



2016/0014(COD)

14.9.2016

*****I**

DRAFT REPORT

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

(COM(2016)0031 – C8-0015/2016 – 2016/0014(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Daniel Dalton

Symbols for procedures

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

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

Amendments to a draft act

Amendments by Parliament set out in two columns

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

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

Amendments by Parliament in the form of a consolidated text

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

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

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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 (COM(2016)0031 – C8-0015/2016 – 2016/0014(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0031),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0015/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 25 May 2016¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection, and the opinions of the Committee on Environment, Public Health and Food Safety and the Committee on Transport and Tourism (A8-0000/2016),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

Amendment 1

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In addition, recent problems encountered with the implementation of the type-approval framework have revealed particular weaknesses and demonstrate the need for **a fundamental revision** to ensure **a** robust, transparent, predictable and sustainable **regulatory framework that** provides a high level of safety and of health and environmental protection.

Amendment

(5) In addition, recent problems encountered with the implementation of the type-approval framework have revealed particular weaknesses and demonstrate the need for **further strengthening of that regulatory framework** to ensure **that it is** robust, transparent, predictable and sustainable **and** provides a high level of safety and of health and environmental protection.

Or. en

Amendment 2

Proposal for a regulation

Recital 11

Text proposed by the Commission

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

Amendment

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

Amendment 3**Proposal for a regulation****Recital 14**

Text proposed by the Commission

Amendment

(14) *The Member States should levy fees for the designation and monitoring of technical services to ensure sustainability of the monitoring of those technical services by Member States and to establish a level playing field for technical services. In order to ensure transparency, the Member States should inform the Commission and the other Member States before they adopt the level and structure of the fees.*

(14) *deleted*

Or. en

Amendment 4**Proposal for a regulation****Recital 17**

Text proposed by the Commission

Amendment

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

(17) *deleted*

inspections.

Or. en

Amendment 5

Proposal for a regulation Recital 25

Text proposed by the Commission

Amendment

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

(25) *deleted*

Or. en

Amendment 6

Proposal for a regulation Recital 42

Text proposed by the Commission

Amendment

(42) ***In order to properly implement the compliance verification by the Commission and to ensure a level playing field for economic operators and national authorities, the Commission should be competent to impose harmonized administrative fines upon the economic operators found to have infringed upon this regulation regardless of where the vehicle, system, component or separate technical unit was originally type-approved.***

(42) ***deleted***

Or. en

Amendment 7

Proposal for a regulation Article 2 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) ***vehicles that are used on tracks.***

(c) ***tracked vehicles.***

Or. en

Amendment 8

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

Text proposed by the Commission

Amendment

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

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

requirements of this Regulation:

of this Regulation:

Or. en

Amendment 9

Proposal for a regulation Article 3 – introductory part

Text proposed by the Commission

For the purposes of this Regulation, the following definitions shall apply:

Amendment

For the purposes of this Regulation ***and the regulatory acts of the EU listed in Annex IV, save as otherwise provided therein***, the following definitions shall apply:

Or. en

Amendment 10

Proposal for a regulation Article 3 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘component’ means a device that is intended to be part of a vehicle ***and that may be*** type-approved independently of that vehicle and that is subject to the requirements of this Regulation or any of ***the*** regulatory acts listed in Annex IV;

Amendment

(5) ‘component’ means a device that is intended to be part of a vehicle and that may be type-approved independently of that vehicle and that is subject to the requirements of this Regulation or any of the regulatory acts listed in Annex IV ***where the regulatory act makes express provisions for so doing***;

Or. en

Amendment 11

Proposal for a regulation Article 3 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘separate technical unit’ means a device intended to be part of a vehicle that may be type-approved separately, but only in relation to one or more specified types of vehicle and that is subject to the requirements of this Regulation or any of the regulatory acts listed in Annex IV;

Amendment

(6) ‘separate technical unit’ means a device intended to be part of a vehicle that may be type-approved separately, but only in relation to one or more specified types of vehicle and that is subject to the requirements of this Regulation or any of the regulatory acts listed in Annex IV ***where the regulatory act makes express provisions for so doing***;

Or. en

Amendment 12

Proposal for a regulation

Article 3 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘equipment’ means goods other than parts that can be added to or installed on a vehicle;

Amendment

(8) ‘equipment’ means goods, other than parts that can be added to or installed on a vehicle, ***listed in Annex XIII***;

Or. en

Amendment 13

Proposal for a regulation

Article 3 – paragraph 1 – point 32

Text proposed by the Commission

(32) ‘mixed type-approval’ means a step-by-step type-approval for which one or more system type-approvals have been obtained during the final stage of the ***approval of the whole vehicle***, without the need to issue the EU type-approval certificates for those systems;

Amendment

(32) ‘mixed type-approval’ means a step-by-step type-approval for which one or more system type-approvals have been obtained during the final stage of the ***whole-vehicle type-approval***, without the need to issue the EU type-approval certificates for those systems;

Or. en

Amendment 14

Proposal for a regulation

Article 3 – paragraph 1 – point 35

Text proposed by the Commission

(35) ‘type of vehicle’ means a particular **category** of vehicles that shares at least the essential criteria specified in Part B of Annex II, and that may contain variants and versions as referred thereto;

Amendment

(35) ‘type of vehicle’ means a particular **group** of vehicles that shares at least the essential criteria specified in Part B of Annex II, and that may contain variants and versions as referred thereto;

Or. en

Amendment 15

Proposal for a regulation

Article 3 – paragraph 1 – point 37

Text proposed by the Commission

(37) ‘base vehicle’ means any vehicle that is used at the initial stage of a multi-stage type-approval;

Amendment

(37) ‘base vehicle’ means any vehicle that is used at the initial stage of a multi-stage type-approval **irrespective of whether it is a motor vehicle**;

Or. en

Amendment 16

Proposal for a regulation

Article 3 – paragraph 1 – point 42

Text proposed by the Commission

(42) ‘individual vehicle approval’ means the procedure whereby an approval authority certifies that a particular vehicle, whether unique or not, satisfies the relevant administrative provisions and technical requirements for EU individual vehicle approval **and** national individual vehicle

Amendment

(42) ‘individual vehicle approval’ means the procedure whereby an approval authority certifies that a particular vehicle, whether unique or not, satisfies the relevant administrative provisions and technical requirements for EU individual vehicle approval **or** national individual vehicle

approval;

approval;

Or. en

Amendment 17

Proposal for a regulation

Article 3 – paragraph 1 – point 55

Text proposed by the Commission

(55) ‘on-site assessment’ means a verification *by the type-approval authority* in the premises of the technical service or of one of its subcontractors or subsidiaries;

Amendment

(55) ‘on-site assessment’ means a verification in the premises of the technical service or of one of its subcontractors or subsidiaries;

Or. en

Amendment 18

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex II concerning the *catégorisation of vehicle sub-categories*, types of vehicle and types of bodywork in order to adapt it to technical progress.

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 88 to amend Annex II concerning the types of vehicle and types of bodywork in order to adapt it to technical progress.

Or. en

Amendment 19

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. A Member State where more than

one approval authority is responsible for vehicle type-approval including individual vehicle type-approval, shall designate a unique type approval authority responsible for the exchange of information with the approval authorities of the other Member States and for the fulfilment of the obligations laid down in Chapter XV.

Or. en

Amendment 20

Proposal for a regulation Article 6 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 21

Proposal for a regulation Article 6 – paragraph 6

Text proposed by the Commission

6. The Member States shall periodically review and assess the functioning of their type-approval activities. Such reviews and assessments shall be carried out at least every *four* years and the results thereof shall be communicated to the other Member States

Amendment

6. The Member States shall periodically review and assess the functioning of their type-approval activities. Such reviews and assessments shall be carried out at least every *three* years and the results thereof shall be communicated to the other Member States,

and the *Commission*.

The Member State concerned shall make a summary of the results accessible to the public, in particular the number of type-approval granted and the identity of the corresponding manufacturers.

the Commission. The results shall be discussed by the Forum established under Article 10.

The Member State concerned shall make a summary of the results accessible to the public, ***which shall include*** in particular the number of ***type-approvals granted or rejected, the subject of the type-approval certificate***, and the identity of the corresponding manufacturers.

Or. en

Amendment 22

Proposal for a regulation Article 6 – paragraph 7

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 23

Proposal for a regulation Article 6 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 24

Proposal for a regulation Article 7 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

A Member State where more than one approval authority is responsible for vehicle approval including individual vehicle approval, shall designate a unique type approval authority responsible for the exchange of information with the approval authorities of the other Member States and for the obligations laid down in Chapter XV of this Regulation.

deleted

Or. en

Amendment 25

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. Market surveillance authorities

1. Market surveillance authorities

PE585.750v02-00

16/16

PR\1104140EN.docx

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

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

Or. en

Amendment 26

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 27

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

Text proposed by the Commission

Market surveillance authorities shall cooperate with economic operators regarding actions which could prevent or reduce risks caused by vehicles, systems,

Amendment

Market surveillance authorities shall cooperate with economic operators regarding actions which could prevent or reduce risks caused by vehicles, systems,

components and separate technical units made available by those operators.

components and separate technical units made available by those operators. ***Where those economic operators are not the manufacturer, any actions shall be taken under the manufacturer's control.***

Or. en

Amendment 28

Proposal for a regulation Article 8 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 29

Proposal for a regulation Article 8 – paragraph 7

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 30

Proposal for a regulation Article 8 – paragraph 8

Text proposed by the Commission

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

Amendment

8. The market surveillance authorities of different Member States shall coordinate their market surveillance activities, cooperate with each other and share with each other and with the Commission the results thereof. Where appropriate, the market surveillance authorities shall agree on work-sharing and specialisation, ***under the guidance of the Forum established in Article 10.***

Or. en

Amendment 31

Proposal for a regulation Article 8 – paragraph 10

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 32

Proposal for a regulation Article 9

Article 9

deleted

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

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

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

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

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

3. For the purpose of enabling the Commission to carry out the testing referred to in paragraphs 1 and 2, Member States shall make available to the Commission all data related to the type-

approval of the vehicle, systems, components and separate technical units subject to compliance verification testing. Those data shall include at least the information included in the type-approval certificate and its attachments referred to Article 26(1).

