



**2016/0014(COD)**

5.12.2016

## **OPINION**

of the Committee on the Environment, Public Health and Food Safety

for the Committee on the Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council  
on the approval and market surveillance of motor vehicles and their trailers,  
and of systems, components and separate technical units intended for such  
vehicles

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

Rapporteur: Christofer Fjellner

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## SHORT JUSTIFICATION

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

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

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

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

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

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

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

To truly ensure the credibility of type-approvals they shall be audited by a type-approval

authority other than the issuing one every five years. This will contribute to eliminating differences in interpretation between type-approval authorities and ensure a uniform application of the legislation.

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

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

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

## AMENDMENTS

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

### Amendment 1

#### Proposal for a regulation

#### Recital 7 a (new)

*Text proposed by the Commission*

*Amendment*

***(7a) This Regulation should ensure that the national type-approval authorities interpret, apply and enforce its requirements across the Union. The Commission should be empowered to oversee the work of the national authorities by means of regular audits, re-***

*tests of random samples of the type-approvals issued and general monitoring of the harmonised application of this Regulation.*

## Amendment 2

### Proposal for a regulation Recital 7 b (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 3

### Proposal for a regulation Recital 9

*Text proposed by the Commission*

*Amendment*

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

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

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

**assessing** technical services in the Member States have a tendency to progressively differ due to the increased complexity of their work. Therefore, it is necessary to provide for procedural obligations that ensure an information exchange and monitoring of Member States' practices for the assessment, designation, notification and monitoring of their technical services. Those procedural obligations should remove any existing discrepancies in the methods used and in the interpretation of the criteria for the designation of technical services. ***In order to ensure adequate oversight and a level playing-field across the Union, the assessment of an applicant technical service should include an on-site assessment and observation at first hand of the actual type-approval tests carried out.***

#### Amendment 4

#### Proposal for a regulation Recital 9 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 5

### Proposal for a regulation Recital 12

#### *Text proposed by the Commission*

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

#### *Amendment*

(12) In order to increase transparency and mutual trust and to further align and develop the criteria for the assessment, designation, and notification of technical services, as well as extension and renewal procedures, Member States should cooperate with each other and with the Commission. They should consult each other and the Commission on questions with general relevance for the implementation of this Regulation and inform each other and the Commission on their model assessment checklist. ***This Regulation establishes an Online Type-Approval Database, which, together with the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council<sup>1a</sup>, could provide a useful electronic means to facilitate and enhance administrative cooperation in the management of the exchange of information, on the basis of simple and unified procedures which circumvent language barriers.***

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

## Amendment 6

### Proposal for a regulation Recital 15

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 7**

**Proposal for a regulation  
Recital 18**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 8**

**Proposal for a regulation  
Recital 20 a (new)**



*Text proposed by the Commission*

*Amendment*

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

## **Amendment 9**

### **Proposal for a regulation Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***(21a) In order to ensure independent testing for in-service compliance throughout the complete life-cycle of all applicable vehicles, robust and mandatory emission testing methods should be developed in order to provide roadworthiness test requirements that are based on the combination of direct tailpipe testing and of OBD testing, including the establishment of test methods for measuring NOx during the periodic emission testing carried out pursuant to Directive 2014/45/EU and particulate levels and their limit values. In particular, new remote sensing technologies can be used to identify grossly polluting vehicles on the road and to focus in-service compliance testing for the regulated emission limits (PN, NOx, CO and HC) on those vehicles as the most cost-effective way of carrying out periodic technical inspections in the future.***

## **Amendment 10**

### **Proposal for a regulation Recital 22**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 11**

**Proposal for a regulation**

**Recital 24**

*Text proposed by the Commission*

(24) Those more specific obligations for national authorities provided in this Regulation should include ex-post compliance verification testing and inspections of a sufficient number of vehicles placed on the market. The selection of the vehicles to be subject to this ex-post compliance verification should be based on an appropriate risk assessment which takes account of the seriousness of the possible non-compliance and the likelihood of its occurrence.

*Amendment*

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

## Amendment 12

### Proposal for a regulation

#### Recital 27

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

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

##### *Amendment*

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

## Amendment 13

### Proposal for a regulation

#### Recital 29

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

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

##### *Amendment*

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

the continued conformity of the products concerned.

independent periodic audits. In addition, approval authorities should ensure verification of the continued conformity of the products concerned.

## Amendment 14

### Proposal for a regulation Recital 31

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 15

### Proposal for a regulation Recital 37

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 16

### Proposal for a regulation Recital 40

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 17**

**Proposal for a regulation  
Article 1 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

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

**Amendment 18**

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

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 19**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 20**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(8a) 'defeat device' means any element of design which senses temperature, vehicle speed, engine speed (RPM), transmission gear, manifold vacuum or any other parameter for the purpose of activating, modulating, delaying or deactivating the operation of any part of the emission control system that reduces the effectiveness of the emission control system under all ambient or engine operating conditions regularly pertaining in the territory of the Union and encountered either during normal vehicle operation or outside the type-approval test procedures;***

**Amendment 21**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 22**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 23**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 43**

*Text proposed by the Commission*

*Amendment*

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

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

### *Justification*

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

## Amendment 24

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 25

### Proposal for a regulation

#### Article 5 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The Commission ***shall be*** empowered to adopt delegated acts in accordance with Article 88 ***to amend*** Annex IV to take account of technological and regulatory developments by introducing and updating references to regulatory acts containing the requirements with which vehicles, systems, components and separate technical units have to comply.

2. The Commission ***is*** empowered to adopt delegated acts in accordance with Article 88 ***amending*** Annex IV to take account of technological and regulatory developments by introducing and updating references to regulatory acts containing the requirements with which vehicles, systems, components and separate technical units have to comply.

