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Committee on the Internal Market and Consumer Protection

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on the approval of agricultural or forestry vehicles
(COM(2010)0395 – C7-0204/2010 – 2010/0212(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Pier Antonio Panzeri

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

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on the approval of agricultural or forestry vehicles
(COM(2010)0395 – C7-0204/2010 – 2010/0212(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0395),
 - 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 (C7-0204/2010),
 - 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 9 December 2010¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A7-0000/2011),
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.

Amendment 1

Proposal for a regulation

Title

Text proposed by the Commission

Proposal for a Regulation (EU) No .../... of the European Parliament and of the Council **for** the approval of agricultural and forestry vehicles

Amendment

Proposal for a Regulation (EU) No .../... of the European Parliament and of the Council **on** the approval **and market surveillance** of agricultural and forestry

¹ OJ C ...

vehicles

Or. en

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) In order to promote the internal market, a comprehensive **Community** type approval system for tractors, their trailers and interchangeable towed equipment was established by Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units **and repealing Directive 74/150/EEC**⁶.

Amendment

(1) In order to promote the internal market, a comprehensive **Union** type approval system for tractors, their trailers and interchangeable towed equipment was established by Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units.

(This amendment applies throughout the text)

Or. en

Amendment 3

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Following the request of the European Parliament and with the aim of simplifying and accelerating the procedure, a new regulatory approach has been introduced in the Union vehicle type-approval legislation according to which the legislator in the ordinary legislative procedure **sets out** the fundamental rules and principles only and delegates the **legislation of** further

Amendment

(3) Following the request of the European Parliament and with the aim of simplifying and accelerating the procedure, a new regulatory approach has been introduced in the Union vehicle type-approval legislation according to which the legislator **sets out** in the ordinary legislative procedure the fundamental rules and principles only and delegates **to the Commission the power to**

technical details *to the Commission*. With regard to substantive requirements, this Regulation should therefore lay down only fundamental provisions on *road* safety, occupational safety and environmental performance and delegate to the Commission the power to lay down the technical specifications in delegated acts.

adopt acts on further technical details. With regard to substantive requirements, this Regulation should therefore lay down only fundamental provisions on *functional* safety, occupational safety and environmental performance and delegate to the Commission the power to lay down the technical specifications in delegated acts *after having consulted all relevant stakeholders*.

Or. en

Amendment 4

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In order to ensure a high level of *road* safety, occupational safety and environmental protection the technical *requirements* and environmental *standards* applicable to vehicles, systems, components and separate technical units with regard to type-approval should be harmonised.

Amendment

(5) In order to ensure a high level of *functional* safety, occupational safety and environmental protection the technical and environmental *requirements* applicable to vehicles, systems, components and separate technical units with regard to type-approval should be harmonised.

Or. en

Amendment 5

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) *Since the* Directives *on* non-road mobile machinery⁷ do not provide for *harmonized* requirements for road safety, it is appropriate to *provide the option for manufacturers of* mobile machinery to *have* their products *approved in*

Amendment

(6) *The existing* Directives *applicable to* non-road mobile machinery do not provide for *harmonised* requirements for road safety. *In order to complete the internal market and ensure a high level of road safety*, it is *necessary to develop an*

accordance with European standards for *the road safety* requirements *under this Regulation; therefore*, mobile machinery should *be included in this Regulation on an optional basis with regard to system type-approvals for road safety requirements, in particular since* the requirements applicable to mobile machinery outside of this regulation do not comprise any road safety aspects.

appropriate *instrument at Union level* to *harmonise requirements applicable to non-road* mobile machinery *enabling manufacturers to demonstrate conformity of* their products *on the basis of* European standards. *To that end, the Commission should assess the need for harmonisation of technical requirements and conformity assessment procedures applicable to non-road* mobile machinery. *It should report its conclusions to the European Parliament and to the Council and should, if appropriate, make legislative proposals.*

Or. en

Justification

See explanatory statement (mobile machinery - category U).

Amendment 6

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Consequently, UNECE Regulations to which the Union accedes, in application of Decision 97/836/EC, and amendments to UNECE Regulations to which the Union has already acceded should be incorporated within the EU type-approval procedure either as requirements for EU vehicle type-approval, or as alternatives to existing Union law. In particular, where the Union decides that a UNECE Regulation shall become part of the EU vehicle type-approval requirements and replace existing *EU* legislation, the *power should be delegated* to the *Commission to adopt the necessary adaptations* to this Regulation or to adopt the necessary implementing acts.

Amendment

(8) Consequently, UNECE Regulations to which the Union accedes, in application of Decision 97/836/EC, and amendments to UNECE Regulations to which the Union has already acceded should be incorporated within the EU type-approval procedure either as requirements for EU vehicle type-approval, or as alternatives to existing Union law. In particular, where the Union decides that a UNECE Regulation shall become part of the EU vehicle type-approval requirements and replace existing *Union* legislation, the *Commission shall be empowered to supplement or amend* the *relevant non-essential elements of* this Regulation or to adopt the necessary implementing acts.

Or. en

Amendment 7

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) It is of particular importance that future measures proposed on the basis of this Regulation or procedures to be implemented in application ***of it should*** comply with ***these*** principles, ***which have been*** restated by the Commission in its Report CARS 21. In particular, for the purposes of better regulation and simplification and in order to avoid constant updating of existing ***EU*** legislation on issues of technical specifications, this Regulation should make reference to existing international standards and regulations which are available to the public without reproducing them in the EU legal framework.

Amendment

(11) It is of particular importance that future measures proposed on the basis of this Regulation, or procedures to be implemented in ***its*** application, comply with ***the*** principles restated by the Commission in its Report CARS 21. In particular, for the purposes of better regulation and simplification and in order to avoid constant updating of existing ***Union*** legislation on issues of technical specifications, this Regulation should make reference to existing international standards and regulations which are available to the public without reproducing them in the EU legal framework.

Or. en

Amendment 8

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) In order to ensure that the procedure for monitoring conformity of production, which is one of the cornerstones of the ***Community*** type-approval system, has been correctly implemented and functions properly, manufacturers should be regularly checked by the competent authority or by an appropriately qualified technical service appointed for that purpose.

Amendment

(14) In order to ensure that the procedure for monitoring conformity of production, which is one of the cornerstones of the ***Union*** type-approval system, has been correctly implemented and functions properly, manufacturers should be regularly checked by the competent authority or by an appropriately qualified technical service appointed for that purpose.

(This amendment applies throughout the

text)

Or. en

Amendment 9

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) The main objective of the legislation of the Union on the approval of vehicles is to ensure that new vehicles, components and separate technical units **put** on the market provide a high level of safety and environmental protection. This aim should not be impaired by the fitting of certain parts or equipment after vehicles have been placed on the market or have entered into service. Thus, appropriate measures should be taken in order to make sure that parts or equipment which can be fitted to vehicles and which are capable of significantly impairing the functioning of systems that are essential in terms of safety or environmental protection, are subject to a prior control by an approval authority before they are **offered for sale**. These measures should consist of technical provisions concerning the requirements that those parts or equipment have to comply with.

Amendment

(17) The main objective of the legislation of the Union on the approval of vehicles is to ensure that new vehicles, components and separate technical units **placed** on the market provide a high level of safety and environmental protection. This aim should not be impaired by the fitting of certain parts or equipment after vehicles have been placed on the market or have entered into service. Thus, appropriate measures should be taken in order to make sure that parts or equipment which can be fitted to vehicles and which are capable of significantly impairing the functioning of systems that are essential in terms of safety or environmental protection, are subject to a prior control by an approval authority before they are **placed on the market**. These measures should consist of technical provisions concerning the requirements that those parts or equipment have to comply with.

(This amendment applies throughout the text)

Or. en

Amendment 10

Proposal for a regulation Recital 23

Text proposed by the Commission

Amendment

(23) ***The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty in respect of road safety (including braking), occupational safety and environmental performance, testing, access to repair and maintenance information and appointment and specific authorized tasks of technical services, in order to supplement or amend certain non-essential elements of this Regulation.***

(23) ***In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of detailed arrangements for approval and market surveillance of all new vehicles, as well as for placing on the market or entry into service of parts and equipment. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.***

Or. en

Amendment 11

Proposal for a regulation

Recital 24

Text proposed by the Commission

Amendment

(24) ***Some of the subjects covered by this Regulation require uniform conditions for the implementation in the Member States, in order to ensure the proper functioning of the internal market by facilitating mutual recognition of administrative decisions taken in the different Member States and the acceptance of documents issued by vehicle manufacturers, thus allowing stakeholders to benefit from the internal market more easily. The Commission should therefore be empowered to adopt implementing acts in accordance with***

(24) ***Uniform conditions are required for implementing this Regulation in respect of the form of the information to be provided when applying for type-approval, the templates for manufacturers' additional plates and EU type-approval certificates, the list of type approvals issued and the numbering system for EU type-approvals, so as to ensure the proper functioning of the internal market by facilitating mutual recognition of administrative decisions taken in the different Member States and the***

Article 291 of the Treaty in order to lay down uniform conditions for the implementation of this regulation with regard to the following items: list of information to be provided when applying for type-approval, type-approval procedures, templates for manufacturers' additional plates, EU type-approval certificates, list of type approvals issued, numbering system for EU type-approvals and procedures to ensure conformity of production.

acceptance of documents issued by vehicle manufacturers, thus allowing stakeholders to benefit from the internal market more easily. *In order to ensure uniform conditions for the implementation of the relevant provisions of this Regulation, implementing powers should therefore be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.*

Or. en

Amendment 12

Proposal for a regulation

Recital 25

Text proposed by the Commission

Amendment

(25) According to Article 291 of the TFEU, rules and general principles concerning mechanisms for the control by Member States of the Commission's exercise of its implementing powers shall be laid down in advance by a Regulation adopted in accordance with the ordinary legislative procedure. Pending the adoption of that new Regulation, Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission continues to apply, with the exception of the regulatory procedure with scrutiny, which is not applicable.

deleted

Or. en

Amendment 13

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) It is important for all stakeholders to establish a clear relation between this Regulation and Directive 2006/42/EC on **the safety of** machinery³⁴, in order to clearly establish which requirements a specific product needs to fulfil.

Amendment

(27) It is important for all stakeholders to establish a clear relation between this Regulation and Directive 2006/42/EC on machinery³⁴, in order to clearly establish which requirements a specific product needs to fulfil.

Or. en

Amendment 14

Proposal for a regulation

Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) Since the objective of this Regulation, namely to lay down harmonised rules on the administrative and technical requirements for the approval and market surveillance of agricultural and forestry vehicles, cannot be sufficiently achieved by the Member States, and can therefore, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Or. en

Amendment 15

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

This Regulation establishes the administrative and technical requirements for the **EU type-approval** of all new vehicles referred to in Article 2.

Amendment

This Regulation establishes the administrative and technical requirements for the **approval and market surveillance** of all new vehicles referred to in Article 2.

Or. en

Amendment 16

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

This Regulation also establishes the requirements for the **sale and** entry into service of **parts** and **equipment** intended for vehicles approved in accordance with this Regulation **and of the prohibition of such sale and entry into service.**

Amendment

This Regulation also establishes the requirements for the **placing on the market or** entry into service of **systems, components** and **separate technical units** intended for vehicles approved in accordance with this Regulation.

Or. en

Amendment 17

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

Text proposed by the Commission

This Regulation shall apply to the type-approval and **individual approval of** vehicles designed and constructed in one or more stages, and of systems, components and separate technical units designed and constructed for such vehicles.

Amendment

This Regulation shall apply to the type-approval **of agricultural and forestry** vehicles designed and constructed in one or more stages, and of systems, components and separate technical units designed and constructed for such vehicles.

Amendment 18

Proposal for a regulation

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

Text proposed by the Commission

Amendment

This Regulation shall also apply to the individual approval of such vehicles.

Or. en

Amendment 19

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) mobile machinery (category U).

deleted

Or. en

Justification

See explanatory statement (mobile machinery - category U).

Amendment 20

Proposal for a regulation

Article 2 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. For the following vehicles, the manufacturer may choose whether to apply for ***type-approval*** under this ***regulation*** or ***for national type-approval***:

3. For the following vehicles, the manufacturer may choose whether to apply for ***approval*** under this ***Regulation*** or ***whether to comply with the relevant national requirements***:

Or. en

Amendment 21

Proposal for a regulation

Article 2 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) mobile machinery;

deleted

Or. en

Justification

See explanatory statement (mobile machinery - category U).

Amendment 22

Proposal for a regulation

Article 2 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) trailers and towed **implements, categories R and S;**

(b) trailers (**category R**) and **interchangeable** towed **equipment (category S);**

Or. en

Amendment 23

Proposal for a regulation

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

For the purposes of this Regulation and of the acts listed in Annex I except as otherwise provided therein:

For the purposes of this Regulation and of the acts listed in Annex I, except as otherwise provided therein, **the following definitions shall apply:**

Or. en

Amendment 24

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Text proposed by the Commission

2. ‘whole vehicle ***type approval***’ means a ***type approval*** whereby an approval authority certifies that a complete vehicle satisfies the relevant administrative provisions and technical requirements;

Amendment

2. "whole vehicle ***type-approval***" means a ***type-approval*** whereby an approval authority certifies that ***an incomplete***, a complete ***or completed*** vehicle ***type*** satisfies the relevant administrative provisions and technical requirements;

Or. en

Amendment 25

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

5. ‘separate technical unit ***type approval***’ means a ***type approval*** whereby an approval authority certifies that a separate technical unit in relation to one or more specified types of vehicles ***satisfies the relevant administrative provisions and technical requirements***

Amendment

5. "separate technical unit ***type-approval***" means a ***type-approval*** whereby an approval authority certifies that a separate technical unit ***satisfies the relevant administrative provisions and technical requirements*** in relation to one or more specified types of vehicles;

Or. en

Amendment 26

Proposal for a regulation

Article 3 – paragraph 1 – point 11

Text proposed by the Commission

11. ‘***mobile machinery***’ means any self-propelled vehicle with the exclusion of machinery mounted on a motor vehicle chassis, which is designed and constructed specifically to perform work

Amendment

deleted

and which, because of its construction characteristics, is not suitable for carrying passengers or for transporting goods.

Or. en

Justification

See explanatory statement (mobile machinery - category U).

Amendment 27

Proposal for a regulation

Article 3 – paragraph 1 – point 12

Text proposed by the Commission

12. ‘vehicle’ means any tractor, trailer, interchangeable towed equipment *or mobile machinery* as defined in points 8, 9, 10 and *11* ;

Amendment

12. ‘vehicle’ means any tractor, trailer *or* interchangeable towed equipment as defined in points 8, 9 and 10;

Or. en

Amendment 28

Proposal for a regulation

Article 3 – paragraph 1 – point 18

Text proposed by the Commission

18. ‘end-of-series vehicle’ means any vehicle that is part of a stock which cannot be *registered* or *sold* or *entered* into service owing to the entry into force of new technical requirements against which it has not been approved;

Amendment

18. ‘end-of-series vehicle’ means any vehicle that is part of a stock which cannot be *placed on the market* or *can no longer be made available on the market,* *registered* or *enter* into service owing to the entry into force of new technical requirements against which it has not been approved;

Or. en

Amendment 29

Proposal for a regulation

Article 3 – paragraph 1 – point 19

Text proposed by the Commission

19. ‘system’ means an assembly of devices combined to perform one or more specific functions in a vehicle and which is subject to **the requirements of** any of the **regulatory acts**;

Amendment

19. ‘system’ means an assembly of devices combined to perform one or more specific functions in a vehicle and which is subject to any of the **requirements listed in Annex I**;

Or. en

Amendment 30

Proposal for a regulation

Article 3 – paragraph 1 – point 20

Text proposed by the Commission

20. ‘component’ means a device subject to the requirements **of a regulatory act** and intended to be part of a vehicle, which may be type-approved independently of a vehicle where the regulatory act makes express provisions for so doing;

Amendment

20. ‘component’ means a device subject to **any of** the requirements **listed in Annex I** and intended to be part of a vehicle, which may be type-approved independently of a vehicle where the regulatory act makes express provisions for so doing;

Or. en

Amendment 31

Proposal for a regulation

Article 3 – paragraph 1 – point 21

Text proposed by the Commission

21. ‘separate technical unit’ means a device subject to the requirements **of a regulatory act** and intended to be part of a vehicle, which may be type-approved separately, but only in relation to one or more specified types of vehicle where the regulatory act makes express provisions for

Amendment

21. ‘separate technical unit’ means a device subject to **any of** the requirements **listed in Annex I** and intended to be part of a vehicle, which may be type-approved separately, but only in relation to one or more specified types of vehicle where the regulatory act makes express provisions for

so doing;

so doing;

Or. en

Amendment 32

Proposal for a regulation

Article 3 – paragraph 1 – point 22 a (new)

Text proposed by the Commission

Amendment

22a. ‘parts’ means goods used for the assembly of a vehicle as well as spare parts;

Or. en

Amendment 33

Proposal for a regulation

Article 3 – paragraph 1 – point 22 b (new)

Text proposed by the Commission

Amendment

22b. ‘spare parts’ means goods which are to be installed in or on a vehicle so as to replace original parts of that vehicle, including goods such as lubricants which are necessary for the use of a vehicle, with the exception of fuel;

Or. en

Amendment 34

Proposal for a regulation

Article 3 – paragraph 1 – point 22 c (new)

Text proposed by the Commission

Amendment

22c. ‘equipment’ means any goods other than parts which can be added to or

installed on a vehicle;