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

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

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

compliance.

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

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

Or. en

Amendment 33

Proposal for a regulation Article 10 – title

Text proposed by the Commission

Amendment

Forum *for Exchange of Information* on Enforcement

Forum on Enforcement

Or. en

Amendment 34

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 35

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

Its advisory tasks shall comprise:

Or. en

Amendment 36

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 37

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2 – point b (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 38

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2 – point c (new)

Text proposed by the Commission

Amendment

(c) to assess the results of reviews, both those under Article 6(6) and those following a peer-review under Article 71(8), of the functioning of type approval authorities and to make general recommendations arising from one or more such reviews;

Or. en

Amendment 39

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2 – point d (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 40

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2 – point e (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 41

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2 – point f (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 42

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. The manufacturer shall ensure that the vehicles, systems, components or separate technical units that **he has manufactured and that have been** placed on the market, or entered into service **have been** manufactured and approved in accordance with the requirements set out in this Regulation.

Amendment

1. The manufacturer shall ensure that the vehicles, systems, components or separate technical units that **are** placed on the market, or **have** entered into service **were** manufactured and approved in accordance with the requirements set out in this Regulation.

Or. en

Amendment 43

Proposal for a regulation

Article 11 – paragraph 2 – subparagraph -1 (new)

Text proposed by the Commission

Amendment

The manufacturer shall be responsible to the approval authority for all aspects of the approval procedure and for ensuring conformity of production.

Or. en

Amendment 44

Proposal for a regulation

Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. For the purposes of EU type-approval, a manufacturer established outside the Union shall appoint a single representative established within the Union to represent the manufacturer before the approval authority. That manufacturer shall also appoint a single representative established within the Union for the purposes of market surveillance, who may be the same representative appointed for

4. For the purposes of EU type-approval, a manufacturer **of vehicles, systems, components or separate technical units**, established outside the Union shall appoint a single representative established within the Union to represent the manufacturer before the approval authority. That manufacturer shall also appoint a single representative established within the Union for the purposes of market

the purposes of EU type-approval.

surveillance, who may be the same representative appointed for the purposes of EU type-approval.

Or. en

Amendment 45

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

Amendment

5. The manufacturer shall be responsible to the approval authority for all aspects of the approval procedure and for ensuring conformity of production, whether or not he is directly involved in all stages of the construction of a vehicle, system, component or separate technical unit.

deleted

Or. en

Amendment 46

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

Text proposed by the Commission

Amendment

A manufacturer who considers that a vehicle, system, component, separate technical unit, or part or equipment that has been placed on the market or entered into service is not in conformity with this Regulation or **that** the type approval has been granted on the basis incorrect data, shall immediately take the appropriate measures necessary to bring that vehicle, system, component, separate technical unit, part or equipment into conformity, to withdraw it from the market or to recall it, as appropriate.

Where a vehicle, system, component, separate technical unit, or part or equipment that has been placed on the market or entered into service is not in conformity with this Regulation or **where** the type approval has been granted on the basis **of** incorrect data, **the manufacturer** shall immediately take the appropriate measures necessary to bring that vehicle, system, component, separate technical unit, part or equipment into conformity, to withdraw it from the market or to recall it, as appropriate.

Amendment 47**Proposal for a regulation
Article 12 – paragraph 2***Text proposed by the Commission*

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

Amendment

2. Where the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, the manufacturer shall immediately provide detailed information on the ***risk*** and on any measures taken to the approval and market surveillance authorities of the Member States.

Or. en

Amendment 48**Proposal for a regulation
Article 12 – paragraph 3 – subparagraph 1***Text proposed by the Commission*

The manufacturer shall keep the ***information package referred to in Article 24(4)*** for a period of ten years after the ***placing on the market of a*** vehicle and for a period of five years after the ***placing on the market for*** a system, component or separate technical unit.

Amendment

The manufacturer shall keep the ***type-approval certificate and its attachments*** for a period of ten years after the ***end of validity of the*** vehicle ***EU type-approval*** and for a period of five years after the ***end of validity of the EU type-approval of*** a system, component or separate technical unit.

Or. en

Amendment 49

Proposal for a regulation

Article 12 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The vehicle manufacturer shall keep at the disposal of the approval authorities a copy of the certificates of conformity referred to in Article 34.

Amendment

The vehicle manufacturer shall keep at the disposal of the approval authorities **for a period of ten years** a copy of the certificates of conformity referred to in Article 34.

Or. en

Amendment 50

Proposal for a regulation

Article 12 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 51

Proposal for a regulation

Article 13 – title

Text proposed by the Commission

Obligations of manufacturer's representatives **concerning market surveillance**

Amendment

Obligations of manufacturer's representatives

Amendment 52

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. The manufacturer's representative **for market surveillance** shall perform the tasks specified in the mandate received from the manufacturer. That mandate shall provide for that representative to do at least the following:

Amendment

1. The manufacturer's representative shall perform the tasks specified in the mandate received from the manufacturer. That mandate shall provide for that representative to do at least the following:

Or. en

Amendment 53

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

(a) have access to the **information folder referred to in Article 22** and the certificate of conformity **referred to in Article 34** in one of the official Union languages. Such documentation shall be made available to the approval authorities for a period of ten years after the placing on the market of a vehicle and for a period of five years after the placing on the market for a system, component or separate technical unit;

Amendment

(a) have access to the **type-approval certificate and its attachments** and the certificate of conformity in one of the official Union languages. Such documentation shall be made available to the approval authorities for a period of ten years after the placing on the market of a vehicle and for a period of five years after the placing on the market for a system, component or separate technical unit;

Or. en

Amendment 54

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. The importer shall place on the market only vehicles, systems, components or separate technical units that **have either received EU type-approval or national type-approval, or parts or equipment that comply with the requirements of Regulation (EC) No 765/2008.**

Amendment

1. The importer shall place on the market only vehicles, systems, components or separate technical units that comply with **this** Regulation.

Or. en

Amendment 55

Proposal for a regulation

Article 14 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Before placing on the market a type-approved vehicle, system, component or separate technical unit, the importer shall verify that **an information package referred to in Article 24(4) has been put together by the approval authority**, and that the **system**, component or separate technical unit bears the required type-approval mark and complies with Article 11(7).

Amendment

Before placing on the market a type-approved vehicle, system, component or separate technical unit, the importer shall verify that **it is covered by a valid type-approval certificate** and that the component or separate technical unit bears the required type-approval mark and complies with Article 11(7).

Or. en

Amendment 56

Proposal for a regulation

Article 14 – paragraph 3

Text proposed by the Commission

3. Where **the importer considers that** a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, and in particular **that** it does not correspond to its

Amendment

3. Where a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, and in particular **where** it does not correspond to its type-approval, **the**

type-approval, **he** shall not place on the market, allow to enter into service or register the vehicle, system, component or separate technical unit, until it has been brought into conformity. Where **he considers that** the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, **he** shall inform the manufacturer and the market surveillance authorities thereof. For type-approved vehicles, systems, components and separate technical units, he shall also inform the approval authority that has granted the type-approval.

importer shall not place on the market, allow to enter into service or register the vehicle, system, component or separate technical unit, until it has been brought into conformity.

Where the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, **the importer** shall inform the manufacturer and the market surveillance authorities thereof. For type-approved vehicles, systems, components and separate technical units, he shall also inform the approval authority that has granted the type-approval.

Or. en

Amendment 57

Proposal for a regulation Article 14 – paragraph 6

Text proposed by the Commission

6. The importer shall, to protect the health and safety of consumers, **investigate and** keep a register of complaints and recalls of vehicles, systems, components, separate technical units, parts or equipment that he has placed on the market and keep his distributors informed of such **monitoring**.

Amendment

6. The importer shall, to protect the health and safety of consumers, keep a register of complaints and recalls of vehicles, systems, components, separate technical units, parts or equipment that he has placed on the market and **shall** keep his distributors informed of such **complaints and recalls**.

