



2016/0014(COD)

20.9.2016

AMENDMENTS 402 - 542

Draft opinion

Karima Delli

(PE587.469v01-00)

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))

Proposal for a regulation
Article 71 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Member States may assign the assessment and monitoring of these technical services of subcontractors or subsidiaries of those technical services, to a national accreditation body.

Or. en

Proposal for a regulation
Article 71 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Its activity may be suspended, temporarily or otherwise, by the European Agency in the event of serious failure to fulfil its responsibilities.

Or. fr

Justification

In accordance with the procedure referred to in Article 9(5.2).

Amendment 404

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** 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 405

Dominique Riquet

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 **European 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. fr

Amendment 406

Evžen Tošenovský, Tomasz Piotr Poręba

Proposal for a regulation

Article 71 – paragraph 8

Text proposed by the Commission

8. **The type-approval authority shall**

Amendment

deleted

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

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 407

Andor Deli

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 type-approval authority.*

Or. hu

Amendment 408

Dominique Riquet

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.

reviewed by *the European Agency* every two years.

Or. fr

Amendment 409
Merja Kyllönen

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

Or. en

Amendment 410
Jens Nilsson

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 411
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

Amendment

The type-approval authority shall be peer-reviewed by two type-approval authorities

of other Member States *every two years*.

of other Member States.

Or. en

Amendment 412
Jens Nilsson

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 plan for the peer-review, ensuring an appropriate rotation in respect of reviewing and reviewed type-approval authorities, and submit it to the Commission. *The recurrence of the peer review as well as the composition of the personnel reviewing the type-approval authority may vary depending on the type approvals of vehicle categories or systems, components and separate technical units carried out by the type-approval authority in the individual Member State.*

Or. en

Amendment 413
Dominique Riquet

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 *European Agency* shall draw up *its* annual *review* plan for type-approval authorities and *shall forward* it to the *Member States*.

Or. fr

Amendment 414

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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

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 *European authority*.

Or. en

Amendment 415

Merja Kyllönen

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 plan for the *auditing*, ensuring an appropriate rotation in respect of reviewing and reviewed type-approval authorities, and submit it to the Commission.

Or. en

Amendment 416

Georges Bach

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 2

Text proposed by the Commission

The *Member States* shall draw up *the*

Amendment

The *Forum established in Article 10* shall

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.*

draw up *a working* plan for the peer-review, ensuring an appropriate rotation in respect of reviewing and reviewed type-approval authorities.

Or. en

Amendment 417
Merja Kyllönen

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

Or. en

Amendment 418
Dominique Riquet

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

Or. fr

Amendment 419

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 peer-review shall include an on-site visit to a technical service under the responsibility of the reviewed authority. The *European authority can* participate in the review.

Or. en

Amendment 420

Georges Bach

Proposal for a regulation

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

Text proposed by the Commission

Amendment

Type-approval authorities which are accredited in accordance with EN ISO standards shall not undergo a peer-review as provided for in this paragraph.

Or. en

Justification

A peer-review suggests that competitors judge each other and does not account for additional problems such as lack of human and financial resources to ensure an audit. An accreditation in accordance with the International Organization for Standardization ensures an impartial audit as it provides the expertise and the human resources for professional auditing.

Amendment 421

Evžen Tošenovský, Tomasz Piotr Poręba

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 422

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose

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.

9. The outcome of the peer-review shall be communicated to all Member States and to the **European authority** 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 **European authority** and issue recommendations.

Or. en

Amendment 423
Dominique Riquet

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 *review by the European Agency* shall be communicated to all Member States 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 *European Agency* and issue recommendations.

Or. fr

Amendment 424
Merja Kyllönen

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

Or. en

Amendment 425
Evžen Tošenovský, Tomasz Piotr Poręba

Proposal for a regulation
Article 71 – paragraph 10

Text proposed by the Commission

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

Amendment

deleted

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

Or. en

Amendment 426
Dominique Riquet

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 *European Agency* and the other Member States on how it has addressed the recommendations in the *European Agency's review* report.

Or. fr

Amendment 427
Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose

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

Or. en

Amendment 428
Dominique Riquet

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

Or. fr

Amendment 429
Merja Kyllönen

Proposal for a regulation
Article 71 – paragraph 10

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 430
Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose

Proposal for a regulation
Article 72 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 431

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose, Miriam Dalli

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 432

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose, Miriam Dalli

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.*

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

Or. en

Amendment 433

Merja Kyllönen

Proposal for a regulation

Article 72 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 434

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Lucy Anderson, Christel Schaldemose, Miriam Dalli

Proposal for a regulation

Article 73 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 435

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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-

Amendment

1. 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,

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.

systems, components or separate technical units that it assesses.

