



2023/0090(COD)

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AMENDMENTS

49 - 161

Draft report
Tom Vandenkendelaere
(PE750.138v01-00)

Approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020

Proposal for a regulation
(COM(2023)0178 – C9-0120/2023 – 2023/0090(COD))

Amendment 49
Kateřina Konečná

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) For the purposes of the development and operation of the internal market of the Union, it is appropriate to establish a harmonised type-approval system for the road safety of non-road mobile machinery *intended to circulate* on public roads.

Amendment

(5) For the purposes of the development and operation of the internal market of the Union, it is appropriate to establish a harmonised type-approval system for the road safety of non-road mobile machinery *capable of circulating* on public roads.

Or. en

Amendment 50
Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The objective of this Regulation is to address the risks associated with the circulation of non-road mobile machinery on public roads. Thus, non-road mobile machinery that will not circulate on public roads should be excluded from the scope of this Regulation.

Or. en

Amendment 51
Kateřina Konečná

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) Given the purpose of this Regulation to address road circulation of

deleted

non-road mobile machinery designed and constructed for performing work, and not to transport workers, mobile machinery which is equipped with more than three seating positions, including the driver's seating position, should also be excluded from this Regulation.

Or. en

Amendment 52
Kateřina Konečná

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) *Slow non-road mobile machinery is the majority of the non-road mobile machinery market. In addition, some Member States have established a road circulation speed limit for non-road mobile machinery at 40 km/h. Moreover, as road safety risks are proportional to the road speed, it would not be coherent for a framework, that addresses safety risks only for non-road mobile machinery and not for regular vehicles to cover fast non-road mobile machinery. This Regulation should therefore not apply to mobile machinery with a maximum design speed of more than 40 Km/h.* **deleted**

Or. en

Amendment 53
Kateřina Konečná

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) *Adequate training should ensure that those who use the machine are*

competent to use it safely. This includes ensuring they have the correct skills, knowledge and experience – sometimes formal qualifications may be needed. Supervisors must also be properly trained and competent to be effective.

Or. en

Amendment 54

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down technical requirements, administrative requirements and procedures, for the EU type-approval and ***placing on the market*** of non-road mobile machinery intended to circulate on public roads.

Amendment

1. This Regulation lays down technical requirements, administrative requirements and procedures, for the EU type-approval and ***circulating on public roads*** of non-road mobile machinery intended to circulate on public roads.

Or. en

Amendment 55

Kateřina Konečná

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down technical requirements, administrative requirements and procedures, for the EU type-approval and placing on the market of non-road mobile machinery ***intended to circulate*** on public roads.

Amendment

1. This Regulation lays down technical requirements, administrative requirements and procedures, for the EU type-approval and placing on the market of non-road mobile machinery ***capable of circulating*** on public roads.

Or. en

Amendment 56

Kateřina Konečná

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation applies to non-road mobile machinery where it is placed on the market and ***intended to circulate***, with or without a driver, on a public road.

Amendment

1. This Regulation applies to non-road mobile machinery where it is placed on the market and ***capable of circulating***, with or without a driver, on a public road.

Or. en

Amendment 57

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation applies to non-road mobile machinery where it is placed on the market and ***intended to circulate***, with or without a driver, on a public road.

Amendment

1. This Regulation applies to non-road mobile machinery where it is placed on the market and circulate, with or without a driver, on a public road.

Or. en

Amendment 58

Kateřina Konečná

Proposal for a regulation

Article 2 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) ***non-road mobile machinery with a maximum design speed exceeding 40 km/h;***

Amendment

deleted

Or. en

Amendment 59

Kateřina Konečná

Proposal for a regulation

Article 2 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) non-road mobile machinery equipped with more than three seating positions, including the driver's seating position; **deleted**

Or. en

Amendment 60

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 2 – paragraph 2 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) individual approvals of non-road mobile machinery for circulating on public roads, granted in accordance with national legislation, and to non-road mobile machinery that complies with that national legislation;

(f) individual approvals of non-road mobile machinery for circulating on public roads, granted in accordance with national legislation, *subject to urgent need essential for national security* and to non-road mobile machinery that complies with that national legislation;

Or. en

Amendment 61

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. As regards non-road mobile machinery under individual approval, the manufacturer may choose either to apply the requirements under this Regulation, where appropriate, or to comply with the relevant national legislation referred to in

point (f) of the first subparagraph.

Or. en

Amendment 62

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 2 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. As regards towed equipment, the manufacturer may choose either to apply for EU type-approval or to comply with the relevant national legislation referred to in point (g) of the first subparagraph.

Or. en

Amendment 63

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) ‘non-road mobile machinery’ means any self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC, that is designed or constructed with the purpose to perform work;

(1) ‘non-road mobile machinery’ means any self-propelled mobile machinery ***with a power drive or towed equipment***, falling within the scope of Directive 2006/42/EC, that is designed or constructed with the purpose to perform work ***and with the intent to circulate on public roads, mainly to move from one working place to another***;

Or. en

Amendment 64

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘non-road mobile machinery’ means any self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC, that ***is designed or constructed with the purpose to perform work***;

Amendment

(1) ‘non-road mobile machinery’ means any self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC, that ***might need, whether occasionally or often, to circulate on public roads, mostly to move from one working place to another***;

Or. en

Amendment 65

Ivars Ijabs

Proposal for a regulation

Article 3 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘non-road mobile machinery produced in small series’ means the national type-approval of a type of non-road mobile machinery of which the number of units that are made available on the market, registered or entered into service cannot exceed, per year and in each Member State, **50** units per that type;