Or. en

Amendment 58

Proposal for a regulation Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 59

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

Amendment

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

1. Where a vehicle, system, component or separate technical unit that has been placed on the market by the importer is not in conformity with this Regulation, the importer shall immediately take the appropriate measures necessary to bring that vehicle, system, component or separate technical unit into conformity ***under the manufacturer's control***, to withdraw it from the market or to recall it, as appropriate. ***The importer shall also inform the manufacturer and the type-approval authority that has granted the type-approval.***

Or. en

Amendment 60

Proposal for a regulation Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 61

**Proposal for a regulation
Article 17 – paragraph 1**

Text proposed by the Commission

1. Where ***the distributor considers that*** a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, ***he*** shall not ***make available*** on the market, register or enter into service the vehicle, system, component or separate technical unit until it has been brought into conformity.

Amendment

1. Where a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, ***the distributor shall inform the manufacturer, the importer and the type-approval authority that has granted the type-approval and*** shall not ***place*** on the market, register or enter into service the vehicle, system, component or separate technical unit until it has been brought into conformity.

Or. en

Amendment 62

**Proposal for a regulation
Article 17 – paragraph 2**

Text proposed by the Commission

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

Amendment

2. ***Where*** a vehicle, system, component or separate technical unit that ***the distributor*** has made available on the market is not in conformity with this Regulation, ***the distributor*** shall inform the manufacturer ***and*** the importer.

Or. en

Amendment 63

Proposal for a regulation Article 17 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 64

Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

2. For system type-approval, component type-approval and separate technical unit type-approval only the single-step type-approval is applicable.

Amendment

2. ***Without prejudice to the requirements of the regulatory acts listed in Annex IV***, for system type-approval, component type-approval and separate technical unit type-approval only the single-step type-approval is applicable.

Or. en

Amendment 65

Proposal for a regulation

Article 20 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 66

Proposal for a regulation

Article 20 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 67

Proposal for a regulation

Article 22 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) an information document, as set out in Annex I for single-step or mixed type-approval or in Annex III for step-by-step type-approval;

(a) an information document, as set out in Annex I for single-step or mixed **whole-vehicle** type-approval or in Annex III for step-by-step **whole-vehicle** type-approval **or in the relevant regulatory acts in case of the approval of a system, component or separate technical unit;**

Or. en

Amendment 68

Proposal for a regulation

Article 22 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) any additional information requested by the approval authority in the context of the **application** procedure.

(d) any additional information requested by the approval authority in the context of the **type-approval** procedure.

Or. en

Amendment 69

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The information folder shall be supplied in an electronic format.

Or. en

Amendment 70

Proposal for a regulation

Article 23 – paragraph 1 – subparagraph 1

Text proposed by the Commission

An application for a step-by-step type-approval shall, in addition to the information folder referred to in Article 22, be accompanied by the complete set of EU type-approval certificates, including the test reports, required pursuant to the ***applicable*** acts listed in Annex IV.

Amendment

An application for a step-by-step type-approval shall, in addition to the information folder referred to in Article 22, be accompanied by the complete set of EU ***or UNECE*** type-approval certificates, including the test reports ***and information documents***, required pursuant to the ***regulatory*** acts listed in Annex IV.

Or. en

Amendment 71

Proposal for a regulation

Article 23 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In case of an application for a system type-approval, component type-approval or separate technical unit type-approval, pursuant to the ***applicable*** acts listed in Annex IV, the approval authority shall have access to the information folder until the whole-vehicle type-approval is either

Amendment

In case of an application for a system type-approval, component type-approval or separate technical unit type-approval, pursuant to the ***regulatory*** acts listed in Annex IV, the approval authority shall have access to the information folder ***and information documents*** until the whole-

issued or refused.

vehicle type-approval is either issued or refused.

Or. en

Amendment 72

Proposal for a regulation

Article 23 – paragraph 2 – subparagraph 1

Text proposed by the Commission

An application for a mixed type-approval shall, in addition to the information folder referred to in Article 22, be accompanied by the EU type-approval certificates, including the test reports, required pursuant to the *applicable* acts listed in Annex IV.

Amendment

An application for a mixed type-approval shall, in addition to the information folder referred to in Article 22, be accompanied by the EU *or UNECE* type-approval certificates, including the test reports *and information documents*, required pursuant to the *regulatory* acts listed in Annex IV.

Or. en

Amendment 73

Proposal for a regulation

Article 23 – paragraph 2 – subparagraph 2

Text proposed by the Commission

For systems for which no EU type-approval certificate has been presented, the application shall, in addition to the information folder referred to in Article 22, be accompanied by the information specified in Annex I, required for the approval of those systems during the vehicle approval phase, and by a test report instead of the EU type-approval certificate.

Amendment

For systems for which no EU *or UNECE* type-approval certificate has been presented, the application shall, in addition to the information folder referred to in Article 22, be accompanied by the information specified in Annex I, required for the approval of those systems during the vehicle approval phase, and by a test report instead of the EU *or UNECE* type-approval certificate.

Or. en

Amendment 74

Proposal for a regulation

Article 23 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) in the first stage, those parts of the information folder and the EU type-approval certificates that are relevant to the state of completion of the base vehicle;

Amendment

(a) in the first stage, those parts of the information folder and, ***if applicable, the test reports and*** the EU ***or UNECE*** type-approval certificates that are relevant to the state of completion of the base vehicle;

Or. en

Amendment 75

Proposal for a regulation

Article 23 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

(b) in the second and subsequent stages, those parts of the information folder and the EU type-approval certificates that are relevant to the current stage of completion, together with a copy of the EU type-approval certificate for the vehicle issued at the preceding stage of construction and full details of any changes or additions that the manufacturer has made to the vehicle.

Amendment

(b) in the second and subsequent stages, those parts of the information folder and the EU type-approval certificates that are relevant to the current stage of completion, together with a copy of the EU ***whole-vehicle*** type-approval certificate for the vehicle issued at the preceding stage of construction and full details of any changes or additions that the manufacturer has made to the vehicle.

Or. en

Amendment 76

Proposal for a regulation

Article 23 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The information specified in points (a) and (b) ***may*** be supplied in accordance with Article 22(2).

Amendment

The information specified in points (a) and (b) ***shall*** be supplied in accordance with Article 22(2).

Amendment 77**Proposal for a regulation****Article 23 – paragraph 4 – subparagraph 1***Text proposed by the Commission*

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

Amendment

The approval authority and technical services shall have access to the software and algorithms of the vehicle, ***together with documentation or other information allowing an appropriate and relevant level of understanding of the systems and functions of such software which enable the vehicle to comply with the requirements of this Regulation.***

In the case of whole-vehicle type-approval, the approval authority and technical services shall have access to any engine management strategies which may be deployed. The manufacturer shall disclose relevant information regarding such management strategies, including the parameters of any such strategies and the technical justification detailing why they are necessary.

Or. en

Amendment 78**Proposal for a regulation****Article 24 – paragraph 2 – point b***Text proposed by the Commission*

(b) that no type-approval has been issued yet for the type of vehicle, system, component or separate technical unit concerned;

Amendment

(b) that no type-approval has been issued yet for the type of vehicle, system, component or separate technical unit concerned, ***the proof of that being the declaration by the manufacturer;***

Amendment 79

Proposal for a regulation Article 24 – paragraph 2 – point d

Text proposed by the Commission

(d) in the case of whole-vehicle type-approvals according to the step-by-step, mixed and multi-stage procedures, the approval authority shall verify, in accordance with Article 20(4), that the systems, components and separate technical units are covered by separate type-approvals pursuant to the requirements applicable at the time of granting the whole-vehicle type-approval.

Amendment

(d) in the case of whole-vehicle type-approvals according to the step-by-step, mixed and multi-stage procedures, the approval authority shall verify, in accordance with Article 20(4), that the systems, components and separate technical units are covered by separate **valid** type-approvals pursuant to the requirements applicable at the time of granting the whole-vehicle type-approval.

Or. en

Amendment 80

Proposal for a regulation Article 24 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The information package shall contain an index indicating clearly all the pages and the format of each document and recording chronologically the management of the EU type-approval.

Amendment

The information package **may be kept electronically and** shall contain an index indicating clearly all the pages and the format of each document and recording chronologically the management of the EU type-approval.

Or. en

Amendment 81

Proposal for a regulation Article 24 – paragraph 6 – subparagraph 1

Text proposed by the Commission

In accordance with Article 20(4) **and (5)**, in the case of step-by-step, mixed and multi-stage type-approval procedures, the approval authority shall refuse to grant EU type-approval, where it finds that systems, components or separate technical units do not comply with the requirements set out in this Regulation or in the acts listed in Annex IV.

Amendment

In accordance with Article 20, in the case of step-by-step, mixed and multi-stage type-approval procedures, the approval authority shall refuse to grant EU type-approval, where it finds that systems, components or separate technical units do not comply with the requirements set out in this Regulation or in the acts listed in Annex IV.

Or. en

Amendment 82

**Proposal for a regulation
Article 25 – paragraph 2**

Text proposed by the Commission

2. The approval authority shall send, at three-monthly intervals, to the approval authorities of the other Member States and the Commission a list of the EU type-approvals for systems, components or separate technical units it has issued, amended, refused to grant or withdrawn during the preceding period. That list shall contain the information specified in Annex XIV.