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



*applicable.*

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

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

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

## **Amendment 26**

### **Proposal for a regulation Article 6 – paragraph 4**

#### *Text proposed by the Commission*

4. Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the market, in accordance with Chapter III of

#### *Amendment*

4. Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the market, in accordance with Chapter III of

## Amendment 27

### Proposal for a regulation Article 6 – paragraph 5

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 28

### Proposal for a regulation Article 6 – paragraph 6

#### *Text proposed by the Commission*

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

#### *Amendment*

6. The Member States shall periodically review and assess the functioning of their type-approval activities ***and the quality of the type-approvals issued***. Such reviews and assessments shall be carried out at least every ***three*** years and the results thereof shall be communicated to the other Member States, ***to the Commission, to the Forum for Enforcement and Exchange of Information established by Article 10, and, in accordance with Article 12 of Directive (EU) 2016/XXX on the reduction of national emissions of certain atmospheric pollutants and amending***

*Directive 2003/35/EC, to the European Clean Air Forum and to third parties upon request.* The Member State concerned shall make a **full report** of the results accessible to the **general** public, in particular **as regards** the number of type-**approvals** granted and **rejected and** the identity of the corresponding manufacturers **and vehicle types**.

## Amendment 29

### Proposal for a regulation Article 6 – paragraph 7

*Text proposed by the Commission*

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

*Amendment*

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every **three** years and the results thereof shall be communicated to the other Member States and the Commission **and to third parties upon request**. The Member State concerned shall make a summary of the results accessible to the public; **these shall indicate, in particular, the vehicles, systems, components or separate technical units that are not in compliance with this Regulation, and the correctness of the type-approvals and the identity of the corresponding approval authorities, manufacturers and vehicle types**.

## Amendment 30

### Proposal for a regulation Article 7 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**Approval authorities shall ensure that the vehicle provided by the manufacturer for the purpose of type-approval testing is fully representative of the vehicle to be**

*produced and placed on the market and that the testing of the vehicle provided does not lead to test results that are systematically divergent from the performance of those vehicles operated under conditions that may reasonably be expected to be encountered in normal operation and use.*

## Amendment 31

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 32

### Proposal for a regulation Article 7 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 33

### Proposal for a regulation

#### Article 7 – paragraph 3 – subparagraph 2

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

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

##### *Amendment*

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

## Amendment 34

### Proposal for a regulation

#### Article 7 – paragraph 5

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

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

##### *Amendment*

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

## Amendment 35

### Proposal for a regulation

#### Article 8 – paragraph 1

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

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on an adequate scale, by means of documentary checks and real-

##### *Amendment*

1. Market surveillance authorities shall perform regular checks to verify compliance of vehicles, systems, components and separate technical units with the requirements set out in this Regulation as well as with the correctness of the type approvals. Those checks shall be performed on an adequate scale, by means of documentary checks and real-

drive and laboratory tests on the basis of statistically relevant samples. When doing so, market surveillance authorities shall take account of established principles of risk assessment, complaints and other information.

drive and laboratory tests on the basis of statistically relevant samples ***that are representative of the number of vehicles in the Member State concerned.*** When doing so, market surveillance authorities shall take account of established ***scientific principles and protocols*** of risk assessment, ***including*** complaints, ***the popularity of vehicle models and their parts, third-party testing results, very high or very low fuel consumption models, first application of a new engine or technology, reports from periodic technical inspections, sampling programmes using remote sensing*** and other information. ***Market surveillance authorities shall follow up on substantiated complaints.***

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

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

## Amendment 36

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

*Text proposed by the Commission*

2. Market surveillance authorities shall require economic operators to make the documentation and information

*Amendment*

2. Market surveillance authorities shall require economic operators to make the documentation and information,

available as they consider necessary for the purpose of carrying out their activities.

***including technical specifications***  
available as they consider necessary for the purpose of carrying out their activities.  
***This shall include access to relevant software, algorithms, engine control units and any other technical specifications that may be necessary.***

## Amendment 37

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 38

### Proposal for a regulation Article 8 – paragraph 5

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 39

### Proposal for a regulation Article 8 – paragraph 6

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 40**

**Proposal for a regulation  
Article 8 – paragraph 7**

*Text proposed by the Commission*

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

*Amendment*

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every **three** years and the results thereof shall be communicated to the other Member States, ***to the Commission, to the Forum for Enforcement and Exchange of Information established by Article 10 and to third parties upon request***. The Member State concerned shall make a summary of the results accessible to the public, ***indicating in particular the number and the model name of those vehicles, systems, components or separate technical units that are not in conformity with this Regulation, together with the identity of the corresponding manufacturers***.  
***The market surveillance authorities shall make publicly available, at least every two years, a summary report of the scope, scale and results of their market surveillance activities.***



## Amendment 41

### Proposal for a regulation

#### Article 8 – paragraph 9

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 42

### Proposal for a regulation

#### Article 8 – paragraph 10

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 43

### Proposal for a regulation

#### Article 9 – title

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 44

### Proposal for a regulation

#### Article 9 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 45

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

***In the case of category M and N vehicles, the Agency shall perform random market surveillance tests on at least 20 % of the new models placed on the Union market each year to verify whether the vehicles on the road comply with Union safety and environmental legislation. When choosing which vehicles to test, the Agency shall take account of established principles of risk assessment, complaints, including third-party testing, new technologies on the market, reports from periodic technical inspections and other information. The Agency shall follow up on substantiated complaints.***

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

*type-approval.*

#### Amendment 46

##### Proposal for a regulation

##### Article 9 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

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

- new vehicles, ***systems, components and separate technical units*** supplied by manufacturers or ***by*** the economic operator as provided in paragraph 2 below;
  - ***registered vehicles in agreement with the vehicle registration holder.***
- The owner of the vehicle shall be compensated for costs connected with the tests.***

#### Amendment 47

##### Proposal for a regulation

##### Article 9 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

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

*Amendment*

***deleted***

#### Amendment 48

##### Proposal for a regulation

##### Article 9 – paragraph 2

*Text proposed by the Commission*

2. Manufacturers holding type-approvals or the economic operators shall, upon request, supply to the ***Commission*** a

*Amendment*

2. Manufacturers holding type-approvals or the economic operators shall, upon request, supply to the ***Agency*** a

statistically relevant number of production vehicles, systems, components and separate technical units selected by the **Commission** that are representative **for** the vehicles, systems, components and separate technical units available for placing on the market under **that** type-approval. Those vehicles, systems, components and separate technical units shall be supplied for testing at **the** time and place and for **the** period the **Commission** may require.

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

## Amendment 49

### Proposal for a regulation

#### Article 9 – paragraph 3 – subparagraph 1

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

For the purpose of enabling the **Commission** to carry out the testing referred to in paragraphs 1 and 2, Member States shall make available to the **Commission** all data related to the type-approval of the vehicle, systems, components and separate technical units subject to compliance verification testing. Those data shall include at least the information included in the type-approval certificate and its attachments referred to Article 26(1).

