



**2016/0014(COD)**

18.10.2016

# **AMENDMENTS**

## **820 - 1142**

**Draft report**

**Daniel Dalton**

(PE585.570v02-00)

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))



**Amendment 820**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 50 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The national authorities shall inform the **Commission** and the other Member States without delay of the restrictive measures taken in accordance with Article 49(1) and (5).

*Amendment*

The national authorities shall inform the **Agency** and the other Member States without delay of the restrictive measures taken in accordance with Article 49(1) and (5).

Or. en

**Amendment 821**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

**Proposal for a regulation**

**Article 50 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The national authorities shall inform the **Commission** and the other Member States without delay of the restrictive measures taken in accordance with Article 49(1) and (5).

*Amendment*

The national authorities shall inform the **Agency** and the other Member States without delay of the restrictive measures taken in accordance with Article 49(1) and (5).

Or. en

**Amendment 822**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

**Proposal for a regulation**

**Article 50 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The approval authority referred to in Article 49(1) shall indicate whether the non-conformity is due to either of the following:

*Amendment*

2. ***The Agency or*** the approval authority referred to in Article 49(1) shall indicate whether the non-conformity is due to either of the following:

Or. en

**Amendment 823**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

**Proposal for a regulation  
Article 50 – paragraph 3**

*Text proposed by the Commission*

3. Member States other than the Member State initiating the procedure shall inform within one month of the receipt of the information referred to in paragraph 1 the ***Commission*** and the other Member States of any restrictive measures adopted and of any additional information at their disposal relating to the non-conformity of the vehicle, system, component or separate technical unit concerned, and, in the event of disagreement with the notified national measure, of their objections.

*Amendment*

3. ***The*** Member States other than the Member State initiating the procedure ***or all Member States if the Agency initiated procedure*** shall inform within one month of the receipt of the information referred to in paragraph 1 the ***Agency*** and the other Member States of any restrictive measures adopted and of any additional information at their disposal relating to the non-conformity of the vehicle, system, component or separate technical unit concerned, and, in the event of disagreement with the notified national measure, of their objections.

Or. en

**Amendment 824**

**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation  
Article 50 – paragraph 3**

*Text proposed by the Commission*

3. Member States other than the Member State initiating the procedure shall inform within one month of the receipt of the information referred to in paragraph 1 the **Commission** and the other Member States of any restrictive measures adopted and of any additional information at their disposal relating to the non-conformity of the vehicle, system, component or separate technical unit concerned, and, in the event of disagreement with the notified national measure, of their objections.

*Amendment*

3. Member States other than the Member State initiating the procedure shall inform within one month of the receipt of the information referred to in paragraph 1 the **Agency** and the other Member States of any restrictive measures adopted and of any additional information at their disposal relating to the non-conformity of the vehicle, system, component or separate technical unit concerned, and, in the event of disagreement with the notified national measure, of their objections.

Or. en

**Amendment 825**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

**Proposal for a regulation  
Article 50 – paragraph 4**

*Text proposed by the Commission*

4. Where, within one month of the receipt of the information referred to in paragraph 1, an objection has been raised by either another Member State or the **Commission** in respect of a restrictive measure taken by a Member State, that measure shall be evaluated by the Commission in accordance with Article 51.

*Amendment*

4. Where, within one month of the receipt of the information referred to in paragraph 1, an objection has been raised by either another Member State or the **Agency** in respect of a restrictive measure taken by a Member State, that measure shall be evaluated by the Commission in accordance with Article 51.

Or. en

**Amendment 826**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation  
Article 50 – paragraph 4**

*Text proposed by the Commission*

4. Where, within one month of the receipt of the information referred to in paragraph 1, an objection has been raised by either another Member State or the Commission in respect of a restrictive measure taken by a Member State, that measure shall be evaluated by the **Commission** in accordance with Article 51.

*Amendment*

4. Where, within one month of the receipt of the information referred to in paragraph 1, an objection has been raised by either another Member State or the Commission in respect of a restrictive measure taken by a Member State, that measure shall be evaluated by the **Agency** in accordance with Article 51.

Or. en

**Amendment 827**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 50 – paragraph 5**

*Text proposed by the Commission*

5. Where, within one month of the receipt of the information referred to in paragraph 1, no objection has been raised by either another Member State or the **Commission** in respect of a restrictive measure taken by a Member State, that measure shall be deemed justified. The other Member States shall ensure that similar restrictive measures are taken in respect of the vehicle, system, component or separate technical unit concerned.

*Amendment*

5. Where, within one month of the receipt of the information referred to in paragraph 1, no objection has been raised by either another Member State or the **Agency** in respect of a restrictive measure taken by a Member State, that measure shall be deemed justified. The other Member States shall ensure that similar restrictive measures are taken in respect of the vehicle, system, component or separate technical unit concerned.

Or. en

**Amendment 828**

**Dennis de Jong**

**Proposal for a regulation**

**Article 51 – paragraph 1 – subparagraph 1**

*Where, during the procedure set out in Article 50(3) and (4), objections have been raised against a restrictive measure taken by a Member State, or where the Commission has considered that a national measure is contrary to Union legislation, the Commission shall evaluate without delay the national measure after having consulted the Member States and the relevant economic operator or operators. On the basis of the results of that evaluation, the Commission shall adopt a decision on whether the national measure is considered justified or not. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).*

*deleted*

Or. en

#### **Amendment 829**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

#### **Proposal for a regulation**

#### **Article 51 – paragraph 1 – subparagraph 1**

Where, during the procedure set out in Article 50(3) and (4), objections have been raised against a restrictive measure taken by a Member State, or where the Commission has considered that a national measure is contrary to Union legislation, the Commission shall evaluate without delay the national measure after having consulted the Member States and the relevant economic operator or operators. On the basis of the results of that evaluation, the Commission shall adopt a decision on whether the national measure is considered justified or not. Those implementing acts shall be adopted in

Where, during the procedure set out in Article 50(3) and (4), objections have been raised against a restrictive measure taken by a Member State, or where the **Agency or the** Commission has considered that a national measure is contrary to Union legislation, the Commission shall evaluate without delay the national measure after having consulted the Member States and the relevant economic operator or operators. On the basis of the results of that evaluation, the Commission shall adopt a decision on whether the national measure is considered justified or not. Those implementing acts shall be adopted in

accordance with the examination procedure referred to in Article 87(2).

accordance with the examination procedure referred to in Article 87(2).

Or. en

#### **Amendment 830**

**Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 51 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Where, during the procedure set out in Article 50(3) and (4), objections have been raised against a restrictive measure taken by a Member State, or where the **Commission** has considered that a national measure is contrary to Union legislation, the **Commission** shall evaluate without delay the national measure after having consulted the Member States and the relevant economic operator or operators. On the basis of the results of that evaluation, the Commission shall adopt a decision on whether the national measure is considered justified or not. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

##### *Amendment*

Where, during the procedure set out in Article 50(3) and (4), objections have been raised against a restrictive measure taken by a Member State, or where the **Agency** has considered that a national measure is contrary to Union legislation, the **Agency** shall evaluate without delay the national measure after having consulted the Member States and the relevant economic operator or operators. On the basis of the results of that evaluation, the Commission shall adopt a decision on whether the national measure is considered justified or not. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

#### **Amendment 831**

**Dennis de Jong**

#### **Proposal for a regulation**

#### **Article 51 – paragraph 1 – subparagraph 2**

##### *Text proposed by the Commission*

***The Commission shall address its decision to all Member States and shall immediately communicate it to the***

##### *Amendment*

***deleted***



*relevant economic operators. The Member States shall implement the Commission decision without delay and inform the Commission accordingly.*

Or. en

**Amendment 832**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. *Where the Commission considers the national measure to be justified*, all Member States shall take the necessary measures to ensure that the non-compliant vehicle, system, component or separate technical unit is withdrawn from their market, and shall inform the Commission accordingly. Where the Commission considers the national measure to be *unjustified*, the Member State concerned shall withdraw or adapt the measure, *in accordance with the Commission decision referred to in paragraph 1*.

*Amendment*

2. All Member States shall take the necessary measures to ensure that the non-compliant vehicle, system, component or separate technical unit is withdrawn from their market, and shall inform the Commission accordingly. Where the Commission considers the national measure to be *an infringement of this regulation, in accordance with Article 97*, the Member State concerned shall withdraw or adapt the measure.

Or. en

**Amendment 833**  
**Richard Sulík**

**Proposal for a regulation**  
**Article 51 – paragraph 2**

*Text proposed by the Commission*

2. Where the Commission considers the national measure to be justified, all Member States *shall take the necessary measures to* ensure that the non-compliant vehicle, system, component or separate technical unit is *withdrawn from* their

*Amendment*

2. Where the Commission considers the national measure to be justified, all Member States ensure that the non-compliant vehicle, system, component or separate technical unit is *subjected to the same measure on* their market, and shall

market, and shall inform the Commission accordingly. Where the Commission considers the national measure to be unjustified, the Member State concerned shall withdraw or adapt the measure, in accordance with the Commission decision referred to in paragraph 1.

inform the Commission accordingly. Where the Commission considers the national measure to be unjustified, the Member State concerned shall withdraw or adapt the measure, in accordance with the Commission decision referred to in paragraph 1.

Or. en

#### **Amendment 834**

**Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 51 – paragraph 2**

##### *Text proposed by the Commission*

2. Where the **Commission** considers the national measure to be justified, all Member States shall take the necessary measures to ensure that the non-compliant vehicle, system, component or separate technical unit is withdrawn from their market, and shall inform the **Commission** accordingly. Where the **Commission** considers the national measure to be unjustified, the Member State concerned shall withdraw or adapt the measure, in accordance with the Commission decision referred to in paragraph 1.

##### *Amendment*

2. Where the **Agency** considers the national measure to be justified, all Member States shall take the necessary measures to ensure that the non-compliant vehicle, system, component or separate technical unit is withdrawn from their market, and shall inform the **Agency** accordingly. Where the **Agency** considers the national measure to be unjustified, the Member State concerned shall withdraw or adapt the measure, in accordance with the Commission decision referred to in paragraph 1.

Or. en

#### **Amendment 835**

**Dennis de Jong**

#### **Proposal for a regulation**

#### **Article 51 – paragraph 3**

##### *Text proposed by the Commission*

3. *Where the national measure is considered justified and is attributed to*

##### *Amendment*

*deleted*

*shortcomings in regulatory acts referred to in Annex IV, the Commission shall propose appropriate measures as follows:*

*(a) where regulatory acts are concerned, the Commission shall propose the necessary amendments to the act concerned;*

*(b) where UNECE regulations are concerned, the Commission shall propose the necessary draft amendments to the relevant UNECE regulations in accordance with the provisions of Annex III of Council Decision 97/836/EC.*

Or. en

#### **Amendment 836**

**Pascal Durand, Karima Delli, Claude Turmes**  
on behalf of the Verts/ALE Group

#### **Proposal for a regulation** **Article 52 – title**

##### *Text proposed by the Commission*

Compliant vehicles, systems, components or separate technical units that present a **serious** risk to safety **or serious harm to** health and the environment

##### *Amendment*

Compliant vehicles, systems, components or separate technical units that present a risk to safety health and the environment

Or. en

#### **Amendment 837**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

#### **Proposal for a regulation** **Article 52 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Where, having performed an evaluation under Article 49(1), a Member State finds that vehicles, systems, components or

##### *Amendment*

Where, having performed an evaluation under Article 49(1), a Member State **or the Agency** finds that vehicles, systems,

separate technical units, although they comply with the applicable requirements or are properly marked, present a *serious* risk to safety or may *seriously* harm the environment or public health, it shall require the relevant economic operator to take all appropriate corrective measures to ensure that the vehicle, system, component or separate technical unit concerned, when placed on the market, registered or entered into service, no longer presents that risk, or it shall take restrictive measures 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.

components or separate technical units, although they comply with the applicable requirements or are properly marked, present a risk to safety or may harm the environment or public health, it shall require the relevant economic operator to take all appropriate corrective measures to ensure that the vehicle, system, component or separate technical unit concerned, when placed on the market, registered or entered into service, no longer presents that risk, or it shall take restrictive measures 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.

Or. en

#### **Amendment 838**

**Pascal Durand, Karima Delli, Bas Eickhout, Claude Turmes**  
on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 52 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Where, having performed an evaluation under Article 49(1), a Member State finds that vehicles, systems, components or separate technical units, although they comply with the applicable requirements or are properly marked, present a *serious* risk to safety or *may seriously harm* the environment or public health, it shall require the relevant economic operator to take all appropriate corrective measures to ensure that the vehicle, system, component or separate technical unit concerned, when placed on the market, registered or entered into service, no longer presents that risk, or it shall take restrictive measures to withdraw the vehicle, system, component or separate technical unit from the market or to recall it within a reasonable period,

##### *Amendment*

Where, having performed an evaluation under Article 49(1), a Member State **or the Agency** finds that vehicles, systems, components or separate technical units, although they comply with the applicable requirements or are properly marked, present a risk to safety or the environment or public health, it shall require the relevant economic operator to take all appropriate corrective measures to ensure that the vehicle, system, component or separate technical unit concerned, when placed on the market, registered or entered into service, no longer presents that risk, or it shall take restrictive measures 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.

depending on the nature of the risk.

Or. en

**Amendment 839**

**Christel Schaldemose, Lucy Anderson, Nicola Danti, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

**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 840**

**Pascal Durand, Karima Delli, Bas Eickhout, Claude Turmes**  
on behalf of the Verts/ALE Group

**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*

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

Or. en

**Amendment 841**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

**Proposal for a regulation**

**Article 52 – paragraph 3**

*Text proposed by the Commission*

3. The Member State shall within one month of the request referred to in paragraph 1 provide the **Commission** and the other Member States with all available information, in particular the data necessary for the identification of the vehicle, system, component or separate technical unit concerned, the origin and the supply chain of the vehicle, system, component or separate technical unit, the nature of the risk involved and the nature and duration of the national restrictive measures taken.

*Amendment*

3. The Member State shall within one month of the request referred to in paragraph 1 provide the **Agency** and the other Member States with all available information, in particular the data necessary for the identification of the vehicle, system, component or separate technical unit concerned, the origin and the supply chain of the vehicle, system, component or separate technical unit, the nature of the risk involved and the nature and duration of the national restrictive measures taken.

Or. en

**Amendment 842**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 52 – paragraph 3**

*Text proposed by the Commission*

3. The Member State shall within one month of the request referred to in paragraph 1 provide the **Commission** and the other Member States with all available information, in particular the data necessary for the identification of the vehicle, system, component or separate technical unit concerned, the origin and the supply chain of the vehicle, system, component or separate technical unit, the nature of the risk involved and the nature and duration of the national restrictive measures taken.

*Amendment*

3. The Member State shall within one month of the request referred to in paragraph 1 provide the **Agency** and the other Member States with all available information, in particular the data necessary for the identification of the vehicle, system, component or separate technical unit concerned, the origin and the supply chain of the vehicle, system, component or separate technical unit, the nature of the risk involved and the nature and duration of the national restrictive measures taken.

Or. en

## **Amendment 843**

**Pascal Durand**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Article 52 – paragraph 4**

##### *Text proposed by the Commission*

4. 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 shall decide whether the national measure referred to in paragraph 1 is considered justified or not, and where necessary, propose appropriate measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

##### *Amendment*

4. 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 shall decide whether the national measure referred to in paragraph 1 is considered justified or not, and where necessary, propose appropriate measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

## **Amendment 844**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

### **Proposal for a regulation**

#### **Article 52 – paragraph 4**

##### *Text proposed by the Commission*

4. 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 shall decide whether the national measure referred to in paragraph 1 is considered justified or not, and where necessary, propose appropriate measures. Those implementing acts shall be adopted in

##### *Amendment*

4. 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 shall decide whether the national measure referred to in paragraph 1 is considered justified or not, and where necessary, propose appropriate measures. Those implementing acts shall be adopted in

accordance with the examination procedure referred to in Article 87(2).

accordance with the examination procedure referred to in Article 87(2).

Or. en

#### **Amendment 845**

**Lucy Anderson**

#### **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 accompanied by a certificate of conformity, ***or systems, components or separate technical units*** 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 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, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, ***or to recall it within a reasonable period, depending on the nature of the risk***

Or. en

#### **Amendment 846**

**Ivan Štefanec, Roberta Metsola, Róza Gräfin von Thun und Hohenstein, Antonio López-Istúriz White, Philippe Juvin**



**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 accompanied by a certificate of conformity, ***or systems, components or separate technical units*** 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 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, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, ***or to recall it within a reasonable period, depending on the nature of the risk.***

Or. en

**Amendment 847**  
**Philippe Juvin, Lara Comi, Cristian-Silviu Buşoi**

**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

*Amendment*

1. Where vehicles ***accompanied by a certificate of conformity or*** systems, components or separate technical units bearing an approval mark do not conform

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.***

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 require economic operators immediately to take the restrictive measures necessary to ensure that vehicles, systems, components or other separate technical units that do not conform to the approved type comply with this regulation, or to take all the steps required to withdraw all non-compliant vehicles, systems, components or other separate technical units from that market as quickly as possible***, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, ***or to recall them.***

Or. fr

#### Amendment 848 Dita Charanzová, Lieve Wierinck

#### 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

##### *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 ***require the Member States to*** 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

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 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 849**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

#### **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

##### *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 **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.

conformity.

Or. en

## **Amendment 850**

**Richard Sulík**

### **Proposal for a regulation**

#### **Article 54 – paragraph 1**

*Text proposed by the Commission*

*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).**

**deleted**

Or. en

## **Amendment 851**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

### **Proposal for a regulation**

#### **Article 54 – paragraph 1**

*Text proposed by the Commission*

*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**

**1. Where an approval authority, market surveillance authority *or the Agency* 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**

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).

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 852**

**Pascal Durand**

on behalf of the Verts/ALE Group

### **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 *the Agency*, 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).

Or. en

## **Amendment 853**

**Pascal Durand**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Article 54 – paragraph 2**

##### *Text proposed by the Commission*

2. The approval authority or market surveillance authority or the *Commission* shall also request the approval authority

##### *Amendment*

2. The approval authority or market surveillance authority or the *Agency* shall also request the approval authority that

that granted the EU type-approval to verify that vehicles, systems, components or separate technical units in production continue to conform to the approved type or, where applicable, that vehicles, systems, components or separate technical units already placed on the market are brought back into conformity.

granted the EU type-approval to verify that vehicles, systems, components or separate technical units in production continue to conform to the approved type or, where applicable, that vehicles, systems, components or separate technical units already placed on the market are brought back into conformity.