Or. en

Amendment 35

Proposal for a regulation

Article 3 – paragraph 1 – point 22 d (new)

Text proposed by the Commission

Amendment

22d. ‘functional safety’ means the absence of unacceptable risk of physical injury or of damage to the health of people, property or domestic animals owing to hazards caused by malfunctioning of mechanical, hydraulic, pneumatic, electrical or electronic systems, components or separate technical units;

Or. en

Amendment 36

Proposal for a regulation

Article 3 – paragraph 1 – point 23

Text proposed by the Commission

Amendment

23. ‘manufacturer’ means the person or body who is responsible to the approval authority for all aspects of the type-approval or **authorization** process **and** for ensuring conformity of production, whether or not the person or body is directly involved in all stages of the construction of the vehicle, system, component or separate technical unit which is the subject of the approval process;

23. ‘manufacturer’ means the person or body who is responsible to the approval authority for all aspects of the type-approval or **authorisation** process, for ensuring conformity of production **and who is also responsible for market surveillance concerns for the produced vehicles, systems, components and separate technical units**, whether or not the person or body is directly involved in all stages of the construction of the vehicle, system, component or separate technical unit which is the subject of the approval process;

Amendment 37

Proposal for a regulation

Article 3 – paragraph 1 – point 25

Text proposed by the Commission

25. ‘approval authority’ means the authority of a Member State established or appointed by the Member State and notified to the Commission by the Member State ***in accordance with Article 5 with*** competence for all aspects of the approval of a type of vehicle, system, component or separate technical unit or of the individual approval of a vehicle, for the authorisation process, for issuing and, if appropriate, withdrawing approval certificates, for acting as the contact point for the approval authorities of other Member States, for designating the technical services and for ensuring that the manufacturer meets his obligations regarding the conformity of production;

Amendment

25. ‘approval authority’ means the authority of a Member State established or appointed by the Member State and notified to the Commission by the Member State with competence for all aspects of the approval of a type of vehicle, system, component or separate technical unit or of the individual approval of a vehicle, for the authorisation process, for issuing and, if appropriate, withdrawing ***or refusing*** approval certificates, for acting as the contact point for the approval authorities of other Member States, for designating the technical services and for ensuring that the manufacturer meets his obligations regarding the conformity of production;

Amendment 38

Proposal for a regulation

Article 3 – paragraph 1 – point 26 a (new)

Text proposed by the Commission

Amendment

26a. ‘accreditation’ means an attestation by a national accreditation body that a conformity assessment body meets the requirements set by harmonised standards and, where applicable, any additional requirements including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity;

Amendment 39

Proposal for a regulation

Article 3 – paragraph 1 – point 28

Text proposed by the Commission

28. ‘virtual testing method’ means computer simulations including calculations which demonstrate whether a vehicle, a system, a component or a separate technical unit fulfils the technical requirements of **a regulatory** act without requiring the use of a physical vehicle, system, component or separate technical unit;

Amendment

28. ‘virtual testing method’ means computer simulations including calculations which demonstrate whether a vehicle, a system, a component or a separate technical unit fulfils the technical requirements of **the delegated act referred to in Article 18(5)** without requiring the use of a physical vehicle, system, component or separate technical unit;

Or. en

Amendment 40

Proposal for a regulation

Article 3 – paragraph 1 – point 30

Text proposed by the Commission

30. ‘EU type-approval certificate’ means the certificate based on the **model** set out in this Regulation or the communication form set out in the relevant **equivalent** UNECE **Regulations** or OECD **Codes** listed in Annex I;

Amendment

30. **"EU type-approval certificate"** means the certificate based on the **template** set out in **the implementing act to** this Regulation or the communication form set out in the relevant UNECE **regulations** or OECD **codes** listed in Annex I;

Or. en

Amendment 41

Proposal for a regulation

Article 3 – paragraph 1 – point 32

Text proposed by the Commission

32. ‘certificate of conformity’ means the document, based on the **model** set out in this Regulation and issued by the manufacturer, which certifies that at the time of its production a vehicle belonging to the series of the type approved in accordance with this Regulation corresponded to the type approved in the **type approval** and complied with all **regulatory** requirements listed therein;

Amendment

32. ‘certificate of conformity’ means the document, based on the **template** set out in **the implementing act to** this Regulation and issued by the manufacturer, which certifies that at the time of its production a vehicle belonging to the series of the type approved in accordance with this Regulation corresponded to the type approved in the **type-approval** and complied with all requirements listed therein;

Or. en

Amendment 42

Proposal for a regulation

Article 3 – paragraph 1 – point 33

Text proposed by the Commission

33. ‘on-board diagnostic system’ or ‘OBD system’ means a system **for emission control** which has the capability of identifying the likely area of malfunction by means of fault codes stored in a computer memory;

Amendment

33. ‘on-board diagnostic system’ or ‘OBD system’ means a system which has the capability of identifying the likely area of malfunction by means of fault codes stored in a computer memory;

Or. en

Amendment 43

Proposal for a regulation

Article 3 – paragraph 1 – point 35

Text proposed by the Commission

35. ‘independent operator’ means undertakings other than authorised dealers and repairers which are directly or indirectly involved in the repair and

Amendment

35. ‘independent operator’ means undertakings other than authorised dealers and repairers which are directly or indirectly involved in the repair and

maintenance of **motor** vehicles, in particular repairers, manufacturers or distributors of repair equipment, tools or spare parts, publishers of technical information, automobile clubs, roadside assistance operators, operators offering inspection and testing services, operators offering training for installers, manufacturers and repairers of equipment for alternative fuel vehicles;

maintenance of vehicles, in particular repairers, manufacturers or distributors of repair equipment, tools or spare parts, publishers of technical information, automobile clubs, roadside assistance operators, operators offering inspection and testing services, operators offering training for installers, manufacturers and repairers of equipment for alternative fuel vehicles;

Or. en

Amendment 44

Proposal for a regulation

Article 3 – paragraph 1 – point 37

Text proposed by the Commission

37. ‘registration’ means **that the vehicle, upon identification, has obtained the** administrative authorisation for entry into service in road traffic, be it permanently, temporarily or for a short period of time **and that a registration number has been issued;**

Amendment

37. ‘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, be** it permanently, temporarily or for a short period of time;

Or. en

Amendment 45

Proposal for a regulation

Article 3 – paragraph 1 – point 38

Text proposed by the Commission

38. ‘placing on the market’ means making available a vehicle for the first time in the Union **with a view to distribution or use, whether for reward or free of charge;**

Amendment

38. ‘placing on the market’ means making available a vehicle, **system, component or separate technical unit** for the first time in the Union;

Or. en

Amendment 46

Proposal for a regulation

Article 3 – paragraph 1 – point 39

Text proposed by the Commission

39. ‘entry into service’ means the first use, for its intended purpose, in the Union, of a vehicle covered by this Regulation;

Amendment

39. ‘entry into service’ means the first use, for its intended purpose, in the Union, of a vehicle, **system, component or separate technical unit** covered by this Regulation;

Or. en

Amendment 47

Proposal for a regulation

Article 3 – paragraph 1 – point 40

Text proposed by the Commission

40. ‘sale’ means any sale, from vehicle manufacturer to retailer or the sale to the end user;

Amendment

deleted

Or. en

Amendment 48

Proposal for a regulation

Article 3 – paragraph 1 – point 40 a (new)

Text proposed by the Commission

Amendment

40a. ‘making available on the market’ means any supply of a vehicle, system, component or separate technical unit for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

Amendment 49

Proposal for a regulation

Article 3 – paragraph 1 – point 43 a (new)

Text proposed by the Commission

Amendment

43a. ‘importer’ means any natural or legal person established within the Union who places a vehicle, system, component or separate technical unit from a third country on the Union market;

Or. en

Amendment 50

Proposal for a regulation

Article 3 – paragraph 1 – point 43 b (new)

Text proposed by the Commission

Amendment

43b. ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a vehicle, system, component or separate technical unit available on the Union market;

Or. en

Amendment 51

Proposal for a regulation

Article 3 – paragraph 1 – point 43 c (new)

Text proposed by the Commission

Amendment

43c. ‘economic operator’ means the manufacturer, the manufacturer’s representative, the importer or the

distributor;

Or. en

Amendment 52

Proposal for a regulation

Article 3 – paragraph 1 – point 43 d (new)

Text proposed by the Commission

Amendment

43d. ‘market surveillance’ means the activities carried out and measures taken by public authorities to ensure that vehicles, systems, components or separate technical units made available on the Union market comply with the requirements set out in the relevant Union harmonisation legislation and do not endanger health, safety, the environment or any other aspect of public interest protection;

Or. en

Amendment 53

Proposal for a regulation

Article 3 – paragraph 1 – point 43 e (new)

Text proposed by the Commission

Amendment

43e. ‘market surveillance authority’ means an authority of a Member State responsible for carrying out market surveillance on its territory;

Or. en

Amendment 54

Proposal for a regulation

Article 3 – paragraph 1 – point 43 f (new)

Text proposed by the Commission

Amendment

43f. ‘national authority’ means an approval authority, a market surveillance authority or any other authority in a Member State involved in and responsible for type-approval, registration, market surveillance or import control in respect of vehicles, systems, components or separate technical units covered by this Regulation;

Or. en

Amendment 55

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

For the purposes of this Regulation the following vehicle categories apply:

For the purposes of this Regulation the following vehicle categories **shall** apply:

Or. en

Amendment 56

Proposal for a regulation

Article 4 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

19. ‘category U’ comprises machinery as defined in Directive 2006/42/EC, which is self-propelled and intended for use in agriculture or forestry.

deleted

Or. en

Justification

See explanatory statement (mobile machinery - category U).

Amendment 57

Proposal for a regulation

Article 5 – title

Text proposed by the Commission

Amendment

National authorities

Obligations of Member States

Or. en

Amendment 58

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall establish ***and*** appoint the national authorities ***competent in matters concerning approval, and*** notify ***to*** the Commission ***such*** establishment and appointment ***in accordance with Article 53.***

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

Or. en

Amendment 59

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The notification ***act*** of the ***approval*** authorities shall include their name, address, including electronic address, and area of responsibility.

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

authorities.

Or. en

Amendment 60

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Approval authorities shall ensure that manufacturers applying for approval comply with their obligations under this Regulation.

deleted

(Integrated in Article 5a (new))

Or. en

Amendment 61

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. Approval authorities shall approve only such vehicles, systems, components or separate technical units as satisfy the requirements of this Regulation.

deleted

(Integrated in Article 5a (new))

Or. en

Amendment 62

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. Approval authorities shall register or

4. Member States shall permit the placing

permit the *sale or* entry into service only of such vehicles, components and separate technical units *as* satisfy the requirements of this Regulation. ***They shall not prohibit, restrict or impede the registration, sale, entry into service or circulation on the road of vehicles, components or separate technical units, on grounds related to aspects of their construction and functioning covered by this Regulation, if they satisfy its requirements.***

on the market, registration and entry into service only of such vehicles, components and separate technical units ***that*** satisfy the requirements of this Regulation.

Or. en

Amendment 63

Proposal for a regulation

Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall not prohibit, restrict or impede the placing on the market, registration, or entry into service of vehicles, systems, components or separate technical units, on grounds related to aspects of their construction and functioning covered by this Regulation, if they satisfy its requirements.

Or. en

Amendment 64

Proposal for a regulation

Article 5 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the

Union market in accordance with Chapter III of 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.¹ They shall apply Article 19(1) of Regulation (EC) No 765/2008 as specified in Article 5b of this Regulation.

¹ OJ L 218, 13.8.2008, p. 30.

Or. en

Amendment 65

Proposal for a regulation Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Obligations of approval authorities

- 1. Approval authorities shall ensure that manufacturers applying for type-approval comply with their obligations under this Regulation.*
- 2. Approval authorities shall approve only such vehicles, systems, components or separate technical units that satisfy the requirements of this Regulation.*

Or. en

Amendment 66

Proposal for a regulation Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5b

Obligations of market surveillance authorities

1. For vehicles, systems, components and separate technical units subject to type-approval, market surveillance authorities shall perform, on an adequate scale, appropriate documentary checks, taking account of established principles of risk assessment, complaints and other information.

Market surveillance authorities may require economic operators to make such documentation and information available as deemed necessary for the purpose of carrying out their activities.

Where economic operators present certificates attesting conformity issued by a type-approval authority, market surveillance authorities shall take due account of such certificates.

2. For systems, components and separate technical units not subject to type-approval, Article 19(1) of Regulation (EC) 765/2008 shall apply in its entirety.

Or. en

Amendment 67

**Proposal for a regulation
Article 6 – paragraph 1**

Text proposed by the Commission

Amendment

1. The manufacturer is responsible to the approval authority for all aspects of the approval process and for ensuring conformity of production, whether or not the manufacturer is directly involved in all stages of the construction of a vehicle,

1. Manufacturers shall ensure that when their vehicles, systems, components or separate technical units are placed on the market or are entering into service, they are manufactured and approved in accordance with the requirements set out

system, component or separate technical unit.

in *this Regulation and the delegated and implementing acts adopted under this Regulation.*

Or. en

Amendment 68

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

2. In the case of multi-stage type-approval, each manufacturer is responsible for the approval and conformity of production of the systems, components or separate technical units added at the stage of vehicle completion handled by the manufacturer. **The** manufacturer who modifies components or systems already approved at earlier stages shall be responsible for the approval and conformity of production of **those** components and systems.

Amendment

2. In the case of multi-stage type-approval, each manufacturer is responsible for the approval and conformity of production of the systems, components or separate technical units added at the stage of vehicle completion handled by the manufacturer. **Any** manufacturer who modifies components or systems already approved at earlier stages shall be responsible for the approval and conformity of production of **the modified** components and systems.

Or. en

Amendment 69

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. **The manufacturer** who **modifies** the incomplete vehicle **in a manner which leads to a qualification** as a different category of vehicle with the consequence that legal requirements already assessed in a previous stage of approval have changed, **is** also responsible for compliance with **those** requirements.

Amendment

3. **Manufacturers** who **modify** the incomplete vehicle **such that it qualifies** as a different category of vehicle, with the consequence that **the** legal requirements already assessed in a previous stage of approval have changed, **are** also responsible for compliance with **the applicable** requirements **to the category of vehicles for which the modified vehicle qualifies**.

Amendment 70

Proposal for a regulation

Article 6 – paragraph 4 – subparagraph 1

Text proposed by the Commission

For the purposes of this Regulation, *a manufacturer* established outside the *Community* shall appoint a single representative established *in* the *Community* to represent *him* before the approval authority.

Amendment

For the purposes of *approval of vehicles, systems, components or separate technical units covered by* this Regulation, *manufacturers* established outside the *Union* shall appoint a single representative established *within* the *Union* to represent *them* before the approval authority.

Or. en

Amendment 71

Proposal for a regulation

Article 6 – paragraph 4 – subparagraph 2

Text proposed by the Commission

References to the manufacturer shall be understood as indicating either the manufacturer or this representative.

Amendment

deleted

Or. en

Amendment 72

Proposal for a regulation

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Manufacturers established outside the Union may furthermore appoint a single representative established within the Union for the purposes of market

surveillance, which may be the representative referred to in paragraph 4 or an additional representative.

Or. en

Amendment 73

Proposal for a regulation Article 6 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Manufacturers shall be responsible to the approval authority for all aspects of the approval process and for ensuring conformity of production, whether or not they are directly involved in all stages of the construction of a vehicle, system, component or separate technical unit.

Or. en

Amendment 74

Proposal for a regulation Article 6 – paragraph 4 c (new)

Text proposed by the Commission

Amendment

4c. In accordance with the specific provisions of this Regulation and the delegated acts adopted thereunder, manufacturers shall ensure that procedures are in place for series production to remain in conformity with the approved type. Changes in design of a vehicle, system, component or separate technical unit or characteristics and changes in the requirements to which a vehicle, system, component or separate technical unit is declared to conform shall be adequately taken into account.

Amendment 75

Proposal for a regulation

Article 6 – paragraph 4 d (new)

Text proposed by the Commission

Amendment

4d. In addition to the statutory marking and type-approval marks fixed to their vehicles, components or separate technical units in accordance with Article 25, manufacturers shall indicate their name, registered trade name or registered trade mark and the EU address at which they can be contacted on their vehicles, components or separate technical units made available on the EU market or, where that is not possible for components or separate technical units, on the packaging or in a document accompanying the component or separate technical unit.

Or. en

Amendment 76

Proposal for a regulation

Article 6 – paragraph 4 e (new)

Text proposed by the Commission

Amendment

4e. Manufacturers shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in this Regulation.

Or. en

Amendment 77

**Proposal for a regulation
Article 6 a (new)**

Text proposed by the Commission

Amendment

Article 6a

***Obligations of manufacturers concerning
conformity of vehicles, systems,
components or separate technical units***

1. Manufacturers who suspect that their vehicle, system, component or separate technical unit that has been placed on the market or entered into service is not in conformity with this Regulation or the delegated and implementing acts adopted under this Regulation shall immediately take the corrective measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it or to recall it, as appropriate.

2. Where the vehicle, system, component or separate technical unit presents a serious risk, manufacturers shall immediately inform the market surveillance and approval authorities of the Member States in which the vehicle, system, component or separate technical unit was made available on the market or had entered into service to that effect, giving details, in particular, of the non-conformity and any corrective measures taken.

