



Plenary sitting

A8-0048/2017

1.3.2017

*****I**
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
OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY	160
OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM	236
PROCEDURE – COMMITTEE RESPONSIBLE	286
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE.....	287

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 the Environment, Public Health and Food Safety and the Committee on Transport and Tourism (A8-0048/2017),
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 1

Text proposed by the Commission

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

Amendment

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

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) In that assessment it was concluded, however, that there is a need to introduce market surveillance provisions to complement the type-approval requirements, a need to clarify the recall and safeguard procedures, as well as the conditions for granting extensions to approvals for existing types of vehicle, a need to improve the enforcement of the type-approval framework by harmonising and enhancing the type-approval and conformity of production procedures applied by Member States' authorities and technical services, a need to **clarify** the roles and responsibilities of economic operators in the supply chain, and of the authorities and parties involved in the enforcement of the framework, and a need to improve the suitability of alternative type-approval schemes (national small series and individual vehicle approvals) and of the multi-stage type-approval process to provide appropriate flexibility

Amendment

(4) In that assessment it was concluded, however, that there is a need to introduce market surveillance provisions to complement the type-approval requirements, a need to clarify the recall and safeguard procedures, as well as the conditions for granting extensions to approvals for existing types of vehicle, a need to improve the enforcement of the type-approval framework by harmonising and enhancing the type-approval and conformity of production procedures applied by Member States' authorities and technical services, a need to **clearly delineate** the roles and responsibilities of economic operators in the supply chain, and of the authorities and parties involved in the enforcement of the framework, **ensuring that those roles and responsibilities do not overlap, guaranteeing the independence of the aforementioned operators, authorities and parties, and preventing conflicts of**

for niche markets and SMEs, without however distorting the level playing field.

interest, and a need to improve the suitability of alternative type-approval schemes (national small series and individual vehicle approvals) and of the multi-stage type-approval process to provide appropriate flexibility for niche markets and SMEs, without however distorting the level playing field.

Amendment 3

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.

Amendment 4

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) As consumer protection is a priority of the Union, manufacturers of vehicles circulating in the Union should be required to submit those vehicles for testing before being placed on the market and during their lifetime. Member States and the Commission should be guarantors of this double surveillance, the one being able to act where the other fails to do so.

Amendment 5

Proposal for a regulation

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) The EU should do all it can to prevent cheating by car manufacturers designed to manipulate pollution emission and fuel consumption tests in order to produce false results or circumvent any other rules. Such manipulation should stop once and for all.

Amendment 6

Proposal for a regulation

Recital 5 c (new)

Text proposed by the Commission

Amendment

(5c) This Regulation seeks to address the slow pace of vehicle recall operations in the Union. The existing procedure does not guarantee effective protection of European citizens, unlike the US procedure, which allowed action to be taken quickly. From this perspective, it is essential to allow the Commission to require economic operators to take all necessary restrictive measures, including the recall of vehicles, in order that non-conforming vehicles, systems, components or other separate technical units are brought into line with this Regulation.

Amendment 7

Proposal for a regulation

Recital 5 d (new)

Text proposed by the Commission

Amendment

(5d) If an irregularity is detected in vehicles in circulation which is contrary to the initial authorisation rules and/or

puts consumer safety at risk or exceeds pollution limits, it is in the interests of European consumers to be able to count on rapid, appropriate and coordinated corrective measures, including, where necessary, vehicle recall applicable throughout the Union. Member States should provide the Commission with all the information in their possession so that it can take appropriate, rapid action to defend the integrity of the single market.

Amendment 8

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) This Regulation sets out the harmonised rules and principles for the type-approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, and the individual vehicle approval, with a view to ensuring the ***proper functioning of*** the internal market for the benefit of businesses and consumers and ***to offer*** a high level of safety and protection of health and the environment.

Amendment

(6) This Regulation sets out the harmonised rules and principles for the type-approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, and the individual vehicle approval, with a view to ensuring the ***consistent application of high-quality standards for verifying conformity of production, enabling*** the internal market ***to function properly*** for the benefit of businesses and, ***with full and proper regard for the rights of*** consumers, ***whilst offering*** a high level of safety and protection of health and the environment.

Amendment 9

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) This Regulation lays down the substantive technical and administrative type-approval requirements for motor vehicles of categories M and N and their trailers (category O), and for the systems,

Amendment

(7) This Regulation lays down the substantive technical and administrative type-approval requirements for motor vehicles of categories M and N and their trailers (category O), and for the systems,

components and separate technical units intended for such vehicles with a view to ensuring *an adequate* level of safety and environmental performance. These categories cover motor vehicles for the carriage of passengers, motor vehicles for the carriage of goods, and their trailers, respectively.

components and separate technical units intended for such vehicles with a view to ensuring *a high* level of safety and environmental performance. These categories cover motor vehicles for the carriage of passengers, motor vehicles for the carriage of goods, and their trailers, respectively.

Amendment 10

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

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

Amendment 11

Proposal for a regulation Recital 7 b (new)

Text proposed by the Commission

Amendment

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

Amendment 12

Proposal for a regulation Recital 8 a (new)

(8a) For the purposes of compliance with this Regulation, regard should be had to the provisions of Directive 2014/45 of the European Parliament and of the Council^{1a}.

^{1a} **Directive 2014/45 of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).**

Amendment 13

Proposal for a regulation Recital 9

Text proposed by the Commission

Amendment

(9) **An** effective implementation of the type-approval requirements should be ensured by enhancing the provisions on conformity of production by, inter alia, providing for mandatory periodic audits of the conformity control methods and the continued conformity of the products concerned and by reinforcing the requirements relating to the competence, obligations and performance of the technical services that carry out tests for whole-vehicle type-approval under the responsibility of type-approval authorities. The proper functioning of technical services is crucial for ensuring a high level of safety and environmental protection and citizens' confidence in the system. The criteria for designation of technical services provided by Directive 2007/46/EC should be laid down in greater detail in order to **assure their consistent application**. The **assessment** methods of technical services in the Member States have a tendency to progressively differ due

(9) Effective implementation of the type-approval requirements should be ensured by enhancing the provisions on conformity of production by, **giving better access to information, by firmly framing optimisation techniques during lab testing, by paying particular attention to the risk of illegal defeat devices the use of which is forbidden by Regulation (EC) No 715/2007 of the European Parliament and of the Council^{1a}**, by providing for mandatory periodic audits of the conformity control methods and the continued conformity of the products concerned and by reinforcing **and harmonising** the requirements relating to the competence, obligations and performance of the technical services that carry out tests for whole-vehicle type-approval under the responsibility of type-approval authorities. The proper functioning of technical services is crucial for ensuring a high level of safety and environmental protection and citizens'

to the increased complexity of their work. Therefore, it is necessary to provide for procedural obligations that ensure an information exchange and monitoring of Member States' practices for the assessment, designation, notification and monitoring of their technical services. Those procedural obligations should remove any existing discrepancies in the methods used and in the interpretation of the criteria for the designation of technical services.

confidence in the system. The criteria for designation of technical services provided by Directive 2007/46/EC should be laid down in greater detail in order to ***ensure that they are applied consistently across all Member States***. The methods of ***assessing*** technical services in the Member States have a tendency to progressively differ due to the increased complexity of their work. Therefore, it is necessary to provide for procedural obligations that ensure an information exchange and monitoring of Member States' practices for the assessment, designation, notification and monitoring of their technical services. Those procedural obligations should remove any existing discrepancies in the methods used and in the interpretation of the criteria for the designation of technical services. ***In order to ensure adequate oversight and a level playing-field across the Union, the assessment of an applicant technical service should include an on-site assessment and observation at first hand of the actual type-approval tests carried out.***

^{1a} Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 171, 29.6.2007, p. 1).

Amendment 14

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) The need for control and monitoring of technical services ***by the designating authorities*** has increased since technical progress has raised the risk that

Amendment

(10) The need for ***certification***, control and monitoring of technical services has increased since technical progress has raised the risk that technical services do not

technical services do not possess the necessary competence to test new technologies or devices emerging within their scope of designation. As technical progress shortens product cycles and as the intervals of surveillance on-site assessments and of the monitoring vary between designating authorities, minimum requirements with regard to the intervals of the surveillance and monitoring of the technical services should be established.

possess the necessary competence to test new technologies or devices emerging within their scope of designation. ***Due to the wide differences in interpretation of the current implementation of directive 2007/46/EC and the application of its provisions in the course of the type-approval procedure, considerable differences between technical services exist. The certification, control and monitoring should therefore be harmonised and increased to ensure a level playing field within the European single market.*** As technical progress shortens product cycles and as the intervals of surveillance on-site assessments and of the monitoring vary between designating authorities, minimum requirements with regard to the intervals of the surveillance and monitoring of the technical services should be established.

Justification

Technical services are involved in the development of the newest technologies through their collaboration and work for the suppliers of the car manufacturers. The observed differences stem from the different interpretation of the current directives.

Amendment 15

Proposal for a regulation

Recital 12

Text proposed by the Commission

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

Amendment

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

checklist. *This Regulation establishes an online database, which together with the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council^{1a}, could provide a useful electronic means to facilitate and enhance administrative cooperation managing the exchange of information on the basis of simple and unified procedures. For this purpose, the Commission should consider making use of existing online databases such as ETAES or Eucaris.*

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

Amendment 16

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Current problems in the area of type-approval have brought to light major weaknesses in existing national systems of market surveillance and control of type-approval. It is therefore necessary, as an immediate response to the failures thus revealed, to empower the Commission to undertake appropriate supervisory tasks.

Amendment 17

Proposal for a regulation Recital 13

Text proposed by the Commission

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

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

Amendment

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

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

Amendment 18

Proposal for a regulation

Recital 14

Text proposed by the Commission

(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.***

Amendment

deleted

Amendment 19

Proposal for a regulation

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Member States should ensure that fees are not paid directly to the technical service by the economic operator for the costs of type approvals and market surveillance activities. This provision should not restrict the ability for economic operators to choose the technical service they wish to use for those activities.

Amendment 20

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 inspections.

deleted

Amendment 21

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) In order to allow market forces to work, technical services should apply the rules for the type-approval procedures in

all transparency and uniformly, without creating unnecessary burden for economic operators. To guarantee a high level of technical expertise and a fair treatment of all economic operators, a uniform technical application of the rules for the type-approval procedures should be ensured. Within the Forum established by this Regulation, type-approval authorities should exchange information on the functioning of the different technical services which they certified.

Justification

The Commission must ensure purposeful coordination and co-operation between the technical services. It is crucial to the functioning of the type-approval procedure that the technical services apply it in a uniform manner.

Amendment 22

Proposal for a regulation Recital 18

Text proposed by the Commission

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

Amendment

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

of the correctness of the type approval itself.

Amendment 23

Proposal for a regulation

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Type approval authorities and market surveillance authorities should not be linked when carrying out their tasks, so as to avoid potential conflicts of interest. In this regard, these authorities should be organised as distinct entities in accordance with the structure of the national administration and should not share members of staff or facilities in accordance with the structures and competences of national authorities.

Amendment 24

Proposal for a regulation

Recital 19 b (new)

Text proposed by the Commission

Amendment

(19b) The Forum for Enforcement should provide a platform for the exchange of information and independent analysis to support improvements to the functioning and implementation of this Regulation. In the course of the exchange the Commission might have reason to consider that one or more type approval authorities are not in compliance with the requirements of this Regulation. In such instances the Commission should be able to take all necessary measures to ensure compliance, including the issuance of guidelines, recommendations or other instruments and recourse to other procedures, with due regard to proportionality. In cases of serious breach, the Commission should be able to

require the withdrawal or suspension of the ability of the authority to accept applications for new type approvals, in order to safeguard a high level of consumer and environmental protection.

Amendment 25

Proposal for a regulation Recital 21

Text proposed by the Commission

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

Amendment

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

Amendment 26

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) It is necessary that the market surveillance authorities and the type-approval authorities can properly perform the tasks provided for by this Regulation. To this end, Member States should in particular equip them with the resources necessary for that purpose.

Amendment 27

Proposal for a regulation Recital 22

Text proposed by the Commission

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

Amendment

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

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

surveillance authorities, approval authorities, the Commission **and third parties, disclosure of vehicle and testing information is necessary to carry out such checks. Relevant information for repair and maintenance purposes** should be provided in electronic format and be made publicly available, subject to exemptions due to protection of commercial interests and the protection of personal data. **The information to be disclosed for these purposes should not be such as to undermine confidentiality of proprietary information and intellectual property.**

Amendment 28

Proposal for a regulation Recital 23a (new)

Text proposed by the Commission

Amendment

(23a) Third parties who perform their own testing and verification of compliance of vehicles with the requirements of this Regulation should satisfy principles of transparency and openness, including with regard to ownership and funding structures and models. Those third parties should also comply with the same requirements as imposed on designated technical services as regards the scientific and methodological standards applied in the conduct of tests they carry out.

Amendment 29

Proposal for a regulation Recital 24

Text proposed by the Commission

Amendment

(24) Those more specific obligations for national authorities provided in this Regulation should include ex-post compliance verification testing and inspections of a sufficient number of

(24) Those more specific obligations for national authorities provided in this Regulation should include ex-post compliance verification testing and inspections of a sufficient number of

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

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

Amendment 30

Proposal for a regulation Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) It is essential for the Commission to be able to verify conformity with type-approvals and with the legislation applicable to vehicles, systems, components and separate technical units and ensure the regularity of type-approvals by organising, carrying out or requiring to be carried out tests and inspections of vehicles, systems, components and separate technical units which have already been placed on the market.

Amendment 31

Proposal for a regulation Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Third parties who perform their own testing and verification of compliance of vehicles with the requirements of this Regulation should satisfy principles of transparency and openness, including with regard to ownership and funding structures and models. Those third parties should also follow a similar approach to that of the designated technical services by complying with the same standards when conducting and interpreting tests.

Amendment 32

Proposal for a regulation Recital 25 b (new)

Text proposed by the Commission

Amendment

(25b) Market surveillance should also take into account a risk-based approach, with focus on inter alia data obtained from roadside remote monitoring units, complaints, reports from periodic technical inspection, expected life-span and previously identified problem vehicles, systems, components and separate technical units.

Amendment 33

Proposal for a regulation Recital 25 c (new)

Text proposed by the Commission

Amendment

(25c) In order to verify vehicle emissions, market surveillance authorities should inter alia make use of remote sensing technology to help identify which aspects such as high levels of air or noise pollution, of which vehicle models, should be subject to further investigation. When doing so, the authorities should cooperate

and coordinate their activities with authorities responsible for periodic technical inspections pursuant to Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles.

Amendment 34

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) In order to ensure a high level of vehicle functional safety, the protection of vehicle's occupants and other road users, and environmental protection, the technical requirements and environmental standards applicable to vehicles, systems, components and separate technical units should continue to be harmonised and adapted to technical and scientific progress.

Amendment

(26) In order to ensure a high level of vehicle functional safety, the protection of vehicle's occupants and other road users, and environmental ***and public health*** protection, the technical requirements and environmental standards applicable to vehicles, systems, components and separate technical units should continue to be harmonised and adapted to technical and scientific progress.

Amendment 35

Proposal for a regulation

Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) In order to ensure and continually improve a high level of vehicle functional safety, the protection of vehicle's occupants and other road users, and environmental protection, the introduction of new technologies based on technical and scientific progress should be facilitated. This should be done by limiting the required test and documentation for granting EU type approval of such technologies.

Amendment 36

Proposal for a regulation

Recital 27

Text proposed by the Commission

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

Amendment

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

Amendment 37

Proposal for a regulation Recital 29

Text proposed by the Commission

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

Amendment

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

Amendment 38

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) The continued validity of the type-approvals requires that the manufacturer informs the authority that has approved his type of vehicle about any changes to the characteristics of the type or the safety and environmental performance requirements applicable to that type. It is therefore important that the validity of issued type-approval certificates is limited in time and that those certificates can only be renewed when the approval authority has verified and is satisfied that the type of vehicle continues to comply with all the applicable requirements. Furthermore, the conditions for extending type-approvals should be clarified to ensure a uniform application of the procedures and enforcement of the type-approval requirements throughout the Union.

Amendment

(30) The continued validity of the type-approvals requires that the manufacturer informs the authority that has approved his type of vehicle about any changes to the characteristics of the type or the safety and environmental performance requirements applicable to that type. It is therefore important that the validity of issued type-approval certificates is limited in time and that those certificates can only be renewed when the approval authority has verified and is satisfied that the type of vehicle continues to comply with all the applicable requirements. ***However, some systems, components and separate technical units are, by their very nature, not required to have an expiry date. For instance, it is clear that the validity of emission systems type-approval needs to be limited in time, whilst rear mirrors do not. Therefore, the power should be delegated to the Commission to establish a list of the systems, components and separate technical units concerned. The verification procedure should include different methods, such as documentary checks, compliance audits and full-fledged type-approval procedures.***

Amendment 39

Proposal for a regulation

Recital 31

Text proposed by the Commission

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

Amendment

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

regarding the corrective action to be taken to mitigate the identified risk and harm.

regarding the corrective action to be taken to mitigate the identified risk and harm.

Particular attention must be given to replacement equipment, systems and technical units that affect the environmental impact of the exhaust system and that these must be subject to authorisation requirements where appropriate.

Amendment 40

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) Appropriate flexibility should be provided by means of alternative type-approval schemes for manufacturers who produce vehicles in small series. They should be able to benefit from the advantages of the Union internal market provided that their vehicles comply with the specific EU type-approval requirements for vehicles produced in small series. In certain limited cases, it is appropriate to allow for national small series type-approval. In order to prevent misuse, any simplified procedure for vehicles produced in small series should be restricted to cases of very limited production. It is therefore necessary to define precisely the concept of vehicles produced in small series in terms of the number of vehicles produced, the requirements to be complied with and the conditions for placing those vehicles on the market. It is equally important to specify an alternative approval scheme for individual vehicles, in particular to provide sufficient flexibility for the approval of vehicles built in multiple stages.

Amendment

(33) Appropriate flexibility should be provided by means of alternative type-approval schemes for manufacturers who produce vehicles in small series. They should be able to benefit from the advantages of the Union internal market provided that their vehicles comply with the specific EU type-approval requirements for vehicles produced in small series. In certain limited cases, it is appropriate to allow for national small series type-approval. In order to prevent misuse, any simplified procedure for vehicles produced in small series should be restricted to cases of very limited production ***in accordance with this Regulation***. It is therefore necessary to define precisely the concept of vehicles produced in small series in terms of the number of vehicles produced, the requirements to be complied with and the conditions for placing those vehicles on the market. It is equally important to specify an alternative approval scheme for individual vehicles, in particular to provide sufficient flexibility for the approval of vehicles built in multiple stages.

Amendment 41

Proposal for a regulation Recital 35 a (new)

Text proposed by the Commission

Amendment

(35a) In order to ensure effective competition on the market for vehicle repair and maintenance information services, and in order to clarify that the information concerned also covers information which needs to be provided to independent operators other than repairers, so as to ensure that the independent vehicle repair and maintenance market as a whole can compete with authorised dealers, regardless of whether the vehicle manufacturer gives such information to authorised dealers and repairers directly, it is necessary to set out the details of the information to be provided for the purposes of access to vehicle repair and maintenance information.

Amendment 42

Proposal for a regulation Recital 36 a (new)

Text proposed by the Commission

Amendment

(36a) Since there is currently no common structured process for the exchange of vehicle component data between vehicle manufacturers and independent operators, it is appropriate to develop principles for such an exchange of data. A future common structured process on the standardised format of the data exchanged should be developed by the European Committee for Standardization (CEN) formally, where upon the mandate given to CEN does not predetermine the level of detail this standard will provide. The CEN's work should, in particular, reflect the interests

and needs of vehicle manufacturers and independent operators alike and should also investigate solutions such as open data formats described by well-defined meta-data to accommodate existing IT infrastructures.

Amendment 43

Proposal for a regulation Recital 37 a (new)

Text proposed by the Commission

Amendment

(37a) In order to ensure effective competition on the market for vehicle repair and maintenance information services, it is to be emphasised that the information concerned also covers information which needs to be provided to independent operators other than repairers, and in a format which allows further electronic processing so as to ensure that the independent vehicle repair and maintenance market as a whole can compete with authorised dealers, regardless of whether the vehicle manufacturer gives such information to authorised dealers and repairers directly.

Amendment 44

Proposal for a regulation Recital 37 b (new)

Text proposed by the Commission

Amendment

(37b) Without prejudice to vehicle manufacturers' obligation to provide repair and maintenance information via their website, the access to in-vehicle data, should remain directly and independently accessible to independent operators.

Amendment 45

Proposal for a regulation Recital 40

Text proposed by the Commission

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

Amendment

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

Amendment 46

Proposal for a regulation Recital 40 a

Text proposed by the Commission

Amendment

(40a) The falsification of test results should be deemed to have occurred when those results cannot be empirically verified by the relevant authority when all testing parameters are replicated or taken into account.

Amendment 47

Proposal for a regulation Recital 40 b (new)

Text proposed by the Commission

Amendment

(40b) Administrative fines levied by the Commissions could be used for the purposes of market surveillance measures and for measures to support persons negatively affected by infringements of this Regulation or other such activities to the benefit of affected consumers and, where appropriate, environmental

protection.

Amendment 48

Proposal for a regulation Recital 40 c (new)

Text proposed by the Commission

Amendment

(40c) In cases of non-conformity the consumer may face personal damage or damage to their own property. In such cases the consumer should be entitled to pursue compensation under relevant legislation addressing defective products or non-conforming goods, including Council Directive 85/374/EEC^{1a}, Directive 1999/44/EC of the European Parliament and of the Council^{1b} and Directive 2006/114/EC of the European Parliament and of the Council^{1c} as applicable. In addition, the consumer may rely on remedies founded in contractual law, as applicable according to the law of their Member State.

^{1a} Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ L 210, 7.8.1985, p. 29).

^{1b} Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ L 171, 7.7.1999, p. 12).

^{1c} Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (OJ L 376, 27.12.2006, p. 21).

Amendment 49

Proposal for a regulation Recital 45 a (new)

Text proposed by the Commission

Amendment

(45a) In order to ensure effective competition on the market for vehicle repair and maintenance information services, it should be clarified that the information concerned also covers information which needs to be provided to independent operators other than repairers, and in a format which allows further electronic processing so as to ensure that the independent vehicle repair and maintenance market as a whole can compete with authorised dealers, regardless of whether the vehicle manufacturer gives such information to authorised dealers and repairers directly.