Or. en

#### **Amendment 854**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

#### **Proposal for a regulation Article 54 – paragraph 2**

##### *Text proposed by the Commission*

2. The approval authority or market surveillance authority or the **Commission** shall also request the approval authority that granted the EU type-approval to verify that vehicles, systems, components or separate technical units in production continue to conform to the approved type or, where applicable, that vehicles, systems, components or separate technical units already placed on the market are brought back into conformity.

##### *Amendment*

2. The approval authority or market surveillance authority or the **Agency** shall also request the approval authority that granted the EU type-approval to verify that vehicles, systems, components or separate technical units in production continue to conform to the approved type or, where applicable, that vehicles, systems, components or separate technical units already placed on the market are brought back into conformity.

Or. en

#### **Amendment 855**

**Christel Schaldemose, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

#### **Proposal for a regulation Article 54 – paragraph 5**

##### *Text proposed by the Commission*

5. On receipt of the request referred to in paragraphs 1 to 4 the approval authority that granted the EU type-approval shall

##### *Amendment*

5. On receipt of the request referred to in paragraphs 1 to 4 the approval authority that granted the EU type-approval shall

carry out an evaluation in relation to the vehicles, systems, components or separate technical units concerned covering all the requirements laid down in this Regulation. The approval authority shall also verify the data on the basis of which the approval was granted. The relevant economic operators shall fully cooperate with the approval authority.

carry out an evaluation in relation to the vehicles, systems, components or separate technical units concerned covering all the requirements laid down in this Regulation. The approval authority shall also verify the data on the basis of which the approval was granted. The relevant economic operators shall fully cooperate with the approval authority. ***The Agency shall have the right to verify the data on basis of which the type approval authority granted the type-approval.***

Or. en

#### **Amendment 856**

**Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

##### **Article 54 – paragraph 7**

*Text proposed by the Commission*

7. The national authorities taking restrictive measures in accordance with Article 53(1) shall immediately inform the **Commission** and the other Member States.

*Amendment*

7. The national authorities taking restrictive measures in accordance with Article 53(1) shall immediately inform the **Agency** and the other Member States.

Or. en

#### **Amendment 857**

**Dennis de Jong**

#### **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

*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 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).*

notified restrictive measure, the Commission may *initiate a peer review procedure as laid down in Article 71 (8) to (10) to investigate the objection.*

Or. en

#### Amendment 858

Pascal Durand

on behalf of the Verts/ALE Group

#### 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

##### *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



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

accordance Article 88.

Or. en

#### **Amendment 859**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

#### **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, a market surveillance authority **or the Agency** 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 **5b(10)**, **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 implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

#### **Amendment 860**

**Pascal Durand**

on behalf of the Verts/ALE Group

## Proposal for a regulation

### Article 54 – paragraph 8 – subparagraph 2

#### *Text proposed by the Commission*

The Commission shall address its decision to all Member States and shall immediately communicate it to the relevant economic operators. The Member States shall implement the Commission decision without delay and inform the *Commission* accordingly.

#### *Amendment*

The Commission shall address its decision to all Member States and shall immediately communicate it to the relevant economic operators. The Member States shall implement the Commission decision without delay and inform the *Agency* accordingly.

Or. en

## Amendment 861

Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière

## Proposal for a regulation

### Article 54 – paragraph 9

#### *Text proposed by the Commission*

9. Where, within one month after the notification of the restrictive measures taken in accordance with Article 53(1), no objection has been raised by either another Member State or by the *Commission* in respect of a restrictive measure taken by a Member State, that measure shall be deemed justified. The other Member States shall ensure that similar restrictive measures are taken in respect of the vehicle, system, component or separate technical unit concerned.

#### *Amendment*

9. Where, within one month after the notification of the restrictive measures taken in accordance with Article 53(1), no objection has been raised by either another Member State or by the *Agency* in respect of a restrictive measure taken by a Member State *or the Agency*, that measure shall be deemed justified. The other Member States shall ensure that similar restrictive measures are taken in respect of the vehicle, system, component or separate technical unit concerned.

Or. en

## Amendment 862

Pascal Durand

on behalf of the Verts/ALE Group

## Proposal for a regulation

### Article 54 – paragraph 9

*Text proposed by the Commission*

9. Where, within one month after the notification of the restrictive measures taken in accordance with Article 53(1), no objection has been raised by either another Member State or by the **Commission** in respect of a restrictive measure taken by a Member State, that measure shall be deemed justified. The other Member States shall ensure that similar restrictive measures are taken in respect of the vehicle, system, component or separate technical unit concerned.

*Amendment*

9. Where, within one month after the notification of the restrictive measures taken in accordance with Article 53(1), no objection has been raised by either another Member State or by the **Agency** in respect of a restrictive measure taken by a Member State, that measure shall be deemed justified. The other Member States shall ensure that similar restrictive measures are taken in respect of the vehicle, system, component or separate technical unit concerned.

Or. en

**Amendment 863**

**Adam Szejnfeld**

**Proposal for a regulation**

**Article 55 – title**

*Text proposed by the Commission*

Placing on the market and entry into service of parts or equipment that **may pose** a serious risk to the correct functioning of essential systems

*Amendment*

Placing on the market and entry into service of parts or equipment that **are capable of posing** a serious risk to the correct functioning of essential systems

Or. en

*Justification*

*The wording "may" pose a risk" is vaguer than the original version in the current Article 31 of Directive 2007/46. However, no indirect change in substance (i.e. more room for assumptions) should be introduced compared to the current legislation.*

**Amendment 864**

**Adam Szejnfeld**

**Proposal for a regulation**

**Article 55 – paragraph 1**

*Text proposed by the Commission*

1. Parts or equipment that ***may pose*** a serious risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance shall not be placed on the market or entered into service and shall be prohibited, unless they have been authorised by an approval authority in accordance with Article 56(1) and (4).

*Amendment*

1. Parts or equipment that ***are capable of posing*** a serious risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance shall not be placed on the market or entered into service and shall be prohibited, unless they have been authorised by an approval authority in accordance with Article 56(1) and (4).

Or. en

**Amendment 865**  
**Daniel Dalton**

**Proposal for a regulation**  
**Article 55 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Commission, in consultation with a broad range of stakeholders looking at both the important requirements of improving road safety and environmental protection and the interests of consumers in preserving competition in the aftermarket, shall draw up a report establishing the list of such parts or equipment which these measures should apply to.***

Or. en

**Amendment 866**  
**Adam Szejnfeld**

**Proposal for a regulation**  
**Article 55 – paragraph 2 – subparagraph 2 a (new)**

***The list of such parts or equipment and subsequent requirements should be established after having consulted affected stakeholders, on the basis of an evaluation resulting in a report and strive for a fair balance between the criteria outlined in Article 55 (3) point a) and b).***

Or. en

*Justification*

*The current Directive 2007/46 (Article 31) includes the requirement for a consultation of affected stakeholders, but it has been omitted by the Commission in the draft Regulation. However, the stakeholder consultation in relation to the establishment of the list and the definition of requirements had been introduced in 2007 for very good reasons: The approval process under Art. 55 and 56 is not clearly defined (contrary to a classical type-approval) and bears the risk of putting independent parts producers out of the market, if the test criteria and test requirements were not to take into account the specific conditions of an aftermarket production environment (proportionality). Affected stakeholder consultation remains important, together with the obligation of a report which has to “strive for a fair balance between risk to safety or the environment and the effect on consumers and manufacturers in the aftermarket” (criteria outlined in Article 55 (3) point a) and b)) and should therefore be re-introduced into the legislation to avoid an indirect watering down of the original provisions.*

**Amendment 867**

**Adam Szejnfeld**

**Proposal for a regulation**

**Article 55 – paragraph 3 – introductory part**

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex XIII to take account of technical and regulatory developments by updating the list of parts or equipment on the basis of information regarding:

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex XIII to take account of technical and regulatory developments by updating the list of parts or equipment ***after stakeholder consultation and*** on the basis of information regarding:

Or. en

### *Justification*

*The current Directive 2007/46 includes also the requirement for a consultation of affected stakeholders for the updating of the list of parts/equipment to be submitted to an authorisation process. This has been omitted by the Commission and shall be reinstated.*

#### **Amendment 868**

**Ivan Štefanec, Roberta Metsola, Antonio López-Istúriz White**

#### **Proposal for a regulation**

#### **Article 55 – paragraph 4 – subparagraph 2**

##### *Text proposed by the Commission*

For the purposes of this paragraph, original parts or equipment means parts or equipment that are manufactured according to the specifications **and production** standards provided by the vehicle manufacturer for the assembly of the vehicle in question.

##### *Amendment*

For the purposes of this paragraph, original parts or equipment means parts or equipment that are manufactured according to the specifications, **production and performance** standards provided by the vehicle manufacturer for the assembly of the vehicle in question.

Or. en

#### **Amendment 869**

**Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 56 – paragraph 4 – subparagraph 1**

##### *Text proposed by the Commission*

Before issuing any authorisation, the **approval authority** shall verify the existence of arrangements and procedures for ensuring effective control of the conformity of production.

##### *Amendment*

Before issuing any authorisation, the **Agency** shall verify the existence of arrangements and procedures for ensuring effective control of the conformity of production.

Or. en

#### **Amendment 870**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari,**

Virginie Rozière

**Proposal for a regulation**

**Article 56 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

Before issuing any authorisation, the approval authority shall verify the existence of arrangements and procedures for ensuring effective control of the conformity of production.

*Amendment*

Before issuing any authorisation, the approval authority shall ***coordinate with the Agency to*** verify the existence of arrangements and procedures for ensuring effective control of the conformity of production.

Or. en

**Amendment 871**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière, Marlene Mizzi, Christine Revault D'Allonnes Bonnefoy, Marc Tarabella**

**Proposal for a regulation**

**Article 56 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

Where the approval authority finds that the conditions for issuing the authorisation are no longer fulfilled, it shall request the manufacturer to take the necessary measures to ensure that the parts or equipment are brought into conformity. Where necessary, it shall withdraw the ***authorisation***.

*Amendment*

Where the approval authority ***or the Agency*** finds that the conditions for issuing the authorisation are no longer fulfilled, it shall request the manufacturer to take the necessary measures to ensure that the parts or equipment are brought into conformity. Where necessary, it shall withdraw the ***authorization or in case of the Agency required the approval authority that granted the type-approval to withdraw the authorization***.

Or. en

**Amendment 872**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 56 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

Where the **approval authority** finds that the conditions for issuing the authorisation are no longer fulfilled, it shall request the manufacturer to take the necessary measures to ensure that the parts or equipment are brought into conformity. Where necessary, it shall withdraw the authorisation.

*Amendment*

Where the **Agency** finds that the conditions for issuing the authorisation are no longer fulfilled, it shall request the manufacturer to take the necessary measures to ensure that the parts or equipment are brought into conformity. Where necessary, it shall withdraw the authorisation.

Or. en

**Amendment 873**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 56 – paragraph 5**

*Text proposed by the Commission*

5. Upon request of a national authority of another Member State, the approval authority that has issued the authorisation shall, within one month of the receipt of that request, send to the former a copy of the issued authorisation certificate together with its attachments by means of a common secure electronic exchange system. The copy may also take the form of a secure electronic file.

*Amendment*

5. Upon request of a national authority of another Member State **or the Agency**, the approval authority that has issued the authorisation shall, within one month of the receipt of that request, send to the former a copy of the issued authorisation certificate together with its attachments by means of a common secure electronic exchange system. The copy may also take the form of a secure electronic file.

Or. en

**Amendment 874**  
**Christel Schaldemose, Sergio Gaetano Cofferati, Lucy Anderson, Liisa Jaakonsaari, Virginie Rozière**

**Proposal for a regulation**  
**Article 56 – paragraph 5**



*Text proposed by the Commission*

5. Upon request of a national authority of another Member State, the approval authority that has issued the authorisation shall, within one month of the receipt of that request, send to the former a copy of the issued authorisation certificate together with its attachments by means of a common secure electronic exchange system. The copy may also take the form of a secure electronic file.

*Amendment*

5. Upon request of a national authority of another Member State **or the Agency**, the approval authority that has issued the authorisation shall, within one month of the receipt of that request, send to the former a copy of the issued authorisation certificate together with its attachments by means of a common secure electronic exchange system. The copy may also take the form of a secure electronic file.

Or. en

**Amendment 875**

**Christel Schaldemose, Lucy Anderson, Sergio Gaetano Cofferati, Liisa Jaakonsaari, Virginie Rozière**

**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 **or the Agency** 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).

Or. en

**Amendment 876  
Pascal Durand**

on behalf of the Verts/ALE Group

**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 **Agency** 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 877**  
**Christel Schaldemose, Biljana Borzan, Liisa Jaakonsaari**

**Proposal for a regulation**  
**Article 57 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Where an approval authority or the Agency considers the remedies referred to in Article 57(3) are sufficient, the manufacturer shall ensure that all relevant information about the measures what will be taken it communicated, within one month, too all owners of affected vehicles across the Union , and in all relevant EU languages.**

Or. en

#### **Amendment 878**

**Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 57 – paragraph 3 – subparagraph 1**

##### *Text proposed by the Commission*

The manufacturer shall propose to the approval authority that granted the type-approval a set of appropriate remedies to bring the vehicles, systems, components or separate technical units in conformity and, where appropriate, to neutralise the serious risk referred to in Article 20 of Regulation (EC) No 765/2008.

##### *Amendment*

The manufacturer shall propose to the **Agency and the** approval authority that granted the type-approval a set of appropriate remedies to bring the vehicles, systems, components or separate technical units in conformity and, where appropriate, to neutralise the serious risk referred to in Article 20 of Regulation (EC) No 765/2008.

Or. en

#### **Amendment 879**

**Christel Schaldemose, Biljana Borzan, Liisa Jaakonsaari**

#### **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 **or the Agency** without delay **and make publically available a full report of the evaluation findings and proposed remedies.**

Or. en

#### **Amendment 880**

**Pascal Durand**

on behalf of the Verts/ALE Group

**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 **and the Agency** 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 **Agency** without delay.

Or. en

**Amendment 881**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 58 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Where an approval authority or the **Commission** considers that the remedies referred to in Article 57(3) are insufficient or are not implemented quickly enough, they shall notify their concern to the approval authority that granted the EU type-approval and the **Commission** without delay.

*Amendment*

Where an approval authority or the **Agency** considers that the remedies referred to in Article 57(3) are insufficient or are not implemented quickly enough, they shall notify their concern to the approval authority that granted the EU type-approval and the **Agency** without delay.

Or. en

**Amendment 882**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 58 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Where an approval authority or the

*Amendment*

Where an approval authority or the **Agency**

**Commission** considers that the remedies referred to in Article 57(3) are insufficient or are not implemented quickly enough, they shall notify their concern to the approval authority that granted the EU type-approval and the Commission without delay.

considers that the remedies referred to in Article 57(3) are insufficient or are not implemented quickly enough, they shall notify their concern to the approval authority that granted the EU type-approval and the Commission without delay.

Or. en

**Amendment 883**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 58 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Where an approval authority *or the Commission* considers that the remedies referred to in Article 57(3) are insufficient or are not implemented quickly enough, they shall notify their concern to the approval authority that granted the EU type-approval and the Commission without delay.

*Amendment*

Where an approval authority considers that the remedies referred to in Article 57(3) are insufficient or are not implemented quickly enough, they shall notify their concern to the approval authority that granted the EU type-approval and the Commission without delay.

Or. en

**Amendment 884**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 58 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The approval authority that granted the EU type-approval shall request the manufacturer to take corrective measures to address the concerns notified. Where the manufacturer does not propose and implement effective corrective measures, the approval authority that granted the EU

*Amendment*

The approval authority that granted the EU type-approval shall request the manufacturer to take corrective measures to address the concerns notified. Where the manufacturer does not propose and implement effective corrective measures, the approval authority that granted the EU

type-approval shall take all restrictive measures required, including the withdrawal of the EU type-approval and mandatory recall, and inform the approval authorities of the other Member States and the **Commission** about the restrictive measures taken. In the case of withdrawal of the EU type-approval, the approval authority shall inform without delay the manufacturer by registered letter or equivalent electronic means of that withdrawal.

type-approval **or the Agency** shall take all restrictive measures required, including the withdrawal of the EU type-approval and mandatory recall, and inform the approval authorities of the other Member States and the **Agency** about the restrictive measures taken. In the case of withdrawal of the EU type-approval, the approval authority **or the Agency** shall inform without delay the manufacturer by registered letter or equivalent electronic means of that withdrawal.

Or. en

**Amendment 885**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 58 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The approval authority that granted the EU type-approval shall request the manufacturer to take corrective measures to address the concerns notified. Where the manufacturer does not propose and implement effective corrective measures, the approval authority that granted the EU type-approval shall take all restrictive measures required, including the withdrawal of the EU type-approval and mandatory recall, and inform the approval authorities of the other Member States and the **Commission** about the restrictive measures taken. In the case of withdrawal of the EU type-approval, the approval authority shall inform without delay the manufacturer by registered letter or equivalent electronic means of that withdrawal.

*Amendment*

The approval authority that granted the EU type-approval shall request the manufacturer to take corrective measures to address the concerns notified. Where the manufacturer does not propose and implement effective corrective measures, the approval authority that granted the EU type-approval shall take all restrictive measures required, including the withdrawal of the EU type-approval and mandatory recall, and inform the approval authorities of the other Member States and the **Agency** about the restrictive measures taken. In the case of withdrawal of the EU type-approval, the approval authority shall inform without delay the manufacturer by registered letter or equivalent electronic means of that withdrawal.

Or. en

## **Amendment 886**

**Ivan Štefanec, Roberta Metsola, Andreas Schwab, Antonio López-Istúriz White**

### **Proposal for a regulation**

#### **Article 58 – paragraph 1 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission should ensure throughout the Forum that EU harmonised approach is applied toward EU citizens and granting them the same right on the single market.***

Or. en

## **Amendment 887**

**Christel Schaldemose**

### **Proposal for a regulation**

#### **Article 58 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Where an approval authority considers that the restrictive measures taken by the approval authority that granted the EU type-approval pursuant to article 58(1) are not sufficient or timely enough, it shall inform the Commission thereof and it may take appropriate restrictive measures to prohibit or restrict the making available on the market, registration or entry into service of the concerned non-compliant vehicles, systems, components or separate technical units on their national market, or to withdraw them from that market or to recall them.

2. Where an approval authority ***or the Agency*** considers that the restrictive measures taken by the approval authority that granted the EU type-approval pursuant to article 58(1) are not sufficient or timely enough, it shall inform the Commission thereof and it may take appropriate restrictive measures to prohibit or restrict the making available on the market, registration or entry into service of the concerned non-compliant vehicles, systems, components or separate technical units on their national market, or to withdraw them from that market or to recall them.

