market surveillance authorities shall ensure that the chosen technical service is independent of the technical service who performed the original type approval (s) for the entire vehicle, systems, components or separate technical units.**

Or. en

Amendment 124

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo, Daniela Aiuto

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. **Market** surveillance **authorities** shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on ***an adequate scale***, by means of documentary checks and real-drive and laboratory tests ***on the basis of statistically relevant samples***. When doing so, market surveillance **authorities** shall take account of established principles of risk assessment, complaints and other information.

Amendment

1. ***The Commission shall identify one of its own agencies as the most suitable one to perform the duties of European market surveillance authority. The latter*** shall perform regular checks to verify ***the*** compliance of vehicles ***in traffic and with different mileages***, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on ***a scale sufficient to verify the conformity of at last 30% of the models on the market***, by means of documentary checks and real-drive and laboratory tests. When doing so, ***the*** market surveillance **authority** shall take account of established principles of risk assessment, complaints and other information.

Or. it

Amendment 125

Bas Eickhout

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on an adequate scale, by

Amendment

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on an adequate scale, by

means of documentary checks and real-drive and laboratory tests on the basis of statistically relevant samples. When doing so, market surveillance authorities shall take account of established principles of risk assessment, complaints and other information.

means of documentary checks and real-drive and laboratory tests on the basis of statistically relevant samples. When doing so, market surveillance authorities shall take account of established principles of risk assessment, complaints, ***including third-party testing, new technologies on the market, reports from periodic technical inspections*** and other information. ***Market surveillance authorities shall follow up on substantiated complaints.***

Or. en

Amendment 126

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds, Fredrick Federley

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on an adequate scale, by means of documentary checks and real-drive and laboratory tests on the basis of statistically relevant samples. When doing so, market surveillance authorities shall take account of established principles of risk assessment, complaints and other information.

Amendment

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on an adequate scale, by means of documentary checks and real-drive and laboratory tests on the basis of statistically relevant samples, ***representative for the number of vehicles in the Member States, and selected by the market surveillance authority.*** When doing so, market surveillance authorities shall take account of established ***scientific principles and protocols*** of risk assessment, complaints and other information.

Or. en

Amendment 127

Julie Girling

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on an adequate scale, by means of documentary checks and real-drive and laboratory tests on the basis of statistically relevant samples. When doing so, market surveillance authorities shall take account of established principles of risk assessment, complaints and other information.

Amendment

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on an adequate scale, by means of documentary checks and real-drive and laboratory tests on the basis of statistically relevant samples. When doing so, market surveillance authorities shall take account of established principles of risk assessment, complaints and other information, ***including such information as may be supplied by recognised third-party testers.***

Or. en

Amendment 128

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

When technical services are designated for the purposes of fulfilling the requirements of this Article, market surveillance authorities shall ensure that a different technical service is used from the one performing tests for the purpose of the original type-approval.

Or. en

Amendment 129

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For type approved vehicles, market surveillance authorities shall perform the checks set out in the first paragraph on at least 20% of all new models put on the market each year.

Or. en

Amendment 130

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds, Fredrick Federley

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Market surveillance authorities shall require economic operators to make the documentation and information available as they consider necessary for the purpose of carrying out their activities.

2. Market surveillance authorities shall require economic operators to make the documentation and information, ***including technical specifications,*** available as they consider necessary for the purpose of carrying out their activities. ***Market surveillance authorities shall have access to engine control units, software and algorithms.***

Or. en

Amendment 131

Miriam Dalli, Jytte Guteland, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. Market surveillance authorities shall require economic operators to make the documentation and information available as they consider necessary for the purpose of carrying out their activities.

Amendment

2. Market surveillance authorities shall require economic operators to make the documentation and information available as they consider necessary for the purpose of carrying out their activities.
This shall include access to software, algorithms, engine control units and any other technical specifications necessary.

Or. en

Amendment 132

Bas Eickhout, Merja Kyllönen

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. Market surveillance authorities shall require economic operators to make the documentation and information available as they consider necessary for the purpose of carrying out their activities.

Amendment

2. Market surveillance authorities shall require economic operators to make the documentation and information available as they consider necessary for the purpose of carrying out their activities.
This shall include access to software, algorithms, engine control units and any other technical specifications necessary.

Or. en

Amendment 133

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. ***Market*** surveillance ***authorities*** shall require economic operators to make the documentation and information available as ***they consider*** necessary for the

Amendment

2. ***The market*** surveillance ***authority*** shall require economic operators to make the documentation and information available as ***it considers*** necessary for the

purpose of carrying out their activities.

purpose of carrying out their activities.

Or. it

Amendment 134

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. For type-approved vehicles, systems, components and separate technical units, market surveillance **authorities** shall take due account of certificates of conformity presented by economic operators.

Amendment

3. For type-approved vehicles, systems, components and separate technical units, **the** market surveillance **authority** shall take due account of certificates of conformity presented by economic operators.

Or. it

Amendment 135

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Daciana Octavia Sârbu, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. For verifying emissions of vehicles, market surveillance authorities may make use of remote sensing technology to help identify highly polluting vehicle models for further investigation. In doing so, the authorities shall cooperate and coordinate their activities with authorities responsible for periodic technical inspections pursuant to Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles.

Or. en

Amendment 136

Miriam Dalli, Jytte Guteland, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Market surveillance authorities shall take appropriate measures to alert users within their territories within an adequate timeframe of hazards they have identified relating to any vehicle, system, component and separate technical unit so as to prevent or reduce the risk of injury or other damage.

Amendment

Market surveillance authorities shall take appropriate measures to alert users within their territories within an adequate timeframe of hazards they have identified relating to any vehicle, system, component and separate technical unit so as to prevent or reduce the risk of injury or other damage. ***This information shall be made available online in plain and understandable language.***

Or. en

Amendment 137

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Market surveillance ***authorities*** shall take appropriate measures to alert ***users within their territories within an adequate timeframe of*** hazards they have identified relating to any vehicle, system, component and separate technical unit so as to prevent or reduce the risk of injury or other damage.

Amendment

The market surveillance ***authority*** shall ***forthwith*** take appropriate measures to alert ***EU users to*** hazards they have identified relating to any vehicle, system, component and separate technical unit so as to prevent or reduce the risk of injury or other damage.

Or. it

Amendment 138

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Market surveillance **authorities** shall cooperate with economic operators regarding actions which could prevent **or reduce** risks caused by vehicles, systems, components and separate technical units made available by those operators.

Amendment

The market surveillance **authority** shall cooperate with economic operators regarding actions which could prevent risks caused by vehicles, systems, components and separate technical units made available by those operators.

Or. it

Amendment 139

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Daciana Octavia Sârbu, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The cost of the market surveillance activities pursuant to this article shall be borne by the manufacturers of the vehicles, systems, components and separate technical units concerned.

Or. en

Amendment 140

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission

Amendment

5. Where the market surveillance **authorities of one Member State decide** to withdraw a vehicle, system, component and separate technical unit from the market in accordance with Article 49(5), **they** shall

5. Where the market surveillance **authority decides** to withdraw a vehicle, system, component and separate technical unit from the market in accordance with Article 49(5), **it** shall inform the economic

inform the economic operator concerned and where applicable the relevant approval authority.

operator concerned and where applicable the relevant approval authority.

Or. it

Amendment 141

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Carlos Zorrinho, Soledad Cabezón Ruiz, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation Article 8 – paragraph 5

Text proposed by the Commission

5. Where the market surveillance authorities of one Member State decide to withdraw a vehicle, system, component and separate technical unit from the market in accordance with Article 49(5), they shall inform the economic operator concerned and **where applicable** the relevant approval authority.

Amendment

5. Where the market surveillance authorities of one Member State decide to withdraw a vehicle, system, component and separate technical unit from the market in accordance with Article 49(5), they shall inform the economic operator concerned and the relevant approval authority.

Or. en

Amendment 142 Karin Kadenbach

Proposal for a regulation Article 8 – paragraph 6

Text proposed by the Commission

6. Market surveillance authorities shall carry out their duties independently and impartially. They shall observe confidentiality where necessary in order to protect commercial secrets, subject to the obligation of information laid down in Article 9(3) to the fullest extent necessary in order to protect the interests of users in the European Union.

Amendment

6. Market surveillance authorities shall carry out their duties independently and impartially. ***As regards administrative, technical and financial arrangements, they shall act fully independently, and there shall be strict separation between them and type-approval authorities, technical services and manufacturers.*** They shall observe confidentiality where necessary in order to protect commercial secrets, subject to the obligation of

information laid down in Article 9(3) to the fullest extent necessary in order to protect the interests of users in the European Union.

Or. de

Amendment 143

Miriam Dalli, Jytte Guteland, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Karin Kadenbach

Proposal for a regulation

Article 8 – paragraph 6

Text proposed by the Commission

6. Market surveillance authorities shall carry out their duties independently and impartially. They shall observe confidentiality where necessary in order to protect commercial secrets, subject to the obligation of information laid down in Article 9(3) to the fullest extent necessary in order to protect the interests of users in the European Union.

Amendment

6. Market surveillance authorities shall carry out their duties independently and impartially. They shall observe confidentiality where necessary in order to protect commercial secrets, ***unless it is in the public interest***, subject to the obligation of information laid down in Article 9(3) to the fullest extent necessary in order to protect the interests of users in the European Union.

Or. en

Amendment 144

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 8 – paragraph 6

Text proposed by the Commission

6. ***Market*** surveillance ***authorities*** shall carry out ***their*** duties independently and impartially. ***They*** shall observe confidentiality where necessary in order to protect commercial secrets, subject to the obligation of information laid down in Article 9(3) to the fullest extent necessary

Amendment

6. ***The market*** surveillance ***authority*** shall carry out ***its*** duties independently and impartially. ***It*** shall observe confidentiality where necessary in order to protect commercial secrets, subject to the obligation of information laid down in Article 9(3) to the fullest extent necessary

in order to protect the interests of users in the European Union.

in order to protect the interests of users in the European Union.

Or. it

Amendment 145

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 8 – paragraph 7

Text proposed by the Commission

Amendment

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every four years and the results thereof shall be communicated to the other Member States and the Commission. The Member State concerned shall make a summary of the results accessible to the public.

deleted

Or. it

Amendment 146

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 8 – paragraph 7

Text proposed by the Commission

Amendment

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every *four* years and the results thereof shall be communicated to the other Member States *and the Commission*. The Member State concerned shall make a summary of the results

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every *two* years and the results thereof shall be communicated to the other Member States, *the Commission, the Forum and third parties upon request*. The Member State concerned shall make a

accessible to the public.

summary of the results accessible to the *general public in particular the number of those vehicles, systems, components or separate technical units that are not in conformity with this regulation together with the identity of the corresponding manufacturers.*

Or. en

Amendment 147

Bas Eickhout, Merja Kyllönen

Proposal for a regulation

Article 8 – paragraph 7

Text proposed by the Commission

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every *four* years and the results thereof shall be communicated to the other Member States *and the Commission*. The Member State concerned shall make a summary of the results accessible to the public.

Amendment

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every *two* years and the results thereof shall be communicated to the other Member States, *the Commission and third parties upon request*. The Member State concerned shall make a summary of the results accessible to the public, *in particular the number and model names of those vehicles, systems, components or separate technical units that are not in conformity together with the identity of the corresponding manufacturers.*

Or. en

Amendment 148

Julie Girling

Proposal for a regulation

Article 8 – paragraph 7

Text proposed by the Commission

Amendment

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every **four** years and the results thereof shall be communicated to the other Member States and the Commission. The Member State concerned shall make a summary of the results accessible to the public.

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every **three** years and the results thereof shall be communicated to the other Member States and the Commission. The Member State concerned shall make a summary of the results accessible to the public.

Or. en

Amendment 149

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 8 – paragraph 8

Text proposed by the Commission

Amendment

8. *The market surveillance authorities of different Member States shall coordinate their market surveillance activities, cooperate with each other and share with each other and with the Commission the results thereof. Where appropriate, the market surveillance authorities shall agree on work-sharing and specialisation.*

deleted

Or. it

Amendment 150

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 8 – paragraph 8 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The market surveillance authorities shall make publicly available, at least every two years, a summary report of the scope, scale and results of their market surveillance activities.

Or. en

Amendment 151

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 8 – paragraph 9

Text proposed by the Commission

Amendment

9. Where more than one authority in a Member State is responsible for market surveillance and external border controls, those authorities shall cooperate with each other, by sharing information relevant to their role and functions.

deleted

Or. it

Amendment 152

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds, Fredrick Federley

Proposal for a regulation

Article 8 – paragraph 9

Text proposed by the Commission

Amendment

9. Where more than one authority in a Member State is responsible for market surveillance and external border controls, those authorities shall *cooperate with each other, by sharing* information relevant to their role and functions.

9. Where more than one authority in a Member State is responsible for market surveillance and external border controls, those authorities shall *put in place procedures to ensure efficient and effective coordination and sharing* information relevant to their role and functions.

Or. en

Amendment 153

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Daciana Octavia Sârbu, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 8 – paragraph 10

Text proposed by the Commission

10. The Commission *may* adopt ***implementing acts*** to lay down the criteria for setting out the scale, scope and frequency with which the compliance verification checks of samples taken referred to in paragraph 1 have to be performed. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).***

Amendment

10. The Commission ***shall*** adopt ***delegated acts in accordance with Article 88***, to lay down the criteria for setting out the scale, scope and frequency with which the compliance verification checks of samples taken referred to in paragraph 1 have to be performed ***and criteria for the selection of the vehicles for testing.***

Or. en

Amendment 154

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 8 – paragraph 10

Text proposed by the Commission

10. The Commission may adopt ***implementing acts*** to lay down the criteria for setting out the scale, scope and frequency with which the compliance verification checks of samples taken referred to in paragraph 1 have to be performed. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).***

Amendment

10. The Commission may adopt ***delegated acts in accordance with Article 88***, to lay down the criteria for setting out the scale, scope and frequency with which the compliance verification checks of samples taken referred to in paragraph 1 have to be performed.

Or. en

Amendment 155

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 9 – title

Text proposed by the Commission

Compliance verification by the **Commission** and enforcement co-ordination with Member States

Amendment

Compliance verification by the **European Surveillance Authority** and enforcement co-ordination with Member States

Or. it

Amendment 156

Bas Eickhout

Proposal for a regulation

Article 9 – title

Text proposed by the Commission

Compliance verification by the **Commission and enforcement co-ordination with Member States**

Amendment

Compliance verification by the **European Vehicle Surveillance Agency**

Or. en

Amendment 157

Bas Eickhout

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The **Commission** shall organise and carry out, or require to be carried out, on an adequate scale, tests and inspections of vehicles, systems, components and separate technical units already made available on the market, with a view to verifying that those vehicles, systems, components and separate technical units conform to the type approvals and to

Amendment

The **European Vehicle Surveillance Agency (EVSA) (hereafter "the Agency")** shall organise and carry out, or require to be carried out, on an adequate scale, tests and inspections of vehicles, systems, components and separate technical units already made available on the market, with a view to verifying that those vehicles, systems, components and separate

applicable legislation as well as to ensure the correctness of the type approvals.

technical units conform to the type approvals and to applicable legislation as well as to ensure the correctness of the type approvals.