Amendment

(3) ‘non-road mobile machinery produced in small series’ means the national type-approval of a type of non-road mobile machinery of which the number of units that are made available on the market, registered or entered into service cannot exceed, per year and in each Member State, **100** units per that type;

Or. en

Amendment 66

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 3 – paragraph 1 – point 24 – point c

Text proposed by the Commission

(c) ***engine*** (internal combustion/hybrid/electric/hybrid-electric),

Amendment

(c) ***power drive*** (internal combustion/hybrid/electric/hybrid-electric),

Or. en

Amendment 67

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 3 – paragraph 1 – point 24 – point c

Text proposed by the Commission

Amendment

(c) **engine** (internal combustion/hybrid/electric/hybrid-electric),

(c) **power drive** (internal combustion/hybrid/electric/hybrid-electric),

Or. en

Amendment 68

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 3 – paragraph 1 – point 24 – point e

Text proposed by the Commission

Amendment

(e) **number and arrangement of cylinders,**

deleted

Or. en

Amendment 69

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 3 – paragraph 1 – point 24 – point f

Text proposed by the Commission

Amendment

(f) **power difference of no more than 30 % (the highest power being no more than 1,3 times the lowest power),**

deleted

Or. en

Amendment 70

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 3 – paragraph 1 – point 24 – point g

Text proposed by the Commission

Amendment

(g) cylinder capacity difference of no more than 20 % (the highest figure being no more than 1,2 times the lowest figure), **deleted**

Or. en

Amendment 71

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 3 – paragraph 1 – point 24 – point i

Text proposed by the Commission

Amendment

(i) steered axles (number and position), **deleted**

Or. en

Amendment 72

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 3 – paragraph 1 – point 24 – point j

Text proposed by the Commission

Amendment

(j) maximum laden mass differing by no more than 10 %, **deleted**

Or. en

Amendment 73

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 3 – paragraph 1 – point 24 – point l

Text proposed by the Commission

Amendment

(l) rollover protection structure, deleted

Or. en

Amendment 74

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 3 – paragraph 1 – point 24 – point m

Text proposed by the Commission

Amendment

(m) braked axles (number); deleted

Or. en

Amendment 75

Ivars Ijabs

Proposal for a regulation

Article 3 – paragraph 1 – point 29

Text proposed by the Commission

Amendment

(29) ‘non-road mobile machinery presenting a serious risk’ means non-road mobile machinery that, based on an appropriate risk assessment that takes account of the nature of the hazard and the likelihood of its occurrence, presents a serious risk ***in relation to the aspects*** covered by this Regulation;

(29) ‘non-road mobile machinery presenting a serious risk’ means non-road mobile machinery that, based on an appropriate risk assessment that takes account of the nature of the hazard and the likelihood of its occurrence, presents a serious risk ***to its safe usage on public roads*** covered by this Regulation;

Or. en

Amendment 76

Kateřina Konečná

Proposal for a regulation

Article 3 – paragraph 1 – point 29

Text proposed by the Commission

Amendment

(29) ‘non-road mobile machinery presenting a **serious** risk’ means non-road mobile machinery that, based on an appropriate risk assessment that takes account of the nature of the hazard and the likelihood of its occurrence, presents a **serious** risk in relation to the aspects covered by this Regulation;

(29) ‘non-road mobile machinery presenting a risk’ means non-road mobile machinery that, based on an appropriate risk assessment that takes account of the nature of the hazard and the likelihood of its occurrence, presents a risk in relation to the aspects covered by this Regulation;

Or. en

Amendment 77

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 3 – paragraph 1 – point 30

Text proposed by the Commission

Amendment

(30) ‘recall’ means any measure aimed at achieving the return of non-road mobile machinery that has already been **made available to the end-user**;

(30) ‘recall’ means any measure aimed at achieving the return of non-road mobile machinery that has already been **granted approval to circulate on public roads**;

Or. en

Amendment 78

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 3 – paragraph 1 – point 31

Text proposed by the Commission

Amendment

(31) ‘withdrawal’ means any measure aimed at preventing non-road mobile machinery in the supply chain from **being made available on the market**.

(31) ‘withdrawal’ means any measure aimed at preventing non-road mobile machinery in the supply chain from **circulating on public roads** .

Or. en

Amendment 79

Kateřina Konečná

Proposal for a regulation

Article 3 – paragraph 1 – point 31 a (new)

Text proposed by the Commission

Amendment

(31a) 'unauthorized use' means use of the non-road mobile machinery by unqualified or untrained people, including new untrained workers without instruction, training and supervision.

Or. en

Amendment 80

Maria-Manuel Leitão-Marques, René Repasi

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that their approval and market surveillance authorities have the necessary resources, including sufficient budgetary and other resources, such as a sufficient number of competent personnel, expertise, procedures and other arrangements for the proper performance of their duties.

Or. en

Justification

Aligned with the wording of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011

Amendment 81

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall not, for the aspects covered by this Regulation, prohibit, restrict or impede the making available on the market, registration, entry into service or circulation on public roads of non-road mobile machinery that complies with this Regulation.

4. Member States shall not, for the aspects covered by this Regulation, prohibit, restrict or impede the making available on the market, registration, entry into service or circulation on public roads of non-road mobile machinery that complies with this Regulation ***at the time of placing on the market.***

Or. en

Amendment 82

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 4 – paragraph 5 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning detailed rules under which Member States cannot refuse the verification, as specified in Article 19, already carried out by the approval authority of another Member State.

Or. en

Justification

The amendment aims at ensuring that the conformity of production (CoP), as a result of an examination in one country, is more easily accepted in other countries in order to avoid any struggle with burdens related to CoP.