Or. en

## **Amendment 888**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 58 – paragraph 2**

*Text proposed by the Commission*

2. Where an approval authority considers that the restrictive measures taken by the approval authority that granted the EU type-approval pursuant to article 58(1) are not sufficient or timely enough, it shall inform the **Commission** thereof and it may take appropriate restrictive measures to prohibit or restrict the making available on the market, registration or entry into service of the concerned non-compliant vehicles, systems, components or separate technical units on their national market, or to withdraw them from that market or to recall them.

*Amendment*

2. Where an approval authority considers that the restrictive measures taken by the approval authority that granted the EU type-approval pursuant to article 58(1) are not sufficient or timely enough, it shall inform the **Agency** thereof and it may take appropriate restrictive measures to prohibit or restrict the making available on the market, registration or entry into service of the concerned non-compliant vehicles, systems, components or separate technical units on their national market, or to withdraw them from that market or to recall them..

Or. en

**Amendment 889**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 58 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The Commission ***shall hold appropriate consultations with the parties involved and shall decide whether the restrictive measures taken by the approval authority that granted the EU type-approval are sufficient and timely enough, and where necessary, propose appropriate measures to ensure that the conformity is restored and/or the serious risk referred to in Article 57(3) is effectively neutralised. That decision shall also address the suitability of the restrictive measures taken by approval authorities who considered the action taken by the approval authority that granted the EU***

*Amendment*

The Commission ***may initiate a peer review procedure as laid down in Article 71(8) to (10) to investigate the objection.***



*type-approval as not sufficient or timely enough. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).*

Or. en

#### **Amendment 890**

**Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 58 – paragraph 3 – subparagraph 1**

##### *Text proposed by the Commission*

The **Commission** shall hold appropriate consultations with the parties involved and shall decide whether the restrictive measures taken by the approval authority that granted the EU type-approval are sufficient and timely enough, and where necessary, propose appropriate measures to ensure that the conformity is restored and/or the serious risk referred to in Article 57(3) is effectively neutralised. That decision shall also address the suitability of the restrictive measures taken by approval authorities who considered the action taken by the approval authority that granted the EU type-approval as not sufficient or timely enough. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

##### *Amendment*

The **Agency, through the Forum** shall hold appropriate consultations with the parties involved and shall decide whether the restrictive measures taken by the approval authority that granted the EU type-approval are sufficient and timely enough, and where necessary, propose appropriate measures to ensure that the conformity is restored and/or the serious risk referred to in Article 57(3) is effectively neutralised. That decision shall also address the suitability of the restrictive measures taken by approval authorities who considered the action taken by the approval authority that granted the EU type-approval as not sufficient or timely enough. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

#### **Amendment 891**

**Christel Schaldemose**

#### **Proposal for a regulation**

#### **Article 58 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The **Commission** shall hold appropriate consultations with the parties involved and shall decide whether the restrictive measures taken by the approval authority that granted the EU type-approval are sufficient and timely enough, and where necessary, propose appropriate measures to ensure that the conformity is restored and/or the serious risk referred to in Article 57(3) is effectively neutralised. That decision shall also address the suitability of the restrictive measures taken by approval authorities who considered the action taken by the approval authority that granted the EU type-approval as not sufficient or timely enough. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

*Amendment*

The **Agency** shall hold appropriate consultations with the parties involved and shall decide whether the restrictive measures taken by the approval authority that granted the EU type-approval are sufficient and timely enough, and where necessary, propose appropriate measures to ensure that the conformity is restored and/or the serious risk referred to in Article 57(3) is effectively neutralised. That decision shall also address the suitability of the restrictive measures taken by approval authorities who considered the action taken by the approval authority that granted the EU type-approval as not sufficient or timely enough. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

**Amendment 892**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 58 – paragraph 4**

*Text proposed by the Commission*

4. The Member States shall implement without delay the Commission decision and inform the Commission accordingly.

*Amendment*

4. The Member States shall implement without delay the Commission decision and inform the Commission **and the Agency** accordingly.

Or. en

**Amendment 893**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 58 – paragraph 5**

*Text proposed by the Commission*

5. Where, within one month of receipt of the notification regarding the approved remedies referred to in Article 57(3), no objection has been raised against those remedies by either another Member State or the **Commission**, those remedies shall be deemed justified. The other Member States shall ensure that those remedies are applied in respect of the vehicles, systems, components or separate technical units concerned that have been made available on the market, registered, or entered into service in their territory.

*Amendment*

5. Where, within one month of receipt of the notification regarding the approved remedies referred to in Article 57(3), no objection has been raised against those remedies by either another Member State or the **Agency**, those remedies shall be deemed justified. The other Member States shall ensure that those remedies are applied in respect of the vehicles, systems, components or separate technical units concerned that have been made available on the market, registered, or entered into service in their territory.

Or. en

**Amendment 894**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 58 – paragraph 5**

*Text proposed by the Commission*

5. Where, within one month of receipt of the notification regarding the approved remedies referred to in Article 57(3), no objection has been raised against those remedies by either another Member State or the Commission, those remedies shall be deemed justified. The other Member States shall ensure that those remedies are applied in respect of the vehicles, systems, components or separate technical units concerned that have been made available on the market, registered, or entered into service in their territory.

*Amendment*

5. Where, within one month of receipt of the notification regarding the approved remedies referred to in Article 57(3), no objection has been raised against those remedies by either another Member State, **the Agency** or the Commission, those remedies shall be deemed justified. The other Member States **and the Agency** shall ensure that those remedies are applied in respect of the vehicles, systems, components or separate technical units concerned that have been made available on the market, registered, or entered into service in their territory.

Or. en

**Amendment 895**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 59 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Except in cases where immediate action is necessary for reasons of serious risk to human health, safety and the environment, the economic operator concerned shall be given the opportunity to make submissions to the national authority within an appropriate period of time before any measure pursuant to Articles 49 to 58 is adopted by the national authorities of the Member States.

*Amendment*

Except in cases where immediate action is necessary for reasons of serious risk to human health, safety and the environment, the economic operator concerned shall be given the opportunity to make submissions to the national authority within an appropriate period of time before any measure pursuant to Articles 49 to 58 is adopted by the national authorities of the Member States ***or the Agency***.

Or. en

**Amendment 896**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 59 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

If action has been taken without the economic operator's being heard, the economic operator shall have the opportunity to make submissions as soon as possible and the national authority shall review the measure promptly thereafter.

*Amendment*

If action has been taken without the economic operator's being heard, the economic operator shall have the opportunity to make submissions as soon as possible and the national authority ***or the Agency*** shall review the measure promptly thereafter.

Or. en

**Amendment 897**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 59 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Any measure adopted by the national authorities shall state the exact grounds on which it is based.

*Amendment*

Any measure adopted by the national authorities ***or the Agency*** shall state the exact grounds on which it is based.

Or. en

**Amendment 898**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 59 – paragraph 3**

*Text proposed by the Commission*

3. Any measure adopted by the national authorities shall be immediately withdrawn or amended upon the economic operator's demonstrating that effective corrective action has been taken.

*Amendment*

3. Any measure adopted by the national authorities ***or the Agency*** shall be immediately withdrawn or amended upon the economic operator's demonstrating that effective corrective action has been taken.

Or. en

**Amendment 899**  
**Marco Zullo, Eleonora Evi, Piernicola Pedicini**

**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 fact of being fitted with any devices as referred to in Article 5(2) of Regulation (EC) No 715/2007.***

Or. it

**Amendment 900**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 63 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*The Agency when either carrying out its own activities or coordinating national market surveillance activities, shall make publicly available and free of charge the list of vehicles and their trailers, and of systems, components and separate technical units that are found not to meet safety, health and environment standards, as well as the manufacturers thereof.*

Or. en

**Amendment 901**

**Christel Schaldemose, Kerstin Westphal, Liisa Jaakonsaari, Maria Grapini**

**Proposal for a regulation**

**Article 65 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Manufacturers shall provide to independent operators unrestricted ***and standardised*** access to vehicle OBD information, diagnostic and other equipment, tools including any relevant software and vehicle repair and maintenance information.

Manufacturers shall provide to independent operators unrestricted, ***standardised and non-discriminatory*** access to vehicle OBD information, diagnostic and other equipment, tools including any relevant software and vehicle repair and maintenance information. ***Independent operators shall have access to the remote diagnosis services used by manufacturers and their contractors.***

Or. en

**Amendment 902**  
**Andreas Schwab, Lara Comi**

**Proposal for a regulation**  
**Article 65 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Manufacturers shall provide to independent operators unrestricted and standardised access to vehicle OBD information, diagnostic and other equipment, tools including *any relevant* software and vehicle repair and maintenance information.

*Amendment*

Manufacturers shall provide to independent operators unrestricted and standardised access to vehicle OBD information, diagnostic and other equipment, tools including *complete and comprehensible information about the software and algorithms*, and vehicle repair and maintenance information.

Or. de

**Amendment 903**  
**Othmar Karas, Claudia Schmidt**

**Proposal for a regulation**  
**Article 65 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Manufacturers shall provide to independent operators unrestricted and standardised access to vehicle OBD information, diagnostic and other equipment, tools including any relevant software and vehicle repair and maintenance information.

*Amendment*

Manufacturers shall provide to independent operators unrestricted, *non-discriminatory, immediate* and standardised access to vehicle OBD information, diagnostic and other equipment and tools, including any relevant software and vehicle repair and maintenance information.

Or. de

*Justification*

*It must be ensured that independent operators are not, in practice, discriminated against on the basis of their position in the market, and that there is no unnecessary delay in giving them access to the information they need from manufacturers.*

**Amendment 904**  
**Othmar Karas, Claudia Schmidt**

**Proposal for a regulation**

**Article 65 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Independent operators shall be given access at the same time to the same content as manufacturers and their authorised dealers in connection with the provision of remote diagnostic support.***

Or. de

*Justification*

*The proposed additional paragraph is intended to ensure that independent operators may not be discriminated against vis-à-vis manufacturers' authorised dealers.*

**Amendment 905**

**Daniel Dalton**

**Proposal for a regulation**

**Article 65 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Until the Commission has adopted the relevant standard through the work of the European Committee for Standardization (CEN) or comparable standardisation bodies, the vehicle OBD and vehicle repair and maintenance information shall be presented in an easily accessible manner that can be processed by independent operators with reasonable effort.

Until the Commission has adopted the relevant standard through the work of the European Committee for Standardization (CEN) or comparable standardisation bodies, the vehicle OBD and vehicle repair and maintenance information shall be presented in an easily accessible manner ***in the form of machine readable and electronically processable datasets*** that can be processed by independent operators with reasonable effort.

Or. en

*Justification*

*Update of original Rapporteur amendment 141 to be consistent with amendment 207.*



## Amendment 906

Ivan Štefanec, Roberta Metsola, Antonio López-Istúriz White

### Proposal for a regulation

#### Article 65 – paragraph 2 – subparagraph 1

##### *Text proposed by the Commission*

Until the Commission has adopted the relevant standard through the work of the European Committee for Standardization (CEN) or comparable standardisation bodies, the vehicle OBD and vehicle repair and maintenance information shall be presented in an easily accessible manner that can be processed by independent operators with reasonable effort.

##### *Amendment*

Until the Commission has adopted the relevant standard through the work of the European Committee for Standardization (CEN) or comparable standardisation bodies, the vehicle OBD and vehicle repair and maintenance information shall be presented in an easily accessible **and machine-readable** manner **and electronically processable datasets** that can be processed by independent operators with reasonable effort.

Or. en

## Amendment 907

Christel Schaldemose

### Proposal for a regulation

#### Article 65 – paragraph 2 – subparagraph 2

##### *Text proposed by the Commission*

The vehicle OBD and the vehicle repair and maintenance information shall be made available on the websites of manufacturers using a standardised format or, if this is not feasible, due to the nature of the information, in another appropriate format. ***In particular, this access shall be granted in a manner which is non-discriminatory compared to the provision given or access granted to authorised dealers and repairers.***

##### *Amendment*

The vehicle OBD and the vehicle repair and maintenance information shall be made available on the websites of manufacturers using a standardised format or, if this is not feasible, due to the nature of the information, in another appropriate format. ***For independent operators other than repairers, the information shall also be given in a machine-readable format that can be electronically processed with commonly available IT tools and software, which allows independent operators to execute their business functions in the aftermarket supply chain.***

Or. en

## Amendment 908

Pascal Durand

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 65 – paragraph 2 – subparagraph 2

##### *Text proposed by the Commission*

The vehicle OBD and the vehicle repair and maintenance information shall be made available on the websites of manufacturers using a standardised format or, if this is not feasible, due to the nature of the information, in another appropriate format. ***In particular, this access shall be granted in a manner which is non-discriminatory compared to the provision given or access granted to authorised dealers and repairers.***

##### *Amendment*

The vehicle OBD and the vehicle repair and maintenance information shall be made available on the websites of manufacturers using a standardised format or, if this is not feasible, due to the nature of the information, in another appropriate format. ***For independent operators other than repairers, the information shall also be given in a machine-readable format that can be electronically processed with commonly available IT tools and software, which allows independent operators to execute their business functions in the aftermarket supply chain.***

Or. en

## Amendment 909

Marco Zullo, Eleonora Evi, Piernicola Pedicini

### Proposal for a regulation

#### Article 65 – paragraph 2 – subparagraph 2

##### *Text proposed by the Commission*

The vehicle OBD and the vehicle repair and maintenance information shall be made available on the websites of manufacturers using a standardised format or, if this is not feasible, due to the nature of the information, in another appropriate format. In particular, this access shall be granted in a manner which is non-discriminatory ***compared to the provision given or access granted to authorised dealers and repairers.***

##### *Amendment*

The vehicle OBD and the vehicle repair and maintenance information shall be made available on the websites of manufacturers using a standardised format or, if this is not feasible, due to the nature of the information, in another appropriate format. In particular, this access shall be granted in a manner which is non-discriminatory. ***For independent operators other than repairers, the information shall also be given in a machine-readable format that***

*can be electronically processed with commonly available IT tools and software, which allows independent operators to execute their business functions in the aftermarket supply chain.*

Or. en

**Amendment 910**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 65 – paragraph 2 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*Access to OBD information and data shall be facilitated for consumers in order to encourage the development of new technologies which help to monitor fuel consumption and emissions and safety throughout the expected life of the vehicle*

Or. en

**Amendment 911**

**Christel Schaldemose, Evelyne Gebhardt, Liisa Jaakonsaari, Virginie Rozière, Sergio Gaetano Cofferati**

**Proposal for a regulation**

**Article 65 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.** *For the purpose of vehicle OBD, diagnostics, repair and maintenance, the direct vehicle data stream shall to be made available through the standardized connector as specified in UN Regulation No 83, Annex XI, Appendix 1, para 6.5.1.4 and UN Regulation No 49, Annex 9B.*

Or. en

## Amendment 912

Pascal Durand

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 65 – paragraph 10

##### *Text proposed by the Commission*

10. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend and supplement Annex XVIII to take account of technical and regulatory developments or prevent misuse by updating the requirements concerning the access to vehicle OBD and vehicle repair and maintenance information and by adopting and integrating the standards referred to in paragraphs 2 and 3.

##### *Amendment*

10. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend and supplement Annex XVIII to take account of technical and regulatory developments or prevent misuse by updating the requirements concerning the access to vehicle OBD and vehicle repair and maintenance information and by adopting and integrating the standards referred to in paragraphs 2 and 3. ***The Commission shall also be empowered to adopt delegated acts in accordance with Article 88 and create Annex XVIIIA to address technological developments in the field of digital data exchange using a wireless wide area network, ensuring the continued direct access to in-vehicle data and resources for Independent Operators and competition-neutrality by technical design.***

Or. en

## Amendment 913

Ivo Belet, Wim van de Camp, Deirdre Clune, Ivan Štefanec, Annie Schreijer-Pierik, Lambert van Nistelrooij, Werner Kuhn, Dieter-Lebrecht Koch

### Proposal for a regulation

#### Article 65 – paragraph 10 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***10a. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 and create Annex XVIIIA to address technological***

*developments in the field of digital data exchange using a wireless wide area network, ensuring the continued direct access to in-vehicle data and resources for Independent Operators and competition-neutrality by technical design.*

Or. en

*Justification*

*Flexibility is needed to account for new digital technologies or future new technologies.*

**Amendment 914**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 67**

*Text proposed by the Commission*

*Amendment*

**Article 67**

**deleted**

***Fees for access to vehicle repair and maintenance information***

***1. The manufacturer may charge reasonable and proportionate fees for access to vehicle repair and maintenance information other than the records referred to in Article 65(8). Those fees shall not discourage access to that information by failing to take into account the extent to which the independent operator uses it.***

***2. The manufacturer shall make available vehicle repair and maintenance information, including transactional services, such as reprogramming, or technical assistance, on an hourly, daily, monthly, and yearly basis, with fees for access to such information varying in accordance with the respective periods of time for which access is granted.***

***In addition to time-based access, manufacturers may offer transaction-based access, for which fees are charged***

*per transaction and not based on the duration for which access is granted.*

*Where both access systems are offered by the manufacturer, independent repairers shall choose an access system, either time-based or transaction-based.*

Or. en

**Amendment 915**  
**Richard Sulík**

**Proposal for a regulation**  
**Article 67 – paragraph 1**

*Text proposed by the Commission*

1. The manufacturer may charge reasonable and proportionate fees for access to vehicle repair and maintenance information other than the records referred to in Article 65(8). Those fees shall not discourage access to that information by failing to take into account the extent to which the independent operator uses it.

*Amendment*

1. The manufacturer may charge reasonable and proportionate fees for access to vehicle repair and maintenance information other than the records referred to in Article 65(9). Those fees shall not discourage access to that information by failing to take into account the extent to which the independent operator uses it.

Or. en

**Amendment 916**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 68 – paragraph 1**

*Text proposed by the Commission*

1. The manufacturer that *has applied* for EU type-approval or national type-approval shall provide the approval authority with proof of compliance with Articles 65 to 70 *within six months from the date of the respective type-approval*.

*Amendment*

1. The manufacturer that *applies* for EU type-approval or national type-approval shall provide the approval authority with proof of compliance with Articles 65 to 70.

Or. en

**Amendment 917**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 68 – paragraph 2**

*Text proposed by the Commission*

2. Where that proof of compliance is not provided ***within the period referred to in paragraph 1***, the approval authority shall take appropriate measures in accordance with Article 69.