Or. en

Amendment 436

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose

Proposal for a regulation Article 76 – paragraph 2

Text proposed by the Commission

Amendment

2. An in-house technical service shall comply with the following requirements: **deleted**

(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.

Or. en

Amendment 437

Merja Kyllönen

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 438

Merja Kyllönen

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 Commission *as set in the* Article 78.

Or. en

Amendment 439

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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*

3. An in-house technical service does not need to be notified to the *European*

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.

authority for the purposes of Article 78, but information 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.

Or. en

Amendment 440
Dominique Riquet

Proposal for a regulation
Article 76 – paragraph 4

Text proposed by the Commission

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex XV to take account of technical and regulatory developments by updating the list of regulatory acts and restrictions contained therein.

Amendment

4. The Commission shall, ***on the recommendation of the European Agency,*** 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. fr

Amendment 441
Evžen Tošenovský, Tomasz Piotr Poręba

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

Amendment

deleted

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 442
Dominique Riquet

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

The European Agency shall, in coordination with the type-approval authority of the Member State in which the applicant technical service is established, 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. fr

Amendment 443
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 States shall, in coordination with the **Joint Research Center**, 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. en

Amendment 444

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 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 **European authority**, 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 445

Evžen Tošenovský, Tomasz Piotr Poręba

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 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.

deleted

Or. en

Amendment 446

Dominique Riquet

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 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.

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 European Agency with a view to finding common agreement with respect to the assessment of the application.

Or. fr

Amendment 447

Evžen Tošenovský, Tomasz Piotr Poręba

Proposal for a regulation

Article 77 – paragraph 3

Text proposed by the Commission

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 Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V of this Regulation.

Amendment

3. The **approval authority** 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 Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V of this Regulation.

Or. en

Amendment 448

Evžen Tošenovský, Tomasz Piotr Poręba

Proposal for a regulation

Article 77 – paragraph 4

Text proposed by the Commission

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.

Amendment

4. This report shall contain a summary of identified non-compliances together with a recommendation whether the applicant could be designated as technical service.

Or. en

Amendment 449

Maria Grapini

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. en

Amendment 450

Evžen Tošenovský, Tomasz Piotr Poręba

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. en

Amendment 451

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose

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

Or. en

Amendment 452
Dominique Riquet

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 **European Agency** the names of the representatives of the type-approval authority to call upon for each joint assessment.

Or. fr

Amendment 453
Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** 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 454
Dominique Riquet

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 **European 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. fr

Amendment 455

Maria Grapini

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

deleted

Or. en

Amendment 456

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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

Amendment

8. The type-approval authorities of the other Member States and the European

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..

authority 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 457
Dominique Riquet

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 **European 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. fr

Amendment 458
Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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

Amendment

10. The type-approval authorities of the other Member States or the **European authority** 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

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.

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 **European authority**, it shall give the reasons therefor within two weeks after taking its decision.

Or. en

Amendment 459
Dominique Riquet

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 **European 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 **European Agency**, it shall give the reasons therefor within two weeks after taking its decision.

Or. fr

Amendment 460
Christine Revault D'Allonnes Bonnefoy

Proposal for a regulation
Article 78 – title

Text proposed by the Commission

Amendment

Notification to the **Commission** concerning technical services

Notification to the **European authority** concerning technical services

Or. en

Amendment 461
Dominique Riquet

Proposal for a regulation
Article 78 – title

Text proposed by the Commission

Amendment

Notification to the **Commission** concerning technical services

Notification to the **European Agency** concerning technical services

Or. fr

Amendment 462
Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose

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

Text proposed by the Commission

Amendment

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.

Member States shall notify to the **European authority** 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 463
Dominique Riquet

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 **European 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. fr

Amendment 464
Dominique Riquet

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. *Those implementing acts shall be*

Amendment

Within 28 days of a notification, a Member State or the **European 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 **European Agency** raises objections, the effect of the notification shall be suspended. In this case, the **European Agency** shall consult the parties involved and shall decide whether the suspension of the notification can be lifted or not.

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

Or. fr

Amendment 465

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** 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 **European authority** 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).

Or. en

Amendment 466

Dominique Riquet

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

Amendment

Where no objection is raised or where the **European Agency** is of the opinion that the notification may be accepted fully or partially, the **European Agency** shall

notification in accordance with paragraph 5.

publish the notification in accordance with paragraph 5.