Or. en

Justification

The amendment applies also to Articles 9(1-3), 9(5), 10(1), 13(2), 24(5), 25(1-4), 30(3), 33(6), 49(3), 50, 51(1) first sentence, 51(2) except for last reference to "Commission", 52(3), 52(4) first sentence, 53(1), 54(2), 54(7), 54(8) first sentence and last reference to "Commission", 54(9), 58(1-2), 58(5), 71(10) and 90(1).

Amendment 158

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The **Commission** shall organise and carry out, **or require to be carried out**, on an adequate scale, tests and inspections of vehicles, systems, components and separate technical units already made available on the market, with a view to verifying that those vehicles, systems, components and separate technical units conform to the type approvals and to applicable legislation as well as to ensure the correctness of the type approvals.

Amendment

The **Surveillance Authority** shall organise and carry out, on an adequate scale, tests and inspections of vehicles, systems, components and separate technical units already made available on the market, with a view to verifying that those vehicles, systems, components and separate technical units conform to the type approvals and to applicable legislation as well as to ensure the correctness of the type approvals.

Or. it

Amendment 159

Bas Eickhout

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1 a (new)

In the case of category M and N vehicles, the Agency shall perform random compliance verification tests on at least 30% of the new models put on the Union market each year to verify if the vehicles in use comply with the Union safety and environmental legislation. When choosing the vehicles, the Agency shall take account of established principles of risk assessment, complaints, including third-party testing, new technologies on the market, reports from periodic technical inspections and other information. The Agency shall follow up on substantiated complaints.

When a technical service is designated for the purposes of the tests of this paragraph, the Agency shall ensure that a different technical service is used from that performing tests for the original type-approval.

Or. en

Amendment 160

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation**Article 9 – paragraph 1 – subparagraph 2***Text proposed by the Commission*

Those tests and inspections ***may take place on*** new vehicles supplied by manufacturers or the economic operator as provided in paragraph 2 below.

Amendment

Those tests and inspections ***shall be carried out on***

- new vehicles supplied by manufacturers or the economic operator as provided in paragraph 2 below ***and***
- ***registered vehicles in agreement***

with the vehicle registration holder.

Or. en

Amendment 161

Jytte Guteland

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Those tests and inspections may take place on new vehicles supplied by manufacturers or the economic operator as provided in paragraph 2 below.

Amendment

Those tests and inspections may take place on new vehicles, ***components and separate technical units*** supplied by manufacturers or the economic operator as provided in paragraph 2 below.

Or. en

Amendment 162

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Those tests and inspections may also take place on registered vehicles in agreement with the vehicle registration holder.

Amendment

deleted

Or. en

Amendment 163

Karin Kadenbach

Proposal for a regulation

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

In addition, the Commission shall establish a database in which motor vehicle users and large motor vehicle fleet operators in all Member States can enter their actual fuel consumption figures. The database will serve to provide transparency for consumers and guidance for market surveillance measures.

Or. de

Amendment 164

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

**Proposal for a regulation
Article 9 – paragraph 2**

2. Manufacturers holding type-approvals or the economic operators shall, upon request, supply to the Commission a statistically relevant number of production vehicles, systems, components and separate technical units selected by the Commission that are representative for the vehicles, systems, components and separate technical units available for placing on the market under that type-approval. Those vehicles, systems, components and separate technical units shall be supplied for testing at the time and place and for the period the Commission may require.

2. Manufacturers holding type-approvals or the economic operators shall, upon request, supply to the Commission a statistically relevant number of production vehicles, systems, components and separate technical units selected by the Commission that are **fully** representative for the vehicles, systems, components and separate technical units available for placing on the market under that type-approval **and be as close as possible to the vehicle used in real world conditions**. Those vehicles, systems, components and separate technical units shall be supplied for testing at the time and place and for the period the Commission may require.

Or. en

Amendment 165

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. Manufacturers holding type-approvals or the economic operators shall, upon request, supply to the **Commission** a statistically relevant number of production vehicles, systems, components and separate technical units selected by the **Commission** that are representative for the vehicles, systems, components and separate technical units available for placing on the market under that type-approval. Those vehicles, systems, components and separate technical units shall be supplied for testing at the time and place and for the period the **Commission** may require.

Amendment

2. Manufacturers holding type-approvals or the economic operators shall, upon request, supply to the **Surveillance Authority** a statistically relevant number of production vehicles, systems, components and separate technical units selected by the **agency** that are representative for the vehicles, systems, components and separate technical units available for placing on the market under that type-approval. Those vehicles, systems, components and separate technical units shall be supplied for testing at the time and place and for the period the **Surveillance Authority** may require.

Or. it

Amendment 166
Jytte Guteland

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. Manufacturers holding type-approvals or **the** economic operators shall, upon request, supply to the Commission a statistically relevant number of production vehicles, systems, components and separate technical units selected by the Commission that are representative for the vehicles, systems, components and separate technical units available for placing on the market under that type-approval. Those vehicles, systems, components and separate technical units shall be supplied for testing at the time and place and for the period the Commission may require.

Amendment

2. Manufacturers holding type-approvals or **other** economic operators shall, upon request, supply to the Commission a statistically relevant number of production vehicles, systems, components and separate technical units selected by the Commission that are representative for the vehicles, systems, components and separate technical units available for placing on the market under that type-approval. Those vehicles, systems, components and separate technical units shall be supplied for testing at the time and place and for the period the Commission may require.

Amendment 167**Bas Eickhout****Proposal for a regulation****Article 9 – paragraph 3 – subparagraph 1***Text proposed by the Commission*

For the purpose of enabling the **Commission** to carry out the testing referred to in paragraphs 1 and 2, Member States shall make available to the **Commission** all data related to the type-approval of the vehicle, systems, components and separate technical units subject to compliance verification testing. Those data shall include at least the information included in the type-approval certificate and its attachments referred to Article 26(1).

Amendment

For the purpose of enabling the **Agency** to carry out the testing referred to in paragraphs 1, **1a** and 2, Member States shall make available to the **Agency** all data related to the type-approval of the vehicle, systems, components and separate technical units subject to compliance verification testing. Those data shall include at least the information included in the type-approval certificate and its attachments referred to Article 26(1).

Or. en

Amendment 168**Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo****Proposal for a regulation****Article 9 – paragraph 3 – subparagraph 1***Text proposed by the Commission*

For the purpose of enabling the **Commission** to carry out the testing referred to in paragraphs 1 and 2, Member States shall make available **to the Commission** all data related to the type-approval of the vehicle, systems, components and separate technical units subject to compliance verification testing. Those data shall include at least the information included in the type-approval certificate and its attachments referred to Article 26(1).

Amendment

For the purpose of enabling the **Surveillance Authority** to carry out the testing referred to in paragraphs 1 and 2, Member States shall make available all data related to the type-approval of the vehicle, systems, components and separate technical units subject to compliance verification testing. Those data shall include at least the information included in the type-approval certificate and its attachments referred to Article 26(1).

Amendment 169

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 2

Text proposed by the Commission

For vehicles approved in accordance with the step-by-step or multistage type-approval procedure, Member States shall also provide the **Commission** with the type-approval certificate and its attachments referred to in Article 26(1) for the underlying type-approvals of systems, components and separate technical units.

Amendment

For vehicles approved in accordance with the step-by-step or multistage type-approval procedure, Member States shall also provide the **Surveillance Authority** with the type-approval certificate and its attachments referred to in Article 26(1) for the underlying type-approvals of systems, components and separate technical units.

Amendment 170

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Member States shall give all necessary assistance and provide all documentation and other technical support that Commission experts request to enable them to carry out tests, checks and inspections.

The Member States ensure that Commission experts have access to all premises or parts of premises and to information, including computing systems and software, relevant to the execution of their duties.

Amendment 171

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds, Fredrick Federley

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

4. Vehicle manufacturers shall make public data which are needed for the purpose of compliance verification testing by third parties. The Commission shall adopt implementing acts in order to define the data to be made public and the conditions for such publication, subject to the protection of commercial secrets and the preservation of personal data pursuant to Union and national legislation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment

4. Vehicle manufacturers shall make public data which are needed for the purpose of compliance verification testing by third parties. The Commission shall adopt implementing acts in order to define the data to be made public and the conditions for such publication, subject to the protection of commercial secrets and the preservation of personal data pursuant to Union and national legislation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2). ***The Commission may initiate a test or inspection as set out in paragraph 1 after a submission of third party test verification results.***

Or. en

Amendment 172

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

4. Vehicle manufacturers shall make public data which are needed for the purpose of compliance verification testing by third parties. The Commission shall adopt implementing acts in order to define the data to be made public and the conditions for such publication, subject to the protection of commercial secrets and the preservation of personal data pursuant to Union and national legislation. Those

Amendment

4. Vehicle manufacturers shall make public data which are needed for the purpose of compliance verification testing by third parties, ***including 'road load test data'***. The Commission shall adopt implementing acts in order to define the data to be made public and the conditions for such publication, subject to the protection of commercial secrets and the preservation of personal data pursuant to

implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Union and national legislation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

Amendment 173
Jytte Guteland

Proposal for a regulation
Article 9 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Where the Commission establishes that the vehicles tested or inspected do not comply with the type-approval requirements laid down in this Regulation or any of the regulatory acts listed in Annex IV or that the type approval has been granted on the basis of incorrect data, it shall require in accordance with Article 54(8) without delay the economic operator concerned to take all appropriate corrective measures to bring the vehicles in compliance with those requirements, or it shall take restrictive measures, either by requiring the economic operator to withdraw the vehicles concerned from the market, or to recall them within a reasonable period of time, depending on the seriousness of the established non-compliance.

Amendment

Where the Commission establishes that the vehicles, ***components and separate technical units*** tested or inspected do not comply with the type-approval requirements laid down in this Regulation or any of the regulatory acts listed in Annex IV or that the type approval has been granted on the basis of incorrect data, it shall require in accordance with Article 54(8) without delay the economic operator concerned to take all appropriate corrective measures to bring the vehicles, ***components and separate technical units*** in compliance with those requirements, or it shall take restrictive measures, either by requiring the economic operator to withdraw the vehicles, ***components and separate technical units*** concerned from the market, or to recall them within a reasonable period of time, depending on the seriousness of the established non-compliance.

Or. en

Amendment 174
Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation
Article 9 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Where the **Commission** establishes that the vehicles tested or inspected do not comply with the type-approval requirements laid down in this Regulation or any of the regulatory acts listed in Annex IV or that the type approval has been granted on the basis of incorrect data, it shall require in accordance with Article 54(8) without delay the economic operator concerned to take all appropriate corrective measures to bring the vehicles in compliance with those requirements, or it shall take restrictive measures, either by requiring the economic operator to withdraw the vehicles concerned from the market, or to recall them within a reasonable period of time, depending on the seriousness of the established non-compliance.

Amendment

Where the **Surveillance Authority** establishes that the vehicles tested or inspected do not comply with the type-approval requirements laid down in this Regulation or any of the regulatory acts listed in Annex IV or that the type approval has been granted on the basis of incorrect data, it shall require in accordance with Article 54(8) without delay the economic operator concerned to take all appropriate corrective measures to bring the vehicles in compliance with those requirements, or it shall take restrictive measures, either by requiring the economic operator to withdraw the vehicles concerned from the market, or to recall them within a reasonable period of time, depending on the seriousness of the established non-compliance.

Or. it

Amendment 175

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Any remedy action taken by the Commission pursuant to its verification testing shall apply Union-wide and shall be implemented by the national authorities in a harmonised and consistent manner. Such Union corrective action may include uniform compensation to consumers if the original vehicles' performance was altered following the remedy action taken as well as financial compensation for any external negative impacts (air quality, public health, etc.).

Amendment 176

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Where those tests and inspections put into question the correctness of the type approval itself, the **Commission** shall inform the approval authority or authorities concerned as well as the Forum for Exchange of Information on Enforcement.

Amendment

Where those tests and inspections put into question the correctness of the type approval itself, the **Surveillance Authority** shall inform the approval authority or authorities concerned as well as the Forum for Exchange of Information on Enforcement.

Or. it

Amendment 177

Bas Eickhout

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 3

Text proposed by the Commission

The **Commission** shall publish *a report of* its findings following any compliance verification testing it has carried out.

Amendment

The **Agency** shall publish *annual reports on* its findings following any compliance verification testing it has carried out. *The reports shall be accessible to the public, including the information on the results of the tests carried out and on the vehicles, systems, components or separate technical units that are not in conformity with the identity of the corresponding manufacturers.*

Or. en

Amendment 178

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 3

Text proposed by the Commission

The Commission shall publish a report of *its* findings following any compliance verification testing *it has* carried out.

Amendment

The Commission shall publish a report of *the* findings following any compliance verification testing carried out *by the Surveillance Authority*.

Or. it

Amendment 179

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The Member States shall take appropriate follow-up action in the light of the recommendations included in the report resulting from the compliance verification and, shall upon request verify the functioning and organisation of the competent authorities and investigate important or recurring problems in the Member State.

Or. en

Amendment 180

Jytte Guteland

Proposal for a regulation

Article 9 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The expenses resulting from the actions mentioned in this Article will be covered by the Community budget without any increase of the same.

Amendment 181

Bas Eickhout

Proposal for a regulation

Article 9 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *The Agency shall be financed through an administrative fee levied on all new vehicles sold in the Union in accordance with Article 30.*

Or. en

Amendment 182

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci

Proposal for a regulation

Article 10 – title

Text proposed by the Commission

Amendment

Forum *for* Exchange of Information *on Enforcement*

Forum *on Enforcement and* Exchange of Information

Or. en

Amendment 183

Julie Girling

Proposal for a regulation

Article 10 – title

Text proposed by the Commission

Amendment

Forum for *Exchange of Information on* Enforcement

Forum for Enforcement

Or. en

Amendment 184

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission shall establish and chair a Forum *for* Exchange of Information *on Enforcement* ('the Forum').

Amendment

The Commission shall establish and chair a Forum *on Enforcement and* Exchange of Information ('the Forum').

Or. en

Amendment 185

Julie Girling

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission shall establish and chair a Forum for *Exchange of Information on* Enforcement ('the Forum').

Amendment

The Commission shall establish and chair a Forum for Enforcement ('the Forum').

Or. en

Amendment 186

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Damiano Zoffoli, Massimo Paolucci

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

This Forum shall be composed of members appointed by the Member States.

Amendment

This Forum shall be composed of members appointed by the Member States, *representatives of the Commission and the European Parliament. As observers, it shall include representatives of technical*

services, third-party testing organisations, safety and environment NGOs and consumer groups.

Or. en

Amendment 187
Julie Girling

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

This Forum shall be composed of members appointed by the Member States.

Amendment

This Forum shall be composed of members appointed by the Member States,,
representatives of the Commission and the European Parliament. As observers, it shall include representatives of technical services, third-party testing organisations, safety and environment NGOs and consumer groups.

Or. en

Amendment 188
Bas Eickhout

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

This Forum shall be composed of members appointed by the Member States.

Amendment

This Forum shall be composed of members appointed by the Member States,
representatives of the Commission, as well as representatives of technical services, third-party testing organisations, safety and environment NGOs and consumer groups. It shall be chaired by the Agency.

Or. en

Amendment 189

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

This Forum shall be composed of members appointed by the Member States.