*Amendment*

2. Where that proof of compliance is not provided, the approval authority shall take appropriate measures in accordance with Article 69.

Or. en

**Amendment 918**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**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 Commission 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 919**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 69 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Where an approval authority finds that the manufacturer has failed to comply with his obligations regarding access to vehicle OBD and vehicle repair and maintenance information, the approval authority that granted the relevant type-approval shall take appropriate measures to remedy the situation.

*Amendment*

Where an approval authority **or the Agency** finds that the manufacturer has failed to comply with his obligations regarding access to vehicle OBD and vehicle repair and maintenance information, the approval authority that granted the relevant type-approval shall take appropriate measures to remedy the situation.

Or. en

**Amendment 920**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 69 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Where an approval authority finds that the manufacturer has failed to comply with his obligations regarding access to vehicle OBD and vehicle repair and maintenance information, the approval authority that granted the relevant type-approval shall take appropriate measures to remedy the situation.

*Amendment*

Where **the Agency or** an approval authority finds that the manufacturer has failed to comply with his obligations regarding access to vehicle OBD and vehicle repair and maintenance information, the approval authority that granted the relevant type-approval shall take appropriate measures to remedy the situation.

Or. en

**Amendment 921**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 69 – paragraph 3**

*Text proposed by the Commission*

3. Where an independent operator or a

*Amendment*

3. Where an independent operator or a



trade association representing independent operators files a complaint to the approval authority on the failure of the manufacturer to comply with Articles 65 to 70, the approval authority shall carry out an audit in order to verify compliance by the manufacturer.

trade association representing independent operators files a complaint to the approval authority on the failure of the manufacturer to comply with Articles 65 to 70, the approval authority shall carry out an audit in order to verify compliance by the manufacturer. ***The approval authority request the approval authority who granted the whole vehicle type-approval to investigate the complaint and request evidence from the vehicle manufacturer to proof that its system is in compliance with the Regulation. The results of this investigation shall be communicated within a period of three months to the national approval authority and the independent operator or trade association***

Or. en

**Amendment 922**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 69 – paragraph 3**

*Text proposed by the Commission*

3. Where an independent operator or a trade association representing independent operators files a complaint to the approval authority on the failure of the manufacturer to comply with Articles 65 to 70, the approval authority shall carry out an audit in order to verify compliance by the manufacturer.

*Amendment*

3. Where an independent operator or a trade association representing independent operators files a complaint to the ***Agency or the*** approval authority on the failure of the manufacturer to comply with Articles 65 to 70, ***the Agency or*** the approval authority shall carry out an audit in order to verify compliance by the manufacturer.

Or. en

**Amendment 923**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 69 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.** *An independent operator or a trade association may submit a complaint to its national type approval authority or directly to the authority who granted the whole vehicle type-approval, or to the Commission.*

Or. en

**Amendment 924**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 69 – paragraph 4**

*Text proposed by the Commission*

4. When carrying out the audit, the approval authority may ask a technical service or any other independent expert to carry out an assessment to verify whether the obligations concerning access to vehicle OBD and vehicle repair and maintenance information have been met.

*Amendment*

4. When carrying out the audit, the ***Agency or the*** approval authority may ask a technical service or any other independent expert to carry out an assessment to verify whether the obligations concerning access to vehicle OBD and vehicle repair and maintenance information have been met.

Or. en

**Amendment 925**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 69 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a.** *The Commission may organise and carry out, or require to be carried out, audits so as to ensure compliance with the requirements set out in Chapter XIV.*

**Amendment 926**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 70 – paragraph 2**

*Text proposed by the Commission*

2. The Forum referred to in paragraph 1 shall advise the Commission on ***measures to prevent misuse of*** vehicle OBD and vehicle repair and maintenance information.

*Amendment*

2. The Forum referred to in paragraph 1 shall advise the Commission on ***for the approval and authorisation of independent operators when accessing security-related*** vehicle OBD and vehicle repair and maintenance information.

Or. en

**Amendment 927**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 70 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The standardised access to in-vehicle data shall remain directly accessible to Independent Operators by means of the vehicle's standardised physical data link connector or technologies using a standardised wireless connection and shall not be restricted or controlled by the vehicle manufacturer.***

Or. en

**Amendment 928**

**Dennis de Jong**

**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 ***in the respective Member State***, including, where appropriate, the subcontractors or subsidiaries of those technical services.

Or. en

**Amendment 929**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**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 930**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 71 – paragraph 4**

*Text proposed by the Commission*

4. The type-approval authority shall

*Amendment*

4. The type-approval authority shall

not perform any activities that technical services perform and shall not provide consultancy services *on a commercial or competitive basis*.

not perform any activities that technical services perform and shall not provide consultancy services.

Or. en

#### **Amendment 931**

**Dennis de Jong, Jiří Maštálka, Merja Kyllönen, Neoklis Sylikiotis, Kateřina Konečná**

#### **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 other resources* at its disposal for the proper performance of the tasks foreseen by this Regulation

Or. en

#### **Amendment 932**

**Pascal Durand**

on behalf of the Verts/ALE Group

#### **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 933**

**Christel Schaldemose**

**Proposal for a regulation**  
**Article 71 – paragraph 7**

*Text proposed by the Commission*

7. Member States shall provide the **Commission** and the other Member States with information on their procedures for the assessment, designation and notification of technical services and for the monitoring of technical services, and of any changes thereto.

*Amendment*

7. Member States shall provide the **Agency** and the other Member States with information on their procedures for the assessment, designation and notification of technical services and for the monitoring of technical services, and of any changes thereto.

Or. en

**Amendment 934**  
**Andreas Schwab, Lara Comi**

**Proposal for a regulation**  
**Article 71 – paragraph 8**

*Text proposed by the Commission*

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

*deleted*

*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 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*

Or. de

**Amendment 935**  
**Inese Vaidere**

**Proposal for a regulation**  
**Article 71 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

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

*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 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.*

Or. en

**Amendment 936**  
**Edward Czesak**

**Proposal for a regulation**  
**Article 71 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

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

*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 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.*

Or. pl

*Justification*

*As things currently stand, approval authorities operate pursuant to the provisions of Directive 2007/46/EC. In view of the above, introducing peer-reviews to be carried out by approval authorities raises concerns as regards the very legitimacy of the concept.*

**Amendment 937**

**Dita Charanzová, Lieve Wierinck**

**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. *The Commission can impose a yearly review if it has serious reasons to believe that a type-approval authority does not fulfil its obligations correctly. The peer-reviews shall be organised through the Task Force on enforcement.*

Or. en

**Amendment 938**

**Catherine Bearder, Gerben-Jan Gerbrandy, 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*.



**Amendment 939**

**Ildikó Gáll-Pelcz**

**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 every two years ***without this placing an additional load in administrative or human resources terms on the approval authority.***

Or. hu

**Amendment 940**

**Pascal Arimont, Georges Bach**

**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 reviewed by ***the Commission*** every two years.

Or. de

**Amendment 941**

**Pascal Durand**

on behalf of the Verts/ALE Group

**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 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 942**  
**Christel Schaldemose**

**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 Agency every four years in accordance with provisions of Article 5b.*

Or. en

**Amendment 943**  
**Christel Schaldemose**

**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*

*deleted*

Or. en

**Amendment 944**  
**Pascal Arimont, Georges Bach**

**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 Member States shall draw up the annual *review* plan and submit it to the Commission.

Or. de

**Amendment 945**

**Catherine Bearder, Gerben-Jan Gerbrandy, 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 946**

**Dita Charanzová, Lieve Wierinck**

**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

*Amendment*

The *Task Force* 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 plan*

Commission.

*and frequency of the peer-reviews shall reflect number and nature of type-approval certificates issued by the reviewed authority in the Member State concerned.*

Or. en

**Amendment 947**

**Pascal Durand**

on behalf of the Verts/ALE Group

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

Or. en

**Amendment 948**

**Pascal Durand**

on behalf of the Verts/ALE Group

**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 949**  
**Christel Schaldemose**

**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 *audit* shall include *a verification of the type-approval procedure and correct implementation of the 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.*

Or. en

**Amendment 950**  
**Pascal Arimont, Georges Bach**

**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 review shall include an on-site visit to a technical service under the responsibility of the reviewed authority.

Or. de

**Amendment 951**

**Catherine Bearder, Gerben-Jan Gerbrandy, Nils Torvalds**

**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 952**

**Christel Schaldemose, Liisa Jaakonsaari, Maria Grapini**

**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.***

**Amendment 953**

**Inese Vaidere**

**Proposal for a regulation**

**Article 71 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

**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.***        ***deleted***

Or. en

**Amendment 954**

**Edward Czesak**

**Proposal for a regulation**

**Article 71 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

**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.***        ***deleted***

Or. pl

*Justification*

*As things currently stand, approval authorities operate pursuant to the provisions of*

*Directive 2007/46/EC. In view of the above, introducing peer-reviews to be carried out by approval authorities raises concerns as regards the very legitimacy of the concept.*

#### **Amendment 955**

**Pascal Durand, Karima Delli, Bas Eickhout, Claude Turmes**  
on behalf of the Verts/ALE Group

#### **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.*

Or. en

#### **Amendment 956**

**Pascal Arimont, Georges Bach**

#### **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*

*Amendment*

9. The *Commission shall communicate the* outcome of *its* review to all Member States and *shall make it*



*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.

publicly available. It shall be discussed by the Forum established in Article 10 and recommendations *shall be issued*.

Or. de

**Amendment 957**  
**Christel Schaldemose**

**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 *third parties upon request, a full report* of the outcome shall be made publicly available. The Forum established in Article 10 *shall discuss the results of the audits and together with the Agency ensure that the recommendations are implemented.*

Or. en

**Amendment 958**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 71 – paragraph 9 a (new)**

*Text proposed by the Commission*

*Amendment*

*9a. The Member States may decide not to recognise the type approvals issued to vehicles, systems, components and separate technical units by the approval authority concerned until full compliance with the requirements of this Regulation is achieved.*

**Amendment 959**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 71 – paragraph 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**9a. 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 960**

**Inese Vaidere**

**Proposal for a regulation**

**Article 71 – paragraph 10**

*Text proposed by the Commission*

*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 peer-review report.**

**deleted**

Or. en

**Amendment 961**

**Edward Czesak**

**Proposal for a regulation**

**Article 71 – paragraph 10**

*Text proposed by the Commission*

*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 peer-review report.**

**deleted**

Or. pl

*Justification*

*As things currently stand, approval authorities operate pursuant to the provisions of Directive 2007/46/EC. In view of the above, introducing peer-reviews to be carried out by approval authorities raises concerns as regards the very legitimacy of the concept.*

#### **Amendment 962**

**Christel Schaldemose**

#### **Proposal for a regulation**

#### **Article 71 – paragraph 10**

*Text proposed by the Commission*

*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 peer-review report.

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

Or. en

#### **Amendment 963**

**Pascal Arimont, Georges Bach**

#### **Proposal for a regulation**

#### **Article 71 – paragraph 10**

*Text proposed by the Commission*

*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

10. The Member States shall provide information to the Commission and the other Member States on how **they have** addressed the recommendations in the

*peer*-review report.

review report.

Or. de

**Amendment 964**

**Pascal Durand**

on behalf of the Verts/ALE Group

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

Or. en

**Amendment 965**

**Christel Schaldemose**

**Proposal for a regulation**

**Article 72 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) category A: tests referred to in this Regulation and in the acts listed in Annex IV that those technical services carry out in their own facilities;

*Amendment*

(a) category A: tests referred to in this Regulation and in the acts listed in Annex IV that those technical services carry out in their own facilities ***on the territory of the type-approval authority***;

Or. en

**Amendment 966**

**Pascal Durand**

on behalf of the Verts/ALE Group

**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 ***before and after*** 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; ***This shall only apply in the case of components and separate technical units, Category B tests are not permitted in the case of whole-vehicle type-approvals;***

Or. en

**Amendment 967**

**Ivan Štefanec, Roberta Metsola, Antonio López-Istúriz White**

**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 ***and of their preparation*** 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;

Or. en

**Amendment 968**

**Dennis de Jong**

**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***

*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 facilities of a third

*facilities or in the* facilities of a third party; party;

Or. en

**Amendment 969**

**Christel Schaldemose**

**Proposal for a regulation**

**Article 72 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) category D: supervision or performance of tests or inspections for the surveillance of conformity of production.* **deleted**

Or. en

**Amendment 970**

**Ivo Belet, Wim van de Camp, Deirdre Clune, Annie Schreijer-Pierik, Lambert van Nistelrooij**

**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*

*To protect independence and to avoid conflicts of interests manufacturers, technical services and type-approval authorities should only perform their original role in the future type-approval procedure. In order reap the benefits of competition and allow technical services to*

*compete, type-approval authorities should only type approve, without being responsible for the testing. Such a clear division of duties enhances the necessary confidence in the entire system and ensures fair, clear and transparent competition conditions in Europe.*

**Amendment 971**

**Pascal Durand**

on behalf of the Verts/ALE Group

**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

**Amendment 972**

**Pascal Durand**

on behalf of the Verts/ALE Group

**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 referred to in Article 76.***      ***deleted***

Or. en

#### **Amendment 973**

**Dennis de Jong**

#### **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 974**

**Christel Schaldemose, Kerstin Westphal, Nicola Danti**

#### **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 ***on the territory of the type-approval authority*** 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. ***A technical service contracted to type approval may not be an internal technical service of a manufacturer.***

Or. en

#### **Amendment 975**

**Kerstin Westphal**

#### **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, except for an accredited in-house technical service of a manufacturer, as referred to in Article 76. ***A technical service contracted for type approval may not be an internal technical service of a manufacturer.***

Or. de

**Amendment 976**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 72 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The technical service shall not perform any activities on a commercial or competitive basis.***

Or. en

**Amendment 977**  
**Kerstin Westphal**

**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 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. ***Technical services shall carry out type-approval testing on established technical testing facilities. Such facilities may not be those***

*of undertakings involved in the design, manufacturing, supply or maintenance of any vehicles tested thereon.*

Or. de

**Amendment 978**

**Christel Schaldemose, Nicola Danti**

**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 organisation or body 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 979**

**Dennis de Jong**

**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 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, *or has any legal ties with manufacturers or suppliers.*

Or. en

**Amendment 980**

**Marco Zullo, Eleonora Evi, Piernicola Pedicini**

**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. it

**Amendment 981**

**Catherine Bearder, Gerben-Jan Gerbrandy, Fredrick Federley, Nils Torvalds**

**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*

*deleted*

*designating approval authority of the relevant Member State.*

Or. en

**Amendment 982**

**Pascal Durand**

on behalf of the Verts/ALE Group

**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 983**

**Dennis de Jong**

**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

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.***

units that it assesses, tests or inspects, may ***not*** be considered as fulfilling the requirements of the first subparagraph.

Or. en

**Amendment 984**  
**Christel Schaldemose**

**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*

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 ***or to the Agency if asked.***

Or. en

**Amendment 985**  
**Kerstin Westphal**

**Proposal for a regulation**  
**Article 73 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Each manufacturer of a vehicle to be tested shall be assigned a technical***

*service by the type-approval authority. That technical service shall establish whether the vehicle receives type approval. At regular intervals, manufacturers shall be assigned new testing companies.*

Or. de

**Amendment 986**

**Marco Zullo, Eleonora Evi, Piernicola Pedicini**

**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.*

Or. it

**Amendment 987**  
**Dennis de Jong**

**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.*

Or. en

#### **Amendment 988**

**Ivan Štefanec, Roberta Metsola, Andreas Schwab, Antonio López-Istúriz White**

#### **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 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. ***An independence of the two bodies has to be ensured via separate accreditation of the different bodies or any other means that prevents potential conflicts of interest.***

Or. en

#### **Amendment 989**

**Pascal Durand**

on behalf of the Verts/ALE Group

#### **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

##### *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.

Article 72(1)(a) only with regard to the regulatory acts listed in Annex XV. An in-house technical service shall constitute ***in law*** 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 990**  
**Christel Schaldemose**

**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 991**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**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 992**  
**Christel Schaldemose**

**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 993**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 76 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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.*

3. An in-house technical service *shall* be notified to the *Agency as set out in* Article 78.

Or. en

**Amendment 994**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**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 995**

**Pascal Durand**

on behalf of the Verts/ALE Group

**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 an assessment check-list that ***comprehensively*** covers at least the requirements listed in Appendix 2 of Annex V. ***This check-list shall be harmonised across all Member States and coordinated via the Agency*** 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 996**

**Christel Schaldemose, Liisa Jaakonsaari, Maria Grapini, Evelyne Gebhardt, Virginie Rozière, Sergio Gaetano Cofferati**

## 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 997

Edward Czesak

## 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*

***deleted***

Or. pl

## *Justification*

*Excessive requirements already exist in the Member States regarding the acquisition of accreditation to carry out approval tests. The requirement that a Commission representative and representatives of at least two other authorities from other Member States constitutes the imposition of additional, unnecessary burdens.*

### **Amendment 998**

**Dita Charanzová, Lieve Wierinck**

#### **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*

*If the Commission has serious reasons to believe that technical services in a Member State do not fulfil its obligations properly, it can request that a representative of the Commission together with an independent auditor and a representative of the type-approval authorities of another Member States, both designated by the Task Force 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.*

Or. en

### **Amendment 999**

**Christel Schaldemose**

#### **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

##### *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. 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.

States, 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 ***Agency***, 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 1000**  
**Maria Grapini**

**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 ***each*** Member ***State*** shall, in coordination with the ***Joint Research Centre and 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.

Or. ro

**Amendment 1001**  
**Pascal Durand**

on behalf of the Verts/ALE Group

**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 ***Agency or 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.