##### *Amendment*

For the purpose of enabling the **Agency** to carry out the testing referred to in paragraphs 1, **1a** and 2, Member States shall make available to the **Agency** all data related to the type-approval of the vehicle, systems, components and separate technical units subject to compliance verification testing. Those data shall include at least the information included in the type-approval certificate and its attachments **as** referred to **in** Article 26(1).

## Amendment 50

### Proposal for a regulation

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

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

##### *Amendment*

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

*and inspections.*

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

## Amendment 51

### Proposal for a regulation Article 9 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

4. Vehicle manufacturers shall make public data which are needed for the purpose of compliance verification testing by third parties. ***Those data shall comprise, in particular, parameters and settings that are necessary in order to accurately replicate test conditions that were applied at the time of the type-approval testing.*** The Commission shall adopt implementing acts in order to define the data to be made public and the conditions for such publication, subject to the protection of commercial secrets and the preservation of personal data pursuant to Union and national legislation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

## Amendment 52

### Proposal for a regulation Article 9 – paragraph 5 – subparagraph 1

*Text proposed by the Commission*

Where the Commission establishes that the vehicles tested or inspected do not comply with the type-approval requirements laid down in this Regulation or any of the regulatory acts listed in Annex IV or that

*Amendment*

Where the Commission establishes that the vehicles, ***components and separate technical units*** tested or inspected do not comply with the type-approval requirements laid down in this Regulation

the type approval has been granted on the basis of incorrect data, it shall require in accordance with Article 54(8) ***without delay the economic operator concerned*** to take all appropriate corrective measures to bring the vehicles ***in*** compliance with those requirements, or ***it*** shall take restrictive measures, either by requiring the economic operator to withdraw the vehicles concerned from the market, or to recall them within a reasonable period of time, depending on the seriousness of the established non-compliance.

or any of the regulatory acts listed in Annex IV, or that the type-approval has been granted on the basis of incorrect data, it shall ***without delay*** require ***the economic operator concerned***, in accordance with Article 54(8), to take all appropriate corrective measures to bring the vehicles, ***components and separate technical units into*** compliance with those requirements, or shall take restrictive measures, either by requiring the economic operator to withdraw the vehicles, ***components and separate technical units*** concerned from the market, or to recall them within a reasonable period of time, depending on the seriousness of the established non-compliance.

## Amendment 53

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

***Any corrective action taken by the Commission pursuant to its verification testing shall apply Union-wide and shall be implemented by the national authorities in a harmonised and consistent manner. Such Union-wide corrective action may include the payment of uniform compensation to consumers if the original vehicles' performance was altered following the corrective action taken, and financial compensation for any external negative impacts (in terms of air quality, public health, etc.).***

## Amendment 54

### Proposal for a regulation

#### Article 9 – paragraph 5 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

The ***Commission*** shall publish ***a report of***

The ***Agency*** shall publish ***annual reports***

its findings following any compliance verification testing it has carried out.

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

## **Amendment 55**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 56**

### **Proposal for a regulation**

#### **Article 9 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

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

*concerned, require implementation of the recommendation or the adoption of alternative measures.*

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

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

#### **Amendment 57**

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 58**

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



*Text proposed by the Commission*

*Amendment*

Forum for Exchange of Information ***on Enforcement***

Forum for ***Enforcement and*** Exchange of Information

**Amendment 59**

**Proposal for a regulation**

**Article 10 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 60**

**Proposal for a regulation**

**Article 10 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

***The*** Forum shall be composed of members appointed by the Member States ***and representatives of the Commission. It shall include, as observers, representatives of technical services, third-party testing organisations, safety and environment NGOs and consumer groups.***

**Amendment 61**

**Proposal for a regulation**

**Article 10 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Its ***advisory*** tasks shall comprise ***inter alia*** the promotion of good practices, ***the exchange of information on enforcement problems, cooperation, development of working methods and tools, development***

Its tasks shall comprise:

*of an electronic information exchange procedure, evaluation of harmonised enforcement projects, penalties and joint inspections.*

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

*(b) assisting the competent authorities of the Member States in market surveillance activities, including coordination of national market surveillance activities, on either a regional or a pan-European basis;*

*(c) carrying out joint audits of the national type-approval authorities every three years to verify their compliance with the requirements of this Regulation and to check that they are carrying out their duties in an independent and rigorous manner. Those audits shall include a verification of the national type-approval procedures put in place, a random sample check of the type-approvals issued and an on-site visit to a technical service under the responsibility of the reviewed authority. The Agency may participate in those audits and may base its decision whether or not to participate on the basis of a risk-assessment analysis;*

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

*(e) assessing the results of assessments, both under Article 80(3a) and following a joint assessment under Article 80(4), of the functioning of technical services and making general*

*recommendations on the basis one or more such assessments;*

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

## **Amendment 62**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 63**

### **Proposal for a regulation**

#### **Article 10 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

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

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

*They shall include the following, as appropriate:*

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

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

*Auditors, and contracted third parties, shall carry out their duties independently and impartially. They shall observe confidentiality where necessary in order to protect commercial secrets, subject to the obligation to provide information laid down in Article 9(3), to the fullest extent necessary in order to protect the interests of users and citizens in the Union.*

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

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

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

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

#### **Amendment 64**

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

*Text proposed by the Commission*

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

*Amendment*

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

#### **Amendment 65**

##### **Proposal for a regulation Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

##### ***Article 10a***

##### ***Online type-approval database***

***1. The Commission shall establish and maintain an online type-approval database, consisting of two different interfaces: the public interface and the compliance interface.***

***2. The public interface shall contain the information set out in in Annex IX to this Regulation, the test results, testing specifications and the identity of the technical services and type-approval authorities involved in the different stages***

*of the type-approval, respecting the following requirements:*

- (a) the information must be provided free of charge;*
- (b) the information must be provided in a user-friendly manner;*
- (c) the information must be fully searchable and in a digital format.*

*3. The compliance interface shall be accessible for Member States, type-approval authorities, market surveillance authorities and the Commission and shall contain the information set out in paragraph 2 and the information set out in Annexes I and III to this Regulation, respecting the following requirements:*