Amendment

This Forum shall be composed of members appointed by the Member States. ***Decisions in the Forum shall be taken by simple majority.***

Or. en

Amendment 190

Bas Eickhout

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Forum shall discuss the results of the audits provided for under Article 71 and follow-up on full implementation of the recommendations.

Or. en

Amendment 191

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Forum shall coordinate a network of the national authorities responsible for the type-approval ***and market surveillance.***

Amendment

The Forum shall coordinate a network of the national authorities responsible for the type-approval.

Or. it

Amendment 192

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Forum shall carry out joint audits of the national type-approval authorities every 3 years to verify they comply with the requirements of this Regulation and carry out their duties in an independent and rigorous manner. The audits shall include a verification of the national type approval procedures put in place, a random sample check of the type approvals issued and an on-site visit to a technical service under the responsibility of the reviewed authority. The Commission may participate in the audit and decide on its participation on the basis of a risk assessment analysis.

If the audit demonstrates that the authority concerned has breached any of the requirements of this Regulation, it shall immediately take all steps necessary to bring its procedures back in compliance in line with the recommendations issued by the audit. The Forum shall have powers to levy sanctions on the authority concerned. Other Member States shall not recognise the type approvals issued to vehicles, systems, components and separate technical units by the authority concerned on their territory until full compliance with the requirements of this Regulation and the audit recommendations is put in place.

The Forum shall coordinate market surveillance activities in line with Article 8 to avoid duplication and ensure cost-effectiveness. It shall in particular advise on the samples to be checked according to the principles of risk assessment and ensure the required number of vehicles,

systems, components and separate technical units is surveyed by the market surveillance authorities annually across the Union.

Or. en

Amendment 193
Julie Girling

Proposal for a regulation
Article 10 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Its advisory tasks shall comprise *inter alia* the promotion of good practices, *the exchange of information on enforcement problems, cooperation, development of working methods and tools, development of an electronic information exchange procedure, evaluation of harmonised enforcement projects, penalties and joint inspections.*

Amendment

Its advisory tasks shall comprise:

(a) *to contribute to the promotion of good practices aimed at ensuring effective and harmonised implementation of this Regulation, in particular regarding the assessment, designation and monitoring of designated bodies and the general application of the requirements laid down in this Regulation, and including consideration of evidence or other information requested from relevant third parties;*

(b) *to assist the competent authorities of the Member States in market surveillance activities, including coordination, where appropriate and requested by Member States, of national market surveillance activities, either on a regional or pan-European basis;*

(c) *to assess the results of reviews, both under Article 6(6) and following a peer-review under Article 71(8), of the functioning of type approval authorities*

and to make general recommendations arising from one or more such reviews;

(d) to assess the results of reviews of the functioning of market surveillance activities and to make general recommendations arising from one or more such reviews;

(e) to assess the results of assessments, both under Article 80(3a) and following a joint assessment under Article 80(4), of the functioning of technical services and to make general recommendations arising from one or more such reviews

(f) to assess the effectiveness of enforcement activities, including, where relevant, the consistency and effectiveness of any repair, recall or penalty applied by Member States where the non-compliance affected vehicles, systems, components or separate technical units placed on the market in more than one Member State, and, where requested, to make general recommendations arising from such an assessment. This assessment shall be undertaken at least every two years.

Or. en

Amendment 194

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Its advisory tasks shall comprise inter alia the promotion of good practices, the exchange of information on enforcement problems, cooperation, development of working methods and tools, development of an electronic information exchange procedure, evaluation of harmonised enforcement projects, penalties and joint

Amendment

Its advisory tasks shall **also** comprise inter alia the promotion of good practices, the exchange of information on enforcement problems, cooperation, development of working methods and tools, development of an electronic information exchange procedure, evaluation of harmonised enforcement projects, penalties and joint

inspections.

inspections.

Or. en

Amendment 195

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

All decisions taken and recommendations agreed upon by the Forum shall be made public including on recalls.

Or. en

Amendment 196

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Forum shall establish a standing committee of ten independent auditors and a representative of the Commission carrying out regular audits of national type approval authorities and market surveillance authorities to verify compliance with the requirements of this Regulation and performance of their duties in an independent, efficient and effective manner.

The audits shall be subject to independent scrutiny and carried out in a transparent manner.

The audits shall include the following, as appropriate:

(a) an assessment of the procedures

and protocols;

(b) an assessment of the designation of technical services;

(c) on-site visits and interviews with staff of the national authorities and designated technical services

(d) controls of laboratories, facilities, measurement instruments and sampling methods;

(e) an assessment of the type approvals issued.

(f) any other activity required to identify non-compliances.

The auditors may contract a third party to assist with audits.

Auditors, and contracted third parties, shall carry out their duties independently and impartially. They shall observe confidentiality where necessary in order to protect commercial secrets, subject to the obligation of information laid down in Article 9(3) at the fullest extent necessary in order to protect the interest of users and citizens in the Union.

The Member States shall give all necessary assistance and provide all documentation and support that auditors request to enable them to carry out their duties.

The Member States ensure that the auditors have access to all premises or parts of premises and to information, including computing systems and software, relevant to the execution of their duties.

The Forum shall make the available the results of the audits to the Member States and the Commission.

The Member States and the Commission shall take appropriate follow-up action in the light of the information and recommendations included in the reports resulting from the audits.

Amendment 197

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè

**Proposal for a regulation
Article 10 – paragraph 3**

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to lay down the composition, appointment process, detailed tasks, working methods and rules of procedure of the Forum.

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to lay down the composition, appointment process, detailed tasks, ***audit procedures, including sanctions, referred to in paragraph 2,*** working methods and rules of procedure of the Forum.

Or. en

Amendment 198

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

**Proposal for a regulation
Article 10 – paragraph 3**

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to lay down the composition, appointment process, detailed tasks, working methods and rules of procedure of the Forum.

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to lay down the composition, appointment process, detailed tasks, working methods and rules of procedure of the Forum ***and the standing committee of auditors.***

Or. en

Amendment 199

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10 a

Online type approval database

- 1. The Commission shall establish and maintain an online type approval database, consisting of two different interfaces: the public interface and the compliance interface.**
- 2. The public interface shall contain the information set out in in Annex IX of this Regulation, the test results, testing specifications and the identity of the technical services and type approval authorities involved in the different stages of the type approval, respecting the following requirements:**
 - (a) information is offered free of charge;**
 - (b) information is offered in a user-friendly manner;**
 - (c) information is fully searchable and in a digital format.**
- 3. The compliance interface shall be accessible for Member States, type approval authorities, market surveillance authorities and the Commission and shall contain the information set out in paragraph 2 and the information set out in Annex I and III of this Regulation, respecting the following requirements:**
 - (a) strict security arrangements for the safeguarding of confidential information shall be ensured;**
 - (b) access rights shall be based on the need-to-know principle;**
 - (c) a link shall be provided to the Information and Communication System on Market Surveillance (ICSMS).**
- 4. Type approval authorities shall include in the compliance database the**

information required in Annex I and III of this Regulation upon issuance or withdrawal of a new type approval, information regarding non-compliance with the requirements of this Regulation, and information regarding any remedy actions foreseen and undertaken.

5. When entering information into the database, type approval authorities shall keep access and editing rights to it. Any changes shall be dated and clearly visible. Data contained in the compliance interface shall be used only for purposes linked to the enforcement for this Regulation, and any acts adopted pursuant thereto, and be prohibited from unintended use.

6. The establishment of the database shall follow criteria that allow for minimising the administrative burden, user-friendliness and cost-effectiveness. The online type approval database does not replace or modify the responsibilities of the market surveillance authorities.

7. To test the suitability of using the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 for the purpose of exchanging information covered by this Article, a pilot project shall be launched by 3 months after the entry into force.

8. The Commission is empowered to adopt delegated acts supplementing this Regulation by specifying the operational details relating to the establishment of online type approval database.

Or. en

Amendment 200

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *The manufacturer shall demonstrate and declare in writing to the approval authority that the design of vehicles, systems components and separate technical units do not incorporate strategies that unnecessarily reduce the performance exhibited during relevant test procedures when the vehicles, systems, components and separate technical units are operated under conditions that may reasonably be expected to be encountered in normal operation and use.*

Or. en

Amendment 201

Bas Eickhout, Merja Kyllönen

Proposal for a regulation

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *When applying for EU type-approval, the manufacturers shall demonstrate that the design of vehicles, systems components and separate technical units does not incorporate strategies that unnecessarily reduce the performance exhibited during relevant test procedures when the vehicles, systems, components and separate technical units are operated under conditions that may reasonably be expected to be encountered in normal operation and use.*

Or. en

Amendment 202

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz,

Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

**Proposal for a regulation
Article 11 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. When applying for EU type-approval, the manufacturers shall demonstrate that the design of vehicles, systems components and separate technical units does not incorporate strategies that unnecessarily reduce the performance exhibited during relevant test procedures when the vehicles, systems, components and separate technical units are operated under conditions that may reasonably be expected to be encountered in normal operation and use.

Or. en

**Amendment 203
Bas Eickhout**

**Proposal for a regulation
Article 12 – paragraph 1 – subparagraph 2**

Text proposed by the Commission

Amendment

The manufacturer shall immediately inform the approval authority that has granted the approval in detail of the non-conformity and of any measures taken.

The manufacturer shall immediately inform the approval authority that has granted the approval **and the Agency** in detail of the non-conformity and of any measures taken.

Or. en

**Amendment 204
Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo**

**Proposal for a regulation
Article 12 – paragraph 2**

Text proposed by the Commission

2. Where the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, the manufacturer shall immediately provide detailed information on the non-conformity and on any measures taken to the **approval and** market surveillance authorities of the Member States in which the vehicle, system, component, separate technical unit, part or equipment has been made available on the market or has entered into service to that effect.

Amendment

2. Where the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, the manufacturer shall immediately provide detailed information on the non-conformity and on any measures taken to the **European Market Surveillance Authority and the approval** authorities of the Member States in which the vehicle, system, component, separate technical unit, part or equipment has been made available on the market or has entered into service to that effect.

Or. it

Amendment 205

Bas Eickhout

Proposal for a regulation

Article 12 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The manufacturer shall, upon a reasoned request from a national authority, **provide that authority**, through the approval authority, with a copy of the EU type-approval certificate or the authorisation referred to in Article 55(1) demonstrating conformity of the vehicle, system, component or separate technical unit, in a language that can be easily understood by the national authority.

Amendment

The manufacturer shall, upon a reasoned request from a national authority **or the Agency, provide** through the approval authority, with a copy of the EU type-approval certificate or the authorisation referred to in Article 55(1) demonstrating conformity of the vehicle, system, component or separate technical unit, in a language that can be easily understood by the national authority.

Or. en

Amendment 206

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 13 – paragraph 1 – point b

Text proposed by the Commission

(b) following a reasoned request from an approval authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of production of a vehicle, system, component or separate technical unit;

Amendment

(b) following a reasoned request from an approval authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of production of a vehicle, system, component or separate technical unit, ***this shall include any technical specifications at type approval and access to software and algorithms as requested;***

Or. en

Amendment 207

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

(b) following a reasoned request from an approval authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of production of a vehicle, system, component or separate technical unit;

Amendment

(b) following a reasoned request from an approval authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of production of a vehicle, system, component or separate technical unit, ***including any technical specifications at type approval and access to software and algorithms as requested;***

Or. en

Amendment 208

Bas Eickhout

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

(b) following a reasoned request from an approval authority, ***provide that authority*** with all the information and documentation necessary to demonstrate the conformity of production of a vehicle, system, component or separate technical unit;

Amendment

(b) following a reasoned request from an approval authority ***or the Agency, provide*** with all the information and documentation necessary to demonstrate the conformity of production of a vehicle, system, component or separate technical unit, ***including any testing specifications used during type approval and access to software and algorithms***;

Or. en

Amendment 209

Bas Eickhout

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

(c) cooperate with the approval or market surveillance authorities, at their request, on any action taken to eliminate the serious risk posed by vehicles, systems, components, separate technical units, parts or equipment covered by that mandate;

Amendment

(c) cooperate with the approval or market surveillance authorities ***or the Agency***, at their request, on any action taken to eliminate the serious risk posed by vehicles, systems, components, separate technical units, parts or equipment covered by that mandate;

Or. en

Amendment 210

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

(c) cooperate with the approval or market surveillance authorities, at their request, on any action taken to eliminate the ***serious*** risk posed by vehicles, systems,

Amendment

(c) cooperate with the approval or market surveillance authorities, at their request, on any action taken to eliminate the risk posed by vehicles, systems,

components, separate technical units, parts or equipment covered by that mandate;

components, separate technical units, parts or equipment covered by that mandate;

Or. it

Amendment 211

Julie Girling

Proposal for a regulation

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The importer shall immediately inform the manufacturer about complaints and reports relating to risks, suspected incidents, non-compliance issues with imported vehicles, systems, components, separate technical units, parts or equipment.

Or. en

Amendment 212

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 15 – title

Text proposed by the Commission

Amendment

Obligations of importers concerning their vehicles, systems, components or separate technical units that are not in conformity or concerning their vehicles, systems, components, separate technical units, parts or equipment that present a *serious* risk

Obligations of importers concerning their vehicles, systems, components or separate technical units that are not in conformity or concerning their vehicles, systems, components, separate technical units, parts or equipment that present a risk

Or. it

Amendment 213

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. Where a vehicle, system, component or separate technical unit that has been placed on the market by the importer is not in conformity with this Regulation, the importer shall immediately take the appropriate measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it from the market or to recall it, *as appropriate*.

Amendment

1. Where a vehicle, system, component or separate technical unit that has been placed on the market by the importer is not in conformity with this Regulation, the importer shall immediately take the appropriate measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it from the market or to recall it, *in accordance with the decisions of the competent authorities*.

Or. it

Amendment 214

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where a vehicle, system, component, separate technical unit, part or equipment presents a *serious* risk, the importer shall immediately provide detailed information on the serious risk to the manufacturer and the *approval and market surveillance* authorities of the Member States in which the vehicle, system, component, separate technical unit, part or equipment has been placed on the market.

Amendment

Where a vehicle, system, component, separate technical unit, part or equipment presents a risk, the importer shall immediately provide detailed information on the serious risk to the manufacturer and the market *approval* authorities of the Member States in which the vehicle, system, component, separate technical unit, part or equipment has been placed on the market *and to the surveillance authority*.

Or. it

Amendment 215

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 17 – title

Text proposed by the Commission

Obligations of distributors concerning their vehicles, systems, components or separate technical units that are not in conformity or concerning their vehicles, systems, components, separate technical units, parts or equipment that present a *serious* risk

Amendment

Obligations of distributors concerning their vehicles, systems, components or separate technical units that are not in conformity or concerning their vehicles, systems, components, separate technical units, parts or equipment that present a risk

Or. it

Amendment 216

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

2. The distributor who considers that a vehicle, system, component or separate technical unit that he has made available on the market is not in conformity with this Regulation, shall inform the manufacturer or the importer to ensure that the appropriate measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it from the market or to recall it, as *appropriate*, are taken in accordance with Article 12(1) or Article 15(1).

Amendment

2. The distributor who considers that a vehicle, system, component or separate technical unit that he has made available on the market is not in conformity with this Regulation, shall inform the manufacturer or the importer to ensure that the appropriate measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it from the market or to recall it, as *decided by the approval authority*, are taken in accordance with Article 12(1) or Article 15(1).