Or. en

**Amendment 1002**

**Ivo Belet, Wim van de Camp, Deirdre Clune, Lambert van Nistelrooij, Annie Schreijer-Pierik**

**Proposal for a regulation**

**Article 77 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Where a technical service has already been assessed and designated by a type-approval authority, the joint assessment team shall analyse the previous assessment and designation, prior to organising a new assessment. Only in the case where reasonable doubts exists about the previous assessment or where circumstance have changed, the assessment team shall organise a new assessment.***



*Justification*

*This amendments aims at simplifying administrative procedures. In order to avoid double assessments, the possibility should be created to rely on previous assessments which have let to the designation of a technical service. The problem is that not all technical services are currently undergoing assessments.*

**Amendment 1003**

**Ivo Belet, Wim van de Camp, Deirdre Clune, Annie Schreijer-Pierik, Lambert van Nistelrooij**

**Proposal for a regulation****Article 77 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. The joint assessment team may base its assessment on recognised third party assessments and designate the technical service base on those assessments.***

*Justification*

*This amendments aims at simplifying administrative procedures. Currently, many technical services are assessed on the basis of the ISO standards. These are reliable and already impose requirements and foresee regular checks. The problem is that not all technical services are currently undergoing assessments.*

**Amendment 1004**

**Edward Czesak**

**Proposal for a regulation****Article 77 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. The joint assessment team shall raise findings regarding non-compliance of the applicant technical service with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to*** ***deleted***

*Annex V during the assessment process. These findings shall be discussed between the designating approval authority and the joint assessment team with a view to finding common agreement with respect to the assessment of the application.*

Or. pl

*Justification*

*Excessive requirements already exist in the Member States regarding the acquisition of accreditation to carry out approval tests. The requirement that a Commission representative and representatives of at least two other authorities from other Member States constitutes the imposition of additional, unnecessary burdens.*

**Amendment 1005**

**Dita Charanzová, Lieve Wierinck**

**Proposal for a regulation**

**Article 77 – paragraph 2**

*Text proposed by the Commission*

2. The *joint* assessment *team* shall raise findings regarding non-compliance of the applicant technical service with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V during the assessment process. These findings shall be discussed between the designating approval authority and the joint assessment team with a view to finding common agreement with respect to the assessment of the application.

*Amendment*

2. The assessment shall raise findings regarding non-compliance of the applicant technical service with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V during the assessment process. These findings shall be discussed between the designating approval authority and the joint assessment team with a view to finding common agreement with respect to the assessment of the application.

Or. en

**Amendment 1006**

**Edward Czesak**

**Proposal for a regulation**

**Article 77 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *The joint assessment team shall produce within 45 days after the on-site assessment a report setting out the extent to which the applicant complies with the requirements set out in in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V of this Regulation.* **deleted**

Or. pl

*Justification*

*Excessive requirements already exist in the Member States regarding the acquisition of accreditation to carry out approval tests. The requirement that a Commission representative and representatives of at least two other authorities from other Member States constitutes the imposition of additional, unnecessary burdens.*

#### **Amendment 1007**

**Dita Charanzová, Lieve Wierinck**

#### **Proposal for a regulation**

#### **Article 77 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The *joint* assessment *team* shall **produce** within 45 days after the on-site assessment a report setting out the extent to which the applicant complies with the requirements set out in in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V of this Regulation.

3. The assessment shall **result** within 45 days after the on-site assessment **in** a report setting out the extent to which the applicant complies with the requirements set out in in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V of this Regulation.

Or. en

#### **Amendment 1008**

**Edward Czesak**

#### **Proposal for a regulation**

#### **Article 77 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. This report shall contain a summary of identified non-compliances. Divergent opinions between members of the joint assessment team shall be reflected in the report, together with a recommendation whether the applicant could be designated as technical service.** *deleted*

Or. pl

*Justification*

*Excessive requirements already exist in the Member States regarding the acquisition of accreditation to carry out approval tests. The requirement that a Commission representative and representatives of at least two other authorities from other Member States constitutes the imposition of additional, unnecessary burdens.*

**Amendment 1009**

**Edward Czesak**

**Proposal for a regulation**

**Article 77 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. The Member States shall notify to the Commission the names of the representatives of the type-approval authority to call upon for each joint assessment.** *deleted*

Or. pl

*Justification*

*Excessive requirements already exist in the Member States regarding the acquisition of accreditation to carry out approval tests. The requirement that a Commission representative and representatives of at least two other authorities from other Member States constitutes the imposition of additional, unnecessary burdens.*

**Amendment 1010**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 77 – paragraph 5**

*Text proposed by the Commission*

5. The Member States shall notify to the **Commission** the names of the representatives of the type-approval authority to call upon for each joint assessment.

*Amendment*

5. The Member States shall notify to the **Agency** the names of the representatives of the type-approval authority to call upon for each joint assessment.

Or. en

**Amendment 1011**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 77 – paragraph 5**

*Text proposed by the Commission*

5. The Member States shall notify to the **Commission** the names of the representatives of the type-approval authority to call upon for each joint assessment.

*Amendment*

5. The Member States shall notify to the **Agency** the names of the representatives of the type-approval authority to call upon for each joint assessment.

Or. en

**Amendment 1012**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 77 – paragraph 7 – subparagraph 1**

*Text proposed by the Commission*

The type-approval authority shall notify the assessment report to the Commission and to designating authorities of the other Member States with documentary evidence regarding the competence of the technical service and the arrangements in place to **regularly** monitor the technical service and

*Amendment*

The type-approval authority shall notify the assessment report to the Commission and to designating authorities of the other Member States with documentary evidence regarding the competence of the technical service and the arrangements in place to monitor the technical service and ensure

ensure that it continues to comply with the requirements of this Regulation.

that it continues to comply with the requirements of this Regulation.

Or. en

**Amendment 1013**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 77 – paragraph 7 – subparagraph 1**

*Text proposed by the Commission*

The type-approval authority shall notify the assessment report to the **Commission** and to designating authorities of the other Member States with documentary evidence regarding the competence of the technical service and the arrangements in place to regularly monitor the technical service and ensure that it continues to comply with the requirements of this Regulation.

*Amendment*

The type-approval authority shall notify the assessment report to the **Agency** and to designating authorities of the other Member States with documentary evidence regarding the competence of the technical service and the arrangements in place to regularly monitor the technical service and ensure that it continues to comply with the requirements of this Regulation.

Or. en

**Amendment 1014**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 77 – paragraph 7 – subparagraph 1**

*Text proposed by the Commission*

The type-approval authority shall notify the assessment report to the **Commission** and to designating authorities of the other Member States with documentary evidence regarding the competence of the technical service and the arrangements in place to regularly monitor the technical service and ensure that it continues to comply with the requirements of this Regulation.

*Amendment*

The type-approval authority shall notify the assessment report to the **Agency** and to designating authorities of the other Member States with documentary evidence regarding the competence of the technical service and the arrangements in place to regularly monitor the technical service and ensure that it continues to comply with the requirements of this Regulation.

Or. en

**Amendment 1015**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 77 – paragraph 8**

*Text proposed by the Commission*

8. The type-approval authorities of the other Member States and the **Commission** may review the assessment report and the documentary evidence, raise questions or concerns and request further documentary evidence within one month after the notification of the assessment report and the documentary evidence..

*Amendment*

8. The type-approval authorities of the other Member States and the **Agency** may review the assessment report and the documentary evidence, raise questions or concerns and request further documentary evidence within one month after the notification of the assessment report and the documentary evidence..

Or. en

**Amendment 1016**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 77 – paragraph 8**

*Text proposed by the Commission*

8. The type-approval authorities of the other Member States and the **Commission** may review the assessment report and the documentary evidence, raise questions or concerns and request further documentary evidence within one month after the notification of the assessment report and the documentary evidence..

*Amendment*

8. The type-approval authorities of the other Member States and the **Agency** may review the assessment report and the documentary evidence, raise questions or concerns and request further documentary evidence within one month after the notification of the assessment report and the documentary evidence.

Or. en

**Amendment 1017**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 77 – paragraph 10**

*Text proposed by the Commission*

10. The type-approval authorities of the other Member States or the **Commission** may individually or jointly address recommendations to the type-approval authority of the Member State where the applicant technical service is established within four weeks following the receipt of the response referred to in paragraph 9. That type-approval authority shall take account of the recommendations when it takes the decision on the designation of the technical service. Where that type-approval authority decides not to follow the recommendations addressed by the other Member States or the Commission, it shall give the reasons therefor within two weeks after taking its decision.

*Amendment*

10. The type-approval authorities of the other Member States or the **Agency** may individually or jointly address recommendations to the type-approval authority of the Member State where the applicant technical service is established within four weeks following the receipt of the response referred to in paragraph 9. That type-approval authority shall take account of the recommendations when it takes the decision on the designation of the technical service. Where that type-approval authority decides not to follow the recommendations addressed by the other Member States or the Commission, it shall give the reasons therefor within two weeks after taking its decision. ***The Commission/Agency shall have the right to take and implement a final binding decision.***

Or. en

**Amendment 1018**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 77 – paragraph 10**

*Text proposed by the Commission*

10. The type-approval authorities of the other Member States **or** the Commission may ***individually or jointly*** address recommendations to the type-approval authority of the Member State where the applicant technical service is established within four weeks following the receipt of the response referred to in paragraph 9. That type-approval authority shall take account of the recommendations when it takes the decision on the designation of the

*Amendment*

10. The type-approval authorities of the other Member States ***individually or jointly with*** the Commission may address recommendations to the type-approval authority of the Member State where the applicant technical service is established within four weeks following the receipt of the response referred to in paragraph 9. That type-approval authority shall take account of the recommendations when it takes the decision on the designation of the



technical service. Where that type-approval authority decides not to follow the recommendations addressed by the other Member States or the Commission, it shall give the reasons therefor within two weeks after taking its decision.

technical service. Where that type-approval authority decides not to follow the recommendations addressed by the other Member States or the Commission, it shall give the reasons therefor within two weeks after taking its decision.

Or. en

**Amendment 1019**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 77 – paragraph 10**

*Text proposed by the Commission*

10. The type-approval authorities of the other Member States or the **Commission** may individually or jointly address recommendations to the type-approval authority of the Member State where the applicant technical service is established within four weeks following the receipt of the response referred to in paragraph 9. That type-approval authority shall take account of the recommendations when it takes the decision on the designation of the technical service. Where that type-approval authority decides not to follow the recommendations addressed by the other Member States or the **Commission**, it shall give the reasons therefor within two weeks after taking its decision.

*Amendment*

10. The type-approval authorities of the other Member States or the **Agency** may individually or jointly address recommendations to the type-approval authority of the Member State where the applicant technical service is established within four weeks following the receipt of the response referred to in paragraph 9. That type-approval authority shall take account of the recommendations when it takes the decision on the designation of the technical service. Where that type-approval authority decides not to follow the recommendations addressed by the other Member States or the **Agency**, it shall give the reasons therefor within two weeks after taking its decision.

Or. en

**Amendment 1020**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 77 – paragraph 12**

*Text proposed by the Commission*

*Amendment*

**12. The approval authority that** *deleted*  
***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***  
***comply with the requirements laid down***  
***in Appendix 2 of Annex V.***

Or. en

**Amendment 1021**

**Ivo Belet, Wim van de Camp, Deirdre Clune, Lambert van Nistelrooij, Annie Schreijer-Pierik**

**Proposal for a regulation**  
**Article 77 – paragraph 12**

*Text proposed by the Commission*

*Amendment*

**12. The approval authority that** *deleted*  
***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***  
***comply with the requirements laid down***  
***in Appendix 2 of Annex V.***

Or. en

*Justification*

*To protect independence and to avoid conflicts of interests manufacturers, technical services and the type-approval authorities should only perform their original role in the future type-approval procedure. In order reap the benefits of competition and allow technical services to compete, type-approval authorities should only type approve, without being responsible for the testing.*

**Amendment 1022**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 78 – title**

*Text proposed by the Commission*

Notification to the **Commission** concerning technical services

*Amendment*

Notification to the **Agency** concerning technical services

Or. en

**Amendment 1023**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 78 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Member States shall notify to the **Commission** the name, the address, including the electronic address, the responsible persons and the category of activities of every technical service that they have designated. The notification shall clearly specify the scope of the designation, the conformity assessment activities and procedures, the type of products and the subjects listed in Annex IV for which the technical services have been designated, and subsequent modifications to any of those details.

*Amendment*

Member States shall notify to the **Agency** the name, the address, including the electronic address, the responsible persons and the category of activities of every technical service that they have designated. The notification shall clearly specify the scope of the designation, the conformity assessment activities and procedures, the type of products and the subjects listed in Annex IV for which the technical services have been designated, and subsequent modifications to any of those details.

Or. en

**Amendment 1024**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 78 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Within 28 days of a notification, a Member State or the **Commission** may raise written objections, setting out its arguments, with regard either to the technical service or to its monitoring by the type-approval authority. When a Member State or the **Commission** raises objections, the effect of the notification shall be suspended. In this case, the **Commission** shall consult the parties involved and shall decide by means of an implementing act whether the suspension of the notification can be lifted or not. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 87(2).

*Amendment*

Within 28 days of a notification, a Member State or the **Agency** may raise written objections, setting out its arguments, with regard either to the technical service or to its monitoring by the type-approval authority. When a Member State or the **Agency** raises objections, the effect of the notification shall be suspended. In this case, the **Agency** shall consult the parties involved and **then the Commission** shall decide by means of an implementing act whether the suspension of the notification can be lifted or not. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

**Amendment 1025**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 78 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

Where no objection is raised or where the **Commission** is of the opinion that the notification may be accepted fully or partially, the **Commission** shall publish the notification in accordance with paragraph 5.

*Amendment*

Where no objection is raised or where the **Agency** is of the opinion that the notification may be accepted fully or partially, the **Agency** shall publish the notification in accordance with paragraph 5.

Or. en

**Amendment 1026**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 78 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *The same technical service may be designated by several type-approval authorities and notified to the Commission by the Member States of those type-approval authorities, irrespective of the category or categories of activities that that technical service shall carry out in accordance with Article 72(1).* **deleted**

Or. en

**Amendment 1027**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 78 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The same technical service may be designated by several type-approval authorities and notified to the **Commission** by the Member States of those type-approval authorities, irrespective of the category or categories of activities that that technical service shall carry out in accordance with Article 72(1).

3. The same technical service may be designated by several type-approval authorities and notified to the **Agency** by the Member States of those type-approval authorities, irrespective of the category or categories of activities that that technical service shall carry out in accordance with Article 72(1).

Or. en

**Amendment 1028**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 78 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The **Commission** shall publish on its website an updated list and details of the technical services and the specific

5. The **Agency** shall publish on its website an updated list and details of the technical services and the specific

organisations and competent bodies that have been notified to it in accordance with this Article.

organisations and competent bodies that have been notified to it in accordance with this Article.

Or. en

**Amendment 1029**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 79 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The type-approval authority shall immediately inform the **Commission** and the other Member States of any suspension, restriction or withdrawal of a notification.

*Amendment*

The type-approval authority shall immediately inform the **Agency** and the other Member States of any suspension, restriction or withdrawal of a notification.

Or. en

**Amendment 1030**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 79 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

The **Commission** shall update the information published referred to in Article 78(4) accordingly.

*Amendment*

The **Agency** shall update the information published referred to in Article 78(4) accordingly.

Or. en

**Amendment 1031**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 79 – paragraph 2**

*Text proposed by the Commission*

2. In the event of a restriction, suspension or withdrawal of the designation, or where the technical service has ceased its activity, the designating approval authority shall transfer the files of that technical service to another technical service for further processing or keep them available for the approval authorities **or** for the market surveillance authorities.

*Amendment*

2. In the event of a restriction, suspension or withdrawal of the designation, or where the technical service has ceased its activity, the designating approval authority shall transfer the files of that technical service to another technical service for further processing or keep them available for the approval authorities, for the market surveillance authorities **or for the Agency**.

Or. en

**Amendment 1032**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 79 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The type-approval authority shall inform the other type-approval authorities and the **Commission** when non-compliance of the technical service has an impact on type-approval certificates issued on the basis of the inspection and test reports issued by the technical service subject of the change in notification.

*Amendment*

The type-approval authority shall inform the other type-approval authorities and the **Agency** when non-compliance of the technical service has an impact on type-approval certificates issued on the basis of the inspection and test reports issued by the technical service subject of the change in notification.

Or. en

**Amendment 1033**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 79 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Within two months after having notified the changes to the notification, the type-

*Amendment*

Within two months after having notified the changes to the notification, the type-

approval authority shall submit a report on its findings regarding the non-compliance to the **Commission** and the other type-approval authorities. Where necessary to ensure the safety of vehicles, systems, components or separate technical units already placed on the market, the designating type-approval authority shall instruct the concerned approval authorities to suspend or withdraw within a reasonable period of time, any certificates which were unduly issued.

approval authority shall submit a report on its findings regarding the non-compliance to the **Agency** and the other type-approval authorities. Where necessary to ensure the safety of vehicles, systems, components or separate technical units already placed on the market, the designating type-approval authority shall instruct the concerned approval authorities to suspend or withdraw within a reasonable period of time, any certificates which were unduly issued.

Or. en

**Amendment 1034**  
**Inese Vaidere**

**Proposal for a regulation**  
**Article 79 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The other certificates which were issued on the basis of inspection and test reports issued by the technical service for which the notification has been suspended, restricted or withdrawn shall remain valid in the following circumstances:**

**deleted**

**(a) in the case of suspension of a notification, on condition that, within three months after the suspension, the type-approval authority that issued the type-approval certificate confirms in writing to the type-approval authorities of the other Member States and the Commission that it is assuming the functions of the technical service during the period of suspension;**

**(b) in the case of restriction or withdrawal of a notification, for a period of three months after the restriction or withdrawal. The type-approval authority that issued the certificates may extend the validity of the certificates for further**



*periods of three months, for a maximum period altogether, of twelve months, provided it is assuming during that period the functions of the technical service whose notification has been restricted or withdrawn.*

*The type-approval authority assuming the functions of the technical service shall immediately inform the other type-approval authorities, the other technical services and the Commission thereof.*

Or. en

**Amendment 1035**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 79 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) in the case of suspension of a notification, on condition that, within three months after the suspension, the type-approval authority that issued the type-approval certificate confirms in writing to the type-approval authorities of the other Member States and the **Commission** that it is assuming the functions of the technical service during the period of suspension;

*Amendment*

(a) in the case of suspension of a notification, on condition that, within three months after the suspension, the type-approval authority that issued the type-approval certificate confirms in writing to the type-approval authorities of the other Member States and the **Agency** that it is assuming the functions of the technical service during the period of suspension;

Or. en

**Amendment 1036**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 79 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

The type-approval authority assuming the functions of the technical service shall immediately inform the other type-

*Amendment*

The type-approval authority assuming the functions of the technical service shall immediately inform the other type-

approval authorities, the other technical services and the **Commission** thereof.

approval authorities, the other technical services and the **Agency** thereof.

Or. en

#### **Amendment 1037**

**Ildikó Gáll-Pelcz**

#### **Proposal for a regulation**

#### **Article 80 – paragraph 2**

*Text proposed by the Commission*

(2) *Technical services* shall *respond without delay to requests by a type-approval authority or by the Commission in relation to the conformity assessments they have carried out.*

*Amendment*

(2) *Within two months of finalising this assessment of the technical service, the Member States shall report to the Commission and to the other Member States on those monitoring activities without this resulting in an increased load in administrative or human resources terms. The reports shall contain a summary of the assessment which shall be made publicly available.*

Or. hu

#### **Amendment 1038**

**Christel Schaldemose**

#### **Proposal for a regulation**

#### **Article 80 – paragraph 2**

*Text proposed by the Commission*

2. Technical services shall respond without delay to requests by a type-approval authority or by the **Commission** in relation to the conformity assessments they have carried out.