Amendment

deleted

Or. en

Amendment 83

**Proposal for a regulation
Article 25 – paragraph 4**

Text proposed by the Commission

4. The approval authority shall without delay inform the approval authorities of the other Member States and

Amendment

4. The approval authority shall without delay inform the approval authorities of the other Member States and

the Commission of its refusal or withdrawal of any EU type-approval, stating the reasons for its decision.

the Commission of its refusal or withdrawal of any EU type-approval, stating the reasons for its decision, **by means of a common secure electronic exchange system or in the form of a secure electronic file.**

Or. en

Amendment 84

Proposal for a regulation Article 26 – paragraph 1 – point b

Text proposed by the Commission

(b) the test reports required by the regulatory acts *referred to in Article 28(1) in the case of a system, component or separate technical unit type-approval, or the test results sheet in the case of whole-vehicle type-approval;*

Amendment

(b) the test reports required by the regulatory acts ***listed in Annex IV;***

Or. en

Amendment 85

Proposal for a regulation Article 26 – paragraph 1 – point c

Text proposed by the Commission

(c) the name(s) and the specimen(s) of the signature(s) of the person(s) authorised to sign the certificates of conformity and a statement of their position in the company;

Amendment

(c) ***in the case of a whole-vehicle type-approval,*** the name(s) and the specimen(s) of the signature(s) of the person(s) authorised to sign the certificates of conformity and a statement of their position in the company;

Or. en

Amendment 86

Proposal for a regulation

Article 26 – paragraph 1 – point d

Text proposed by the Commission

(d) in the case of a whole-vehicle type-approval, a filled-out specimen of the certificate of conformity.

Amendment

(d) in the case of a whole-vehicle type-approval, a filled-out specimen of the certificate of conformity ***of the vehicle type***.

Or. en

Amendment 87

Proposal for a regulation

Article 26 – paragraph 5

Text proposed by the Commission

5. Where the vehicle manufacturer chooses the mixed type-approval procedure, the approval authority shall complete the information package with the references to the test reports required by the regulatory acts ***referred to in Article 28(1)*** for the systems, components or separate technical units for which no EU type-approval certificate has been issued.

Amendment

5. Where the vehicle manufacturer chooses the mixed type-approval procedure, the approval authority shall complete the information package with the references to the test reports required by the regulatory acts ***listed in Annex IV*** for the systems, components or separate technical units for which no EU type-approval certificate has been issued, ***and shall indicate the last regulatory act and, if applicable, the implementation stage of that regulatory act applicable for the type-approval of the vehicle.***

Or. en

Amendment 88

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

1. Compliance with the technical requirements of this Regulation and of the

Amendment

1. ***For the purpose of EU type-approvals the approval authority shall***

regulatory acts listed in Annex IV ***shall be demonstrated by means of appropriate tests in accordance with the relevant regulatory acts listed in Annex IV, performed by designated technical services.***

verify compliance with the technical requirements of this Regulation and of the ***relevant*** regulatory acts listed in Annex IV ***by means of appropriate tests performed by designated technical services.***

The format of the test reports shall comply with the general requirements as laid down in Appendix 3 to Annex V.

Or. en

Amendment 89

Proposal for a regulation Article 28 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 90

Proposal for a regulation Article 28 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The required tests shall be performed in accordance with the relevant regulatory acts listed in Annex IV. Where a range of values is provided for in the test procedures set out in the relevant regulatory acts, the technical services shall be able to set the parameters and conditions used to perform the appropriate tests referred to in paragraph

Amendment 91**Proposal for a regulation****Article 28 – paragraph 5 a (new)***Text proposed by the Commission**Amendment*

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

Amendment 92**Proposal for a regulation****Article 29 – paragraph 2***Text proposed by the Commission**Amendment*

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

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

Amendment 93**Proposal for a regulation
Article 29 – paragraph 4***Text proposed by the Commission*

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

Amendment

4. In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority that has granted the EU type-approval shall carry out checks or tests required for EU type-approval, on samples taken at the premises of the manufacturer, including production facilities. ***The checks shall be carried out at least once a year, at random intervals determined by the approval authority. The first product checks shall be carried out within a year after the date of issue of the certificates of conformity.***

Or. en

Amendment 94**Proposal for a regulation
Article 29 – paragraph 5***Text proposed by the Commission*

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

Amendment

5. An approval authority that has granted an EU type-approval and establishes that the manufacturer no longer produces the vehicles, systems, components or separate technical units in conformity with the approved type, ***with the requirements of this Regulation or the requirements of the regulatory acts listed in Annex IV***, or establishes that the certificates of conformity no longer comply with Articles 34 and 35, even though production is continued, shall take the necessary measures to ensure that the

correctly or withdraw the type-approval.

arrangements for conformity of production **are** followed correctly or withdraw the type-approval. **The approval authority may decide to take all necessary restrictive measures in accordance with Articles 53 and 54.**

Or. en

Amendment 95

Proposal for a regulation Article 30

Text proposed by the Commission

Amendment

Article 30

deleted

National fee structure for type-approvals and market surveillance costs

- 1. Member States shall establish a national fee structure to cover the costs for their type-approvals and market surveillance activities as well as for the type-approval testing and conformity of production testing and inspections carried out by the technical services they have designated.*
- 2. Those national fees shall be levied on the manufacturers who have applied for type-approval in the Member State concerned. Fees shall not be levied directly by technical services.*
- 3. The national fee structure shall also cover the costs for the compliance verification inspections and tests carried out by the Commission in accordance with Article 9. These contributions shall constitute external assigned revenues for the general budget of the European Union, according to Art. 21(4) of the Financial Regulation²⁶.*
- 4. Member States shall notify the details of their national fee structure to the other Member States and the Commission. The first notification shall*

be effected on [date of entry into force of this Regulation + 1 year]. Subsequent updates of the national fee structures shall be notified to the other Member States and to the Commission on a yearly basis.

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

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

Or. en

Amendment 96

Proposal for a regulation Article 31 – paragraph 5

Text proposed by the Commission

5. Where the approval authority finds that the changes in the particulars recorded in the information package **are substantial, to the extent that they** cannot be covered by an extension of the existing type-approval, it shall refuse to amend the EU type-approval and shall request the manufacturer to apply for a new EU type-approval.

Amendment

5. Where the approval authority finds that the changes in the particulars recorded in the information package cannot be covered by an extension of the existing type-approval, it shall refuse to amend the EU type-approval and shall request the manufacturer to apply for a new EU type-approval.

Or. en

Amendment 97

Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Type-approvals for **vehicle** shall be issued for a limited period of **eight** years. The expiry date shall be indicated in the **EU** type-approval certificate. **Before** the expiry of the type-approval certificate, it may be renewed upon application by the manufacturer and only where the approval authority has verified that the type of vehicle, system, component and separate technical unit complies with all the requirements of the relevant regulatory acts for vehicles **of that approved type**. **Where the approved type has not changed, such verification shall not require the repetition of any tests carried out under Article 28.**

In order to allow the approval authority to fulfil its tasks, the manufacturer shall submit his application at the earliest 12 months and at the latest 6 months before the expiry date of the EU type-approval certificate.

Or. en

Amendment 98

Proposal for a regulation Article 34 – paragraph 6

Text proposed by the Commission

6. Without prejudice to paragraph 1, the manufacturer may also transmit the certificate of conformity by electronic means **to the national authorities responsible for registration**.

Amendment

6. Without prejudice to paragraph 1, the manufacturer may also transmit the certificate of conformity by electronic means.

Or. en

Amendment 99

Proposal for a regulation

Article 36 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Economic operators shall only place on the market vehicles, components or separate technical units which are marked in a way that complies with this Regulation.

Or. en

Amendment 100

Proposal for a regulation

Article 38 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the necessary steps to adapt the regulatory acts referred to in paragraph 1 have not been taken, the Commission may authorise the extension of the provisional EU type-approval by means of a decision and at the request of the Member State that granted the provisional EU type-approval. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

3. Where the necessary steps to adapt the regulatory acts referred to in paragraph 1 have not been taken, the Commission may authorise the extension of the **validity of the** provisional EU type-approval by means of a decision and at the request of the Member State that granted the provisional EU type-approval. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

Amendment 101

Proposal for a regulation

Article 40 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may decide to

2. Member States may decide to

PE585.750v02-00

52/52

PR1104140EN.docx

exempt any type of vehicle referred to in paragraph 1 from one or more of the **substantive** requirements laid down in the regulatory acts listed in Annex IV, provided that those Member States lay down relevant alternative requirements.

exempt any type of vehicle referred to in paragraph 1 from **compliance with** one or more of the requirements laid down in the regulatory acts listed in Annex IV, provided that those Member States lay down relevant alternative requirements.

Or. en

Amendment 102

Proposal for a regulation

Article 41 – paragraph 3 - subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Where no objection has been raised within the period of three months referred to in the first sub paragraph the national type-approval shall be considered as accepted.

Or. en

Amendment 103

Proposal for a regulation

Article 41 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

At the request of an applicant who wishes to place on the market, register or enter in to service in another Member State a vehicle with national type-approval of vehicles produced in small series, the approval authority that granted the national type-approval of vehicles produced in small series shall provide the national authority of the other Member State with a copy of the type-approval certificate, including ***the information package***.

At the request of an applicant who wishes to place on the market, register or enter in to service in another Member State a vehicle with national type-approval of vehicles produced in small series, the approval authority that granted the national type-approval of vehicles produced in small series shall provide the national authority of the other Member State with a copy of the type-approval certificate, including ***its attachments***.