- (a) strict security arrangements must be ensured for the safeguarding of confidential information;*
- (b) access rights must be based on the need-to-know principle;*
- (c) a link must be provided to the Information and Communication System on Market Surveillance (ICSMS) set up pursuant to Article 23 of Regulation (EC) No 765/2008.*

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

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

*information shall be prohibited.*

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

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

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

## **Amendment 66**

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 67

### Proposal for a regulation

#### Article 12 – paragraph 1 – subparagraph 2

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

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

##### *Amendment*

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

## Amendment 68

### Proposal for a regulation

#### Article 12 – paragraph 4 – subparagraph 1

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

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

##### *Amendment*

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

## Amendment 69

### Proposal for a regulation

#### Article 13 – paragraph 1 – point b

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

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

##### *Amendment*

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



## Amendment 70

### Proposal for a regulation

#### Article 13 – paragraph 1 – point c

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 71

### Proposal for a regulation

#### Article 14 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 72

### Proposal for a regulation

#### Article 20 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. The EU type-approval for the final stage of completion shall be granted only after the approval authority has verified that the type of vehicle approved at the final stage meets at the time of the approval all applicable technical requirements. Verification shall include a documentary check of all requirements

4. The EU type-approval for the final stage of completion shall be granted only after the approval authority has verified that the type of vehicle approved at the final stage meets, at the time of the approval, all applicable technical requirements. Verification shall include a documentary check of all requirements

covered by an EU type-approval for an incomplete type of vehicle granted in the course of a multi-stage procedure, even where granted for a different category of vehicle.

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

#### **Amendment 73**

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

##### **Article 20 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 74**

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

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 75**

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

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 76

### Proposal for a regulation Article 22 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 77

### Proposal for a regulation Article 23 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Where application is made for whole-vehicle type-approval, the manufacturer shall provide detailed information, including technical explanations, concerning any Auxiliary Engine Strategy used outside the scope of***

*the conditions specified in relevant Union legislative acts and in test procedures.*

## Amendment 78

### Proposal for a regulation

#### Article 23 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 79

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 80

### Proposal for a regulation

#### Article 23 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

The approval authority may, by reasoned

The approval authority **and the responsible**

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

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

## **Amendment 81**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 82**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 83**

### **Proposal for a regulation**

#### **Article 24 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The approval authority shall refuse to grant EU type-approval where it finds that a type of vehicle, system, component or separate technical unit, albeit in

5. The approval authority shall refuse to grant EU type-approval where it finds that a type of vehicle, system, component or separate technical unit, albeit in

compliance with the applicable requirements, presents a **serious** risk to safety or may seriously harm the environment or public health. In that case, it shall immediately send to the approval authorities of the other Member States and to the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

compliance with the applicable requirements, presents a risk to safety or may seriously harm the environment or public health. In that case, it shall immediately send to the approval authorities of the other Member States and to the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

## **Amendment 84**

### **Proposal for a regulation**

#### **Article 24 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

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

**The approval authority shall refuse to grant EU type-approval where it finds that a defeat device has been unlawfully incorporated.**

## **Amendment 85**

### **Proposal for a regulation**

#### **Article 24 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## Amendment 86

### Proposal for a regulation

#### Article 25 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 87

### Proposal for a regulation

#### Article 28 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 88

### Proposal for a regulation

#### Article 28 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

of the required tests.

of the required tests.

## Amendment 89

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 90

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 91

### Proposal for a regulation Article 28 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

***5a. Vehicle manufacturers shall make public the data which are needed for the purpose of compliance verification testing by third parties. The Commission shall adopt implementing acts in order to define the data to be made public and the conditions for such publication, subject to the protection of commercial secrets and***



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

## Amendment 92

### Proposal for a regulation Article 29 – paragraph 4

#### *Text proposed by the Commission*

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

#### *Amendment*

4. In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority that has granted the EU type-approval shall carry out checks or tests required for EU type-approval on samples taken at **random at** the premises of the manufacturer, including production facilities **or dealerships. Those tests shall be carried out by a different technical service from the one that performed the original testing for the purpose of type-approval.**

## Amendment 93

### Proposal for a regulation Article 29 – paragraph 5

#### *Text proposed by the Commission*

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

#### *Amendment*

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

correctly or withdraw the type-approval.

correctly ***and immediately brought back into compliance***, or ***shall*** withdraw the type-approval.

#### Amendment 94

##### Proposal for a regulation Article 30 – paragraph 1

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

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

###### *Amendment*

1. Member States shall establish a national fee structure to cover the costs for their type-approval ***activities*** and market surveillance activities as well as for the type-approval testing and conformity of production testing and inspections carried out by the technical services they have designated. ***Fees shall not be levied directly by the technical services.***

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

#### Amendment 95

##### Proposal for a regulation Article 30 – paragraph 2

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

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

###### *Amendment*

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

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

#### Amendment 96

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

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

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

**Member States shall annually notify the other Member States and the Commission via the Forum of the details of the fees collected and the annual total cost of surveillance testing performed as a result. The first such notification shall be effected on „, [one year after date of entry into force of this Regulation].**

## Amendment 97

### Proposal for a regulation Article 30 – paragraph 3

3. The national **fee structure** shall also cover the costs for the compliance verification inspections and tests carried out by **the Commission** in accordance with Article 9. These contributions shall constitute external assigned revenues for the general budget of the European Union, **according to Art. 21(4) of the Financial Regulation**<sup>26</sup>.

3. The national **fees in respect of market surveillance activities** shall also cover the costs for the compliance verification inspections and tests carried out by **the Agency** in accordance with Article 9. These contributions shall constitute external assigned revenues for the general budget of the European Union, **in accordance with Article 21(4) of the Financial Regulation**<sup>26</sup>.