*Amendment*

2. Technical services shall respond without delay to requests by a type-approval authority or by the **Agency** in relation to the conformity assessments they have carried out.

Or. en

**Amendment 1039**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 80 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

When the type-approval authority of the Member State in which the technical service is established invokes a legitimate reason, it shall inform the **Commission** thereof.

*Amendment*

When the type-approval authority of the Member State in which the technical service is established invokes a legitimate reason, it shall inform the **Agency** thereof.

Or. en

**Amendment 1040**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 80 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

The **Commission** shall consult without delay the Member States. On the basis of that evaluation, the Commission shall decide by means of an implementing act whether the legitimate reason is considered justified or not. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

*Amendment*

The **Agency** shall consult without delay the Member States. On the basis of that evaluation, the **Agency and then** Commission shall decide by means of an implementing act whether the legitimate reason is considered justified or not. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

**Amendment 1041**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 80 – paragraph 3 – subparagraph 4**

*Text proposed by the Commission*

The technical service or the type-approval

*Amendment*

The technical service or the type-approval

authority may request that any information transmitted to the authorities of another Member State or to the **Commission** shall be treated confidentially.

authority may request that any information transmitted to the authorities of another Member State or to the **Agency** shall be treated confidentially.

Or. en

**Amendment 1042**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 80 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

At least every 30 months, the type-approval authority shall assess ***whether each*** technical service ***under its responsibility*** continues to satisfy the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V. This assessment shall include an on-site visit to each technical service under its responsibility.

*Amendment*

At least every 30 months ***after the notification of a technical service, and every 30 months thereafter***, the type-approval authority shall assess ***whether the*** technical service continues to satisfy the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V. ***The assessment shall be carried out by the type-approval authority of the Member State in which the technical service is established and a joint assessment team designated in accordance with the procedure described in Article 77(1) to (4).*** This assessment shall include an on-site visit to each technical service under its responsibility.

Or. en

**Amendment 1043**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 80 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

At least every 30 months, the type-approval authority shall assess whether

*Amendment*

At least every 30 months, the type-approval authority, ***together with***

each technical service under its responsibility continues to satisfy the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V. This assessment shall include an on-site visit to each technical service under its responsibility.

***representatives of the type-approval authority of two other Member States and at least one representative of the Agency*** shall assess whether each technical service under its responsibility continues to satisfy the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V. This assessment shall include an on-site visit to each technical service under its responsibility.

Or. en

**Amendment 1044**  
**Inese Vaidere**

**Proposal for a regulation**  
**Article 80 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

At least every **30 months, the type-approval** authority shall assess whether each technical service under its responsibility continues to satisfy the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V. ***This assessment*** shall include an on-site visit to each technical service under its responsibility.

*Amendment*

At least every ***three years, the designating*** authority shall assess whether each technical service under its responsibility continues to satisfy the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V shall include an on-site visit to each technical service under its responsibility.

Or. en

**Amendment 1045**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 80 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Within two months after finalising this assessment of the technical service, the Member States shall report to the ***Commission*** and to the other Member

*Amendment*

Within two months after finalising this assessment of the technical service, the Member States shall report to the ***Agency*** and to the other Member States on those

States on those monitoring activities. The reports shall contain a summary of the assessment which shall be made publicly available.

monitoring activities. The reports shall contain a summary of the assessment which shall be made publicly available.

Or. en

**Amendment 1046**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 80 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Five years after the notification of a technical service, and every fifth years thereafter, the assessment to determine whether the technical service still complies with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V shall be carried out by the type-approval authority of the Member State in which the technical service is established and a joint assessment team designated in accordance with the procedure described in Article 77(1) to (4).**

**deleted**

Or. en

**Amendment 1047**  
**Ildikó Gáll-Pelcz**

**Proposal for a regulation**  
**Article 81 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission shall investigate all cases where concerns have been brought to its attention regarding the competence of a technical service or the continued compliance by a technical service with the requirements and responsibilities to which

The Commission, ***working in conjunction with the type-approval authority of the Member State concerned***, shall investigate all cases where concerns have been brought to its attention regarding the competence of a technical service or the

it is subject under this Regulation. It may also commence such investigations on its own initiative.

continued compliance by a technical service with the requirements and responsibilities to which it is subject under this Regulation. It may also commence such investigations on its own initiative.

Or. hu

**Amendment 1048**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 81 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The **Commission** shall investigate all cases where concerns have been brought to its attention regarding the competence of a technical service or the continued compliance by a technical service with the requirements and responsibilities to which it is subject under this Regulation. It may also commence such investigations on its own initiative.

*Amendment*

The **Member States** shall investigate all cases where concerns have been brought to its attention regarding the competence of a technical service or the continued compliance by a technical service with the requirements and responsibilities to which it is subject under this Regulation. It may also commence such investigations on its own initiative.

Or. en

**Amendment 1049**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 81 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The **Commission** shall investigate all cases where concerns have been brought to its attention regarding the competence of a technical service or the continued compliance by a technical service with the requirements and responsibilities to which it is subject under this Regulation. It **may** also commence such investigations on its own initiative.

*Amendment*

The **Agency** shall investigate all cases where concerns have been brought to its attention regarding the competence of a technical service or the continued compliance by a technical service with the requirements and responsibilities to which it is subject under this Regulation. It **shall** also commence such investigations on its own initiative.

**Amendment 1050**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 81 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The **Commission** shall investigate all cases where concerns have been brought to its attention regarding the competence of a technical service or the continued compliance by a technical service with the requirements and responsibilities to which it is subject under this Regulation. It may also commence such investigations on its own initiative.

*Amendment*

The **Agency** shall investigate all cases where concerns have been brought to its attention regarding the competence of a technical service or the continued compliance by a technical service with the requirements and responsibilities to which it is subject under this Regulation. It may also commence such investigations on its own initiative.

Or. en

**Amendment 1051**

**Dennis de Jong**

**Proposal for a regulation**

**Article 81 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The **Commission** shall investigate the responsibility of the technical service in the case where it is demonstrated or where there are justified grounds to consider that a type approval has been granted on the basis of false data or that the test results have been falsified or that data or technical specifications have been withheld that would have led to the refusal to grant the type approval,.

*Amendment*

The **Member States** shall investigate the responsibility of the technical service in the case where it is demonstrated or where there are justified grounds to consider that a type approval has been granted on the basis of false data or that the test results have been falsified or that data or technical specifications have been withheld that would have led to the refusal to grant the type approval,.

Or. en



## **Amendment 1052**

**Pascal Durand**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Article 81 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The **Commission** shall investigate the responsibility of the technical service in the case where it is demonstrated or where there are justified grounds to consider that a type approval has been granted on the basis of false data or that the test results have been falsified or that data or technical specifications have been withheld that would have led to the refusal to grant the type approval,.

*Amendment*

The **Agency** shall investigate the responsibility of the technical service in the case where it is demonstrated or where there are justified grounds to consider that a type approval has been granted on the basis of false data or that the test results have been falsified or that data or technical specifications have been withheld that would have led to the refusal to grant the type approval,.

Or. en

## **Amendment 1053**

**Christel Schaldemose**

### **Proposal for a regulation**

#### **Article 81 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The **Commission** shall investigate the responsibility of the technical service in the case where it is demonstrated or where there are justified grounds to consider that a type approval has been granted on the basis of false data or that the test results have been falsified or that data or technical specifications have been withheld that would have led to the refusal to grant the type approval,.

*Amendment*

The **Agency** shall investigate the responsibility of the technical service in the case where it is demonstrated or where there are justified grounds to consider that a type approval has been granted on the basis of false data or that the test results have been falsified or that data or technical specifications have been withheld that would have led to the refusal to grant the type approval,.

Or. en

## **Amendment 1054**

**Dennis de Jong**

**Proposal for a regulation**  
**Article 81 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The Commission shall consult the type-approval authority of the Member State where the technical service is established as part of the investigation referred to in paragraph 1. The type-approval authority of that Member State shall provide the Commission, upon request, with all relevant information relating to the performance and the compliance with the requirements concerning independence and competence of the technical service concerned.**

**deleted**

Or. en

**Amendment 1055**  
**Ildikó Gáll-Pelcz**

**Proposal for a regulation**  
**Article 81 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

(2) The Commission shall **consult** the type-approval authority of the Member State where the technical service is established as part of the investigation referred to in paragraph 1. The type-approval authority of that Member State shall provide the Commission, upon request, with all relevant information relating to the performance and the compliance with the requirements concerning independence and competence of the technical service concerned.

(2) The Commission shall **cooperate with** the type-approval authority of the Member State where the technical service is established as part of the investigation referred to in paragraph 1. The type-approval authority of that Member State shall provide the Commission, upon request, with all relevant information relating to the performance and the compliance with the requirements concerning independence and competence of the technical service concerned.

Or. hu

**Amendment 1056**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 81 – paragraph 2**

*Text proposed by the Commission*

2. The **Commission** shall consult the type-approval authority of the Member State where the technical service is established as part of the investigation referred to in paragraph 1. The type-approval authority of that Member State shall provide the **Commission**, upon request, with all relevant information relating to the performance and the compliance with the requirements concerning independence and competence of the technical service concerned.

*Amendment*

2. The **Agency** shall consult the type-approval authority of the Member State where the technical service is established as part of the investigation referred to in paragraph 1. The type-approval authority of that Member State shall provide the **Agency**, upon request, with all relevant information relating to the performance and the compliance with the requirements concerning independence and competence of the technical service concerned.

Or. en

**Amendment 1057**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 81 – paragraph 2**

*Text proposed by the Commission*

2. The **Commission** shall consult the type-approval authority of the Member State where the technical service is established as part of the investigation referred to in paragraph 1. The type-approval authority of that Member State shall provide the **Commission**, upon request, with all relevant information relating to the performance and the compliance with the requirements concerning independence and competence of the technical service concerned.

*Amendment*

2. The **Agency** shall consult the type-approval authority of the Member State where the technical service is established as part of the investigation referred to in paragraph 1. The type-approval authority of that Member State shall provide the **Agency**, upon request, with all relevant information relating to the performance and the compliance with the requirements concerning independence and competence of the technical service concerned.

Or. en

## **Amendment 1058**

**Pascal Durand**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Article 81 – paragraph 3**

*Text proposed by the Commission*

3. The **Commission** shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

*Amendment*

3. The **Agency** shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

Or. en

## **Amendment 1059**

**Christel Schaldemose**

### **Proposal for a regulation**

#### **Article 81 – paragraph 3**

*Text proposed by the Commission*

3. The **Commission** shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

*Amendment*

3. The **Agency** shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

Or. en

## **Amendment 1060**

**Dennis de Jong**

### **Proposal for a regulation**

#### **Article 81 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

*Amendment*

3. The Commission **and the Member States** shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

Or. en

## **Amendment 1061**

**Dennis de Jong**

### **Proposal for a regulation**

#### **Article 81 – paragraph 4 – subparagraph 1**

##### *Text proposed by the Commission*

Where the **Commission** ascertains that a technical service does not or no longer comply with the requirements for its designation or that it is responsible for any of the wrong-doings referred to in paragraph 1, it shall inform the Member State of the type-approval authority thereof.

##### *Amendment*

Where the **Member States** ascertains that a technical service does not or no longer comply with the requirements for its designation or that it is responsible for any of the wrong-doings referred to in paragraph 1, it shall inform the Member State **and the Commission** of the type-approval authority thereof.

Or. en

## **Amendment 1062**

**Pascal Durand**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Article 81 – paragraph 4 – subparagraph 1**

##### *Text proposed by the Commission*

Where the **Commission** ascertains that a technical service does not or no longer comply with the requirements for its designation or that it is responsible for any of the wrong-doings referred to in paragraph 1, it shall inform the Member State of the type-approval authority thereof.

##### *Amendment*

Where the **Agency** ascertains that a technical service does not or no longer comply with the requirements for its designation or that it is responsible for any of the wrong-doings referred to in paragraph 1, it shall inform the Member State of the type-approval authority thereof.

Or. en

## **Amendment 1063**

**Christel Schaldemose**

**Proposal for a regulation**  
**Article 81 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

Where the **Commission** ascertains that a technical service does not or no longer comply with the requirements for its designation or that it is responsible for any of the wrong-doings referred to in paragraph 1, it shall inform the Member State of the type-approval authority thereof.

*Amendment*

Where the **Agency** ascertains that a technical service does not or no longer comply with the requirements for its designation or that it is responsible for any of the wrong-doings referred to in paragraph 1, it shall inform the Member State of the type-approval authority thereof.

Or. en

**Amendment 1064**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 81 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

The **Commission** shall request that Member State to take restrictive measures, including the suspension, restriction or withdrawal of the designation, where necessary.

*Amendment*

The **Agency** shall request that Member State to take restrictive measures, including the suspension, restriction or withdrawal of the designation, where necessary.

Or. en

**Amendment 1065**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 81 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

The **Commission** shall request that Member State to take restrictive measures, including the suspension, restriction or withdrawal of the designation, where

*Amendment*

The **Agency** shall request that Member State to take restrictive measures, including the suspension, restriction or withdrawal of the designation, where necessary.

necessary.

Or. en

#### **Amendment 1066**

**Dennis de Jong**

#### **Proposal for a regulation**

#### **Article 81 – paragraph 4 – subparagraph 3**

##### *Text proposed by the Commission*

Where the Member State fails to take the necessary restrictive measures, the Commission may, *by means of implementing acts, suspend, restrict or withdraw the designation of the technical service concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2). The Commission shall notify* the Member State concerned *of its decision and shall update the information published* referred to in Article 78(4) *accordingly.*

##### *Amendment*

Where the Member State fails to take the necessary restrictive measures, the Commission may *address the shortcomings of this regulation in* the Member State concerned *in accordance with the reporting procedure* referred to in Article 95(2).

Or. en

#### **Amendment 1067**

**Christel Schaldemose**

#### **Proposal for a regulation**

#### **Article 81 – paragraph 4 – subparagraph 3**

##### *Text proposed by the Commission*

Where the Member State fails to take the necessary restrictive measures, the Commission *may*, by means of implementing acts, suspend, restrict or withdraw the designation of the technical service concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2). The Commission shall notify

##### *Amendment*

Where the Member State fails to take the necessary restrictive measures, the Commission *shall*, by means of implementing acts, suspend, restrict or withdraw the designation of the technical service concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2). The Commission shall notify

the Member State concerned of its decision and shall update the information published referred to in Article 78(4) accordingly.

the Member State concerned of its decision and shall update the information published referred to in Article 78(4) accordingly.

Or. en

#### **Amendment 1068**

**Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

##### **Article 82 – paragraph 1**

###### *Text proposed by the Commission*

1. Type-approval authorities shall consult each other and the Commission on questions with general relevance with regard to the implementation of the requirements set out in this Regulation in relation with the assessment, designation and monitoring of technical services.

###### *Amendment*

1. Type-approval authorities shall consult each other, ***the agency, the forum*** and the Commission on questions with general relevance with regard to the implementation of the requirements set out in this Regulation in relation with the assessment, designation and monitoring of technical services.

Or. en

#### **Amendment 1069**

**Christel Schaldemose**

#### **Proposal for a regulation**

##### **Article 82 – paragraph 1**

###### *Text proposed by the Commission*

1. Type-approval authorities shall consult each other and the ***Commission*** on questions with general relevance with regard to the implementation of the requirements set out in this Regulation in relation with the assessment, designation and monitoring of technical services.

###### *Amendment*

1. Type-approval authorities shall consult each other and the ***Agency*** on questions with general relevance with regard to the implementation of the requirements set out in this Regulation in relation with the assessment, designation and monitoring of technical services.

Or. en



**Amendment 1070**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 82 – paragraph 2**

*Text proposed by the Commission*

2. Type-approval authorities shall communicate to each other and the **Commission** not later than two years after the entry into force of this Regulation the model for assessment check-list used in accordance with Article 77(1) and thereafter the adaptations made to this check-list until the Commission has adopted a harmonised assessment check-list. The Commission shall be empowered to adopt implementing acts to establish the template of the assessment check-list. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

*Amendment*

2. Type-approval authorities shall communicate to each other and the **Agency** not later than two years after the entry into force of this Regulation the model for assessment check-list used in accordance with Article 77(1) and thereafter the adaptations made to this check-list until the Commission has adopted a harmonised assessment check-list. The Commission shall be empowered to adopt implementing acts to establish the template of the assessment check-list. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

**Amendment 1071**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 82 – paragraph 2**

*Text proposed by the Commission*

2. Type-approval authorities shall communicate to each other and the Commission not later than two years after the entry into force of this Regulation the model for assessment check-list used in accordance with Article 77(1) and thereafter the adaptations made to this check-list until the Commission has adopted a harmonised assessment check-list. The Commission shall be empowered to adopt implementing acts to establish the template of the assessment check-list.

*Amendment*

2. Type-approval authorities shall communicate to each other, **the agency**, **the forum** and the Commission not later than two years after the entry into force of this Regulation the model for assessment check-list used in accordance with Article 77(1) and thereafter the adaptations made to this check-list until the Commission has adopted a harmonised assessment check-list. The Commission shall be empowered to adopt implementing acts to establish the template of the assessment check-list.

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

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

Or. en

#### **Amendment 1072**

**Ivan Štefanec, Roberta Metsola, Antonio López-Istúriz White**

#### **Proposal for a regulation**

#### **Article 82 – paragraph 2**

##### *Text proposed by the Commission*

2. Type-approval authorities shall communicate to each other and the Commission ***not later than two years after the entry into force of this Regulation*** the model for assessment check-list used in accordance with Article 77(1) and thereafter the adaptations made to this check-list until the Commission has adopted a harmonised assessment check-list. The Commission shall be empowered to adopt implementing acts to establish the template of the assessment check-list. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

##### *Amendment*

2. Type-approval authorities shall communicate to each other and the Commission ***within the Forum authority and decide on a timeline of*** the model for assessment check-list used in accordance with Article 77(1) and thereafter the adaptations made to this check-list until the Commission has adopted a harmonised assessment check-list. The Commission shall be empowered to adopt implementing acts to establish the template of the assessment check-list. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

#### **Amendment 1073**

**Christel Schaldemose**

#### **Proposal for a regulation**

#### **Article 82 – paragraph 3**

##### *Text proposed by the Commission*

3. When the assessment reports referred to in Article 77(3) indicate discrepancies in the general practice of type-approval authorities, Member States or the ***Commission*** may request an

##### *Amendment*

3. When the assessment reports referred to in Article 77(3) indicate discrepancies in the general practice of type-approval authorities, Member States or the ***Agency*** may request an exchange of

exchange of information.

information.