Amendment 50

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

Text proposed by the Commission

Amendment

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

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

Amendment 51

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

Text proposed by the Commission

Amendment

(b) vehicles designed and constructed for use by the armed services, civil

(b) vehicles designed and constructed for use by the armed services, civil

defence, fire services and forces responsible for maintaining public order;

defence, fire services, **disaster management bodies** and forces responsible for maintaining public order;

Amendment 52

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 Union listed in Annex IV, save as otherwise provided therein**, the following definitions apply:

Amendment 53

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

Text proposed by the Commission

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

Amendment

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

Amendment 54

Proposal for a regulation Article 3 – paragraph 1 – point 7 a (new)

(7a) ‘original parts or equipment’ means parts or equipment which are manufactured according to the specifications and production standards provided by the vehicle manufacturer for the production of parts of equipment for the assembly of the vehicle in question; they include parts or equipment which are manufactured on the same production line as these parts of equipment; unless the contrary is proven, it is presumed that parts constitute original parts if the manufacturer certifies that the parts match the quality of the components used for the assembly of the vehicle in question and have been manufactured according to the specifications and production standards of the vehicle manufacturer;

Amendment 55

Proposal for a regulation

Article 3 – paragraph 1 – point 9

Text proposed by the Commission

(9) ‘manufacturer’ means a natural or legal person who is responsible for **all aspects of the** type-approval of a vehicle, system, component or separate technical unit, or the individual vehicle approval, or the authorisation process for parts and equipment, for ensuring conformity of production **and** for market surveillance **matters** regarding that vehicle, system, component, separate technical unit, part and equipment produced, irrespective of whether that person is or is not directly involved in all stages of the design and construction of that vehicle, system, component or separate technical unit concerned;

Amendment

(9) ‘manufacturer’ means a natural or legal person who is responsible for **complying with the administrative provisions and technical requirements that apply in order to obtain** type-approval of a vehicle, system, component or separate technical unit, or the individual vehicle approval, or the authorisation process for parts and equipment, **and** for ensuring conformity of production, **as well as** for **facilitating compliance with** market surveillance **provisions** regarding that vehicle, system, component, separate technical unit, part and equipment produced, irrespective of whether that person is or is not directly involved in all stages of the design and construction of that vehicle, system, component or separate

technical unit concerned;

Amendment 56

Proposal for a regulation

Article 3 – paragraph 1 – point 16

Text proposed by the Commission

16. ‘registration’ means the **permanent or temporary** administrative authorisation for the entry into service in road traffic of a vehicle, **including** the identification of the **vehicle** and the issuing of a serial number;

Amendment

16. ‘registration’ means the administrative authorisation for the entry into service in road traffic of a vehicle, **involving** the identification of the **latter** and the issuing **to it** of a serial number, **known as the registration number, whether on a permanent or temporary basis, including for a short period of time;**

Amendment 57

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;

Amendment 58

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;**

Amendment 59

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 approval;

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;

Amendment 60

Proposal for a regulation

Article 3 – paragraph 1 – point 46

Text proposed by the Commission

(46) ‘vehicle repair and maintenance information’ means all information required for diagnosing, servicing, inspecting, **periodic monitoring**, repairing, re-programming or re-initialising of a vehicle as well as for the fitting on vehicles of parts and equipment, and that is provided by the manufacturer **to** his authorised dealers **and** repairers, including all subsequent amendments and supplements to that information;

Amendment

(46) ‘vehicle repair and maintenance information’ means all information required for diagnosing, servicing, inspecting, **road worthiness testing**, repairing, re-programming or re-initialising of a vehicle as well as for the fitting on vehicles of parts and equipment, and that is **used or** provided by the manufacturer, **including** his authorised **partners**, dealers, repairers **and network, to offer products or services for vehicle repair and maintenance purposes**, including all subsequent amendments and supplements to that information;

Amendment 61

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;

Amendment 62

Proposal for a regulation

Article 3 – paragraph 1 – point 56 a (new)

Text proposed by the Commission

Amendment

(56a) 'defeat device' means any functional element of design, when functioning accordingly, that prevents the vehicle's approved control and monitoring systems from being efficient and effective as well as prevents compliance with the approval requirements under the whole spectrum of real-world driving conditions.

Amendment 63

Proposal for a regulation

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

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

The Commission ***is*** 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.

Amendment 64

Proposal for a regulation

Article 6 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that type-approval authorities and market surveillance authorities adhere to a strict separation of roles and responsibilities and function independently from each other.

Amendment 65

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where more than one approval authority is responsible for vehicle type-approval including individual vehicle type-approval in a Member State, that Member State 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 of this Regulation.

Amendment 66

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

Amendment

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

4. Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the market, in accordance with Chapter III of Regulation (EC) No 765/2008 ***with the exception of Article 18(5) thereof.***

Amendment 67

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.

Amendment 68

Proposal for a regulation

Article 6 – paragraph 6

Text proposed by the Commission

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

Amendment

6. The Member States shall periodically review and assess the functioning of their type-approval activities, **including the conformity of the type-approvals issued with this Regulation**. Such reviews and assessments shall be carried out at least every **three** years and the results thereof shall be communicated to the other Member States, **the European Parliament** and the Commission. The **results shall be discussed by the Forum established under Article 10**. The Member State concerned shall make a **full report** 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 **and technical services responsible for overseeing the type approval tests**.

Amendment 69

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, **to the European Parliament and to 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 **publically available, 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**.

Amendment 70

Proposal for a regulation

Article 6 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Commission is empowered to adopt delegated acts in accordance with Article 88 supplementing this Regulation by laying down the common criteria to appoint, review and assess the approval authorities and the market surveillance authorities at national level.

Amendment 71

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Approval authorities shall implement and enforce the requirements of this Regulation in a uniform and consistent manner to ensure a level playing field and to avoid application of divergent standards across the Union. They shall fully cooperate with the Forum and the Commission in its audit and oversight activities as regards the application of this Regulation and provide all the necessary information upon request.

Amendment 72

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

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

2. Approval authorities shall carry out their duties independently and impartially. They shall observe confidentiality in order to protect commercial secrets ***of economic operators***, subject to the obligation of information laid down in Article 9(3) in order to protect the interests of users in the Union ***in accordance with applicable law***.

Amendment 73

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

deleted

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.

Amendment 74

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 75

Proposal for a regulation

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where an approval authority finds that a vehicle, system, component or separate technical unit is not in conformity with this Regulation, it shall notify the Commission and the other Member States without delay. The Commission shall notify the members of the Forum for Enforcement immediately upon receipt of this notification.

Amendment 76

Proposal for a regulation

Article 7 – paragraph 5

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

deleted

Amendment 77

Proposal for a regulation Article 8 – paragraph 1

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

1. Market surveillance authorities shall perform regular **tests and inspections in accordance with national annual programmes approved in accordance with paragraphs 2 and 3** to verify **that** vehicles, systems, components and separate technical units **conform to the type approvals and to applicable legislation. Those tests and inspections shall be performed by means of inter alia laboratory tests and real-driving emissions tests, on the basis of statistically relevant samples, and shall be supplemented by** documentary checks. **Member States shall carry out tests or inspections on an annual basis on a number of types which shall total at least 20% of the number of types placed on the market in that Member State in the previous year.** When doing so, market surveillance authorities shall take account of established principles of risk assessment, **substantiated** complaints and other **relevant** information, **including testing results published by recognised third parties, new technologies on the market and reports from periodic technical inspections and on-road remote**

sensing.

Amendment 78

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Market surveillance authorities may rely on independent testing organisations to perform the technical tasks, such as tests or inspections. The responsibility for the results remains with the market surveillance authority. Where technical services are used for the purposes of this Article, market surveillance authorities shall ensure that a different technical service is used from the technical service that performed the original type approval test.

Amendment 79

Proposal for a regulation

Article 8 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Market surveillance authorities shall prepare and submit a national market surveillance programme for approval by the Commission on an annual or multi-annual basis. Member States may together submit joint programmes or actions.

The national market surveillance programmes shall include at least the following information:

(a) the scale and scope of planned market surveillance activities;

(b) details of how market surveillance activities will be carried out, including information on the use of documentary, physical and laboratory checks, and how

it reflects the principles of risk assessment, and how it addresses substantiated complaints, high volumes of specific vehicle models in use of their territory, and their parts, first application of new engine or technology, reports from periodic technical inspections and other relevant information, including from economic operators or testing results published by recognised third parties;

(c) a summary of actions taken in the previous programme, including relevant statistical data on the scale of activities carried out, follow-up actions taken and the results thereof. In the case of a multi-annual programme, a summary of actions shall be prepared and presented on an annual basis to the Commission and the Forum for Enforcement; and

(d) details of financing arrangements notified under Article 30(4) and the human resources dedicated to market surveillance, and their adequacy regarding planned market surveillance activities.

Amendment 80

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 81

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.

Amendment 82

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 83

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

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 ***where applicable*** the relevant approval authority.

and the relevant approval authority.

Amendment 84

Proposal for a regulation

Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where a market surveillance authority finds that a vehicle, system, component or separate technical unit is not in conformity with this Regulation, it shall notify the Commission and the other Member States without delay. The Commission shall notify the members of the Forum for Enforcement immediately upon receipt of this notification.

Amendment 85

Proposal for a regulation

Article 8 – paragraph 6

Text proposed by the Commission

Amendment

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

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

Amendment 86

Proposal for a regulation

Article 8 – paragraph 7

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

deleted

Amendment 87

Proposal for a regulation Article 8 – paragraph 8

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

deleted

Amendment 88

Proposal for a regulation Article 8 – paragraph 9

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

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

Amendment 89

Proposal for a regulation

Article 8 – paragraph 10

Text proposed by the Commission

Amendment

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).

deleted

Amendment 90

Proposal for a regulation

Article 8 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. Market surveillance authorities shall make publically available a report of its findings following any compliance verification testing it has carried out and shall forward its findings to the Member States and the Commission. The Commission shall forward this report to the members of the Forum for Enforcement. The report shall contain details of the vehicles, systems, components or separate technical units that are assessed and the identity of the corresponding manufacturer, and a short description of the findings, including the nature of the non-compliance, if any.

Amendment 91

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

The Commission shall organise and carry out, or require to be carried out, on an adequate scale ***with due regard to agreed national programmes of market surveillance activities approved under Article 8,*** 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.

The tests and inspections organised and carried out, or mandated by the Commission shall address the issue of in-service conformity of vehicles, systems, components and separated technical units.

Those tests and inspections shall be performed by means of inter alia laboratory tests and real-driving emissions tests, on the basis of statistically relevant samples, and shall be supplemented by documentary checks.

When doing so, the Commission shall take account of established principles of risk assessment, substantiated complaints and other relevant information, including testing results published by recognised third parties, new technologies on the market and reports from periodic technical inspections and on-road remote sensing.

Amendment 92

Proposal for a regulation

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

Text proposed by the Commission

Amendment

Without prejudice to paragraph 1, when the Commission, based on information provided by Member States, a request

made by one member of the Forum for Enforcement or testing results published by recognised third parties, considers that a Member State is not properly fulfilling its type-approval or market surveillance obligations stemming from this Regulation , the Commission shall organise and carry out itself, or require to be carried out, tests and inspections of vehicles, systems, components and separate technical units already made available on the market.

Amendment 93

Proposal for a regulation

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

Text proposed by the Commission

Amendment

The Commission may rely on independent testing organisations to perform the technical tasks, such as tests or inspections. The responsibility for the results remains with the Commission. Where technical services are designated for the purposes of this Article, the Commission shall ensure that a different technical service is used from the technical service that performed the original type approval test.

Amendment 94

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

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

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*.

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 *that* the Commission may, *depending on the situation, require*.

Amendment 95

Proposal for a regulation

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The Member States shall give all necessary assistance and provide all documentation and other technical support that Commission experts require in order to enable them to carry out tests, checks and inspections. The Member States shall ensure that Commission experts have access to all premises or parts of premises and to information, including computing systems and software, relevant to the execution of their duties.*

Amendment 96

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

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.

For the purpose of enabling the Commission to carry out the testing referred to in paragraphs 1 and 2, Member States shall *immediately* 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).

Those data shall include at least the information included in the type-approval certificate and its attachments referred to Article 26(1).

Amendment 97

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Vehicle manufacturers shall make **available free of charge and without undue delay** data which are needed for the purpose of compliance verification testing by **recognised** third parties. **That data shall include all parameters and settings that are necessary to accurately replicate the test conditions that were applied at time of the test-approval testing. All such data provided shall be treated with respect for the legitimate protection of business information.** The Commission shall adopt implementing acts in order to define the data to be made **available** and the conditions for **doing so, including those for the provision of access to such information via the online type-approval database referred to in Article 10a**, subject to the protection of commercial secrets and the preservation of personal data pursuant to Union **legal acts** and national legislation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment 98

Proposal for a regulation Article 9 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall organise and carry out joint audits of the type

approval authorities and national market surveillance authorities to verify that they implement, in a consistent manner, the requirements of this Regulation and carry out their duties in an independent and rigorous manner. Following consultation with the Forum, the Commission shall adopt an annual plan of joint audits, which shall take into account the results of prior reviews when determining frequency of assessment. In cases where the Commission has reason to consider that a type approval authority does not fulfil its obligations under this Regulation, the Commission may require joint audits to be carried out on an annual basis.

Amendment 99

Proposal for a regulation

Article 9 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. *In order to perform this task, the Commission shall have recourse to independent auditors contracted as third parties following an open call for tenders. The auditors shall carry out their duties independently and impartially. The auditors shall observe confidentiality in order to protect commercial secrets in accordance with the applicable law. The Member States shall give all necessary assistance and shall provide all the documentation and support that auditors request in order to enable them to carry out their duties. The Member States shall ensure that the auditors have access to all premises or parts of premises and to information, including computing systems and software, relevant to the execution of their duties. Upon request, a Member State may be entitled to send an observer to a joint audit organised under this Article. Those observers shall not*

influence any decisions related to the outcome of the joint audit.

Amendment 100

Proposal for a regulation

Article 9 – paragraph 4 c (new)

Text proposed by the Commission

Amendment

4c. The outcome of the joint audit shall be communicated to all Member States and to the Commission and a summary of the outcome shall be made publicly available. It shall be discussed by the Forum established in Article 10.

Amendment 101

Proposal for a regulation

Article 9 – paragraph 4 d (new)

Text proposed by the Commission

Amendment

4d. The Member State concerned shall provide information to the Commission and the other Member States on how it has addressed the recommendations arising from the joint audit referred to in paragraph 4c.

Amendment 102

Proposal for a regulation

Article 9 – paragraph 4 e (new)

Text proposed by the Commission

Amendment

4e. The Commission may request further information from Member States and their national type approval authorities and market surveillance authorities where they have reason to

believe following examination within the Forum that there are cases of non-compliance with this Regulation. Member States and their respective authorities shall provide such information without undue delay.

Amendment 103

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 104

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall take appropriate measures to alert users within the Union, including the relevant type approval authorities, within an adequate timeframe, to any non-compliance that they have identified relating to any vehicle, system, component and separate technical unit so as to prevent or reduce the risk of injury or other damage. This information shall also be made available on the website of relevant market surveillance authorities in plain and understandable language.

Amendment 105

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 3

Text proposed by the Commission

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

Amendment

The Commission shall **make publically available** a report of its findings following any compliance verification testing it has carried out **and shall forward its findings to the Member States and to the members of the Forum for Enforcement. The report shall contain details of the vehicles, systems, components or separate technical units that are assessed and the identity of the corresponding manufacturer, and a short description of the findings, including the nature of the non-compliance, if any, and, where appropriate, recommend follow-up actions to Member States.**

Amendment 106

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Commission shall establish, chair **and manage** a Forum for Enforcement ('the Forum').

Amendment 107

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

This Forum shall be composed of members appointed by the Member States, **including their type-approval and market surveillance authorities.**

Whenever appropriate, and at least once a year, the Forum shall also invite observers to its meetings. The invited observers shall include representatives of the European Parliament, technical services, recognised third party testing organisations, representatives of industry or other relevant economic operators, safety and environment NGOs and consumer groups. Observers invited to meetings of the Forum shall constitute a broad, representative and balanced range of Union and national bodies representing relevant stakeholders.

Amendment 108

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *The Commission shall publish on its website the calendar of meetings, the agenda and minutes, including a record of attendance.*

Amendment 109

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

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

The Forum shall coordinate a network of the national authorities responsible for the type-approval and market surveillance ***in order to facilitate the implementation of this Regulation, in particular with regard to requirements regarding the assessment, designation and monitoring of designated bodies and the general application of the requirements laid down in this Regulation.***

Amendment 110

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 tasks shall comprise:

- (a) *the consideration of substantiated complaints, evidence or other relevant information presented by recognised third parties of possible non-compliance;*
- (b) *the jointly discussion and assessment of the national market surveillance programmes following their submission to the Commission;*
- (c) *the exchange of information with regard to new technologies available or due to become available on the market;*
- (d) *the assessment of the results of reviews, both those under Article 6(6) and those following a joint audit under Article 71(8), of the functioning of type approval authorities;*
- (e) *the review of the results of assessments of the functioning of market surveillance;*
- (f) *the assessment of 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*
- (g) *the assessment, at least every two years, of 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 .

Amendment 111

Proposal for a regulation

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where, following examination within the forum, the Commission has reason to believe that there are cases of non-compliance with this Regulation, the Commission may request further information from Member States and their national type approval authorities and market surveillance authorities. Member States and their respective authorities shall provide such information without undue delay

Amendment 112

Proposal for a regulation

Article 10 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The Commission shall make publically available a report on the activities of the Forum on an annual basis. This report shall include detailed explanation of the issues under its consideration, actions arising from those deliberations and the reasoning behind those actions, including in the event that no actions are foreseen. Each year the Commission shall present the report of the activities of the Forum to the European Parliament.

Amendment 113

Proposal for a regulation

Article 10 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. If the Commission demonstrates that a type approval authority concerned has breached any of the requirements of this Regulation following a joint audit, it shall immediately inform the Member States, the European Parliament and the Commission. The Commission may take all necessary measures to address non-compliance. In certain cases, and having due regard to the nature of the non-compliance, the Commission shall be empowered to suspend or withdraw the authority for the concerned approval authority to accept applications for EU type approval certificates under Article 21.

Amendment 114

Proposal for a regulation

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

Text proposed by the Commission

Amendment

Within two months after having suspended or withdrawn such authority under paragraph 3, the Commission shall submit a report on its findings regarding the non-compliance to the Member States. Where necessary to ensure the safety of vehicles, systems, components or separate technical units already placed on the market, the Commission shall instruct the concerned approval authorities to suspend or withdraw within a reasonable period of time, any certificates which were unduly issued.

Amendment 115

Proposal for a regulation Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Online type-approval database

- 1. The Commission shall establish an online type-approval database for the secure electronic exchange of information related to type-approval procedures, authorisations issued, market surveillance and other relevant activities between national type approval authorities, market surveillance authorities, Member States and the Commission.**
- 2. The Commission shall be responsible for coordination of access and receipt of regular updates with relevant authorities and data security and confidentiality relating to records maintained in the database.**
- 3. Member States shall submit information required under Article 25 to the database. In addition, Member States shall supply details of the vehicle identification number of registered vehicles and the vehicle registration number allocated to a vehicle in accordance with Council Directive 1999/37/EC^{1a} and shall provide the Commission with updates on a regular basis. This information shall be available in a searchable format.**
- 4. The Commission shall establish an interface between the database and the EU Rapid Warning System (RAPEX) and the Information and Communication System on Market Surveillance (ICSMS), in order to facilitate market surveillance activities and ensure coordination, consistency and accuracy of the information provided to consumers and third parties.**

5. *The Commission shall also establish a publicly accessible interface which shall include the information contained in Annex IX and details of the approval authority issuing the type approval certificate under Article 24 and technical services who have performed tests required under Article 28. The Commission shall ensure that that information is presented in a searchable format.*

The Commission shall also provide for access to information necessary for verification testing, in accordance with the implementing acts adopted under Article 9(4).

6. *As part of the database, the Commission shall develop a tool to upload third party test results and complaints about the performance of vehicles, systems, components and other technical units. Information submitted via that tool shall be taken into account in relation to market surveillance activities provided for in Articles 8 and 9.*

7. *In order to test the suitability of using the IMI for the purpose of exchanging information on the basis of this Article, a pilot project shall be launched by ... [3 months after the entry into force of this Regulation].*

^{1a} *Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).*

Amendment 116

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**

Amendment

1. The manufacturer shall ensure that the vehicles, systems, components or separate technical units that **are** placed on

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.

the market or *have* entered into service have been manufactured and approved in accordance with the requirements set out in this Regulation *and that they continue to comply with those requirements regardless of the testing method used.*

Amendment 117

Proposal for a regulation

Article 11 – paragraph 2 – subparagraph 1 a (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 regardless of testing method used.

Amendment 118

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 the purposes of EU type-approval.

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

Amendment 119

Proposal for a regulation

Article 11 – paragraph 4 a (new)

4a. *When applying for EU type approval, the manufacturer shall ensure that the design of the vehicles, systems, components or separate technical units does not incorporate strategies or other means that unnecessarily alter the performance exhibited during applicable test procedures when those vehicles, systems, components or separate technical units are operated under conditions that might reasonably be expected to be encountered in normal operation and use.*

The manufacturer shall disclose any engine management strategies which might be deployed, either through hardware or software means. The manufacturer shall disclose all relevant information regarding such management strategies, including the software used, parameters of any such strategies and the technical justification as to why they are necessary.

Amendment 120

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

Amendment 121

Proposal for a regulation Article 11 – paragraph 6 a (new)

6a. The manufacturer shall, to protect the environment, health and safety of consumers, investigate and keep a register of complaints and non-conformities of vehicles, systems, components, separate technical units, parts or equipment that he placed on the market and keep his importers and distributors informed of such monitoring.

If the number of complaints and non-conformities concerning safety or emission related equipment exceed 30 cases or 1 per cent of the total of vehicles, whichever value is lower, systems, components, separate technical units, parts or equipment of a particular type, variant and/or version that have been placed on the market, detailed information shall be sent to the relevant approval authority responsible for the vehicle, system, component, separate technical unit, part or equipment as well as to the Commission without delay.

The information shall contain a description of the issue and details necessary to identify the affected type, variant and version of the vehicle, system, component, separate technical unit, part or equipment. This early warning data shall be used for identifying potential trends in consumer complaints and investigating the need for manufacturer initiated recalls and market surveillance activities by Member States and the Commission.

Amendment 122

Proposal for a regulation Article 11 – paragraph 7 a (new)

7a. The manufacturer shall ensure

that the vehicle user, upon prior information, agrees to the processing and transmission of all data being generated while using the vehicle in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council^{1a}. Where the data-processing and forwarding is not mandatory for the safe functioning of the vehicle, the manufacturer shall ensure that the vehicle user has the option of disconnecting the data transfer and that he or she is able to do it easily.

^{1a} *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).*

Amendment 123

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

Where a manufacturer 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 **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 124

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Where the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, the manufacturer shall immediately provide detailed information on the non-conformity and **risk 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 125

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 information package referred to in Article 24(4) **and in addition the vehicle manufacturer shall keep at the disposal of the approval authorities a copy of the certificates of conformity referred to in Article 34** for a period of ten years after the **end of the validity of the EU type-approval** for a vehicle and for a period of five years after the **end of the validity of the EU type-approval** for a system, component or separate technical unit.

Amendment 126

Proposal for a regulation

Article 12 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Amendment 127

Proposal for a regulation

Article 12 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

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.***

The manufacturer shall, upon a reasoned request from a national authority ***or the Commission,*** provide that authority ***or the Commission,*** 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, ***part or equipment*** in a language that can be easily understood.

Amendment 128

Proposal for a regulation

Article 12 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

The manufacturer shall, following a reasoned request from a national authority, cooperate with that authority on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the risks posed by the vehicle, system, component, separate technical unit, part or equipment that he has made available on the market.

The manufacturer shall, following a reasoned request from a national authority ***or the Commission,*** cooperate with that authority ***or Commission*** on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the risks posed by the vehicle, system, component, separate technical unit, part or equipment that he has made available on the market.

Amendment 129

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 130

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:

Amendment 131

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 ***and the market surveillance 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 132

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Justification

Approval authorities should have access to the software and algorithms based on past cases in which software was used to influence test results.