Amendment 83

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 4 – paragraph 6

Text proposed by the Commission

Amendment

6. Member States shall organise and carry out market surveillance activities and

6. Member States shall organise and carry out market surveillance activities and

controls of non-road mobile machinery **entering the market** in accordance with Chapters IV, V and VII of Regulation (EU) 2019/1020.

controls of non-road mobile machinery ***circulating on public roads*** in accordance with Chapters IV, V and VII of Regulation (EU) 2019/1020.

Or. en

Amendment 84

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. Manufacturers shall ensure that non-road mobile machinery that they place on the market belongs to a type that has been granted an EU type-approval and it is designed and manufactured in accordance with that type.

Amendment

1. Manufacturers shall ensure that non-road mobile machinery that they place on the market ***to circulate on public roads*** belongs to a type that has been granted an EU type-approval and it is designed and manufactured in accordance with that type.

Or. en

Amendment 85

Andreas Schwab

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

4. Manufacturers shall indicate their name, registered trade name or registered trade mark, and the postal address and the email address at which they can be contacted, on their non-road mobile machinery or, where that is not possible, ***on its packaging or*** in a document accompanying that machinery. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

Amendment

4. Manufacturers shall indicate their name, registered trade name or registered trade mark, and the postal address and the email address at which they can be contacted, on their non-road mobile machinery or, where that is not possible in a document accompanying that machinery. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

Justification

No use to put it on the package, which the user does not keep in most of the times.

Amendment 86

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation**Article 7 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

Manufacturers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that non-road mobile machinery into conformity, to withdraw it or to recall it, as appropriate.

Amendment

Manufacturers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market ***to circulate on the public roads*** is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that non-road mobile machinery into conformity, to withdraw it or to recall it, as appropriate.

Or. en

Amendment 87

Andreas Schwab

Proposal for a regulation**Article 7 – paragraph 2***Text proposed by the Commission*

2. Manufacturers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market presents a serious risk shall immediately inform the approval and the market surveillance authorities of the Member States in which the non-road mobile machinery was made available on the market to that effect, giving details of the non-conformity and any corrective measures taken.

Amendment

2. Manufacturers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market presents a serious risk shall immediately inform the approval and the market surveillance authorities of the Member States in which the non-road mobile machinery was made available on the market to that effect, giving details of the non-conformity and any corrective measures taken. ***Manufacturers shall immediately inform the users thorough***

appropriate means.

Or. en

Amendment 88
Kateřina Konečná

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. Manufacturers who have **sufficient** reason to believe that a non-road mobile machinery which they have made available on the market presents a **serious** risk shall immediately inform the approval and the market surveillance authorities of the Member States in which the non-road mobile machinery was made available on the market to that effect, giving details of the non-conformity and any corrective measures taken.

Amendment

2. Manufacturers who have **a** reason to believe that a non-road mobile machinery which they have made available on the market presents a risk shall immediately inform the approval and the market surveillance authorities of the Member States in which the non-road mobile machinery was made available on the market to that effect, giving details of the non-conformity and any corrective measures taken.

Or. en

Amendment 89
Maria-Manuel Leitão-Marques, René Repasi

Proposal for a regulation
Article 7 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Manufacturers shall examine any complaints they receive relating to risks, suspected incidents or non-compliance issues with the non-road mobile machinery that they have placed on the market.

Amendment

Manufacturers shall **duly** examine, **without undue delay**, any complaints they receive relating to risks, suspected incidents or non-compliance issues with the non-road mobile machinery that they have placed on the market.

Or. en

Amendment 90

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 7 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Manufacturers shall examine any complaints they receive relating to risks, suspected incidents or non-compliance issues with the non-road mobile machinery that they have placed on the market.

Amendment

Manufacturers shall examine any **reasoned** complaints they receive relating to risks, suspected incidents or non-compliance issues with the non-road mobile machinery that they have placed on the market.

Or. en

Amendment 91

Maria-Manuel Leitão-Marques, René Repasi

Proposal for a regulation

Article 7 – paragraph 5 – subparagraph 2

Text proposed by the Commission

In case of a substantiated complaint, manufacturers shall inform their distributors and importers thereof.

Amendment

In case of a substantiated complaint, manufacturers shall **quickly** inform their distributors and importers thereof.

Or. en

Amendment 92

Kateřina Konečná

Proposal for a regulation

Article 8 – 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 non-road mobile machinery covered by their mandate.

Amendment

(c) cooperate with the approval or market surveillance authorities, at their request, on any action taken to eliminate the risk posed by non-road mobile machinery covered by their mandate.

Or. en

Amendment 93
Kateřina Konečná

Proposal for a regulation
Article 10 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Importers who have **sufficient** reason to believe that a non-road mobile machinery which they have made available on the market presents a **serious** risk shall immediately inform the manufacturer, the approval and the market surveillance authorities of the Member States in which they have placed it on the market or entered it into service.

Amendment

Importers who have **a** reason to believe that a non-road mobile machinery which they have made available on the market presents a risk shall immediately inform the manufacturer, the approval and the market surveillance authorities of the Member States in which they have placed it on the market or entered it into service.

Or. en

Amendment 94
Kateřina Konečná

Proposal for a regulation
Article 10 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The importer shall also inform them of any action taken and give details of the **serious** risk and any corrective measures taken by the manufacturer.

Amendment

The importer shall also inform them of any action taken and give details of the risk and any corrective measures taken by the manufacturer.