Or. en

#### **Amendment 1074**

**Marco Zullo, Eleonora Evi, Piernicola Pedicini**

#### **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 making the conformity assessment of the sample and the procedures;*

Or. it

#### **Amendment 1075**

**Dennis de Jong**

#### **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) allow their approval authority *or the joint assessment team as described in Article 77(1)* to witness the performance of the technical service during the conformity assessment;

Or. en

#### **Amendment 1076**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 85 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Technical services shall inform their approval authority of the following:

*Amendment*

1. Technical services shall inform their approval authority **and the Agency** of the following:

Or. en

**Amendment 1077**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 85 – paragraph 2**

*Text proposed by the Commission*

2. Upon request from their approval authority, technical services shall provide information on the activities within the scope of their designation and on any other activity performed, including cross-border activities and subcontracting.

*Amendment*

2. Upon request from their approval authority **or the Agency**, technical services shall provide information on the activities within the scope of their designation and on any other activity performed, including cross-border activities and subcontracting.

Or. en

**Amendment 1078**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 86 – paragraph 1**

*Text proposed by the Commission*

1. The Member States shall **levy fees on** technical services **applying** to be designated established in their territory to cover wholly or partly, the costs relating to the activities exercised by the national authorities responsible for technical services in accordance with this Regulation.

*Amendment*

1. The Member States shall **use funds for** technical services to be designated established in their territory to cover wholly or partly, the costs relating to the activities exercised by the national authorities responsible for technical services in accordance with this Regulation.

**Amendment 1079**

**Ivo Belet, Wim van de Camp, Deirdre Clune, Annie Schreijer-Pierik, Lambert van Nistelrooij**

**Proposal for a regulation  
Article 86 – paragraph 1**

*Text proposed by the Commission*

1. The Member States shall levy fees on technical services applying to be designated established in their territory to cover ***wholly or partly***, the costs relating to the activities exercised by the national authorities responsible for technical services in accordance with this Regulation.

*Amendment*

1. The Member States shall levy fees on technical services applying to be designated established in their territory to cover the costs relating to the activities exercised by the national authorities responsible for technical services in accordance with this Regulation.

Or. en

*Justification*

*In case Member States only levy a part of the costs on their technical services, it could be seen as state aid, leading to a competitive advantage.*

**Amendment 1080**

**Dennis de Jong**

**Proposal for a regulation  
Article 86 – paragraph 2**

*Text proposed by the Commission*

2. ***The Commission may adopt implementing acts in order to set out the structure and the level of the fees referred to in paragraph 1, taking into account the objectives of safety and the protection of human health and the environment, support of innovation and cost-effectiveness. When fixing the appropriate level of the fees, particular attention shall be paid to technical services that submitted a valid certificate delivered by***

*Amendment*

***deleted***

*the national accreditation body as referred to in Article 83 and to technical services that are small and medium-sized enterprises as defined in Commission Recommendation 2003/361/EC<sup>29</sup>. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).*

---

<sup>29</sup> *Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).*

Or. en

**Amendment 1081**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 88 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

*Amendment*

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(2), Article **5b(6)**, **Article 7(5)**, **Article** 10(3), Article 22(3), Article 24(3), Article **24(6a)**, **Article** 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), **Article 37(3)**, **Article 38(3)**, Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Or. en

**Amendment 1082**  
**Ivo Belet, Wim van de Camp, Lambert van Nistelrooij, Annie Schreijer-Pierik**

**Proposal for a regulation**  
**Article 88 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

*Amendment*

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(2), Article **8(10)**, **Article 9(4)**, **Article** 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Or. en

**Amendment 1083**

**Ivo Belet, Wim van de Camp, Deirdre Clune, Annie Schreijer-Pierik, Lambert van Nistelrooij, Werner Kuhn, Dieter-Lebrecht Koch**

**Proposal for a regulation**  
**Article 88 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

*Amendment*

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article **65 (10a)**, **Article** 76(4) and Article 90(2) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Or. en

*Justification*

*Adaptation needed to reflect the changes introduced in article 65.*

## Amendment 1084

Pascal Durand

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 88 – paragraph 2

##### *Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

##### *Amendment*

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), **and Article 65 (11)**, Article 76(4) and Article 90(2) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Or. en

## Amendment 1085

Christel Schaldemose

### Proposal for a regulation

#### Article 88 – paragraph 3

##### *Text proposed by the Commission*

3. The delegation of power referred to in Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

##### *Amendment*

3. The delegation of power referred to in Article 4(2), Article 5(2), Article **5b(6)**, **Article 7(5)**, **Article** 10(3), Article 22(3), Article 24(3), Article **24(6a)**, **Article** 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), **Article 37(3)**, **Article 38(3)**, Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified



therein. It shall not affect the validity of any delegated acts already in force.

Or. en

#### **Amendment 1086**

**Ivo Belet, Wim van de Camp, Lambert van Nistelrooij, Annie Schreijer-Pierik**

#### **Proposal for a regulation**

#### **Article 88 – paragraph 3**

##### *Text proposed by the Commission*

3. The delegation of power referred to in Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

##### *Amendment*

3. The delegation of power referred to in Article 4(2), Article 5(2), Article **8(10), Article 9(4), Article** 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

#### **Amendment 1087**

**Christel Schaldemose**

#### **Proposal for a regulation**

#### **Article 88 – paragraph 5**

##### *Text proposed by the Commission*

5. A delegated act adopted pursuant to Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6),

##### *Amendment*

5. A delegated act adopted pursuant to Article 4(2), Article 5(2), Article **5b(6), Article 7(5), Article** 10(3), Article 22(3), Article 24(3), Article **24(6a), Article** 25(5),

Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 26(2), Article 28(5), Article 29(6), Article 34(2), **Article 37(3), Article 38(3)**, Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

#### **Amendment 1088**

**Ivo Belet, Annie Schreijer-Pierik, Lambert van Nistelrooij, Wim van de Camp**

#### **Proposal for a regulation**

#### **Article 88 – paragraph 5**

##### *Text proposed by the Commission*

5. A delegated act adopted pursuant to Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

##### *Amendment*

5. A delegated act adopted pursuant to Article 4(2), Article 5(2), Article **8(10), Article 9(4), Article** 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

**Amendment 1089**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 89 – title**

*Text proposed by the Commission*

Penalties

*Amendment*

Penalties *and liabilities*

Or. en

**Amendment 1090**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**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 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.

*Amendment*

1. **The Agency** shall lay down **EU wide** 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. **The agency should also ensure EU wide coherence regarding the level of fines with respect to the type of infringement.**

Or. en

**Amendment 1091**  
**Christel Schaldemose**

**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 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.

*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. ***In particular the penalties shall be proportionate to the number of non-compliant vehicles registered in the concerned Member States market, or the number of non-compliant systems, components or separate technical unit made available on the concerned Member States market.***

Or. en

**Amendment 1092**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 89 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. ***The types of infringements by*** economic operators and technical services subject to penalties ***shall be at least the following:***

*Amendment*

2. Economic operators and technical services ***are*** subject to penalties ***in case of non-compliance with the provisions of this Regulation and all applicable law, in particular:***

Or. en

**Amendment 1093**

**Ivo Belet, Wim van de Camp, Deirdre Clune, Ivan Štefanec, Annie Schreijer-Pierik, Lambert van Nistelrooij**

**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 ***meaning that the results can't be reproduced empirically in a new testing environment where the conditions and values can be verified by the relevant authority;***

Or. en

*Justification*

*Falsifying test result should be better defined. In case the results can be reproduced empirically again, the test conditions are known and can be verified. If the results can't be obtained again, the test was falsified.*

**Amendment 1094**  
**Christel Schaldemose, Nicola Danti**

**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 market surveillance;***

Or. en

**Amendment 1095**  
**Christel Schaldemose, Nicola Danti**

**Proposal for a regulation**  
**Article 89 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) where it is established, by means of tests or inspections for compliance purposes, or alternative means, that***

*vehicles, components, systems or separate technical units 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.*

Or. en

**Amendment 1096**

**Pascal Durand, Julia Reda, Karima Delli, Bas Eickhout, Claude Turmes**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 89 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) non-disclosure of information and software which could affect type approval procedures and differing vehicle performance between laboratory tests and real driving conditions;*

Or. en

**Amendment 1097**

**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 89 – paragraph 2 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

*(cb) non-conformity of production;*

Or. en

**Amendment 1098**

**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 89 – paragraph 2 – point c c (new)**

*Text proposed by the Commission*

*Amendment*

**(cc)** *designation of technical services  
not accredited to EU requirements;*

Or. en

**Amendment 1099**  
**Pascal Durand, Karima Delli, Bas Eickhout, Claude Turmes**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 89 – paragraph 2 – point c d (new)**

*Text proposed by the Commission*

*Amendment*

**(cd)** *differences between advertised  
properties and those experienced on the  
road under normal driving conditions,  
including emission and noise level and  
fuel consumption.*

Or. en

**Amendment 1100**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 89 – paragraph 3 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba)** *use of defeat devices.*

Or. en

**Amendment 1101**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 89 – paragraph 5**

*Text proposed by the Commission*

5. Member States shall report to the **Commission** every year on the penalties they have imposed.

*Amendment*

5. Member States shall report to the **Agency** every year on the penalties they have imposed.

Or. en

**Amendment 1102**  
**Dita Charanzová, Lieve Wierinck**

**Proposal for a regulation**  
**Article 89 – paragraph 5**

*Text proposed by the Commission*

5. Member States shall report to the Commission every **year** on the penalties they have imposed.

*Amendment*

5. Member States shall ***use the online database established under Article 10, paragraph 2, to*** report to the Commission ***on a regular basis, no later than*** every ***two years***, on the penalties they have imposed.

Or. en

**Amendment 1103**  
**Christel Schaldemose, Nicola Danti**

**Proposal for a regulation**  
**Article 89 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Where it is established that vehicles, components, systems or separate technical units do not comply with the type-approval requirements laid down in this Regulation or any of the regulatory acts listed in Annex IV, economic operators should be liable for any damage caused to owners of affected vehicles as a result of non-compliance.***



**Amendment 1104****Edward Czesak****Proposal for a regulation****Article 90***Text proposed by the Commission**Amendment***Article 90*****deleted******Administrative fines***

***1. Where the compliance verification by the Commission referred to in Article 9(1) and (4), or Article 54(1) reveals non-compliance of the vehicle, system, component, separate technical unit with the requirements laid down in this Regulation, the Commission may impose administrative fines upon the concerned economic operator for the infringement of this Regulation. The administrative fines provided for shall be effective, proportionate and dissuasive. In particular the fines shall be proportionate to the number of non-compliant vehicles registered in the Union market, or the number of non-compliant systems, components or separate technical unit made available on the Union market.***

***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.***

***2. The Commission may adopt delegated acts in accordance with Article 88 to lay down the methods for the calculation and collection of the administrative fines referred to in paragraph 1.***

***3. The amounts of administrative fines shall be considered as revenue for***

*Justification*

*The responsibility for setting penalties for irregularities lies with the authorities. At the same time, the Commission shall have the right to impose administrative fines on economic operators that violate the provisions of the Regulation in light of penalties that are supposed to be set by the Member States in any case. This raises concerns given that the penalties set by the Member States are to be communicated to the Commission, and at the stage of communicating this information it would be possible to determine the appropriateness of the penalties, including any financial penalties additionally imposed by the Commission.*

**Amendment 1105**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 90 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Where the compliance verification by the **Commission** referred to in Article 9(1) and (4), or Article 54(1) reveals non-compliance of the vehicle, system, component, separate technical unit with the requirements laid down in this Regulation, the **Commission** may impose administrative fines upon the concerned economic operator for the infringement of this Regulation. The administrative fines provided for shall be effective, proportionate and dissuasive. In particular the fines shall be proportionate to the number of non-compliant vehicles registered in the Union market, or the number of non-compliant systems, components or separate technical unit made available on the Union market.

*Amendment*

Where the compliance verification by the **Agency** referred to in Article 9(1) and (4), or Article 54(1) **or by Member States Market Surveillance authorities as referred to in Article 8(1)** reveals non-compliance of the vehicle, system, component, separate technical unit with the requirements laid down in this Regulation, the **Agency** may impose administrative fines upon the concerned economic operator for the infringement of this Regulation. The administrative fines provided for shall be effective, proportionate and dissuasive. In particular the fines shall be proportionate to the number of non-compliant vehicles registered in the Union market, or the number of non-compliant systems, components or separate technical unit made available on the Union market.

**Amendment 1106**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 90 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Where the compliance verification by the **Commission** referred to in Article 9(1) and (4), or Article 54(1) reveals non-compliance of the vehicle, system, component, separate technical unit with the requirements laid down in this Regulation, the **Commission may** impose administrative fines upon the concerned economic operator for the infringement of this Regulation. The administrative fines provided for shall be effective, proportionate and dissuasive. In particular the fines shall be proportionate to the number of non-compliant vehicles registered in the Union market, or the number of non-compliant systems, components or separate technical unit made available on the Union market.

*Amendment*

Where the compliance verification by the **Agency** referred to in Article 5b or Article 54(1) reveals non-compliance of the vehicle, system, component, separate technical unit with the requirements laid down in this Regulation, the **Agency shall** impose administrative fines upon the concerned economic operator for the infringement of this Regulation. The administrative fines provided for shall be effective, proportionate and dissuasive. In particular the fines shall be proportionate to the number of non-compliant vehicles registered in the Union market, or the number of non-compliant systems, components or separate technical unit made available on the Union market.

Or. en

**Amendment 1107**  
**Ivo Belet, Wim van de Camp, Deirdre Clune, Carlos Coelho, Lambert van Nistelrooij, Annie Schreijer-Pierik, Róza Gräfin von Thun und Hohenstein**

**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 **can** be in addition to the penalties imposed by the Member States in accordance with Article 89 for the same infringement, **but** shall not exceed EUR 30 000 per non-compliant vehicle, system, component or separate technical unit.

Or. en

## *Justification*

*Penalties for infringements listed in §13 of Regulation 715/2007 vary greatly between Member States. Furthermore, it is currently not clear if they apply for every vehicle or for the infringement as such. Various Member States have low fees, 640 euro, 1000 euro or 7.500 euro, while other have fines above a million euro. In order to ensure there is a deterrent effect and to avoid that manufacturers choose the Member States according to the applicable fine, the administrative fines of the Commission should be added on top of the fines given by the Member States. Nevertheless, they should be limited to 30 000 euro per non-compliant vehicle, system, component or separate unit.*

### **Amendment 1108** **Christel Schaldemose**

#### **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 **Agency** 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.

Or. en

### **Amendment 1109** **Pascal Durand** on behalf of the Verts/ALE Group

#### **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 **Agency** 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 1110**

**Ivan Štefanec, Roberta Metsola, Anna Maria Corazza Bildt, Antonio López-Istúriz White**

**Proposal for a regulation  
Article 90 – paragraph 3**

*Text proposed by the Commission*

3. The amounts of administrative fines shall be *considered as revenue* for the *general budget of the European Union*.

*Amendment*

3. The amounts of administrative fines shall be *administrated by the Member States and used* for the *benefit of consumers negatively affected by the infringement*.

Or. en

**Amendment 1111**

**Christel Schaldemose, Liisa Jaakonsaari, Maria Grapini**

**Proposal for a regulation  
Article 91 – paragraph 1 – point 2  
Regulation (EC) No 715/2007  
Article 1 – paragraph 2**

*Text proposed by the Commission*

‘2. In addition, this Regulation lays down rules for in-service conformity, durability of pollution control devices, vehicle OBD systems and measurement of fuel consumption.’;

*Amendment*

‘2. In addition, this Regulation lays down rules for in-service conformity, durability of pollution control devices, vehicle OBD systems and measurement of fuel consumption. *The rules for in-service conformity and durability of pollution control devices must come into force no later than 31 December 2018*’;

Or. en

**Amendment 1112**

**Catherine Bearder, Gerben-Jan Gerbrandy, Nils Torvalds**

**Proposal for a regulation**

**Article 91 – paragraph 1 – point 3 a (new)**

Regulation (EC) No 715/2007

Article 5 – paragraph 2 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(3a) in Article 5, the following subparagraph is added after paragraph 2 point c:***

***“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.***

***Manufacturers 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.***

***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.***

***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 1113**

**Christel Schaldemose, Philippe Juvin**

**Proposal for a regulation**

**Article 91 – paragraph 1 – point 3 a (new)**

Regulation (EC) No 715/2007

Article 5 – paragraph 2 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*(3a) in Article 5, the following subparagraph is added after paragraph 2 point c:*

*'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 1114**

**Marco Zullo, Eleonora Evi, Piernicola Pedicini**

**Proposal for a regulation**

**Article 91 – paragraph 1 – point 3 a (new)**

Regulation (EC) No 715/2007

Article 5 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**(3a) the following paragraph 2a is inserted in Article 5:**

**‘2a. Any devices as referred to in paragraph 2 shall be notified to the authority whose approval is sought, supplying all details necessary for subsequent in-service conformity tests to be performed by the European Surveillance Authority.’**

Or. it

**Amendment 1115**

**Pascal Durand**

on behalf of the Verts/ALE Group

**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 1116**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 91 – paragraph 1 – point 5 a (new)**

Regulation (EC) No 715/2007

Article 14 – paragraph 3



**(5a) In Article 14 paragraph 3 is replaced by the following:**

***"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 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 NO<sub>x</sub> 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 1117**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 91 – paragraph 1 – point 5 b (new)**

Regulation (EC) No 715/2007

Article 14 a (new)

**(5b) 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 1118**

**Christel Schaldemose, Liisa Jaakonsaari, Maria Grapini**

#### **Proposal for a regulation**

#### **Article 91 – paragraph 1 – point 6**

Regulation (EC) No 715/2007

Article 11 a – 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

### **Amendment 1119**

**Dennis de Jong**

#### **Proposal for a regulation**

#### **Article 97 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. On the basis of the information supplied under paragraph 1, the Commission shall present an evaluation report to the European Parliament and the Council on the application of this Regulation, including on the functioning of

2. On the basis of the information supplied under paragraph 1, the Commission shall present an evaluation report to the European Parliament and the Council on the application of this Regulation, including on the functioning of

the compliance verification in accordance with Article 9 by 31 December 20yy. [PO: please insert the year, which should be the year 20xx as mentioned in paragraph 1 + 1 year]

the compliance verification in accordance with Article 9 by 31 December 20yy. [PO: please insert the year, which should be the year 20xx as mentioned in paragraph 1 + 1 year]

*Where the Commission establishes shortcomings of this regulation, the Commission shall propose appropriate measures as follows:*

*(a) where regulatory acts are concerned, the Commission shall propose the necessary amendments to the act concerned;*

*(b) where UNECE regulations are concerned, the Commission shall propose the necessary draft amendments to the relevant UNECE regulations in accordance with the provisions of Annex III of Council Decision 97/836/EC.*

Or. en

**Amendment 1120**  
**Richard Sulík**

**Proposal for a regulation**  
**Annex V – paragraph 3**

*Text proposed by the Commission*

Standards with which the entities referred to in Article 72 have to comply

*Amendment*

Standards with which the entities referred to in Article 72 have to comply

*Annex V, appendix 1, point 1.1*

*Category A (tests performed in own facilities):*

*EN ISO/IEC 17025:2005 on the general requirements for the competence of testing and calibration laboratories.*

*A technical service designated for category A activities may carry out or supervise the tests provided for in the regulatory acts for which it has been designated, in the facilities of a*

**Amendment 1121**

**Andreas Schwab, Lara Comi**

**Proposal for a regulation**

**Annex XII – point 1 – introductory part**

*Text proposed by the Commission*

1. The number of units of one type of vehicle to be registered, sold or put into service annually in the Union shall not exceed, pursuant to Article 39, the figures shown in the following table for the vehicle category in question:

*Amendment*

1. The number of units of one type of vehicle to be registered, sold or put into service annually in the Union shall not exceed, pursuant to Article 39, the figures shown in the following table for the vehicle category in question:

***Category N2 – 1000***

*Justification*

*Because of the weight of their batteries, electric vehicles have a greater laden mass than conventional vehicles. This means that electric versions of vehicles with a permissible laden mass of 3.5 tonnes (Category N1 vehicles) which have the same carrying capacity as their conventional counterparts exceed this laden mass limit and are thus in Category N2. So that this does not give rise to unequal treatment, the small-series maximum number of units must be adjusted.*

**Amendment 1122**

**Ivan Štefanec, Roberta Metsola, Antonio López-Istúriz White**

**Proposal for a regulation**

**Annex XIII – part I – table**

*Text proposed by the Commission*

Item No	Item description	Performance requirement	Test procedure	Marking requirement	Packaging requirements
1	[...]				