Or. en

Amendment 104

Proposal for a regulation Article 42 – paragraph 1

Text proposed by the Commission

1. Member States shall grant an EU individual vehicle approval for a vehicle that complies with the requirements set out in Appendix 2 to Part I of Annex IV or, for special purpose vehicles, in Part III of Annex IV.

Amendment

1. Member States shall grant an EU individual vehicle approval for a vehicle that complies with the requirements set out in Appendix 2 to Part I of Annex IV or, for special purpose vehicles, in Part III of Annex IV. ***This provision shall not apply to incomplete vehicles.***

Or. en

Amendment 105

Proposal for a regulation Article 42 – paragraph 2

Text proposed by the Commission

2. An application for an EU individual vehicle approval shall be submitted by the ***manufacturer, or by the*** owner of the vehicle, or by the representative of the ***latter***, provided that that representative is established within the Union.

Amendment

2. An application for an EU individual vehicle approval shall be submitted by the owner of the vehicle, ***the manufacturer,*** or by the representative of the ***manufacturer,*** provided that that representative is established within the Union.

Or. en

Amendment 106

Proposal for a regulation Article 43 – paragraph 1

Text proposed by the Commission

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

Amendment

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

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

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

Or. en

Amendment 107

Proposal for a regulation Article 43 – paragraph 2

Text proposed by the Commission

2. An application for national individual vehicle approval shall be submitted by the *manufacturer, or by the* owner of the vehicle, or by the representative of the *latter*, provided that that representative is established within Union.

Amendment

2. An application for national individual vehicle approval shall be submitted by the owner of the vehicle, *the manufacturer* or by the representative of the *manufacturer*, provided that that representative is established within Union.

Or. en

Amendment 108

Proposal for a regulation Article 43 – paragraph 6 – subparagraph 1

Text proposed by the Commission

The format of the national individual vehicle approval certificate shall follow the template of the EU type-approval certificate set out in Annex VI and shall contain at least the information *necessary to apply for the registration provided for in Council Directive 1999/37/EC*²⁸.

Amendment

The format of the national individual vehicle approval certificate shall follow the template of the EU type-approval certificate set out in Annex VI and shall contain at least the information *included in the template of the EU individual approval certificate set out in Annex VI*.

²⁸ *Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).*

Or. en

Amendment 109

Proposal for a regulation Article 44 – paragraph 3

Text proposed by the Commission

3. A Member State shall permit a vehicle for which another Member State has granted a national individual vehicle approval in accordance with Article 43 to be made available on the market, registered or entered into service, unless that Member State has reasonable grounds to believe that the relevant alternative requirements against which the vehicle has been approved are not equivalent to its own.

Amendment

3. A Member State shall permit a vehicle for which another Member State has granted a national individual vehicle approval in accordance with Article 43 to be made available on the market, registered or entered into service, unless that Member State has reasonable grounds to believe that the relevant alternative requirements against which the vehicle has been approved are not equivalent to its own ***or that the vehicle does not comply with those requirements.***

Or. en

Amendment 110

Proposal for a regulation Article 45 – paragraph 1

Text proposed by the Commission

1. The procedures set out in Articles **43 and 44** may apply to a particular vehicle during the successive stages of its completion in accordance with a multi-stage type-approval.

Amendment

1. The procedures set out in Articles **42 and 43** may apply to a particular vehicle during the successive stages of its completion in accordance with a multi-stage type-approval. ***For vehicles approved in multi-stage type-approval Annex XVII shall apply.***

Or. en

Amendment 111

Proposal for a regulation Article 45 – paragraph 2

Text proposed by the Commission

2. The procedures set out in Articles **43 and 44** *may* not replace an intermediate stage within the normal sequence of a multi-stage type- approval and *may* not apply for the purposes of obtaining the first-stage approval of a vehicle.

Amendment

2. The procedures set out in Articles **42 and 43** *shall* not replace an intermediate stage within the normal sequence of a multi-stage type- approval and *shall* not apply for the purposes of obtaining the first-stage approval of a vehicle.

Or. en

Amendment 112

Proposal for a regulation

Article 46 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Incomplete vehicles may be made available on the market *or entered into service*, but the national authorities responsible for vehicle registration may refuse the registration and the use on the road of such vehicles.

Amendment

Incomplete vehicles may be made available on the market, but the national authorities responsible for vehicle registration may refuse the registration, *the entry into service* and the use on the road of such vehicles.

Or. en

Amendment 113

Proposal for a regulation

Article 46 – paragraph 2

Text proposed by the Commission

2. *Vehicles exempted from the requirement concerning a certificate of conformity may also be made available on the market, registered or entered into service if they comply with the relevant technical requirements of this Regulation.*

Amendment

deleted

Or. en

Amendment 114

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1

Text proposed by the Commission

End-of-series vehicles for which the EU type-approval has become invalid pursuant to Article 33(2)(a) may only be ***made available on the market***, registered or entered into service, provided that the requirement set out in paragraph 4 ***and the time limits laid down in paragraphs 2 and 4 are*** complied with.

Amendment

End-of-series vehicles for which the EU type-approval has become invalid pursuant to Article 33(2)(a) may only be registered or entered into service, provided that the requirement set out in paragraph 4 ***is*** complied with.

Or. en

Amendment 115

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The first subparagraph shall only apply to vehicles that were already on the territory of the Union and had not yet been ***made available on the market nor*** registered or entered into service before their EU type-approval lost its validity.

Amendment

The first subparagraph shall only apply to vehicles that were already on the territory of the Union and had not yet been registered or entered into service before their EU type-approval lost its validity.

Or. en

Amendment 116

Proposal for a regulation

Article 47 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 shall apply to complete vehicles for a period of 12 months from the date on which the EU type-approval became invalid, and to completed vehicles for a period of 18

deleted

Amendment

months from that date.

Or. en

Amendment 117

Proposal for a regulation

Article 47 – paragraph 3 – subparagraph 1

Text proposed by the Commission

A manufacturer wishing to make available on the market, register or enter into service end-of-series vehicles in accordance with paragraph 1 shall submit a request for that purpose to the national authority of the Member State that granted the EU type-approval. That request shall specify any technical or economic reasons preventing those vehicles from complying with the new type-approval requirements and shall include the VIN of the vehicles concerned.

Amendment

A manufacturer wishing to make available on the market, register or enter into service end-of-series vehicles in accordance with paragraph 1 shall submit a request for that purpose to the national ***type-approval*** authority of the Member State that granted the EU type-approval. That request shall specify any technical or economic reasons preventing those vehicles from complying with the new type-approval requirements and shall include the VIN of the vehicles concerned.

Or. en

Amendment 118

Proposal for a regulation

Article 47 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The national authority ***concerned shall decide***, within ***three months*** of receipt of that request, ***whether to*** permit the placing on the market, registration and entry into service of those vehicles within the ***territory of the Member State concerned and determine the number of vehicles in respect of which permission may be granted***.

Amendment

The national ***type-approval*** authority ***that granted the EU type-approval shall***, within ***one month*** of receipt of that request, permit the placing on the market, registration and entry into service of those vehicles within the ***Union***. ***The national type-approval authority that granted the approval shall communicate within one month the VIN of the vehicles concerned to the other Member States***.

Or. en

Amendment 119

Proposal for a regulation Article 47 – paragraph 4

Text proposed by the Commission

4. Only end-of-series vehicles with a valid certificate of conformity that has remained valid for at least three months after its date of issue, but for which the type-approval has become invalid pursuant to point (a) of Article 33(2), may be ***made available on the market***, registered or entered into service in the Union.

Amendment

4. Only end-of-series vehicles with a valid certificate of conformity that has remained valid for at least three months after its date of issue, but for which the type-approval has become invalid pursuant to point (a) of Article 33(2), may be registered or entered into service in the Union.

Or. en

Amendment 120

Proposal for a regulation Article 47 – paragraph 5

Text proposed by the Commission

5. ***The certificate of conformity of the vehicles made available on the market, registered or entered into service in accordance with this Article shall include a special entry indicating that those vehicles are end-of-series vehicles, as well as the date until which those vehicles may be made available on the market, registered or entered into service in the Union.***

Amendment

deleted

Or. en

Amendment 121

Proposal for a regulation Article 47 – paragraph 6

Text proposed by the Commission

6. Member States shall keep records of the VIN of the vehicles that they ***permitted to be made available on the market***, registered or entered into service in accordance with this Article.

Amendment

6. Member States shall keep records of the VIN of the vehicles that they registered or entered into service in accordance with this Article.

Or. en

Amendment 122

Proposal for a regulation Article 48 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States may also permit the making available on the market or entry into service of replacement components or separate technical units to be used on vehicles that were type-approved before the entry into force of the requirements of the relevant regulatory acts listed in Annex IV, in accordance with the requirements of the relevant act applicable when those approvals were originally granted.