Or. en

Amendment 95
Maria-Manuel Leitão-Marques, René Repasi

Proposal for a regulation
Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Distributors shall indicate their name, and the postal address and the email address at which they can be

contacted, on their non-road mobile machinery or, where that is not possible, on its packaging or in a document accompanying that machinery. The address shall indicate a single point at which the distributor can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

Or. en

Justification

Considering distributors have an obligation to inform (Art 12(5)) manufacturers of complaints received, it is better for both users and distributors to ensure these have a single contact point for this effect

Amendment 96
Kateřina Konečná

Proposal for a regulation
Article 12 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Distributors who have **sufficient** reason to believe that a non-road mobile machinery which they have made available on the market presents a **serious** risk, shall immediately inform the manufacturer, the importer and the approval and the market surveillance authorities of the Member States in which they made it available on the market.

Amendment

Distributors who have **a** reason to believe that a non-road mobile machinery which they have made available on the market presents a risk, shall immediately inform the manufacturer, the importer and the approval and the market surveillance authorities of the Member States in which they made it available on the market.

Or. en

Amendment 97
Kateřina Konečná

Proposal for a regulation
Article 12 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The distributor shall also inform them of any action taken and give details, in particular, of the *serious* risk and of corrective measures taken by the manufacturer.

The distributor shall also inform them of any action taken and give details, in particular, of the risk and of corrective measures taken by the manufacturer.

Or. en

Amendment 98

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning detailed rules on the requirements set out in paragraph 1 for the following elements:

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning detailed, *non-discriminatory* rules on the requirements *related to road circulation*, set out in paragraph 1 for the following elements:

Or. en

Amendment 99

Tom Vandenkendelaere

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning detailed rules on the requirements set out in paragraph 1 for the following elements:

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning detailed rules on the requirements *solely for risks related to road circulation* set out in paragraph 1 for the following elements:

Or. en

Amendment 100

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning detailed rules on the requirements set out in paragraph 1 for the following elements:

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning detailed rules on the requirements ***solely for risks related to road circulation*** set out in paragraph 1 for the following elements:

Or. en

Amendment 101

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) ***vehicle structure integrity***;

Amendment

deleted

Or. en

Amendment 102

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) ***vehicle*** structure integrity;

Amendment

(a) ***machine*** structure integrity;

Or. en

Amendment 103

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point j

Text proposed by the Commission

Amendment

(j) **vehicle exterior and accessories in on road position, including working equipment and swinging structure;** **deleted**

Or. en

Justification

Already covered by Machinery Regulation for the whole life cycle and all operations.

Amendment 104

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point j

Text proposed by the Commission

Amendment

(j) **vehicle** exterior and accessories in on road position, including working equipment and swinging structure;

(j) **machine** exterior and accessories in on road position, including working equipment and swinging structure;

Or. en

Amendment 105

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point l

Text proposed by the Commission

Amendment

(l) **heating systems, defrost and demist;** **deleted**

Or. en

Amendment 106

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point p

Text proposed by the Commission

Amendment

(p) masses, including maximum ***on-road*** laden mass;

(p) masses, including ***on-road*** maximum ***permissible*** laden mass;

Or. en

Amendment 107

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point q

Text proposed by the Commission

Amendment

(q) ***fuel tanks;***

deleted

Or. en

Amendment 108

Ivars Ijabs

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point q

Text proposed by the Commission

Amendment

(q) ***fuel tanks;***

deleted

Or. en

Amendment 109

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point w

Text proposed by the Commission

Amendment

(w) ***operator's manual for road use;***

deleted

Or. en

Justification

Already covered by Machinery Regulation

Amendment 110

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point y

Text proposed by the Commission

Amendment

(y) on-road information, warnings and markings. deleted

Or. en

Amendment 111

Ivars Ijabs

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point y

Text proposed by the Commission

Amendment

(y) on-road information, warnings and markings. deleted

Or. en

Justification

Matter of national competence

Amendment 112

Kateřina Konečná

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point y a (new)

Text proposed by the Commission

Amendment

(ya) electric safety;

Or. en

Amendment 113
Kateřina Konečná

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 1 – point y b (new)

Text proposed by the Commission

Amendment

(yb) functional safety;

Or. en

Amendment 114
Kateřina Konečná

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 1 – point y c (new)

Text proposed by the Commission

Amendment

(yc) anti-tampering;

Or. en

Amendment 115
Kateřina Konečná

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 1 – point y d (new)

Text proposed by the Commission

Amendment

(yd) protection against unauthorized use;

Or. en

Amendment 116
Kateřina Konečná

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 1 – point y e (new)

Text proposed by the Commission

Amendment

(ye) *sound level (external);*

Or. en

Amendment 117
Kateřina Konečná

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point y f (new)

Text proposed by the Commission

Amendment

(yf) *electromagnetic compatibility;*

Or. en

Amendment 118
Kateřina Konečná

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point y g (new)

Text proposed by the Commission

Amendment

(yg) *burning rate for cab material.*

Or. en

Amendment 119
Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Amendment

The delegated acts referred to in the first subparagraph **shall** specify the classes or categories concerned by the detailed rules and may provide different detailed rules for different classes or categories of non-road mobile machinery.

The delegated acts referred to in the first subparagraph **may** specify the classes or categories concerned by the detailed rules and may provide different detailed rules for different classes or categories of non-road mobile machinery.

Amendment 120

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

1. Non-road mobile machinery shall not be ***made available on the market***, registered or entered into service, unless it is in conformity with this Regulation.

Amendment

1. Non-road mobile machinery, ***intended for road circulation***, shall not be registered or entered into service ***if registration is not compulsory***, unless it is in conformity with this Regulation ***at the time of placing on the market***.

Or. en

Amendment 121

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

1. Non-road mobile machinery shall not be made available on the market, registered or entered into service, unless it is in conformity with this Regulation.