Or. it

Amendment 217

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

3. Where the vehicle, system,

Amendment

3. Where the vehicle, system,

component, separate technical unit, part or equipment presents a serious risk, the distributor shall immediately provide detailed information on that serious risk to the manufacturer, the importer and the approval ***and market surveillance*** authorities of the Member States in which that vehicle, system, component, separate technical unit, part or equipment has been made available on the market. The distributor shall also inform them of any action taken and give details, in particular of the ***serious*** risk and of corrective measures taken by the manufacturer.

component, separate technical unit, part or equipment presents a serious risk, the distributor shall immediately provide detailed information on that serious risk to the manufacturer, the importer and the approval authorities of the Member States in which that vehicle, system, component, separate technical unit, part or equipment has been made available on the market ***and to the market surveillance authority***. The distributor shall also inform them of any action taken and give details, in particular of the risk and of corrective measures taken by the manufacturer.

Or. it

Amendment 218
Bas Eickhout, Merja Kyllönen

Proposal for a regulation
Article 20 – paragraph 4

Text proposed by the Commission

4. The EU type-approval for the final stage of completion shall be granted only after the approval authority has verified that the type of vehicle approved at the final stage meets at the time of the approval all applicable technical requirements. Verification shall include a documentary check of all requirements covered by an EU type-approval for an incomplete type of vehicle granted in the course of a multi-stage procedure, even where granted for a different category of vehicle.

Amendment

4. The EU type-approval for the final stage of completion shall be granted only after the approval authority has verified that the type of vehicle approved at the final stage meets at the time of the approval all applicable technical requirements. Verification shall include a documentary check of all requirements covered by an EU type-approval for an incomplete type of vehicle granted in the course of a multi-stage procedure, even where granted for a different category of vehicle. ***The authority approving the final stage of the vehicle shall be responsible for ensuring the completed vehicle fulfils all the requirements, and shall, where necessary, repeat original tests to verify that the performance of systems and components that were approved separately is still in conformity with those type approvals when incorporated into a***

completed vehicle.

Or. en

Amendment 219

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 20 – paragraph 4

Text proposed by the Commission

4. The EU type-approval for the final stage of completion shall be granted only after the approval authority has verified that the type of vehicle approved at the final stage meets at the time of the approval all applicable technical requirements. Verification shall include a documentary check of all requirements covered by an EU type-approval for an incomplete type of vehicle granted in the course of a multi-stage procedure, even where granted for a different category of vehicle.

Amendment

4. The EU type-approval for the final stage of completion shall be granted only after the approval authority has verified that the type of vehicle approved at the final stage meets at the time of the approval all applicable technical requirements. Verification shall include:

(a) a documentary check of all requirements covered by an EU type-approval for an incomplete type of vehicle granted in the course of a multi-stage procedure, even where granted for a different category of vehicle.

(b) *verification that performance of the systems that were granted type approval separately is still in conformity with those type approvals when incorporated into a whole vehicle.*

(c) *any other check or verification required to prevent non-compliance with this Regulation.*

Or. en

Amendment 220

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz,

Proposal for a regulation
Article 20 – paragraph 4

Text proposed by the Commission

4. The EU type-approval for the final stage of completion shall be granted only after the approval authority has verified that the type of vehicle approved at the final stage meets at the time of the approval all applicable technical requirements. Verification shall include a documentary check of all requirements covered by an EU type-approval for an incomplete type of vehicle granted in the course of a multi-stage procedure, even where granted for a different category of vehicle.

Amendment

4. The EU type-approval for the final stage of completion shall be granted only after the approval authority has verified that the type of vehicle approved at the final stage meets at the time of the approval all applicable technical requirements. Verification shall include a documentary check of all requirements covered by an EU type-approval for an incomplete type of vehicle granted in the course of a multi-stage procedure, even where granted for a different category of vehicle. ***It shall also include verification that performance of the systems that were granted type approval separately is still in conformity with those type approvals when incorporated into a whole vehicle.***

Or. en

Amendment 221
Julie Girling

Proposal for a regulation
Article 20 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The manufacturer shall make available to the approval authority as many vehicles, components or separate technical units as are required under the relevant separate directives or regulations for the performance of the required tests.

Or. en

Amendment 222
Bas Eickhout, Merja Kyllönen

Proposal for a regulation
Article 22 – paragraph 1 – point b

Text proposed by the Commission

(b) all data, drawings, photographs and other relevant information;

Amendment

(b) all data, drawings, photographs and other relevant information, ***including all engine management strategies deployed in different conditions of use;***

Or. en

Amendment 223
Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation
Article 22 – paragraph 1 – point b

Text proposed by the Commission

(b) all data, drawings, photographs and other relevant information;

Amendment

(b) all data, drawings, photographs and other relevant information, ***including the engine management strategies deployed in different conditions of use;***

Or. en

Amendment 224
Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 22 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) detailed technical descriptions and calibration specifications for all emission-related components (Base Emission Strategy)

Amendment 225

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 22 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) a list of all defeat devices or any Auxiliary Emission Strategy, including a description of the parameters that are modified by any AES and the boundary conditions under which the AES operate, and indication of which AES and BES are likely to be active under all range of ambient conditions, detailed technical descriptions and calibration specifications, as well as a detailed justification of each defeat device that results in a reduction in effectiveness of the emission control system, and rationale for why it is not a defeat device prohibited under Article 5(2) of Regulation 715/2007,

Or. en

Amendment 226

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

Amendment

2. The information folder shall be supplied in an electronic format to be provided by the Commission **but** may also be supplied on paper.

2. The information folder shall be supplied in an electronic format to be provided by the Commission. **It** may also be **additionally** supplied on paper.

Amendment 227

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

2. The information folder shall be supplied in an electronic format to be provided by the Commission but may also be supplied on paper.

Amendment

2. The information folder shall be supplied in an electronic format to be provided by the Commission but may also be supplied ***in addition*** on paper.

Or. en

Amendment 228

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 23 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In the case of application for whole vehicle type-approval, the manufacturer shall provide detailed information, including engineering justification, on any auxiliary engine management strategy used outside of the conditions specified in relevant Union legislative acts and test procedures.

Or. en

Amendment 229

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 23 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The approval authority and technical services shall have access to the software and algorithms of the vehicle.

Amendment

The party applying for approval must supply to the authority all information concerning instruments, devices, software or strategies for deactivating emission control systems as referred to in Article 5(2) of Regulation 715/2007. The approval authority and technical services shall have access to the software and algorithms of the vehicle.

Or. it

Amendment 230

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 23 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The approval authority and technical services shall have access to the software and algorithms of the vehicle.

Amendment

The approval authority and technical services shall have access to the ***safety and emissions-related*** software and ***hardware and to*** algorithms of the vehicle ***as well as an appropriate insight into the system development process of software and hardware, while taking into account their respective duties.***

Or. en

Amendment 231

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 23 – paragraph 4 – subparagraph 1 a (new)

The manufacturer shall communicate to the approval authority and the technical service - in a standardised form - the version of the safety and emissions-related software at the time of the application for type-approval. In order to detect subsequent unlawful changes to the software, the technical service shall be entitled to mark the software by setting corresponding parameters.

Or. en

Amendment 232

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 23 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The approval authority may, by reasoned request, also require the manufacturer to supply any additional information ***needed*** to take a decision on which tests are required, or to facilitate the execution of those tests.

Amendment

The approval authority ***and the responsible technical service*** may, by reasoned request, also require the manufacturer to supply any additional information ***which is necessary*** to take a decision on which tests are required, or to facilitate the execution of those tests.

Or. en

Amendment 233

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 23 – paragraph 4 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The approval authority and the responsible technical service shall observe confidentiality where necessary in order to protect commercial secrets, unless it is in the public interest, subject to the obligation of information laid down in Article 9(3) in order to protect the interests of users in the Union.

Or. en

Amendment 234

Bas Eickhout

Proposal for a regulation

Article 23 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In the case of whole vehicle type-approval, the manufacturer shall provide detailed information, including technical justification, on any auxiliary engine management strategy used outside of the conditions specified in relevant Union legislative acts and test procedures.

Or. en

Amendment 235

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 24 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the validity of the justification given for the installation of a defeat device in accordance with Art 5(2) of

Amendment 236

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 24 – paragraph 5

Text proposed by the Commission

5. The approval authority shall refuse to grant EU type-approval where it finds that a type of vehicle, system, component or separate technical unit, albeit in compliance with the applicable requirements, presents a *serious* risk to safety or may seriously harm the environment or public health. In that case, it shall immediately send to the approval authorities of the other Member States and to the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

Amendment

5. The approval authority shall refuse to grant EU type-approval where it finds that a type of vehicle, system, component or separate technical unit, albeit in compliance with the applicable requirements, presents a risk to safety or may seriously harm the environment or public health. In that case, it shall immediately send to the approval authorities of the other Member States and to the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

Or. it

Amendment 237

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 24 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The approval authority may refuse to approve a vehicle emissions control defeat device on the basis of the information included in the information folder by consideration of currently best available technology.

The approval authority shall refuse to grant EU type-approval where it finds that a defeat devices has been unlawfully incorporated.

Or. en

Amendment 238

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 24 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission shall adopt delegated acts in accordance with Article 88 to set out criteria according to which an application for one of the exceptions to the prohibition of vehicle emissions control defeat devices in accordance with Article 5(2) of Regulation (EC) No 715/2007 is evaluated and conditions under which it may be approved or rejected.

Or. en

Amendment 239

Bas Eickhout

Proposal for a regulation

Article 25 – paragraph 2

Text proposed by the Commission

Amendment

2. The approval authority shall send, at three-monthly intervals, to the approval authorities of the other Member States and the **Commission** a list of the EU type-approvals for systems, components or separate technical units it has issued, amended, refused to grant or withdrawn

2. The approval authority shall send, at three-monthly intervals, to the approval authorities of the other Member States, **the Commission** and the **Agency** a list of the EU type-approvals for systems, components or separate technical units it has issued, amended, refused to grant or

during the preceding period. That list shall contain the information specified in Annex XIV.

withdrawn during the preceding period. That list shall contain the information specified in Annex XIV.

Or. en

Amendment 240

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

1. Compliance with the technical requirements of this Regulation and of the regulatory acts listed in Annex IV shall be demonstrated by means of appropriate tests in accordance with the relevant regulatory acts listed in Annex IV, performed by designated technical services.

Amendment

1. Compliance with the technical requirements of this Regulation and of the regulatory acts listed in Annex IV shall be demonstrated by means of appropriate tests in accordance with the relevant regulatory acts listed in Annex IV, performed by designated technical services, **or the relevant national authority or the Commission.**

Or. en

Amendment 241

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

1. Compliance with the technical requirements of this Regulation and of the regulatory acts listed in Annex IV shall be demonstrated by means of appropriate tests in accordance with the relevant regulatory acts listed in Annex IV, performed by designated technical services.

Amendment

1. Compliance with the technical requirements of this Regulation and of the regulatory acts listed in Annex IV shall be demonstrated by means of appropriate tests in accordance with the relevant regulatory acts listed in Annex IV, performed **solely and in full** by designated technical services.

Or. en

Amendment 242

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 28 – paragraph 2

Text proposed by the Commission

2. The manufacturer shall provide the ***approval authority*** with the vehicles, systems, components or separate technical units that are required under the relevant acts listed in Annex IV for the performance of the required tests.

Amendment

2. The manufacturer shall provide the ***technical service*** with the vehicles, systems, components or separate technical units that are required under the relevant acts listed in Annex IV for the performance of the required tests.

Or. en

Amendment 243

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 28 – paragraph 3

Text proposed by the Commission

3. The required tests shall be performed on those vehicles, systems, components and separate technical units that are representative of the type to be approved.

Amendment

3. The required tests shall be performed on those vehicles, systems, components and separate technical units that are ***strictly*** representative of the type to be approved.

Or. en

Amendment 244

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 28 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In the case of whole vehicle type-approval, the authorities shall ensure that the vehicles selected for testing will not lead to the results that are systematically divergent from the performance when those vehicles are operated under conditions that may reasonably be expected to be encountered in normal operation and use.

Or. en

Amendment 245

Julie Girling

Proposal for a regulation

Article 28 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Vehicle manufacturers shall make public data which are needed for the purpose of compliance verification testing by third parties. The Commission shall adopt implementing acts, in accordance with the examination procedure referred to in Article 87(2), in order to define the data to be made public and the conditions for such publication, subject to the protection of commercial secrets and the preservation of personal data pursuant to Union and national legislation.

Or. en

Amendment 246

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

2. An approval authority that has granted a whole-vehicle type-approval shall verify a statistically relevant number of samples of vehicles and certificates of conformity on their compliance with Articles 34 and 35 and shall verify that the data in the certificates of conformity are correct.

Amendment

2. An approval authority that has granted a whole-vehicle type-approval shall verify a statistically relevant number of samples of vehicles and certificates of conformity on their compliance with Articles 34 and 35 and shall verify that the data in the certificates of conformity are correct. ***An approval authority shall inspect every year at least 20% of all new car models which have been type-approved and produced.***

Or. en

Amendment 247

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

**Proposal for a regulation
Article 29 – paragraph 4**

Text proposed by the Commission

4. In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority that has granted the EU type-approval shall carry out checks or tests required for EU type-approval, on samples taken at the premises of the manufacturer, including production facilities.

Amendment

4. In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority that has granted the EU type-approval shall carry out checks or tests required for EU type-approval, ***applying best available testing technology,*** on samples taken at ***random at*** the premises of the manufacturer, including production facilities ***or dealership. These tests shall be carried out by a different technical service than the one that performed the original testing for the purpose of type-approval.***

Or. en

Amendment 248

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 29 – paragraph 4

Text proposed by the Commission

4. In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority that has granted the EU type-approval shall carry out checks or tests required for EU type-approval, on samples taken at the premises of the manufacturer, including production facilities.

Amendment

4. In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority that has granted the EU type-approval shall carry out, ***on at least 1/3 of the new models approved***, checks or tests required for EU type-approval, on samples taken at the premises of the manufacturer, including production facilities.

Or. it

Amendment 249

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 29 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. When performing verification testing pursuant to paragraphs 2 and 4 above, an approval authority shall designate a different technical service from the one used during the original type-approval testing.

Or. en

Amendment 250

Bas Eickhout

Proposal for a regulation

Article 29 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *When performing verification testing pursuant to paragraphs 2 and 4, an approval authority shall designate a different technical service from the one used during the original type-approval testing.*

Or. en

Amendment 251

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation Article 29 – paragraph 5

Text proposed by the Commission

Amendment

5. An approval authority that has granted an EU type-approval and establishes that the manufacturer no longer produces the vehicles, systems, components or separate technical units in conformity with the approved type, or establishes that the certificates of conformity no longer comply with Articles 34 and 35, even though production is continued, shall take the necessary measures to ensure that the procedure for conformity of production is followed correctly or withdraw the type-approval.

5. An approval authority that has granted an EU type-approval and establishes that the manufacturer no longer produces the vehicles, systems, components or separate technical units in conformity with the approved type, or establishes that the certificates of conformity no longer comply with Articles 34 and 35, even though production is continued, shall take the necessary measures to ensure that the procedure for conformity of production is followed correctly ***and immediately brought back into compliance*** or withdraw the type-approval.