3. Manufacturers shall keep the information package referred to in Article 15(10) and in addition the vehicle manufacturer shall keep a copy of the certificates of conformity referred to in Article 24 at the disposal of the approval authorities for a period of at least 10 years after the placing on the market of the vehicle, and for a period of at least five years for a system, component or separate

technical unit.

4. Manufacturers shall, following a reasoned request from a competent Member State authority, provide it through the type-approval authority with a copy of the EU type-approval certificate demonstrating the conformity of the vehicle, system, component or separate technical unit, in a language which can be easily understood by that authority. Manufacturers shall cooperate with the Member State authority on any action taken in accordance with Article 20 of Regulation (EC) 765/2008 to eliminate the risks posed by their vehicles, systems, components or separate technical units which have been placed on the market, registered or entered into service.

Or. en

Amendment 78

Proposal for a regulation Article 6 b (new)

Text proposed by the Commission

Amendment

Article 6b

Obligations of manufacturer's representatives concerning market surveillance

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

(a) 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; and

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

Or. en

Amendment 79

Proposal for a regulation Article 6 c (new)

Text proposed by the Commission

Amendment

Article 6c

General obligations of importers

1. Importers shall place on the Union market, register or be responsible for entry into service of only compliant vehicles, systems, components or separate technical units which have either received EU type-approval or which fulfil the requirements for national or individual approval.

2. Before the placing on the market of a EU type-approved vehicle, system, component or separate technical unit, importers shall verify that there is an information package complying with the requirements of Article 6(7) and that the vehicle, system, component or separate technical unit bears the required type-approval mark and complies with Article 6(7). In the case of a vehicle, the importer shall verify that the vehicle is accompanied by the required certificate of conformity.

3. Where importers suspect that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, in

particular that it does not correspond to its type-approval or individual approval, they shall not place on the market, permit its entering into service or register the vehicle, system, component or separate technical unit until it has been brought into conformity. Furthermore, where they suspect that the vehicle, system, component or separate technical unit presents a serious risk, they shall inform the manufacturer, the market surveillance authorities and the approval authority that has granted the approval thereof.

4. Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the vehicle, system, component or separate technical unit or, where this is not possible for systems, components or separate technical units, on its packaging or in a document accompanying the system, component or separate technical unit.

5. Importers shall ensure that the vehicle, system, component or separate technical unit is accompanied by the required instructions and information, as required in accordance with Article 46, in the official languages of the Member States concerned.

6. Importers shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in this Regulation.

7. When deemed appropriate with regard to the serious risks presented by a vehicle, system, component or separate technical unit, importers shall, to protect the health and safety of consumers, investigate and, if necessary, keep a register of complaints and recalls of vehicles, systems, components or separate technical units and keep distributors informed of such

monitoring.

Or. en

Amendment 80

**Proposal for a regulation
Article 6 d (new)**

Text proposed by the Commission

Amendment

Article 6d

***Obligations of importers concerning
conformity of a vehicle, system,
component or separate technical unit***

- 1. Importers who suspect that a vehicle, system, component or separate technical unit which they have placed on the market, registered or are responsible for the entry into service is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it or to recall it, as appropriate.***
- 2. Where a vehicle, system, component or separate technical unit presents a serious risk, importers shall immediately inform thereof the market surveillance and approval authorities of the Member States in which they have made the vehicle, system, component or separate technical unit available on the market, giving details, in particular, of the non-conformity and any corrective measures taken.***
- 3. Importers shall, for a period of 10 years after the placing on the market of the vehicle and for a period of at least five years as from the placing on the market for a system, component or separate technical unit, keep a copy of the certificate of conformity at the disposal of the market surveillance and approval***

authorities and ensure that the information package as referred to in Article 15(10) can be made available to those authorities, upon request.

4. Importers shall, following a reasoned request from a national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a vehicle, system, component or separate technical unit in one of the official languages of the Member State of that authority. Importers shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by a vehicle, system, component or separate technical unit which they have placed on the market, registered or are responsible for entry into service of a vehicle, system, component or separate technical unit.

Or. en

Amendment 81

Proposal for a regulation Article 6 e (new)

Text proposed by the Commission

Amendment

Article 6e

General obligations of distributors

1. Distributors shall act with due care in relation to the requirements applicable in the case of the making available on the market of a vehicle, system, component or separate technical unit.

2. Before making available on the market a vehicle, system, component or separate technical unit, distributors shall verify that the vehicle, system, component or separate technical unit bears the required statutory marking or type-approval mark, that it is accompanied by the required

documents and by instructions and safety information in the official languages of the Member State in which the vehicle, system, component or separate technical unit is to be made available on the market, and that the manufacturer and the importer have complied with the requirements set out in Articles 6c(2) and 6c(4).

3. Distributors shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in this Regulation.

Or. en

Amendment 82

Proposal for a regulation Article 6 f (new)

Text proposed by the Commission

Amendment

Article 6f

Obligations of distributors concerning conformity of a vehicle, system, component or separate technical unit

1. When making a vehicle, system, component or separate technical unit available on the market, distributors shall act with due care in relation to the requirements of this Regulation.

2. Where distributors suspect that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, they shall not make available on the market or register or enter into service the vehicle, system, component or separate technical unit and shall prevent its making available on the market, registration or

entry into service until it has been brought into conformity.

3. Where distributors suspect that a vehicle, system, component or separate technical unit which they have made available on the market or registered or for which they are responsible for the entry into service is not in conformity with this Regulation, they shall inform the manufacturer or the manufacturer's representative to make sure that the corrective measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it or to recall it, if appropriate, are taken in accordance with Article 6a(1) or 6d(1).

4. Where the vehicle, system, component or separate technical unit presents a serious risk, distributors shall immediately inform thereof and give details, in particular, of the non-conformity and of any corrective measures taken by the manufacturer, the market surveillance and approval authorities of the Member States in which it was they made available, registered or in which distributors were responsible for the entry into service of the vehicle, system, component or separate technical unit as well as the manufacturer and the importer.

5. Distributors shall, following a reasoned request from a national authority, ensure that the manufacturer provide the national authority with the information specified in Article 6a(4) or that the importer provide the national authority with the information specified in Article 6d(3). They shall cooperate with that authority, at its request, on any action taken in accordance with Article 20 of Regulation (EC) 765/2008 to eliminate the risks posed by the vehicle, system, component or separate technical unit which they have made available on the

Union market.

Or. en

Amendment 83

**Proposal for a regulation
Article 6 g (new)**

Text proposed by the Commission

Amendment

Article 6g

***Cases where obligations of manufacturers
apply to importers and distributors***

***An importer or distributor shall be
considered a manufacturer for the
purposes of this Regulation and shall be
subject to the obligations of the
manufacturer under Articles 6 to 6b,
where the importer or distributor makes
available on the market, registers or is
responsible for the entry into service of a
vehicle, system, component or separate
technical unit under its name or
trademark or modifies a vehicle, system,
component or separate technical unit
already made available on the market,
registered or entered into service in such a
way that compliance with the applicable
requirements may be affected.***

Or. en

Amendment 84

**Proposal for a regulation
Article 6 h (new)**

Text proposed by the Commission

Amendment

Article 6h

Identification of economic operators

Economic operators shall, on request, identify the following to the market surveillance and approval authorities, for a period of 10 years:

(a) any economic operator who has supplied them with a vehicle, system, component or separate technical unit;

(b) any economic operator to whom they have supplied a vehicle, system, component or separate technical unit.

Or. en

Amendment 85

Proposal for a regulation Article 7 – title

Text proposed by the Commission

Amendment

Requirements *on road* safety

Requirements *for functional* safety

Or. en

Amendment 86

Proposal for a regulation Article 7 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) starting and stopping, including emergency and automatic stop devices;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 87

Proposal for a regulation

Article 7 – paragraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(ab) unintentional movement of the vehicle;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 88

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) systems to aid the control of the vehicle by the driver, **including** steering, **braking** including anti-lock braking systems and electronic stability control systems;

(b) systems to aid the control of the vehicle by the driver **such as** steering **and braking**, including anti-lock braking systems and electronic stability control systems (**or systems of equivalent effect**);

Or. en

Amendment 89

Proposal for a regulation

Article 7 – paragraph 2 – point m a (new)

Text proposed by the Commission

Amendment

(ma) mechanical safety;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 90

Proposal for a regulation

Article 7 – paragraph 2 – point q

Text proposed by the Commission

(q) ***couplings and reversing*** devices;

Amendment

(q) ***towing*** devices;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 91

Proposal for a regulation

Article 7 – paragraph 2 – point t a (new)

Text proposed by the Commission

Amendment

(ta) reverse gear;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 92

Proposal for a regulation

Article 7 – paragraph 2 – point t b (new)

Text proposed by the Commission

Amendment

(tb) tracks;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 93

Proposal for a regulation

Article 7 – paragraph 2 – point t c (new)

Text proposed by the Commission

Amendment

(tc) mechanical couplings;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 94

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. The requirements referred to in paragraphs 1 and 2 shall apply to vehicles, systems, components and separate technical units ***intended therefore***, insofar as they are declared applicable to the relevant vehicle category set out in Article 4.

3. The requirements referred to in paragraphs 1 and 2 shall apply to vehicles, systems, components and separate technical units, insofar as they are declared ***in Annex I*** applicable to the relevant vehicle category set out in Article 4.

Or. en

Amendment 95

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. ***The*** Commission shall be ***delegated powers*** to adopt in accordance with Article 57 ***a delegated act laying down*** the detailed technical requirements including

4. ***In order to ensure that a high level of functional safety is obtained, the*** Commission shall be ***empowered*** to adopt ***delegated acts*** in accordance with Article

test procedures and limit values, where applicable, *for the subjects listed in paragraph 2 in order to ensure that a high level of road safety will be obtained.*

57 *concerning* the detailed technical requirements *for the subjects listed in paragraph 2 of this Article*, including test procedures and limit values, where applicable.

Those detailed technical requirements shall be such as to increase, or at least maintain, the level of functional safety afforded by the Directives referred to in Articles 62(1) and Article 63.

The detailed technical requirements shall, in particular, ensure the following:

- vehicles with a maximum speed of more than 40 km/h meet an equivalent level of road safety with regards to brake performance and anti-lock braking systems as motor vehicles and their trailers;

- the maximum contact pressure exerted on hard road surface from tyres or tracks does not exceed 0.9 MPa (corresponding to the contact pressure from a loaded truck tyre inflated to 9 bar).

Or. en

Amendment 96

Proposal for a regulation Article 8 – paragraph 2 – point a

Text proposed by the Commission

(a) roll-over protection *systems* (hereinafter ROPS);

Amendment

(a) roll-over protection *structures* (hereinafter ROPS);

Or. en

Amendment 97

Proposal for a regulation Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) falling objects protection **systems**
(hereinafter FOPS);

Amendment

(b) falling objects protection **structures**
(hereinafter FOPS);

Or. en

Amendment 98

Proposal for a regulation

Article 8 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) control systems;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 99

Proposal for a regulation

Article 8 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) isolation of energy sources;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 100

Proposal for a regulation

Article 8 – paragraph 2 – point b c (new)

Text proposed by the Commission

Amendment

(bc) protection against any reasonably foreseeable misuse of the vehicle;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 101

Proposal for a regulation

Article 8 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) internal sound levels;

(d) driver-perceived noise level;

Or. en

Amendment 102

Proposal for a regulation

Article 8 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) ergonomics

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 103

Proposal for a regulation

Article 8 – paragraph 2 – point e b (new)

Text proposed by the Commission

Amendment

(eb) adaptation of the man/vehicle interface to the foreseeable characteristics of the driver;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 104

Proposal for a regulation

Article 8 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) access to the operating positions and servicing points;

(It should be added to Annex I and become applicable to all relevant vehicle categories.)

Or. en

Amendment 105

Proposal for a regulation

Article 8 – paragraph 2 – point k a (new)

Text proposed by the Commission

Amendment

(ka) stability;

Or. en

Amendment 106

Proposal for a regulation

Article 8 – paragraph 2 – point k b (new)

Text proposed by the Commission

Amendment

(kb) risk of slipping, tripping or falling;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 107

Proposal for a regulation

Article 8 – paragraph 2 – point k c (new)

Text proposed by the Commission

Amendment

(kc) protection of driver against electrical hazards including lightning;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 108

Proposal for a regulation

Article 8 – paragraph 2 – point k d (new)

Text proposed by the Commission

Amendment

(kd) safe cleaning of the vehicle including its internal parts;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 109

Proposal for a regulation Article 8 – paragraph 2 – point k e (new)

Text proposed by the Commission

Amendment

(ke) operator intervention;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 110

Proposal for a regulation Article 8 – paragraph 2 – point k f (new)

Text proposed by the Commission

Amendment

(kf) risk of trapping;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 111

Proposal for a regulation Article 8 – paragraph 2 – point k g (new)

Text proposed by the Commission

Amendment

(kg) elimination of risks posed due to errors of fitting;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 112

Proposal for a regulation

Article 8 – paragraph 2 – point k h (new)

Text proposed by the Commission

Amendment

(kh) guards;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 113

Proposal for a regulation

Article 8 – paragraph 2 – point k i (new)

Text proposed by the Commission

Amendment

(ki) risks related to moving parts;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 114

Proposal for a regulation

Article 8 – paragraph 2 – point l

Text proposed by the Commission

Amendment

(l) protection of driver against hazardous substances;

(l) protection of driver against hazardous ***materials and substances, or lack of oxygen;***

(It should be adjusted in Annex I and become applicable to all relevant vehicle categories)

Amendment 115

Proposal for a regulation

Article 8 – paragraph 2 – point 1 a (new)

Text proposed by the Commission

Amendment

(la) fire safety;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 116

Proposal for a regulation

Article 8 – paragraph 2 – point 1 b (new)

Text proposed by the Commission

Amendment

(lb) vibrations;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 117

Proposal for a regulation

Article 8 – paragraph 2 – point 1 c (new)

Text proposed by the Commission

Amendment

(lc) protection against external radiation;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Amendment 118

Proposal for a regulation

Article 8 – paragraph 2 – point l d (new)

Text proposed by the Commission

Amendment

(ld) protection from exposure to parts or materials at extreme temperatures;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 119

Proposal for a regulation

Article 8 – paragraph 2 – point m a (new)

Text proposed by the Commission

Amendment

(ma) risks related to variations in operating conditions;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 120

Proposal for a regulation

Article 8 – paragraph 2 – point m b (new)

Text proposed by the Commission

Amendment

(mb) risks due to surfaces, edges or angles;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 121

Proposal for a regulation Article 8 – paragraph 2 – point m c (new)

Text proposed by the Commission

Amendment

(mc) risks of rupture of rigid and flexible pipes carrying fluids, particularly those under high pressure;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 122

Proposal for a regulation Article 8 – paragraph 2 – point m d (new)

Text proposed by the Commission

Amendment

(md) information and warnings;

(It should be added to Annex I and become applicable to all relevant vehicle categories)

Or. en

Amendment 123

Proposal for a regulation Article 8 – paragraph 2 – point m e (new)

Text proposed by the Commission

Amendment

(me) braking systems performing parking functions;

Or. en

Amendment 124

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. The requirements referred to in paragraphs 1 and 2 shall apply to vehicles, systems, components and separate technical units ***intended therefore***, insofar as they are declared applicable to the relevant vehicle category ***by this Regulation***.

3. The requirements referred to in paragraphs 1 and 2 shall apply to vehicles, systems, components and separate technical units, insofar as they are declared applicable ***in Annex I*** to the relevant vehicle category ***set out in Article 4***.

Or. en

Amendment 125

Proposal for a regulation Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. ***The*** Commission shall be ***delegated powers*** to adopt in accordance with Article 57 ***a delegated act laying down*** the detailed technical requirements including test procedures and limit values, where applicable, ***for the subjects listed in paragraph 2 in order to ensure that a high level of occupational safety will be obtained***.

4. ***In order to ensure that a high level of occupational safety will be obtained, the*** Commission shall be ***empowered*** to adopt ***delegated acts*** in accordance with Article 57 ***concerning*** the detailed technical requirements ***for the subjects listed in paragraph 2 of this Article***, including test procedures and limit values, where applicable.

Those specific requirements shall be such as to increase, ***or at least maintain***, the level of occupational safety ***afforded by***

the Directives referred to in Articles 62(1) and Article 63.

Or. en

Amendment 126

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. The specific limit values, procedures and **test** requirements for pollutant emissions laid down for mobile machinery in Directive 97/68/EC³⁵ shall apply.

Amendment

3. The specific limit values, **test** procedures and requirements for pollutant emissions laid down for mobile machinery in Directive 97/68/EC³⁵ shall apply.

Or. en

Amendment 127

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

4. The requirements referred to in paragraphs 1 and 2 shall apply to vehicles, systems, components and separate technical units **intended therefor**, insofar as they are declared applicable to the relevant vehicle category **by this Regulation**.

Amendment

4. The requirements referred to in paragraphs 1 and 2 shall apply to vehicles, systems, components and separate technical units, insofar as they are declared applicable **in Annex I** to the relevant vehicle category **set out in Article 4**.

Or. en

Amendment 128

Proposal for a regulation Article 9 – paragraph 5

Text proposed by the Commission

5. The Commission shall be **delegated powers** to adopt in accordance with Article 57 **a delegated act laying down** the detailed technical requirements including test procedures and limit values, where applicable, on the **external sound level as described in paragraph 2(b) and the installation of approved engines in a vehicle and the related provisions for flexibility as described in paragraphs 2(a) and 3 in** order to ensure that a high level of environmental performance will be obtained.