Amendment

1. ***When intended to circulate on public road***, non-road mobile machinery shall not be made available on the market, registered or entered into service, unless it is in conformity with this Regulation.

Or. en

Amendment 122

Kateřina Konečná

Proposal for a regulation

Article 19 – paragraph 2 – subparagraph 2

Text proposed by the Commission

If an approval authority finds that a type of non-road mobile machinery, though

Amendment

If an approval authority finds that a type of non-road mobile machinery, though

conforming to the relevant technical requirements presents a **serious** risk, it may refuse to grant EU type-approval. In that case, it shall immediately send to the approval authorities of the other Member States and the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

conforming to the relevant technical requirements presents a risk, it may refuse to grant EU type-approval. In that case, it shall immediately send to the approval authorities of the other Member States and the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.

Or. en

Amendment 123
Andreas Schwab

Proposal for a regulation
Article 19 – paragraph 4 – point b

Text proposed by the Commission

(b) index listing the contents of the information package, suitably numbered ***or otherwise marked so as to identify clearly all the pages and the format of each document such as to present*** a record of the successive steps in the management of the EU type-approval, in particular the dates of revisions and updating. The approval authority shall keep information contained in the information package available for a period of 10 years after the end of validity of the approval concerned.

Amendment

(b) index listing the contents of the information package, suitably numbered, ***presenting*** a record of the successive steps in the management of the EU type-approval, in particular the dates of revisions and updating. The approval authority shall keep information contained in the information package available for a period of 10 years after the end of validity of the approval concerned.

Or. en

Justification

Less bureaucracy. No need to regulate to that extent.

Amendment 124
Kateřina Konečná

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. For the purpose of granting EU-type approval, compliance ***shall be demonstrated*** with the requirements of this Regulation, ***and in particular the applicable technical requirements***.

1. For the purpose of granting EU-type approval, ***the approval authority shall verify*** compliance with the ***technical requirements of this Regulation by means of appropriate tests that are performed by its technical services***.

Or. en

Amendment 125

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 26 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, in the case of the first subparagraph, point (b), the EU type-approval and the relevant EU type-approval certificate shall become invalid ***18*** months after the date of applicability of the new requirements referred to in the first subparagraph, point (b).

Amendment

However, in the case of the first subparagraph, point (b), the EU type-approval and the relevant EU type-approval certificate shall become, ***for placing on the market***, invalid ***24*** months after the date of applicability of the new requirements referred to in the first subparagraph, point (b).

Or. en

Justification

18 months is too short and remains an issue for the sale of seasonal machines, like harvesters of agricultural products. Lead time should be extended at least to 24 months, being also coherent with the 24 months duration of the comparable end of series provision for agricultural tractors under Regulation (EU) 167/2013.

Amendment 126

Ivars Ijabs

Proposal for a regulation

Article 26 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, in the case of the first subparagraph, point (b), the EU type-approval and the relevant EU type-

Amendment

However, in the case of the first subparagraph, point (b), the EU type-approval and the relevant EU type-

approval certificate shall become invalid
18 months after the date of applicability of
the new requirements referred to in the first
subparagraph, point (b).

approval certificate shall become invalid
36 months after the date of applicability of
the new requirements referred to in the first
subparagraph, point (b).

Or. en

Amendment 127

Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 26 – paragraph 7

Text proposed by the Commission

7. The communication referred to in paragraph 6 shall specify, in particular, the date of production and ***the vehicle*** identification number of the last non-road mobile machinery produced.

Amendment

7. The communication referred to in paragraph 6 shall specify, in particular, the date of production and ***a unique*** identification number of the last non-road mobile machinery produced.

Or. en

Amendment 128

Andreas Schwab

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

1. The manufacturer ***of a non-road mobile machinery*** shall affix to each non-road mobile machinery manufactured in conformity with the approved type a statutory plate with marking.

Amendment

1. The manufacturer shall affix to each non-road mobile machinery manufactured in conformity with the approved type a statutory plate with marking.

Or. en

Justification

No precision necessary, as described in Definitions in Art. 3 point 12. Makes German version hard to read.

Amendment 129
Kateřina Konečná

Proposal for a regulation
Article 31 – title

Text proposed by the Commission

National evaluation of non-road mobile machinery suspected of presenting a **serious** risk or not being in conformity

Amendment

National evaluation of non-road mobile machinery suspected of presenting a risk or not being in conformity

Or. en

Amendment 130
Kateřina Konečná

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

1. Where, based on their own market surveillance activities, or based on information provided by an approval authority or a manufacturer or based on complaints, the market surveillance authority of a Member State has **sufficient** reasons to believe that a non-road mobile machinery presents a **serious** risk or is in not conformity with this Regulation, it shall carry out an evaluation of the non-road mobile machinery concerned with respect to the relevant provisions of this Regulation.

Amendment

1. Where, based on their own market surveillance activities, or based on information provided by an approval authority or a manufacturer or based on complaints, the market surveillance authority of a Member State has reasons to believe that a non-road mobile machinery presents a risk or is in not conformity with this Regulation, it shall carry out an evaluation of the non-road mobile machinery concerned with respect to the relevant provisions of this Regulation.

Or. en

Amendment 131
Kateřina Konečná

Proposal for a regulation
Article 32 – title

Text proposed by the Commission

Amendment

National procedures for dealing with non-road mobile machinery presenting a **serious** risk or not being in conformity

National procedures for dealing with non-road mobile machinery presenting a risk or not being in conformity

Or. en

Amendment 132

Andreas Schwab

Proposal for a regulation

Article 32 – paragraph 1

Text proposed by the Commission

1. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a non-road mobile machinery presents a serious risk, it shall require without delay that the relevant economic operator take all appropriate corrective measures without delay to ensure that the non-road mobile machinery concerned no longer presents that risk.