Amendment 133

Proposal for a regulation

Article 13 – paragraph 3 – introductory part

Text proposed by the Commission

3. The details of a change shall address at least the following aspects:

Amendment

3. The details of a change ***to the mandate*** shall address at least the following aspects:

Amendment 134

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

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

technical unit bears the required type-approval mark and complies with Article 11(7).

complies with Article 11(7).

Amendment 135

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 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.

Amendment

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 **where** it does not correspond to its type-approval, **the 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 he considers that 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.

Amendment 136

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, investigate and keep a register of complaints, **non-conformities** 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 **complaints and recalls**.

Amendment 137

Proposal for a regulation

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The importer shall immediately inform the relevant manufacturer about complaints and reports relating to risks, to suspected incidents, or to non-conformity relating to vehicles, systems, components, separate technical units, parts or equipment that he has placed on the market.

Amendment 138

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.***

Amendment 139

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.

Amendment 140

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

A distributor shall verify, before making available on the market, registering or entering into service of a vehicle, system, component or separate technical unit, that that vehicle, system, component or separate technical unit bears the required statutory plate or type-approval mark, that it is accompanied by the required documents and by instructions and safety information, required by Article 63, in the official language or languages of the relevant Member State, and that the manufacturer and the importer have complied with the requirements set out in Article 11(7) and Article 14(4) respectively.

Amendment

1. A distributor shall verify, before making available on the market, registering or entering into service of a vehicle, system, component or separate technical unit, that that vehicle, system, component or separate technical unit bears the required statutory plate or type-approval mark, that it is accompanied by the required documents and by instructions and safety information, required by Article 63, in the official language or languages of the relevant Member State, and that the manufacturer and the importer have complied with the requirements set out in Article 11(7) and Article 14(4) respectively.

2. ***The distributor shall, to protect the environment, health and safety of consumers, investigate complaints and non-conformities of vehicles, systems, components, separate technical units, parts or equipment that he has placed on the market. Furthermore, all complaints and/or non-conformities concerning environmental or safety aspects of the vehicle shall be communicated to the***

importer or manufacturer without delay.

Amendment 141

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 the distributor considers that 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 of that fact 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.

Amendment 142

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*** the distributor 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, ***the importer and the type-approval authority that has granted the type-approval in order*** 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 143

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.

Amendment 144

Proposal for a regulation

Article 17 – paragraph 4

Text proposed by the Commission

4. The distributor shall, following a reasoned request from a national authority, cooperate with that authority on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the risks posed by the vehicle, system, component, separate technical unit, part or equipment that he has made available on the market.

Amendment

4. The distributor shall, following a reasoned request from a national authority ***or the Commission***, cooperate with that authority ***or the Commission*** on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the risks posed by the vehicle, system, component, separate technical unit, part or equipment that he has made available on the market.

Amendment 145

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.

Amendment 146

**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. ***It shall also include a check that the performance of the systems that were granted type-approval separately are still in conformity with those type-approvals after they have been incorporated into a whole vehicle.***

Amendment 147

**Proposal for a regulation
Article 20 – paragraph 5**

Text proposed by the Commission

5. The choice of type-approval

Amendment

5. The choice of type-approval

referred to in paragraph 1 shall not affect the ***applicable substantive*** requirements with which the approved type of vehicle has to comply with at the time of issuing of the whole-vehicle type-approval.

referred to in paragraph 1 shall not affect the ***all applicable*** requirements with which the approved type of vehicle has to comply with at the time of issuing of the whole-vehicle type-approval.

Amendment 148

Proposal for a regulation

Article 20 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

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

Amendment 149

Proposal for a regulation

Article 21 – paragraph 2

Text proposed by the Commission

Amendment

2. Only one application may be submitted in respect of a particular type of vehicle, system, component or separate technical unit and in one Member State only.

2. Only one application may be submitted in respect of a particular type of vehicle, system, component or separate technical unit and in one Member State only. ***Once the application is submitted the manufacturer shall not be permitted to interrupt the procedure and to submit another application for the same type to another approval authority or to another technical services. Furthermore, if the type-approval is refused or the test fails in a technical service the manufacturer shall not be permitted to submit another application for the same type to another approval authority or to another technical service.***

Amendment 150

Proposal for a regulation

Article 22 – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(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;***

Amendment 151

Proposal for a regulation

Article 22 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Amendment 152

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.

Amendment 153

Proposal for a regulation

Article 23 – paragraph 1 – subparagraph 1

Text proposed by the Commission

An application for a step-by-step type-

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 type-approval certificates, including the test reports, required pursuant to the *applicable* acts listed in Annex IV.

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 *and documents containing information*, required pursuant to the *regulatory* acts listed in Annex IV.

Amendment 154

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 issued or refused.

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-vehicle type-approval is either issued or refused.

Amendment 155

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 type-approval certificates, including the test reports *and information documents*, required pursuant to the *regulatory* acts listed in Annex IV.

Amendment 156

Proposal for a regulation

Article 23 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(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;

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

Amendment 157

Proposal for a regulation

Article 23 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

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 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.

(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.

Amendment 158

Proposal for a regulation

Article 23 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

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

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

Amendment 159

Proposal for a regulation

Article 23 – paragraph 4 – subparagraph 1

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

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

During the period of validity of the EU type-approval, access shall be granted to the software, hardware and algorithms of the vehicle in order to allow verification that the requirements of this Regulation are complied with during periodic inspection. After the expiration of the type approval certificate and in the event of non-renewal of that certificate, the access shall continue to be granted upon request. The information to be disclosed for those particular purposes is not to be such as to undermine the confidentiality of proprietary information and intellectual property. The manufacturer shall communicate to the approval authority and the technical service - in a standardised form - the version of the software governing safety-related systems and components and settings or other calibrations applied to emissions-related systems and components at the time of the application for type-approval. In order to detect subsequent unlawful changes to the software, the technical service shall be entitled to mark the software by setting corresponding parameters.

Amendment 160

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.

Amendment 161

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.

Amendment 162

Proposal for a regulation

Article 24 – paragraph 5

Text proposed by the Commission

5. The approval authority shall refuse to grant EU type-approval where it finds that a type of vehicle, system, component or separate technical unit, albeit in compliance with the applicable requirements, presents a **serious** risk to safety or may seriously harm the environment or public health. In that case,

Amendment

5. The approval authority shall refuse to grant EU type-approval where it finds that a type of vehicle, system, component or separate technical unit, albeit in compliance with the applicable requirements, presents a risk to safety or may seriously harm the environment or public health. In that case, it shall

it shall immediately send to the approval authorities of the other Member States and to the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

immediately send to the approval authorities of the other Member States and to the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

Amendment 163

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.

Amendment 164

Proposal for a regulation

Article 25 – paragraph 1

Text proposed by the Commission

1. The approval authority shall, within one month of issuing or amending the EU type-approval certificate, **send** to the **approval authorities of the other Member States and the Commission a copy of** the EU type-approval certificate, together with the attachments, including the test reports referred to in Article 23, for each type of vehicle, system, component and technical unit that it has approved. **That copy shall be sent by means of a common secure electronic exchange system or in the form of a secure electronic file.**

Amendment

1. The approval authority shall, within one month of issuing or amending the EU type-approval certificate, **submit** to the **online type-approval database information comprising** the EU type-approval certificate, together with the attachments, including the test reports referred to in Article 23, for each type of vehicle, system, component and technical unit that it has approved.

Amendment 165

Proposal for a regulation

Article 25 – paragraph 3

Text proposed by the Commission

3. *Where requested by an approval authority of another Member State or the Commission, the approval authority that has issued an EU type-approval shall, within one month of receiving that request, send to the requesting approval authority a copy of the EU type-approval certificate, together with the attachments, by means of a common secure electronic exchange system or in the form of a secure electronic file.*

Amendment

deleted

Amendment 166

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

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 approval authority shall also update this information on the online type-approval database.***

Amendment 167

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.***

Amendment 168

Proposal for a regulation Article 28 – paragraph 1

Text proposed by the Commission

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

Amendment

1. ***For the purpose of EU type-approvals the approval authority shall 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 laid down in Appendix 3 to Annex V.

Amendment 169

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 ***relevant technical services and*** 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 170

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

Text proposed by the Commission

Amendment

3a. 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 1. In the case of whole vehicle type-approval, the authorities shall ensure that the vehicles selected for testing represent the worst case with respect to compliance with the respective criteria and that the vehicles selected will not lead to the attainment of results that are systematically divergent from the performance when those vehicles are operated under conditions that might reasonably be expected to be encountered in normal operation and use.

Amendment 171

Proposal for a regulation Article 29 – paragraph 2

Text proposed by the Commission

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

Amendment

2. An approval authority that has granted a whole-vehicle type-approval shall verify *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 172

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

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.

tests required for EU type-approval, on samples taken at the premises of the manufacturer, including production facilities. ***The approval authority shall carry out the first of those checks within a year after the date of issue of the certificates of conformity. The approval authority shall carry out subsequent checks at least once a year at random intervals which it shall determine.***

Amendment 173

Proposal for a regulation

Article 29 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

Amendment 174

Proposal for a regulation

Article 29 – paragraph 5

Text proposed by the Commission

Amendment

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

5. An approval authority that has granted an EU type-approval and establishes that the manufacturer no longer produces the vehicles, systems, components or separate technical units in conformity with the approved type, ***with the requirements of this Regulation or with 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 ***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.*

Amendment 175

Proposal for a regulation Article 30 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall *ensure that* the costs for their *type-approval* and market surveillance activities *are covered. Member States may implement a fee-based structure or may finance such activities through their national budgets, or apply a combination of both methods. Fees shall not be levied directly by technical services.*

Amendment 176

Proposal for a regulation Article 30 – paragraph 2

Text proposed by the Commission

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

Amendment

2. *Where a fee-based structure is implemented,* those national fees shall be levied on the manufacturers who have applied for type-approval in the Member State concerned. *Where a fee-based structure applies to conformity of production, those national* fees shall be levied *by the Member State on the manufacturer in the Member State where the production takes place.*

Amendment 177

Proposal for a regulation Article 30 – paragraph 3

Text proposed by the Commission

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.***

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).***

Amendment 178

**Proposal for a regulation
Article 30 – paragraph 4**

Text proposed by the Commission

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.

Amendment 179

**Proposal for a regulation
Article 30 – paragraph 5**

Amendment

3. The ***Commission*** shall ***ensure that*** the costs ***of the*** inspections and tests ***mandated*** by the Commission in accordance with Article 9 ***are covered***. The general budget of the European Union ***shall be used for this purpose***.

Amendment

4. Member States shall notify the details of their ***financial mechanism or mechanisms*** 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.

Text proposed by the Commission

Amendment

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

deleted

Amendment 180

Proposal for a regulation Article 31 – paragraph 5

Text proposed by the Commission

Amendment

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.

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.

Amendment 181

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

Text proposed by the Commission

Amendment

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

Amendment 182

Proposal for a regulation Article 33 – paragraph 1

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***.

1. Type-approvals for vehicles ***of categories M1 and N1, and for*** systems, components and separate technical units ***listed in accordance with paragraph 1a,*** shall be issued for a limited period of ***seven*** years, ***and for vehicles of categories N2, N3, M2, M3 and O for a limited period of 10 years***. The expiry date shall be indicated in the ***EU*** type-approval certificate.

Prior to 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 ***as a whole*** complies with all the requirements, ***including testing protocols,*** of the relevant regulatory acts for new vehicles ***of that approved type. Where the approval authority establishes that this subparagraph applies, it is not necessary for the tests referred to in Article 28 to be repeated.***

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 six months before the expiry of the EU type-approval certificate.

Amendment 183

Proposal for a regulation

Article 33 – paragraph 1 a (new)

1a. Type-approvals for systems, components and separate technical units shall in principle be issued for an unlimited period. Since certain systems, components and separate technical units might, by their nature or technical features, require more frequent updating, the relevant type approvals shall be issued for a limited period of seven years. The Commission is empowered to adopt delegated acts in accordance with Article 88 supplementing this Regulation by establishing a list of systems, components and separate technical units which, due to the nature of those systems, components and separate technical units, need to be issued for a limited period only.

Amendment 184

Proposal for a regulation

Article 33 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) where the production of vehicles in conformity with the approved type of vehicle is permanently discontinued on a voluntary basis, ***which shall in any event be deemed to have occurred when no vehicle of the type concerned has been produced in the previous two years;***

Amendment 185

Proposal for a regulation

Article 34 – paragraph 4

Text proposed by the Commission

(4) The person(s) authorised to sign certificates of conformity shall be employed by the manufacturer and shall be

Amendment

(4) The person(s) authorised to sign certificates of conformity shall be employed by the manufacturer and shall be

duly authorised to **fully** engage the legal responsibility of the manufacturer with respect to the design and the construction of the vehicle or to the conformity of its production.

duly authorised to engage the legal responsibility of the manufacturer with respect to the design and the construction of the vehicle or to the conformity of its production.

Amendment 186

Proposal for a regulation

Article 36 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. 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.

Amendment 187

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).

Amendment 188

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

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.

Amendment 189

Proposal for a regulation

Article 40 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In addition, more flexibility shall be granted to SMEs with small production that are unable to meet the same time-constraint criteria as large manufacturers.

Amendment 190

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 to have been accepted.

Amendment 191

Proposal for a regulation

Article 42 – paragraph 1

Text proposed by the Commission

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

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

Amendment 192

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.

Amendment 193

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

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

Amendment 194

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

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

Union.

representative is established within Union.

Amendment 195

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.

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

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*.

Amendment 196

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*.

Amendment 197

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.***

Amendment 198

**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.

Amendment 199

**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.

Amendment 200

**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 ***point (a) of*** Article 33(2) may only be registered or entered into service, provided that the requirement set out in paragraph 4 ***is*** complied with.

Amendment 201

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.

Amendment 202

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 ***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.

Amendment 203

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 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 204

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.

Amendment 205

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.

Amendment 206

Proposal for a regulation Article 49 – title

Text proposed by the Commission

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

Amendment

National evaluation regarding vehicles, systems, components or separate technical units ***suspected of*** presenting a serious risk ***or of being non-compliant***

Amendment 207

Proposal for a regulation Article 49 – paragraph 1

Text proposed by the Commission

1. ***Market surveillance authorities of one Member State that have taken action pursuant to Article 20 of Regulation (EC) No 765/2008 and Article 8 of this Regulation, or that have sufficient reason*** to believe that a vehicle, system, component or separate technical unit covered by this Regulation ***presents*** a serious risk to the health or safety of persons or to other aspects of the protection of public interests covered by this Regulation, shall ***inform without delay the approval authority that granted the approval about its findings.***

Amendment

1. ***Where, based on the market surveillance activities or on information provided by an approval authority, manufacturers or complaints, the market surveillance authorities of one Member State have reasons*** to believe that a vehicle, system, component or separate technical unit covered by this Regulation ***presents*** a serious risk to the health or safety of persons or to other aspects of the protection of public interests covered by this Regulation ***or does not comply with the requirements laid down in this Regulation, they shall carry out an evaluation in relation to the vehicle, system, component or separate technical unit concerned covering all the requirements laid down in this Regulation. The relevant economic operators shall cooperate fully with the market surveillance authorities.***

Amendment 208

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

Text proposed by the Commission

Amendment

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

deleted

Amendment 209

Proposal for a regulation

Article 49 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Article 20 of Regulation 765/2008 shall apply to the risk assessment of the product.

Amendment 210

Proposal for a regulation

Article 49 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

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

deleted

Amendment 211

Proposal for a regulation

Article 49 – paragraph 3

Text proposed by the Commission

Amendment

3. The relevant approval authority shall inform the Commission and the

deleted

other Member States of the results of the evaluation referred to in paragraph 1 and the action required of the economic operator.

Amendment 212

Proposal for a regulation Article 49 a (new)

Text proposed by the Commission

Amendment

Article 49a

National procedure for dealing with vehicles, systems, components or separate technical units presenting a serious risk or non-compliant

- 1. Where, after having performed the evaluation pursuant to Article 49, the Market surveillance authorities of one Member State find that a vehicle, system, component or separate technical unit presents a serious risk to the health or safety of persons or to other aspects of the protection of public interests covered by this Regulation or is not compliant with this Regulation, it shall require without delay the relevant economic operator to take all appropriate corrective measures to ensure that the vehicle, system, component or separate technical unit concerned, when placed on the market, registered or entered into service, no longer presents that risk or this non-compliance.*
- 2. The economic operator shall, in accordance with the obligations referred to in Articles 11 to 19, ensure that all appropriate corrective measures are taken in respect of all concerned vehicles, systems, components or separate technical units that it has placed on the market, registered or has entered into service in the Union*
- 3. Where the economic operator does not take adequate corrective measures*

within the period referred to in paragraph 1 or where the risk requires a rapid action, the national authorities shall take all appropriate provisional restrictive measures to prohibit or restrict the making available on the market, registration or entry into service of the concerned vehicles, systems, components or separate technical units on their national market, or to withdraw them from that market or to recall them.

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

Amendment 213

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

Corrective and restrictive measures at EU level

Amendment 214

Proposal for a regulation Article 50 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

The *Member State taking corrective measures and restrictive measures in accordance with Article 50(1) and (3)* shall *notify* the Commission and the other Member States without delay *by means of the electronic system referred to in Article 22 of Regulation (EC) No 765/2008. It shall also inform without delay the approval authority that granted the approval about its findings.*

Amendment 215

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The information provided shall include all available details, in particular the data necessary for the identification of the ***non-compliant*** vehicle, system, component or separate technical unit, its origin, the nature of the ***non-conformity alleged and the*** risk involved, the nature and duration of the national restrictive measures taken, and the arguments put forward by the relevant economic operator.

Amendment

2. The information provided shall include all available details, in particular the data necessary for the identification of the ***concerned*** vehicle, system, component or separate technical unit, its origin, the nature of the ***non-compliance and/or*** risk involved, the nature and duration of the national ***corrective and*** restrictive measures taken, and the arguments put forward by the relevant economic operator. ***It shall also indicate whether the risk is due to either of the following:***

(a) ***failure of the vehicle, system, component or separate technical unit to meet requirements relating to the health or safety of persons, the protection of the environment or to other aspects of the protection of public interests covered by this Regulation;***

(b) ***shortcomings in the relevant regulatory acts listed in Annex IV.***

Amendment 216

Proposal for a regulation

Article 50 – paragraph 2

Text proposed by the Commission

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

(a) ***failure of the vehicle, system, component or separate technical unit to meet requirements relating to the health or safety of persons, the protection of the environment or to other aspects of the protection of public interests covered by***

Amendment

deleted

this Regulation;

(b) shortcomings in the relevant regulatory acts listed in Annex IV.

Amendment 217

Proposal for a regulation

Article 50 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

Amendment 218

Proposal for a regulation

Article 50 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where, within one month after the notification referred to in paragraph 1, no objection has been raised by either another Member State or the Commission in respect of a corrective measure or restrictive measure taken by a Member State, that measure shall be deemed to be justified. The other Member States shall ensure that equivalent corrective or restrictive measures are taken without delay in respect of the vehicle, system, component or separate technical unit concerned.

Amendment 219

Proposal for a regulation Article 50 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Where, within one month ***after notification*** referred to in paragraph 1, an objection has been raised by either another Member State or the Commission in respect of a ***corrective or*** 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 consult the Member States concerned and the relevant economic operator or operators.***

Amendment 220

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. ***On the basis of the results of that consultation, the Commission shall adopt implementing acts on harmonised corrective or restrictive measures at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).***

The Commission shall address those implementing acts to all Member States and shall immediately communicate them to the relevant economic operators. The Member States shall apply those implementing acts without delay. They

shall inform the Commission accordingly.

Amendment 221

Proposal for a regulation

Article 50 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where the Commission considers that a national measure is unjustified, the Commission shall adopt implementing acts requiring the Member State concerned to withdraw or adapt the measure. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment 222

Proposal for a regulation

Article 50 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. Where the national measure is considered justified and risk of non compliance is attributed to shortcomings in regulatory acts referred to in Annex IV, the Commission shall propose :

(a) where regulatory acts are concerned, the necessary amendments to the act concerned;

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

Amendment 223

Proposal for a regulation Article 51

Text proposed by the Commission

Amendment

Article 51

deleted

Union safeguard procedure

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

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.

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

the measure, in accordance with the Commission decision referred to in paragraph 1.

3. Where the national measure is considered justified and is attributed to shortcomings in regulatory acts referred to in Annex IV, the Commission shall propose appropriate measures as follows:

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

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

Amendment 224

Proposal for a regulation Article 51 a (new)

Text proposed by the Commission

Amendment

Article 51a

Corrective and restrictive measures following Commission market surveillance activities

1. Where following checks in accordance with Article 9, the Commission finds that a vehicle, system, component or separate technical unit presents a serious risk to the health or safety of persons or to other aspects of the protection of public interests covered by this Regulation or is not compliant with this Regulation, it shall require without delay the relevant economic operator to take all appropriate corrective measures to ensure that the vehicle, system, component or separate technical unit concerned, when placed on the market, registered or entered into service, no

longer presents that risk or this non-compliance.

Where the economic operator does not take adequate corrective measures within the period referred to in the first subparagraph or where the risk requires rapid action, the Commission shall adopt implementing acts setting out any EU corrective or restrictive measure that it considers to be necessary at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

The Commission shall address those implementing acts to all Member States and shall immediately communicate them to the relevant economic operators. The Member States shall apply the implementing acts without delay. They shall inform the Commission accordingly.

2. Where the risk or non-compliance is attributed to shortcomings in regulatory acts referred to in Annex IV, the Commission shall propose:

(a) where regulatory acts are concerned, the necessary amendments to the act concerned;

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

Amendment 225

Proposal for a regulation Article 52

Text proposed by the Commission

Article 52

***Compliant vehicles, systems, components
or separate technical units***

Amendment

deleted

that present a serious risk to safety or serious harm to health and the environment

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

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

2. The economic operator shall ensure that appropriate corrective measures are taken in respect of all vehicles, systems, components or separate technical units referred to in paragraph 1.

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

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).

5. The Commission shall address its decision to all Member States and shall immediately communicate it to the relevant economic operator or operators.

Amendment 226

Proposal for a regulation Article 53

Text proposed by the Commission

Amendment

Article 53

deleted

General provisions related to non-compliant vehicles, systems, components or separate technical units

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.

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 227

Proposal for a regulation Article 54 – title

Text proposed by the Commission

Notification and objection procedures related to non-compliant vehicles, systems, components or separate technical units

Amendment

Non-compliant EU type approval

Amendment 228

Proposal for a regulation Article 54 – paragraph 1

Text proposed by the Commission

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

Amendment

1. *Where an approval authority finds that **a type-approval that** has been granted is not compliant with this Regulation, it shall refuse to recognise such approval. It shall notify the approval authority that granted the EU type-approval, to the other Member States, as well as the Commission.*

restrictive measures in accordance with Article 53(1).