Or. fr

Amendment 467
Dominique Riquet

Proposal for a regulation
Article 78 – paragraph 5

Text proposed by the Commission

5. The **Commission** 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.

Amendment

5. The **European 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.

Or. fr

Amendment 468
Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** and the other Member States of any suspension, restriction or withdrawal of a notification.

Or. en

Amendment 469
Dominique Riquet

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 **European Agency** and the other Member States of any suspension, restriction or withdrawal of a notification.

Or. fr

Amendment 470

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** shall update the information published referred to in Article 78(4) accordingly.

Or. en

Amendment 471

Dominique Riquet

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

Or. fr

Amendment 472

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** 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 473

Dominique Riquet

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 **European 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. fr

Amendment 474

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** 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 475
Dominique Riquet

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-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.

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 **European 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. fr

Amendment 476
Pavel Svoboda

Proposal for a regulation
Article 79 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

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:*

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.

Or. en

Amendment 477

Pavel Svoboda

Proposal for a regulation

Article 79 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

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 Commission that it is assuming the functions of the technical service during the period of suspension;

deleted

Or. en

Amendment 478

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose

Proposal for a regulation

Article 79 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

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-

(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;

approval certificate confirms in writing to the type-approval authorities of the other Member States and the *European authority* that it is assuming the functions of the technical service during the period of suspension;

Or. en

Amendment 479

Pavel Svoboda

Proposal for a regulation

Article 79 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(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.

deleted

Or. en

Amendment 480

Pavel Svoboda

Proposal for a regulation

Article 79 – paragraph 4 – subparagraph 2

Text proposed by the Commission

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.

deleted

Amendment 481

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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-approval authorities, the other technical services and the *Commission* thereof.

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 *European authority* thereof.

Or. en

Amendment 482

Dominique Riquet

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

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 *European Agency* thereof.

Or. fr

Amendment 483

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** in relation to the conformity assessments they have carried out.

Or. en

Amendment 484
Dominique Riquet

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 **European Agency** in relation to the conformity assessments they have carried out.

Or. fr

Amendment 485
Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** thereof.

Or. en

Amendment 486
Dominique Riquet

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 **European Agency** thereof.

Or. fr

Amendment 487
Dominique Riquet

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 **European Agency** shall consult without delay the Member States. On the basis of that evaluation, the **European Agency** shall decide, by means of an implementing act whether the legitimate reason is considered justified or not.

Or. fr

Amendment 488
Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose

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

Text proposed by the Commission

The **Commission** shall consult without

Amendment

The **European authority** shall consult

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).

without delay the Member States. On the basis of that evaluation, the **European authority** 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 489

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose

Proposal for a regulation

Article 80 – paragraph 3 – subparagraph 4

Text proposed by the Commission

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.

Amendment

The technical service or the type-approval authority may request that any information transmitted to the authorities of another Member State, **to the Commission** or to the **European authority** shall be treated confidentially.

Or. en

Amendment 490

Dominique Riquet

Proposal for a regulation

Article 80 – paragraph 3 – subparagraph 4

Text proposed by the Commission

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.

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 **European Agency** shall be treated confidentially.

Or. fr

Amendment 491
Andor Deli

Proposal for a regulation
Article 80 – paragraph 4 – 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 States on those monitoring activities. The reports shall contain a summary of the assessment which shall be made publicly available.

Amendment

Within two months after 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 492
Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose

Proposal for a regulation
Article 80 – paragraph 4 – 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 States on those monitoring activities. The reports shall contain a summary of the assessment which shall be made publicly available.

Amendment

Within two months after finalising this assessment of the technical service, the Member States shall report to the ***European authority*** and to the other Member States on those monitoring activities. The reports shall contain a summary of the assessment which shall be made publicly available.

Or. en

Amendment 493
Dominique Riquet

Proposal for a regulation
Article 80 – paragraph 4 – 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 States on those monitoring activities. The reports shall contain a summary of the assessment which shall be made publicly available.

Amendment

Within two months after finalising this assessment of the technical service, the Member States shall report to the **European Agency** and to the other Member States on those monitoring activities. The reports shall contain a summary of the assessment which shall be made publicly available.

Or. fr

Amendment 494

Merja Kyllönen

Proposal for a regulation

Article 80 – paragraph 4 – 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 States on those monitoring activities. The reports shall contain a summary of the assessment which shall be made publicly available.

Amendment

Within two months after 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. The reports shall contain a **full** summary of the assessment which shall be made publicly available.

Or. en

Amendment 495

Andor Deli

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

Amendment

The Commission, ***working in conjunction with the type-approval authority of the Member State concerned***, shall investigate all cases where concerns have been

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.