Or. en

Amendment 123

Proposal for a regulation Article 49 – title

Text proposed by the Commission

Amendment

Procedure for dealing with vehicles, systems, components or separate technical units presenting a serious risk ***at national level***

Procedure for dealing with vehicles, systems, components or separate technical units presenting a serious risk

Or. en

Amendment 124

Proposal for a regulation Article 50 – title

Text proposed by the Commission

Notification and objection procedures related to restrictive measures taken *at national level*

Amendment

Notification and objection procedures related to restrictive measures taken *in cases of serious risk*

Or. en

Amendment 125

Proposal for a regulation Article 50 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 126

Proposal for a regulation Article 51 – title

Text proposed by the Commission

Union safeguard procedure

Amendment

Union safeguard procedure *in cases of*

Amendment 127

Proposal for a regulation

Article 51 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 128

Proposal for a regulation

Article 52 – paragraph 4

Text proposed by the Commission

4. The Commission shall consult without delay the Member States and the relevant economic operator or operators and, in particular, the approval authority that granted the type-approval, and shall evaluate the national measure taken. On the basis of that evaluation, the Commission

Amendment

4. The Commission shall consult without delay the Member States and the relevant economic operator or operators and, in particular, the approval authority that granted the type-approval, and shall evaluate the national measure taken. On the basis of that evaluation, the Commission

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

shall decide whether the national measure referred to in paragraph 1 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 129

Proposal for a regulation Article 52 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Where the Commission considers a national measure to be justified, all Member States shall take the necessary measures to ensure that the vehicle, system, component or separate technical unit is withdrawn from their market, and shall inform the Commission accordingly. Where the Commission considers a national measure to be unjustified, the Member State concerned shall withdraw or adapt the measure, in accordance with the Commission decision referred to in paragraph 3.

Or. en

Amendment 130

Proposal for a regulation Article 53 – paragraph 1

Text proposed by the Commission

Amendment

1. Where vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, or are not in

1. Where vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, or are not in

conformity with this regulation or were approved on the basis of incorrect data, the approval authorities, market surveillance authorities *or the Commission may take the necessary restrictive measures in accordance with Article 21 of Regulation (EC) No 765/2008, to prohibit or restrict the making available on the market, registration or entry into service on the market of non-compliant vehicles, systems, components or separate technical units, or to withdraw them from that market or to recall them, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, until the relevant economic operator has taken all appropriate corrective measures to ensure that vehicles, systems, components or separate technical units are brought into conformity.*

conformity with this regulation or were approved on the basis of incorrect data, the approval authorities *or* market surveillance authorities *shall require without delay the relevant economic operator to take all appropriate corrective measures to bring the vehicle, system, component or separate technical unit into compliance with those requirements, or take restrictive measures, either to withdraw the vehicle, system, component or separate technical unit from the market, or to recall it within a reasonable period, depending on the nature of the risk.*

Article 21 of Regulation (EC) No 765/2008 shall apply to the restrictive measures referred to in the first subparagraph.

Or. en

Amendment 131

Proposal for a regulation Article 53 – paragraph 2

Text proposed by the Commission

2. *For the purposes of paragraph 1, deviations from the particulars in the EU type-approval certificate or the information package shall be deemed to constitute a failure to conform to the approved type.*

Amendment

2. Deviations from the particulars in the EU type-approval certificate or the information package shall *constitute formal non-conformity with the approved type. Approval authorities or market surveillance authorities of a Member State shall require the relevant economic operator to rectify such formal non-conformity. Where the non-conformity persists, those authorities may take further necessary restrictive measures as*

set out in paragraph 1.

Or. en

Amendment 132

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 133

Proposal for a regulation

Article 54 – paragraph 2

Text proposed by the Commission

Amendment

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

2. *Where no conformity exists, other than formal non-conformity as referred to in Article 53(2), the approval authority or market surveillance authority shall request the approval authority that granted the EU type-approval to verify that vehicles, systems, components or separate technical units in production continue to conform to the approved type or, where applicable, that vehicles, systems, components or separate technical units already placed on*

the market are brought back into conformity.

Or. en

Amendment 134

Proposal for a regulation Article 54 – paragraph 5

Text proposed by the Commission

5. On receipt of the request referred to in paragraphs 1 to 4 the approval authority that granted the EU type-approval shall carry out an evaluation in relation to the vehicles, systems, components or separate technical units concerned covering all the requirements laid down in this Regulation. **The** approval authority shall also verify the data on the basis of which the approval was granted. The relevant economic operators shall fully cooperate with the approval authority.

Amendment

5. On receipt of the request referred to in paragraphs 1 to 4 the approval authority that granted the EU type-approval shall carry out an evaluation in relation to the vehicles, systems, components or separate technical units concerned covering all the requirements laid down in this Regulation. **Where appropriate, the** approval authority shall also verify the data on the basis of which the approval was granted. The relevant economic operators shall fully cooperate with the approval authority.

Or. en

Amendment 135

Proposal for a regulation Article 54 – paragraph 9

Text proposed by the Commission

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

Amendment

9. Where, within one month after the notification of the restrictive measures taken in accordance with Article 53(1), no objection has been raised by either another Member State or by the Commission in respect of a restrictive measure taken by a Member State, that measure shall be deemed justified. **In the case of justified restrictive measures,** Member States shall **take the necessary equivalent** restrictive measures in respect of the vehicle, system,

technical unit concerned.

component or separate technical unit concerned.

Or. en

Amendment 136

Proposal for a regulation Article 57 – paragraph 1

Text proposed by the Commission

1. A manufacturer who has been granted a whole-vehicle type-approval and is obliged to recall vehicles in accordance with Article 12(1), Article 15(1), Article 17(2), Article 49(1), Article **49(6)**, **Article 51(4)**, **Article 52(1)**, and Article 53(1) of this Regulation or Article 20 of Regulation (EC) No 765/2008, shall immediately inform the approval authority that granted the whole-vehicle type-approval thereof.

Amendment

1. A manufacturer who has been granted a whole-vehicle type-approval and is obliged to recall vehicles in accordance with Article 12(1), Article 15(1), Article 17(2), Article 49(1), Article 52(1), and Article 53(1) of this Regulation or Article 20 of Regulation (EC) No 765/2008, shall immediately inform the approval authority that granted the whole-vehicle type-approval thereof.

Or. en

Amendment 137

Proposal for a regulation Article 57 – paragraph 2

Text proposed by the Commission

2. A manufacturer of systems, components or separate technical units, who has been granted an EU type-approval and is obliged to recall systems, components or separate technical units in accordance with Article 12(1), Article 15(1), Article 17(2), Article 49(1), Article **49(6)**, **Article 51(4)**, **Article 52(1)**, and Article 53(1) of this Regulation or Article 20 of Regulation (EC) No 765/2008, shall immediately inform the approval authority that granted the EU type-approval.

Amendment

2. A manufacturer of systems, components or separate technical units, who has been granted an EU type-approval and is obliged to recall systems, components or separate technical units in accordance with Article 12(1), Article 15(1), Article 17(2), Article 49(1), Article 52(1), and Article 53(1) of this Regulation or Article 20 of Regulation (EC) No 765/2008, shall immediately inform the approval authority that granted the EU type-approval.

Amendment 138

Proposal for a regulation

Article 59 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where the measure is of general scope, it shall be appropriately published in the national official journal or in an equivalent instrument.

Amendment

Where the measure is of general scope, it shall be appropriately published in the national official journal, ***on the homepage of the type-approval authority, on the homepage of the market surveillance authority*** or in an equivalent instrument.

Or. en

Amendment 139

Proposal for a regulation

Article 60 – paragraph 3 – subparagraph 2

Text proposed by the Commission

That delegated act shall specify the dates of mandatory application of the UNECE regulation or amendments thereto and include transitional provisions, where appropriate.

Amendment

That delegated act shall specify the dates of mandatory application of the UNECE regulation or amendments thereto and include transitional provisions, where appropriate, ***and, where applicable for the purposes of type-approval, first registration and entry into service of vehicles and making available on the market of systems, components and separate technical units.***

Or. en

Amendment 140

Proposal for a regulation

Article 63 – paragraph 1

Text proposed by the Commission

1. The manufacturer shall not supply any technical information related to the particulars of the type of vehicle, system, component or separate technical unit provided for in this Regulation, *or* in the delegated or implementing acts adopted pursuant to this Regulation, that diverges from the particulars of the type-approved by the approval authority.

Amendment

1. The manufacturer shall not supply any technical information related to the particulars of the type of vehicle, system, component or separate technical unit provided for in this Regulation, in the delegated or implementing acts adopted pursuant to this Regulation, ***or in the regulatory acts listed in Annex IV***, that diverges from the particulars of the type-approved by the approval authority.

Or. en

Amendment 141

Proposal for a regulation

Article 65 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 142

Proposal for a regulation

Article 65 – paragraph 9 – subparagraph 1

Text proposed by the Commission

Independent repairers shall have access free of charge to repair and maintenance

Amendment

deleted

records of a vehicle that are kept in a central database of the vehicle manufacturer or in a database on its behalf.

Or. en

Amendment 143

Proposal for a regulation Article 65 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Those independent repairers shall ***be able to enter into the relevant database*** information on *the* repair and maintenance they have ***carried out***.

Amendment

Where repair and maintenance records of a vehicle are kept in a central database of the vehicle manufacturer or on its behalf, independent repairers shall ***have access to such records free of charge and shall be able to enter*** information on repair and maintenance ***which*** they have ***performed***

Or. en

Amendment 144

Proposal for a regulation Article 66 – paragraph 2

Text proposed by the Commission

2. The final manufacturer shall be responsible for providing ***to independent operators*** information ***about the whole vehicle***.