Amendment 229

Proposal for a regulation Article 54 – paragraph 2

Text proposed by the Commission

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

Amendment

2. *Where within one month after the notification, the non-conformity of the type-approval is confirmed by the approval authority that granted the EU type-approval, that approval authority shall withdraw the type-approval.*

Amendment 230

Proposal for a regulation Article 54 – paragraph 3

Text proposed by the Commission

3. *In the case of a whole-vehicle type-approval, where the non-conformity of a vehicle is due to a system, component or separate technical unit, the request referred to in paragraph 2 shall also be addressed to the approval authority that granted the EU type-approval for that system, component or separate technical unit.*

Amendment

deleted

Amendment 231

Proposal for a regulation Article 54 – paragraph 4

Text proposed by the Commission

Amendment

4. *In the case of a multi-stage type-approval, where the non-conformity of a completed vehicle is due to a system, component or separate technical unit that forms part of the incomplete vehicle or to the incomplete vehicle itself, the request referred to in paragraph 2 shall also be addressed to the approval authority that granted the EU type-approval for that system, component, separate technical unit or incomplete vehicle.* **deleted**

Amendment 232

Proposal for a regulation Article 54 – paragraph 5

Text proposed by the Commission

Amendment

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

Amendment 233

Proposal for a regulation Article 54 – paragraph 6

Text proposed by the Commission

Amendment

6. *Where non-conformity is established by the approval authority that* **deleted**

granted the EU type-approval for a vehicle, system, component or separate technical unit, that approval authority 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 and where necessary the approval authority that granted the EU type-approval shall take the measures referred to in Article 53(1) as soon as possible and at the latest within one month of the date of the request.

Amendment 234

Proposal for a regulation Article 54 – paragraph 7

Text proposed by the Commission

Amendment

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

deleted

Amendment 235

Proposal for a regulation Article 54 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Amendment

Where, within one month after the notification of the *restrictive measures taken* by an approval authority *or a market surveillance authority in accordance with Article 53(1)*, an objection has been raised by *another Member State in respect of the notified restrictive measure or where the Commission establishes a non-compliance in accordance with Article 9(5)*, the Commission shall consult without delay the Member States *and the relevant*

Where, within one month after the notification of the *refusal of the type-approval* by an approval authority, an objection has been raised by *the approval authority that granted the EU type-approval*, the Commission shall consult without delay the Member States in particular the approval authority that granted the type-approval *and the relevant economic operator*.

economic operator or operators and, in particular, the approval authority that granted the type-approval, and shall evaluate the national measure taken. On the basis of that evaluation, the Commission may decide to take the necessary restrictive measures foreseen in Article 53(1) by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment 236

Proposal for a regulation

Article 54 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. *On the basis of that evaluation, the Commission shall adopt implementing acts containing its decision as to whether the refusal of the EU type-approval adopted under paragraph 1 is justified. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).*

Amendment 237

Proposal for a regulation

Article 54 – paragraph 8 b (new)

Text proposed by the Commission

Amendment

8b. *Where following Commission checks in accordance with Article 9, the Commission considers that a type-approval that has been granted is not compliant with this Regulation, the Commission shall, without delay, consult the Member States and, in particular, the approval authority that granted the type-approval and the relevant economic*

operator. After such consultations have taken place, the Commission shall adopt implementing acts containing its decision as to whether the type-approval that has been granted is compliant with this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment 238

Proposal for a regulation Article 54 – paragraph 9

Text proposed by the Commission

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

Amendment

9. *For products covered by a non-compliant type-approval that are already made available on the market, Articles 49 to 53 shall apply.*

Amendment 239

Proposal for a regulation Article 55

Text proposed by the Commission

[...]

Amendment

deleted

Amendment 240

Proposal for a regulation Article 56

[...]

deleted

Amendment 241

Proposal for a regulation Article 57

Text proposed by the Commission

Amendment

Article 57

deleted

***General provisions on recall of vehicles,
systems, components or separate technical
units***

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.

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.

3. The manufacturer shall propose to the approval authority that granted the type-approval a set of appropriate remedies to bring the vehicles, systems, components or separate technical units in

conformity and, where appropriate, to neutralise the serious risk referred to in Article 20 of Regulation (EC) No 765/2008.

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

Amendment 242

Proposal for a regulation Article 58

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 243

Proposal for a regulation Article 59

Text proposed by the Commission

Amendment

Article 59

deleted

*Right to be heard of economic operators,
notification of decisions and remedies
available*

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

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

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

Where the measure is addressed to a specific economic operator, it shall be notified without delay to the economic operator concerned, who shall at the same time be informed of the remedies available under the law of the Member State concerned and of the time limits to which such remedies are subject.

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

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

Amendment 244

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 ***shall*** include transitional provisions, where appropriate, ***and, in particular, 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, where these are applicable..***

Amendment 245

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.

Amendment 246

Proposal for a regulation

Article 65 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

Manufacturers shall provide to independent operators unrestricted, standardised **and non-discriminatory** access to vehicle OBD information, diagnostic and other equipment, tools including **the complete references, and available downloads, of the applicable** software and vehicle repair and maintenance information. **Information shall be presented in an easily accessible manner in the form of machine readable and electronically processable datasets. Independent operators shall have access to the remote diagnosis services used by manufacturers and authorised dealers and repairers.**

Amendment 247

Proposal for a regulation

Article 65 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 248

Proposal for a regulation

Article 65 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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

Amendment 249

Proposal for a regulation

Article 65 – paragraph 10

Text proposed by the Commission

Amendment

10. The Commission ***shall be*** empowered to adopt delegated acts in accordance with Article 88 to amend and supplement Annex XVIII to take account of technical and regulatory developments

10. The Commission ***is*** empowered to adopt delegated acts in accordance with Article 88 to amend and supplement Annex XVIII to take account of technical and regulatory developments or prevent misuse

or prevent misuse by updating the requirements concerning the access to vehicle OBD and vehicle repair and maintenance information and by adopting and integrating the standards referred to in paragraphs 2 and 3.

by updating the requirements concerning the access to vehicle OBD and vehicle repair and maintenance information and by adopting and integrating the standards referred to in paragraphs 2 and 3. ***The Commission shall be further empowered to adopt delegated acts in accordance with Article 88 to amend this Regulation by creating Annex XVIIIA in order to address technological developments in the field of digital data exchange that use a wireless wide area network, thereby ensuring that independent operators continue to enjoy direct access to in-vehicle data and resources and, in addition, ensuring competition-neutrality by technical design.***

Amendment 250

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 or stages and the link to the previous stage or stages***.

Amendment 251

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

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.

discourage access to that information by failing to take into account the extent to which the independent operator uses it.

Amendment 252

Proposal for a regulation Article 69 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 253

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

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, (together, the 'the designating body')***, shall be responsible for the assessment, designation, notification and the

subcontractors or subsidiaries of those technical services.

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

Amendment 254

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 body* 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 255

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 *designating body* 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 256

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

Amendment 257

Proposal for a regulation

Article 71 – paragraph 5

Text proposed by the Commission

5. The ***type-approval authority*** shall safeguard the confidentiality of the information it obtains.

Amendment

5. The ***designating body*** shall safeguard the confidentiality of the information it obtains.

Amendment 258

Proposal for a regulation

Article 71 – paragraph 6

Text proposed by the Commission

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

Amendment

6. The ***designating body*** shall have a sufficient number of competent personnel at its disposal for the proper performance of the tasks ***laid down in*** this Regulation.

Amendment 259

Proposal for a regulation

Article 71 – paragraph 8

Text proposed by the Commission

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

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

The peer-review shall include an on-site visit to a technical service under the responsibility of the reviewed authority. The Commission may participate in the

Amendment

deleted

review and decide on its participation on the basis of a risk assessment analysis.

Amendment 260

Proposal for a regulation Article 71 – paragraph 9

Text proposed by the Commission

Amendment

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

deleted

Amendment 261

Proposal for a regulation Article 71 – paragraph 10

Text proposed by the Commission

Amendment

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

deleted

Amendment 262

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

Text proposed by the Commission

Amendment

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

(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;

Amendment 263

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.

Amendment 264

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

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 *designating* authority or where required by Union or national law.

Amendment 265

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

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, *or, in the case of accreditation, to the national*

the following:

accreditation body that it has all of the following:

Amendment 266

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, with the agreement of their **designating** authority, **or, in the case of accreditation, of the national accreditation body, subcontract** 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 267

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, **or, in the case of accreditation, the national accreditation body**, thereof.

Amendment 268

Proposal for a regulation Article 75 – paragraph 4

Text proposed by the Commission

4. Technical services shall keep at the

Amendment

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.

disposal of the ***designating*** authority, ***or, in the case of accreditation, of the national accreditation body***, the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the tasks performed by them.

Amendment 269

Proposal for a regulation

Article 75 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

Amendment 270

Proposal for a regulation

Article 76 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) it is audited in accordance with Article 80, with the exception that the "joint committee of auditors" shall replace the "type approval authority" throughout the text and perform the tasks accordingly; the audit shall demonstrate compliance with points (a), (b) and (c);

Amendment 271

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***

3. An in-house technical service ***shall*** be notified to the Commission ***in accordance with*** Article 78.

shall be given by the manufacturer of which it forms part or by the national accreditation body to the type-approval authority at the request of that authority.

Amendment 272

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

Text proposed by the Commission

Amendment

- 1. The applicant technical service shall submit a formal application to the type-approval authority of the Member State in which it requests to be designated in accordance with Part 4 of Appendix 2 of Annex V. The activities for which the applicant technical service is applying to be designated shall be specified in the application request in accordance with Article 72(1).

Amendment 273

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 **the type-approval authority designates** a technical service, the type-approval authority **or the accreditation body referred to in Article 71(1)**, shall assess it in accordance with **a harmonised** assessment check-list that covers at least the requirements listed in Appendix 2 of Annex V. The assessment shall include an on-site assessment of the premises of the applying technical service, and, where relevant, of any subsidiary or sub-contractor, located inside or outside the Union.

Amendment 274

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

1b. In cases where the assessment is performed by the type-approval authority, a representative from the Commission shall participate in a joint assessment team with the designating authority which shall carry out the assessment of the applicant technical service, including the on-site assessment. In order to perform this task, the Commission shall use to independent auditors contracted as third parties following an open call for tenders. The auditors shall carry out their duties independently and impartially. Auditors shall respect confidentiality in order to protect commercial secrets in accordance with applicable law. The Member States shall give all necessary assistance and provide all documentation and support that auditors request to enable them to carry out their duties. The Member States shall ensure that the auditors have access to all premises or parts of premises and to information, including computing systems and software, relevant to the execution of their duties.

(At the beginning of Article 77, the order of the paragraphs is changed and the paragraphs are renumbered)

Amendment 275

Proposal for a regulation

Article 77 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In cases where the assessment is carried out by an accreditation body the applicant technical service shall deliver to the type-approval authority a valid accreditation certificate and the

corresponding evaluation report proving the fulfilment of the requirements set out in Appendix 2 of Annex V for the activities for which the applicant technical service is applying to be designated.

(At the beginning of Article 77, the order of the paragraphs is changed and the paragraphs are renumbered)

Amendment 276

Proposal for a regulation

Article 77 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

***1c.** Where the technical service has requested to be designated by several type-approval authorities in accordance with Article 78(3), the assessment shall be carried out only once, provided that the scope of the technical service's designation has been covered in that assessment.*

(At the beginning of Article 77, the order of the paragraphs is changed and the paragraphs are renumbered)

Amendment 277

Proposal for a regulation

Article 77 – paragraph 5

Text proposed by the Commission

Amendment

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

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

Amendment 278

Proposal for a regulation

Article 77 – paragraph 7 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 279

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

Amendment 280

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.

Amendment 281

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 282

**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 283

**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***

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.

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.

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

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).

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 ***adopt*** implementing ***acts in order to decide*** whether the suspension of the notification can be lifted or not. ***Those*** implementing ***acts*** shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment 284

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).

Amendment 285

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.

Amendment 286

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.

Amendment 287

Proposal for a regulation

Article 79 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 288

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.

Amendment 289

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.

Amendment 290

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:

Amendment 291

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-

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;

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 292

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.

Amendment 293

Proposal for a regulation

Article 79 – paragraph 6

Text proposed by the Commission

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.

Amendment

6. A designation as technical service 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.

Amendment 294

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, ***or, in the case of accreditation, the national accreditation body***, 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 295

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, ***or, in the case of accreditation, the national accreditation body***, to verify compliance with those requirements.

Amendment 296

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

Amendment

Technical services shall, without delay, inform the ***designating*** authority, ***or, in the case of accreditation, the national accreditation body***, 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

technical units for which they have been designated.

vehicles, systems, components and separate technical units for which they have been designated.

Amendment 297

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.

(The numbering in the Commission proposal is incorrect, there are two paragraphs numbered as “3.”)

Amendment 298

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.

(The numbering in the Commission proposal is incorrect, there are two paragraphs numbered as “3.”)

Amendment 299

Proposal for a regulation

Article 80 – paragraph 3 – subparagraph 1

Text proposed by the Commission

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

Amendment

At least every ***three years***, the ***designating*** authority shall assess whether each

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.

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.

(The numbering in the Commission proposal is incorrect, there are two paragraphs numbered as “3.”)

Amendment 300

Proposal for a regulation

Article 80 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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

Amendment

The outcome of the assessment 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 pursuant to Article 10.

(The numbering in the Commission proposal is incorrect, there are two paragraphs numbered as “3.”)

Amendment 301

Proposal for a regulation

Article 81 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission shall investigate all cases where concerns have been brought to its attention regarding the competence of a technical service or the continued

Amendment

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

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

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

Amendment 302

Proposal for a regulation Article 81 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 303

Proposal for a regulation Article 82 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 304

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.

Amendment 305

Proposal for a regulation

Article 84 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

(a) allow their approval authority ***or the joint assessment team as described in Article 77(1)*** to witness the performance of the technical service during the ***testing for type-approval***;

Amendment 306

Proposal for a regulation

Article 88 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(2), ***Article 6(7a)***, Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), ***Article 33(1a)***, Article 34(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall be conferred on the Commission for an indeterminate period of time from the date

this Regulation.

of entry into force of this Regulation.

Justification

Adaptation needed to reflect the changes introduced in article 65.

Amendment 307

Proposal for a regulation
Article 88 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), **Article 55(2) and (3), Article 56(2)**, Article 60(3), Article 65(10), Article 76(4) and Article 90(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Article 4(2), Article 5(2), **Article 6(7a)**, Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), **Article 33(1a)**, Article 34(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 308

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

Text proposed by the Commission

Amendment

3a. 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.

Amendment 309

Proposal for a regulation

Article 88 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), **Article 55(2) and (3), Article 56(2)**, Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

5. A delegated act adopted pursuant to Article 4(2), Article 5(2), **Article 6(7a)**, Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), **Article 33(1a)**, Article 34(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 310

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. ***In particular the penalties shall be proportionate to the number of non-compliant vehicles registered in the market of the Member State concerned, or the number of non-compliant systems, components or separate technical unit***

made available on the market of the Member State concerned.

Amendment 311

Proposal for a regulation

Article 89 – paragraph 2 – point a

Text proposed by the Commission

(a) making false declarations during approval procedures or procedures leading to *a recall*;

Amendment

(a) making false declarations during approval procedures or procedures leading to *corrective or restrictive measures being imposed in accordance with Chapter XI*;

Amendment 312

Proposal for a regulation

Article 89 – paragraph 2 – point b

Text proposed by the Commission

(b) falsifying test results for type-approval;

Amendment

(b) falsifying test results for type-approval *or market surveillance, including the granting of approval on the basis of incorrect data*;

Amendment 313

Proposal for a regulation

Article 89 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) *inadequate fulfilment by the technical services of the requirements for their designation.*

Amendment 314

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.

Amendment 315

**Proposal for a regulation
Article 89 – paragraph 5**

Text proposed by the Commission

5. Member States shall ***report*** to the ***Commission every year on the penalties they have*** imposed.

Amendment

5. Member States shall ***send a notification of penalties imposed*** to the ***online type-approval database established in Article 25. Notifications shall be made within one month of the penalty being*** imposed.

Amendment 316

**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,

Amendment

Where the compliance verification by the Commission referred to in Article 9(1) and (4), or Article 54(1) ***or by market surveillance authorities as referred to in Article 8(1)*** reveals non-compliance of the vehicle, system, component, separate technical unit with the requirements laid down in this Regulation, the 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

components or separate technical unit made available on the Union market.

number of non-compliant systems, components or separate technical unit made available on the Union market.

Amendment 317

Proposal for a regulation

Article 90 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The administrative fines imposed by the Commission shall not be in addition to the penalties imposed by the Member States in accordance with Article 89 for the same infringement **and** shall not exceed EUR 30 000 per non-compliant vehicle, system, component or separate technical unit.

Amendment

The administrative fines imposed by the Commission shall not be in addition to the penalties imposed by the Member States in accordance with Article 89 for the same infringement.

The administrative fines imposed by the Commission shall not exceed EUR 30 000 per non-compliant vehicle, system, component or separate technical unit.

Amendment 318

Proposal for a regulation

Article 91 – paragraph 1 – point 3 a (new)

Regulation (EC) No 715/2007

Article 5 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(3a) in Article 5, the following subparagraphs are added after paragraph 2 point (c):

'Manufacturers seeking EU type-approval for a vehicle using a BES, AES or defeat device, as defined in this Regulation or Regulation 2016/646/EU, shall provide the type-approval authority with all information, including technical justifications, that it is reasonable the type-approval authority require to assist it in determining whether the BES or AES is a defeat device and whether a

derogation to the prohibition on the use of defeat devices under this Article is applicable.

The approval authority shall not grant EU type-approval until it has completed its assessment and has determined that the type of vehicle is not equipped with a prohibited defeat device in accordance with this Article and Regulation (EC) No 692/2008.'

Amendment 319

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

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

Justification

Because of the weight of their batteries, electric vehicles have a greater laden mass than conventional vehicles. This means that electric versions of vehicles with a permissible laden mass of 3.5 tonnes (Category N1 vehicles) which have the same carrying capacity as their conventional counterparts exceed this laden mass limit and are thus in Category N2. So that this does not give rise to unequal treatment, the small-series maximum number of units must be adjusted.

Amendment 320

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

*Text proposed by the Commission**Amendment*

Units

Units

100**250**

250

250

500 until 31 October 2016

500 until 31 October 2016

250 from 1 November 2016

250 from 1 November 2016

250

250

500

500

250

250

Amendment 321**Proposal for a regulation
Annex XIII – part I – table***Text proposed by the Commission*

Item No	Item description	Performance requirement	Test procedure	Marking requirement	Packaging requirements
1	<i>[...]</i>				
2					
3					

Amendment

Item No	Item description	Performance requirement	Test procedure	Marking requirement	Packaging requirements
1	<i>Exhaust Gas catalysts and their substrates</i>	<i>NOx emissions</i>	<i>EURO standards</i>	<i>Vehicle Type and version</i>	
2	<i>Turbochargers</i>	<i>CO2 and NOx emissions</i>	<i>EURO standards</i>	<i>Vehicle Type and version</i>	
3	<i>Fuel/ Air mixture Compressor systems other than Turbochargers</i>	<i>CO2 and NOx emissions</i>	<i>EURO standards</i>	<i>Vehicle Type and version</i>	
4	<i>Diesel Particle Filters</i>	<i>PM</i>	<i>EURO standards</i>	<i>Vehicle Type and version</i>	

Amendment 322

Proposal for a regulation

Annex XVIII – point 2 – introductory part

Text proposed by the Commission

2. Access to vehicle OBD and vehicle repair and maintenance

Amendment

2. Access to vehicle OBD and vehicle repair and maintenance ***information***

Amendment 323

Proposal for a regulation

Annex XVIII – point 2 – point 2.8

Text proposed by the Commission

2.8. ***With regard to vehicles of categories falling within the scope of Regulation No 595/2009/EC***, for the purposes of point 2.6.2., where manufacturers use diagnostic and test tools in accordance with ISO 22900 – Modular vehicle communication interface (MVICI) – and ISO 22901 – Open diagnostic data exchange (ODX) in their franchised networks –, the ODX files shall be accessible to independent operators via the website of the manufacturer.

Amendment

2.8. For the purposes of point 2.6.2., where manufacturers use diagnostic and test tools in accordance with ISO 22900 – Modular vehicle communication interface (MVICI) – and ISO 22901 – Open diagnostic data exchange (ODX) in their franchised networks –, the ODX files shall be accessible to independent operators via the website of the manufacturer.

Amendment 324

Proposal for a regulation

Annex XVIII – point 2 – point 2.8 a (new)

Text proposed by the Commission

Amendment

2.8 a. For the purpose of vehicle OBD, diagnostics, repair and maintenance, the

direct vehicle data stream shall be made available through the serial port on the standardised data link connector specified in paragraph 6.5.1.4 of Appendix 1 of Annex 11 to UNECE Regulation No 83 and Section 4.7.3 of Annex 9B to UNECE Regulation No 49.

Amendment 325

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.

Amendment 326

Proposal for a regulation

Annex XVIII – point 6 – point 6.3

Text proposed by the Commission

6.3. The Forum on Access to Vehicle Information referred to in Article 70 shall specify the parameters for fulfilling these requirements in accordance with the state of the art. The independent operator shall be approved and authorised for this purpose on the basis of documents demonstrating that he pursues a legitimate business activity and has not been

Amendment

6.3. The Forum on Access to Vehicle Information referred to in Article 70 shall specify the parameters for fulfilling these requirements in accordance with the state of the art. The independent operator shall be approved and authorised for this purpose on the basis of documents demonstrating that he pursues a legitimate business activity and has not been

convicted of any criminal activity.

convicted of any **relevant** criminal activity.

Amendment 327

Proposal for a regulation

Annex XVIII – point 6 – point 6.4

Text proposed by the Commission

6.4. ***With regard to vehicles falling in the scope of Regulation (EC) No 595/2009***, reprogramming of control units shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC ***RP1210B*** using non-proprietary hardware. ***Ethernet, serial cable or local area network (LAN) interface and alternative media like compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required.*** For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC ***RP1210B***, the manufacturer shall offer ***either*** a validation of independently developed VCIs ***or the*** information, ***and*** loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.

Amendment

6.4. Reprogramming of control units shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC ***RP1210*** using non-proprietary hardware.

If reprogramming, or diagnostics, is conducted using ISO 13400 DoIP, it shall comply with the requirements of the standards referred to in the first subparagraph.

Where vehicle manufacturers use additional proprietary communication protocols, then these protocol specifications shall be made available to

independent operators.

For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC **RP1210**, the manufacturer shall offer *within six months of the granting of type approval*, a validation of independently developed VCIs *and the test environment, including information on the specifications of the communication protocol and the* loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.

Corresponding conformity compliance must be ensured either by mandating CEN to develop appropriate conformity standards or by using existing ones such as SAE J2534-3.

The conditions set out in Article 67(1) shall apply to fees for such validation or information and hardware.

Amendment 328

Proposal for a regulation Annex XVIII – point 6 – point 6.8 a (new)

Text proposed by the Commission

Amendment

6.8a. In the event that vehicle OBD and vehicle repair and maintenance information available on a manufacturer's website does not contain specific relevant information to permit the proper design and manufacture of alternative fuels retrofit systems, any interested alternative fuels retrofit system manufacturer shall be able to obtain the information required in sections 1, 3, and 4 of the information document set out in Annex I by contacting the manufacturer

directly with such a request. Contact details for that purpose shall be clearly indicated on the manufacturer's website and the information shall be provided within 30 days. Such information need only be provided for alternative fuels retrofit systems that are subject to UNECE Regulation No 115 or for alternative fuels retrofit components that form part of systems subject to UNECE Regulation No 115, and need only be provided in response to a request that clearly specifies the exact specification of the vehicle model for which the information is required and that specifically confirms that the information is required for the development of alternative fuels retrofit systems or components subject to UNECE Regulation No 115.