Amendment

1. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a non-road mobile machinery presents a serious risk ***or is not in conformity with this Regulation***, it shall require without delay that the relevant economic operator take all appropriate corrective measures without delay to ensure that the non-road mobile machinery concerned no longer presents that risk. ***That period shall be proportionate to the seriousness of non-compliance.***

Or. en

Justification

No use to differ between high risk and non-conformity. Can be described in one simple paragraph. Easier Regulation.

Amendment 133

Kateřina Konečná

Proposal for a regulation

Article 32 – paragraph 1

Text proposed by the Commission

1. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a

Amendment

1. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a

non-road mobile machinery presents a **serious** risk, it shall require without delay that the relevant economic operator take all appropriate corrective measures without delay to ensure that the non-road mobile machinery concerned no longer presents that risk.

non-road mobile machinery presents a risk, it shall require without delay that the relevant economic operator take all appropriate corrective measures without delay to ensure that the non-road mobile machinery concerned no longer presents that risk.

Or. en

Amendment 134
Andreas Schwab

Proposal for a regulation
Article 32 – paragraph 2

Text proposed by the Commission

Amendment

2. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a non-road mobile machinery is not in conformity with this Regulation and that it does not present a serious risk as referred to in paragraph 1, that authority shall require without delay that the relevant economic operator takes all appropriate corrective measures within a reasonable period to bring that machinery into conformity. That period shall be proportionate to the seriousness of non-compliance.

deleted

Or. en

Amendment 135
Kateřina Konečná

Proposal for a regulation
Article 32 – paragraph 2

Text proposed by the Commission

Amendment

2. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a

2. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a

non-road mobile machinery is not in conformity with this Regulation and that it does not present a **serious** risk as referred to in paragraph 1, that authority shall require without delay that the relevant economic operator takes all appropriate corrective measures within a reasonable period to bring that machinery into conformity. That period shall be proportionate to the seriousness of non-compliance.

non-road mobile machinery is not in conformity with this Regulation and that it does not present a risk as referred to in paragraph 1, that authority shall require without delay that the relevant economic operator takes all appropriate corrective measures within a reasonable period to bring that machinery into conformity. That period shall be proportionate to the seriousness of non-compliance.

Or. en

Amendment 136 **Andreas Schwab**

Proposal for a regulation **Article 32 – paragraph 4**

Text proposed by the Commission

4. Where economic operators do not take appropriate corrective measures within the **relevant** period **referred to in paragraph 1 or 2** or where the risk requires rapid action, the national authorities shall take all appropriate provisional **restrictive** measures to prohibit or restrict the making available on the market, the registration, including a prohibition from circulating on public roads, or the entry into service of the concerned non-road mobile machinery, on their national market, or to withdraw them from that market or to recall them.

Amendment

4. Where economic operators do not take appropriate corrective measures within the **required** period or where the risk requires rapid action, the national authorities shall take all appropriate provisional measures to prohibit or restrict the making available on the market, the registration, including a prohibition from circulating on public roads, or the entry into service of the concerned non-road mobile machinery, on their national market, or to withdraw them from that market or to recall them.

Or. en

Justification

No added-value to differ between measures. Keeping text as simple as possible will ensure its enforcement. Unnecessary complications should be avoided.

Amendment 137 **Andreas Schwab**

Proposal for a regulation
Article 32 – paragraph 5

Text proposed by the Commission

5. Article 18 of Regulation (EU) 2019/1020 shall apply to the **restrictive** measures referred to in paragraph 4.

Amendment

5. Article 18 of Regulation (EU) 2019/1020 shall apply to the measures referred to in paragraph 4.

Or. en

Amendment 138
Andreas Schwab

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

Text proposed by the Commission

The market surveillance authority taking **either a corrective or a restrictive** measures in accordance with Article 32 shall notify the Commission and the national authorities of other Member States without delay, by means of the information and communication system referred to in Article 34(1) of Regulation (EU) 2019/1020.

Amendment

The market surveillance authority taking measures in accordance with Article 32 shall notify the Commission and the national authorities of other Member States without delay, by means of the information and communication system referred to in Article 34(1) of Regulation (EU) 2019/1020.

Or. en

Amendment 139
Andreas Schwab

Proposal for a regulation
Article 33 – paragraph 1 – subparagraph 2

Text proposed by the Commission

It shall also inform without delay the approval authority that granted the approval about its findings. In the cases of non-road machinery that presents a serious risk the **corrective or restrictive** measures shall also be notified via the Rapid Information Exchange System (RAPEX)

Amendment

It shall also inform without delay the approval authority that granted the approval about its findings. In the cases of non-road machinery that presents a serious risk the measures shall also be notified via the Rapid Information Exchange System (RAPEX) referred to in Article 12 of

referred to in Article 12 of Directive 2001/95/EC of the European Parliament and of the Council³¹ .

Directive 2001/95/EC of the European Parliament and of the Council³¹ .

³¹ Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).

³¹ Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).

Or. en

Amendment 140 **Kateřina Konečná**

Proposal for a regulation **Article 33 – paragraph 1 – subparagraph 2**

Text proposed by the Commission

It shall also inform without delay the approval authority that granted the approval about its findings. In the cases of non-road machinery that presents a *serious* risk the corrective or restrictive measures shall also be notified via the Rapid Information Exchange System (RAPEX) referred to in Article 12 of Directive 2001/95/EC of the European Parliament and of the Council³¹ .

³¹ Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).