Amendment

2. ***In the case of multi-stage type-approval,*** the final manufacturer shall be responsible for providing ***access to vehicle OBD and vehicle repair and maintenance information regarding its own manufacturing stage(s) and the link to the previous stage(s)***.

Or. en

Amendment 145

Proposal for a regulation Article 67 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 146

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), *or the accreditation body in accordance with Regulation (EC) No 765/2008*, hereinafter referred to as the '*designating* 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.

Or. en

Amendment 147

Proposal for a regulation Article 71 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 148

**Proposal for a regulation
Article 71 – paragraph 3**

Text proposed by the Commission

3. The ***type-approval authority shall be organised so that the notification*** of a technical service ***is*** done by personnel ***different from those*** who carried out the assessment of the technical service.

Amendment

3. The ***designation*** of a technical service ***shall not be*** done by ***the*** personnel who carried out the assessment of the technical service.

Or. en

Amendment 149

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

Text proposed by the Commission

4. The ***type-approval*** authority shall not perform any activities that technical services perform and shall not provide consultancy services on a commercial or competitive basis.

Amendment

4. The ***personnel of the designating authority who is responsible for the assessment, designation, notification and monitoring of the technical service*** shall not perform any activities that technical services perform and shall not provide consultancy services on a commercial or competitive basis.

Or. en

Amendment 150

Proposal for a regulation Article 71 – paragraph 6

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 151

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

Text proposed by the Commission

Amendment

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

The *designating* authority shall be peer-reviewed by two *designating* authorities of other Member States.

Or. en

Amendment 152

Proposal for a regulation Article 71 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Amendment

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

The *Forum established in Article 10* shall draw up *a work programme* for the peer-review, ensuring an appropriate rotation in respect of reviewing and reviewed type-approval authorities. *The work programme shall take into account the review of type-approval authorities carried out by Member States provided for in Article 6(6), and shall ensure that type-approval authorities are subject to a peer-review at*

least once every six years..

Or. en

Amendment 153

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 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.

Or. en

Amendment 154

Proposal for a regulation

Article 71 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10 a. The Commission may adopt implementing acts to lay down the model for the provision of information on the procedures of the Member States referred to in paragraph 7. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

Amendment 155

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, ***including test preparation***, referred to in this Regulation and in the acts listed in Annex IV, where those tests are performed in the manufacturer's facilities or in the facilities of a third party; ***test preparation and supervision shall be carried out by a supervisor from the technical service;***

Or. en

Amendment 156

Proposal for a regulation

Article 72 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 157

Proposal for a regulation

Article 73 – paragraph 5

Text proposed by the Commission

5. The personnel of a technical service shall observe professional secrecy with regard to all information obtained in carrying out their tasks under this

Amendment

5. The personnel of a technical service shall observe professional secrecy with regard to all information obtained in carrying out their tasks under this

Regulation, except in relation to the **approval** authority or where required by Union or national law.

Regulation, except in relation to the **designating** authority or where required by Union or national law.

Or. en

Amendment 158

Proposal for a regulation

Article 74 – paragraph 1 – introductory part

Text proposed by the Commission

1. A technical service shall be capable of carrying out all the activities for which it is applying to be designated in accordance with Article 72(1). It shall demonstrate to the **type approval** authority that it has all of the following:

Amendment

1. A technical service shall be capable of carrying out all the activities for which it is applying to be designated in accordance with Article 72(1). It shall demonstrate to the **designating** authority that it has all of the following:

Or. en

Amendment 159

Proposal for a regulation

Article 75 – paragraph 1

Text proposed by the Commission

1. Technical services may subcontract, with the agreement of their designating **type-approval** authority, some of the categories of activities for which they have been designated in accordance with Article 72(1), or have those activities carried out by a subsidiary.

Amendment

1. Technical services may subcontract, with the agreement of their **designating** authority, some of the categories of activities for which they have been designated in accordance with Article 72(1), or have those activities carried out by a subsidiary.

Or. en

Amendment 160

Proposal for a regulation

Article 75 – paragraph 2

Text proposed by the Commission

2. Where a technical service subcontracts specific tasks from the categories of activities for which it has been designated or has recourse to a subsidiary to perform those tasks, it shall ensure that the subcontractor or the subsidiary complies with the requirements set out in Articles 73 and 74 and it shall inform the ***type-approval*** authority thereof.

Amendment

2. Where a technical service subcontracts specific tasks from the categories of activities for which it has been designated or has recourse to a subsidiary to perform those tasks, it shall ensure that the subcontractor or the subsidiary complies with the requirements set out in Articles 73 and 74 and it shall inform the ***designating*** authority thereof.

Or. en

Amendment 161

**Proposal for a regulation
Article 75 – paragraph 4**

Text proposed by the Commission

4. Technical services shall keep at the disposal of the ***type approval*** authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the tasks performed by them.

Amendment

4. Technical services shall keep at the disposal of the ***designating*** authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the tasks performed by them.

Or. en

Amendment 162

**Proposal for a regulation
Article 75 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4 a. Technical services subcontractors must be notified to the type-approval authority and their names must be published by the Commission.

Or. en

Amendment 163

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.* *deleted*

Or. en

Amendment 164

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

Text proposed by the Commission

Amendment

Before designating a technical service, the ***type-approval*** authority shall assess it in accordance with an assessment check-list that covers at least the requirements listed in Appendix 2 of Annex V. The assessment shall include an on-site assessment of the premises of the applying technical service, and, where relevant, of any subsidiary or sub-contractor, located inside or outside the Union.

Before designating a technical service, the ***designating*** authority shall assess it in accordance with an assessment check-list that covers at least the requirements listed in Appendix 2 of Annex V. The assessment shall include an on-site assessment of the premises of the applying technical service, and, where relevant, of any subsidiary or sub-contractor, located inside or outside the Union.

Or. en

Amendment 165

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 ***designating*** authorities of at least two other Member States shall, in coordination with the ***designating*** 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 authority of the applicant technical service shall give those representatives timely access to the documents necessary to assess the applicant technical service.

Or. en

Amendment 166

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 Commission the names of the representatives of the ***designating*** authority to call upon for each joint assessment.

Or. en

Amendment 167

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

Text proposed by the Commission

The ***type-approval*** authority shall notify

Amendment

The ***designating*** authority shall notify the

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.

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.

Or. en

Amendment 168

Proposal for a regulation

Article 77 – paragraph 7 – subparagraph 2

Text proposed by the Commission

The notifying ***type-approval*** authority shall furthermore submit evidence of the availability of competent personnel for monitoring the technical service in accordance with Article 71(6).

Amendment

The notifying ***designating*** authority shall furthermore submit evidence of the availability of competent personnel for monitoring the technical service in accordance with Article 71(6).

Or. en

Amendment 169

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 ***designating*** 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..

Or. en

Amendment 170

Proposal for a regulation Article 77 – paragraph 9

Text proposed by the Commission

9. The ***type-approval*** authority of the Member State where the applicant technical service is established shall respond to the questions, concerns and requests for further documentary evidence within four weeks following their receipt.

Amendment

9. The ***designating*** authority of the Member State where the applicant technical service is established shall respond to the questions, concerns and requests for further documentary evidence within four weeks following their receipt.

Or. en

Amendment 171

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 ***designating*** authorities of the other Member States or the Commission may individually or jointly address recommendations to the ***designating*** 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 ***designating*** authority shall take account of the recommendations when it takes the decision on the designation of the technical service. Where that ***designating*** authority decides not to follow the recommendations addressed by the other Member States or the Commission, it shall give the reasons therefor within two weeks after taking its decision.

Or. en

Amendment 172

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 ***one month*** 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 ***designating*** 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).

Or. en

Amendment 173

Proposal for a regulation

Article 78 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 174

Proposal for a regulation Article 78 – paragraph 4

Text proposed by the Commission

4. Where a regulatory act listed in Annex IV requires a ***type-approval*** authority to designate a specific organisation or competent body to carry out an activity not included in the categories of activities referred to in Article 72(1), the Member State shall make the notification referred to in paragraph 1.

Amendment

4. Where a regulatory act listed in Annex IV requires a ***designating*** authority to designate a specific organisation or competent body to carry out an activity not included in the categories of activities referred to in Article 72(1), the Member State shall make the notification referred to in paragraph 1.

Or. en

Amendment 175

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

Text proposed by the Commission

Where the ***type-approval*** authority has ascertained or has been informed that a technical service no longer complies with the requirements laid down in this Regulation, that authority shall restrict, suspend or withdraw the designation, as appropriate, depending on the seriousness of the failure to comply with those requirements.

Amendment

Where the ***designating*** authority has ascertained or has been informed that a technical service no longer complies with the requirements laid down in this Regulation, that authority shall restrict, suspend or withdraw the designation, as appropriate, depending on the seriousness of the failure to comply with those requirements.

Or. en

Amendment 176

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

Amendment

The ***designating*** authority shall immediately inform the Commission and

the other Member States of any suspension, restriction or withdrawal of a notification.

the other Member States of any suspension, restriction or withdrawal of a notification.

Or. en

Amendment 177

Proposal for a regulation Article 79 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 178

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 **designating** authority shall inform the other **designating** 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.