Amendment 329

Proposal for a regulation Annex XVIII – point 7 a (new)

Text proposed by the Commission

Amendment

7a. Vehicle manufacturers shall make available via a web service or as a download an electronic data set comprising all VIN numbers (or a requested sub-set) and the correlated individual specification and configuration features which were originally built into the vehicle.

Amendment 330

Proposal for a regulation Annex XVIII – point 7 b (new)

Text proposed by the Commission

Amendment

7b. Provisions for electronic system

security

7b.1. Any vehicle with an emission control computer shall include features to prevent modification, except as authorised by the manufacturer. The manufacturer shall authorise modifications if these modifications are necessary for the diagnosis, servicing, inspection, retrofitting or repair of the vehicle. Any reprogrammable computer codes or operating parameter shall be resistant to tampering and afford a level of protection at least as good as the provisions in ISO 15031-7; dated 15 March 2001 (SAE J2186 dated October 1996). Any removable calibration memory chips shall be potted, encased in a sealed container or protected by electronic algorithms and shall not be changeable without the use of specialised tools and procedures. It shall only be permitted for features directly associated with emissions calibration or prevention of vehicle theft to be so protected.

7b.2. Computer-coded engine operating parameters shall not be changeable without the use of specialised tools and procedures (e. g. soldered or potted computer components or sealed (or soldered) computer enclosures).

7b.3. In the case of mechanical fuel-injection pumps fitted to compression-ignition engines, manufacturers shall take adequate steps to protect the maximum fuel delivery setting from tampering while a vehicle is in service.

7b.4. Manufacturers may apply to the approval authority for an exemption to one of the requirements of Section 8 for those vehicles which are unlikely to require protection. The criteria that the approval authority shall evaluate in considering an exemption shall include the current availability of performance chips, the high-performance capability of the vehicle and the projected sales volume of the vehicle.

7b.5. Manufacturers using programmable computer code systems (e.g. electrical erasable programmable read-only memory, EEPROM) shall deter unauthorised reprogramming. Manufacturers shall include enhanced tamper-protection strategies and write-protect features requiring electronic access to an off-site computer maintained by the manufacturer, to which independent operators shall also have access using the protection afforded in Section 6.2 and point 6.4. Methods giving an adequate level of tamper protection shall be approved by the approval authority.

Amendment 331

Proposal for a regulation

Annex XVIII – appendix 2 – point 3.1.1

Text proposed by the Commission

3.1.1. any additional protocol information system necessary to enable complete diagnostics in addition to the standards prescribed in paragraph 4.7.3 of Annex 9B to UNECE Regulation No 49, including any additional hardware or software protocol information, parameter identification, transfer functions, 'keep alive' requirements, or error conditions;

Amendment

3.1.1. any additional protocol information system necessary to enable complete diagnostics in addition to the standards prescribed in paragraph 4.7.3 of Annex 9B to UNECE Regulation No 49 **and in paragraph 6.5.1.4 of Annex 11 to UNECE Regulation No 83**, including any additional hardware or software protocol information, parameter identification, transfer functions, 'keep alive' requirements, or error conditions;

Amendment 332

Proposal for a regulation

Annex XVIII – appendix 2 – point 3.1.2

Text proposed by the Commission

3.1.2. details of how to obtain and interpret all the fault codes that do not comply with the standards prescribed in

Amendment

3.1.2. details of how to obtain and interpret all the fault codes that do not comply with the standards prescribed in

paragraph 4.7.3 of Annex 9B to UNECE
Regulation No 49;

paragraph 4.7.3 of Annex 9B to UNECE
Regulation No 49 *and in paragraph
6.5.1.4 of Annex 11 to UNECE
Regulation No 83;*

5.12.2016

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on the Internal Market and Consumer Protection

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))

Rapporteur: Christofer Fjellner

SHORT JUSTIFICATION

On the 27th of January 2016, the Commission published its proposal on type-approval and market surveillance requirements for motor vehicles and their trailers, currently set out in Directive 2007/46/EC.

A comprehensive fitness check was performed on the Union's type-approval system in 2013, as part of the Commission's commitments in its CARS2020 Action Plan. The results showed that although the current system has met policy objectives to a certain extent, it has been widely criticised in the wake of the Volkswagen software manipulation scandal. The Rapporteur considers it essential to reinforce the EU type-approval system, particularly by putting in place appropriate supervisory mechanisms to guarantee harmonised application of the procedures across the Member States. Furthermore, it is essential that the legislation functions smoothly and does not lead to an increase of red tape neither for national administrations nor for the industry.

One source of weakness in the current system is the difference in interpretation and the strictness in application of the requirements by the Member States. Differences in interpretation, not necessarily in bad faith, and transposition of directives is a known, recurrent phenomenon which undermines the internal market and creates uncertainty for both industry and consumers.

The consequence of these weaknesses is not only a lack of compliance, but they also create room for outright fraud and breach of existing legislation. Unfortunately, we have now seen several such cases. To tackle these weaknesses your Rapporteur has paid particular attention to implementing stronger supervisory mechanisms and market surveillance.

Market surveillance, meaning ex-post controls of vehicles after their release on the market, is a weak point in the current legislation and the reinforcement of this aspect is one of the centre pieces of this proposal. The role and responsibilities of enforcement authorities and the steps to be taken when non-conform products are on the market have been defined, which is a necessary improvement. The Rapporteur takes due note of the fact that market surveillance can be carried out by national surveillance authorities but that the Commission also has a role to play.

In order to better adapt the regulation to the shifting conditions in the Member States the Rapporteur proposes changes to the fee system. Since some Member States perform a limited number of type-approvals, funding for market surveillance should not be linked to type-approvals since it would risk creating serious gaps in the market surveillance. To ensure a level playing field and thorough market surveillance throughout the Union Member States shall set up fee structures reflecting the Member States conditions to fund market surveillance activities.

Further clarifications regarding the financing of market surveillance activities are suggested. Given that Member States shall set up a fee system to cover the costs for market surveillance, it is also reasonable that costs created due to market surveillance activities are carried by market surveillance authorities.

To truly ensure the credibility of type-approvals they shall be audited by a type-approval authority other than the issuing one every five years. This will contribute to eliminating differences in interpretation between type-approval authorities and ensure a uniform application of the legislation.

A strengthening of the approval and market surveillance authorities and the Commission's responsibility to take action in case of non-conformity is also suggested. Clear regulations on market surveillance coupled with robust sanctions create a strong and credible deterrent to future attempts to circumvent or infringe the requirements.

Technical services play a key role in maintaining and complying with the high technical, safety and environmental standards of the Union. The Rapporteur agrees with the Commission that assessment and monitoring of technical services is imperative. However, since the assessment and monitoring may be done by a national accreditation body in some Member States, the Rapporteur wishes to ensure that this possibility continues to exist in the future. The assessment of monitoring should also ensure the independence of the technical service from the manufacturer. To ensure cost-efficiency technical services should be allowed to compete on a price basis which is why a complete decoupling is not to be recommended, instead focus should be put on robust assessment of and monitoring.

Another means of ensuring harmonised, strict interpretation of legislation is a peer-review mechanism of type-approval authorities whereby national authorities exchange information and coordinate their assessments. In doing so, type-approval authorities can close possible gaps between them in the way they perform their controls. However, to ensure that these peer-reviews do not become unnecessarily burdensome and drive up costs, the frequency of these peer-reviews is suggested to be reduced unless there is reason to believe that a peer-review is

necessary more often.

AMENDMENTS

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

Amendment 1

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

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

Amendment 2

Proposal for a regulation

Recital 7 b (new)

Text proposed by the Commission

Amendment

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

Amendment 3

Proposal for a regulation

Recital 9

(9) **An** effective implementation of the type-approval requirements should be ensured by enhancing the provisions on conformity of production by, inter alia, providing for mandatory periodic audits of the conformity control methods and the continued conformity of the products concerned and by reinforcing the requirements relating to the competence, obligations and performance of the technical services that carry out tests for whole-vehicle type-approval under the responsibility of type-approval authorities . The proper functioning of technical services is crucial for ensuring a high level of safety and environmental protection and citizens' confidence in the system. The criteria for designation of technical services provided by Directive 2007/46/EC should be laid down in greater detail in order to **assure their consistent application**. The **assessment** methods of technical services in the Member States have a tendency to progressively differ due to the increased complexity of their work. Therefore, it is necessary to provide for procedural obligations that ensure an information exchange and monitoring of Member States' practices for the assessment, designation, notification and monitoring of their technical services. Those procedural obligations should remove any existing discrepancies in the methods used and in the interpretation of the criteria for the designation of technical services.

(9) Effective implementation of the type-approval requirements should be ensured by enhancing the provisions on conformity of production by, inter alia, providing for mandatory periodic audits of the conformity control methods and the continued conformity of the products concerned and by reinforcing **and harmonising** the requirements relating to the competence, obligations and performance of the technical services that carry out tests for whole-vehicle type-approval under the responsibility of type-approval authorities. The proper functioning of technical services is crucial for ensuring a high level of safety and environmental protection and citizens' confidence in the system. The criteria for designation of technical services provided by Directive 2007/46/EC should be laid down in greater detail in order to **ensure that they are applied consistently across all Member States**. The methods of **assessing** technical services in the Member States have a tendency to progressively differ due to the increased complexity of their work. Therefore, it is necessary to provide for procedural obligations that ensure an information exchange and monitoring of Member States' practices for the assessment, designation, notification and monitoring of their technical services. Those procedural obligations should remove any existing discrepancies in the methods used and in the interpretation of the criteria for the designation of technical services. **In order to ensure adequate oversight and a level playing-field across the Union, the assessment of an applicant technical service should include an on-site assessment and observation at first hand of the actual type-approval tests carried out.**

Amendment 4

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) This Regulation lays down provisions for monitoring the compliance of Member States with it, thereby helping to maintain consumer confidence in vehicles on the market and providing a high level of safety and of health and environmental protection. The Forum for Exchange of Information on Enforcement, established by Member States, monitors, with the support of the Commission, the responsibilities of national authorities by means of regular audits, checks and tests of samples of the type-approvals issued and verifying the uniform, consistent and effective application of this Regulation.

Amendment 5

Proposal for a regulation Recital 12

Text proposed by the Commission

Amendment

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

(12) In order to increase transparency and mutual trust and to further align and develop the criteria for the assessment, designation, and notification of technical services, as well as extension and renewal procedures, Member States should cooperate with each other and with the Commission. They should consult each other and the Commission on questions with general relevance for the implementation of this Regulation and inform each other and the Commission on their model assessment checklist. ***This Regulation establishes an Online Type-Approval Database, which, together with the Internal Market Information System (IMI) established by Regulation (EU) No***

1024/2012 of the European Parliament and of the Council^{1a}, could provide a useful electronic means to facilitate and enhance administrative cooperation in the management of the exchange of information, on the basis of simple and unified procedures which circumvent language barriers.

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

Amendment 6

Proposal for a regulation

Recital 15

Text proposed by the Commission

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

Amendment

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

Amendment 7

Proposal for a regulation

Recital 18

Text proposed by the Commission

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

Amendment

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

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

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

Amendment 8

Proposal for a regulation Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) In order to ensure homogenous market surveillance across the Union, powers of control should be conferred on a centralised agency at Union level to ensure that the new type-approval and market surveillance framework is fully implemented.

Amendment 9

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) In order to ensure independent testing for in-service compliance throughout the complete life-cycle of all applicable vehicles, robust and mandatory emission testing methods should be developed in order to provide roadworthiness test requirements that are based on the combination of direct

tailpipe testing and of OBD testing, including the establishment of test methods for measuring NOx during the periodic emission testing carried out pursuant to Directive 2014/45/EU and particulate levels and their limit values. In particular, new remote sensing technologies can be used to identify grossly polluting vehicles on the road and to focus in-service compliance testing for the regulated emission limits (PN, NOx, CO and HC) on those vehicles as the most cost-effective way of carrying out periodic technical inspections in the future.

Amendment 10

Proposal for a regulation Recital 22

Text proposed by the Commission

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

Amendment

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

Amendment 11

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) Those more specific obligations for national authorities provided in this

Amendment

(24) Those more specific obligations for national authorities provided in this

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

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

Amendment 12

Proposal for a regulation Recital 27

Text proposed by the Commission

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

Amendment

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

service.

Amendment 13

Proposal for a regulation Recital 29

Text proposed by the Commission

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

Amendment

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

Amendment 14

Proposal for a regulation Recital 31

Text proposed by the Commission

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

Amendment

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

Amendment 15

Proposal for a regulation

Recital 37

Text proposed by the Commission

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

Amendment

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

Amendment 16

Proposal for a regulation

Recital 40

Text proposed by the Commission

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

Amendment

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

Amendment 17

Proposal for a regulation

Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Regulation also establishes the European Vehicles Surveillance Agency (“EVSA”, hereinafter “the Agency”) and lays down its powers and responsibilities.

Amendment 18

Proposal for a regulation

Article 2 – paragraph 3 – introductory part

Text proposed by the Commission

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

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 requirements of this Regulation:

Amendment 19

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Text proposed by the Commission

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

Amendment

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

Amendment 20

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(8a) 'defeat device' means any element of design which senses temperature, vehicle speed, engine speed (RPM), transmission gear, manifold vacuum or any other parameter for the purpose of activating, modulating, delaying or

deactivating the operation of any part of the emission control system that reduces the effectiveness of the emission control system under all ambient or engine operating conditions regularly pertaining in the territory of the Union and encountered either during normal vehicle operation or outside the type-approval test procedures;

Amendment 21

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 22

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 23

Proposal for a regulation

Article 3 – paragraph 1 – point 43

Text proposed by the Commission

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

Amendment

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

Justification

Vehicles can be built in multiple stages which should be considered when defining end-of-series vehicles.

Amendment 24

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44a) 'remote sensing' means scanning and measuring pollutant levels from a vehicle's exhaust while the vehicle is in motion, using sensor-equipped instruments positioned roadside with the purpose of collecting performance data required to monitor the average on-road fleet emissions and identify excessive polluters;

Amendment 25

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission **shall be** empowered to adopt delegated acts in accordance with Article 88 **to amend** Annex IV to take account of technological and regulatory developments by introducing and updating references to

2. The Commission **is** empowered to adopt delegated acts in accordance with Article 88 **amending** Annex IV to take account of technological and regulatory developments by introducing and updating references to regulatory acts containing the

regulatory acts containing the requirements with which vehicles, systems, components and separate technical units have to comply.

requirements with which vehicles, systems, components and separate technical units have to comply.

Manufacturers seeking EU type-approval for a vehicle using a Base Emissions Strategy, Auxiliary Emission Strategy or defeat device, as defined in this Regulation or in Regulation 2016/646/EU, shall provide the type-approval authority with all information, including technical justification, that may be reasonably required by the type-approval authority to determine whether the BES or AES is a defeat device and whether a derogation from the prohibition on the use of defeat devices under Article 5(2) of Regulation (EC) No 715/2007 is applicable.

Manufactures shall declare in writing to the type-approval authority that all information regarding a BES, AES or defeat device is provided and that the type of vehicle for which the type-approval is granted is not equipped with a prohibited defeat device, in accordance with this Article and Regulation (EC) No 692/2008.

The type-approval authority shall not grant EU type-approval until it has completed its assessment and has determined that the type of vehicle for which the type-approval is granted is not equipped with a prohibited defeat device, in accordance with this Article and Regulation (EC) No 692/2008.

For the purpose of their assessment and in order to verify compliance or non-compliance with the requirements of this Article, the type-approval authority, the market surveillance authority or the Agency may carry out a supplementary surprise test, with parameters different from the tests set out in this Regulation. The parameters of that supplementary surprise test shall be defined each time solely by the type-approval authority, the market surveillance authority or the

Agency and shall remain strictly confidential and unknown to the manufacturer until final publication of the test results.

Amendment 26

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 27

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 ***are able***, where they consider it necessary and justified, ***to*** enter the premises of economic operators ***without prior notice*** and seize the necessary samples of vehicles, systems, components and separate technical units for the purposes of compliance testing. ***The owner of the vehicle shall be compensated for costs connected with those tests.***

Amendment 28

Proposal for a regulation Article 6 – paragraph 6

Text proposed by the Commission

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

Amendment

6. The Member States shall periodically review and assess the functioning of their type-approval activities **and the quality of the type-approvals issued**. Such reviews and assessments shall be carried out at least every **three** years and the results thereof shall be communicated to the other Member States, **to the Commission, to the Forum for Enforcement and Exchange of Information established by Article 10, and, in accordance with Article 12 of Directive (EU) 2016/XXX on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC, to the European Clean Air Forum and to third parties upon request**. The Member State concerned shall make a **full report** of the results accessible to the **general** public, in particular **as regards** the number of type-**approvals** granted and **rejected and** the identity of the corresponding manufacturers **and vehicle types**.

Amendment 29

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 **and to third parties upon request**. The Member State concerned shall make a summary of the results accessible to the public; **these shall indicate, in particular, the vehicles, systems, components or separate technical units**

that are not in compliance with this Regulation, and the correctness of the type-approvals and the identity of the corresponding approval authorities, manufacturers and vehicle types.

Amendment 30

Proposal for a regulation

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

Text proposed by the Commission

Amendment

Approval authorities shall ensure that the vehicle provided by the manufacturer for the purpose of type-approval testing is fully representative of the vehicle to be produced and placed on the market and that the testing of the vehicle provided does not lead to test results that are systematically divergent from the performance of those vehicles operated under conditions that may reasonably be expected to be encountered in normal operation and use.

Amendment 31

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Approval authorities shall interpret and enforce the requirements of this Regulation in a uniform and consistent manner to avoid divergent standards being applied across the Union. They shall cooperate with the Commission and with the Forum for Enforcement and Exchange of Information established by Article 10 in its monitoring and oversight activities as regards the application of this Regulation and shall provide them with all the necessary information upon request.

Amendment 32

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Approval authorities shall carry out their duties independently and impartially. They shall observe confidentiality where necessary in order to protect commercial secrets, ***unless their disclosure is in the public interest***, subject to the obligation ***to provide*** information laid down in Article 9(3) in order to protect the interests of users in the Union.

Amendment 33

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 34

Proposal for a regulation

Article 7 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Amendment 35

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

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

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

When technical services are designated

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

Amendment 36

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 37

Proposal for a regulation Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 38

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 **or** separate technical unit from the market in accordance with Article 49(5), they shall inform the economic operator concerned and the relevant approval authority.

Amendment 39

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Amendment 40

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

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, **to the Commission, to the Forum for Enforcement and Exchange of Information established by Article 10 and**

accessible to the public.

to third parties upon request. The Member State concerned shall make a summary of the results accessible to the public, ***indicating in particular the number and the model name of those vehicles, systems, components or separate technical units that are not in conformity with this Regulation, together with the identity of the corresponding manufacturers.***

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

Amendment 41

Proposal for a regulation Article 8 – paragraph 9

Text proposed by the Commission

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

Amendment

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

Amendment 42

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***

Amendment

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

Article 87(2).

Amendment 43

Proposal for a regulation Article 9 – title

Text proposed by the Commission

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

Amendment

Compliance verification by the **European Vehicle Surveillance Agency** and enforcement coordination with Member States

Amendment 44

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

Text proposed by the Commission

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

Amendment

The **European Vehicle Surveillance Agency (EVSA, hereinafter “the Agency”)** shall organise and carry out, or require to be carried out, on an adequate scale, tests and inspections of vehicles, systems, components and separate technical units already made available on the market, with a view to verifying that those vehicles, systems, components and separate technical units conform to the type-approvals and to applicable legislation, as well as to ensure the correctness of the type-approvals.

Amendment 45

Proposal for a regulation Article 9 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In the case of category M and N vehicles, the Agency shall perform random market surveillance tests on at least 20 % of the new models placed on the Union market

each year to verify whether the vehicles on the road comply with Union safety and environmental legislation. When choosing which vehicles to test, the Agency shall take account of established principles of risk assessment, complaints, including third-party testing, new technologies on the market, reports from periodic technical inspections and other information. The Agency shall follow up on substantiated complaints.

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

Amendment 46

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

- new vehicles, *systems, components and separate technical units* supplied by manufacturers or *by* the economic operator as provided in paragraph 2 below;
- *registered vehicles in agreement with the vehicle registration holder.*

The owner of the vehicle shall be compensated for costs connected with the tests.

Amendment 47

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

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

deleted

Amendment 48

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

Amendment

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

2. Manufacturers holding type-approvals or the economic operators shall, upon request, supply to the **Agency** a statistically relevant number of production vehicles, systems, components and separate technical units selected by the **Agency** that are **fully** representative **of** the vehicles, systems, components and separate technical units available for placing on the market under **the** type-approval **concerned**. Those vehicles, systems, components and separate technical units shall be supplied for testing at **such** time and place and for **such** period **as** the **Agency** may require. **The owner of the vehicle shall be compensated for costs connected with the tests.**

Amendment 49

Proposal for a regulation Article 9 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

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.

For the purpose of enabling the **Agency** to carry out the testing referred to in paragraphs 1, **1a** and 2, Member States shall make available to the **Agency** all data related to the type-approval of the vehicle, systems, components and separate technical units subject to compliance verification testing. Those data shall

Those data shall include at least the information included in the type-approval certificate and its attachments referred to Article 26(1).

include at least the information included in the type-approval certificate and its attachments *as* referred to *in* Article 26(1).

Amendment 50

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Amendment 51

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

Amendment

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

4. Vehicle manufacturers shall make public data which are needed for the purpose of compliance verification testing by third parties. ***Those data shall comprise, in particular, parameters and settings that are necessary in order to accurately replicate test conditions that were applied at the time of the type-approval testing.*** The Commission shall adopt implementing acts in order to define the data to be made public and the conditions for such publication, subject to the protection of commercial secrets and the preservation of personal data pursuant

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

Amendment 52

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 53

Proposal for a regulation

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

Text proposed by the Commission

Amendment

Any corrective action taken by the Commission pursuant to its verification testing shall apply Union-wide and shall be implemented by the national authorities in a harmonised and

consistent manner. Such Union-wide corrective action may include the payment of uniform compensation to consumers if the original vehicles' performance was altered following the corrective action taken, and financial compensation for any external negative impacts (in terms of air quality, public health, etc.).

Amendment 54

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 55

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 56

Proposal for a regulation

Article 9 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall implement recommendations made by the Agency, in accordance with this Article, where those recommendations are directed to one or more Member States. If a Member State fails to apply, or deviates from, a recommendation issued by the Agency, that Member State shall inform the Commission of its reasons for doing so. The Commission shall assess the reasons given and, where it does not find the measures taken justified, shall, in consultation with the Member State concerned, require implementation of the recommendation or the adoption of alternative measures.

In cases where repeated failure to implement recommendations or alternative measures as referred to in point (c) of Article 10(2) gives rise to non-compliance with this Regulation, the Commission shall suspend the authorisation for the type-approval authority in the Member State concerned to accept applications for EU type-approval certificates under Article 21.

Within two months of suspending such authorisation under the second subparagraph, the Commission shall submit to the Member States a report on its findings regarding the non-compliance. Where necessary in order to ensure the safety of vehicles, systems, components or separate technical units already placed on the market, the Commission shall instruct the type-approval authorities concerned to suspend, within a reasonable period of time, any certificates which were unduly issued.

Amendment 57

Proposal for a regulation Article 9 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. The Agency shall be financed through national fees paid by the manufacturer and levied on all new vehicles sold in the Union in accordance with Article 30(2a).