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. hu

Amendment 496

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** 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 497

Dominique Riquet

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

Amendment

The **European 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.

also commence such investigations on its own initiative.

Or. fr

Amendment 498

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** 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 499

Dominique Riquet

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 **European 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,.

Amendment 500

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** 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 **European authority**, 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 501

Dominique Riquet

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 **European 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 **European 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.

Amendment 502

Andor Deli

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 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 503

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 Commission **and the European authority** shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

Or. en

Amendment 504

Dominique Riquet

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

Or. fr

Amendment 505

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** 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 506

Dominique Riquet

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

Amendment

Where the **European 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.

State of the type-approval authority
thereof.

Or. fr

Amendment 507

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 necessary.

Amendment

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

Or. en

Amendment 508

Dominique Riquet

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

Or. fr

Amendment 509

Dominique Riquet

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 **European Agency may** suspend, restrict or withdraw the designation of the technical service concerned. The **European Agency** shall notify the Member State concerned of its decision and shall update the information published referred to in Article 78(4) accordingly.

Or. fr

Amendment 510

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** 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 511

Dominique Riquet

**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 **European 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. fr

Amendment 512
Dominique Riquet

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 **European 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 **European Agency** has adopted a harmonised assessment check-list.

Or. fr

Amendment 513
Dominique Riquet

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 exchange of information.

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 *European Agency* may request an exchange of information.

Or. fr

Amendment 514

Maria Grapini

Proposal for a regulation

Article 86

Text proposed by the Commission

Article 86

National fees for costs relating to the activities exercised by the type-approval authorities

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.

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 the national accreditation body as referred to in Article 83 and to technical services that are small and medium-sized

Amendment

deleted

enterprises as defined in Commission Recommendation 2003/361/EC²⁹. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

²⁹ *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 515

Wim van de Camp, Deirdre Clune

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 516

Werner Kuhn, Dieter-Lebrecht Koch, Markus Ferber

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 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. de

Amendment 517
Dominique Riquet

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 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 76(4) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Or. fr

Justification

The powers of the European Agency mean that the delegated acts referred to in Articles 10(3) and 90(2) are no longer necessary.

Amendment 518
Wim van de Camp, Deirdre Clune, Ivo Belet

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 519
Dominique Riquet

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 on the day following publication 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 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 76(4)** 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 on the day following publication 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.

Justification

The powers of the European Agency mean that the delegated acts referred to in Articles 10(3) and 90(2) are no longer necessary.

Amendment 520

Werner Kuhn, Dieter-Lebrecht Koch, Markus Ferber

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 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 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 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. de

Amendment 521

Dominique Riquet

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),

Amendment

5. A delegated act adopted pursuant to Article 4(2), Article 5(2), Article 22(3), Article 24(3), Article 25(5), Article 26(2),

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.

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 76(4) 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. fr

Justification

The powers of the European Agency mean that the delegated acts referred to in Articles 10(3) and 90(2) are no longer necessary.

Amendment 522

Werner Kuhn, Dieter-Lebrecht Koch, Markus Ferber

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

Amendment

5. A delegated act adopted pursuant to Article 4(2), Article 5(2), **Article 8(10)**, 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

extended by two months at the initiative of the European Parliament or of the Council.

period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. de

Amendment 523

Wim van de Camp, Deirdre Clune, Ivo Belet

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 524

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose

Proposal for a regulation

Article 89 – paragraph 4

Text proposed by the Commission

4. Member States shall notify the provisions implementing paragraphs 1 to 3 to the Commission by dd/mm/yyyy [PO: please insert the date 12 months after entry into force of this Regulation.] and shall notify the Commission without delay of any subsequent amendment affecting those provisions.

Amendment

4. Member States shall notify the provisions implementing paragraphs 1 to 3 to the Commission ***and the European authority*** by dd/mm/yyyy [PO: please insert the date 12 months after entry into force of this Regulation.] and shall notify the Commission ***and the European authority*** without delay of any subsequent amendment affecting those provisions.

Amendment 525
Dominique Riquet

Proposal for a regulation
Article 89 – paragraph 4

Text proposed by the Commission

4. Member States shall notify the provisions implementing paragraphs 1 to 3 to the **Commission** by dd/mm/yyyy [PO: please insert the date 12 months after entry into force of this Regulation.] and shall notify the **Commission** without delay of any subsequent amendment affecting those provisions.

Amendment

4. Member States shall notify the provisions implementing paragraphs 1 to 3 to the **European Agency** by dd/mm/yyyy [PO: please insert the date 12 months after entry into force of this Regulation.] and shall notify the **European Agency** without delay of any subsequent amendment affecting those provisions.