Amendment

5. The Commission shall be **empowered** to adopt **delegated acts** in accordance with Article 57 **concerning** the detailed technical requirements **on the external sound level** including test procedures and limit values, where applicable, **and** on the installation of approved engines in a vehicle **as regards pollutant emissions** and the related provisions for flexibility in order to ensure that a high level of environmental performance will be obtained.

Those specific requirements shall be such as to increase, or at least maintain, the level of environmental performance provided for in the Directives referred to in Articles 62(1) and, where applicable, Article 63.

Or. en

Amendment 129

**Proposal for a regulation
Article 10 – title**

Text proposed by the Commission

Procedures for the EU **whole vehicle** type-approval

Amendment

Procedures for the EU type-approval

Or. en

Amendment 130

**Proposal for a regulation
Article 10 – paragraph 1 – introductory part**

Text proposed by the Commission

Amendment

1. **The** manufacturer may choose one of the following procedures:

1. **When applying for type-approval of a whole vehicle, the** manufacturer may choose one of the following procedures:

Or. en

Amendment 131

Proposal for a regulation

Article 10 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) multi-stage approval.

deleted

Or. en

Amendment 132

Proposal for a regulation

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

Text proposed by the Commission

Amendment

1a. In addition, the manufacturer may choose the multi-stage approval.

For the type-approval of systems, components or separate technical units, the single-step type-approval procedure shall apply.

Or. en

Amendment 133

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The step-by-step type-approval procedure is a vehicle approval procedure consisting in the step-by-step collection of the whole set of EU type-approval certificates for the systems, components and separate technical units *relating to* the vehicle, and which leads, at the final stage, to the approval of the whole vehicle.

Amendment

The step-by-step type-approval procedure is a vehicle approval procedure consisting in the step-by-step collection of the whole set of EU type-approval certificates for the systems, components and separate technical units *forming part of* the vehicle, and which leads, at the final stage, to the approval of the whole vehicle.

Or. en

Amendment 134

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

Text proposed by the Commission

3. Multi-stage type-approval shall be granted in respect of a type of incomplete or completed vehicle which conforms to the particulars in the information folder and which meets the technical requirements *specified by* the relevant acts listed in Annex I, having regard to the state of completion of the vehicle.

Amendment

3. Multi-stage type-approval shall be granted in respect of a type of incomplete or completed vehicle which conforms to the particulars in the information folder and which meets the technical requirements *laid down in* the relevant acts listed in Annex I, having regard to the state of completion of the vehicle.

Or. en

Amendment 135

**Proposal for a regulation
Article 10 – paragraph 4**

Text proposed by the Commission

4. The type-approval for the final stage of completion shall *only* be granted after the approval authority has verified that the *type approval(s) issued for the incomplete vehicle certify that the vehicle type*

Amendment

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

approved at the final stage meets all technical requirements *applicable at the time when and for the category* of vehicle *for which the type-approval for the completed vehicle is granted*.

requirements. *This shall include a documentary check of all requirements covered by a type-approval for an incomplete vehicle granted in the course of a multistage procedure, even where granted for a different category or subcategory of vehicle.*

Or. en

Amendment 136

Proposal for a regulation Article 10 – paragraph 5

Text proposed by the Commission

5. The choice of *the* approval procedure shall not affect the applicable *regulatory* requirements with which the approved vehicle type has to comply at the time of the issuing of the whole vehicle type-approval.

Amendment

5. The choice of approval procedure shall not affect the applicable requirements with which the approved vehicle type has to comply at the time of the issuing of the whole vehicle type-approval.

Or. en

Amendment 137

Proposal for a regulation Article 10 – paragraph 6

Text proposed by the Commission

6. *Implementing powers are conferred on the Commission in order to lay down templates for the details of the* arrangements with regard to type-approval procedures in Article 54.

Amendment

6. *The Commission shall* lay down the arrangements with regard to type-approval procedures *by means of delegated acts* in *accordance with* Article 57.

Or. en

Amendment 138

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. Only one application may be submitted in respect of a particular type of vehicle and it may be submitted in only one Member State.

Amendment

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

Or. en

Amendment 139

Proposal for a regulation Article 12 – title

Text proposed by the Commission

Information **to be provided in the application for type-approval**

Amendment

Information **folder**

Or. en

Amendment 140

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

Text proposed by the Commission

An information document, as specified in implementing legislation, prescribes the information to be supplied by the applicant.

Amendment

deleted

Or. en

Amendment 141

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The applicant shall provide to the approval authority an information folder. The information folder shall include the information document **and** all data, drawings, photographs and other information **required therein. Such information may be supplied on paper or in electronic format.**

Amendment

The applicant shall provide to the approval authority an information folder.

The information folder shall include the **following:**

- (a) an** information document;
- (b)** all data, drawings, photographs and other information;
- (c) for vehicles, indication of the procedure(s) chosen in accordance with Article 10(1).**

Or. en

Amendment 142

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The information folder may be supplied on paper or in electronic format as admissible by the technical service and by the approval authority.

Or. en

Amendment 143

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

The Commission shall determine, by means of delegated acts in accordance with Article 57, the information to be provided to the approval authority pursuant to this Article, taking into account the requirements laid down in Article 13.

Or. en

Amendment 144

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

Implementing powers are conferred on the Commission in order to lay down templates for **an** information document and **an** information folder in Article 54.

The Commission shall adopt an **implementing act** in order to lay down templates for **the** information document and **the** information folder. **That implementing act shall be adopted in accordance with the examination procedure referred to in Article 55(2).**

Or. en

Amendment 145

Proposal for a regulation

Article 13 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

An application for step-by-step type-approval shall be accompanied by an information folder and ***shall be accompanied*** by the complete set of type-

An application for step-by-step type-approval shall be accompanied by an information folder ***in accordance with Article 12*** and by the complete set of type-

approval certificates required pursuant to each of the applicable *separate* acts and UNECE *Regulations* or OECD Codes listed in Annex I.

approval certificates required pursuant to each of the applicable acts and UNECE *regulations* or OECD Codes listed in Annex I.

Or. en

Amendment 146

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. An application for single-step type-approval shall be accompanied by an information folder containing the relevant information in relation to the acts listed in Annex I.

Amendment

2. An application for single-step type-approval shall be accompanied by an information folder *in accordance with Article 12* containing the relevant information in relation to the acts listed in Annex I.

Or. en

Amendment 147

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. In the case of a mixed type-approval procedure, the information folder shall be accompanied by one or more type-approval certificates required pursuant to each of the applicable *separate* acts and UNECE Regulations or OECD Codes listed in Annex I and shall include, insofar as no type-approval certificate is presented, the relevant information required in the implementing measures to this Regulation, in relation to the acts listed in Annex I.

Amendment

3. In the case of a mixed type-approval procedure, the information folder shall be accompanied by one or more type-approval certificates required pursuant to each of the applicable acts and UNECE Regulations or OECD Codes listed in Annex I and shall include, insofar as no type-approval certificate is presented, the relevant information required in the implementing measures to this Regulation, in relation to the acts listed in Annex I.

Or. en

Amendment 148

Proposal for a regulation Article 13 – paragraph 4 – subparagraph 2

Text proposed by the Commission

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

Amendment

The information specified in points (a) and (b) may be supplied in accordance with paragraph 3.

Or. en

Amendment 149

Proposal for a regulation Article 13 – paragraph 5

Text proposed by the Commission

5. The approval authority may, by reasoned request, **call upon** the manufacturer to supply any additional information needed to enable a decision to be taken on which tests are required or to facilitate the execution of those tests.

Amendment

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

Or. en

Amendment 150

Proposal for a regulation Article 14

Text proposed by the Commission

Procedure to be followed for the EU type-approval of systems, components or separate technical units

The manufacturer shall submit the application to the approval authority.

Amendment

deleted

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

A separate application shall be submitted for each type to be approved.

Or. en

Justification

This Article was integrated in Articles 10 and 11.

Amendment 151

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

1. Approval authorities shall ***only*** grant an EU type-approval after ***having ensured that*** the conformity of production procedures referred to in Article 19 ***have been implemented*** and ***if*** the type of vehicle, system, component or separate technical unit ***complies*** with the applicable requirements.

Amendment

1. Approval authorities shall grant an EU type-approval ***only*** after ***verifying*** the conformity of production procedures referred to in Article 19 and the ***compliance of the*** type of vehicle, system, component or separate technical unit with the applicable requirements.

Or. en

Amendment 152

Proposal for a regulation Article 15 – paragraph 3

Text proposed by the Commission

3. If an approval authority finds that a type of vehicle, system, component or separate technical unit, ***albeit built in conformity with*** the required provisions, presents a serious risk to ***road*** safety or seriously

Amendment

3. If an approval authority finds that a type of vehicle, system, component or separate technical unit, ***though conforming to*** the required provisions, presents a serious risk to safety or ***may*** seriously ***harm*** the

harms the environment or public health or, *for tractors*, presents a serious risk to occupational safety, it may refuse to grant EU type-approval. In this case, it shall immediately send the approval authorities of the other Member States and the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

environment or public health or presents a serious risk to occupational safety, it may refuse to grant EU type-approval. In this case, it shall immediately send the approval authorities of the other Member States and the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

Or. en

Amendment 153

Proposal for a regulation Article 15 – paragraph 4

Text proposed by the Commission

4. EU type-approval certificates shall be numbered in accordance with a *harmonized* system.

Amendment

4. EU type-approval certificates shall be numbered in accordance with a *harmonised* system *laid down by the Commission by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 55(2).*

Or. en

Amendment 154

Proposal for a regulation Article 15 – paragraph 5

Text proposed by the Commission

5. The approval authority shall, within 20 working days, send to the approval authorities of the other Member States a copy of the EU vehicle type-approval certificate, together with the attachments, for each type of vehicle which it has approved. *The hard copy may be replaced*

Amendment

5. The approval authority shall, within 20 working days, send to the approval authorities of the other Member States a copy of the EU vehicle type-approval certificate, together with the attachments, for each type of vehicle which it has approved by *means of a common secure*

by *an* electronic *file*.

electronic *exchange system*.

Or. en

Amendment 155

Proposal for a regulation Article 15 – paragraph 7

Text proposed by the Commission

7. *The* approval authority shall send *at three-monthly intervals* to the approval authorities of the other Member States a list of the *system, component or separate technical unit* EU type-approvals it has granted, amended, refused to grant or withdrawn during the preceding period.

Amendment

7. *At three-monthly intervals, the* approval authority shall send to the approval authorities of the other Member States a list of the EU type-approvals it has granted, amended, refused to grant or withdrawn *for systems, components or separate technical units* during the preceding period.

Or. en

Amendment 156

Proposal for a regulation Article 15 – paragraph 8

Text proposed by the Commission

8. If so requested by an approval authority of another Member State, the approval authority which has granted an EU type-approval shall, within 20 working days of receiving that request, send to the former a copy of the EU type-approval certificate *in question*, together with the attachments. *The paper copy may be replaced by an* electronic *file*.

Amendment

8. If so requested by an approval authority of another Member State, the approval authority which has granted an EU type-approval shall, within 20 working days of receiving that request, send to the former a copy of the *requested* EU type-approval certificate together with the attachments by *means of a common secured* electronic *exchange system*.

Or. en

Amendment 157

Proposal for a regulation Article 15 – paragraph 9

Text proposed by the Commission

9. If so requested by the Commission, the approval authority shall submit the information *described* in paragraphs 5 to 8 also to the Commission.

Amendment

9. If so requested by the Commission, the approval authority shall submit the information *referred to* in paragraphs 5 to 8 also to the Commission.

Or. en

Amendment 158

Proposal for a regulation Article 15 – paragraph 10

Text proposed by the Commission

10. The approval authority shall put together an information package consisting *in* the information folder accompanied by the test reports and all other documents added by the technical service or by the approval authority to the information folder in the course of carrying out their functions. The information *folder* shall contain an index listing the contents of the information package, suitably numbered or otherwise marked so as to identify clearly all the pages, the format of *that* document *being* such as to present a record of the successive steps in the management of the EU type-approval, in particular the dates of *the* revisions and updating.

Amendment

10. The approval authority shall put together an information package consisting *of* the information folder accompanied by the test reports and all other documents added by the technical service or by the approval authority to the information folder in the course of carrying out their functions. The information *package* shall contain an index listing the contents of the information package, suitably numbered or otherwise marked so as to identify clearly all the pages *and* the format of *each* document such as to present a record of the successive steps in the management of the EU type-approval, in particular the dates of revisions and updating.

Or. en

Amendment 159

Proposal for a regulation Article 16 – title

Text proposed by the Commission

Specific provisions concerning the type-approval certificate

Amendment

Specific provisions concerning the **EU** type-approval certificate

Or. en

Amendment 160

Proposal for a regulation

Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

1. The type-approval certificate shall contain, as attachments, the following:

Amendment

1. The **EU** type-approval certificate shall contain, as attachments, the following:

Or. en

Amendment 161

Proposal for a regulation

Article 16 – paragraph 1 – point a

Text proposed by the Commission

(a) the information package referred to in Article 15;

Amendment

(a) the information package referred to in Article 15(**10**);

Or. en

Amendment 162

Proposal for a regulation

Article 16 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) a filled-out specimen of the certificate of conformity.

Amendment 163

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

2. The **type approval** certificate shall be issued on the basis of the template laid down **in** the implementing act to **this regulation**:

Amendment

2. The **EU type-approval** certificate shall be issued on the basis of the template laid down **by** the **Commission by means of an** implementing act. **That implementing act shall be adopted in accordance with the examination procedure referred to in Article 55(2).**

Or. en

Amendment 164

Proposal for a regulation Article 16 – paragraph 3 – point a

Text proposed by the Commission

(a) complete all the relevant sections of the EU type-approval certificate, including the test results sheet appended thereto, **in accordance with the template of the type approval certificate set out in the implementing act to this Regulation**;

Amendment

(a) complete all the relevant sections of the EU type-approval certificate, including the test results sheet appended thereto;

Or. en

Amendment 165

Proposal for a regulation Article 16 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall lay down the template for the test results sheet referred to in point (a) of this paragraph by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 55(2).

Or. en

Amendment 166

Proposal for a regulation Article 16 – paragraph 4

Text proposed by the Commission

Amendment

4. In the case of an EU type-approval ***in relation to*** which, in accordance with Article 26, restrictions have been imposed as to its validity, or certain provisions of the acts have been waived, the EU type-approval certificate shall specify those restrictions or waivers.

4. In the case of an EU type-approval ***for*** which, in accordance with Article 26, restrictions have been imposed as to its validity, or certain provisions of ***this Regulation or the delegated and implementing acts adopted under this Regulation*** have been waived, the EU type-approval certificate shall specify those restrictions or waivers.

Or. en

Amendment 167

Proposal for a regulation Article 16 – paragraph 5

Text proposed by the Commission

Amendment

5. Where the manufacturer chooses the mixed type-approval procedure, the approval authority shall complete ***in*** the information document the references ***for*** the test reports, established by ***regulatory***

5. Where the manufacturer chooses the mixed type-approval procedure, the approval authority shall complete the information document ***with*** the references ***to*** the test reports, established by ***the***

acts, for which no EU type-approval certificate is available. **Implementing powers are conferred on the Commission in order to lay down a template of such a document in Article 54.**

implementing act referred to in Article 18(1) for which no EU type-approval certificate is available.

Or. en

Amendment 168

Proposal for a regulation Article 16 – paragraph 6

Text proposed by the Commission

6. Where the manufacturer chooses the single-step type-approval procedure, the approval authority shall establish **the** list of applicable requirements or acts and append that list to the EU type-approval certificate. **Implementing powers are conferred on the Commission in order to lay down a template of** such a list in Article 54.

Amendment

6. Where the manufacturer chooses the single-step type-approval procedure, the approval authority shall establish **a** list of applicable requirements or acts and append that list to the EU type-approval certificate. **The Commission shall adopt the template for such a list by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 55(2).**

Or. en

Amendment 169

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

1. EU type-approval shall be granted in respect of a system which conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant **act** listed in Annex I.

Amendment

1. EU type-approval shall be granted in respect of a system which conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant **acts** listed in Annex I.

Or. en

Amendment 170

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. A component or separate technical unit **EU type-approval** shall be granted in respect of a component or separate technical unit **which** conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant separate **act** listed in Annex I.

Amendment

2. **An EU type-approval for a** component or separate technical unit shall be granted in respect of a component or separate technical unit **that** conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant separate **acts** listed in Annex I.

Or. en

Amendment 171

Proposal for a regulation Article 17 – paragraph 3

Text proposed by the Commission

3. Where components or separate technical units, whether or not intended for repair, servicing or maintenance, are also covered by a system type-approval with respect to a vehicle, no additional component or separate technical unit approval shall be required unless provided for under the relevant **act** listed in Annex I.

Amendment

3. Where components or separate technical units, whether or not intended for repair, servicing or maintenance, are also covered by a system type-approval with respect to a vehicle, no additional component or separate technical unit approval shall be required unless provided for under the relevant **acts** listed in Annex I.

Or. en

Amendment 172

Proposal for a regulation Article 17 – paragraph 4 – subparagraph 2

Text proposed by the Commission

In such cases, the EU type-approval certificate shall specify any restriction on *its* use and shall indicate the special conditions for its mounting.

Amendment

In such cases, the EU type-approval certificate shall specify any restriction on *the use of the component or separate technical unit* and shall indicate the special conditions for its mounting.