Or. en

Amendment 252

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 30 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Member States shall ensure that there is no conflict of interest or commercial relationship between national authorities responsible for type approval and market surveillance activities, technical services and manufacturers as regards funding for the testing activities concerned.

Or. en

Amendment 253
Bas Eickhout

Proposal for a regulation
Article 30 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Member States shall ensure that there is no conflict of interest or commercial link between national authorities responsible for type approval and surveillance activities, technical services and manufacturers as regards funding for the testing activities concerned.

Or. en

Amendment 254
Julie Girling

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall establish a national fee structure to cover the costs for

1. Member States shall ***ensure that there is no conflict of interest or overlap***

their type-approvals and market surveillance activities as well as for the type-approval testing and conformity of production testing and inspections carried out by the technical services they have designated.

of functions between national type-approval or market surveillance authorities, technical services and manufacturers. For this purpose they shall put in place independent and transparent funding provisions to ensure there is no commercial link between testing bodies used for type approval and the manufacturers concerned.

Member States may establish a national fee structure to cover the costs for their type-approvals and market surveillance activities as well as for the type-approval testing and conformity of production testing and inspections carried out by the technical services they have designated.

Or. en

Amendment 255

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation Article 30 – paragraph 1

Text proposed by the Commission

1. Member States shall establish a national fee structure to cover the costs for their *type-approvals and market surveillance* activities *as well as for* the type-approval testing and conformity of production testing *and inspections* carried out by the technical services they have designated.

Amendment

1. Member States shall establish a national fee structure to cover the costs for their *type-approval* activities, the type-approval testing and conformity of production testing carried out by the technical services they have designated.

Or. en

Amendment 256

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

1. Member States shall establish a national fee structure to cover the costs for their type-approvals ***and market surveillance activities*** as well as for the type-approval testing and conformity of production testing and inspections carried out by the technical services they have designated.

Amendment

1. Member States shall establish a national fee structure to cover the costs for their type-approvals as well as for the type-approval testing and conformity of production testing and inspections carried out by the technical services they have designated.

Or. it

Amendment 257
Julie Girling

Proposal for a regulation
Article 30 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Fees collected shall be explicitly used for the purposes of type-approval testing and market surveillance activities.

Or. en

Amendment 258
Bas Eickhout

Proposal for a regulation
Article 30 – paragraph 2

Text proposed by the Commission

2. ***Those*** national fees shall be levied on the manufacturers who have applied for type-approval in the Member State concerned. Fees shall not be levied directly by technical services.

Amendment

2. ***The*** national fees ***regarding type-approvals activities*** shall be levied on the manufacturers who have applied for type-approval in the Member State concerned. Fees shall not be levied directly by technical services.

Member States shall levy a EUR 10 fee per each vehicle sold on their territory on an annual basis to cover the costs of market surveillance and all other compliance verification activities required pursuant to the provisions of this Regulation.

Or. en

Amendment 259

Julie Girling

Proposal for a regulation

Article 30 – paragraph 3

Text proposed by the Commission

Amendment

3. *The national fee structure shall also cover the costs for the compliance verification inspections and tests carried out by the Commission in accordance with Article 9. These contributions shall constitute external assigned revenues for the general budget of the European Union, according to Art. 21(4) of the Financial Regulation²⁶.* **deleted**

²⁶ *Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2015 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1–96).*

Or. en

Amendment 260

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 30 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *For every vehicle placed on the EU market, the manufacturer shall pay the surveillance service of the European Authority a maximum of 1/1000 of the sale price.*

Or. it

Amendment 261

Julie Girling

Proposal for a regulation

Article 30 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission may adopt implementing acts in order to define the top-up referred to in paragraph 3 to be applied to the national fees referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).*

deleted

Or. en

Amendment 262

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Karin Kadenbach

Proposal for a regulation

Article 30 a (new)

Text proposed by the Commission

Amendment

Article 30 a

Funding of market surveillance activities

1. *Member States shall impose an administrative charge on manufacturers to cover the costs of national surveillance*

activities required by this Regulation. This charge shall be proportionate to the services required from national type approval and surveillance authorities and testing services to perform their tasks and duties in line with the provisions of this Regulation.

For the purposes of the above paragraph, Member States shall levy manufacturers a charge of EUR 10 per each vehicle sold on their territory in a given year. The charge shall be collected at national level and used to cover the costs, in the following year, of market surveillance activities required pursuant to the provisions of this Regulation.

2. Member States shall notify annually the details of the fees collected and the annual total cost of surveillance testing performed as a result to the other Member States and the Commission via the Forum established in article 10. The first notification shall be effected on 1 January 2019 [date of entry into force of this Regulation + 1 year].

3. The Commission may adopt implementing acts in order to update the annual amount referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

Amendment 263

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 32 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

The amendment shall be designated a

The amendment shall be designated a

‘revision’ where the approval authority finds that despite the change in the particulars recorded in the information package the concerned type of vehicle, system, component or separate technical unit continues to comply with the applicable requirements for this type and that, therefore, no inspections or tests need to be repeated.

‘revision’ where the approval authority finds that despite the change in the particulars recorded in the information package the concerned type of vehicle, system, component or separate technical unit continues to comply with the applicable requirements for this type and that, therefore, no inspections or tests need to be repeated. ***When evaluating such revisions, the approval authority shall take into account the results of relevant market surveillance activities pursuant to Article 8 of this Regulation.***

Or. en

Amendment 264

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 32 – paragraph 2 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the results of verification testing by either the Commission or the market surveillance authorities show non-conformity with any of the Union safety or environmental legislation;

Or. en

Amendment 265

Françoise Grossetête

Proposal for a regulation

Article 33 – paragraph 1

Text proposed by the Commission

Amendment

1. Type-approvals for vehicles, ***systems, components and separate technical units*** shall be issued for a limited

1. Type-approvals for vehicles shall be issued for a limited period of 5 years without the possibility of prolongation. The

period of 5 years without the possibility of prolongation. The expiry date shall be indicated in the type-approval certificate. After the expiry of the type-approval certificate, it may be renewed upon application by the manufacturer and only where the approval authority has verified that the type of vehicle, system, component and separate technical unit complies with all the requirements of the relevant regulatory acts for new vehicles, systems, components and separate technical units of that type.

expiry date shall be indicated in the type-approval certificate. After the expiry of the type-approval certificate, it may be renewed upon application by the manufacturer and only where the approval authority has verified that the type of vehicle, system, component and separate technical unit complies with all the requirements of the relevant regulatory acts for new vehicles, systems, components and separate technical units of that type.

Or. en

Amendment 266
Julie Girling

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

1. Type-approvals for vehicles, systems, components and separate technical units shall be issued for a limited period of **5** years without the possibility of prolongation. The expiry date shall be indicated in the type-approval certificate. After the expiry of the type-approval certificate, it may be renewed upon application by the manufacturer and only where the approval authority has verified that the type of vehicle, system, component and separate technical unit complies with all the requirements of the relevant regulatory acts for new vehicles, systems, components and separate technical units of that type.

Amendment

1. Type-approvals for vehicles, systems, components and separate technical units shall be issued for a limited period of **4** years without the possibility of prolongation. The expiry date shall be indicated in the type-approval certificate. After the expiry of the type-approval certificate, it may be renewed upon application by the manufacturer and only where the approval authority has verified that the type of vehicle, system, component and separate technical unit complies with all the requirements of the relevant regulatory acts for new vehicles, systems, components and separate technical units of that type.

Or. en

Amendment 267
Bas Eickhout

Proposal for a regulation

Article 33 – paragraph 2 – point b

Text proposed by the Commission

(b) where the production of vehicles in conformity with the approved type of vehicle is permanently discontinued ***on a voluntary basis***;

Amendment

(b) where the production of vehicles in conformity with the approved type of vehicle is permanently discontinued, ***i.e. when no vehicle of the type concerned was produced over a period of two years***;

Or. en

Amendment 268

Bas Eickhout, Merja Kyllönen

Proposal for a regulation

Article 34 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The certificate of conformity will contain the specific conformity factor for the vehicle as measured under the Real Driving Emissions test in line with Commission Regulation (EU) 2016/646.

Or. en

Amendment 269

Bas Eickhout, Merja Kyllönen

Proposal for a regulation

Article 36 a (new)

Text proposed by the Commission

Amendment

Article 36 a

Consumer remedies

Where a part, technical unit, system or whole vehicle sold in the Union is found not to be in conformity with the certificate of conformity and type approval

requirements, the consumer is entitled have the vehicle put into conformity via replacement or repair, or to complete refund by the manufacturer, or partial refund where the vehicle has been put back into conformity but where the running costs and maintenance of the vehicle is more costly than originally advertised in the contract.

Where repair or replacement is chosen by the consumer, the use of a courtesy vehicle free of charge during repairs or until replacement shall be provided for by the manufacturer.

Or. en

Amendment 270
Julie Girling

Proposal for a regulation
Article 37 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall prioritise and expedite type-approvals for new and innovative technologies which produce significantly lower environmental impacts.

Or. en

Amendment 271
Julie Girling

Proposal for a regulation
Article 37 – paragraph 3

Text proposed by the Commission

Amendment

3. The granting of EU type-approvals exempting new technologies or new concepts shall be subject to authorisation by the Commission. **That** authorisation

3. The granting of EU type-approvals exempting new technologies or new concepts shall be subject to authorisation by the Commission. **The Commission**

shall be given by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 87(2).

shall prioritise and expedite EU type-approvals for new and innovative technologies which produce significantly lower environmental impacts.

Authorisation shall be given by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

Amendment 272

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation Article 37 – paragraph 3

Text proposed by the Commission

3. The granting of EU type-approvals exempting new technologies or new concepts shall be subject to authorisation by the Commission. That authorisation shall be given by means of ***an implementing act. That implementing act*** shall be adopted in accordance with ***the examination procedure referred to in Article 87(2).***

Amendment

3. The granting of EU type-approvals exempting new technologies or new concepts shall be subject to authorisation by the Commission. That authorisation shall be given by means of ***a delegated act. That delegated act*** shall be adopted in accordance with Article 88.

Or. en

Amendment 273

Julie Girling

Proposal for a regulation Article 43 – paragraph 1

Text proposed by the Commission

1. Member States may decide to exempt a particular vehicle, whether unique or not, from compliance with one or more of the provisions of this Regulation

Amendment

1. Member States may decide to exempt a particular vehicle, whether unique or not, from compliance with one or more of the provisions of this Regulation

or with the *substantive* requirements laid down in the regulatory acts listed in Annex IV, provided that those Member States impose relevant alternative requirements.

or with the requirements laid down in the regulatory acts listed in Annex IV, provided that those Member States impose relevant alternative requirements.

Or. en

Amendment 274
Bas Eickhout

Proposal for a regulation
Article 47

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 275
Bas Eickhout, Merja Kyllönen

Proposal for a regulation
Article 49 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The approval authority referred to in paragraph 1 shall carry out an evaluation in relation to the vehicle, system, component or separate technical unit concerned covering all the requirements laid down in this Regulation. The relevant economic operators shall cooperate fully with the approval and market surveillance authorities.

The approval authority referred to in paragraph 1 shall, ***no later than 1 month following the notification***, carry out an evaluation in relation to the vehicle, system, component or separate technical unit concerned covering all the requirements laid down in this Regulation. The relevant economic operators shall cooperate fully with the approval and market surveillance authorities.

Or. en

Amendment 276
Bas Eickhout, Merja Kyllönen

Proposal for a regulation

Article 49 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where, in the course of that evaluation, the approval authority that granted the approval finds that the vehicle, system, component or separate technical unit does not comply with the requirements laid down in this Regulation, it shall require without delay the relevant economic operator to take all appropriate corrective measures to bring the vehicle, system, component or separate technical unit into compliance with those requirements, or take restrictive measures, either to withdraw the vehicle, system, component or separate technical unit from the market, or to recall it within *a reasonable period*, depending on the nature of the risk.

Amendment

Where, in the course of that evaluation, the approval authority that granted the approval finds that the vehicle, system, component or separate technical unit does not comply with the requirements laid down in this Regulation, it shall require without delay the relevant economic operator to take all appropriate corrective measures to bring the vehicle, system, component or separate technical unit into compliance with those requirements, or take restrictive measures, either to ***immediately*** withdraw the vehicle, system, component or separate technical unit from the market, or to recall it within ***3 months***, depending on the nature of the risk.

Or. en

Amendment 277

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 49 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where, in the course of that evaluation, the approval authority that granted the approval finds that the vehicle, system, component or separate technical unit does not comply with the requirements laid down in this Regulation, it shall require without delay the relevant economic operator to take all appropriate corrective measures to bring the vehicle, system, component or separate technical unit into compliance with those requirements, or take restrictive measures, either to withdraw the vehicle, system, component

Amendment

Where, in the course of that evaluation, the approval authority that granted the approval finds that the vehicle, system, component or separate technical unit does not comply with the requirements laid down in this Regulation, it shall require without delay the relevant economic operator to take all appropriate corrective measures to bring the vehicle, system, component or separate technical unit into compliance with those requirements, or take restrictive measures, either to ***immediately*** withdraw the vehicle, system,

or separate technical unit from the market, or to recall it within *a reasonable period*, depending on the nature of the risk.

component or separate technical unit from the market, or to recall it within **6 months**, depending on the nature of the risk.

Or. en

Amendment 278

Bas Eickhout, Merja Kyllönen

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Member State *may* refuse to register such vehicles until the economic operator has taken all appropriate corrective measures.

Amendment

The Member State ***shall*** refuse to register such vehicles until the economic operator has taken all appropriate corrective measures.

Or. en

Amendment 279

Miriam Dalli, Jytte Guteland, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Member State *may* refuse to register such vehicles until the economic operator has taken all appropriate corrective measures.

Amendment

The Member State ***shall*** refuse to register such vehicles until the economic operator has taken all appropriate corrective measures.

Or. en

Amendment 280

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds, Fredrick Federley

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Member State **may** refuse to register such vehicles until the economic operator has taken all appropriate corrective measures.

Amendment

The Member State **shall** refuse to register such vehicles until the economic operator has taken all appropriate corrective measures.

Or. en

Amendment 281

Miriam Dalli, Jytte Guteland, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

**Proposal for a regulation
Article 53 – paragraph 1**

Text proposed by the Commission

1. Where vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, or are not in conformity with this regulation or were approved on the basis of incorrect data, the approval authorities, market surveillance authorities or the Commission **may** take the necessary restrictive measures in accordance with Article 21 of Regulation (EC) No 765/2008, to prohibit or restrict the making available on the market, registration or entry into service on the market of non-compliant vehicles, systems, components or separate technical units, or to withdraw them from that market or to recall them, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, until the relevant economic operator has taken all appropriate corrective measures to ensure that vehicles, systems, components or separate technical units are brought into conformity.

Amendment

1. Where vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, or are not in conformity with this regulation or were approved on the basis of incorrect data, the approval authorities, market surveillance authorities or the Commission **shall** take the necessary restrictive measures in accordance with Article 21 of Regulation (EC) No 765/2008, to prohibit or restrict the making available on the market, registration or entry into service on the market of non-compliant vehicles, systems, components or separate technical units, or to withdraw them from that market or to recall them, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, until the relevant economic operator has taken all appropriate corrective measures to ensure that vehicles, systems, components or separate technical units are brought into conformity.