Or. en

Amendment 179

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 **designating** authority shall submit a report on its findings regarding the non-compliance to the Commission and the other **designating** authorities. Where necessary to ensure the safety of vehicles, systems, components or separate technical units already placed on the market, the **designating** 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 180

Proposal for a regulation

Article 79 – paragraph 4 – introductory part

Text proposed by the Commission

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

Amendment

4. **Type-approval** 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:

Or. en

Amendment 181

Proposal for a regulation

Article 79 – paragraph 4 – point a

Text proposed by the Commission

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

Amendment

(a) in the case of suspension of a **designation**, 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;

Or. en

Amendment 182

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

Text proposed by the Commission

(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.

Amendment

(b) in the case of restriction or withdrawal of a **designation**, 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.

Or. en

Amendment 183

Proposal for a regulation
Article 79 – paragraph 6

Text proposed by the Commission

6. A designation as technical service

Amendment

6. A designation as technical service

can only be renewed after the ***type-approval*** authority has verified whether the technical service continues to comply with the requirements of this Regulation. That assessment shall be carried out in accordance with the procedure set out in Article 77.

can only be renewed after the ***designating*** authority has verified whether the technical service continues to comply with the requirements of this Regulation. That assessment shall be carried out in accordance with the procedure set out in Article 77.

Or. en

Amendment 184

Proposal for a regulation

Article 80 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The ***type-approval*** authority shall continuously monitor the technical services to ensure compliance with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V.

Amendment

The ***designating*** authority shall continuously monitor the technical services to ensure compliance with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V.

Or. en

Amendment 185

Proposal for a regulation

Article 80 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Technical services shall, on request, supply all relevant information and documents, required to enable that ***type-approval*** authority to verify compliance with those requirements.

Amendment

Technical services shall, on request, supply all relevant information and documents, required to enable that ***designating*** authority to verify compliance with those requirements.

Or. en

Amendment 186

Proposal for a regulation

Article 80 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Technical services shall, without delay, inform the ***type-approval*** authority of any changes, in particular regarding their personnel, facilities, subsidiaries or subcontractors, which may affect compliance with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V, or their ability to perform the conformity assessment tasks relating to the vehicles, systems, components and separate technical units for which they have been designated.

Amendment

Technical services shall, without delay, inform the ***designating*** authority of any changes, in particular regarding their personnel, facilities, subsidiaries or subcontractors, which may affect compliance with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V, or their ability to perform the conformity assessment tasks relating to the vehicles, systems, components and separate technical units for which they have been designated.

Or. en

Amendment 187

Proposal for a regulation

Article 80 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The ***type-approval*** authority of the Member State in which the technical service is established shall ensure that the technical service carries out its obligation laid down in paragraph 2, unless there is a legitimate reason for not doing so.

Amendment

The ***designating*** authority of the Member State in which the technical service is established shall ensure that the technical service carries out its obligation laid down in paragraph 2, unless there is a legitimate reason for not doing so.

Or. en

Amendment 188

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

Or. en

Amendment 189

Proposal for a regulation

Article 80 – paragraph 3 – subparagraph 1

Text proposed by the Commission

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

Amendment

At least every ***three years, the designating*** authority shall assess whether each technical service under its responsibility continues to satisfy the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 to Annex V ***and shall submit an assessment to the responsible Member State***. This assessment ***shall be carried out by a joint assessment team designated in accordance with the procedure described in Article 77(1) to (4) and*** shall include an on-site visit to each technical service under its responsibility.

Or. en

Amendment 190

Proposal for a regulation

Article 80 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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

Amendment

The outcome of the assessment shall be communicated to all Member States and to the Commission and a summary of 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.*

outcome shall be made publicly available. It shall be discussed by the Forum established in Article 10.

Or. en

Amendment 191

Proposal for a regulation Article 80 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 192

Proposal for a regulation Article 82 – paragraph 4

Text proposed by the Commission

Amendment

4. The exchange of information shall be co-ordinated by the Forum *referred to* in Article 10.

4. The exchange of information shall be co-ordinated by the Forum *established* in Article 10.

Or. en

Amendment 193

Proposal for a regulation Article 83 – paragraph 1

Text proposed by the Commission

1. Where designation of a technical service is based on accreditation within the meaning of Regulation (EC) No 765/2008, Member States shall ensure that the national accreditation body that has accredited a particular technical service is kept informed by the type-approval authority on incident reports and other information that relate to matters under the control of the technical service when that information is relevant for the assessment of the performance of the technical service.

Amendment

1. Where designation of a technical service is ***also*** based on accreditation within the meaning of Regulation (EC) No 765/2008, Member States shall ensure that the national accreditation body that has accredited a particular technical service is kept informed by the type-approval authority on incident reports and other information that relate to matters under the control of the technical service when that information is relevant for the assessment of the performance of the technical service.

Or. en

Amendment 194

Proposal for a regulation Article 84 – paragraph 2 – point a

Text proposed by the Commission

(a) allow their approval authority to witness the performance of the technical service during the ***conformity assessment***;

Amendment

(a) allow their approval authority to witness the performance of the technical service during the ***testing for type-approval***;

Or. en

Amendment 195

Proposal for a regulation Article 86

Text proposed by the Commission

Article 86

National fees for costs relating to the

Amendment

deleted

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 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 196

**Proposal for a regulation
Article 88 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3 a. Before adopting a delegated act,

the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Or. en

Amendment 197

Proposal for a regulation Article 89 – paragraph 1

Text proposed by the Commission

1. Member States shall lay down the rules on penalties for infringement by economic operators and technical services of their obligations laid down in the Articles of this Regulation, ***in particular Articles 11 to 19 and 72 to 76, 84 and 85*** and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Amendment

1. Member States shall lay down the rules on penalties for infringement by economic operators and technical services of their obligations laid down in the Articles of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Or. en

Amendment 198

Proposal for a regulation Article 89 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) inadequate fulfilment by the technical services of the requirements for their designation.

Or. en

Amendment 199

Proposal for a regulation

Article 89 – paragraph 3 – point b

Text proposed by the Commission

(b) making available on the market vehicles, systems, components or separate technical units subject to approval without such approval or falsifying documents **or markings** with that intention.

Amendment

(b) making available on the market vehicles, systems, components or separate technical units subject to approval without such approval or falsifying documents, **certificates of conformity, statutory plates or approval marks** with that intention.

Or. en

Amendment 200

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 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 **evaluate the need to impose** administrative fines upon the concerned economic operator for the infringement of this Regulation. **On the basis of such evaluations, the Commission shall adopt implementing acts containing its decision to impose administrative fines.**

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

The Commission shall address its decision to all Member States and shall

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

Or. en

Amendment 201

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 **implementing acts referred to in paragraph 1** 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. ***In addition, those implementing acts shall not be adopted prior to the conclusion of any actions pursued under administrative procedures implemented by Member States and communicated to the Commission in accordance with Article 89.***

Or. en

Amendment 202

Proposal for a regulation

Article 90 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The amounts of administrative fines ***imposed by the implementing acts referred to in paragraph 1*** shall be ***held by the Member States*** for the ***purposes of redress to persons negatively affected by the***

infringement and other such activities to the benefit of consumers or, where appropriate, environmental protections within the Member State.

Or. en

Amendment 203

Proposal for a regulation Article 98 – paragraph 3

Text proposed by the Commission

However, from [...] [PO: please insert the date 12 months after entry into force of this Regulation.], national authorities shall not refuse to grant EU type-approval or national type-approval for a new type of vehicle, or prohibit registration, placing on the market or entry into service of a new vehicle where the vehicle concerned complies with this Regulation and the *delegated and implementing acts adopted pursuant to this Regulation*, if a manufacturer so requests.

Amendment

However, from [...] [PO: please insert the date 12 months after entry into force of this Regulation.], national authorities shall not refuse to grant EU type-approval or national type-approval for a new type of vehicle, or prohibit registration, placing on the market or entry into service of a new vehicle where the vehicle concerned complies with this Regulation and the *regulatory acts listed in Annex IV*, if a manufacturer so requests.

Or. en

Amendment 204

Proposal for a regulation Annex V – Appendix 1 – point 1.1 – subparagraph 2a (new)

Text proposed by the Commission

Amendment

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 third party.

Or. en

Amendment 205

Proposal for a regulation Annex XII – point 1 – second column

<i>Text proposed by the Commission</i>	<i>Amendment</i>
Units	Units
1 000	1500
0	0
1000	1500
0	1500
0	0
0	0

Or. en

Amendment 206

Proposal for a regulation Annex XII – point 2 – second column

<i>Text proposed by the Commission</i>	<i>Amendment</i>
Units	Units
100	250
250	250
500 until 31October 2016	500 until 31October 2016
250 from 1 November 2016	250 from 1 November 2016
250	250
500	500
250	250

Or. en

Amendment 207

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 independent operators.

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 the form of machine readable and electronically processable datasets***, in a database that is, accessible to independent operators.

Or. en

Amendment 208

Proposal for a regulation

Annex XVIII – point 7 – point 7.4 a (new)

Text proposed by the Commission

Amendment

7.4 a. Manufacturers shall make available via a web service or as a download an electronic data set containing a list of VIN numbers and the correlated individual specification and configuration features of the corresponding vehicle.

Or. en