Or. en

Amendment 173

Proposal for a regulation

Article 17 – paragraph 4 – subparagraph 3

Text proposed by the Commission

When such a component or separate technical unit is fitted by the vehicle manufacturer, compliance with any applicable restrictions on use or conditions for mounting shall be verified at the time when the vehicle is approved.

Amendment

Where such a component or separate technical unit is fitted by the vehicle manufacturer, compliance with any applicable restrictions on use or conditions for mounting shall be verified at the time when the vehicle is approved.

Or. en

Amendment 174

Proposal for a regulation

Article 18 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The test procedures and the specific equipment and tools prescribed to perform those tests *are described in* those acts.

Amendment

The test procedures *referred to in the first subparagraph* and the specific equipment and tools prescribed to perform those tests *shall be those laid down in the relevant acts listed in Annex I.*

Or. en

Amendment 175

Proposal for a regulation

Article 18 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall adopt an implementing act in order to lay down the general requirements for the format of the test report. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 55(2).

Or. en

Amendment 176

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

Amendment

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

2. The manufacturer shall make available to the approval authority as many vehicles, components or separate technical units as are required under the relevant acts ***listed in Annex I*** for the performance of the required tests.

Or. en

Amendment 177

Proposal for a regulation

Article 18 – paragraph 4

Text proposed by the Commission

Amendment

4. ***Virtual*** testing methods may be used as alternatives to the test procedures referred to in paragraph 1 ***and subject to the agreement of the approval authority***, at the request of the manufacturer with

4. ***Subject to the agreement of the approval authority, virtual*** testing methods may be used as alternatives to the test procedures referred to in paragraph 1 at the request of the manufacturer with respect to

respect to those requirements *listed* in the delegated acts *adopted under this regulation*.

those requirements *established* in the delegated acts *referred to in paragraph 6*.

Or. en

Amendment 178

Proposal for a regulation Article 18 – paragraph 5

Text proposed by the Commission

5. Virtual testing methods shall fulfil the conditions set out *tin* the delegated acts *adopted under this regulation*.

Amendment

5. Virtual testing methods shall fulfil the conditions set out *in* the delegated acts *referred to in paragraph 6*.

Or. en

Amendment 179

Proposal for a regulation Article 18 – paragraph 6

Text proposed by the Commission

6. *The* Commission shall be *delegated powers* to adopt in accordance with Article 57 *a delegated act specifying which* requirements can be subject to virtual testing and *laying down* the conditions under which such virtual testing *must* be performed *in order to ensure that the results obtained through virtual testing are as meaningful as those obtained through physical testing*.

Amendment

6. *In order to ensure that the results obtained through virtual testing are as meaningful as those obtained through physical testing, the* Commission shall be *empowered* to adopt *delegated acts* in accordance with Article 57 *concerning the* requirements *which* can be subject to virtual testing and the conditions under which such virtual testing *shall* be performed.

When adopting those delegated acts, the Commission shall take as a basis the requirements and procedures provided for in Annex XVI of Directive 2007/47/EC, as appropriate.

Or. en

Amendment 180

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

1. **The** approval authority which grants an EU type-approval shall take the necessary measures to verify, if **need be** in cooperation with the approval authorities of the other Member States, that adequate arrangements have been made to ensure that **production** vehicles, systems, components or separate technical units, as the case may be, conform to the approved type.

Amendment

1. **An** approval authority which grants an EU type-approval shall take the necessary measures to verify, if **necessary** in cooperation with the approval authorities of the other Member States, that adequate arrangements have been made to ensure that **the** vehicles, systems, components or separate technical units **in production**, as the case may be, conform to the approved type.

Or. en

Amendment 181

Proposal for a regulation Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. An approval authority which grants a whole-vehicle type-approval shall take the necessary measures to verify that certificates of conformity issued by the manufacturer conform to Article 24. To that end, the approval authority shall verify that a sufficient number of samples of certificates of conformity conform to Article 24 and that the manufacturer has made adequate arrangements to ensure that the data in the certificates of conformity are correct.

Or. en

Amendment 182

Proposal for a regulation

Article 19 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, if ***need be*** in cooperation with the approval authorities of the other Member States, that the arrangements referred to in ***paragraph 1*** continue to be adequate and that production vehicles, systems, components or separate technical units, as the case may be, continue to conform to the approved type.

Amendment

An approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, if ***necessary*** in cooperation with the approval authorities of the other Member States, that the arrangements referred to in ***paragraphs 1 and 1a*** continue to be adequate and that production vehicles, systems, components or separate technical units, as the case may be, continue to conform to the approved type.

Or. en

Amendment 183

Proposal for a regulation

Article 19 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Verification to ensure that ***vehicles, systems, components*** or separate technical ***units conform*** to the approved type ***shall be limited to the procedures set out in the implementing acts to this regulation. To that end,*** the approval authority ***of the Member State*** which has granted the EU type-approval may carry out any of the checks or tests ***prescribed with regard to the regulatory requirement which is*** subject of the EU ***type approval*** on samples taken ***in*** the premises of the manufacturer, including production facilities.

Amendment

In order to verify that ***a vehicle, system, component*** or separate technical ***unit conforms*** to the approved type, the approval authority which has granted the EU type-approval may carry out any of the checks or tests ***necessary to ensure compliance with the requirements that are the*** subject of the EU ***type-approval,*** on samples taken ***at*** the premises of the manufacturer, including production facilities.

Or. en

Amendment 184

Proposal for a regulation Article 19 – paragraph 3

Text proposed by the Commission

3. When an approval authority which has granted an EU type-approval establishes that the arrangements referred to in paragraph 1 are not being applied, deviate significantly from the arrangements and control plans agreed, have ceased to be applied or are no longer considered to be adequate, ***although*** production ***continues***, ***that approval authority*** shall take the necessary measures to ensure that the conformity of production ***procedure*** is followed correctly or withdraw the type-approval.

Amendment

3. When an approval authority which has granted an EU type-approval establishes that the arrangements referred to in paragraph 1 are not being applied, deviate significantly from the arrangements and control plans agreed, have ceased to be applied or are no longer considered to be adequate, ***even though*** production ***is continued***, ***it*** shall take the necessary measures to ensure that the ***procedure for*** conformity of production is followed correctly or ***it shall*** withdraw the type-approval.

Or. en

Amendment 185

Proposal for a regulation Article 19 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall lay down, by means of delegated acts in accordance with Article 57, the detailed arrangements with regard to conformity of production and the verification procedures related thereto. When adopting those delegated acts, the Commission shall take as a basis the arrangements and procedures provided for in the Directive 2003/37/EC.

Or. en

Amendment 186

Proposal for a regulation Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission

That approval authority shall decide, ***in accordance with*** the ***rules*** laid down in ***this Chapter, which procedure*** is to be followed.

Amendment

That approval authority shall decide ***which of the procedures*** laid down in ***Article 21*** is to be followed.

Or. en

Amendment 187

Proposal for a regulation Article 20 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Where necessary ***it*** may decide, ***in consultation with*** the manufacturer, that a new EU type-approval ***or a new individual approval*** is to be granted.

Amendment

Where necessary, ***the approval authority*** may decide, ***after consulting*** the manufacturer, that a new EU type-approval is to be granted.

Or. en

Amendment 188

Proposal for a regulation Article 21 – title

Text proposed by the Commission

Specific provisions concerning vehicles, systems, components or separate technical units

Amendment

Revision and extension of EU type-approvals

Or. en

Amendment 189

Proposal for a regulation

Article 21 – paragraph 2 – point c

Text proposed by the Commission

(c) new requirements under any *of the acts* applicable to the approved vehicle type or to the approved system, component or separate technical unit *enter into force*.

Amendment

(c) new requirements under any *act listed in Annex I* applicable to the approved vehicle type or to the approved system, component or separate technical unit *become applicable*.

Or. en

Amendment 190

Proposal for a regulation

Article 21 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. No amendment to the approval of a type of vehicle shall be required if the new requirements referred to in paragraph 2c are, from a technical point of view, irrelevant to that type of vehicle or concern categories of vehicle other than the category to which it belongs.

Or. en

Amendment 191

Proposal for a regulation

Article 23 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) new requirements in any act applicable to the approved vehicle type become mandatory for the registration, *sale* or entry into service of new vehicles, and it is not possible to update the type-approval

(a) new requirements in any act applicable to the approved vehicle type become mandatory for the *placing on the market*, registration, or entry into service of new vehicles, and it is not possible to update the

accordingly;

type-approval accordingly;

Or. en

Amendment 192

Proposal for a regulation Article 23 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the approval has been withdrawn in accordance with Article 19(3) or Article 37(1).

Or. en

Amendment 193

Proposal for a regulation Article 24 – paragraph 2

Text proposed by the Commission

Amendment

2. The manufacturer shall use the ***template of the*** certificate of conformity ***given in*** implementing ***measures*** in accordance with Article 54.

2. The manufacturer shall use ***for the*** certificate of conformity ***the template laid down by the Commission by means of an*** implementing ***act. That implementing act shall be adopted*** in accordance with ***the examination procedure referred to in*** Article 55(2).

Or. en

Amendment 194

Proposal for a regulation Article 24 – paragraph 4

Text proposed by the Commission

Amendment

4. The certificate of conformity shall be

4. The certificate of conformity shall be

designed to prevent forgery. To that end, the paper used shall be protected *either* by coloured graphics or *by* a watermark in the form of the manufacturer's identification mark.

designed to prevent forgery. To that end, the paper used shall be protected by *adequate means including* coloured graphics or a watermark in the form of the manufacturer's identification mark.

Or. en

Amendment 195

Proposal for a regulation

Article 24 – paragraph 5

Text proposed by the Commission

5. The certificate of conformity shall be completed in its entirety *and* shall not contain restrictions as regards the use of the vehicle other than those *provided for* in *a regulatory act*.

Amendment

5. The certificate of conformity shall be completed in its entirety. *It* shall not contain restrictions as regards the use of the vehicle other than those *laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2)*.

Or. en

Amendment 196

Proposal for a regulation

Article 24 – paragraph 6

Text proposed by the Commission

6. In the case of an incomplete or completed vehicle, the manufacturer shall *complete* only those items *on side 2* of the certificate of conformity which have been added or changed at the current stage of approval and, if applicable, shall attach to the certificate all certificates of conformity delivered at the previous *stage*.

Amendment

6. In the case of an incomplete or completed vehicle, the manufacturer shall *fill in* only those items of the certificate of conformity which have been added or changed at the current stage of approval and, if applicable, shall attach to the certificate all certificates of conformity delivered at the previous *stages*.

Or. en

Amendment 197

Proposal for a regulation Article 24 – paragraph 9

Text proposed by the Commission

9. Without prejudice to paragraph 1, the manufacturer may transmit ***data or information contained in*** the certificate of conformity by electronic means to the registration authority of the Member State.

Amendment

9. Without prejudice to paragraph 1, the manufacturer may transmit the certificate of conformity by electronic means to the registration authority of the Member State.

Or. en

Amendment 198

Proposal for a regulation Article 24 – paragraph 10

Text proposed by the Commission

10. A duplicate of the certificate of conformity ***may*** be issued only by the manufacturer. The word ‘duplicate’ ***must*** be clearly visible on the face of any duplicate certificate.

Amendment

10. A duplicate of the certificate of conformity ***shall*** be issued only by the manufacturer. The word ‘duplicate’ ***shall*** be clearly visible on the face of any duplicate certificate.

Or. en

Amendment 199

Proposal for a regulation Article 25 – title

Text proposed by the Commission

Type-approval mark

Amendment

Statutory plate with the appropriate marking of vehicles and type-approval mark of components or separate technical units

Amendment 200

Proposal for a regulation Article 25 - paragraph -1 a (new)

Text proposed by the Commission

Amendment

-1a. The manufacturer of a vehicle shall affix to each vehicle manufactured in conformity with the approved type a statutory plate with the appropriate marking required by the relevant delegated or implementing act pursuant to this Regulation.

Or. en

Amendment 201

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

Amendment

1. The manufacturer of a component or separate technical unit, whether or not it is part of a system, shall affix to each component or unit manufactured in conformity with the approved type the type-approval mark, required by the relevant delegated act ***under*** this Regulation or the relevant UNECE ***Regulation*** or ***OECD-Code***.

1. The manufacturer of a component or separate technical unit, whether or not it is part of a system, shall affix to each component or ***separate technical*** unit manufactured in conformity with the approved type the type-approval mark required by the relevant delegated ***or implementing*** act ***pursuant to*** this Regulation or the relevant UNECE ***regulation*** or ***OECD Code***.

Or. en

Amendment 202

Proposal for a regulation Article 25 – paragraph 3

Text proposed by the Commission

3. The EU type-approval mark shall be **drawn** in accordance with the model set out **in** implementing **legislation to this Regulation**.

Amendment

3. The EU type-approval mark shall be in accordance with the model set out **by the Commission by means of** implementing acts. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2)**.

Or. en

Amendment 203

Proposal for a regulation Chapter IX – title

Text proposed by the Commission

EXEMPTIONS **AND** NEW
TECHNOLOGIES OR CONCEPTS
**INCOMPATIBILITY WITH
DELEGATED ACTS OR UNECE
REGULATIONS**

Amendment

EXEMPTIONS **FOR** NEW
TECHNOLOGIES OR **NEW** CONCEPTS

Or. en

Amendment 204

Proposal for a regulation Article 26 – paragraph 1

Text proposed by the Commission

1. The manufacturer may apply for an EU type-approval in respect of a type of system, component or separate technical unit that incorporates new technologies or concepts which are incompatible with one or more acts **or requirements** listed in Annex I.

Amendment

1. The manufacturer may apply for an EU type-approval in respect of a type of system, component or separate technical unit that incorporates new technologies or concepts which are incompatible with one or more acts listed in Annex I.

Or. en

Amendment 205

Proposal for a regulation

Article 26 – paragraph 2 – point a

Text proposed by the Commission

(a) the application states the reasons why the technologies or concepts in question make the system, component or separate technical unit incompatible with ***the requirements***;

Amendment

(a) the application states the reasons why the technologies or concepts in question make the system, component or separate technical unit incompatible with ***one or more acts listed in Annex I***;

Or. en

Amendment 206

Proposal for a regulation

Article 26 – paragraph 2 – point b

Text proposed by the Commission

(b) the application describes the safety and environmental implications of the new technology and the measures taken in order to ensure ***that by comparison with the requirements from which exemption is sought***, at least an equivalent level of safety and environmental protection is ***ensured***;

Amendment

(b) the application describes the safety and environmental implications of the new technology and the measures taken in order to ensure at least an equivalent level of safety and environmental protection ***as that provided by the requirements from which exemption is sought***;

Or. en

Amendment 207

Proposal for a regulation

Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The granting of such an EU type-approval exempting new technologies or new concepts shall be subject to

authorisation by the Commission. The authorisation shall be given in the form of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 55(2).

Or. en

Amendment 208

Proposal for a regulation Article 26 – paragraph 3

Text proposed by the Commission

3. Pending the decision on authorisation by the Commission, the approval authority may grant **a** provisional **approval**, valid only in the territory of that Member State, in respect of a type of vehicle covered by the exemption sought. The approval authority shall inform the Commission and the other Member States thereof without delay by means of a file containing the information referred to in paragraph 2.

Amendment

3. Pending the decision on authorisation by the Commission, the approval authority may grant **an EU type-approval, but it shall be** provisional, valid only in the territory of that Member State, in respect of a type of vehicle covered by the exemption sought. The approval authority shall inform the Commission and the other Member States thereof without delay by means of a file containing the information referred to in paragraph 2.

The provisional nature and the limited territorial validity shall be apparent from the heading of the type-approval certificate and the heading of the certificate of conformity. The Commission shall adopt implementing acts in order to provide for harmonised templates for the type-approval certificate and the certificate of conformity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).

Or. en

Amendment 209

Proposal for a regulation Article 26 – paragraph 5

Text proposed by the Commission

Amendment

5. The granting of an exemption for new technologies or new concepts shall be subject to authorisation by the Commission in accordance with the procedure referred to in Article 55(2). *deleted*

Or. en

Amendment 210

Proposal for a regulation Article 26 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Amendment

Where appropriate, the **decision on** authorisation shall also specify whether **its validity** is subject to any restrictions. In all cases, **the validity of the approval** shall **not be less than** 36 months.

Where appropriate, the authorisation **by the Commission referred to in paragraph 3** shall also specify whether **it** is subject to any restrictions. In all cases, the **type-approval** shall be **valid for at least** 36 months.

Or. en

Amendment 211

Proposal for a regulation Article 26 – paragraph 6 – subparagraph 3

Text proposed by the Commission

Amendment

However, vehicles manufactured in conformity with the provisional approval before it was revoked shall be permitted to be registered, sold or enter service in any Member State that accepted the provisional approval. *deleted*

Amendment 212

Proposal for a regulation

Article 27 – title

Text proposed by the Commission

Amendment

Action required

Subsequent need for adaptation of delegated and implementing acts

Or. en

Amendment 213

Proposal for a regulation

Article 27 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Where the Commission **authorised** the granting of an exemption pursuant to Article 26, it shall immediately take the necessary steps to adapt the delegated **acts** or **requirements** concerned to technological developments.

Where the Commission **authorises** the granting of an exemption pursuant to Article 26, it shall immediately take the necessary steps to adapt the delegated or **implementing acts** concerned to technological developments.