Amendment 58

Proposal for a regulation Article 10 – title

Text proposed by the Commission

Amendment

Forum for Exchange of Information **on Enforcement**

Forum for **Enforcement and** Exchange of Information

Amendment 59

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

Text proposed by the Commission

Amendment

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

1. The Commission shall establish a Forum for **Enforcement and** Exchange of Information ('the Forum'). **The Forum shall be chaired by the Agency.**

Amendment 60

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

Text proposed by the Commission

Amendment

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

The Forum shall be composed of members appointed by the Member States **and representatives of the Commission. It shall include, as observers,**

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

Amendment 61

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 tasks shall comprise:

- (a) *contributing to the promotion of good practices aimed at ensuring effective and harmonised implementation of this Regulation, in particular regarding the assessment, designation and monitoring of designated bodies and the general application of the requirements laid down in this Regulation, and including consideration of evidence or other information requested from relevant third parties;*
- (b) *assisting the competent authorities of the Member States in market surveillance activities, including coordination of national market surveillance activities, on either a regional or a pan-European basis;*
- (c) *carrying out joint audits of the national type-approval authorities every three years to verify their compliance with the requirements of this Regulation and to check that they are carrying out their duties in an independent and rigorous manner. Those audits shall include a verification of the national type-approval*

procedures put in place, a random sample check of the type-approvals issued and an on-site visit to a technical service under the responsibility of the reviewed authority. The Agency may participate in those audits and may base its decision whether or not to participate on the basis of a risk-assessment analysis;

(d) assessing the results of reviews of the functioning of market surveillance activities and making general recommendations on the basis of one or more such reviews;

(e) assessing 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 making general recommendations on the basis of one or more such assessments;

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

Amendment 62

Proposal for a regulation

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

Text proposed by the Commission

Amendment

All decisions taken, and recommendations agreed upon, by the Forum shall be made public, including those relating to recalls.

Amendment 63

Proposal for a regulation

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Forum shall establish a standing committee of 10 independent auditors and a representative of the Commission (“the standing committee”) to carry out regular audits of national type-approval authorities and market surveillance authorities with a view to verifying compliance with the requirements of this Regulation and monitoring, in an independent, efficient and effective manner, the performance by those authorities of their duties.

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

They shall include the following, as appropriate:

- (a) an assessment of the procedures and protocols applied in the type-approval and market surveillance authorities;**
- (b) an assessment of the designation of technical services;**
- (c) on-site visits and interviews with staff of the national authorities and designated technical services;**
- (d) checks on laboratories, facilities, measurement instruments and sampling methods;**
- (e) an assessment of the type-approvals issued;**
- (f) any other activity required to identify instances of non-compliance.**

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

Auditors, and contracted third parties, shall carry out their duties independently and impartially. They shall observe confidentiality where necessary in order

to protect commercial secrets, subject to the obligation to provide information laid down in Article 9(3), to the fullest extent necessary in order to protect the interests of users and citizens in the Union.

The Member States shall give all necessary assistance and shall provide all such documentation and support as the auditors may request in order to enable them to carry out their duties.

The Member States shall ensure that the auditors are given access to all premises or parts of premises and to all information, including information held in computing systems and software, relevant to the performance of their duties.

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

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

Amendment 64

Proposal for a regulation Article 10 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The Commission ***is*** empowered to adopt delegated acts in accordance with Article 88 to ***supplement this Regulation by laying*** down the composition, appointment process, detailed tasks, working methods and rules of procedure of the Forum ***and of the standing committee of auditors.***

Amendment 65

Proposal for a regulation

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Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Online type-approval database

- 1. The Commission shall establish and maintain an online type-approval database, consisting of two different interfaces: the public interface and the compliance interface.**
- 2. The public interface shall contain the information set out in in Annex IX to this Regulation, the test results, testing specifications and the identity of the technical services and type-approval authorities involved in the different stages of the type-approval, respecting the following requirements:**
 - (a) the information must be provided free of charge;**
 - (b) the information must be provided in a user-friendly manner;**
 - (c) the information must be fully searchable and in a digital format.**
- 3. The compliance interface shall be accessible for Member States, type-approval authorities, market surveillance authorities and the Commission and shall contain the information set out in paragraph 2 and the information set out in Annexes I and III to this Regulation, respecting the following requirements:**
 - (a) strict security arrangements must be ensured for the safeguarding of confidential information;**
 - (b) access rights must be based on the need-to-know principle;**
 - (c) a link must be provided to the Information and Communication System on Market Surveillance (ICSMS) set up pursuant to Article 23 of Regulation (EC) No 765/2008.**
- 4. Type-approval authorities shall**

include in the compliance database the information required by Annexes I and III to this Regulation upon issuance or withdrawal of a new type-approval, information regarding non-compliance with the requirements of this Regulation, and information regarding any corrective action envisaged and undertaken.

5. When entering information into the database, type -approval authorities shall retain the right of access to that information and the right to edit it. Any changes made shall be dated and clearly visible. Data contained in the compliance interface shall be used only for purposes linked to enforcement pursuant to this Regulation and any acts adopted pursuant thereto, and unauthorised use of that information shall be prohibited.

6. The database shall be established in such a way as to minimise the administrative burden, and in accordance with the principles of user-friendliness and cost-effectiveness. The existence of the online type-approval database shall not replace or modify the responsibilities of the market surveillance authorities.

7. In order to test the suitability of using the IMI for the purpose of exchanging information on the basis of this Article, a pilot project shall be launched by ... [3 months after the entry into force of this Regulation].

8. The Commission is empowered to adopt delegated acts in accordance with Article 88 supplementing this Regulation by specifying the operational details relating to the establishment of an online type-approval database.

Amendment 66

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

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

Amendment 67

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 68

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

Amendment

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

the national authority.

the national authority **concerned**.

Amendment 69

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 70

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Amendment 71

Proposal for a regulation

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The importer shall immediately inform the manufacturer about complaints and reports relating to risks, suspected incidents, and non-compliance issues relating to imported vehicles,

systems, components, separate technical units, parts or equipment.

Amendment 72

Proposal for a regulation

Article 20 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 73

Proposal for a regulation

Article 20 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

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

required tests.

Amendment 74

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 75

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(bb) a list of all defeat devices or any Auxiliary Emission Strategy, including a description of the parameters that are modified by any AES and the boundary conditions under which that AES operates, and an indication of which AES and BES are likely to be active under a range of ambient conditions, detailed technical descriptions and calibration specifications, and a detailed justification of each defeat device that results in a reduction in effectiveness of the emission control system, together with a statement of reasons why the defeat device used is not a defeat device prohibited under Article 5(2) of Regulation (EC) No 715/2007;

Amendment 76

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 77

Proposal for a regulation

Article 23 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where application is made for whole-vehicle type-approval, the manufacturer shall provide detailed information, including technical explanations, concerning any Auxiliary Engine Strategy used outside the scope of the conditions specified in relevant Union legislative acts and in test procedures.

Amendment 78

Proposal for a regulation

Article 23 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 79

Proposal for a regulation

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

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

Amendment 80

Proposal for a regulation

Article 23 – paragraph 4 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 81

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 82

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) the validity of the justification given for the installation of a defeat device in accordance with Article 5(2) of Regulation (EC) No 715/2007;

Amendment 83

Proposal for a regulation

Article 24 – paragraph 5

Text proposed by the Commission

Amendment

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

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

Amendment 84

Proposal for a regulation

Article 24 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The approval authority may refuse to approve a vehicle emissions control defeat device on the basis of the information included in the information folder.

The approval authority shall refuse to grant EU type-approval where it finds that

a defeat device has been unlawfully incorporated.

Amendment 85

Proposal for a regulation

Article 24 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

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

Amendment 86

Proposal for a regulation

Article 25 – paragraph 2

Text proposed by the Commission

Amendment

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

2. **Every three months**, the approval authority shall send to the approval authorities of the other Member States, **to** the Commission **and to the Agency** 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 87

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 88

**Proposal for a regulation
Article 28 – paragraph 2**

Text proposed by the Commission

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

Amendment

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

Amendment 89

**Proposal for a regulation
Article 28 – paragraph 3**

Text proposed by the Commission

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

Amendment

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

Amendment 90

**Proposal for a regulation
Article 28 – paragraph 3 – subparagraph 1 a (new)**

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

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, subject to the protection of commercial secrets and the preservation of personal data pursuant to Union and national legislation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment 92

Proposal for a regulation

Article 29 – paragraph 4

Text proposed by the Commission

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

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.

samples taken at ***random at*** the premises of the manufacturer, including production facilities ***or dealerships. Those tests shall be carried out by a different technical service from the one that performed the original testing for the purpose of type-approval.***

Amendment 93

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 correctly or withdraw the type-approval.

Amendment

5. ***Where*** an approval authority that has granted an EU type-approval 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, ***it*** shall take the necessary measures to ensure that the procedure for conformity of production is followed correctly ***and immediately brought back into compliance,*** or ***shall*** withdraw the type-approval.

Amendment 94

Proposal for a regulation Article 30 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall establish a national fee structure to cover the costs for their type-approval ***activities*** 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. ***Fees shall not be levied***

directly by the technical services.

Member States shall ensure that there is no conflict of interest between national type-approval or market surveillance authorities, technical services and manufacturers.

Amendment 95

Proposal for a regulation Article 30 – paragraph 2

Text proposed by the Commission

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

Amendment

2. *The* national fees *in respect of type-approval activities* shall be levied on the manufacturers who have applied for type-approval in the Member State concerned.

Fees collected shall be exclusively used for the purpose of type-approval testing.

Amendment 96

Proposal for a regulation Article 30 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The national fees in respect of market surveillance activities shall be levied on the manufacturers by the Member State in which the products concerned are placed on the market and shall amount to a charge of EUR 10 per sold vehicle.*

Fees collected shall be exclusively used for the purpose of market surveillance activities.

Member States shall annually notify the other Member States and the Commission via the Forum of the details of the fees collected and the annual total cost of surveillance testing performed as a result. The first such notification shall be

effected on „„ [one year after date of entry into force of this Regulation].

Amendment 97

Proposal for a regulation

Article 30 – paragraph 3

Text proposed by the Commission

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.

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**).

Amendment

3. The national **fees in respect of market surveillance activities** shall also cover the costs for the compliance verification inspections and tests carried out by **the Agency** in accordance with Article 9. These contributions shall constitute external assigned revenues for the general budget of the European Union, **in accordance with Article 21(4)** of the Financial Regulation²⁶.

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).

Amendment 98

Proposal for a regulation

Article 30 – paragraph 5

Text proposed by the Commission

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).

Amendment

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

Amendment 99

Proposal for a regulation

Article 32 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 100

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 101

Proposal for a regulation

Article 33 – title

Text proposed by the Commission

Amendment

Termination of validity

Periodic verification and termination of validity

Amendment 102

Proposal for a regulation

Article 33 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Type-approvals for vehicles shall be *verified after a* period of *four* years *following their first approval or previous verification. The verification* shall be *performed by the Agency, using a different technical service from the one which performed the original approval. The verification* of the type-approval certificate *shall ascertain whether* the type of vehicle complies with all the requirements of the relevant regulatory acts *applied for all* new vehicles of that type *at that time*.

Amendment 103

Proposal for a regulation

Article 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. If the Agency finds any irregularities or non-conformities, it shall require corrective measures to be taken or issue expiry of the type-approval.

Amendment 104

Proposal for a regulation

Article 33 – paragraph 2

Text proposed by the Commission

Amendment

2. An EU type-approval of a vehicle shall become invalid *before its expiry date* in any of the following cases:

(a) where new requirements applicable

2. An EU type-approval of a vehicle shall become invalid in any of the following cases:

(a) where new requirements applicable

to the approved type of vehicle become mandatory for the making available on the market, registration or entry into service of vehicles, and the type-approval cannot be extended in accordance with point (c) of Article 32(2);

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

(c) where the validity of the type-approval certificate expires due to a restriction referred to in Article 37(6);

(d) where the type-approval has been withdrawn in accordance with Article 29(5) or Article 53(1);

(e) where the type-approval was found to be based on false declarations, falsified test results or where data were withheld which would have led to ***the*** refusal to grant the type approval.

to the approved type of vehicle become mandatory for the making available on the market, registration or entry into service of vehicles, and the type-approval cannot be extended in accordance with point (c) of Article 32(2);

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

(c) where the validity of the type-approval certificate expires due to a restriction referred to in Article 37(6);

(d) where the type-approval has been withdrawn in accordance with Article 29(5) or Article 53(1);

(e) where the type-approval was found to be based on false declarations ***or*** falsified test results or where data were withheld which would have led to refusal to grant the type-approval;

(ea) where verification of the type-approval has not been performed in accordance with Article 33(1).

Amendment 105

Proposal for a regulation Article 33 – paragraph 5

Text proposed by the Commission

5. Where an EU type-approval certificate for a type of vehicle, system, component or separate technical unit is due to become invalid, the manufacturer shall notify without delay the approval authority that granted the EU type-approval thereof.

Amendment

deleted

Amendment 106

Proposal for a regulation

Article 33 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Upon reception of the notification made by the manufacturer, the approval authority that granted the EU type-approval shall **communicate** without delay to the approval authorities of the other Member States and the Commission all relevant information for the making available on the market, **registering** or **entering** into service of vehicles, where appropriate.

Amendment

The approval authority that granted the EU type-approval, **or the Agency which verified it**, shall without delay **communicate** to the approval authorities of the other Member States and **to** the Commission all relevant information for the making available on the market, **registration** or **entry** into service of vehicles, where appropriate.

Amendment 107

Proposal for a regulation

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

Text proposed by the Commission

Amendment

The certificate of conformity shall contain the specific conformity factor for the vehicle as measured under the real driving emission test in line with Commission Regulation (EU) 2016/646.

Amendment 108

Proposal for a regulation

Article 36 a (new)

Text proposed by the Commission

Amendment

Article 36a

Consumer remedies

Where a part, technical unit, system or whole vehicle sold in the Union is found not to be in conformity with the certificate of conformity and type-approval requirements, the consumer shall be entitled to have the vehicle put into conformity via replacement or repair, or

to a full refund from the manufacturer, or a partial refund where the vehicle has been put back into conformity but where the running costs and maintenance of the vehicle are more costly than originally advertised in the contract.

Where the consumer opts for repair or replacement, a courtesy vehicle shall be placed at his disposal by the manufacturer free of charge during repairs or until replacement.

Amendment 109

Proposal for a regulation

Article 37 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Amendment 110

Proposal for a regulation

Article 37 – paragraph 3

Text proposed by the Commission

Amendment

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

3. The granting of EU type-approvals exempting new technologies or new concepts shall be subject to authorisation by the Commission. ***The Commission shall prioritise and expedite EU type-approvals for new and innovative technologies which produce significantly lower environmental impacts.***

Authorisation shall be given by means of ***a delegated act. That delegated*** act shall be adopted in accordance with Article 88.

Amendment 111

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

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

Amendment 112

Proposal for a regulation

Article 49 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

Where, in the course of that evaluation, the approval authority that granted the approval finds that the vehicle, system, component or separate technical unit does not comply with the requirements laid down in this Regulation, it shall without delay **require** 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 **requiring the economic operator** either to **immediately** withdraw the vehicle, system, component or separate technical unit from the market, or to recall it within **three months**, depending on the nature of the risk.

Amendment 113

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 114

Proposal for a regulation
Article 53 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 115

Proposal for a regulation
Article 54 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 116

**Proposal for a regulation
Article 56 – paragraph 6**

Text proposed by the Commission

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

Amendment

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

Amendment 117

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

Text proposed by the Commission

The approval authority shall carry out an

Amendment

The approval authority shall carry out an

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

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

Amendment 118

Proposal for a regulation Article 69 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 119

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

Text proposed by the Commission

Amendment

Member States may decide that the assessment and monitoring of technical services, and, where appropriate, of subcontractors or subsidiaries of technical services, are to be carried out by a national accreditation body within the meaning of, and in accordance with, Regulation (EC) No 765/2008.

Amendment 120

Proposal for a regulation

Article 71 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 121

Proposal for a regulation

Article 71 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Amendment 122

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 1

Text proposed by the Commission

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

Amendment

The type-approval authority shall be ***audited*** every *three* years, ***in accordance with Article 10, by the Forum's standing committee of auditors to ensure that it complies with the requirements of this Regulation and that it carries out its duties in an independent and rigorous manner***.

The Forum may initiate audits of a type-approval authority more frequently if there is reason to believe that additional reviews of that type-approval authority are

necessary.

Amendment 123

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 124

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 3

Text proposed by the Commission

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

Amendment

The **audit** shall include **a verification of the type-approval procedures and correct implementation of the requirements of this Regulation, a random sample check of the type-approvals issued and** an on-site visit to **one or more technical services** under the responsibility of the reviewed authority. **The Agency** may participate in the **audit** and decide on its participation on the basis of a risk-assessment analysis.

Amendment 125

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Amendment 126

Proposal for a regulation Article 71 – paragraph 9

Text proposed by the Commission

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

Amendment

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

Amendment 127

Proposal for a regulation Article 71 – paragraph 10

Text proposed by the Commission

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

Amendment

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

Amendment 128

Proposal for a regulation

Article 72 – paragraph 2

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 129

Proposal for a regulation Article 72 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Amendment 130

Proposal for a regulation Article 74 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. A technical service shall be capable of carrying out all the activities for which it is applying to be designated in accordance

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:

with Article 72(1). It shall demonstrate to the type-approval authority, ***or, in the case of accreditation, to the national accreditation body***, that it has all of the following:

Amendment 131

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, with the agreement of their designating type-approval authority, ***or, in the case of accreditation, of the national accreditation body, subcontract*** 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 132

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 shall inform the type-approval authority, ***or, in the case of accreditation, the national accreditation body***, thereof.

Amendment 133

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 type-approval authority, ***or, in the case of accreditation, of the national accreditation body***, the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the tasks performed by them.

Amendment 134

Proposal for a regulation

Article 76 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the in-house technical service shall be audited in accordance with Article 77;

Amendment 135

Proposal for a regulation

Article 76 – paragraph 3

Text proposed by the Commission

Amendment

3. An in-house technical service ***does not need to*** be notified to the Commission ***for the purposes of Article 78, but information concerning its accreditation shall be given by the manufacturer of which it forms part or by the national accreditation body to the type-approval authority at the request of that authority.***

3. An in-house technical service ***shall*** be notified to the Commission ***in accordance with*** Article 78.

Amendment 136

Proposal for a regulation

Article 77 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

Before designating a technical service, the type-approval authority, **or, in the case of accreditation, the national accreditation body**, shall assess it in accordance with **a harmonised** 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 **applicant** technical service, and, where relevant, of any subsidiary or sub-contractor, located inside or outside the Union.

Amendment 137

Proposal for a regulation

Article 77 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Representatives of the type-approval authorities of at least two other Member States shall, in coordination with the type-approval authority of the Member State in which the applicant technical service is established, and together with a representative of the Commission, form a joint assessment team and participate in the assessment of the applicant technical service, including the on-site assessment. The designating type-approval authority of the Member State where the applicant technical service is established shall give those representatives timely access to the documents necessary to assess the applicant technical service.

Amendment

Representatives of the type-approval authorities of at least two other Member States **competent to assess technical services** shall, in coordination with the type-approval authority, **or, in the case of accreditation, the national accreditation body**, of the Member State in which the applicant technical service is established, and together with a representative of **the Agency and of** the Commission, form a joint assessment team and participate in the assessment of the applicant technical service, including the on-site assessment **and observation at first hand of the actual type-approval tests**. The designating type-approval authority, **or, in the case of accreditation, the national accreditation body**, 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. **In the case of in-house technical services, the joint assessment team shall be led by**

the representative of the Agency.

Amendment 138

Proposal for a regulation Article 77 – paragraph 12

Text proposed by the Commission

Amendment

12. The approval authority that intends to be designated as a technical service in accordance with Article 72(2) shall document compliance with the requirements of this Regulation through an assessment conducted by independent auditors. Those auditors shall not belong to the same approval authority and shall comply with the requirements laid down in Appendix 2 of Annex V. **deleted**

Justification

Type approval authorities shall not perform as technical services in the type-approval process to protect independence and to avoid conflict of interests as well as possible damage to quality and safety standards.

Amendment 139

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

Text proposed by the Commission

Amendment

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.

The type-approval authority, **or, in the case of accreditation, the national accreditation body**, 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 **of** Annex V.

Justification

As is practice in some Member States it shall be possible for Member States to decide that the assessment and monitoring of technical services are to be carried out by a national accreditation body within the meaning and in accordance with Regulation (EC) No 765/2008.

Amendment 140

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 type-approval authority, ***or, in the case of accreditation, the national accreditation body***, to verify compliance with those requirements.

Justification

As is practice in some Member States it shall be possible for Member States to decide that the assessment and monitoring of technical services are to be carried out by a national accreditation body within the meaning and in accordance with Regulation (EC) No 765/2008.

Amendment 141

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 type-approval authority, ***or, in the case of accreditation, the national accreditation body***, 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 ***of*** 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.

Justification

As is practice in some Member States it shall be possible for Member States to decide that the assessment and monitoring of technical services are to be carried out by a national accreditation body within the meaning and in accordance with Regulation (EC) No 765/2008.

Amendment 142

Proposal for a regulation

Article 89 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall lay down the rules on penalties for infringement by economic operators and technical services of their obligations laid down in the Articles of this Regulation, in particular Articles 11 to 19 and 72 to 76, 84 and 85, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ***In particular, the penalties shall be proportionate to the number of non-compliant vehicles registered in the market of the Member State concerned, or the number of non-compliant systems, components or separate technical units made available on the market of the Member State concerned.***

Amendment 143

Proposal for a regulation

Article 89 – paragraph 2 – point b

Text proposed by the Commission

(b) falsifying test results for type-approval;

Amendment

(b) falsifying test results for type-approval ***or surveillance testing;***

Amendment 144

Proposal for a regulation

Article 89 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) use of illegal defeat devices.

Amendment 145

Proposal for a regulation

Article 90 a (new)

Text proposed by the Commission

Amendment

Article 90a

Online portal for the exchange of information on EU type-approvals

The Commission shall establish an online portal for exchanging information on EU type-approvals between type-approval authorities, market surveillance authorities, the Commission and recognised third-party testers.

The Commission, via the Forum, shall oversee the portal, in particular maintenance of the type-approvals database, including regular updates, coordination of input information with relevant authorities, and data security and confidentiality.

In the case of type-approvals, the database shall include the information required in Annexes I and III. Third parties shall have unlimited access to at least information contained in certificates of conformity in line with Annex IX, as well as all the test results, key input parameters (testing specifications) and details of technical services used at all stages of type-approval.

Those data shall be available free of charge, shall be in a digital format and shall include at least the following:

- ***test vehicle mass/weight;***
- ***test vehicle rolling resistance;***
- ***test temperature;***
- ***aerodynamic drags;***
- ***road load coefficients;***
- ***CO₂ emissions in gCO₂/km at type approval;***

- *auxiliary equipment used during the test (air conditioning, audio & media, other accessories);*
- *tyre details (model, manufacture, size & pressure);*
- *vehicle-specific gear shift points;*
- *driver mode in which the vehicle was tested.*

National authorities responsible for type-approval and market surveillance shall without delay update the database every time a new type-approval is issued or withdrawn, and every time non-conformity with this Regulation is found or any corrective action is taken.

National authorities and the Commission shall draw on existing portals, such as the EU Rapid Warning System (RAPEX) and the ICSMS, to ensure coordination, consistency and accuracy of the information provided to consumers and third parties.