Or. fr

Amendment 526
Dominique Riquet

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 **European Agency** every year on the penalties they have imposed.

Or. fr

Amendment 527
Marie-Christine Arnautu

Proposal for a regulation
Article 90 – paragraph 1

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.

deleted

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.

Or. fr

Amendment 528

Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose

Proposal for a regulation

Article 90 – paragraph 1 – subparagraph 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

Where the compliance verification by the **European authority** 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 **European authority** 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.

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 529
Dominique Riquet

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 **European Agency** 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 **European 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.

Or. fr

Amendment 530
Christine Revault D'Allonnes Bonnefoy, Francisco Assis, 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 **European authority** should 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 531

Dominique Riquet

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 **European 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. fr

Amendment 532

Wim van de Camp, Deirdre Clune, Ivo Belet

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

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 **and** shall not exceed EUR 30 000 per non-compliant vehicle, system, component or separate technical unit.

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

As some member states have fines as low as 1000 euro for not fulfilling the type approval requirements, the administrative fines of the Commission should be added on top of them. Nevertheless, they should be limited to 30 000 euro per non-compliant vehicle, system, component or separate unit.

Amendment 533 **Dominique Riquet**

Proposal for a regulation **Article 90 – paragraph 2**

Text proposed by the Commission

Amendment

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.

deleted

Or. fr

Amendment 534 **Marie-Christine Arnautu**

Proposal for a regulation **Article 90 – paragraph 2**

Text proposed by the Commission

Amendment

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

deleted

paragraph 1.

Or. fr

Amendment 535
Marie-Christine Arnautu

Proposal for a regulation
Article 90 – paragraph 3

Text proposed by the Commission

Amendment

3. The amounts of administrative fines shall be considered as revenue for the general budget of the European Union.

deleted

Or. fr

Amendment 536
Merja Kyllönen

Proposal for a regulation
Article 91 – paragraph 1 – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) in Article 5, the following paragraph is added after point 2(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 537
Merja Kyllönen

Proposal for a regulation
Article 93 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) New Annex "XX" shall be incorporated that details the process for the evaluation of potential defeat devices. This shall specifically include, among other things, guidelines for applying the exceptions to the defeat device prohibition in Article 5(2) of Regulation (EC) 715/2007. It shall also include a range of temperatures, altitudes and other BES or AES parameters within which the triggering condition of a BES or AES "may reasonably be expected to be encountered in normal vehicle operation and use." Any such guidelines shall be based on best available technology.

Or. en

Amendment 538
Christine Revault D'Allonnes Bonnefoy, Francisco Assis, Christel Schaldemose

Proposal for a regulation
Article 97 – paragraph 1

Text proposed by the Commission

Amendment

1. By 31 December 20xx [PO: please insert the year, which should be the year of application as mentioned in Article 98 + 5

1. By 31 December 20xx [PO: please insert the year, which should be the year of application as mentioned in Article 98 + 5

years]Member States shall inform the Commission of the application of the type-approval and market surveillance procedures laid down in this Regulation.

years]Member States shall inform the Commission **and the European authority** of the application of the type-approval and market surveillance procedures laid down in this Regulation.

Or. en

Amendment 539
Dominique Riquet

Proposal for a regulation
Article 97 – paragraph 1

By 31 December 20xx [PO: please insert the year, which should be the year of application as mentioned in Article 98 + 5 years]Member States shall inform the **Commission** of the application of the type-approval and market surveillance procedures laid down in this Regulation.

1. By 31 December 20xx [PO: please insert the year, which should be the year of application as mentioned in Article 98 + 5 years]Member States shall inform the **European Agency** of the application of the type-approval and market surveillance procedures laid down in this Regulation.

Or. fr

Amendment 540
Dominique Riquet

Proposal for a regulation
Article 97 – paragraph 2

Text proposed by the Commission

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

Amendment

2. On the basis of the information supplied under paragraph 1, the **European Agency** 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].

year].

Or. fr

Amendment 541
Pavel Svoboda

Proposal for a regulation
Annex V – appendix 1 – point 1.1

Text proposed by the Commission

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 manufacturer or of *its representative*.

Amendment

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 manufacturer or of *a designated entity*.

Or. en

Amendment 542
Bogusław Liberadzki

Proposal for a regulation
Annex XVIII – point 6 – point 6.1 – paragraph 3

Text proposed by the Commission

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

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 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*

independent operators.

electronically processable datasets to
independent operators.

Or. en