Or. en

Amendment 214

Proposal for a regulation

Article 27 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Where the exemption **pursuant to** Article 26 relates to a UNECE **Regulation**, the Commission shall propose an amendment to the relevant UNECE **Regulation** in accordance with the procedure applicable

Where the exemption **under** Article 26 relates to a UNECE **regulation**, the Commission shall propose an amendment to the relevant UNECE **regulation** in accordance with the procedure applicable under the Agreement **of the United**

under the *Revised 1958* Agreement.

Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions.

Or. en

Amendment 215

Proposal for a regulation

Article 27 – paragraph 2 – subparagraph 1

Text proposed by the Commission

As soon as the relevant acts *or requirements* have been amended, any restriction *attaching to* the exemption shall be lifted.

Amendment

As soon as the relevant acts have been amended, any restriction *in the Commission decision authorising the* exemption shall be lifted.

Or. en

Amendment 216

Proposal for a regulation

Article 27 – paragraph 2 – subparagraph 2

Text proposed by the Commission

If the necessary steps to adapt the delegated acts *or requirements* have not been taken, the *validity of an exemption* may *be extended*, at the request of the Member State which granted the approval, *by a Commission decision* adopted in accordance with the procedure referred to in Article 55(2).

Amendment

If the necessary steps to adapt the delegated acts have not been taken, the *Commission* may, at the request of the Member State which granted the approval, *authorise the extension of the validity of the exemption. That authorisation shall be given in the form of an implementing act. That implementing act shall be* adopted in accordance with the *examination* procedure referred to in Article 55(2).

Amendment 217

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The manufacturer may **request** a national **type approval** of small series of a type of vehicle within the quantitative limits set out in Part 1 of Annex II.

Amendment

The manufacturer may **apply for** a national **type-approval** of small series of a type of vehicle within the quantitative **annual** limits set out in Part 1 of Annex II. **These limits shall apply to the making available on the market, registration or entry into service of vehicles of the approved type on the market of each Member State in a given year.**

Or. en

Amendment 218

Proposal for a regulation

Article 28 – paragraph 1 – subparagraph 2

Text proposed by the Commission

For **such an approval** the national authority may, if it has reasonable grounds to do so, **wave** one or more of the provisions of one or more of the acts listed in Annex I, provided that it **has laid down** alternative requirements.

Amendment

For the national **type-approval of small series, the approval** authority may, if it has reasonable grounds to do so, **waive** one or more of the provisions of one or more of the acts listed in Annex I provided that it **specifies** alternative requirements.

Or. en

Amendment 219

Proposal for a regulation

Article 28 – paragraph 4

Text proposed by the Commission

4. The type-approval certificate **shall specify the content of the waivers granted pursuant to paragraph 1. For the purposes of this article, the type-approval certificate** shall be drafted in accordance with the **model set out in implementing legislation** but shall not bear the heading 'EU vehicle type-approval certificate'. Type-approval certificates shall be numbered in accordance with **this regulation**.

Amendment

4. The type-approval certificate **for vehicles type-approved in accordance with this Article** shall be drafted in accordance with the **template referred to in Article 16(2)**, but shall not bear the heading "EU vehicle type-approval certificate" **and shall specify the content of the waivers granted pursuant to paragraph 1**. Type-approval certificates shall be numbered in accordance with **the numbering system referred to in Article 15(4)**.

Or. en

Amendment 220

Proposal for a regulation Article 28 – paragraph 9

Text proposed by the Commission

9. **On** request of an applicant who wishes to **sell**, register **or put into service** a vehicle in another Member State, the approval authority that granted **the approval** shall provide **the** applicant with a copy of the type-approval certificate including the information package. The **national** authority shall permit the **sale**, registration or entry into service of **this** vehicle unless it has reasonable grounds to believe that the technical provisions according to which the vehicle was approved are not equivalent to its own.

Amendment

9. **At the** request of an applicant **for a national type-approval of small series** who wishes to **place on the market or** register a vehicle in another Member State, the approval authority that granted **a national type-approval of small series** shall provide **that** applicant with a copy of the type-approval certificate including the information package. The **type-approval authority of the other Member State** shall permit the **placing on the market**, registration or entry into service of **the** vehicle unless it has reasonable grounds to believe that the technical provisions according to which the vehicle was approved are not equivalent to its own.

Or. en

Amendment 221

Proposal for a regulation Article 29 – paragraph 1

Text proposed by the Commission

1. An application for individual approval shall be submitted by the manufacturer or by the owner of the vehicle. It may also be submitted by a person, established in the **Community**, acting on behalf of the **manufacturer or** the owner of the vehicle.

Amendment

1. An application for individual approval shall be submitted by the manufacturer or by the owner of the vehicle. It may also be submitted by a person, established in the **Union**, acting on behalf of the **owner of the vehicle. At the request of the** owner of the vehicle **or of a person acting on his behalf established in the Union, approval authorities shall grant an individual approval for a vehicle which conforms to the description appended to the application and complies with the provisions of this Regulation.**

Or. en

Amendment 222

Proposal for a regulation Article 29 – paragraph 2

Text proposed by the Commission

2. In the individual approval procedure, approval authorities shall certify that the vehicle **satisfies** the relevant **administrative provisions and technical requirements.**

Amendment

2. In the individual approval procedure, approval authorities shall certify that the vehicle **complies with** the relevant **acts listed in Annex I.**

Or. en

Amendment 223

Proposal for a regulation Article 29 – paragraph 4

Text proposed by the Commission

4. Applications for individual approval shall cover a maximum of 15 vehicles of the same type.

Amendment

4. Applications for individual approval shall cover a maximum of 15 vehicles of the same type *per calendar year, per applicant and per Member State*.

Or. en

Amendment 224

Proposal for a regulation

Article 29 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. After granting the approval, the approval authority shall without delay issue the individual approval certificate.

Or. en

Amendment 225

Proposal for a regulation

Article 29 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. The format of the individual approval certificate shall be based on the template for the EU type-approval certificate referred to in Article 16(2) and shall contain at least the information necessary to complete the application for registration provided for in Council Directive 1999/37/EC on the registration documents for vehicles.

Individual approval certificates shall not bear the heading "EU vehicle approval". An individual approval certificate shall bear the unique identification number of the vehicle concerned.

Amendment 226**Proposal for a regulation
Article 29 – paragraph 5***Text proposed by the Commission*

5. This Article shall apply to vehicles which at the time of the application for the individual approval ***had never obtained the administrative authorisation*** for the entry into service, involving *its* identification and the issuing of a registration number, including temporary or short-term ***registrations*** or professional registration or ***put into service, or had*** only been ***registered or put into service*** for less than six months.

Amendment

5. This Article shall apply to vehicles which, at the time of the application for the individual approval, ***have not previously been placed on the market or for which the entry into service has not yet taken place***, involving identification and the issuing of a registration number, including temporary or short-term ***registration*** or professional registration or ***have*** only been ***placed on the market*** for less than six months.

Or. en

Amendment 227**Proposal for a regulation
Article 30 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

An approval authority may exempt the vehicle from compliance with ***one or more of the acts listed*** in Annex I, provided that the approval authority imposes alternative requirements and has reasonable grounds for such exemption.

Amendment

An approval authority may exempt the vehicle from compliance with ***requirements laid down*** in Annex I, provided that the approval authority imposes alternative requirements and has reasonable grounds for such exemption.

Or. en

Amendment 228**Proposal for a regulation
Article 30 – paragraph 1 – subparagraph 2**

Text proposed by the Commission

Alternative requirements **must** ensure a level of **road** safety, environmental protection, and occupational safety which is equivalent **to the greatest extent practicable** to the level provided for by the relevant act listed in Annex I.

Amendment

The alternative requirements **shall** ensure a level of **functional** safety, environmental protection, and occupational safety which is equivalent **as far as possible** to the level provided for by the relevant act listed in Annex I.

Or. en

Amendment 229

Proposal for a regulation Article 30 – paragraph 2

Text proposed by the Commission

2. Approval authorities shall not carry out destructive tests. They shall use any relevant information provided by the applicant **establishing** compliance with the alternative requirements.

Amendment

2. Approval authorities shall not carry out destructive tests. They shall use any relevant information provided by the applicant **to establish** compliance with the alternative requirements.

Or. en

Amendment 230

Proposal for a regulation Article 30 – paragraph 3

Text proposed by the Commission

3. Approval authorities shall accept any system, component or separate technical unit EU type-approval instead of the alternative requirements.

Amendment

deleted

Or. en

Amendment 231

Proposal for a regulation Article 30 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The format of the individual approval certificate shall be based on the template of the EU type-approval certificate *set out* in *Annex V* and shall contain at least the information necessary to complete the application for registration provided for in Council Directive 1999/37/EC³⁶.

Amendment

The format of the individual approval certificate shall be based on the template of the EU type-approval certificate *referred to* in *Article 29(4b)* and shall contain at least the information necessary to complete the application for registration provided for in Council Directive 1999/37/EC³⁶.

Or. en

Amendment 232

Proposal for a regulation Article 31 – paragraph 2

Text proposed by the Commission

2. *Where an applicant wishes to sell, register or put* into service in another Member State a vehicle which has been granted an individual approval, the approval authority that granted the approval shall, on request, provide the applicant with a statement of the technical provisions against which the vehicle was approved and any additional information stating in detail the nature of the technical requirements satisfied by that particular vehicle.

Amendment

2. *For the purpose of placing on the market, registration or entry* into service in another Member State *of* a vehicle which has been granted an individual approval, the approval authority that granted the approval shall, on request, provide the applicant *of an individual approval* with a statement of the technical provisions against which the vehicle was approved and any additional information stating in detail the nature of the technical requirements satisfied by that particular vehicle.

Or. en

Amendment 233

Proposal for a regulation Article 31 – paragraph 3

Text proposed by the Commission

3. With regard to a vehicle which has been granted an individual approval by **a** approval authority of one Member State in accordance with the provisions of Article 29, the other Member States shall permit **that vehicle to be sold, registered or to enter** into service unless they have reasonable grounds to believe that the technical provisions against which the vehicle was approved are not equivalent to their own.

Amendment

3. With regard to a vehicle which has been granted an individual approval by **an** approval authority of one Member State **and registered** in accordance with the provisions of Article 29, the other Member States shall permit **the placing on the market, registration or entry** into service **of a vehicle** unless they have reasonable grounds to believe that the technical provisions against which the vehicle was approved are not equivalent to their own.

Or. en

Amendment 234

Proposal for a regulation
Article 31 – paragraph 4

Text proposed by the Commission

4. At the request of the manufacturer or of the owner of the vehicle, approval authorities shall grant an individual approval to a vehicle which complies with the provisions of this Regulation,. In such a case, approval authorities shall accept the individual approval and shall permit the sale, registration and entry into service of the vehicle.

Amendment

deleted

Or. en

Justification

This paragraph was integrated in Article 29(1).

Amendment 235

Proposal for a regulation
Article 32 – title

Text proposed by the Commission

Amendment

Specific provisions

Specific provisions ***concerning individual approvals***

Or. en

Amendment 236

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

Amendment

1. The provisions of this Chapter may apply to vehicles which have been type-approved in accordance with this Regulation and which have been modified before their ***first*** registration or entry into service.

1. The provisions of this Chapter may apply to vehicles which have been type-approved in accordance with this Regulation and which have been modified before their ***placing on the market,*** registration or entry into service.

Or. en

Amendment 237

Proposal for a regulation Chapter XII – title

Text proposed by the Commission

Amendment

REGISTRATION, ***SALE AND*** ENTRY INTO SERVICE

MAKING AVAILABLE ON THE MARKET, REGISTRATION ***OR*** ENTRY INTO SERVICE

(This amendment applies throughout the text)

Or. en

Amendment 238

**Proposal for a regulation
Article 36**

Text proposed by the Commission

[...]

Amendment

deleted

(Integrated in Article 36 new)

Or. en

Amendment 239

**Proposal for a regulation
Article 36 (new)**

Text proposed by the Commission

Amendment

Article 36

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

1. Where the market surveillance authorities of one Member State have taken action pursuant to Article 20 of Regulation (EC) No 765/2008, or where they 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, the approval authority that granted the approval 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 and/or approval authorities.

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, they shall without delay require the relevant economic operator to take all appropriate corrective action to bring the vehicle, system, component or separate technical unit into compliance with those requirements, to withdraw the vehicle, system, component or separate technical unit from the market, or to recall it within a reasonable period, commensurate with the nature of the risk.

The approval authority that granted the approval shall inform the relevant technical service of the measures taken in accordance with the first and second subparagraphs. Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in the second subparagraph.

2. Where the approval authorities consider that non-conformity is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and the action required of the economic operator.

3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all non-compliant vehicles, systems, components or separate technical units that it has placed on the market, registered or is responsible for its entry into service in the Union.

4. Where the economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the national authorities shall take all appropriate measures to prohibit or restrict the placing on the market, registration or entry into service of non-

compliant vehicles, systems, components or separate technical units on their national market, to withdraw them from that market or to recall them.

5. The national authorities shall inform the Commission and the other Member States, without delay, of those measures.

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 measures taken, and the arguments put forward by the relevant economic operator. In particular, the approval authorities shall indicate whether the non-conformity 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 acts listed in Annex I.

6. Member States shall within one month inform the Commission and the other Member States of any 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.

7. Where, within one month of receipt of the information referred to in paragraph 6, no objection has been raised by either another Member State or the Commission in respect of a measure taken by a Member State, that measure shall be

deemed justified.

8. Member States shall ensure that appropriate restrictive measures are taken in respect of the vehicle, system, component or separate technical unit concerned, such as withdrawal of the vehicle, system, component or separate technical unit from their market, without delay.

Or. en

Amendment 240

Proposal for a regulation Article 36 a (new)

Text proposed by the Commission

Amendment

Article 36a

Union safeguard procedure

1. Where, during the procedure set out in paragraphs 3 and 4 of Article 36, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to the legislation of the Union, the Commission shall without delay evaluate the national measure after consulting Member States and the relevant economic operator or operators. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

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

2. If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant vehicle, system, component or separate technical unit is withdrawn from their market, and shall inform the

Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.

3. Where the national measure is considered justified and is attributed to shortcomings in this Regulation or in delegated or implementing acts adopted under this Regulation, the Commission shall propose appropriate measures as follows:

(a) where delegated or implementing acts adopted under this Regulation 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 procedure applicable under the Revised 1958 Agreement.

Or. en

Amendment 241

Proposal for a regulation Article 36 b (new)

Text proposed by the Commission

Amendment

Article 36b

Compliant vehicles, systems, components or separate technical units that present a serious risk

1. Where, after having performed an evaluation under Article 36(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 measures to ensure that the vehicle, system, component or separate technical unit concerned, when placed on the market, registered or after its entry into service, no longer presents that risk, to withdraw the vehicle, system, component or separate technical unit from the market or to recall it within a reasonable period, commensurate with the nature of the risk. The Member State may refuse to register such vehicles as long as the vehicle manufacturer has not taken all these appropriate measures.

2. For a vehicle, system, component or separate technical unit as referred to in paragraph 1, the economic operator shall ensure that corrective action is taken in respect of all such vehicles, systems, components or separate technical units placed on the market, registered or entered into service in the Union.

3. The Member State shall within one month inform the Commission and the other Member States of all available details, 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 measures taken.

4. The Commission shall, without delay, consult 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 or not the national measure is justified and, where necessary, propose appropriate measures.

5. The Commission shall address its

decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.

Or. en

Amendment 242

Proposal for a regulation Article 38 – title

Text proposed by the Commission

Parts and equipment which pose a *significant* risk to the correct functioning of essential systems

Amendment

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

Or. en

Amendment 243

Proposal for a regulation Article 38 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The sale, the offer for sale or entry into service of parts or equipment which are capable of posing a significant risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance, shall be *prohibited*, unless they have been authorised by an approval authority in accordance with *paragraph 4 and* Article 39 *paragraphs* 1 and 2.

Amendment

Parts or equipment *that may pose a serious* risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance shall *not be placed on the market, registered or enter into service*, unless they have been authorised by an approval authority in accordance with Article 39 (1) and (2).

Or. en

Amendment 244

Proposal for a regulation

Article 38 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

The Commission shall establish a list of such parts or equipment in accordance with ***the procedure referred to in Article 57, taking account of available information on*** the following:

Amendment

The Commission shall establish a list of such parts or equipment ***by means of delegated acts*** in accordance with Article 57, ***on the basis*** of the following ***elements***:

Or. en

Amendment 245

Proposal for a regulation

Article 38 – paragraph 3

Text proposed by the Commission

3. The Commission shall be delegated powers to adopt, where appropriate, in accordance with Article 57, a delegated act identifying the parts and equipment referred to in the first subparagraph when placed on the market.

Amendment

deleted

Or. en

Amendment 246

Proposal for a regulation

Article 38 – paragraph 4

Text proposed by the Commission

4. The list referred to in the second subparagraph of paragraph 1 may be updated and, to the extent necessary, the model and numbering system of the certificate referred to in paragraph 4 as well as aspects relating to the procedure, the requirements which such parts must

Amendment

4. The Commission shall lay down the model and numbering system for the certificate referred to in Article 39(1) as well as all aspects relating to the procedure referred to in that Article by means of implementing acts. Those implementing acts shall be adopted in accordance with

fulfil, the marking, packaging and the appropriate tests may be established in accordance with the procedure referred to in Article 57.

the *examination* procedure referred to in Article 55(2).