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<sup>26</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2015 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002

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<sup>26</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2015 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002

## Amendment 98

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 99

### Proposal for a regulation Article 32 – paragraph 1 – subparagraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 100

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

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

## Amendment 101

### Proposal for a regulation Article 33 – title

Text proposed by the Commission

Amendment

Termination of validity

**Periodic verification and** termination of validity

## Amendment 102

### Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

Amendment

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

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

## Amendment 103

### Proposal for a regulation

## Article 33 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 104

### Proposal for a regulation Article 33 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

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

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

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

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

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

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

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

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

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

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

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

***(ea) where verification of the type-approval has not been performed in***

*accordance with Article 33(1).*

## Amendment 105

### Proposal for a regulation Article 33 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. *Where an EU type-approval certificate for a type of vehicle, system, component or separate technical unit is due to become invalid, the manufacturer shall notify without delay the approval authority that granted the EU type-approval thereof.*

*deleted*

## Amendment 106

### Proposal for a regulation Article 33 – paragraph 6 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

*Upon reception of the notification made by the manufacturer*, the approval authority that granted the EU type-approval shall **communicate** without delay to the approval authorities of the other Member States and the Commission all relevant information for the making available on the market, **registering** or **entering** into service of vehicles, where appropriate.

The approval authority that granted the EU type-approval, **or the Agency which verified it**, shall without delay **communicate** to the approval authorities of the other Member States and **to** the Commission all relevant information for the making available on the market, **registration** or **entry** into service of vehicles, where appropriate.

## Amendment 107

### Proposal for a regulation Article 34 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***The certificate of conformity shall contain the specific conformity factor for the vehicle as measured under the real driving emission test in line with***

**Amendment 108**

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

*Text proposed by the Commission*

*Amendment*

**Article 36a**

**Consumer remedies**

*Where a part, technical unit, system or whole vehicle sold in the Union is found not to be in conformity with the certificate of conformity and type-approval requirements, the consumer shall be entitled to have the vehicle put into conformity via replacement or repair, or to a full refund from the manufacturer, or a partial refund where the vehicle has been put back into conformity but where the running costs and maintenance of the vehicle are more costly than originally advertised in the contract.*

*Where the consumer opts for repair or replacement, a courtesy vehicle shall be placed at his disposal by the manufacturer free of charge during repairs or until replacement.*

**Amendment 109**

**Proposal for a regulation  
Article 37 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *Member States shall prioritise and expedite type-approvals for new and innovative technologies which produce significantly lower environmental impacts.*



## Amendment 110

### Proposal for a regulation

#### Article 37 – paragraph 3

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

3. The granting of EU type-approvals exempting new technologies or new concepts shall be subject to authorisation by the Commission. ***That*** authorisation shall be given by means of ***an implementing act. That implementing*** act shall be adopted in accordance with ***the examination procedure referred to in*** Article 87(2).

##### *Amendment*

3. The granting of EU type-approvals exempting new technologies or new concepts shall be subject to authorisation by the Commission. ***The Commission shall prioritise and expedite EU type-approvals for new and innovative technologies which produce significantly lower environmental impacts.*** Authorisation shall be given by means of ***a delegated act. That delegated*** act shall be adopted in accordance with Article ***88***.

## Amendment 111

### Proposal for a regulation

#### Article 43 – paragraph 1

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

1. Member States may decide to exempt a particular vehicle, whether unique or not, from compliance with one or more of the provisions of this Regulation or with the ***substantive*** requirements laid down in the regulatory acts listed in Annex IV, provided that those Member States impose relevant alternative requirements.

##### *Amendment*

1. Member States may decide to exempt a particular vehicle, whether unique or not, from compliance with one or more of the provisions of this Regulation or with the requirements laid down in the regulatory acts listed in Annex IV, provided that those Member States impose relevant alternative requirements.

## Amendment 112

### Proposal for a regulation

#### Article 49 – paragraph 2 – subparagraph 2

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

Where, in the course of that evaluation, the approval authority that granted the approval finds that the vehicle, system, component or separate technical unit does not comply with the requirements laid

##### *Amendment*

Where, in the course of that evaluation, the approval authority that granted the approval finds that the vehicle, system, component or separate technical unit does not comply with the requirements laid

down in this Regulation, it shall **require** without delay the relevant economic operator to take all appropriate corrective measures to bring the vehicle, system, component or separate technical unit into compliance with those requirements, or take restrictive measures, either to withdraw the vehicle, system, component or separate technical unit from the market, or to recall it within **a reasonable period**, depending on the nature of the risk.

down in this Regulation, it shall without delay **require** the relevant economic operator to take all appropriate corrective measures to bring the vehicle, system, component or separate technical unit into compliance with those requirements, or take restrictive measures **requiring the economic operator** either to **immediately** withdraw the vehicle, system, component or separate technical unit from the market, or to recall it within **three months**, depending on the nature of the risk.

## Amendment 113

### Proposal for a regulation

#### Article 52 – paragraph 1 – subparagraph 2

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

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

##### *Amendment*

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

## Amendment 114

### Proposal for a regulation

#### Article 53 – paragraph 1

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

1. Where vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, or are not in conformity with this **regulation** or were approved on the basis of incorrect data, the approval authorities, market surveillance authorities or the **Commission may** take the necessary restrictive measures in accordance with Article 21 of Regulation (EC) No 765/2008, to prohibit or restrict the making available on the market, registration or entry into service on the market of non-compliant vehicles, systems,

##### *Amendment*

1. Where vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, or are not in conformity with this **Regulation** or were approved on the basis of incorrect data, the approval authorities, market surveillance authorities or the **Agency shall** take the necessary restrictive measures in accordance with Article 21 of Regulation (EC) No 765/2008, to prohibit or restrict the making available on the market, registration or entry into service on the market of non-compliant vehicles, systems,

components or separate technical units, or to withdraw them from that market or to recall them, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, until the relevant economic operator has taken all appropriate corrective measures to ensure that vehicles, systems, components or separate technical units are brought into conformity.

components or separate technical units, or to withdraw them from that market or to recall them, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, until the relevant economic operator has taken all appropriate corrective measures to ensure that **the** vehicles, systems, components or separate technical units **concerned** are brought into conformity.

## Amendment 115

### Proposal for a regulation Article 54 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 116

### Proposal for a regulation Article 56 – paragraph 6

#### *Text proposed by the Commission*

6. An approval authority that disagrees with the authorisation issued by another Member State shall bring the reasons for its disagreement to the attention of the Commission. The Commission shall take the appropriate measures in order to resolve the disagreement, which may include, where necessary, requiring the

#### *Amendment*

6. An approval authority that disagrees with the authorisation issued by another Member State shall bring the reasons for its disagreement to the attention of **the Agency and of** the Commission. The Commission shall take the appropriate measures in order to resolve the disagreement, which may include, where

withdrawal of the authorisation, after having consulted the relevant approval authorities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

necessary, requiring the withdrawal of the authorisation, after having consulted the relevant approval authorities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

## Amendment 117

### Proposal for a regulation

#### Article 57 – paragraph 3 – subparagraph 2

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

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

##### *Amendment*

The approval authority shall carry out an evaluation to verify whether the proposed remedies are sufficient and timely enough, and shall **without delay** communicate the remedies that it has approved to the approval authorities of the other Member States, **to the Agency** and to the Commission **and make publically available a full report of the evaluation findings and proposed remedies**.