Or. en

Amendment 282

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 53 – paragraph 1

Text proposed by the Commission

1. Where vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, or are not in conformity with this regulation or were approved on the basis of incorrect data, the approval authorities, market surveillance authorities or the Commission *may* take the necessary restrictive measures in accordance with Article 21 of Regulation (EC) No 765/2008, to prohibit or restrict the making available on the market, registration or entry into service on the market of non-compliant vehicles, systems, components or separate technical units, or to withdraw them from that market or to recall them, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, until the relevant economic operator has taken all appropriate corrective measures to ensure that vehicles, systems, components or separate technical units are brought into conformity.

Amendment

1. Where vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, or are not in conformity with this regulation or were approved on the basis of incorrect data, the approval authorities, market surveillance authorities or the Commission *shall* take the necessary restrictive measures in accordance with Article 21 of Regulation (EC) No 765/2008, to prohibit or restrict the making available on the market, registration or entry into service on the market of non-compliant vehicles, systems, components or separate technical units, or to withdraw them from that market or to recall them, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, until the relevant economic operator has taken all appropriate corrective measures to ensure that vehicles, systems, components or separate technical units are brought into conformity.

Or. en

Amendment 283

Bas Eickhout

Proposal for a regulation

Article 53 – paragraph 1

Text proposed by the Commission

1. Where vehicles, systems,

Amendment

1. Where vehicles, systems,

components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, or are not in conformity with this regulation or were approved on the basis of incorrect data, the approval authorities, market surveillance authorities or the **Commission may** take the necessary restrictive measures in accordance with Article 21 of Regulation (EC) No 765/2008, to prohibit or restrict the making available on the market, registration or entry into service on the market of non-compliant vehicles, systems, components or separate technical units, or to withdraw them from that market or to recall them, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, until the relevant economic operator has taken all appropriate corrective measures to ensure that vehicles, systems, components or separate technical units are brought into conformity.

components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, or are not in conformity with this regulation or were approved on the basis of incorrect data, the approval authorities, market surveillance authorities or the **Agency shall** take the necessary restrictive measures in accordance with Article 21 of Regulation (EC) No 765/2008, to prohibit or restrict the making available on the market, registration or entry into service on the market of non-compliant vehicles, systems, components or separate technical units, or to withdraw them from that market or to recall them, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, until the relevant economic operator has taken all appropriate corrective measures to ensure that vehicles, systems, components or separate technical units are brought into conformity.

Or. en

Amendment 284

Bas Eickhout, Merja Kyllönen

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

1. Where an approval authority or market surveillance authority finds that vehicles, systems, components or separate technical units are not in conformity with this Regulation or that the type-approval has been granted on the basis of incorrect data or that vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, it **may** take all appropriate restrictive measures in accordance with

Amendment

1. Where an approval authority or market surveillance authority finds that vehicles, systems, components or separate technical units are not in conformity with this Regulation or that the type-approval has been granted on the basis of incorrect data or that vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, it **shall** take all appropriate restrictive measures in accordance with

Amendment 285

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

1. Where an approval authority or market surveillance authority finds that vehicles, systems, components or separate technical units are not in conformity with this Regulation or that the type-approval has been granted on the basis of incorrect data or that vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, it *may* take all appropriate restrictive measures in accordance with Article 53(1).

Amendment

1. Where an approval authority or market surveillance authority finds that vehicles, systems, components or separate technical units are not in conformity with this Regulation or that the type-approval has been granted on the basis of incorrect data or that vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, it *shall* take all appropriate restrictive measures in accordance with Article 53(1).

Amendment 286

Miriam Dalli, Jytte Guteland, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

1. Where an approval authority or market surveillance authority finds that vehicles, systems, components or separate technical units are not in conformity with this Regulation or that the type-approval has been granted on the basis of incorrect data or that vehicles, systems, components

Amendment

1. Where an approval authority or market surveillance authority finds that vehicles, systems, components or separate technical units are not in conformity with this Regulation or that the type-approval has been granted on the basis of incorrect data or that vehicles, systems, components

or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, it *may* take all appropriate restrictive measures in accordance with Article 53(1).

or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, it *shall* take all appropriate restrictive measures in accordance with Article 53(1).

Or. en

Amendment 287

Bas Eickhout

Proposal for a regulation

Article 54 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Where, within one month after the notification of the restrictive measures taken by an approval authority or a market surveillance authority in accordance with Article 53(1), an objection has been raised by another Member State in respect of the notified restrictive measure or where the **Commission** establishes a non-compliance in accordance with Article 9(5), the **Commission** shall consult without delay the Member States and the relevant economic operator or operators and, in particular, the approval authority that granted the type-approval, and shall evaluate the national measure taken. On the basis of that evaluation, the Commission may decide to take the necessary restrictive measures foreseen in Article 53(1) by means of *implementing acts*. *Those implementing acts shall be adopted* in accordance with *the examination procedure referred to in* Article 87(2).

Amendment

Where, within one month after the notification of the restrictive measures taken by an approval authority or a market surveillance authority in accordance with Article 53(1), an objection has been raised by another Member State in respect of the notified restrictive measure or where the **Agency** establishes a non-compliance in accordance with Article 9(5), the **Agency** shall consult without delay the Member States and the relevant economic operator or operators and, in particular, the approval authority that granted the type-approval, and shall evaluate the national measure taken. On the basis of that evaluation, the Commission may decide to take the necessary restrictive measures foreseen in Article 53(1) by means of *delegated acts* in accordance with Article 88.

Or. en

Amendment 288

Bas Eickhout

Proposal for a regulation
Article 56 – paragraph 6

Text proposed by the Commission

6. An approval authority that disagrees with the authorisation issued by another Member State shall bring the reasons for its disagreement to the attention of the Commission. The Commission shall take the appropriate measures in order to resolve the disagreement, which may include, where necessary, requiring the withdrawal of the authorisation, after having consulted the relevant approval authorities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment

6. An approval authority that disagrees with the authorisation issued by another Member State shall bring the reasons for its disagreement to the attention of the ***Agency and the*** Commission. The Commission shall take the appropriate measures in order to resolve the disagreement, which may include, where necessary, requiring the withdrawal of the authorisation, after having consulted the relevant approval authorities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

Amendment 289

Miriam Dalli, Jytte Guteland, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 57 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The approval authority shall carry out an evaluation to verify whether the proposed remedies are sufficient and timely enough, and it shall communicate the remedies that it has approved to the approval authorities of the other Member States and to the Commission without delay.

Amendment

The approval authority shall carry out an evaluation to verify whether the proposed remedies are sufficient and timely enough, and it shall communicate the remedies that it has approved to the approval authorities of the other Member States and to the Commission without delay ***and make publically available a full report of the evaluation findings and proposed remedies.***

Or. en

Amendment 290
Bas Eickhout

Proposal for a regulation
Article 57 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The approval authority shall carry out an evaluation to verify whether the proposed remedies are sufficient and timely enough, and it shall communicate the remedies that it has approved to the approval authorities of the other Member States and to the Commission without delay.

Amendment

The approval authority shall carry out an evaluation to verify whether the proposed remedies are sufficient and timely enough, and it shall communicate the remedies that it has approved to the approval authorities of the other Member States, ***to the Agency*** and to the Commission without delay.

Or. en

Amendment 291
Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation
Article 63 – paragraph 2

Text proposed by the Commission

2. The manufacturer shall make available to users all relevant information and necessary instructions describing any special conditions or restrictions linked to the use of a vehicle, a system, a component or a separate technical unit.

Amendment

2. The manufacturer shall make available to users all relevant information and necessary instructions describing any special conditions or restrictions linked to the use of a vehicle, a system, a component or a separate technical unit, ***including the presence of devices as referred to in Article 5(2) of Regulation 715/2007/EC.***

Or. it

Amendment 292
Bas Eickhout

Proposal for a regulation
Article 69 – paragraph 1

Text proposed by the Commission

1. An approval authority may at any time, whether on its own initiative, on the basis of a complaint, or on the basis of an assessment by a technical service, check the compliance of a manufacturer with Articles 65 to 70, and with the terms of the Certificate on Access to Vehicle OBD and Vehicle Repair and Maintenance Information laid down in Appendix 1 of Annex XVIII.

Amendment

1. An approval authority ***or the Agency*** may at any time, whether on its own initiative, on the basis of a complaint, or on the basis of an assessment by a technical service, check the compliance of a manufacturer with Articles 65 to 70, and with the terms of the Certificate on Access to Vehicle OBD and Vehicle Repair and Maintenance Information laid down in Appendix 1 of Annex XVIII.

Or. en

Amendment 293
Jytte Guteland

Proposal for a regulation
Article 71 – paragraph 1

Text proposed by the Commission

1. The type approval authority designated by the Member State in accordance with Article 7(3), hereinafter referred to as the 'type-approval authority', shall be responsible for the assessment, designation, notification and the monitoring of technical services, including, where appropriate, the subcontractors or subsidiaries of those technical services.

Amendment

1. The type approval authority designated by the Member State in accordance with Article 7(3), hereinafter referred to as the 'type-approval authority', shall be responsible for the assessment, designation, notification and the monitoring of technical services, including, where appropriate, the subcontractors or subsidiaries of those technical services.
Member States may assign the assessment and monitoring of these technical services of subcontractors or subsidiaries of those technical services, to a national accreditation body.

Or. en

Amendment 294
Bas Eickhout

Proposal for a regulation
Article 71 – paragraph 2

Text proposed by the Commission

2. The type-approval authority shall be established, organised and operated so as to safeguard its objectivity and impartiality and to avoid any conflicts of interests with the technical services.

Amendment

2. The type-approval authority shall be established, organised and operated so as to safeguard its objectivity and impartiality and to avoid any conflicts of interests with the technical services ***or manufacturers.***

Or. en

Amendment 295
Bas Eickhout, Merja Kyllönen

Proposal for a regulation
Article 71 – paragraph 6

Text proposed by the Commission

6. The type-approval authority shall have a sufficient number of competent personnel at its disposal for the proper performance of the tasks foreseen by this Regulation

Amendment

6. The type-approval authority shall have a sufficient number of competent personnel ***and resources*** at its disposal for the proper performance of the tasks foreseen by this Regulation

Or. en

Amendment 296
Bas Eickhout

Proposal for a regulation
Article 71 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The type-approval authority shall be ***peer-reviewed by two type-approval authorities of other Member States every two years.***

Amendment

The type-approval authority shall be ***audited every three years to ensure they comply with the requirements of this Regulation and carry out their duties in an independent and rigorous manner. The Agency shall coordinate such audits and ensure their recommendations are***

applied, and may participate therein.

Or. en

Amendment 297

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The type-approval authority shall be *peer-reviewed by two type-approval authorities of other Member States* every two years.

Amendment

The type-approval authority shall be *audited by the Forum's standing committee of auditors* every two years *in accordance with provisions of Article 10.*

Or. en

Amendment 298

Jytte Guteland

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The type-approval authority shall be peer-reviewed by two type-approval authorities of other Member States *every two years*.

Amendment

The type-approval authority shall be peer-reviewed by two type-approval authorities of other Member States.

Or. en

Amendment 299

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The type-approval authority shall be *peer-*

Amendment

The type-approval authority shall be

reviewed by two type-approval authorities of other Member States every two years.

audited by the Forum every two years in accordance with provisions of Article 10.

Or. en

Amendment 300

Bas Eickhout

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Amendment

The Member States shall draw up the annual plan for the peer-review, ensuring an appropriate rotation in respect of reviewing and reviewed type-approval authorities, and submit it to the Commission.

deleted

Or. en

Justification

Linked to the Amendment 71(8) subparagraph 1

Amendment 301

Jytte Guteland

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Amendment

The Member States shall draw up the annual plan for the peer-review, ensuring an appropriate rotation in respect of reviewing and reviewed type-approval authorities, and submit it to the Commission.

The Member States shall draw up the annual plan for the peer-review, ensuring an appropriate rotation in respect of reviewing and reviewed type-approval authorities, and submit it to the Commission. *The recurrence of the peer review as well as the composition of the personnel reviewing the type-approval authority may vary depending on the type approvals of vehicle categories or systems,*

components and separate technical units carried out by the type-approval authority in the individual Member State.

Or. en

Amendment 302

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 2

Text proposed by the Commission

The **Member States** shall draw up the annual plan for *the peer-review*, ensuring an appropriate rotation in respect of *reviewing and reviewed* type-approval authorities, *and submit it to the Commission*.

Amendment

The **Forum's standing committee of auditors** shall draw up the annual plan for *audits*, ensuring an appropriate rotation in respect of type-approval authorities.

Or. en

Amendment 303

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 2

Text proposed by the Commission

The **Member States** shall draw up the annual plan for the *peer-review*, ensuring an appropriate rotation in respect of reviewing and reviewed type-approval authorities, and submit it to the Commission.

Amendment

The **Forum** shall draw up the annual plan for the *audit*, ensuring an appropriate rotation in respect of reviewing and reviewed type-approval authorities, and submit it to the Commission.

Or. en

Amendment 304

Bas Eickhout

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 3

Text proposed by the Commission

The *peer-review* shall include an on-site visit to a technical service under the responsibility of the reviewed authority. *The Commission may participate in the review and decide on its participation on the basis of a risk assessment analysis.*

Amendment

The *audits* shall include *a verification of the national type approval procedures in order to evaluate correct and full implementation of the requirements for type approval under Union law, a random sample check of the type approvals issued and* an on-site visit to a technical service under the responsibility of the reviewed authority.

If the audit demonstrates that the authority concerned has breached any of the requirements of this Regulation, or has issued type-approvals to the vehicles, systems, components and separate technical units that are not in conformity with the Union safety or environmental requirements, it shall immediately take all steps necessary to bring its procedures back in compliance in line with the recommendations issued by the audit. Other Member States shall not recognise the type approvals issued to vehicles, systems, components and separate technical units by the authority concerned on their territory until full compliance with the requirements of this Regulation and the audit recommendations is put in place.

Or. en

Amendment 305

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 3

Text proposed by the Commission

The *peer-review* shall include an on-site

Amendment

The *audit* shall include *a verification of*

visit to a technical service under the responsibility of the reviewed authority. The Commission may participate in the review and decide on its participation on the basis of a risk assessment analysis.

the type approval procedures and correct implementation of the requirements of this Regulation, a random sample check of the type approvals issued and an on-site visit to a technical service under the responsibility of the reviewed authority. The Commission may participate in the review and decide on its participation on the basis of a risk assessment analysis.

Or. en

Amendment 306

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds, Fredrick Federley

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 3

Text proposed by the Commission

The ***peer-review*** shall include an on-site visit to ***a*** technical ***service*** under the responsibility of the reviewed authority. The Commission may participate in the ***review*** and decide on its participation on the basis of a risk assessment analysis.

Amendment

The ***audits*** shall include an on-site visit to ***one or more*** technical ***services*** under the responsibility of the reviewed authority. The Commission may participate in the ***audit*** and decide on its participation on the basis of a risk assessment analysis.

Or. en

Amendment 307

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

If the audit demonstrates that the authority has breached any requirements of this Regulation or the vehicles, systems, components and separate technical units are not in conformity with the type approvals it issued, the authority shall

immediately take all steps necessary to bring its procedures in compliance. The Member States may decide not to recognise the type approvals issued to vehicles, systems, components and separate technical units by the authority concerned on their territory until full compliance with the requirements of this Regulation is achieved.

Or. en

Amendment 308

Bas Eickhout

Proposal for a regulation

Article 71 – paragraph 9

Text proposed by the Commission

9. *The outcome of the peer-review shall be communicated to all Member States and to the Commission and a summary of the outcome shall be made publicly available. It shall be discussed by the Forum established in Article 10 on the basis of an assessment of this outcome carried out by the Commission and issue recommendations.*

Amendment

9. *If the audit demonstrates that the authority concerned has breached any of the requirements of this Regulation, or has issued type-approvals to the vehicles, systems, components and separate technical units that are not in conformity with the Union safety or environmental requirements, it shall immediately take all steps necessary to bring its procedures back in compliance in line with the recommendations issued by the audit. Other Member States shall not recognise the type approvals issued to vehicles, systems, components and separate technical units by the authority concerned on their territory until full compliance with the requirements of this Regulation and the audit recommendations is put in place.*

The results of the audits shall be communicated to all Member States, to the Forum and third parties upon request, and a summary thereof shall be made publicly available. The Forum shall discuss the results of the audits and follow-up on full implementation of the

recommendations.

Or. en

Amendment 309

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation Article 71 – paragraph 9

Text proposed by the Commission

9. The outcome of the **peer-review** shall be communicated to all Member States and to the Commission and a summary of the outcome shall be made publicly available. It shall be discussed by the Forum established in Article 10 on the basis of an assessment of this outcome carried out by the Commission and issue recommendations.

Amendment

9. The outcome of the **audit** shall be communicated to all Member States and to the Commission and a summary of the outcome shall be made publicly available. It shall be discussed by the Forum established in Article 10 on the basis of an assessment of this outcome carried out by the Commission and issue recommendations.

Or. en

Amendment 310

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation Article 71 – paragraph 9

Text proposed by the Commission

9. The outcome of the **peer-review** shall be communicated to all Member States **and** to the Commission and a summary of the outcome shall be made publicly available. ***It shall be discussed by the Forum established in Article 10 on the basis of an assessment of this outcome carried out by the Commission and issue recommendations.***

Amendment

9. The outcome of the **audit** shall be communicated to all Member States, to the Commission and ***third parties upon request***, a summary ***report*** of the outcome shall be made publicly available. The Forum ***shall discuss and evaluate the results of the audits and shall ensure that the recommendations are implemented.***

Or. en

Amendment 311

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 71 – paragraph 10

Text proposed by the Commission

10. The Member States shall provide information to the Commission and the other Member States on how it has addressed the recommendations in the *peer-review* report.

Amendment

10. The Member States shall provide information to the Commission and the other Member States on how it has addressed the recommendations in the *audit* report.

Or. en

Amendment 312

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds, Fredrick Federley

Proposal for a regulation

Article 71 – paragraph 10

Text proposed by the Commission

10. The Member States shall provide information to the Commission and the other Member States on how it has addressed the recommendations in the *peer-review* report.

Amendment

10. The Member States shall provide information to the Commission and the other Member States on how it has addressed the recommendations in the *audit* report.

Or. en

Amendment 313

Bas Eickhout

Proposal for a regulation

Article 71 – paragraph 10

Text proposed by the Commission

10. The Member States shall provide information to the *Commission* and the

Amendment

10. The Member States shall provide information to the *Agency* and the Member

other Member States on how it has **addressed** the recommendations in the *peer-review* report.

States on how it has **implemented** the recommendations in the *audit* report.

Or. en

Amendment 314

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 72 – paragraph 1 – point b

Text proposed by the Commission

(b) category B: supervision of the tests referred to in this Regulation and in the acts listed in Annex IV, where those tests are performed in the manufacturer's facilities or in the facilities of a third party;

Amendment

(b) category B: supervision of the tests ***for components and separate technical units*** referred to in this Regulation and in the acts listed in Annex IV, where those tests ***concern components and separate technical units and*** are performed in the manufacturer's facilities or in the facilities of a third party;

Or. en

Amendment 315

Bas Eickhout, Merja Kyllönen

Proposal for a regulation

Article 72 – paragraph 1 – point b

Text proposed by the Commission

(b) category B: supervision of the tests referred to in this Regulation and in the acts listed in Annex IV, where those tests are performed in the manufacturer's facilities or in the facilities of a third party;

Amendment

(b) category B: supervision of the tests referred to in this Regulation and in the acts listed in Annex IV, where those tests are performed in the manufacturer's facilities or in the facilities of a third party; ***applicable only in the case of components and separate technical units;***

Or. en

Amendment 316

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 72 – paragraph 2

Text proposed by the Commission

Amendment

2. A Member State may designate an approval authority as a technical service for one or more of the categories of activities referred to in paragraph 1. Where an approval authority is designated as a technical service and is financed by a Member State, or is subject to managerial and financial control by that Member State, Articles 72 to 85 and Appendices 1 and 2 to Annex V shall apply. *deleted*

Or. en

Justification

There is a contradiction with Art 71(4) of the COM proposal that demands that “the type approval authority shall not perform any activities that technical services perform”. Type approval authorities shall not perform as technical services in the type-approval process to protect independence and to avoid conflict of interests as well as possible damage to quality and safety standards.

Amendment 317

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 72 – paragraph 3

Text proposed by the Commission

Amendment

3. A technical service shall be established under the national law of a Member State and have legal personality, except for an accredited in-house technical service of a manufacturer, as

3. A technical service shall be established under the national law of a Member State and have legal personality.

referred to in Article 76.

Or. en

Amendment 318

Bas Eickhout, Merja Kyllönen

Proposal for a regulation

Article 72 – paragraph 3

Text proposed by the Commission

3. A technical service shall be established under the national law of a Member State and have legal personality, *except for an accredited in-house technical service of a manufacturer, as referred to in Article 76.*

Amendment

3. A technical service shall be established under the national law of a Member State and have legal personality.

Or. en

Amendment 319

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 72 – paragraph 3

Text proposed by the Commission

3. A technical service shall be established under the national law of a Member State and have legal personality, *except for an accredited in-house technical service of a manufacturer, as referred to in Article 76.*

Amendment

3. A technical service shall be established under the national law of a Member State and have legal personality.

Or. en

Amendment 320

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 73 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A technical service shall be **a** third-party **organisation or body that is not involved** in the process of design, manufacturing, supply or maintenance of the vehicle, system, component or separate technical unit it assesses, tests or inspects.

Amendment

A technical service shall be **an independent** third-party **organization that has no legal ties to any manufacturer or parts supplier, nor has itself any involvement** in the process of design, manufacturing, supply or maintenance of the vehicle, system, component or separate technical unit it assesses, tests or inspects.

Or. en

Amendment 321

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 73 – paragraph 2 – subparagraph 2

Text proposed by the Commission

An organisation or body belonging to a business association or professional federation representing undertakings that are involved in the design, manufacturing, supply or maintenance of the vehicles, systems, components or separate technical units that it assesses, tests or inspects, may be considered as fulfilling the requirements of the first subparagraph, provided that its independence and the absence of any conflict of interest are demonstrated to the designating approval authority of the relevant Member State.

Amendment

deleted

Or. it

Amendment 322

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 73 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

An organisation or body belonging to a business association or professional federation representing undertakings that are involved in the design, manufacturing, supply or maintenance of the vehicles, systems, components or separate technical units that it assesses, tests or inspects, may be considered as fulfilling the requirements of the first subparagraph, provided that its independence and the absence of any conflict of interest are demonstrated to the designating approval authority of the relevant Member State.

deleted

Or. en

Amendment 323

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds, Fredrick Federley

Proposal for a regulation

Article 73 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

An organisation or body belonging to a business association or professional federation representing undertakings that are involved in the design, manufacturing, supply or maintenance of the vehicles, systems, components or separate technical units that it assesses, tests or inspects, may be considered as fulfilling the requirements of the first subparagraph, provided that its independence and the absence of any conflict of interest are demonstrated to the designating approval authority of the relevant Member State.

deleted

Or. en

Amendment 324
Bas Eickhout

Proposal for a regulation
Article 73 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

An organisation or body belonging to a business association or professional federation representing undertakings that are involved in the design, manufacturing, supply or maintenance of the vehicles, systems, components or separate technical units that it assesses, tests or inspects, may be considered as fulfilling the requirements of the first subparagraph, provided that its independence and the absence of any conflict of interest are demonstrated to the designating approval authority of the relevant Member State.

deleted

Or. en

Amendment 325
Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation
Article 76

Text proposed by the Commission

Amendment

Article 76

deleted

In-house technical services of the manufacturer

1. An in-house technical service of a manufacturer may be designated for category A activities as referred to in Article 72(1)(a) only with regard to the regulatory acts listed in Annex XV. An in-house technical service shall constitute a separate and distinct part of the manufacturer's company and shall not be

involved in the design, manufacturing, supply or maintenance of the vehicles, systems, components or separate technical units that it assesses.

2. *An in-house technical service shall comply with the following requirements:*

(a) it has been accredited by a national accreditation body as defined in point 11 of Article 2 of Regulation (EC) No 765/2008 and in accordance with Appendices 1 and 2 to Annex V to this Regulation;

(b) the in-house technical service, including its personnel, is organisationally identifiable and has reporting methods within the manufacturer's company of which they form part that ensures its impartiality and demonstrates that impartiality to the relevant national accreditation body;

(c) neither the in-house technical service nor its personnel is engaged in any activity that might conflict with its independence or its integrity to perform the activities for which it has been designated;

(d) it supplies its services exclusively to the manufacturer's company of which it forms part.

3. *An in-house technical service does not need to be notified to the Commission for the purposes of Article 78, but information concerning its accreditation shall be given by the manufacturer of which it forms part or by the national accreditation body to the type-approval authority at the request of that authority.*

4. *The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex XV to take account of technical and regulatory developments by updating the list of regulatory acts and restrictions contained therein.*

Amendment 326

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 76 – paragraph 1

Text proposed by the Commission

1. An in-house technical service of a manufacturer may be designated for category **A** activities as referred to in Article 72(1)(a) only with regard to the regulatory acts listed in Annex XV. An in-house technical service shall constitute a separate and distinct part of the manufacturer's company and shall not be involved in the design, manufacturing, supply or maintenance of the vehicles, systems, components or separate technical units that it assesses.

Amendment

1. An in-house technical service of a manufacturer may be designated for category **B** activities as referred to in Article 72(1)(a) only with regard to the regulatory acts listed in Annex XV. An in-house technical service shall constitute a separate and distinct part of the manufacturer's company and shall not be involved in the design, manufacturing, supply or maintenance of the vehicles, systems, components or separate technical units that it assesses.

Or. en

Amendment 327

Bas Eickhout

Proposal for a regulation
Article 76 – paragraph 1

Text proposed by the Commission

1. An in-house technical service of a manufacturer may be designated for category **A** activities as referred to in Article 72(1)(a) only with regard to the regulatory acts listed in Annex XV. An in-house technical service shall constitute a separate and distinct part of the manufacturer's company and shall not be involved in the design, manufacturing, supply or maintenance of the vehicles, systems, components or separate technical

Amendment

1. An in-house technical service of a manufacturer may be designated for category **B** activities as referred to in Article 72(1)(a) only with regard to the regulatory acts listed in Annex XV. An in-house technical service shall constitute a separate and distinct part of the manufacturer's company and shall not be involved in the design, manufacturing, supply or maintenance of the vehicles, systems, components or separate technical

units that it assesses.

units that it assesses.

Or. en

Amendment 328

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 76 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the in-house technical service shall be audited according to the provisions of Article 77;

Or. en

Amendment 329

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 76 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the in-house technical service shall be audited according to the provisions of Article 77;

Or. en

Amendment 330

Bas Eickhout

Proposal for a regulation

Article 76 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the in-house technical service

shall be audited according to the provisions of Article 77;

Or. en

Amendment 331

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation Article 76 – paragraph 3

Text proposed by the Commission

3. An in-house technical service ***does not need to*** be notified to the Commission ***for the purposes of Article 78, but information concerning its accreditation shall be given by the manufacturer of which it forms part or by the national accreditation body to the type-approval authority at the request of that authority.***

Amendment

3. An in-house technical service ***shall*** be notified to the Commission ***as set out in*** Article 78.

Or. en

Amendment 332

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation Article 76 – paragraph 3

Text proposed by the Commission

3. An in-house technical service ***does not need to*** be notified to the Commission ***for the purposes of Article 78, but information concerning its accreditation shall be given by the manufacturer of which it forms part or by the national accreditation body to the type-approval authority at the request of that authority.***

Amendment

3. An in-house technical service ***shall*** be notified to the Commission ***as set out in*** Article 78.

Or. en

Amendment 333
Bas Eickhout

Proposal for a regulation
Article 76 – paragraph 3

Text proposed by the Commission

3. An in-house technical service ***does not need to*** be notified to the Commission ***for the purposes of*** Article 78, ***but information concerning its accreditation shall be given by the manufacturer of which it forms part or by the national accreditation body to the type-approval authority at the request of that authority.***

Amendment

3. An in-house technical service ***shall*** be notified to the Commission ***as set out in*** Article 78.

Or. en

Amendment 334
Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 77 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Before designating a technical service, the type-approval authority shall assess it in accordance with ***an*** assessment check-list that covers at least the requirements listed in Appendix 2 of Annex V. The assessment shall include an on-site assessment of the premises of the applying technical service, and, where relevant, of any subsidiary or sub-contractor, located inside or outside the Union.

Amendment

Before designating a technical service, the type-approval authority shall assess it in accordance with ***a harmonized*** assessment check-list that covers at least the requirements listed in Appendix 2 of Annex V. The assessment shall include an on-site assessment of the premises of the applying technical service, and, where relevant, of any subsidiary or sub-contractor, located inside or outside the Union.

Or. en

Amendment 335

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 77 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Representatives of the type-approval authorities of at least two other Member States shall, in coordination with the type-approval authority of the Member State in which the applicant technical service is established, and together with a representative of the Commission, form a joint assessment team and participate in the assessment of the applicant technical service, including the on-site assessment. The designating type-approval authority of the Member State where the applicant technical service is established shall give those representatives timely access to the documents necessary to assess the applicant technical service.

Amendment

Representatives of the type-approval authorities of at least two other Member States shall, in coordination with the type-approval authority of the Member State in which the applicant technical service is established, and together with a representative of the Commission, form a joint assessment team and participate in the assessment of the applicant technical service, including the on-site assessment ***and witnessing the actual type-approval tests***. The designating type-approval authority of the Member State where the applicant technical service is established shall give those representatives timely access to the documents necessary to assess the applicant technical service.

Or. en

Amendment 336

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 77 – paragraph 12

Text proposed by the Commission

12. The approval authority that intends to be designated as a technical service in accordance with Article 72(2) shall document compliance with the requirements of this Regulation through an assessment conducted by independent auditors. Those auditors shall not belong to the same approval authority and shall

Amendment

deleted

comply with the requirements laid down in Appendix 2 of Annex V.

Or. en

Justification

Type approval authorities shall not perform as technical services in the type-approval process to protect independence and to avoid conflict of interests as well as possible damage to quality and safety standards.

Amendment 337

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 84 – paragraph 2 – point a

Text proposed by the Commission

(a) *allow their* approval *authority* to witness the *performance* of the *technical service during* the conformity *assessment*;

Amendment

(a) *Category A* approval *tests as referred to in Article 72(1) shall be carried out in the presence of and under the responsibility of the approval authority for the purpose of assessing the conformity of the sample and of the procedures*;

Or. it

Amendment 338

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Daciana Octavia Sârbu, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 89 – paragraph 1

Text proposed by the Commission

1. Member States shall lay down the rules on penalties for infringement by economic operators and technical services of their obligations laid down in the Articles of this Regulation, in particular

Amendment

1. Member States shall lay down the rules on penalties for infringement by economic operators and technical services of their obligations laid down in the Articles of this Regulation, in particular

Articles 11 to 19 and 72 to 76, 84 and 85 and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Articles 11 to 19 and 72 to 76, 84 and 85 and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ***In particular the penalties shall be proportionate to the number of non-compliant vehicles registered in the concerned Member State market, or the number of non-compliant systems, components or separate technical unit made available on the concerned Member State market.***

Or. en

Amendment 339

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 89 – paragraph 2 – point b

Text proposed by the Commission

(b) falsifying test results for type-approval;

Amendment

(b) falsifying test results for type-approval ***or surveillance testing***

Or. en

Amendment 340

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Karin Kadenbach, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 89 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) ***use of illegal defeat devices***

Or. en

Amendment 341
Nicola Caputo

Proposal for a regulation
Article 90 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The administrative fines imposed by the Commission ***shall not*** be in addition to the penalties imposed by the Member States in accordance with Article 89 for the same infringement ***and*** shall not exceed ***EUR 30 000 per*** non-compliant vehicle, system, component or separate technical unit.

Amendment

The administrative fines imposed by the Commission ***may also*** be in addition to the penalties imposed by the Member States in accordance with Article 89 for the same infringement ***if the Commission does not consider the latter to be effective, proportionate and dissuasive on the basis of a comparative index developed drawing on the average penalties provided for in all European Union Member States. The penalties imposed by the Commission*** shall not exceed ***the sale price of the*** non-compliant vehicle, system, component or separate technical unit.

Or. it

Amendment 342
Julie Girling

Proposal for a regulation
Article 90 a (new)

Text proposed by the Commission

Amendment

Article 90 a

Online portal for the exchange of information on EU type-approvals

The Commission shall establish an online portal for exchanging information on EU type-approvals between type-approval authorities, market surveillance authorities, the Commission and recognised third-party testers.

The Commission, via the Forum referred to in Article 9, shall oversee the portal, in particular the maintenance of the type-approvals database, including regular

updates, coordination of input information with relevant authorities and data security and confidentiality.

In the case of type-approvals, the database shall include the information required in Annexes I and III of this Regulation. Third parties shall have unlimited access to at least information contained in Certificates of conformity in line with Annex IX of this Regulation, as well as all the test results, key input parameters (testing specifications) and details of technical services used at all stages of type approval.

This data shall be available free of charge, be in a digital format and include at least the following:

- *Test vehicle mass/weight*
- *Test vehicle rolling resistance*
- *Test temperature*
- *Aerodynamic drags*
- *Road load coefficients*
- *CO₂ emissions in gCO₂/km at type approval*
- *auxiliary equipment used during the test (air conditioning, audio & media, other accessories)*
- *Tyre details (model, manufacture, size & pressure)*
- *Vehicle specific gear shift points*
- *Driver mode in which the vehicle was tested*

National authorities responsible for type-approval and market surveillance shall without delay update the database every time a new type-approval is issued or withdrawn, and every time non-conformity with this Regulation is found or any remedy action taken.

National authorities and Commission shall draw on existing portals, such as the EU Rapid Warning System (RAPEX) and the Information and Communication

System on Market Surveillance (ICSMS) to ensure coordination, consistency and accuracy of the information provided to consumers and third parties.

The portal shall include a tool for consumers and other third parties to report recognised third-party test results, faulty reports and any complaints about the performance of vehicles, systems, components, and separate technical units, including safety, environmental and fuel consumption performance. This tool shall be taken into account when choosing vehicles to be tested for the purposes of Article 8.

The portal shall be operational no later than 31 December 2019.

Or. en

Amendment 343

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Karin Kadenbach

Proposal for a regulation Article 90 a (new)

Text proposed by the Commission

Amendment

Article 90 a

Online Portal

- 1. The Commission shall establish an online portal for exchange of information on EU type-approvals between type-approval authorities, market surveillance authorities, Commission and third parties.*
- 2. Commission, via the Forum referred to in Article 9, shall oversee the portal, in particular the maintenance of the type-approvals database, including regular updates, coordination of input information with relevant authorities and data security and confidentiality.*

3. In the case of type-approvals, the database shall include the information required in Annexes I and III of this Regulation. Third parties shall have unlimited access to at least information contained in Certificates of conformity in line with Annex IX of this Regulation, as well as all at least the following information for independent third-party testing:

- (a) Test vehicle mass/weight**
- (b) Test vehicle rolling resistance**
- (c) Test temperature**
- (d) Aerodynamic drags**
- (e) Road load coefficients**
- (f) CO₂ emissions in gCO₂/km at type approval**
- (g) Auxiliary equipment used during testing (air conditioning, audio & media, other accessories)**
- (h) Tyre details (model, manufacture, size & pressure)**
- (i) Vehicle specific gear shift points**
- (j) Driver mode in which the vehicle was**

4. National authorities responsible for type-approval and market surveillance shall without delay update the database every time a new type-approval is issued or withdrawn, and every time non-conformity with this Regulation is found or any remedy action taken.

5. National authorities and Commission shall draw on existing portals, such as the EU Rapid Warning System (RAPEX) and the Information and Communication System on Market Surveillance (ICSMS) to ensure coordination, consistency and accuracy of the information provided to consumers and third parties.

6. The portal shall include a tool for consumers and other third parties to

report independent third-party test results, faulty reports and any complaints about the performance of vehicles, systems, components, and separate technical units, including safety, environmental and fuel consumption performance. This tool shall be taken into account when choosing vehicles to be tested for the purposes of Article 8.

7. The portal shall be operational no later than 31 December 2019.

Or. en

Amendment 344
Bas Eickhout, Merja Kyllönen

Proposal for a regulation
Article 90 a (new)

Text proposed by the Commission

Amendment

Article 90 a

Online portal

1. The Commission shall establish an online portal for exchange of information on EU type-approvals between type-approval authorities, market surveillance authorities, Commission, the Agency and third parties.

2. In the case of type-approvals, the database shall include the information required in Annexes I and III of this Regulation. Third parties shall have unlimited access to the information contained in Certificates of conformity in line with Annex IX of this Regulation, as well as all the test results, key input parameters (testing specifications) and details of testing services requested by third parties for the purposes of compliance verification. This data shall be available free of charge in digital format.

4. National type-approval and market surveillance authorities and the Agency shall update the database on new type-approvals or withdrawals without delay, as on any non-conformity with this Regulation or any remedial action.

5. National authorities and Commission shall draw on existing portals, such as the EU Rapid Warning System (RAPEX) and the Information and Communication System on Market Surveillance (ICSMS) to ensure coordination, consistency and accuracy of the information provided to consumers and third parties.

6. The portal shall allow for consumers and other third parties to report independent third-party test results, faulty reports and other complaints about performance of vehicles, systems, components, and separate technical units, including safety, environmental and fuel consumption performance. Such information shall be taken into account when choosing vehicles to be spot-checked for the purposes of Article 8.

7. The portal shall be operational at the latest by 31 December 2019.

Or. en

Amendment 345

Gerben-Jan Gerbrandy, Frédérique Ries, Nils Torvalds

Proposal for a regulation

Article 91 – paragraph 1 – point 3 a (new)

Regulation (EC) 715/2007

Article 5 – paragraph 2 – subparagraphs 1a, 1b, 1c and 1d (new)

Text proposed by the Commission

Amendment

(3a) in Article 5, the following subparagraphs are added to paragraph 2:

“Manufacturers seeking EU type-approval for a vehicle using a Base

Emissions Strategy (BES), Auxiliary Emission Strategy (AES) or defeat device, as defined in this Regulation or Regulation 2016/646/EU, shall provide the type-approval authority with all information, including technical justification, that may be reasonably required by the type approval authority to determine whether the BES or AES is a defeat device and whether a derogation to the prohibition on the use of defeat devices under Article 5(2) of Regulation (EC) 715/2007 is applicable.

Manufactures shall declare in writing to the type approval authority that all information regarding a BES, AES or defeat device is provided and that the type of vehicle is not equipped with a prohibited defeat device in accordance with this Article and Regulation (EC) No 692/2008.

The approval authority shall not grant EU type-approval until it has completed its assessment and has determined that the type of vehicle is not equipped with a prohibited defeat device in accordance with this Article and Regulation (EC) No 692/2008.

For the purpose of its assessment and verifying compliance or non-compliance with the requirements of this Article the type approval authority, the market surveillance authority or the Commission may carry out a supplementary surprise test, with parameters different than the tests set out in this Regulation. The parameters of the supplementary surprise test shall be defined each time solely by the type approval authority, the market surveillance authority or the Commission and remain strictly confidential and unknown by the manufacturer until the final publication of the test results.”.

Or. en

Amendment 346

Miriam Dalli, Nessa Childers, Christel Schaldemose, Seb Dance, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 91 – paragraph 1 – point 3 a (new)

Regulation (EC) 715/2007

Article 5 – paragraph 2 – subparagraphs 1a and 1db(new)

Text proposed by the Commission

Amendment

(3a) in Article 5, the following subparagraphs are added to paragraph 2:

'Manufacturers seeking EU type-approval for a vehicle using a BES, AES or defeat device, as defined in this Regulation or Regulation 2016/646/EU, shall provide the type-approval authority with all information, including technical justification, that may be reasonably required by the type-approval authority to determine whether the BES or AES is a defeat device and whether a derogation to the prohibition on the use of defeat devices under Article 5(2) of Regulation (EC) 715/2007 is applicable.

The approval authority shall not grant EU type-approval until it has completed its assessment and has determined that the type of vehicle is not equipped with a prohibited defeat device in accordance with this Article and Regulation (EC) No 692/2008.'

Or. en

Amendment 347

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Article 91 – paragraph 1 – point 3 a (new)

Regulation (EC) 715/2007

Article 5 – paragraph 2 – subparagraph 1a (new)

Text proposed by the Commission

Amendment

(3a) the following paragraph 1a shall be added to Article 5:

‘The presence of devices as referred to in paragraph 2 must be communicated to the authority whose approval is sought, supplying all details necessary for the successive in-service conformity tests performed by the European Surveillance Authority.’

Or. it

Amendment 348

Bas Eickhout, Merja Kyllönen

Proposal for a regulation

Article 91 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

(5) in Article 13(2), point (e) is deleted.

deleted

Or. en

Amendment 349

Bas Eickhout, Merja Kyllönen

Proposal for a regulation

Article 91 – paragraph 1 – point 5 a (new)

Regulation (EC) 715/2007

Article 5 – paragraph 2 – subparagraph 1a (new)

Present text

Amendment

“3. The Commission shall keep under review the procedures, tests and requirements referred to in Article 5(3) as well as the test cycles used to measure

(5a) In Article 14 paragraph 3 is replaced by the following:

"3. The Commission shall keep under review the procedures, tests and requirements referred to in Article 5(3) as well as the test procedures used to measure

emissions. *If the review finds that these are no longer adequate or no longer reflect real world emissions, they shall be adapted so as to adequately reflect the emissions generated by real driving on the road. The necessary measures, which are designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 15(3)."*

emissions *in order to ensure that they are adequate, including with regard to defeat devices, and reflect real world emissions. The Commission shall introduce and complete, in accordance with Article 5(3) and without undue delay a real driving emissions test for all vehicles and pollutants to ensure the effectiveness of emission control systems and to enable the vehicle to comply with this Regulation and its implementing measures in normal use throughout the normal life of the vehicles. The conformity factor for NOx applicable from 2020 to all vehicles placed on the Union market shall be no more than 1,18. The conformity factor for PN applicable from 2020 to all vehicles placed on the Union market shall be 1."*

Or. en

Amendment 350
Karin Kadenbach

Proposal for a regulation
Article 91 – paragraph 1 – point 6
Regulation (EC) 715/2007
Article 11a – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Fuel consumption and CO2 values determined under real driving condition will be made available to the public.

Or. en

Justification

Under the forthcoming RDE-test procedure CO2 and fuel consumption will only be calculated to determine real NOx-emissions. This amendment ensures that these figures will easily be made available to the public.

Amendment 351

Bas Eickhout

Proposal for a regulation

Article 91 – paragraph 1 – point 6 a (new) Regulation (EC) 715/2007

Article 14 a (new)

Text proposed by the Commission

Amendment

(6a) The following Article 14a shall be inserted

“Article 14a

Review

The Commission shall review the emissions limits set out in Annex I with a view to improving air quality in the Union and to achieving the EU ambient air quality limits as well as the WHO recommended levels, and shall come forward with proposals, as appropriate, for new technology neutral Euro7 emission limits applicable for all M1 and N1 vehicles placed in the Union market by 2025.”

Or. en

Amendment 352

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 96 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation shall not invalidate any whole-vehicle type-approval or EU type-approval granted to vehicles or to systems, components or separate technical units before ***[PO: please insert the date of application as mentioned in Article 98].***

1. This Regulation shall not invalidate any whole-vehicle type-approval or EU type-approval granted to vehicles or to systems, components or separate technical units before ***1 January 2018.***

Amendment 353

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Massimo Paolucci, Damiano Zoffoli, Simona Bonafè, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation Article 96 – paragraph 3

Text proposed by the Commission

3. The validity of whole-vehicle type-approvals referred to in paragraph 1 shall terminate at the latest on *[PO: please insert the date, which should be the date of application as mentioned in Article 98 + 5 years]* and approval authorities may only renew those whole-vehicle type-approvals in accordance with the provisions of Article 33 of this Regulation.

Amendment

3. The validity of whole-vehicle type-approvals referred to in paragraph 1 shall terminate at the latest on **1 January 2023** and approval authorities may only renew those whole-vehicle type-approvals in accordance with the provisions of Article 33 of this Regulation.

Amendment 354

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Massimo Paolucci, Damiano Zoffoli, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation Article 97 – paragraph 1

Text proposed by the Commission

1. By 31 December **20xx** *[PO: please insert the year, which should be the year of application as mentioned in Article 98 + 5 years]* Member States shall inform the Commission of the application of the type-approval and market surveillance procedures laid down in this Regulation.

Amendment

1. By 31 December **2023**, Member States shall inform the Commission of the application of the type-approval and market surveillance procedures laid down in this Regulation.

Amendment 355

Miriam Dalli, Nessa Childers, Christel Schaldemose, Soledad Cabezón Ruiz, Carlos Zorrinho, Simona Bonafè, Massimo Paolucci, Damiano Zoffoli, Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation

Article 98 – paragraph 2

Text proposed by the Commission

Amendment

It shall apply from 1 January **201X**.

It shall apply from 1 January **2018**.

Or. en

Amendment 356

Eleonora Evi, Marco Affronte, Piernicola Pedicini, Marco Zullo

Proposal for a regulation

Annex XV

Text proposed by the Commission

Amendment

[...]

deleted

Or. it