Amendment

It shall also inform without delay the approval authority that granted the approval about its findings. In the cases of non-road machinery that presents a risk the corrective or restrictive measures shall also be notified via the Rapid Information Exchange System (RAPEX) referred to in Article 12 of Directive 2001/95/EC of the European Parliament and of the Council³¹ .

³¹ Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).

Or. en

Amendment 141 **Andreas Schwab**

Proposal for a regulation **Article 33 – paragraph 1 – subparagraph 3**

Text proposed by the Commission

The information provided in accordance with the first and second subparagraph shall include all available details, including the data necessary for the identification of the concerned non-road mobile machinery, **the origin of that mobile machinery**, the nature of the alleged non-compliance or the risk involved, the nature and duration of the national **corrective and restrictive** measures taken, and the arguments put forward, **when those arguments are put forward**, by the relevant economic operator.

Amendment

The information provided in accordance with the first and second subparagraph shall include all available details, including the data necessary for the identification of the concerned non-road mobile machinery, **its** origin, the nature of the alleged non-compliance or the risk involved, the nature and duration of the national measures taken, and the arguments put forward by the relevant economic operator.

Or. en

Justification

Wording.

Amendment 142
Andreas Schwab

Proposal for a regulation
Article 33 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Member State that takes the **corrective or restrictive** measure shall indicate whether the risk or the non-compliance is due to the following:

Amendment

2. The Member State that takes the measure shall indicate whether the risk or the non-compliance is due to the following:

Or. en

Amendment 143
Andreas Schwab

Proposal for a regulation
Article 33 – paragraph 3

Text proposed by the Commission

3. Member States other than the Member State that takes **corrective or**

Amendment

3. Member States other than the Member State that takes **a** measures shall

restrictive measures shall inform within one month after the notification referred to in paragraph 1, the Commission and the other Member States of any **corrective or restrictive** measures they have adopted and of any information at their disposal relating to the non-compliance or the risk of the non-road mobile machinery concerned, as well as, in the event of disagreement with the notified national measure, of their objections.

inform within one month after the notification referred to in paragraph 1, the Commission and the other Member States of any measures they have adopted and of any information at their disposal relating to the non-compliance or the risk of the non-road mobile machinery concerned, as well as, in the event of disagreement with the notified national measure, of their objections.

Or. en

Amendment 144

Maria-Manuel Leitão-Marques, René Repasi

Proposal for a regulation

Article 33 – paragraph 4

Text proposed by the Commission

4. Where, within **three months** after the notification referred to in paragraph 1, no objection has been raised by either another Member State or the Commission in respect of a notified national measure, the other Member States shall ensure that similar corrective or restrictive measures are taken without delay within their territories in respect of the non-road mobile machinery concerned.

Amendment

4. Where, within **one month** after the notification referred to in paragraph 1, no objection has been raised by either another Member State or the Commission in respect of a notified national measure, the other Member States shall ensure that similar corrective or restrictive measures are taken without delay within their territories in respect of the non-road mobile machinery concerned.

Or. en

Amendment 145

Maria-Manuel Leitão-Marques, René Repasi

Proposal for a regulation

Article 33 – paragraph 5

Text proposed by the Commission

5. Where, within **three months** after the notification referred to in paragraph 1, another Member State or the Commission

Amendment

5. Where, within **one month** after the notification referred to in paragraph 1, another Member State or the Commission

raises an objection in respect of a notified national measure, or where the Commission considers that a notified national measure is contrary to Union law, the Commission shall consult the Member States concerned and the relevant economic operator or operators without delay.

raises an objection in respect of a notified national measure, or where the Commission considers that a notified national measure is contrary to Union law, the Commission shall consult the Member States concerned and the relevant economic operator or operators without delay.

Or. en

Amendment 146
Andreas Schwab

Proposal for a regulation
Article 33 – paragraph 6

Text proposed by the Commission

6. On the basis of the consultation referred to in paragraph 5, the Commission shall adopt implementing acts to decide on harmonised ***corrective or restrictive*** measures at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).

Amendment

6. On the basis of the consultation referred to in paragraph 5, the Commission shall adopt implementing acts to decide on harmonised measures at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).

Or. en

Amendment 147
Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation
Article 34 – paragraph 3

Text proposed by the Commission

3. The information referred to in paragraph 2 shall be provided in the operator's manual for road use.

Amendment

3. The information referred to in paragraph 2 shall be provided in the operator's manual for road use ***or as a distinguished part of other operator's instructions.***

Or. en

Amendment 148
Andreas Schwab

Proposal for a regulation
Article 34 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

(b) in paper or electronic format.

Amendment

(b) in paper or ***in easy accessible*** electronic format.

Or. en

Amendment 149
Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation
Article 34 – paragraph 4 – subparagraph 2

Text proposed by the Commission

When the operator's manual is provided in electronic format, the manufacturer shall provide information ***in printed or paper format*** on how to access or find that manual, in the official languages of the Member State where the non-road mobile machinery is to be placed on the market, registered or entered into service.

Amendment

When the operator's manual is provided in electronic format, the manufacturer shall provide information on how to access or find that manual, in the official languages of the Member State where the non-road mobile machinery is to be placed on the market, registered or entered into service.

Or. en

Amendment 150
Maria-Manuel Leitão-Marques, René Repasi

Proposal for a regulation
Article 35 – paragraph 6

Text proposed by the Commission

6. A technical service and its personnel shall carry out the categories of activities for which it has been designated with the highest degree of professional integrity and the requisite technical

Amendment

6. A technical service and its personnel shall ***be independent and*** carry out the categories of activities for which it has been designated with the highest degree of professional integrity and the

competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgment or the results of their assessment activities, especially such pressures or inducements emanating from persons or groups of persons with an interest in the results of those activities.

requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgment or the results of their assessment activities, especially such pressures or inducements emanating from persons or groups of persons with an interest in the results of those activities.