Or. en

Amendment 247

Proposal for a regulation Article 38 – paragraph 5

Text proposed by the Commission

5. These requirements may be based on the acts listed in Annex I or may consist *of* a comparison of the part or equipment with the performance of the original vehicle, or of any of its parts, as appropriate. In *those cases*, the requirements *must* ensure that the parts or equipment do not impair the functioning of those systems that are essential for the safety of the vehicle or its environmental performance.

Amendment

5. *The Commission shall be empowered to adopt delegated acts in accordance with Article 57 concerning the requirements which the parts or equipment referred to in paragraph 1 of this Article must fulfil.*

These requirements may be based on the acts listed in Annex I or may consist *in* a comparison of the part or equipment with the *environmental or safety* performance of the original vehicle, or of any of its parts, as appropriate. In *either case*, the requirements *shall* ensure that the parts or equipment do not impair the functioning of those systems that are essential for the safety of the vehicle or its environmental performance.

Or. en

Amendment 248

Proposal for a regulation Article 44 – paragraph 1

Text proposed by the Commission

Amendment

1. The Council may, acting by qualified majority on a proposal from the Commission, recognise the equivalence between the conditions or provisions for EU type-approval of systems, components and separate technical units established by this Regulation and the procedures established by international Regulations of third countries, in the framework of multilateral or bilateral agreements between the Community and third countries.

deleted

Or. en

Justification

Article 44(1) should be deleted. It constitutes a derived legal basis which is incompatible with the Treaties pursuant to the ECJ judgment of 6 May 2008 in Case C-133/06.

Amendment 249

Proposal for a regulation Article 44 – paragraph 2

Text proposed by the Commission

Amendment

2. The complete test reports issued on the basis of the standardised OECD Codes listed in Annex I, approved according to the general rules of OECD, may be used as an alternative to the test reports drawn up under this Regulation or the separate Regulations.

2. Where reference to OECD Codes is made in Annex I to this Regulation, EU type-approval shall be based on the complete test report issued on the basis of the OECD standard Codes and the conformity of production arrangements in accordance with Article 19 of this Regulation.

In order to be acceptable for the purposes of EU type-approval, the OECD test report referred to in the first subparagraph must have been approved in accordance with Appendix 1 to the Decision of the OECD Council revising the OECD standard Codes for the official testing of agricultural and forestry

tractors of February 2011.¹

Each component approved on the basis of an OECD test report in accordance with this Article shall be marked in accordance with the labelling prescriptions of the applicable OECD Code.

¹ *Published on the website of the OECD
[http://www.oecd.org/document/10/0,2340,
en_2649_201185_34735882_1_1_1_1,00.
html](http://www.oecd.org/document/10/0,2340,en_2649_201185_34735882_1_1_1_1,00.html)*

Or. en

Amendment 250

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Manufacturers shall provide unrestricted **and standardised** access to vehicle repair and maintenance information to independent operators through websites in a readily accessible and prompt manner. In particular, this access **should** be granted in a manner which is non-discriminatory compared to the **provision given or** access granted to authorised dealers and repairers.

Amendment

Manufacturers shall provide unrestricted access to vehicle repair and maintenance information to independent operators through websites **using a standardised format** in a readily accessible and prompt manner. In particular, this access **shall** be granted in a manner which is non-discriminatory compared to the access granted to authorised dealers and repairers.

Or. en

Amendment 251

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Until the Commission has adopted a common standard, the information referred to in this paragraph shall be

submitted in a consistent manner that can be processed by independent operators with reasonable effort.

Or. en

Amendment 252

Proposal for a regulation Article 47 – paragraph 2

Text proposed by the Commission

2. Manufacturers shall make training material available to independent operators and authorised dealers and repairers.

Amendment

2. Manufacturers shall make training material available to independent operators and authorised dealers and repairers. *They shall also provide them with adequate training with regard to the use of software and the repair and maintenance of the systems which are critical for the safety and environmental performance of the vehicle.*

Or. en

Amendment 253

Proposal for a regulation Article 47 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the tractor type and model;

Or. en

Amendment 254

Proposal for a regulation Article 47 – paragraph 3 – point g

Text proposed by the Commission

(g) the software **calibration** identification **number** applicable to a vehicle type;

Amendment

(g) the software identification **and calibration verification numbers** applicable to a vehicle type;

Or. en

Amendment 255

Proposal for a regulation Article 47 – paragraph 7

Text proposed by the Commission

7. For the purposes of the design and manufacture of automotive equipment for alternative fuel **tractors**, manufacturers shall provide the relevant OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer, installer or repairer of equipment for alternative fuel vehicles.

Amendment

7. For the purposes of the design and manufacture of automotive equipment for alternative fuel **vehicles**, manufacturers shall provide the relevant OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer, installer or repairer of equipment for alternative fuel vehicles.

Or. en

Amendment 256

Proposal for a regulation Article 47 – paragraph 8 – subparagraph 2

Text proposed by the Commission

In the event that such information is not available, or does not conform to this Regulation and its implementing **measures at that point in time**, the manufacturer shall provide it within six months from the date of **type approval**.

Amendment

In the event that such information is not available, or does not conform to this Regulation and its **delegated and implementing acts applicable when applying for EU type-approval or national type-approval**, the manufacturer shall provide it within six months from the date of **type-approval**.

Or. en

Amendment 257

Proposal for a regulation Article 47 – paragraph 9

Text proposed by the Commission

9. If such proof of compliance is not provided within *that* period, the approval authority shall take appropriate measures to ensure compliance.

Amendment

9. If such proof of compliance is not provided within *the* period *referred to in the second subparagraph of paragraph 8*, the approval authority shall take appropriate measures to ensure compliance.

Or. en

Amendment 258

Proposal for a regulation Article 47 – paragraph 11 a (new)

Text proposed by the Commission

Amendment

11a. Access to vehicle and maintenance information concerning communication between tractors and towed or mounted equipment, covered by protocols defined in ISO 11783, may be also made available through consortia of manufacturers.

Or. en

Amendment 259

Proposal for a regulation Article 47 – paragraph 12

Text proposed by the Commission

12. The Commission shall be delegated powers *to adopt* in accordance with Article 57 *a delegated act laying down* the detailed requirements with regard to access

Amendment

12. The Commission shall be ***empowered to adopt*** delegated powers in accordance with Article 57 ***concerning*** the detailed requirements with regard to access to

to repair and maintenance information, in particular technical specifications relating to the way in which vehicle repair and maintenance information shall be provided.

repair and maintenance information, in particular technical specifications relating to the way in which vehicle repair and maintenance information shall be provided.

Or. en

Amendment 260

Proposal for a regulation

Article 50 – title

Text proposed by the Commission

Amendment

Penalties

(This Article shall be moved to Chapter XIX - Final provisions)

Or. en

Amendment 261

Proposal for a regulation

Article 50 a (new)

Text proposed by the Commission

Amendment

Article 50a

Requirements relating to technical services

- 1. For the purposes of designation pursuant to Article 51 and notification pursuant to Article 53, technical services shall meet the requirements laid down in paragraphs 2 to 11 of this Article.***
- 2. Without prejudice to Article 51(1), a technical service shall be established under the national law of a Member State and have legal personality.***
- 3. A technical service shall be a third-party body independent of the process of design, manufacturing, provision, assembly, use or maintenance of vehicle, system, component or separate technical***

unit it assesses.

A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of vehicles, systems, components or separate technical units which it assesses, tests or inspects may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered as fulfilling the requirements of the first subparagraph.

4. A technical service, its top-level management and the personnel responsible for carrying out the assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the vehicles, systems, components or separate technical units which they assess, nor the authorised representative of any of those parties. This shall not preclude the use of assessed vehicles, systems, components or separate technical units that are necessary for the operation of the technical service or the use of such vehicles, systems, components or separate technical units for personal purposes.

A technical service, its top-level management and the personnel responsible for carrying out the assessment, testing or inspection tasks shall not be directly involved in the design, manufacture or construction, marketing, installation, use or maintenance of those vehicles, systems, components or separate technical units, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgment or integrity in relation to the assessment activities for which they are notified. This shall in particular apply to consultancy services.

Technical services shall ensure that the

activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

5. Technical services and their personnel shall carry out the assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgment or the results of their assessment activities, especially such pressures or inducements emanating from persons or groups of persons with an interest in the results of those activities.

6. Technical services shall be capable of carrying out all the conformity assessment tasks assigned to them and for which they have been notified, whether those tasks are carried out by the technical service itself or on its behalf and under its responsibility.

7. At all times and for each assessment task and each kind or category of vehicles, systems, components or separate technical units for which it has been notified, technical services shall have at its disposal the following:

(a) personnel with technical knowledge and sufficient and appropriate experience to perform the assessment task;

(b) descriptions of the procedures for the assessment task, ensuring the transparency and reproducibility of those procedures, as well as appropriate policies and procedures in place that distinguish between tasks it carries out as a technical service and other activities;

(c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the technology of the

vehicle, system, component or separate technical unit in question, and the mass or serial nature of the production process.

8. Technical services shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities.

9. The personnel responsible for carrying out conformity assessment activities shall have the following:

(a) sound technical and vocational training covering all the conformity assessment activities for which the technical service has been notified;

(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;

(c) appropriate knowledge and understanding of the safety and environmental requirements and other relevant provisions of this Regulation and the acts listed in Annex II;

(d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

10. The impartiality of the technical services, their top-level management and the assessment personnel shall be guaranteed.

11. The remuneration of the top-level management and assessment personnel of a technical service shall not depend on the number of assessments carried out or on the results of those assessments.

12. Technical services shall take out liability insurance unless liability is assumed by the Member State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment.

13. The personnel of a technical service shall observe professional secrecy with regard to all information obtained in carrying out their tasks under this Regulation or any provision of national law giving effect to it, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

Or. en

Amendment 262

Proposal for a regulation Article 50 b (new)

Text proposed by the Commission

Amendment

Article 50b

Subsidiaries of and subcontracting by technical services

- 1. Activities of a technical service may be subcontracted or carried out by a subsidiary only with the agreement of the manufacturer.***
- 2. Where a technical service subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 50a and shall inform the notifying authority accordingly.***
- 3. Technical services shall take full responsibility for the tasks performed by any subcontractors or subsidiaries, wherever these are established.***
- 4. Technical services shall keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under this***

Regulation.

Or. en

Amendment 263

**Proposal for a regulation
Article 51 – paragraph 1**

Text proposed by the Commission

1. Technical services designated by **national** authorities for the purposes of this Article shall comply with the provisions of this Regulation.

Amendment

1. Technical services designated by **approval** authorities for the purposes of this Article shall comply with the provisions of this Regulation.

Or. en

Amendment 264

**Proposal for a regulation
Article 51 – paragraph 4**

Text proposed by the Commission

4. Technical services shall demonstrate appropriate skills, specific technical knowledge and proven experience in the specific fields covered by this Regulation and the acts listed in Annex I. **Technical** services shall comply with the standards **set up** in the delegated act which are relevant for the activities they carry out. However, such compliance is not required for the purposes of the last stage of a multi-stage type-approval **procedure as referred to in Article 32(1)**.

Amendment

4. Technical services shall demonstrate appropriate skills, specific technical knowledge and proven experience in the specific fields covered by this Regulation and the acts listed in Annex I. **In addition, technical** services shall comply with the standards **laid down** in the delegated act **referred to in Article 51a** which are relevant for the activities they carry out. However, such compliance is not required for the purposes of the last stage of a multi-stage type-approval.

Or. en

Amendment 265

**Proposal for a regulation
Article 51 – paragraph 6**

Text proposed by the Commission

Amendment

6. A manufacturer or a subcontracting party acting on his behalf may only be designated as a technical service for category A activities with regard to the technical requirements for which self-testing is allowed in a delegated act adopted under this regulation. *deleted*

Or. en

Amendment 266

**Proposal for a regulation
Article 51 – paragraph 8**

Text proposed by the Commission

Amendment

8. The Commission shall be delegated powers to adopt in accordance with Article 57 a delegated act laying down the standards with which the technical services have to comply and the procedure for the assessment of technical services in order to ensure that these services meet the same high level of performance standards in all Member States. *deleted*

Or. en

Amendment 267

**Proposal for a regulation
Article 51 a (new)**

Text proposed by the Commission

Amendment

Article 51a

Accredited in-house technical services

1. An accredited in-house technical service of a manufacturer may be used to carry out assessment activities for the undertaking of which it forms part only for category A activities with regard to technical requirements for which self-testing is allowed by a delegated act adopted under this Regulation. That body shall constitute a separate and distinct part of the undertaking and shall not be involved in the design, production, supply, installation or maintenance of the vehicles, systems, components or separate technical units it assesses.

2. An accredited in-house technical service shall meet the following requirements:

(a) it shall be accredited in accordance with Regulation (EC) No 765/2008;

(b) the accredited in-house technical service and its personnel shall be organisationally identifiable and have reporting methods within the undertaking of which they form part which ensure their impartiality and demonstrate it to the relevant national accreditation body;

(c) neither the accredited in-house technical service nor its personnel shall be responsible for the design, manufacture, supply, installation, operation or maintenance of the vehicles, systems, components or separate technical units they assess nor shall they engage in any activity that might conflict with their independence of judgment or integrity in relation to their assessment activities;

(d) the accredited in-house technical service shall supply its services exclusively to the undertaking of which it forms part.

3. An accredited in-house technical service shall not be notified to the Member States or the Commission, for the purposes of Article 53 but information concerning its accreditation shall be given

by the undertaking of which it forms part or by the national accreditation body to the notifying authority at the request of that authority.

Or. en

Amendment 268

Proposal for a regulation Article 51 b (new)

Text proposed by the Commission

Amendment

Article 51b

Procedures for performance standards and assessment of technical services

In order to ensure that these services meet the same high level of performance standards in all Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 57 concerning the standards with which the technical services have to comply and the procedure for the assessment of technical services.

Or. en

Amendment 269

Proposal for a regulation Article 53 a (new)

Text proposed by the Commission

Amendment

Article 53a

Changes to notifications

1. Where a notifying Member State has ascertained or has been informed that a technical service no longer meets the requirements laid down in this Regulation, or that it is failing to fulfil its

obligations, the notifying Member State shall restrict, suspend or withdraw notification as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. The notifying Member State shall immediately inform the Commission and the other Member States accordingly.

2. In the event of restriction, suspension or withdrawal of notification, or where the technical service has ceased its activity, the notifying Member State shall take appropriate steps to ensure that the files of that technical service are either processed by another technical service or kept available for the competent notifying and market surveillance authorities at their request.

Or. en

Amendment 270

Proposal for a regulation Article 53 b (new)

Text proposed by the Commission

Amendment

Article 53b

Challenge to the competence of technical services

1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention, regarding the competence of a technical service or the continued fulfilment by a technical service of the requirements and responsibilities to which it is subject.

2. The notifying Member State shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the technical service concerned.

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

4. Where the Commission ascertains that a technical service does not meet or no longer meets the requirements for its notification, it shall inform the notifying Member State accordingly and request it to take the necessary corrective measures, including the withdrawal of the notification if necessary.

Or. en

Amendment 271

Proposal for a regulation Article 53 c (new)

Text proposed by the Commission

Amendment

Article 53c

Operational obligations of technical services

1. Technical services shall carry out conformity assessments in accordance with the assessment procedures provided for in this Regulation.

2. Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators. Technical services shall perform their activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the technology of the vehicle, system, component or separate technical unit in question and the mass or serial nature of the production process.

3. When carrying out conformity assessment, technical services shall nevertheless respect the degree of rigour

and the level of protection required for the compliance of the vehicle, system, component or separate technical unit with the provisions of this Regulation.

4. Where a technical service finds that requirements laid down in this Regulation have not been met by a manufacturer, it shall request the type-approval authority to require the manufacturer to take appropriate corrective measures and it shall request the type-approval authority not to issue a type-approval certificate unless the appropriate corrective measures have been taken to the satisfaction of the technical service.

5. Where, in the course of monitoring conformity of production following the issue of a type-approval certificate, a technical service finds that a vehicle, system, component or separate technical unit no longer complies with this Regulation, it shall request the type approval authority to require the manufacturer to take appropriate corrective measures and it shall request the type-approval authority to suspend or withdraw the type-approval certificate unless appropriate corrective measures have been taken to the satisfaction of the technical service.

6. Where corrective measures are not taken or when they are not to the satisfaction of the technical service, the technical service shall request the type-approval authority to restrict, suspend or withdraw the type-approval certificate, as appropriate.

Or. en

Amendment 272

**Proposal for a regulation
Article 53 d (new)**

Text proposed by the Commission

Amendment

Article 53d

Information obligations of technical services

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

(a) any non-conformity encountered which may require a refusal, restriction, suspension or withdrawal of a type-approval certificate;

(b) any circumstances affecting the scope of and conditions for their notification;

(c) any request for information which they have received from market surveillance authorities regarding their assessment activities.

2. On request from the approval authority, assessment activities shall be performed within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.

3. Technical services shall provide the other technical services notified under this Regulation which carry out similar assessment activities covering the same vehicle, system, component or separate technical unit with relevant information on issues relating to negative and, on request, positive assessment results.

Or. en

Amendment 273

**Proposal for a regulation
Article 54**

Text proposed by the Commission

Amendment

Implementing measures

deleted

In order to lay down uniform conditions for the implementation of this Regulation the Commission shall, in accordance with the procedure referred to in Article 55, adopt implementing acts laying down the following implementing measures:

- 1. the details of the arrangements with regard to type-approval procedures in accordance with Article 10 (6) of this Regulation;***
- 2. templates for the information folder and the information document in accordance with Article 12 (1) of this Regulation;***
- 3. a numbering system of EU type-approval certificates in accordance with Article 15 of this Regulation;***
- 4. a template for a type-approval certificate in accordance with Article 15(5) of this Regulation;***
- 5. a template for the list of system, component or separate technical unit EU type-approvals in accordance with Article 16 (5) of this Regulation;***
- 6. a template of the list of applicable requirements or regulatory acts in accordance with Article 16(6) of this Regulation;***
- 7. the details of the arrangements with regard to conformity of production in accordance with Article 19 of this Regulation;***
- 8. the template of a certificate of conformity in accordance with Article 24 of this Regulation;***
- 9. the model of the EU type-approval mark in accordance with Article 25 of this Regulation;***

Or. en

Justification

This Article is not necessary as the subjects for which the Commission is empowered to adopt implementing acts are provided for in the previous articles of this Regulation.

Amendment 274

Proposal for a regulation Article 55 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by a committee referred to as the ‘Technical Committee – Agricultural Vehicles’ (TC-AV).

Amendment

1. The Commission shall be assisted by a committee referred to as the "Technical Committee – Agricultural Vehicles" (TC-AV). ***That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by member states of the commission's exercise of implementing powers.***

Or. en

Amendment 275

Proposal for a regulation Article 55 – paragraph 2

Text proposed by the Commission

2. Where reference is made to this paragraph, Article 5 ***and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.***

Amendment

2. Where reference is made to this paragraph, Article 5 of ***Regulation (EU) No 182/2011 shall apply.***

Or. en

Amendment 276

**Proposal for a regulation
Article 55 – paragraph 3**

Text proposed by the Commission

Amendment

3. The Committee shall adopt its rules of procedure.

deleted

Or. en

Amendment 277

**Proposal for a regulation
Article 56 – paragraph 1**

Text proposed by the Commission

Amendment

1. The Commission may adopt, by means of delegated acts in accordance with **Articles 57, 58 and 59** amendments to the Annexes of this Regulation.

1. The Commission may adopt, by means of delegated acts in accordance with **Article 57**, amendments to the Annexes of this Regulation ***in order to adapt them to the development of scientific and technical knowledge.***

Or. en

Amendment 278

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

Text proposed by the Commission

Amendment

2. When, in application of Decision 97/836/EC, new UNECE Regulations or amendments to existing UNECE Regulations to which the Union has acceded are adopted, the Commission shall, by means of delegated act in accordance with Articles 57, 58 and 59, amend Annex I to this Regulation accordingly.

deleted

Justification

This paragraph is superfluous as the possibility to amend Annex I in order to add a UNECE regulation is already provided for in Article 42.

Amendment 279

**Proposal for a regulation
Article 57 – paragraph 1**

Text proposed by the Commission

1. The **powers** to adopt **the** delegated acts referred to in Articles 7 (4), 8 (4), 9 (5), 18 (7), 38 (1), (2) and (3), 47 (10), 51 (8) and 56 shall be conferred on the Commission for an indeterminate period of time.

Amendment

1. The **power** to adopt delegated acts **is** conferred on the Commission **subject to the conditions laid down in this Article.**

Amendment 280

**Proposal for a regulation
Article 57 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. The delegation of power referred to in Articles 7(4), 8(4), 9(5), 10(6), 12(1), 18(6), 38(1) and (5), 42(2), 43(3), 47(12), 51b and 56 shall be conferred on the Commission for a period of five years from ...* The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

** OJ: please insert the date of entry into force of this Regulation.*

Or. en

Amendment 281

Proposal for a regulation Article 57 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The delegation of power referred to in Articles 7(4), 8(4), 9(5), 10(6), 12(1), 18(6), 38(1) and (5), 42(2), 43(3), 47(12), 51b and 56 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 282

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

Text proposed by the Commission

Amendment

2a. A delegated act adopted pursuant to Article 7(4), 8(4), 9(5), 10(6), 12(1), 18(6), 38(1) and (5), 42(2), 43(3), 47(12), 51b and 56 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 the Council.

Or. en

Amendment 283

Proposal for a regulation Article 57 – paragraph 3

Text proposed by the Commission

Amendment

3. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Article 58 and 59.

deleted

Or. en

Amendment 284

Proposal for a regulation Article 58

Text proposed by the Commission

Amendment

Revocation of the delegation

deleted

1. The delegation of power referred to in Articles 7 (4), 8 (4), 9 (5), 18 (7), 38 (1), (2) and (3), 47 (10), 51 (8) and 56 may be revoked at any time by the European Parliament or by the Council.

2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a

reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

3. The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

Or. en

Amendment 285

Proposal for a regulation Article 59

Text proposed by the Commission

Amendment

Objections to delegated acts

deleted

1. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.

2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, or if, before that date, the European Parliament and the Council have both informed the Commission that they have decided not to raise objections, the delegated act shall enter into force at the date stated in its provisions.

3. If the European Parliament or the Council objects to the adopted delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Amendment 286

Proposal for a regulation Article 60 – paragraph 1

Text proposed by the Commission

1. This Regulation shall not invalidate any **EC** type-approval granted to vehicles or to systems, components or separate technical units before the date ***laid down*** in Article 64 (2).

Amendment

1. This Regulation shall not invalidate any **EU** type-approval granted to vehicles or to systems, components or separate technical units before the date ***specified*** in Article 64 (2).

Or. en

Amendment 287

Proposal for a regulation Article 60 – paragraph 2

Text proposed by the Commission

2. Approval authorities shall continue to grant extension of approvals to ***those*** vehicles, systems, components or separate technical units ***under the terms of*** Directive 2003/37/EC and any of the directives listed in Article 56 (2).

Amendment

2. Approval authorities shall continue to grant extension of approvals to ***the*** vehicles, systems, components or separate technical units ***referred to in paragraph 1 in accordance with*** Directive 2003/37/EC and any of the directives listed in Article 62(1).

Or. en

Amendment 288

Proposal for a regulation Article 61 – paragraph 1

Text proposed by the Commission

1. No later than ***1 January 2018***, Member States shall inform the Commission of the

Amendment

1. No later than ***[four years after the date specified in Article 64(2)]***, Member States

application of the type-approval procedures laid down in this Regulation and, in particular, of the application of the multi-stage process.

shall inform the Commission of the application of the type-approval procedures laid down in this Regulation and, in particular, of the application of the multi-stage process.

Or. en

Amendment 289

Proposal for a regulation Article 61 – paragraph 2

Text proposed by the Commission

2. On the basis of the information supplied under paragraph 1, the Commission shall report to the European Parliament and the Council on the application of this Regulation no later than **1 January 2019**.

Amendment

2. On the basis of the information supplied under paragraph 1, the Commission shall report to the European Parliament and the Council on the application of this Regulation no later than ***[five years after the date specified in Article 64(2)]***.

Or. en

Amendment 290

Proposal for a regulation Article 61 a (new)

Text proposed by the Commission

Amendment

Article 61a

Non-road mobile machinery

By [3 January 2013], the Commission shall assess the need for harmonisation of technical requirements and conformity assessment procedures applicable to non-road mobile machinery with a view to achieving a high level of road safety. It shall report its conclusions to the European Parliament and to the Council and shall submit, if appropriate, legislative proposals to achieve such

harmonisation.

Or. en

Justification

See explanatory statement (mobile machinery - category U) and corresponding Recital 6.

Amendment 291

**Proposal for a regulation
Article 62 – paragraph 1**

Text proposed by the Commission

1. Directive 2003/37/EC as well as Directives 74/347/EEC, 76/432/EEC, 76/763/EEC, 77/537/EEC, 78/764/EEC, 80/720/EEC, 86/297/EEC, 86/298/EEC, 86/415/EEC, 87/402/EEC, 2000/25/EC, 2009/57/EC, 2009/58/EC, 2009/59/EC, 2009/60/EC, 2009/61/EC, 2009/63/EC, 2009/64/EC, 2009/66/EC, 2009/68/EC; 2009/75/EC, 2009/76/EC, 2009/144/EC are repealed with effect from **1 January 2014**.

Amendment

1. Directive 2003/37/EC as well as Directives 74/347/EEC, 76/432/EEC, 76/763/EEC, 77/537/EEC, 78/764/EEC, 80/720/EEC, 86/297/EEC, 86/298/EEC, 86/415/EEC, 87/402/EEC, 2000/25/EC, 2009/57/EC, 2009/58/EC, 2009/59/EC, 2009/60/EC, 2009/61/EC, 2009/63/EC, 2009/64/EC, 2009/66/EC, 2009/68/EC; 2009/75/EC, 2009/76/EC, 2009/144/EC are repealed with effect from ***the date specified in Article 64(2)***.

Or. en

Amendment 292

**Proposal for a regulation
Article 63 – paragraph 1 - entry 1**

Text proposed by the Commission

“– agricultural and forestry tractors, with the exclusion of machinery mounted on those vehicles,”

Amendment

“– agricultural and forestry tractors, ***for the risks and requirements covered by Regulation (EU) No .../2011 of the European Parliament and of the Council on the approval and market surveillance of agricultural and forestry vehicles, and the delegated and implementing acts adopted under this Regulation***, with the exclusion of machinery mounted on those

vehicles,”

Or. en

Amendment 293

**Proposal for a regulation
Article 64 – paragraph 2 – subparagraph 1**

Text proposed by the Commission

It shall apply from *1 January 2014*.

Amendment

It shall apply from *[three years after the date of entry into force]*.

Or. en

EXPLANATORY STATEMENT

I. Commission proposal

The objective of this proposal is to lay down harmonised rules on the manufacture of agricultural and forestry vehicles (tractors, trailers and towed equipment) with a view to ensuring the functioning of the internal market while at the same time providing for a high level of road and occupational safety and environmental protection. The proposed Regulation significantly simplifies the existing type-approval legislation by replacing 24 base Directives (and around 35 related amending Directives). The new Regulation and its implementing and delegated acts are meant to carry over the requirements laid down in the existing legislation without reducing the current level of protection.

II. Rapporteur's overall position

Your Rapporteur welcomes the Commission's proposal as it contributes to the competitiveness of the industry by simplifying the existing type-approval legislation. In order to ensure a high level of road safety, occupational safety and environmental protection and complete the internal market for agricultural and forestry vehicles, your Rapporteur believes that it is appropriate to introduce a Union approval procedure for all categories of vehicles, while at the same time taking due account of cost-benefit considerations, with special attention given to small and medium-sized enterprises.

In developing this report, your Rapporteur has consulted with all relevant stakeholders (vehicle manufacturers, suppliers, aftermarket distributors and repairers, users and trade unions). Your Rapporteur has also taken into account the discussions held during the Hearing organised by the Committee on the Internal Market and Consumer Protection on 12 April 2011.

(a) Safety requirements and relationship with the Machinery Directive¹

The Commission proposes to exclude agricultural and forestry tractors from the scope of the Machinery Directive with the view to reducing the number of legal acts applicable to tractors in the interest of better regulation and simplification.

Your Rapporteur wishes to highlight that agricultural and forestry tractors could be excluded from the scope of the Machinery Directive provided that the new Regulation and its delegated acts fully carry over the existing requirements laid down in the Machinery Directive that are currently applicable to tractors so as to avoid any legal gaps and to ensure that the current level of safety is maintained.

Your Rapporteur is aware that the Commission is currently carrying out an assessment of all

¹ Directive 2006/42/EC of the European Parliament and of the Council on machinery, and amending Directive 95/16/EC (recast)

risks currently covered by the Machinery Directive to ensure that they will continue being covered in the context of this Regulation.

Your Rapporteur stresses the importance of this exercise but wishes to emphasise that it should have been preferably completed during the pre-legislative phase in order to ensure that Articles 7 and 8 of the Commission proposal cover entirely the respective requirements in the Machinery Directive.

In this regard, your Rapporteur wishes to reiterate that the delegated acts which will be adopted under this Regulation may only include technical specifications implementing the fundamental provisions of this Regulation; they cannot lay down new requirements. Therefore, the co-legislators have to be vigilant when drafting the requirements of this Regulation to ensure that they adequately cover all risks.

To that end, your Rapporteur has introduced a number of requirements in Articles 7 (functional safety) and 8 (occupational safety), on the basis of the health and safety requirements set out in the Machinery Directive, which do not appear to be covered in the Commission proposal.

The Council and the Commission are invited to look also very closely at those provisions in order to ensure that all necessary requirements have been included in Articles 7 and 8, as well as in Annex I of the Regulation, so that they can continue to be applicable to all relevant categories of tractors.

(b) Alignment with the New Legislative Framework and other Union legislation on type-approval

Your Rapporteur has introduced a significant number of amendments aimed at aligning the provisions of this Regulation with Decision No 768/2008/EC of the European Parliament and of the Council on a common framework for the marketing of products, in order to enhance the implementation and enforcement of the new Regulation. These provisions specify the responsibilities of the economic operators in the supply chain and of the respective surveillance authorities, in particular with regard to post market surveillance and control of products entering the Union market.

Also, the requirements for bodies or organisations to which Member States may delegate some assessment tasks are enhanced with a view to ensuring a level playing field and avoiding distortion of competition that may arise from different levels of stringency and performance applied by these third party organisations when testing, inspecting and assessing vehicles, systems, components or separate technical units.

This broad alignment exercise, which also takes into account the parallel work carried out in the Council's Working Party on Technical Harmonisation, as well as the provisions contained in the proposal for a Regulation on the approval and market surveillance of the L-category vehicles², explains the large number of amendments comprised in the draft report.

² Proposal for a European Parliament and Council Regulation on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (COM(2010)0542 – 2010/0271(COD))

(c) Access to vehicle repair and maintenance information (RMI)

Your Rapporteur is aware of the growing complexity of vehicles which is largely owed to the increasing number of electronic components that cannot be subject to “traditional” mechanical repair, but can only be repaired on the basis of specific information regarding the electronic features of the vehicles. Unrestricted and non-discriminatory access to such information is therefore crucial for the correct repair and maintenance of vehicles.

Tractor manufacturers currently seem to apply a system which is largely based on exclusive agreements between manufacturers and authorised repairers and dealers. While it may be that such exclusive agreements do not infringe upon competition law, the question to be answered is whether exempting access to RMI from type-approval legislation would not in the long run perpetuate this structure, thus foreclosing the market for any independent repairer. Moreover, it cannot be excluded that notwithstanding these exclusivity agreements, independent repairers in the sometimes remote agricultural regions of the EU have to repair tractors in case of urgency or of minor problems.

The fact that access to RMI is an issue of high economic relevance, given the important share of profits stemming from the after-sales market, leads to very controversial discussions while the legislator is trying to pursue an approach carefully balancing the interest of both sides (manufacturers and independent operators) who do not have comparable means in their interest representation.

Your Rapporteur believes that it is necessary to strike the right balance on this issue ensuring that access to technical information is provided in a comprehensive manner taking into account consumer protection, fair competition as well as safety, environmental and intellectual property concerns.

(d) Mobile machinery (category U)

The Commission included in its proposal a new vehicle category which covers non-road mobile machinery (category U), enabling the manufacturer to choose whether to apply for approval under this Regulation or to comply with the relevant national requirements. The Commission proposal recognises a gap in the functioning of the internal market but it is incomplete in defining requirements for the new category it has created.

The non-road mobile machinery industry offers many diverse products which are used in different sectors (agriculture, construction, material handling). Non-road mobile machinery is already subject to Union legislation (Directives 2006/42/EC (Machinery), 97/68/EC (Emission of pollutants), 2004/108/EC (EMC), 2000/14/EC (Noise emission in the environment) which does not apply to tractors and is inconsistent with the structure of the proposed regulation.

The existing Directives applicable to non-road mobile machinery do not, however, provide for harmonised requirements for road safety. Your Rapporteur considers that, in order to

complete the internal market and ensure a high level of road safety, it is necessary to develop an appropriate instrument at Union level in order to harmonise requirements applicable to mobile machinery.

To that end, your Rapporteur is proposing to exclude mobile machinery (category U) from the scope of this Regulation. He calls, however, on the Commission to assess the need for harmonisation of technical requirements and conformity assessment procedures applicable to such machinery, and make, as soon as possible, legislative proposals.

(e) Utility All-Terrain Vehicles (ATVs) and Side-by-Side Vehicles (SbS)

Your Rapporteur is aware that ATVs have proven their value in agricultural and forestry applications, and that part of the industry producing such vehicles has requested their inclusion in the scope of this Regulation. The Rapporteur considers that those vehicles, which are often used on-road for transportation or recreational purposes, have different technical characteristics from tractors and should therefore be approved under the L-Regulation³ so as to ensure legislative consistency.

Different requirements could be possibly introduced for those ATVs specifically designed for utility purposes, which should however afford a high level of safety and environmental performance. Your Rapporteur follows closely the parallel discussion on the inclusion of those vehicles in the L-Regulation and looks forward to an adequate solution which would address the specificities of these vehicles. The Rapporteur also expects the results of the study commissioned by the Commission on SbS vehicles to assess under which category these vehicles should be approved.

(f) Technical amendments

Your Rapporteur has also introduced a significant number of amendments aimed to clarify certain technical aspects and ensure greater coherence of the text.

III. Conclusion

The purpose of this draft report is to cover the key issues that require close consideration in this proposal so as to facilitate the discussions in the Committee. While your Rapporteur reserves the right to table more amendments after having further examined the Commission's proposal and conducted further consultations, his intention at this stage is to generate a fruitful discussion in the Committee and looks forward to further suggestions.

³ See footnote 2