## Amendment 118

### Proposal for a regulation

#### Article 69 – paragraph 1

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

1. An approval authority may at any time, whether on its own initiative, on the basis of a complaint, or on the basis of an assessment by a technical service, check the compliance of a manufacturer with Articles 65 to 70, and with the terms of the Certificate on Access to Vehicle OBD and Vehicle Repair and Maintenance Information laid down in Appendix 1 of Annex XVIII.

##### *Amendment*

1. An approval authority **or the Agency** may at any time, whether on its own initiative, on the basis of a complaint, or on the basis of an assessment by a technical service, check the compliance of a manufacturer with Articles 65 to 70, and with the terms of the Certificate on Access to Vehicle OBD and Vehicle Repair and Maintenance Information laid down in Appendix 1 of Annex XVIII.

## Amendment 119

### Proposal for a regulation

## Article 71 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Member States may decide that the assessment and monitoring of technical services, and, where appropriate, of subcontractors or subsidiaries of technical services, are to be carried out by a national accreditation body within the meaning of, and in accordance with, Regulation (EC) No 765/2008.***

## Amendment 120

### Proposal for a regulation Article 71 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 121

### Proposal for a regulation Article 71 – paragraph 6

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 122

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

*Text proposed by the Commission*

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

*Amendment*

The type-approval authority shall be ***audited every three years, in accordance with Article 10, by the Forum's standing committee of auditors to ensure that it complies with the requirements of this Regulation and that it carries out its duties in an independent and rigorous manner.***

***The Forum may initiate audits of a type-approval authority more frequently if there is reason to believe that additional reviews of that type-approval authority are necessary.***

**Amendment 123**

**Proposal for a regulation**

**Article 71 – paragraph 8 – subparagraph 2**

*Text proposed by the Commission*

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

*Amendment*

The ***Forum's standing committee of auditors*** shall draw up the annual plan for ***audits***, ensuring an appropriate rotation in respect of type-approval authorities.

**Amendment 124**

**Proposal for a regulation**

**Article 71 – paragraph 8 – subparagraph 3**

*Text proposed by the Commission*

The ***peer-review*** shall include an on site visit to ***a*** technical ***service*** under the responsibility of the reviewed authority. ***The Commission*** may participate in the ***review*** and decide on its participation on the basis of a risk assessment analysis.

*Amendment*

The ***audit*** shall include ***a verification of the type-approval procedures and correct implementation of the requirements of this Regulation, a random sample check of the type-approvals issued and*** an on-site visit to ***one or more*** technical ***services*** under the responsibility of the reviewed authority. ***The Agency*** may participate in

the **audit** and decide on its participation on the basis of a risk-assessment analysis.

## Amendment 125

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

***If the audit demonstrates that the authority has breached any requirements of this Regulation or that the vehicles, systems, components and separate technical units are not in conformity with the type-approvals issued by it, the authority shall immediately take all steps necessary to bring its procedures into compliance. The Member States may decide not to recognise the type-approvals issued in respect of vehicles, systems, components and separate technical units by the authority concerned on their territory until full compliance with the requirements of this Regulation is achieved.***

## Amendment 126

### Proposal for a regulation

#### Article 71 – paragraph 9

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 127

### Proposal for a regulation Article 71 – paragraph 10

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 128

### Proposal for a regulation Article 72 – paragraph 2

*Text proposed by the Commission*

2. *A Member State may designate an approval authority as a technical service for one or more of the categories of activities referred to in paragraph 1. Where an approval authority is designated as a technical service and is financed by a Member State, or is subject to managerial and financial control by that Member State, Articles 72 to 85 and Appendices 1 and 2 to Annex V shall apply.*

*Amendment*

*deleted*

*Justification*

*There is a contradiction with Art 71(4) of the COM proposal that demands that “the type approval authority shall not perform any activities that technical services perform”. Type approval authorities shall not perform as technical services in the type-approval process to protect independence and to avoid conflict of interests as well as possible damage to quality and safety standards.*

## Amendment 129

### Proposal for a regulation Article 72 – paragraph 3



*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 130**

**Proposal for a regulation**

**Article 74 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 131**

**Proposal for a regulation**

**Article 75 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 132**

**Proposal for a regulation**

## Article 75 – paragraph 2

### *Text proposed by the Commission*

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

### *Amendment*

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

## Amendment 133

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

#### *Text proposed by the Commission*

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

#### *Amendment*

4. Technical services shall keep at the disposal of the type-approval authority, **or, in the case of accreditation, of the national accreditation body**, the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the tasks performed by them.

## Amendment 134

### Proposal for a regulation Article 76 – paragraph 2 – point c a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**(ca) the in-house technical service shall be audited in accordance with Article 77;**

## Amendment 135

### Proposal for a regulation

## Article 76 – paragraph 3

### *Text proposed by the Commission*

3. An in-house technical service **does not need to** be notified to the Commission **for the purposes of Article 78, but information concerning its accreditation shall be given by the manufacturer of which it forms part or by the national accreditation body to the type-approval authority at the request of that authority.**

### *Amendment*

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

## Amendment 136

### Proposal for a regulation

#### Article 77 – paragraph 1 – subparagraph 1

### *Text proposed by the Commission*

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

### *Amendment*

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

## Amendment 137

### Proposal for a regulation

#### Article 77 – paragraph 1 – subparagraph 2

### *Text proposed by the Commission*

Representatives of the type-approval authorities of at least two other Member States shall, in coordination with the type-approval authority of the Member State in which the applicant technical service is established, and together with a representative of the Commission, form a