Or. en

Justification

To align with wording of Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC

Amendment 151

Maria-Manuel Leitão-Marques, René Repasi

Proposal for a regulation

Article 40 – paragraph 1

Text proposed by the Commission

1. The designating approval authority shall draw up an assessment report demonstrating that the candidate technical service has been assessed for its compliance with the requirements of this Regulation and the delegated acts adopted pursuant to this Regulation. That report may include a certificate of accreditation issued by an accreditation body.

Amendment

1. The designating approval authority shall draw up an assessment report demonstrating that the candidate technical service **and, where relevant, any subsidiary or sub-contractor**, has been assessed for its compliance with the requirements of this Regulation and the delegated acts adopted pursuant to this Regulation. That report may include a certificate of accreditation issued by an accreditation body.

Or. en

Amendment 152

Kateřina Konečná

Proposal for a regulation

Article 43 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Where a Member State fails to take the necessary corrective measures, the Commission **may** adopt implementing acts to decide to restrict, suspend or withdraw the designation of the technical service concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2). The Commission shall notify the Member State concerned of those implementing acts and shall update the information published referred to in Article 41(6) accordingly.

Amendment

Where a Member State fails to take the necessary corrective measures, the Commission **shall** adopt implementing acts to decide to restrict, suspend or withdraw the designation of the technical service concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2). The Commission shall notify the Member State concerned of those implementing acts and shall update the information published referred to in Article 41(6) accordingly.

Or. en

Amendment 153 **Kateřina Konečná**

Proposal for a regulation **Article 49 – paragraph 1 – subparagraph 3**

Text proposed by the Commission

Whenever appropriate, technical services, representatives of the European Parliament, of the industry and of the relevant economic operators, as well as of stakeholders involved in safety matters, may be invited as observers to the Forum in accordance with the rules of procedures referred to in paragraph 6.

Amendment

Whenever appropriate, technical services, representatives of the European Parliament, **of the trade unions**, of the industry and of the relevant economic operators, as well as of stakeholders involved in safety matters, may be invited as observers to the Forum in accordance with the rules of procedures referred to in paragraph 6.

Or. en

Amendment 154 **Kateřina Konečná**

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

Text proposed by the Commission

1. By [OP: please insert the date – **60** months from the date of application of this regulation.], the Commission shall present a report to the European Parliament and to the Council on the implementation of this Regulation, accompanied, where appropriate, by relevant legislative proposals.

Amendment

1. By [OP: please insert the date – **30** months from the date of application of this regulation.], the Commission shall present a report to the European Parliament and to the Council on the implementation of this Regulation, accompanied, where appropriate, by relevant legislative proposals.

Or. en

Amendment 155
Kateřina Konečná

Proposal for a regulation
Article 51 – paragraph 3 – introductory part

Text proposed by the Commission

3. By [OP: please insert the date – **48** months from the date of application of this regulation.], Member States shall inform the Commission on the following:

Amendment

3. By [OP: please insert the date – **24** months from the date of application of this regulation.], Member States shall inform the Commission on the following:

Or. en

Amendment 156
Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation
Article 52 – title

Text proposed by the Commission

Transitional provisions

Amendment

Small series and specific equipment

Or. en

Amendment 157
Beata Mazurek, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 52 – paragraph 1

Text proposed by the Commission

By way of derogation from this Regulation, until ...***[please insert date: 8 years from the date of application]***, Member States may apply ***any*** national legislation on national type-approval of non-road mobile machinery for circulating on public roads on non-road mobile machinery that is placed on the market ***between [Please insert date of application] and ...[please insert date: 8 years from the date of application]***. During that period, the manufacturer may choose either to apply for EU type-approval or to comply with relevant national legislation.

Amendment

By way of derogation from this Regulation, until, Member States may ***continue to*** apply national legislation on national type-approval of non-road mobile machinery for circulating on public roads on non-road mobile machinery that is placed on the market ***in small series or is essential for national security***. During that period, the manufacturer may choose either to apply for EU type-approval or to comply with relevant national legislation.

Or. en

Amendment 158 Kateřina Konečná

Proposal for a regulation Article 53 – paragraph 2

Text proposed by the Commission

It shall apply from [OP: please insert the date – **36** months from the date of entry into force of this regulation.]

Amendment

It shall apply from [OP: please insert the date – **18** months from the date of entry into force of this regulation.]

Or. en

Amendment 159 Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation Article 53 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

From [date of entry into force], national authorities shall not refuse to grant EU type-approval or national type-approval

for a new type of non-road mobile machinery, or prohibit placing on the market, registration, or entry into service of a new non-road mobile machinery when complying with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation, if a manufacturer so requests.

Or. en

Amendment 160
Tom Vandenkendelaere

Proposal for a regulation
Article 53 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

From [date of entry into force], national authorities shall not refuse to grant EU type-approval or national type-approval for a new type of non-road mobile machinery, or prohibit placing on the market, registration, or entry into service of a new non-road mobile machinery when complying with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation, if a manufacturer so requests.

Or. en

Justification

In case the delegated and implementing acts are published before the date of application (36 months after entry into force), manufacturers should be able to rely on the legislation if all authorities and technical services are ready.

Amendment 161
Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation
Article 53 – paragraph 2 a (new)

The power of the Commission to adopt delegated acts pursuant to Article 47 shall apply as of [date of entry into force of this regulation.] The Commission shall adopt all the delegated acts referred to in in Article 4 (5), Article 15(2), Article 21(9), Article 22(6) and Article 39 before [24 months from the date of entry into force of this regulation.]

Or. en