2					
3					

*Amendment*

Item No	Item description	Performance requirement	Test procedure	Marking requirement	Packaging requirements
1	<b><i>Exhaust Gas catalysts and their substrates</i></b>	<b><i>NOx emissions</i></b>	<b><i>EURO standards</i></b>	<b><i>Vehicle Type and version</i></b>	
2	<b><i>Turbochargers</i></b>	<b><i>CO2 and NOx emissions</i></b>	<b><i>EURO standards</i></b>	<b><i>Vehicle Type and version</i></b>	
3	<b><i>Fuel/ Air mixture Compressor systems other than Turbochargers</i></b>	<b><i>CO2 and NOx emissions</i></b>	<b><i>EURO standards</i></b>	<b><i>Vehicle Type and version</i></b>	
4	<b><i>Diesel Particle Filters</i></b>	<b><i>PM</i></b>	<b><i>EURO standards</i></b>	<b><i>Vehicle Type and version</i></b>	

Or. en

#### **Amendment 1123**

**Marco Zullo, Eleonora Evi, Piernicola Pedicini**

#### **Proposal for a regulation**

#### **Annex XV**

*Text proposed by the Commission*

*Amendment*

***[...]***

***deleted***

Or. it

#### **Amendment 1124**

**Christel Schaldemose**

#### **Proposal for a regulation**

**Annex XVIII – point 2 – point 2.8 – point a (new)**

*Text proposed by the Commission*

*Amendment*

***a) The direct real time in-vehicle data stream shall continue to be made available free of charge through the***

*standardised, physical data connector as specified in UN Regulation No 83, Annex 11, Appendix 1, paragraph 6.5.1.4. and UN Regulation No 49, Annex 9B necessary for vehicle on-board diagnostics, repair and maintenance purposes and the development of multi-brand tools.*

*Independent operators shall request a certificate from an independent body that specifies the requirements for safe, secure and compatible communication with the vehicle in accordance with the vehicle manufacturer's guidelines.*

Or. en

#### *Justification*

*The explicit references to the currently existing standardised data link connector (for passenger cars and heavy duty vehicles) are missing in the Vehicle Type Approval Regulation. However, this connector is THE important lifeline for the communication with the vehicle, and it ensures innovation and choice in the aftermarket services. Therefore, it is essential that it will be maintained to ensure diagnostic, servicing, repair, maintenance, software updating functions and will continue to support the development of multi-brand tools. A robust reference should therefore be introduced. To ensure safety and security: Vehicle manufacturer guidelines provided to an independent body will allow continued safe, secure and direct access to be verified by using a digital certificate process. These certificates subsequently ensure the free of charge and direct access to the in-vehicle data for 3rd parties to develop and run their services.*

#### **Amendment 1125**

**Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

**Annex XVIII – point 2 – point 2.8 a (new)**

*Text proposed by the Commission*

*Amendment*

**2.8a. For the purpose of vehicle OBD, diagnostics, repair and maintenance, the direct vehicle data stream shall continue to be made available through the standardised, physical data link connector as specified in UN Regulation No 83, Annex XI, Appendix 1, para 6.5.1.4 and**

Or. en

**Amendment 1126**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Annex XVIII – point 2 – point 2.8 b (new)**

*Text proposed by the Commission*

*Amendment*

**2.8b. For the purpose of vehicle OBD, diagnostics, repair and maintenance, the direct vehicle data stream shall continue to be made available through the standardised, physical data link connector as specified in UN Regulation No 83, Annex XI, Appendix 1, para 6.5.1.4 and UN Regulation No 49, Annex 9B. This connector shall also comply with the requirements of ISO 13400-4 if it is used for diagnostics over internet protocol (DoIP) or high speed software updating.**

Or. en

**Amendment 1127**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Annex XVIII – point 6 – point 6.1 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

Information on all parts of the vehicle, with which the vehicle, as identified by the VIN and any additional criteria such as wheelbase, engine output, trim level or options, is equipped by the vehicle manufacturer and that can be replaced by spare parts offered by the vehicle manufacturer to its authorised repairers or

Information on all parts of the vehicle, with which the vehicle, as identified by the VIN and any additional criteria such as wheelbase, engine output, trim level or options, is equipped by the vehicle manufacturer and that can be replaced by spare parts offered by the vehicle manufacturer to its authorised repairers or

dealers or third parties by means of reference to original equipment (OE) parts number, shall be made available in a database that is easily accessible to independent operators.

dealers or third parties by means of reference to original equipment (OE) parts number, shall be made available in a database *as machine readable and as electronically processable datasets* that is easily accessible to independent operators.

Or. en

#### **Amendment 1128**

**Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Annex XVIII – point 6 – point 6.3**

##### *Text proposed by the Commission*

6.3. The Forum on Access to Vehicle Information referred to in Article 70 shall specify the parameters for fulfilling these requirements in accordance with the state of the art. The independent operator shall be approved and authorised for this purpose on the basis of documents demonstrating that he pursues a legitimate business activity and has not been convicted of any criminal activity.

##### *Amendment*

6.3. The Forum on Access to Vehicle Information referred to in Article 70 shall specify the parameters for fulfilling these requirements in accordance with the state of the art. The independent operator shall be approved and authorised for this purpose on the basis of documents demonstrating that he pursues a legitimate business activity and has not been convicted of any *relevant* criminal activity.

Or. en

#### **Amendment 1129**

**Pascal Durand**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Annex XVIII – point 6 – point 6.4**

##### *Text proposed by the Commission*

6.4. *With regard to vehicles falling in the scope of Regulation (EC) No 595/2009*, reprogramming of control units shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC

##### *Amendment*

6.4. Reprogramming of control units shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC *RP1210* using non-proprietary hardware.



***RP1210B*** using non-proprietary hardware. ***Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required.*** For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC ***RP1210B***, the manufacturer shall offer ***either*** a validation of independently developed VCIs ***or the*** information, ***and*** loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.

***If reprogramming or diagnostics is conducted using ISO 13400 DoIP, it shall comply with the requirements of the before-mentioned standards.***

***Where vehicle manufacturers use additional proprietary communication protocols, then these protocol specifications shall be made available to independent operators.***

For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC ***RP1210***, the manufacturer shall offer ***within six months of the granting of type approval***, a validation of independently developed VCIs ***and the test environment, including information on the specifications of the communication protocol and the*** loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and

hardware.

***Corresponding conformity compliance must be ensured either by mandating CEN to develop appropriate conformity standards or by using existing ones such as SAE J2534-3.***

***The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.***

Or. en

## **Amendment 1130**

**Marco Zullo, Eleonora Evi, Piernicola Pedicini**

### **Proposal for a regulation**

#### **Annex XVIII – point 6 – point 6.4**

*Text proposed by the Commission*

6.4. ***With regard to vehicles falling in the scope of Regulation (EC) No 595/2009***, reprogramming of control units shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC RP1210B using non-proprietary hardware. Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required. For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC RP1210B, the manufacturer shall offer ***either*** a validation of independently developed VCIs ***or the information, and*** loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. ***The conditions of Article 67(1) shall apply to fees for such***

*Amendment*

6.4. Reprogramming of control units shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC RP1210B using non-proprietary hardware. Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required. For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC RP1210B, the manufacturer shall offer, ***within six months of the granting of type approval***, a validation of independently developed VCIs ***and the test environment, including information on the specifications of the communication protocol and the*** loan of any special hardware, required for a VCI manufacturer to conduct such validation himself.

**Amendment 1131**

**Othmar Karas**

**Proposal for a regulation**

**Annex XVIII – point 6 – point 6.4**

*Text proposed by the Commission*

6.4. With regard to vehicles falling in the scope of Regulation (EC) No 595/2009, **reprogramming of control units** shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC RP1210B using non-proprietary hardware. Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required. For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC RP1210B, the manufacturer shall offer either a validation of independently developed VCIs or the information, and loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.

*Amendment*

6.4. With regard to vehicles falling in the scope of Regulation (EC) No 595/2009, **reprogramming of control units** shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC RP1210B using non-proprietary hardware. Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required. ***If vehicle manufacturers use additional specific communication protocols, independent operators must be given access to the relevant protocol specifications.*** For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC RP1210B, the manufacturer shall offer either a validation of independently developed VCIs or the information, and loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.

## *Justification*

*Vehicle manufacturers use high-speed protocols for software updates and diagnostics, which are not covered by the stipulations in the Annex. Contrary to Recital 37 and Article 65 of the Commission proposal, independent operators are not being given access to these protocols, thus making it more difficult for them to do repair and maintenance work. Provision should therefore be made to ensure that additional specific communication protocols do not impede any repair and maintenance work done by independent operators.*

### **Amendment 1132**

**Christel Schaldemose**

#### **Proposal for a regulation**

#### **Annex XVIII – point 6 – point 6.4**

##### *Text proposed by the Commission*

6.4. With regard to vehicles falling in the scope of Regulation (EC) No 595/2009, reprogramming of control units shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC RP1210B using non-proprietary hardware. Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required. For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC RP1210B, the manufacturer shall offer *either* a validation of independently developed VCIs *or the* information, and loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.

##### *Amendment*

6.4. With regard to vehicles falling in the scope of Regulation (EC) No 595/2009, reprogramming of control units shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC RP1210B using non-proprietary hardware. Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required.

For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces

(VCI) complying to ISO 22900-2 or SAE J2534 or TMC RP1210B, the manufacturer shall offer a validation of independently developed VCIs **and the test environment, including information on the specification of the communication protocol** and loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.

Or. en

### *Justification*

*Validation is needed to make sure that the independent test tool is able to accurately communicate with the vehicle using standardised communication protocols. These are subject to OEM-specific interpretation (“dialects”) today and additionally, vehicle manufacturers often simply do not respond to validation requests, impose dissuasive fees, or do not make test procedures available. It is therefore necessary to have a more robust ‘testing environment’ that includes conformity compliance to ensure that the VCI communication standards are implemented correctly.*

## **Amendment 1133**

**Othmar Karas**

### **Proposal for a regulation**

#### **Annex XVIII – point 6 – point 6.4**

##### *Text proposed by the Commission*

6.4. With regard to vehicles falling in the scope of Regulation (EC) No 595/2009, reprogramming of control units shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC RP1210B using non-proprietary hardware. Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required. For the

##### *Amendment*

6.4. With regard to vehicles falling in the scope of Regulation (EC) No 595/2009, reprogramming of control units shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC RP1210B using non-proprietary hardware. Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required. For the

validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC RP1210B, the manufacturer shall offer *either* a validation of independently developed VCIs *or* the information, and loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.

validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC RP1210B, the manufacturer shall, ***within six months of receiving type approval***, offer a validation of independently developed VCIs ***and the relevant test requirements, including the information about communication protocol specifications***, and ***the*** loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.

Or. de

#### *Justification*

*Validation is necessary in order to ensure that independent monitoring tools can communicate with the vehicle using standardised communication protocols. OEMs have specific interpretations of communication protocols. In many cases, vehicle manufacturers do not respond to inquiries about validation, demand fees or render test procedures inaccessible. Robust testing requirements, including proof of conformity, are therefore necessary to ensure the proper implementation of vehicle communication standards.*

#### **Amendment 1134** **Othmar Karas**

#### **Proposal for a regulation** **Annex XVIII – point 6 – point 6.4**

##### *Text proposed by the Commission*

6.4. With regard to vehicles falling in the scope of Regulation (EC) No 595/2009, ***reprogramming of control units*** shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC RP1210B using non-proprietary hardware. Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation

##### *Amendment*

6.4. With regard to vehicles falling in the scope of Regulation (EC) No 595/2009, ***control unit reprogramming and diagnostics*** shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC RP1210B using non-proprietary hardware. Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems

systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required. For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC RP1210B, the manufacturer shall offer either a validation of independently developed VCIs or the information, and loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.

(e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required. For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC RP1210B, the manufacturer shall offer either a validation of independently developed VCIs or the information, and loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.

Or. de

**Amendment 1135**  
**Daniel Dalton**

**Proposal for a regulation**  
**Annex XVIII – point 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Provisions for electronic system security and additional approved vehicle accessories**

***Any vehicle with an emission control computer, or a vehicle which is electrically propelled, shall include features to deter modification, except as authorised by the manufacturer. The manufacturer shall authorise modifications if these modifications are performed by independent operators who have been approved and authorised using the scheme for access to secure repair and maintenance information for the diagnosis, servicing, inspection, roadworthiness, retrofitting, fitting of additional approved vehicle accessories (type-approved software components or technical units), performance improvements in accordance with***

*approval legislation or repair of the vehicle without any subsequent overwriting or modifying by the vehicle manufacturer. Any reprogrammable computer codes or operating parameters shall be resistant to tampering and afford a level of protection at least as good as the provisions in ISO 15031-7 (March 15, 2001). Any removable calibration memory chips shall be potted, encased in a sealed container or protected by electronic algorithms and shall not be changeable without the use of specialized tools and procedures. Only features directly associated with emissions calibration or prevention of vehicle theft may be so protected.*

Or. en

#### *Justification*

*Currently Euro 5/6 RMI Regulation N°692/2008 (amended by Regulation N°566/2011) covers provisions for electronic system security in its Annex I, point 2.3.1. However, the provisions for electronic system security have been omitted in the consolidation exercise when transposing all RMI provisions into the draft type-approval vehicle framework Regulation COM(2016)31. This needs to be reinstated to ensure that the original intent is maintained. Additionally, some improvements of these provisions should be done to allow independent operators to fit approved vehicles accessories such as tow bars. Independent operators frequently fit these vehicles approved accessories, such as a tow bar, which include legitimate changes to a vehicle's software, but these changes are then overwritten or modified when a vehicle manufacturer conducts further software updates to the vehicle.*

**Amendment 1136**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Annex XVIII – point 7 – point 7.2**

*Text proposed by the Commission*

*Amendment*

**7.2. Where the vehicle OBD and vehicle repair and maintenance information is not available, or does not conform to the requirements of this Annex, the manufacturer shall provide that information within six months of the**

**deleted**



*date of the type-approval.*

Or. en

**Amendment 1137**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Annex XVIII – point 7 – point 7.3**

*Text proposed by the Commission*

*Amendment*

**7.3. The obligation to provide information within the dates referred to in point 7.2. shall apply only if, following the type-approval, the vehicle is placed on the market.**

**deleted**

**Where the vehicle is placed on the market more than six months after the type-approval has been granted the information shall be provided on the date on which the vehicle is placed on the market.**

Or. en

**Amendment 1138**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Annex XVIII – point 7 – point 7.4 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

On the basis of a completed Certificate on Access to Vehicle OBD and Vehicle Repair and Maintenance Information, the approval authority may presume that the manufacturer has put in place satisfactory arrangements and procedures with regard to access to vehicle OBD and vehicle repair and maintenance information, provided that no complaint has been made **and that the manufacturer provides that certificate within the periods referred to in**

On the basis of a completed Certificate on Access to Vehicle OBD and Vehicle Repair and Maintenance Information, the approval authority may presume that the manufacturer has put in place satisfactory arrangements and procedures with regard to access to vehicle OBD and vehicle repair and maintenance information, provided that no complaint has been made.

*point 7.2.*

Or. en

**Amendment 1139**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Annex XVIII – point 7 – point 7.4 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

*If that certificate of compliance is not provided within that period, the approval authority shall take appropriate measures to ensure compliance.*

*deleted*

Or. en

**Amendment 1140**  
**Daniel Dalton**

**Proposal for a regulation**  
**Annex XVIII – point 7 – point 7.4 a (new)**

*Text proposed by the Commission*

*Amendment*

**7.4a. Manufacturers shall make available via a web service or as a download an electronic data set containing all VIN numbers and the correlated individual specification and configuration features of the corresponding vehicle.**

Or. en

**Amendment 1141**  
**Pascal Durand**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Annex XVIII – point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. Vehicle manufacturers shall make available via a web service or as a download an electronic data set comprising all VIN numbers (or a requested sub-set) and the correlated individual specification and configuration features which were originally built into the vehicle**

Or. en

**Amendment 1142**

**Pascal Durand**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Annex XX – title**

*Text proposed by the Commission*

*Amendment*

**Technical information to enable complete roadworthiness test methods to be fulfilled**

Or. en