The portal shall include a tool enabling consumers and other third parties to report recognised third-party test results, faulty reports and any complaints about the performance of vehicles, systems, components and separate technical units, including performance in terms of safety, harmful effects on the environment and fuel consumption. That tool shall be taken into account when vehicles are chosen to be tested for the purposes of Article 8.

The portal shall be operational by no later than 31 December 2019.

Amendment 146

Proposal for a regulation

Article 91 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

(5) in Article 13(2), point (e) is

deleted

deleted.

Amendment 147

Proposal for a regulation

Article 91 – paragraph 1 – point 5 a (new)

Regulation (EC) No 715/2007

Article 14 – paragraph 3

Present text

“3. The Commission shall keep under review the procedures, tests and requirements referred to in Article 5(3) as well as the test cycles used to measure emissions. *If the review finds that these are no longer adequate or no longer reflect real world emissions, they shall be adapted so as to adequately reflect the emissions generated by real driving on the road. The necessary measures, which are designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 15(3).*”

Amendment

(5a) In Article 14, paragraph 3 is replaced by the following:

"3. The Commission shall keep under review the procedures, tests and requirements referred to in Article 5(3) as well as the test procedures used to measure emissions *in order to ensure that they are adequate, including with regard to defeat devices, and that they reflect real world emissions. The Commission shall introduce and complete, in accordance with Article 5(3) and without undue delay, a real driving emission test for all vehicles and pollutants to ensure the effectiveness of emission control systems and to enable the vehicle to comply with this Regulation and its implementing measures in normal use throughout its normal life. The conformity factor for NOx applicable from 2020 to all vehicles placed on the Union market shall be no more than 1,18. The conformity factor for PN applicable from 2020 to all vehicles placed on the Union market shall be 1.*"

Amendment 148

Proposal for a regulation

Article 91 – paragraph 1 – point 6

Regulation (EC) No 715/2007

Article 11a – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) fuel consumption and CO₂ values

*determined under real driving conditions
are made available to the public.*

Justification

Under the forthcoming RDE-test procedure CO₂ and fuel consumption will only be calculated to determine real NO_x-emissions. This amendment ensures that these figures will easily be made available to the public.

Amendment 149

Proposal for a regulation

Article 91 – paragraph 1 – point 6 a (new)

Regulation (EC) No 715/2007

Article 14 a (new)

Text proposed by the Commission

Amendment

(6a) The following Article 14a shall be inserted:

“Article 14a

Review

The Commission shall review the emissions limits set out in Annex I with a view to improving air quality in the Union and to achieving the Union ambient air quality limits as well as the WHO recommended levels, and shall come forward by 2025 with proposals, as appropriate, for new technology-neutral Euro7 emission limits applicable for all M1 and N1 vehicles placed on the Union market.”.

Amendment 150

Proposal for a regulation

Article 96 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation shall not invalidate any whole-vehicle type-approval or EU type-approval granted to vehicles or to systems, components or separate technical

1. This Regulation shall not invalidate any whole-vehicle type-approval or EU type-approval granted to vehicles or to systems, components or separate technical

units before *[PO: please insert the date of application as mentioned in Article 98]*.

units before **1 January 2018**.

Amendment 151

Proposal for a regulation Article 96 – paragraph 3

Text proposed by the Commission

3. The validity of whole-vehicle type-approvals referred to in paragraph 1 shall terminate at the latest on *[PO: please insert the date, which should be the date of application as mentioned in Article 98 + 5 years]* and approval authorities may only renew those whole-vehicle type-approvals in accordance with the provisions of Article 33 *of this Regulation*.

Amendment

3. The validity of whole-vehicle type-approvals referred to in paragraph 1 shall terminate at the latest on **1 January 2023** and approval authorities may only renew those whole-vehicle type-approvals in accordance with the provisions of Article 33.

Amendment 152

Proposal for a regulation Article 97 – paragraph 1

Text proposed by the Commission

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

Amendment

1. By 31 December **2023**, Member States shall inform the Commission of the application of the type-approval and market surveillance procedures laid down in this Regulation.

Amendment 153

Proposal for a regulation Article 98 – paragraph 2

Text proposed by the Commission

It shall apply from 1 January **201X**.

Amendment

It shall apply from 1 January **2018**.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles						
References	COM(2016)0031 – C8-0015/2016 – 2016/0014(COD)						
Committee responsible Date announced in plenary	IMCO 4.2.2016						
Opinion by Date announced in plenary	ENVI 4.2.2016						
Rapporteur Date appointed	Christofer Fjellner 8.3.2016						
Discussed in committee	8.9.2016						
Date adopted	29.11.2016						
Result of final vote	<table> <tr> <td>+: </td><td>59</td></tr> <tr> <td>–: </td><td>3</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	59	–:	3	0:	0
+:	59						
–:	3						
0:	0						
Members present for the final vote	Marco Affronte, Margrete Auken, Pilar Ayuso, Zoltán Balczó, Ivo Belet, Biljana Borzan, Lynn Boylan, Paul Brannen, Nessa Childers, Birgit Collin-Langen, Mireille D’Ornano, Miriam Dalli, Seb Dance, Angélique Delahaye, Jörn Dohrmann, Stefan Eck, Bas Eickhout, Eleonora Evi, Karl-Heinz Florenz, Elisabetta Gardini, Jens Gieseke, Julie Girling, Sylvie Goddyn, Françoise Grossetête, Andrzej Grzyb, Anneli Jäätteenmäki, Jean-François Jalkh, Benedek Jávor, Karin Kadenbach, Giovanni La Via, Peter Liese, Susanne Melior, Bolesław G. Piecha, Pavel Poc, Frédérique Ries, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Claudiu Ciprian Tănăsescu, Estefanía Torres Martínez, Nils Torvalds, Jadwiga Wiśniewska, Tiemo Wölken						
Substitutes present for the final vote	Clara Eugenia Aguilera García, Nikos Androulakis, Mark Demesmaeker, Albert Deß, Herbert Dorfmann, Fredrick Federley, Christofer Fjellner, Elena Gentile, Merja Kyllönen, Mairead McGuinness, Gesine Meissner, James Nicholson, Marijana Petir, Bart Staes, Kay Swinburne, Tibor Szanyi						
Substitutes under Rule 200(2) present for the final vote	Theresa Griffin, Clare Moody, Julie Ward						

OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM

for the Committee on the Internal Market and Consumer Protection

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))

Rapporteur: Karima Delli

AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation **Recital 3**

Text proposed by the Commission

(3) An assessment of the Union legal framework for the type-approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, carried out in 2013¹¹, showed that the framework established by Directive 2007/46/EC is appropriate for achieving the main goals of harmonisation, effective operation of the internal market and fair competition, and therefore should continue to apply.

Amendment

(3) An assessment of the Union legal framework for the type-approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, carried out in 2013¹¹, showed that the framework established by Directive 2007/46/EC is appropriate for achieving the main goals of harmonisation, effective operation of the internal market and fair competition, and therefore should continue to apply. ***Fair competition necessitates, inter alia, better harmonisation of quality standards of conformity of production, high uniform levels of technological testing, similar fees, and respect of the principles of***

*independence and transparency
throughout the verification chain.*

¹¹ Commission Staff Working Document
‘Fitness Check of the EU legal framework
for the type-approval of motor vehicles’
(SWD(2013) 466 final).

¹¹ Commission Staff Working Document
‘Fitness Check of the EU legal framework
for the type-approval of motor vehicles’
(SWD(2013) 466 final).

Amendment 2

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) This Regulation sets out the harmonised rules and principles for the type-approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, and the individual vehicle approval, with a view to ensuring the *proper functioning of* the internal market for the benefit of businesses and consumers and *to offer* a high level of safety and protection of health and the environment.

Amendment

(6) This Regulation sets out the harmonised rules and principles for the type-approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, and the individual vehicle approval, with a view to ensuring the *consistent application of high-quality standards for verifying conformity of production, enabling* the internal market *to function properly* for the benefit of businesses and consumers and *offering* a high level of safety and protection of health and the environment.

Amendment 3

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

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

Amendment 4

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) **An** effective implementation of the type-approval requirements should be ensured by enhancing the provisions on conformity of production by, *inter alia*, providing for mandatory periodic audits of the conformity control methods and the continued conformity of the products concerned and by reinforcing the requirements relating to the competence, obligations and performance of the technical services that carry out tests for whole-vehicle type-approval under the responsibility of type-approval authorities . The proper functioning of technical services is crucial for ensuring a high level of safety and environmental protection and citizens' confidence in the system. The criteria for designation of technical services provided by Directive 2007/46/EC should be laid down in greater detail in order to assure their consistent application. The assessment methods of technical services in the Member States have a tendency to progressively differ due to the increased complexity of their work. Therefore, it is necessary to provide for procedural obligations that ensure an information exchange and monitoring of Member States' practices for the assessment, designation, notification and monitoring of their technical services. Those procedural obligations should remove any existing discrepancies in the methods used and in the interpretation of the criteria for the designation of technical services.

Amendment

(9) Effective implementation of the type-approval requirements should be ensured by enhancing the provisions on conformity of production, by ***giving better access to information, by firmly framing optimisation techniques during lab testing, by paying particular attention to the risk of illegal defeat devices the use of which is forbidden by Regulation (EC) No 715/2007 of the European Parliament and of the Council^{1a}***, by providing for mandatory periodic audits of the conformity control methods and the continued conformity of the products concerned and by reinforcing the requirements relating to the competence, obligations and performance of the technical services that carry out tests for whole-vehicle type-approval under the responsibility of type-approval authorities . The proper functioning of technical services is crucial for ensuring a high level of safety and environmental protection and citizens' confidence in the system. The criteria for designation of technical services provided by Directive 2007/46/EC should be laid down in greater detail in order to assure their consistent application. The assessment methods of technical services in the Member States have a tendency to progressively differ due to the increased complexity of their work. Therefore, it is necessary to provide for procedural obligations that ensure an information exchange and monitoring of Member States' practices for the assessment, designation, notification and monitoring of their technical services. Those procedural obligations should remove any existing discrepancies in the methods used and in the interpretation of the criteria for the designation of technical services.

^{1a} Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 171, 29.6.2007, p. 1).

Amendment 5

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Current problems in the area of type-approval have brought to light major weaknesses in existing national systems of market surveillance and control of type-approval. It is therefore necessary, as an immediate response to the failures thus revealed, to empower the Commission to undertake appropriate supervisory tasks.

Amendment 6

Proposal for a regulation Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) However, in order to ensure that the supervisory system is more transparent, independent and efficient in the long term, it is necessary to review the institutional framework for market surveillance and control of type-approval. The Commission should explore all possible options to improve the institutional framework for market surveillance and control of type-approval.

Amendment 7

Proposal for a regulation
Recital 12 c (new)

Text proposed by the Commission

Amendment

(12c) When carrying out its review, the Commission should examine all possible options for improving the institutional framework for market surveillance and control of type-approval and the most appropriate way of ensuring a high level of technical expertise, harmonisation of checks and a guarantee of total independence, in order to ensure the efficient functioning of the internal market for the benefit of consumers and undertakings, as well as a high level of protection of public health and the environment. Furthermore, the Commission should in the course of its review take into account possible recommendations and conclusions of the European Parliament’s Committee of Inquiry into Emission Measurements in the Automotive Sector (“EMIS Committee”).

Amendment 8

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

Text proposed by the Commission

Amendment

(ca) vehicle prototypes.

Amendment 9

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

Text proposed by the Commission

Amendment

(b) vehicles designed and constructed for use by the armed services, civil defence, fire services and forces

(b) vehicles designed and constructed for use by the armed services, civil defence, fire services, **disaster management bodies** and forces responsible

responsible for maintaining public order;

for maintaining public order;

Amendment 10

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Text proposed by the Commission

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

Amendment

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

Amendment 11

Proposal for a regulation

Article 3 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) ‘in-service conformity checking’ means the test stand tests and on-road measurements carried out by market surveillance authorities, as part of market surveillance, to ensure that vehicles, systems, components or separate technical units, as well as parts and equipment, already registered on the market comply with the requirements set out in the relevant Union legislation and do not endanger health, safety or any other aspect of public interest protection;

Amendment 12

Proposal for a regulation

Article 3 – paragraph 1 – point 13

Text proposed by the Commission

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

Amendment

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

Amendment 13

Proposal for a regulation

Article 3 – paragraph 1 – point 16

Text proposed by the Commission

(16) ‘registration’ means the ***permanent or temporary*** administrative authorisation for the entry into service in road traffic of a vehicle, ***including the*** identification ***of the vehicle*** and the issuing of a serial number;

Amendment

(16) ‘registration’ means the administrative authorisation for the entry into service in road traffic of a vehicle, ***involving its*** identification and the issuing ***to it*** of a serial number, ***to be known as the registration number, whether on a permanent or temporary basis or for a short period of time;***

Amendment 14

Proposal for a regulation

Article 3 – paragraph 1 – point 46

Text proposed by the Commission

(46) ‘vehicle repair and maintenance information’ means all information required for diagnosing, servicing, inspecting, periodic monitoring, repairing, re-programming or re-initialising of a vehicle as well as for the fitting on vehicles of parts and equipment, and ***that is provided by the manufacturer to his authorised dealers and repairers,*** including all subsequent amendments and supplements to that information;

Amendment

(46) ‘vehicle repair and maintenance information’ means all information ***that is*** required for diagnosing, servicing, inspecting, periodic monitoring, repairing, re-programming or re-initialising of a vehicle as well as for the fitting on vehicles of parts and equipment and ***for remote diagnostic support for vehicles,*** including all subsequent amendments and supplements to that information;

Amendment 15

Proposal for a regulation
Article 3 – paragraph 1 – point 56 a (new)

Text proposed by the Commission

Amendment

(56a) ‘securing electronic systems’ means taking appropriate state-of-the-art measures to safeguard engine control units, infotainment systems, hardware components and their software, and systems for the transfer of information and data within and from vehicles, against manipulation, interference or misuse.

Amendment 16

Proposal for a regulation
Article 3 – paragraph 1 – point 56 b (new)

Text proposed by the Commission

Amendment

(56b) ‘vehicle prototypes’ means vehicles used on the road under the responsibility of a manufacturer to perform a specific test programme, provided that they have been specifically constructed for that purpose.

Amendment 17

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

Text proposed by the Commission

Amendment

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

1. Member States shall establish or appoint approval authorities and market surveillance authorities. Member States shall notify the Commission of the establishment and appointment of such authorities, **and shall ensure that approval authorities and surveillance authorities are regularly audited.**

Amendment 18

Proposal for a regulation
Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 19

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the market, in accordance with Chapter III of Regulation (EC) No 765/2008, ***and shall make the results thereof available to the public free of charge and on the Commission's website, within one month of conclusion of the tests concerned. Member States may decide to carry out joint market surveillance activities for the purposes of Article 8.***

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

Amendment

5. Member States shall take the necessary measures to ensure that market surveillance authorities ***are empowered, only*** where they consider it necessary and justified, to enter the premises of economic operators ***in the respective Member States***

of vehicles, systems, components and separate technical units for the purposes of compliance testing.

and *to define* the necessary samples of vehicles, systems, components and separate technical units for the purposes of compliance testing. ***When cases of non-compliance are confirmed, Member States shall enforce any measures requiring the taking of remedial action, such as recalls, requested repairs, compensation and the imposition of penalties.***

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

Amendment

6. The Member States shall periodically review and assess the functioning of their type-approval activities ***and the quality of the type-approvals granted***. 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, ***to*** the Commission ***and, upon request, to third parties***. The Member State concerned shall make a summary of the results accessible to the public, in particular the number of ***type-approvals*** granted ***or rejected*** and the identity of the corresponding manufacturers ***and vehicle types***.

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

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

the other Member States **and** the Commission. The Member State concerned shall make a summary of the results accessible to the public.

to the other Member States, **to** the Commission **and, upon request, to third parties**. The Member State concerned shall make a summary of the results accessible to the public, **in particular the number of those vehicles, systems, components or separate technical units that are not in compliance with this Regulation and the identity of the corresponding manufacturers and vehicle types**.

Amendment 23

Proposal for a regulation Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Improving the oversight of market surveillance and control of type-approval

The Commission shall explore all possible options for improving the institutional framework for the oversight of market surveillance and control of type-approval, including the feasibility, costs and possible benefits of establishing of an independent European authority for market surveillance and control of type-approval, and shall, if appropriate, come forward with a legislative proposal by December 2018 to update the institutional framework in accordance with Articles 90a and 90b.

Pending the possible establishment of the European structure, the Commission may use the resources of the Joint Research Centre to conduct independent tests, inspections and ex-post compliance verifications, and shall make the results of those tests, inspections and verifications available to the public.

Amendment 24

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. All European approval authorities shall interpret and enforce the requirements of this Regulation in a uniform and consistent manner in order to reach the same operating level and to avoid the application of divergent standards across the Union.

Amendment 25

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Where an approval authority is informed in accordance with Articles 8(5), 9(5), 52(4) or 54, it shall take all necessary measures to review the approval granted and, where appropriate, correct or withdraw the approval depending on the reasons and the seriousness of the deviations demonstrated.

4. Where an approval authority is informed in accordance with Articles 8(5), 9(5), 52(4) or 54, it shall take all necessary measures to review the approval granted and ***to*** correct or withdraw the approval, ***where appropriate***, depending on the reasons ***for*** and the seriousness of the deviations demonstrated, ***and shall systematically notify the Commission without delay about the action taken.***

Amendment 26

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission

Amendment

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

5. The Commission ***is empowered to*** adopt ***delegated*** acts ***in accordance with Article 88 supplementing this Regulation by laying down common criteria for the appointment***, review and ***assessment of*** approval authorities at national level.

Amendment 27

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type-approvals, ***and in so doing shall pay attention to safety and environmental standards.*** Those checks shall be performed on an adequate scale, by means of documentary checks and real-drive and laboratory tests on the basis of statistically relevant samples ***that reflect the number of vehicles in the Member State concerned.*** When doing so, market surveillance authorities shall take account of established principles of risk assessment, ***including complaints, the popularity of vehicle models and their parts, the results of tests carried out by third parties, new technologies on the market, reports resulting from periodic technical inspections*** and other information.

Amendment 28

Proposal for a regulation

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

Text proposed by the Commission

Amendment

When technical services are designated for the purposes of this Article, market surveillance authorities shall ensure that a different technical service is used from that which performed tests relating to the original type-approval.

Amendment 29

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Market surveillance authorities shall require economic operators to make ***available without delay all such*** documentation and information as they consider necessary for the purpose of carrying out their activities.

Amendment 30

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

When a market surveillance authority requires more information concerning a manufacturer that has not obtained type-approval for a vehicle in its territory, it shall request that information from the market surveillance authority in the Member State in which the type-approval for the vehicle in question was granted. That latter market surveillance authority shall be responsible for centralising all such requests and shall act as a point of contact with the manufacturer.

Amendment 31

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

4. Market surveillance authorities shall take appropriate measures to alert users within their territories within ***an adequate timeframe*** of hazards they have identified relating to any vehicle, system, component and separate technical unit so

4. Market surveillance authorities shall take appropriate measures to alert users within their territories within ***30 days*** of hazards they have identified relating to any vehicle, system, component and separate technical unit so as to prevent or

as to prevent or reduce the risk of injury or other damage.

reduce the risk of injury or other damage.

Amendment 32

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Market surveillance authorities shall ensure uniform application of this Regulation in order to provide certainty for manufacturers.

Amendment 33

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The market surveillance authority of a Member State may take action pursuant to Article 20 of Regulation (EC) No 765/2008.

Amendment 34

Proposal for a regulation

Article 8 – paragraph 6

Text proposed by the Commission

Amendment

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

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

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

Amendment 35

Proposal for a regulation Article 8 – paragraph 7

Text proposed by the Commission

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

Amendment

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every **two** years and the results thereof shall be communicated to the other Member States, **to the Commission, to the Forum referred to in Article 10 and, upon request, to third parties. Throughout the review, Member States shall pay particular attention to the level of independence shown by market surveillance authorities in the performance of their activities and to the technological level of the tests performed.** The Member State concerned shall make a summary of the results **easily** accessible to the public, **in particular as regards the number of vehicles, systems, components or separate technical units that are found not to be in compliance with this Regulation, together with the identity of the corresponding manufacturers.**

Amendment 36

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

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.

results thereof. *To that end, the Member States' market surveillance authorities may share with each other, by means of the Internal Market Information System (IMI), test results and associated reports.* Where appropriate, the market surveillance authorities shall agree on work-sharing and specialisation.

Amendment 37

Proposal for a regulation Article 8 – paragraph 10

Text proposed by the Commission

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

Amendment

10. The Commission ***shall*** adopt ***delegated*** acts ***in accordance with Article 88 supplementing this Regulation by laying down criteria regarding*** the scale, scope and frequency with which the compliance verification checks of samples taken, *as* referred to in paragraph 1, have to be performed.

Amendment 38

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

Text proposed by the Commission

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

Amendment

The Commission shall organise and carry out, or require to be carried out, ***in accordance with Article 8(1)***, 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. ***Where those tests and inspections are carried out by a technical***

service, they shall not be performed by the same technical service as that used to perform the original type-approval tests.

Amendment 39

Proposal for a regulation

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

Text proposed by the Commission

Amendment

The tests and inspections organised and carried out by, or mandated by, the Commission shall focus on in-service conformity of vehicles, systems, components and separated technical units. The Commission shall base its tests and inspections on principles of risk assessment and shall use information obtained from independent third-party research.

Amendment 40

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

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

Amendment 41

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

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

Those tests and inspections may also take place on registered vehicles in agreement with the vehicle registration holder. ***In such cases, all tests regarded as necessary***

shall be carried out, and not necessarily only those carried out during the initial type-approval procedure. The national authority responsible for carrying out those tests shall not be the same as the one that carried out the initial type-approval tests.

Amendment 42

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 43

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Vehicle manufacturers shall **provide all** data needed for the purpose of compliance verification testing by **market surveillance authorities and the Commission**. The Commission shall adopt implementing acts in order to define the data to be **provided** and the conditions for **doing so**, subject to the protection of

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).

commercial secrets and the preservation of personal data pursuant to Union and national legislation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment 44

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 45

Proposal for a regulation

Article 9 – paragraph 5 – subparagraph 3

Text proposed by the Commission

The Commission shall publish a report of its findings following any compliance

Amendment

The Commission shall publish a report of its findings ***within three months*** following any compliance verification testing it has

verification testing it has carried out.

carried out.

Amendment 46

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 47

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

This Forum shall be composed of members appointed by the Member States **and by the European Parliament**.

Amendment 48

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 **coordination** 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, **the imposition of** penalties and **the carrying-out of** joint inspections.

Amendment 49

Proposal for a regulation

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission, in its role as chair, shall establish a public online database for the exchange of information on EU type-approvals between type-approval authorities, market surveillance authorities, the Commission and third parties. The Commission shall oversee the operation of the portal, in particular the maintenance of the type-approvals database, including regular updates thereof, coordination of input information with relevant authorities, data security and confidentiality, taking into account the protection of business secrets.

The information held in the database shall be based on that provided by national type approval authorities pursuant to Article 25.

The Commission shall include a tool to upload test results, reports regarding faults and complaints submitted by independent third parties about the performance of vehicles, systems, components and other technical units. Such submitted information and data shall be clearly separated from the information provided by national authorities. The information submitted by independent third parties shall be used by the Forum within the scope of its responsibilities.