### *Amendment*

Representatives of the type-approval authorities of at least two other Member States **competent to assess technical services** shall, in coordination with the type-approval authority, **or, in the case of accreditation, the national accreditation body**, of the Member State in which the

joint assessment team and participate in the assessment of the applicant technical service, including the on-site assessment. The designating type-approval authority of the Member State where the applicant technical service is established shall give those representatives timely access to the documents necessary to assess the applicant technical service.

applicant technical service is established, and together with a representative of ***the Agency and of*** the Commission, form a joint assessment team and participate in the assessment of the applicant technical service, including the on-site assessment ***and observation at first hand of the actual type-approval tests***. The designating type-approval authority, ***or, in the case of accreditation, the national accreditation body***, of the Member State where the applicant technical service is established shall give those representatives timely access to the documents necessary to assess the applicant technical service. ***In the case of in-house technical services, the joint assessment team shall be led by the representative of the Agency.***

## Amendment 138

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

*Text proposed by the Commission*

*Amendment*

***12. The approval authority that intends to be designated as a technical service in accordance with Article 72(2) shall document compliance with the requirements of this Regulation through an assessment conducted by independent auditors. Those auditors shall not belong to the same approval authority and shall comply with the requirements laid down in Appendix 2 of Annex V.***

***deleted***

*Justification*

*Type approval authorities shall not perform as technical services in the type-approval process to protect independence and to avoid conflict of interests as well as possible damage to quality and safety standards.*

## Amendment 139

### Proposal for a regulation Article 80 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

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

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

*Justification*

*As is practice in some Member States it shall be possible for Member States to decide that the assessment and monitoring of technical services are to be carried out by a national accreditation body within the meaning and in accordance with Regulation (EC) No 765/2008.*

**Amendment 140**

**Proposal for a regulation**

**Article 80 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

Technical services shall, on request, supply all relevant information and documents required to enable that type-approval authority, ***or, in the case of accreditation, the national accreditation body***, to verify compliance with those requirements.

*Justification*

*As is practice in some Member States it shall be possible for Member States to decide that the assessment and monitoring of technical services are to be carried out by a national accreditation body within the meaning and in accordance with Regulation (EC) No 765/2008.*

**Amendment 141**

**Proposal for a regulation**

**Article 80 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

Technical services shall, without delay, inform the type-approval authority of any changes, in particular regarding their

Technical services shall, without delay, inform the type-approval authority, ***or, in the case of accreditation, the national***

personnel, facilities, subsidiaries or subcontractors, which may affect compliance with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 **to** Annex V, or their ability to perform the conformity assessment tasks relating to the vehicles, systems, components and separate technical units for which they have been designated.

**accreditation body**, of any changes, in particular regarding their personnel, facilities, subsidiaries or subcontractors, which may affect compliance with the requirements set out in Articles 72 to 76, in Articles 84 and 85 and in Appendix 2 **of** Annex V, or their ability to perform the conformity assessment tasks relating to the vehicles, systems, components and separate technical units for which they have been designated.

### *Justification*

*As is practice in some Member States it shall be possible for Member States to decide that the assessment and monitoring of technical services are to be carried out by a national accreditation body within the meaning and in accordance with Regulation (EC) No 765/2008.*

## **Amendment 142**

### **Proposal for a regulation Article 89 – paragraph 1**

#### *Text proposed by the Commission*

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

#### *Amendment*

1. Member States shall lay down the rules on penalties for infringement by economic operators and technical services of their obligations laid down in the Articles of this Regulation, in particular Articles 11 to 19 and 72 to 76, 84 and 85, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ***In particular, the penalties shall be proportionate to the number of non-compliant vehicles registered in the market of the Member State concerned, or the number of non-compliant systems, components or separate technical units made available on the market of the Member State concerned.***

## **Amendment 143**

### **Proposal for a regulation**

## Article 89 – paragraph 2 – point b

*Text proposed by the Commission*

(b) falsifying test results for type-approval;

*Amendment*

(b) falsifying test results for type-approval ***or surveillance testing***;

## Amendment 144

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

***(ca) use of illegal defeat devices.***

## Amendment 145

### Proposal for a regulation

#### Article 90 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 90a***

#### ***Online portal for the exchange of information on EU type-approvals***

***The Commission shall establish an online portal for exchanging information on EU type-approvals between type-approval authorities, market surveillance authorities, the Commission and recognised third-party testers.***

***The Commission, via the Forum, shall oversee the portal, in particular maintenance of the type-approvals database, including regular updates, coordination of input information with relevant authorities, and data security and confidentiality.***

***In the case of type-approvals, the database shall include the information required in Annexes I and III. Third parties shall have unlimited access to at least information contained in certificates of***

*conformity in line with Annex IX, as well as all the test results, key input parameters (testing specifications) and details of technical services used at all stages of type-approval.*

*Those data shall be available free of charge, shall be in a digital format and shall include at least the following:*

- *test vehicle mass/weight;*
- *test vehicle rolling resistance;*
- *test temperature;*
- *aerodynamic drags;*
- *road load coefficients;*
- *CO<sub>2</sub> emissions in gCO<sub>2</sub>/km at type approval;*
- *auxiliary equipment used during the test (air conditioning, audio & media, other accessories);*
- *tyre details (model, manufacture, size & pressure);*
- *vehicle-specific gear shift points;*
- *driver mode in which the vehicle was tested.*

*National authorities responsible for type-approval and market surveillance shall without delay update the database every time a new type-approval is issued or withdrawn, and every time non-conformity with this Regulation is found or any corrective action is taken.*

*National authorities and the Commission shall draw on existing portals, such as the EU Rapid Warning System (RAPEX) and the ICSMS, to ensure coordination, consistency and accuracy of the information provided to consumers and third parties.*

*The portal shall include a tool enabling consumers and other third parties to report recognised third-party test results, faulty reports and any complaints about the performance of vehicles, systems, components and separate technical units,*



*including performance in terms of safety, harmful effects on the environment and fuel consumption. That tool shall be taken into account when vehicles are chosen to be tested for the purposes of Article 8.*

*The portal shall be operational by no later than 31 December 2019.*

## **Amendment 146**

### **Proposal for a regulation**

#### **Article 91 – paragraph 1 – point 5**

*Text proposed by the Commission*

**(5) in Article 13(2), point (e) is deleted.**

*Amendment*

**deleted**

## **Amendment 147**

### **Proposal for a regulation**

#### **Article 91 – paragraph 1 – point 5 a (new)**

Regulation (EC) No 715/2007

#### **Article 14 – paragraph 3**

*Present text*

“3. The Commission shall keep under review the procedures, tests and requirements referred to in Article 5(3) as well as the test cycles used to measure emissions. *If the review finds that these are no longer adequate or no longer reflect real world emissions, they shall be adapted so as to adequately reflect the emissions generated by real driving on the road. The necessary measures, which are designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 15(3).*”

*Amendment*

**(5a) In Article 14, paragraph 3 is replaced by the following:**

"3. The Commission shall keep under review the procedures, tests and requirements referred to in Article 5(3) as well as the test procedures used to measure emissions *in order to ensure that they are adequate, including with regard to defeat devices, and that they reflect real world emissions. The Commission shall introduce and complete, in accordance with Article 5(3) and without undue delay, a real driving emission test for all vehicles and pollutants to ensure the effectiveness of emission control systems and to enable the vehicle to comply with this Regulation and its implementing measures in normal use throughout its normal life. The conformity factor for NOx applicable*

*from 2020 to all vehicles placed on the Union market shall be no more than 1,18. The conformity factor for PN applicable from 2020 to all vehicles placed on the Union market shall be 1."*

## **Amendment 148**

### **Proposal for a regulation**

#### **Article 91 – paragraph 1 – point 6**

Regulation (EC) No 715/2007

Article 11a – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) fuel consumption and CO<sub>2</sub> values determined under real driving conditions are made available to the public.*

*Justification*

*Under the forthcoming RDE-test procedure CO<sub>2</sub> and fuel consumption will only be calculated to determine real NO<sub>x</sub>-emissions. This amendment ensures that these figures will easily be made available to the public.*

## **Amendment 149**

### **Proposal for a regulation**

#### **Article 91 – paragraph 1 – point 6 a (new)**

Regulation (EC) No 715/2007

Article 14 a (new)

*Text proposed by the Commission*

*Amendment*

*(6a) The following Article 14a shall be inserted:*

*“Article 14a*

*Review*

*The Commission shall review the emissions limits set out in Annex I with a view to improving air quality in the Union and to achieving the Union ambient air quality limits as well as the WHO recommended levels, and shall come forward by 2025 with proposals, as*

*appropriate, for new technology-neutral Euro7 emission limits applicable for all M1 and N1 vehicles placed on the Union market.”.*

## **Amendment 150**

### **Proposal for a regulation Article 96 – paragraph 1**

*Text proposed by the Commission*

1. This Regulation shall not invalidate any whole-vehicle type-approval or EU type-approval granted to vehicles or to systems, components or separate technical units before *[PO: please insert the date of application as mentioned in Article 98]*.

*Amendment*

1. This Regulation shall not invalidate any whole-vehicle type-approval or EU type-approval granted to vehicles or to systems, components or separate technical units before **1 January 2018**.

## **Amendment 151**

### **Proposal for a regulation Article 96 – paragraph 3**

*Text proposed by the Commission*

3. The validity of whole-vehicle type-approvals referred to in paragraph 1 shall terminate at the latest on *[PO: please insert the date, which should be the date of application as mentioned in Article 98 + 5 years]* and approval authorities may only renew those whole-vehicle type-approvals in accordance with the provisions of Article 33 *of this Regulation*.

*Amendment*

3. The validity of whole-vehicle type-approvals referred to in paragraph 1 shall terminate at the latest on **1 January 2023** and approval authorities may only renew those whole-vehicle type-approvals in accordance with the provisions of Article 33.

## **Amendment 152**

### **Proposal for a regulation Article 97 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

1. By 31 December **2023**, Member States shall inform the Commission of the application of the type-approval and

+ **5 years**/Member States shall inform the Commission of the application of the type-approval and market surveillance procedures laid down in this Regulation.

market surveillance procedures laid down in this Regulation.

### **Amendment 153**

#### **Proposal for a regulation Article 98 – paragraph 2**

*Text proposed by the Commission*

It shall apply from 1 January **201X**.

*Amendment*

It shall apply from 1 January **2018**.

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles						
<b>References</b>	COM(2016)0031 – C8-0015/2016 – 2016/0014(COD)						
<b>Committee responsible</b> Date announced in plenary	IMCO 4.2.2016						
<b>Opinion by</b> Date announced in plenary	ENVI 4.2.2016						
<b>Rapporteur</b> Date appointed	Christofer Fjellner 8.3.2016						
<b>Discussed in committee</b>	8.9.2016						
<b>Date adopted</b>	29.11.2016						
<b>Result of final vote</b>	<table> <tr> <td>+: </td><td>59</td></tr> <tr> <td>–: </td><td>3</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	59	–:	3	0:	0
+:	59						
–:	3						
0:	0						
<b>Members present for the final vote</b>	Marco Affronte, Margrete Auken, Pilar Ayuso, Zoltán Balczó, Ivo Belet, Biljana Borzan, Lynn Boylan, Paul Brannen, Nessa Childers, Birgit Collin-Langen, Mireille D’Ornano, Miriam Dalli, Seb Dance, Angélique Delahaye, Jørn Dohrmann, Stefan Eck, Bas Eickhout, Eleonora Evi, Karl-Heinz Florenz, Elisabetta Gardini, Jens Gieseke, Julie Girling, Sylvie Goddyn, Françoise Grossetête, Andrzej Grzyb, Anneli Jäätteenmäki, Jean-François Jalkh, Benedek Jávor, Karin Kadenbach, Giovanni La Via, Peter Liese, Susanne Melior, Bolesław G. Piecha, Pavel Poc, Frédérique Ries, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Claudiu Ciprian Tănăsescu, Estefanía Torres Martínez, Nils Torvalds, Jadwiga Wiśniewska, Tiemo Wölken						
<b>Substitutes present for the final vote</b>	Clara Eugenia Aguilera García, Nikos Androulakis, Mark Demesmaeker, Albert Deß, Herbert Dorfmann, Fredrick Federley, Christofer Fjellner, Elena Gentile, Merja Kyllönen, Mairead McGuinness, Gesine Meissner, James Nicholson, Marijana Petir, Bart Staes, Kay Swinburne, Tibor Szanyi						
<b>Substitutes under Rule 200(2) present for the final vote</b>	Theresa Griffin, Clare Moody, Julie Ward						