Amendment 50

Proposal for a regulation

Article 10 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The Forum shall examine the results of the real driving emissions checks provided for by Article 7 until the conformity factors enter into force in

September 2017.

Amendment 51

Proposal for a regulation

Article 10 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The Forum shall have the authority to carry out joint audits of national type-approval authorities in order to verify that they are consistently implementing the requirements of this Regulation and that they are carrying out their duties in an independent and rigorous manner. Those audits shall include verification of the national type-approval procedures put in place, a random sample check of the type-approvals granted and an on-site visit to a technical service under the responsibility of the reviewed authority. The Commission may participate in the audit and shall decide on the basis of a risk assessment whether it wishes to participate.

If the audit demonstrates that the authority concerned has failed to comply with any of the requirements of this Regulation, the Forum shall immediately inform the Member States, the Commission and the European Parliament.

Amendment 52

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall **be empowered to adopt delegated acts in accordance with Article 88 to** lay down the composition, appointment process, detailed

3. The Commission shall lay down the composition, appointment process, detailed tasks, working methods and rules of procedure of the Forum.

tasks, working methods and rules of procedure of the Forum.

Amendment 53

Proposal for a regulation

Article 11 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission shall adopt delegated acts in accordance with Article 88 supplementing this Regulation by laying down the criteria according to which applications for exemption from the prohibition of vehicle emissions control defeat devices in accordance with Article 5(2) of Regulation 715/2007 are to be evaluated and the conditions under which such applications may be approved or rejected.

Amendment 54

Proposal for a regulation

Article 11 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Manufacturers shall ensure that in-vehicle electronic systems are secure. For each application for approval of a new type of vehicle or for an extension thereof, and for approval of relevant systems, components or separate technical units fitted in vehicles of that type, the manufacturer shall submit to the approval authority a precise description of the anti-manipulation safeguards.

Amendment 55

Proposal for a regulation

Article 11 – paragraph 7 b (new)

7b. The Commission shall be empowered to adopt delegated acts in accordance with Article 88 supplementing this Regulation by establishing the detailed arrangements ensuring that electronic systems are protected against manipulation.

Amendment 56

Proposal for a regulation Article 12 – title

Text proposed by the Commission

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

Amendment

Obligations of manufacturers concerning their vehicles, systems, components, separate technical units or parts and equipment that are not in conformity or that present a ***risk to the environment, health and safety***

Amendment 57

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 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 ***and the market surveillance 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 58

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

Text proposed by the Commission

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

Amendment

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

Amendment 59

Proposal for a regulation
Article 17 – title

Text proposed by the Commission

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

Amendment

Obligations of distributors concerning their vehicles, systems, components or separate technical units that are not in conformity or concerning their vehicles, systems, components, separate technical units, parts or equipment that present a ***risk to the environment, health and safety***

Amendment 60

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

Amendment

2. ***Where a*** distributor considers that a vehicle, system, component or separate technical unit that ***it*** has made available on the market is not in conformity with this Regulation, ***it*** shall inform the ***Commission, the manufacturer, the importer and the approval and market surveillance authorities*** to ensure that the appropriate measures necessary to bring

it from the market or to recall it, as appropriate, are taken in accordance with Article 12(1) or Article 15(1).

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 61

Proposal for a regulation Article 20 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 62

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

Text proposed by the Commission

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

Amendment

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

Amendment 63

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. ***For the fulfilment of the obligations specified in Article 8 and for the purposes of the compliance verification specified in Article 9, the market surveillance authorities and the Commission shall have access to the software and algorithms of the vehicle.***

Amendment 64

Proposal for a regulation

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

Text proposed by the Commission

Amendment

Such access shall cover safety- and environment-related software and hardware, including algorithms for vehicle systems and subsystems that are necessary for verification and approval. The software state shall be identified in such a way that any change is immediately discernible.

Amendment 65

Proposal for a regulation

Article 25 – paragraph 1

Text proposed by the Commission

Amendment

1. The approval authority shall, within one month of issuing or amending the EU type-approval certificate, send to the approval authorities of the other Member States and the Commission a copy of the EU type-approval certificate, together with the attachments, including the test reports referred to in Article 23, for each type of vehicle, system, component and technical

1. The approval authority shall, within one month of issuing or amending the EU type-approval certificate, send to the approval authorities of the other Member States and the Commission a copy of the EU type-approval certificate, together with the attachments ***described in Annexes I and III***, including the test reports referred to in Article 23, for each type of vehicle,

unit that it has approved. That copy shall be sent by means of a common secure electronic exchange system or in the form of a secure electronic file.

system, component and technical unit that it has approved. ***The attachments shall include at least data in respect of:***

- ***test vehicle mass/weights;***
- ***test temperature;***
- ***road load coefficients;***
- ***non-essential equipment in use during testing (climate control systems, audio and media systems etc.);***
- ***tyre details (model, size, pressure);***
- ***vehicle-specific gear shift points;***
- ***driver mode enabled during testing;***
- ***aerodynamic drags;***
- ***test vehicle rolling resistance;***
- ***technical services used at each stage.***

That copy shall be sent by means of a common secure electronic exchange system or in the form of a secure electronic file.

Amendment 66

Proposal for a regulation Article 25 – paragraph 3

Text proposed by the Commission

3. Where requested by an approval authority of another Member State or the Commission, the approval authority that has issued an EU type-approval shall, within one month of receiving that request, send to the requesting approval authority a copy of the EU type-approval certificate, together with the attachments, by means of a common secure electronic exchange system or in the form of a secure electronic file.

Amendment

3. Where requested by an approval authority of another Member State or the Commission, the approval authority that has issued an EU type-approval shall, within one month of receiving that request, send to the requesting approval authority a copy of the EU type-approval certificate, together with the attachments ***described in Annexes I and III. Those attachments shall include at least data in respect of:***

- ***test vehicle mass/weights;***

- *test temperature;*
- *road load coefficients;*
- *non-essential equipment in use during testing (climate control systems, audio and media systems etc.);*
- *tyre details (model, size, pressure);*
- *vehicle-specific gear shift points;*
- *driver mode enabled during testing;*
- *aerodynamic drags;*
- *test vehicle rolling resistance;*
- *technical services used at each stage.*

That copy shall be sent by means of a common secure electronic exchange system or in the form of a secure electronic file.

Amendment 67

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

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 approval authority shall include in its reasoned decision all test results, including at least data in respect of:***

- *test vehicle mass/weights;*
- *test temperature;*
- *road load coefficients;*
- *non-essential equipment in use during testing (climate control systems, audio and media systems etc.);*
- *tyre details (model, size, pressure);*

- *vehicle-specific gear shift points;*
- *driver mode enabled during testing;*
- *aerodynamic drags*
- *test vehicle rolling resistance;*
- *technical services used at each stage.*

Its reasoned decision shall be sent by means of a common secure electronic exchange system or in the form of a secure electronic file.

Amendment 68

Proposal for a regulation

Article 25 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *The approval authority shall update the public online database referred to in Article 10(2a) without undue delay when a new type-approval is issued or withdrawn, and whenever non-conformity with this Regulation is found or any remedial action is taken. The approval authority shall include in the update the data specified in paragraph 1 or 3.*

Amendment 69

Proposal for a regulation

Article 28 – paragraph 2

Text proposed by the Commission

Amendment

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.

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

Amendment 70

Proposal for a regulation

Article 28 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The required tests shall be performed on vehicles, systems, components and separate technical units that are representative of the type to be approved. *When performing tests relating to whole-vehicle type-approval, the authorities shall ensure that the vehicles selected for testing are not such as to lead to results that diverge systematically from the performance of those vehicles when they are operated under conditions that may reasonably be expected to be encountered in normal operation and use.*

Amendment 71

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 72

Proposal for a regulation

Article 29 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. When performing verification testing pursuant to paragraphs 2 and 4,

an approval authority shall designate a technical service different from the one used during the original type-approval testing.

Amendment 73

Proposal for a regulation Article 30 – Title

Text proposed by the Commission

National fee structure for type-approvals and market surveillance costs

Amendment

Funding for type-approvals and market surveillance costs

Amendment 74

Proposal for a regulation Article 30 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall **ensure that there is no conflict of interest, overlap of functions or commercial links between national type-approval or market surveillance authorities, technical services and manufacturers. To that end, they shall lay down independent and transparent funding provisions** 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 designated **by them**.

Amendment 75

Proposal for a regulation Article 30 – paragraph 2

Text proposed by the Commission

2. **Those national** fees shall be levied on the manufacturers who have applied for type-approval in the Member State

Amendment

2. Fees shall be levied on the manufacturers who have applied for type-approval in the Member State concerned.

concerned. Fees shall not be levied directly by technical services.

Fees shall not be levied directly by technical services.

Amendment 76

Proposal for a regulation

Article 30 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may also provide for manufacturers to be charged administrative fees in line with the number of vehicles sold on the Union market each year. Those fees shall be earmarked to fund type-approval testing by technical services and market surveillance activities in accordance with Article 8.

Amendment 77

Proposal for a regulation

Article 30 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. By 2020 the Commission shall assess the Member States' funding provisions. In carrying out that assessment, the Commission shall examine possibilities for the establishment of a Union-wide fee structure to cover costs for type-approval and market surveillance activities in order to have a consistent fee structure across the Union. The Commission shall also examine the possible introduction of a levy on registration (that is to say, on the sale of new vehicles), by means of which the widely implemented tests could be financed.

The Commission shall report to the European Parliament and the Council on that results of its assessment and shall submit, if appropriate, a legislative

proposal.

Amendment 78

Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Type-approvals for vehicles, systems, components and separate technical units shall be issued for a limited period of **eight** 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 **shall** be **reissued unchecked**, upon application by the manufacturer, only where the approval authority has verified **that there have been no changes to the type of vehicle, system, component and separate technical unit concerned and** 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 79

Proposal for a regulation Article 34 – paragraph 4

Text proposed by the Commission

4. The person(s) authorised to sign certificates of conformity shall be employed by the manufacturer and shall be duly authorised to **fully** engage the legal responsibility of the manufacturer with respect to the design and the construction of the vehicle or to the conformity of its production.

Amendment

4. The person(s) authorised to sign certificates of conformity shall be employed by the manufacturer and shall be duly authorised to engage the legal responsibility of the manufacturer with respect to the design and the construction of the vehicle or to the conformity of its production.

Amendment 80

Proposal for a regulation
Article 34 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. If the necessary conditions for harmonised access to data by the necessary stakeholders are fulfilled, the Commission shall be empowered to adopt a delegated act in accordance with Article 88 supplementing this Regulation by allowing for full replacement of the paper certificate of conformity by the electronic certificate of conformity.

Amendment 81

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission

Amendment

1. Market surveillance authorities of one Member State that have taken action pursuant to Article 20 of Regulation (EC) No 765/2008 and Article 8 of this Regulation, or that have sufficient reason to believe that a vehicle, system, component or separate technical unit covered by this Regulation presents a **serious** risk to the health or safety of persons or to other aspects of the protection of public interests covered by this Regulation, shall **inform** without delay the approval authority that granted the approval about its findings.

1. Market surveillance authorities of one Member State that have taken action pursuant to Article 20 of Regulation (EC) No 765/2008 and Article 8 of this Regulation, or that have sufficient reason to believe that a vehicle, system, component or separate technical unit covered by this Regulation presents a risk to the **environment, to the** health or safety of persons or to other aspects of the protection of public interests covered by this Regulation, shall without delay **inform** the approval authority that granted the approval about its findings.

Amendment 82

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

Text proposed by the Commission

Amendment

The approval authority referred to in paragraph 1 shall carry out an evaluation in relation to the vehicle, system, component

The approval authority referred to in paragraph 1 shall carry out an evaluation in relation to the vehicle, system, component

or separate technical unit concerned covering all the requirements laid down in this Regulation. The relevant economic operators shall cooperate fully with the approval and market surveillance authorities.

or separate technical unit concerned, covering all the requirements laid down in this Regulation. The relevant economic operators shall cooperate fully with the approval and market surveillance authorities ***and shall give them access without delay to any information required.***

Amendment 83

Proposal for a regulation Article 52 – title

Text proposed by the Commission

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

Amendment

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

Amendment 84

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

Text proposed by the Commission

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

Amendment

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

depending on the nature of the risk.

of the risk.

Amendment 85

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 86

Proposal for a regulation

Article 53 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Where vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, or are not in conformity with this **Regulation** or were approved on the basis of incorrect data, the approval authorities, market surveillance authorities or the Commission **shall** take the necessary restrictive measures in accordance with Article 21 of Regulation (EC) No 765/2008 to prohibit or restrict the making available on the market, registration or entry into service on the market of non-compliant vehicles, systems, components or separate technical units, or to **require** them **to be withdrawn** from that market or **recalled**, 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 **the** vehicles, systems, components or separate technical units **in question** are brought into

conformity.

Amendment 87

Proposal for a regulation Article 54 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 88

Proposal for a regulation Article 64 a (new)

Text proposed by the Commission

Amendment

Article 64a

Information for roadworthiness testing bodies and repair and maintenance bodies

Control tests must be carried out on vehicles at various stages of their lifetimes, particularly when roadworthiness tests are conducted, in order to ensure that emissions remain consistent throughout their lifetimes. Independent operators, including roadworthiness testing centres must accordingly have access to adequate information from the manufacturers and measuring equipment which is equivalent to that used for type-approval.

Amendment 89

Proposal for a regulation

Article 65 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Independent operators shall be given access at the same time to the same content as manufacturers and their authorised dealers in connection with the provision of remote diagnostic support. However, independent operators may not store the data and information that has been made accessible to them, and shall be required to delete such data and information immediately after remote diagnostic support has been provided.

Amendment 90

Proposal for a regulation

Article 65 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. The Commission is empowered to adopt delegated acts in accordance with Article 88 amending this Regulation by creating an Annex XVIII A addressing technological developments in the field of digital data exchange using a wireless wide area network, ensuring continued direct access to in-vehicle data and resources for independent operators and competition-neutrality by technical design.

Amendment 91

Proposal for a regulation

Article 69 – paragraph 3 a (new)

3a. Operators shall be entitled, independently or through an association, to make a complaint to their own national authority, which, within three months, shall investigate the complaint and verify the conformity of the vehicle concerned.

Amendment 92

Proposal for a regulation Article 71 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 93

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

Text proposed by the Commission

Amendment

The activity of a type-approval authority may be suspended, temporarily or permanently, by the Commission in the event of serious failure by that type-approval authority to fulfil its responsibilities.

Amendment 94

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 2

Text proposed by the Commission

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

Amendment

The **Forum established by Article 10** shall draw up **a working** plan for the peer-review, ensuring an appropriate rotation in respect of reviewing and reviewed type-approval authorities. **The frequency of the peer-review as well as the composition of the teams reviewing the type-approval authority may vary depending on the number of type-approvals of vehicle categories or systems, components and separate technical units carried out by the reviewed authority in the individual Member State concerned.**

Amendment 95

Proposal for a regulation

Article 71 – paragraph 8 – subparagraph 3

Text proposed by the Commission

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

Amendment

The peer-review shall include **verification of the type-approval procedures and correct implementation of the requirements of this Regulation, a random sample check of the type-approvals issued and** an on-site visit to a technical service under the responsibility of the reviewed authority. The Commission may participate in the **peer-review** and **shall** decide on the basis of a risk assessment **whether it wishes to participate**.

Amendment 96

Proposal for a regulation

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

Type-approval authorities shall be encouraged to be accredited in accordance with EN ISO standards.

Amendment 97

Proposal for a regulation

Article 72 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

(b) category B: supervision of the tests referred to in this Regulation and in the acts listed in Annex IV, where those tests are performed in the facilities of a third party; ***this category of tests is subject to a derogation. Category B tests shall not be permitted in the case of whole-vehicle type-approvals;***

Amendment 98

Proposal for a regulation

Article 76 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

(a) ***it has been accredited by a national accreditation body as defined in point 11 of Article 2 of Regulation (EC) No 765/2008 and in accordance with Appendices 1 and 2 to Annex V to this Regulation;***

(b) ***the in-house technical service, including its personnel, is organisationally identifiable and has reporting methods within the manufacturer's company of which they form part that ensures its impartiality and demonstrates that impartiality to the relevant national accreditation body;***

(c) ***neither the in-house technical service nor its personnel is engaged in any***

activity that might conflict with its independence or its integrity to perform the activities for which it has been designated;

(d) it supplies its services exclusively to the manufacturer's company of which it forms part.

Amendment 99

Proposal for a regulation

Article 80 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 100

Proposal for a regulation

Article 81 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 101

Proposal for a regulation

Article 81 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 102

Proposal for a regulation

Article 86 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 103

Proposal for a regulation

Article 88 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2)

Amendment

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(2), **Article 8(10)**, Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2),

and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Amendment 104

Proposal for a regulation Article 88 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Article 4(2), Article 5(2), **Article 8(10)**, Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 105

Proposal for a regulation Article 88 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall enter into force only if no objection has been

Amendment

5. A delegated act adopted pursuant to Article 4(2), Article 5(2), **Article 8(10)**, Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), Article 55(2) and (3), Article 56(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall enter into force only if no

expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 106

Proposal for a regulation

Article 89 – paragraph 2 – point b

Text proposed by the Commission

(b) falsifying test results for type-approval;

Amendment

(b) falsifying test results for type-approval, ***meaning that the results cannot be reproduced empirically in a new testing environment where the conditions and values can be verified by the relevant authority***;

Amendment 107

Proposal for a regulation

Article 90 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The administrative fines imposed by the Commission ***shall not*** be in addition to the penalties imposed by the Member States in accordance with Article 89 for the same infringement ***and*** shall not exceed EUR 30 000 per non-compliant vehicle, system, component or separate technical unit.

Amendment

The administrative fines imposed by the Commission ***may*** be in addition to the penalties imposed by the Member States in accordance with Article 89 for the same infringement ***but*** shall not exceed EUR 30 000 per non-compliant vehicle, system, component or separate technical unit.

Amendment 108

Proposal for a regulation

Article 90 a (new)

Text proposed by the Commission

Amendment

Article 90a

Review of the institutional framework for market surveillance and control of type-approval

1. By December 2018, the Commission shall carry out a review with a view to assessing all possible options to improve the institutional framework for the oversight of market surveillance and control of type-approval, including the establishment of an independent European authority for market surveillance and control of type-approval. In particular, the Commission shall, in the course of that review, examine:

(a) the most appropriate way of ensuring a high degree of technical expertise, harmonisation of type-approval testing and in-use surveillance checks and a guarantee of independence, with a view to ensuring the efficient functioning of the internal market for the benefit of consumers and undertakings, as well as a high level of protection of public health and the environment;

(b) needs for ensuring transparency, avoiding conflict of interests, and simplifying administrative supervisory tasks.

The Commission shall take into account possible recommendations and conclusions of the EMIS Committee.

Upon completing its review, the Commission shall, if appropriate, submit a legislative proposal.

Amendment 109

Proposal for a regulation Article 90 b (new)

Text proposed by the Commission

Amendment

Article 90b

***Expiry of powers conferred on the
Commission***

***The Commission's empowerments as
referred to in Article 9(1), (2), (3) and (5)
and in Articles 51, 53, 54, 58, 77, 78, 79,
80, 81 and 82 shall cease to apply five
years after entry into force of this
Regulation.***

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles		
References	COM(2016)0031 – C8-0015/2016 – 2016/0014(COD)		
Committee responsible Date announced in plenary	IMCO 4.2.2016		
Opinion by Date announced in plenary	TRAN 4.2.2016		
Rapporteur Date appointed	Karima Delli 2.5.2016		
Discussed in committee	12.7.2016	1.9.2016	11.10.2016
Date adopted	5.12.2016		
Result of final vote	+: 34 -: 6 0: 1		
Members present for the final vote	Daniela Aiuto, Lucy Anderson, Marie-Christine Arnautu, Inés Ayala Sender, Georges Bach, Deirdre Clune, Michael Cramer, Andor Deli, Karima Delli, Isabella De Monte, Jacqueline Foster, Bruno Gollnisch, Tania González Peñas, Dieter-Lebrecht Koch, Merja Kyllönen, Miltiadis Kyrkos, Bogusław Liberadzki, Peter Lundgren, Marian-Jean Marinescu, Georg Mayer, Gesine Meissner, Renaud Muselier, Jens Nilsson, Salvatore Domenico Pogliese, Tomasz Piotr Poręba, Gabriele Preuß, Christine Revault D’Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, David-Maria Sassoli, Claudia Schmidt, Keith Taylor, Pavel Telička, István Ujhelyi, Wim van de Camp, Janusz Zemke		
Substitutes present for the final vote	Maria Grapini, Werner Kuhn, Ramona Nicole Mănescu, Matthijs van Miltenburg		
Substitutes under Rule 200(2) present for the final vote	Jeroen Lenaers		

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles		
References	COM(2016)0031 – C8-0015/2016 – 2016/0014(COD)		
Date submitted to Parliament	27.1.2016		
Committee responsible Date announced in plenary	IMCO 4.2.2016		
Committees asked for opinions Date announced in plenary	ENVI 4.2.2016	ITRE 4.2.2016	TRAN 4.2.2016
Not delivering opinions Date of decision	ITRE 23.2.2016		
Rapporteurs Date appointed	Daniel Dalton 2.2.2016		
Discussed in committee	24.5.2016	30.5.2016	9.11.2016
Date adopted	9.2.2017		
Result of final vote	+: 33 -: 4 0: 0		
Members present for the final vote	Carlos Coelho, Lara Comi, Anna Maria Corazza Bildt, Daniel Dalton, Nicola Danti, Pascal Durand, Vicky Ford, Ildikó Gáll-Pelcz, Sergio Gutiérrez Prieto, Robert Jarosław Iwaszkiewicz, Liisa Jaakonsaari, Antonio López-Istúriz White, Morten Løkkegaard, Eva Maydell, Marlene Mizzi, Jiří Pospíšil, Marcus Pretzell, Virginie Rozière, Christel Schaldemose, Olga Sehnalová, Jasenko Selimovic, Igor Šoltes, Ivan Štefanec, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu, Anneleen Van Bossuyt, Marco Zullo		
Substitutes present for the final vote	Lucy Anderson, Pascal Arimont, Birgit Collin-Langen, Jussi Halla-aho		
Substitutes under Rule 200(2) present for the final vote	David Coburn, Isabella De Monte, Demetris Papadakis, Joachim Schuster, Lieve Wierinck, Marco Zanni		
Date tabled	1.3.2017		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

33	+
ALDE	Morten Løkkegaard, Jasenko Selimovic, Lieve Wierinck
ECR	Daniel Dalton, Vicky Ford, Jussi Halla-aho, Anneleen Van Bossuyt
EFDD	Marco Zullo
PPE	Pascal Arimont, Carlos Coelho, Birgit Collin-Langen, Lara Comi, Anna Maria Corazza Bildt, Ildikó Gáll-Pelcz, Antonio López-Istúriz White, Eva Maydell, Jiří Pospíšil, Ivan Štefanec, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu
S&D	Lucy Anderson, Nicola Danti, Isabella De Monte, Sergio Gutiérrez Prieto, Liisa Jaakonsaari, Marlene Mizzi, Demetris Papadakis, Virginie Rozière, Christel Schaldemose, Joachim Schuster, Olga Sehnalová
Verts/ALE	Pascal Durand, Igor Šoltes

4	-
EFDD	David Coburn, Robert Jarosław Iwaszkiewicz
ENF	Marcus Pretzell, Marco Zanni

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention