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## **INFORMATION NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: 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  
– Outcome of the European Parliament's proceedings (Strasbourg, 3 to 6 April 2017)

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### **I. INTRODUCTION**

The Rapporteur, Mr Daniel DALTON (ECR, UK), presented a report consisting of 333 amendments (amendments 1-332 and 339) to the proposal for a Regulation, on behalf of the Committee on Internal Market and Consumer Protection.

In addition, the political groups tabled the following amendments: EFFD six amendments (amendments 333-338), Greens/EFA seven amendments (amendments 340-346), ALDE two amendments (amendments 347-348), S&D and Greens / EFA together three amendments (amendments 349, 351-352) and S&D four amendments (amendments 350, 353-355).

## II. DEBATE

The Rapporteur opened the debate, which took place on 4 April 2017, and presented the proposed changes to the Commission proposal, which aim to avoid further excesses by the motor vehicle industry and to clarify the roles and responsibilities of national type approval authorities, testing centres and market surveillance bodies, in order to reinforce their independence and prevent conflicts of interest.

That should be achieved by the following measures:

- the approval authorities should interpret and enforce the requirements of the new Regulation in a uniform and consistent manner to avoid divergent standards being applied across the Union,
- Member States should perform random market surveillance tests on at least 20 % of the new models placed on the Union market each year;
- Market surveillance authorities should perform regular checks to verify compliance with the requirements set out in the Regulation as well as with the correctness of the type approvals and prepare and submit a national market surveillance programme for approval by the Commission on an annual or multi-annual basis;
- the Commission should supervise the work of the national authorities by means of regular audits, checks and tests of samples of the type-approvals issued;
- the costs for their type-approval and market surveillance activities should be covered by the Member States either through their national budgets, a fee-based structure (levied on the manufacturers), or by applying a combination of both methods.

Those proposed changes were supported by the speakers from the EPP, S&D, ECR, ALDE, Greens/EFA and EFFD political groups (Mr STEFANEC (EPP-SK), Ms SCHALDEMOSE (S&D-DK), Ms FORD (ECR-UK), Ms CHARANZOVA (ALDE-CZ) and Mr DURAND (Greens/EFA-FR) and Mr ZULLO (EFFD-IT). However, Mr DE JONG (GUE/NGL-NL), announced that his political group would vote against the whole report.

The debate was dominated by the question of the need to create a European Vehicle Surveillance Agency, as proposed by the S&D and the Greens/EFA political groups (amendments 351 and 352). The EPP, ECR, ALDE and EFFD political groups rejected that idea since it would only mean a delay in the procedure and further bureaucracy. Even under the S&D and Greens proposal the final responsibility would still lie with the Commission, and additional consultations would therefore only create an additional step and a supplementary level of bureaucracy.

Commissioner VELLA expressed support for the report of the Committee on Internal Market and Consumer Protection, and stressed the need for a change after the systematic failure of the type approval in its current form. He spoke in favour of a level playing field for manufacturers across the Union and mandatory targets for national surveillance authorities, excluding further exceptions. Regarding the creation of a new EU Agency, he stressed that the difficulties of enforcing proper market surveillance in 27 Member States might make such an agency necessary.

### **III. VOTE**

When it voted on 4 April 2017, the plenary adopted the following amendments the text of which is annexed to this note: amendments 1-114, 115 (first part), 116-199, 201-332, 345-348, 353-355.

The amendments 351-352, proposing the creation of a European Vehicle Surveillance Agency, were rejected with a clear majority (with 351 against and 309 votes in favour).

Pursuant to Rule 59(4) of the EP Rules of Procedure, the proposal was referred back to the Committee on Internal Market and Consumer Protection in order to allow inter-institutional negotiations to start on the basis of the amendments adopted.

**Approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles \*\*\*I**

**Amendments adopted by the European Parliament on 4 April 2017 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))<sup>1</sup>**

**(Ordinary legislative procedure: first reading)**

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<sup>1</sup> The matter was referred back for interinstitutional negotiations to the committee responsible pursuant to Rule 59(4), fourth subparagraph (A8-0048/2017).

## Amendment 1

### Proposal for a regulation

#### Recital 1

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

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

##### *Amendment*

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

## Amendment 2

### Proposal for a regulation

#### Recital 4

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

(4) In that assessment it was concluded, however, that there is a need to introduce market surveillance provisions to complement the type-approval requirements, a need to clarify the recall and safeguard procedures, as well as the conditions for granting extensions to approvals for existing types of vehicle, a need to improve the enforcement of the type-approval framework by harmonising and enhancing the type-approval and conformity of production procedures applied by Member States' authorities and technical services, a need to **clarify** the roles and responsibilities of economic operators in the supply chain, and of the authorities and parties involved in the enforcement of the framework, and a need to improve the suitability of alternative type-approval schemes (national small series and individual vehicle approvals) and of the multi-stage type-approval process to provide appropriate flexibility for niche markets and SMEs, without

##### *Amendment*

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

however distorting the level playing field.

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

### Amendment 3

#### Proposal for a regulation

##### Recital 5

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

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

###### *Amendment*

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

### Amendment 4

#### Proposal for a regulation

##### Recital 5 a (new)

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

###### *Amendment*

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

### Amendment 5

#### Proposal for a regulation

##### Recital 5 b (new)

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 6**

**Proposal for a regulation**

**Recital 5 c (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 7**

**Proposal for a regulation**

**Recital 5 d (new)**

*Text proposed by the Commission*

*Amendment*

***(5d) If an irregularity is detected in vehicles in circulation which is contrary to the initial authorisation rules and/or puts consumer safety at risk or exceeds pollution limits, it is in the interests of European consumers to be able to count***

*on rapid, appropriate and coordinated corrective measures, including, where necessary, vehicle recall applicable throughout the Union. Member States should provide the Commission with all the information in their possession so that it can take appropriate, rapid action to defend the integrity of the single market.*

## Amendment 8

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 9

### Proposal for a regulation

#### Recital 7

*Text proposed by the Commission*

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

*Amendment*

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



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

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

## **Amendment 10**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 11**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 12**

### **Proposal for a regulation Recital 8 a (new)**

**(8a) For the purposes of compliance with this Regulation, regard should be had to the provisions of Directive 2014/45/EU of the European Parliament and of the Council<sup>1a</sup>.**

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

## Amendment 13

### Proposal for a regulation Recital 9

(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**

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

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

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

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

## Amendment 14

### Proposal for a regulation

#### Recital 10

*Text proposed by the Commission*

(10) The need for control and monitoring of technical services **by the designating**

*Amendment*

(10) The need for **certification**, control and monitoring of technical services has

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

increased since technical progress has raised the risk that technical services do not possess the necessary competence to test new technologies or devices emerging within their scope of designation. ***Due to the wide differences in interpretation of the current implementation of directive 2007/46/EC and the application of its provisions in the course of the type-approval procedure, considerable differences between technical services exist. The certification, control and monitoring should therefore be harmonised and increased to ensure a level playing field within the European single market.*** As technical progress shortens product cycles and as the intervals of surveillance on-site assessments and of the monitoring vary between designating authorities, minimum requirements with regard to the intervals of the surveillance and monitoring of the technical services should be established.

## Amendment 15

### Proposal for a regulation

#### Recital 12

#### *Text proposed by the Commission*

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

#### *Amendment*

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

*(IMI) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council<sup>1a</sup>, could provide a useful electronic means to facilitate and enhance administrative cooperation managing the exchange of information on the basis of simple and unified procedures. For this purpose, the Commission should consider making use of existing online databases such as ETAES or Eucaris.*

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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 16**

### **Proposal for a regulation Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 17**

### **Proposal for a regulation Recital 13**

*Text proposed by the Commission*

*Amendment*

(13) Where designation of a technical service is based on accreditation in the meaning of Regulation (EC) No 765/2008

(13) Where designation of a technical service is based on accreditation in the meaning of Regulation (EC) No 765/2008

of the European Parliament and of the Council<sup>12</sup>, accreditation bodies and designating authorities should *exchange information relevant for the assessment of the competence of* technical services.

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

of the European Parliament and of the Council<sup>12</sup>, accreditation bodies and designating authorities should *ensure that technical services are competent and independent*.

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

## Amendment 18

### Proposal for a regulation Recital 14

*Text proposed by the Commission*

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

*Amendment*

*deleted*

## Amendment 19

### Proposal for a regulation Recital 14 a (new)

*Text proposed by the Commission*

*Amendment*

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

*technical service that they wish to use for those activities.*

## **Amendment 20**

### **Proposal for a regulation**

#### **Recital 17**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

## **Amendment 21**

### **Proposal for a regulation**

#### **Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

*(17a) In order to allow market forces to work, technical services should apply the rules for the type-approval procedures in all transparency and uniformly, without creating unnecessary burden for economic operators. To guarantee a high level of technical expertise and a fair treatment of all economic operators, a uniform technical application of the rules for the type-approval procedures should be ensured. Within the Forum established*

*by this Regulation, type-approval authorities should exchange information on the functioning of the different technical services which they certified.*

## Amendment 22

### Proposal for a regulation Recital 18

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 23

### Proposal for a regulation Recital 19 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**(19a)** *Type approval authorities and market surveillance authorities should not be linked when carrying out their tasks, so as to avoid potential conflicts of interest. In this regard, these authorities should be*



*organised as distinct entities in accordance with the structure of the national administration and should not share members of staff or facilities in accordance with the structures and competences of national authorities.*

## Amendment 24

### Proposal for a regulation Recital 19 b (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 25

### Proposal for a regulation Recital 21

*Text proposed by the Commission*

*Amendment*

(21) It is **necessary** to include rules on market surveillance in this Regulation in order to reinforce the rights and obligations

(21) It is **fundamental** to include rules on market surveillance in this Regulation in order to reinforce the rights and obligations

of the national competent authorities, to ensure effective coordination of their market surveillance activities and to clarify the applicable procedures.

of the national competent authorities, to ensure effective coordination of their market surveillance activities and to clarify the applicable procedures.

## Amendment 26

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 27

### Proposal for a regulation Recital 22

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 28

### Proposal for a regulation Recital 23 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 29

### Proposal for a regulation Recital 24

*Text proposed by the Commission*

*Amendment*

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

(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. Furthermore, it should take into account***

*any past history of compliance, tips from consumers, results of remote sensing testing and concerns expressed by independent research bodies.*

## **Amendment 30**

### **Proposal for a regulation Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 31**

### **Proposal for a regulation Recital 25 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## Amendment 32

### Proposal for a regulation Recital 25 b (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 33

### Proposal for a regulation Recital 25 c (new)

*Text proposed by the Commission*

*Amendment*

*(25c) In order to verify vehicle emissions, market surveillance authorities should inter alia make use of remote sensing technology to help identify which aspects such as high levels of air or noise pollution, of which vehicle models, should be subject to further investigation. When doing so, the authorities should cooperate and coordinate their activities with authorities responsible for periodic technical inspections pursuant to Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles.*

## Amendment 347

### Proposal for a regulation Recital 25 d (new)

***(25d) For the purpose of supporting Member States in detecting defeat devices, the Commission published, on 26 January 2017, Guidance on the evaluation of Auxiliary Emission Strategies and the presence of Defeat Devices. Consistent with the provisions of that Guidance, the test activities of the Commission, type-approval authorities and technical services for the purpose of detecting defeat devices should remain non-predictable in character, also including variations beyond prescribed testing conditions and parameters, in order to effectively detect defeat devices.***

#### **Amendment 34**

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

##### **Recital 26**

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

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

#### **Amendment 35**

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

##### **Recital 26 a (new)**

*Text proposed by the Commission*

*Amendment*

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

### **Amendment 36**

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

##### **Recital 27**

*Text proposed by the Commission*

*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 **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.

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

### **Amendment 37**

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

##### **Recital 29**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 38**

**Proposal for a regulation**

**Recital 30**

*Text proposed by the Commission*

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

*Amendment*

(30) The continued validity of the type-approvals requires that the manufacturer informs the authority that has approved his type of vehicle about any changes to the characteristics of the type or the safety and environmental performance requirements applicable to that type. It is therefore important that the validity of issued type-approval certificates is limited in time and that those certificates can only be renewed when the approval authority has verified and is satisfied that the type of vehicle continues to comply with all the applicable requirements. Furthermore, the conditions for extending type-approvals should be clarified to ensure a uniform application of the procedures and enforcement of the type-approval requirements throughout the Union. ***However, because of the nature of some systems, components and separate technical units, for example rear view mirrors, windscreen wipers and tyres, those requirements are more static. In other cases, for example those systems***



*which are related to emissions management, there may be a need to limit the period of validity, as is the case for vehicles. Therefore, the power should be delegated to the Commission to establish a list of the systems, components and separate technical units affected by a limited period of validity.*

## Amendment 39

### Proposal for a regulation Recital 31

#### *Text proposed by the Commission*

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

#### *Amendment*

(31) The assessment of reported serious risks to safety and of harm to public health and the environment should be conducted at national level, but coordination at Union level should be ensured where the reported risk or harm may exist beyond the territory of one Member State with the objective of sharing resources and ensuring consistency regarding the corrective action to be taken to mitigate the identified risk and harm. ***Particular attention must be given to replacement equipment, systems and technical units that affect the environmental impact of the exhaust system and these must be subject to authorisation requirements where appropriate.***

## Amendment 40

### Proposal for a regulation Recital 33

#### *Text proposed by the Commission*

(33) Appropriate flexibility should be provided by means of alternative type-approval schemes for manufacturers who produce vehicles in small series. They should be able to benefit from the advantages of the Union internal market provided that their vehicles comply with

#### *Amendment*

(33) Appropriate flexibility should be provided by means of alternative type-approval schemes for manufacturers who produce vehicles in small series. They should be able to benefit from the advantages of the Union internal market provided that their vehicles comply with

the specific EU type-approval requirements for vehicles produced in small series. In certain limited cases, it is appropriate to allow for national small series type-approval. In order to prevent misuse, any simplified procedure for vehicles produced in small series should be restricted to cases of very limited production. It is therefore necessary to define precisely the concept of vehicles produced in small series in terms of the number of vehicles produced, the requirements to be complied with and the conditions for placing those vehicles on the market. It is equally important to specify an alternative approval scheme for individual vehicles, in particular to provide sufficient flexibility for the approval of vehicles built in multiple stages.

the specific EU type-approval requirements for vehicles produced in small series. In certain limited cases, it is appropriate to allow for national small series type-approval. In order to prevent misuse, any simplified procedure for vehicles produced in small series should be restricted to cases of very limited production ***in accordance with this Regulation***. It is therefore necessary to define precisely the concept of vehicles produced in small series in terms of the number of vehicles produced, the requirements to be complied with and the conditions for placing those vehicles on the market. It is equally important to specify an alternative approval scheme for individual vehicles, in particular to provide sufficient flexibility for the approval of vehicles built in multiple stages.

## **Amendment 41**

### **Proposal for a regulation Recital 35 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 42**

### **Proposal for a regulation**

## Recital 36 a (new)

*Text proposed by the Commission*

*Amendment*

**(36a)** *Since there is currently no common structured process for the exchange of vehicle component data between vehicle manufacturers and independent operators, it is appropriate to develop principles for such an exchange of data. A future common structured process on the standardised format of the data exchanged should be developed by the European Committee for Standardization (CEN) formally, where upon the mandate given to CEN does not predetermine the level of detail this standard will provide. The CEN's work should, in particular, reflect the interests and needs of vehicle manufacturers and independent operators alike and should also investigate solutions such as open data formats described by well-defined meta-data to accommodate existing IT infrastructures.*

## Amendment 43

### Proposal for a regulation Recital 37 a (new)

*Text proposed by the Commission*

*Amendment*

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

*authorised dealers and repairers directly.*

#### **Amendment 44**

##### **Proposal for a regulation Recital 37 b (new)**

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 45**

##### **Proposal for a regulation Recital 40**

*Text proposed by the Commission*

*Amendment*

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

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

#### **Amendment 46**

##### **Proposal for a regulation Recital 40 a**

*Text proposed by the Commission*

*Amendment*

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

*into account.*

#### **Amendment 47**

##### **Proposal for a regulation Recital 40 b (new)**

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 48**

##### **Proposal for a regulation Recital 40 c (new)**

*Text proposed by the Commission*

*Amendment*

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

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<sup>1a</sup> Council Directive 85/374/EEC of 25

*July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ L 210, 7.8.1985, p. 29).*

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

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

## **Amendment 49**

### **Proposal for a regulation Recital 45 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 50**

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

*Text proposed by the Commission*

*Amendment*

3. For the following vehicles and

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:

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

## Amendment 51

### Proposal for a regulation

#### Article 2 – paragraph 3 – point b

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

(b) vehicles designed and constructed for use by the armed services, civil defence, fire services and forces responsible for maintaining public order;

##### *Amendment*

(b) vehicles designed and constructed for use by the armed services, civil defence, fire services, ***disaster management bodies*** and forces responsible for maintaining public order;

## Amendment 52

### Proposal for a regulation

#### Article 3 – introductory part

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

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

##### *Amendment*

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

## Amendment 53

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 2

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

(2) ‘market surveillance’ means the activities carried out and measures taken by the market surveillance authorities to ensure that vehicles, systems, components or separate technical units as well as parts and equipment made available on the market comply with the requirements set out in the relevant Union legislation and do

##### *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 or any other aspect of public interest protection;

not endanger health, safety, *the environment* or any other aspect of public interest protection *including consumer rights*;

## Amendment 54

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 7 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 55

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 9

*Text proposed by the Commission*

*Amendment*

(9) ‘manufacturer’ means a natural or legal person who is responsible for *all aspects of the* type-approval of a vehicle, system, component or separate technical unit, or the individual vehicle approval, or the authorisation process for parts and equipment, for ensuring conformity of production *and* for market surveillance *matters* regarding that vehicle, system, component, separate technical unit, part

(9) ‘manufacturer’ means a natural or legal person who is responsible for *complying with the administrative provisions and technical requirements that apply in order to obtain* type-approval of a vehicle, system, component or separate technical unit, or the individual vehicle approval, or the authorisation process for parts and equipment, *and* for ensuring conformity of production, *as well*



and equipment produced, irrespective of whether that person is or is not directly involved in all stages of the design and construction of that vehicle, system, component or separate technical unit concerned;

as for *facilitating compliance with* market surveillance *provisions* regarding that vehicle, system, component, separate technical unit, part and equipment produced, irrespective of whether that person is or is not directly involved in all stages of the design and construction of that vehicle, system, component or separate technical unit concerned;

## Amendment 56

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 16

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

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

##### *Amendment*

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

## Amendment 57

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 35

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

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

##### *Amendment*

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

## Amendment 58

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 37

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 59**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 42**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 60**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 46**

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 61

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 55

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 62

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 63

### Proposal for a regulation

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 64

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

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

### Amendment 65

**Proposal for a regulation**

**Article 6 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Where more than one approval authority is responsible for vehicle type-approval including individual vehicle type-approval in a Member State, that Member State shall designate a unique type approval authority responsible for the exchange of information with the approval authorities of the other Member States and for the fulfilment of the obligations laid down in Chapter XV of this Regulation.***

### Amendment 66

**Proposal for a regulation**

**Article 6 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 67

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 68

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 69

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

*Text proposed by the Commission*

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

*Amendment*

7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every **three** years and the results thereof shall be communicated to the other Member States, **to the European Parliament** and **to** the Commission. **The results shall be discussed by the Forum established under Article 10.** The Member State concerned shall make a summary of the results **publically available, which shall include in particular the number of vehicles, systems, components or separate technical units subject to testing or other assessment. The summary shall include a list of those vehicles, systems, components or separate technical units that are found not to be in compliance with the requirements of this Regulation, if any, the identity of the corresponding manufacturers, and a short description of the nature of the non-compliance.**

## Amendment 70

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 71

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 72

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

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 73

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

*Text proposed by the Commission*

*Amendment*

***A Member State where more than one***

***deleted***

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

#### **Amendment 74**

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

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

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

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

###### *Amendment*

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

#### **Amendment 75**

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

##### **Article 7 – paragraph 3 a (new)**

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

###### *Amendment*

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

#### **Amendment 76**

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

##### **Article 7 – paragraph 5**



*Text proposed by the Commission*

*Amendment*

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

**deleted**

## **Amendment 77**

### **Proposal for a regulation Article 8 – paragraph 1**

*Text proposed by the Commission*

*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.

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

*sensing.*

## **Amendment 78**

### **Proposal for a regulation Article 8 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 79**

### **Proposal for a regulation Article 8 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

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

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

- (a) the scale and scope of planned market surveillance activities;***
- (b) details of how market surveillance activities will be carried out, including information on the use of documentary, physical and laboratory checks, and how it reflects the principles of risk***

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

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

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

## Amendment 80

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 81

### Proposal for a regulation Article 8 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 82**

**Proposal for a regulation**

**Article 8 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 83**

**Proposal for a regulation**

**Article 8 – paragraph 5**

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 84

### Proposal for a regulation Article 8 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 85

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

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 86

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

*Text proposed by the Commission*

*Amendment*

**7. The Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be**

**deleted**

*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 87**

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

*Text proposed by the Commission*

*Amendment*

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

*deleted*

#### **Amendment 88**

##### **Proposal for a regulation Article 8 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

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

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

#### **Amendment 89**

##### **Proposal for a regulation Article 8 – paragraph 10**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

## **Amendment 90**

**Proposal for a regulation  
Article 8 – paragraph 10 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 91**

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

*Text proposed by the Commission*

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

*Amendment*

The Commission shall organise and carry out, or require to be carried out, on an adequate scale ***with due regard to agreed national programmes of market surveillance activities approved under Article 8,*** tests and inspections of vehicles, systems, components and separate technical units already made available on the market, with a view to verifying that those vehicles, systems, components and separate technical units conform to the type approvals and to applicable legislation.

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

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

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

**Amendment 92**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***Without prejudice to the first subparagraph, when the Commission,***



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

### **Amendment 93**

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

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

*Text proposed by the Commission*

*Amendment*

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

### **Amendment 94**

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

#### **Article 9 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Manufacturers holding type-approvals or the economic operators shall, upon request, supply to the Commission a statistically relevant number of production vehicles, systems, components and separate technical units selected by the Commission that are representative for the

2. Manufacturers holding type-approvals or the economic operators shall, upon request, supply to the Commission a statistically relevant number of production vehicles, systems, components and separate technical units selected by the Commission that are representative for the

vehicles, systems, components and separate technical units available for placing on the market under that type-approval. Those vehicles, systems, components and separate technical units shall be supplied for testing at the time and place and for the period the Commission may *require*.

vehicles, systems, components and separate technical units available for placing on the market under that type-approval. Those vehicles, systems, components and separate technical units shall be supplied for testing at the time and place and for the period *that* the Commission may, *depending on the situation, require*.

## Amendment 95

### Proposal for a regulation Article 9 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 96

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

*Text proposed by the Commission*

*Amendment*

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

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

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

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

## Amendment 97

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 98

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

#### *Text proposed by the Commission*

#### *Amendment*

**4a. The Commission shall organise and carry out joint audits of the type approval authorities and national market surveillance authorities to verify that they**

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

## **Amendment 99**

### **Proposal for a regulation**

#### **Article 9 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 100**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 101**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 102**

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

*Text proposed by the Commission*

*Amendment*

***4e. The Commission may request further information from Member States and their national type approval authorities and market surveillance authorities where they have reason to believe following examination within the Forum that there are cases of non-compliance with this Regulation. Member States and their respective authorities shall provide such information without undue delay.***

## Amendment 103

### Proposal for a regulation

#### Article 9 – paragraph 5 – subparagraph 2

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

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

##### *Amendment*

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

## Amendment 104

### Proposal for a regulation

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

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

##### *Amendment*

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

## Amendment 105

### Proposal for a regulation

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

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

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

##### *Amendment*

The Commission shall ***make publically available*** a report of its findings following any compliance verification testing it has

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

## Amendment 106

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 107

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

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

*broad, representative and balanced range of Union and national bodies representing relevant stakeholders.*

## **Amendment 108**

### **Proposal for a regulation Article 10 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 109**

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

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 110**

### **Proposal for a regulation Article 10 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*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) the consideration of substantiated complaints, evidence or other relevant information presented by recognised third parties of possible non-compliance;*
- (b) the joint discussion and assessment of the national market surveillance programmes following their submission to the Commission;*
- (c) the exchange of information with regard to new technologies available or due to become available on the market;*
- (d) the assessment of the results of reviews, both those under Article 6(6) and those following a joint audit under Article 71(8), of the functioning of type approval authorities;*
- (e) the review of the results of assessments of the functioning of market surveillance;*
- (f) the assessment of the results of assessments, both under Article 80(3a) and following a joint assessment under Article 80(4), of the functioning of technical services; and*
- (g) the assessment, at least every two years, of the effectiveness of enforcement activities, including, where relevant, the consistency and effectiveness of any repair, recall or penalty applied by Member States where the non-compliance affected vehicles, systems, components or separate technical units placed on the market in more than one Member State.*

## **Amendment 111**

**Proposal for a regulation**  
**Article 10 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 112**

**Proposal for a regulation  
Article 10 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 113**

**Proposal for a regulation  
Article 10 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. If the Commission demonstrates that a type approval authority concerned has breached any of the requirements of this Regulation following a joint audit, it**

*shall immediately inform the Member States, the European Parliament and the Commission. The Commission may take all necessary measures to address non-compliance. In certain cases, and having due regard to the nature of the non-compliance, the Commission shall be empowered to suspend or withdraw the authority for the concerned approval authority to accept applications for EU type approval certificates under Article 21.*

#### **Amendment 114**

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

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 115**

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

##### **Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

##### *Article 10a*

##### *Online database*

*1. The Commission shall establish an online database for the secure electronic exchange of information related to type-approval procedures, authorisations*

*issued, market surveillance and other relevant activities between national type approval authorities, market surveillance authorities, Member States and the Commission.*

*2. The Commission shall be responsible for coordination of access and receipt of regular updates with relevant authorities and data security and confidentiality relating to records maintained in the database.*

*3. Member States shall submit information required under Article 25 to the database. In addition, Member States shall supply details of the vehicle identification number of registered vehicles and the vehicle registration number allocated to a vehicle in accordance with Council Directive 1999/37/EC<sup>1a</sup> and shall provide the Commission with updates on a regular basis. This information shall be available in a searchable format.*

*4. The Commission shall establish an interface between the database and the EU Rapid Warning System (RAPEX) and the Information and Communication System on Market Surveillance (ICSMS), in order to facilitate market surveillance activities and ensure coordination, consistency and accuracy of the information provided to consumers and third parties.*

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

*The Commission shall also provide for access to information necessary for verification testing, in accordance with the implementing acts adopted under*

*Article 9(4).*

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

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

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

**Amendment 116**

**Proposal for a regulation  
Article 11 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

1. The manufacturer shall ensure that the vehicles, systems, components or separate technical units that ***are*** placed on the market or ***have*** entered into service have been manufactured and approved in accordance with the requirements set out in this Regulation ***and that they continue to comply with those requirements regardless of the testing method used.***

**Amendment 117**

**Proposal for a regulation  
Article 11 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The manufacturer shall be responsible to the approval authority for all aspects of the approval procedure and for ensuring conformity of production regardless of testing method used.***

## **Amendment 118**

### **Proposal for a regulation Article 11 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 119**

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

*Text proposed by the Commission*

*Amendment*

***4a. When applying for EU type approval, the manufacturer shall ensure that the design of the vehicles, systems, components or separate technical units does not incorporate strategies or other means that unnecessarily alter the performance exhibited during applicable test procedures when those vehicles, systems, components or separate technical***

*units are operated under conditions that might reasonably be expected to be encountered in normal operation and use.*

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

## **Amendment 120**

### **Proposal for a regulation Article 11 – paragraph 5**

*Text proposed by the Commission*

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

*Amendment*

*deleted*

## **Amendment 121**

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

*Text proposed by the Commission*

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

*Amendment*

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

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

## **Amendment 122**

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

*Text proposed by the Commission*

*Amendment*

*7a. The manufacturer shall ensure that the vehicle user, upon prior information, agrees to the processing and transmission of all data being generated while using the vehicle in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>1a</sup>. Where the data-processing and forwarding is not mandatory for the safe functioning of the vehicle, the manufacturer shall ensure that the vehicle user has the option of disconnecting the data transfer and that he or she is able to do it easily.*



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

## Amendment 123

### Proposal for a regulation

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

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

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

##### *Amendment*

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

## Amendment 124

### Proposal for a regulation

#### Article 12 – paragraph 2

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

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

##### *Amendment*

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

on the market or has entered into service to that effect.

made available on the market or has entered into service to that effect.

#### **Amendment 125**

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

##### **Article 12 – paragraph 3 – subparagraph 1**

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

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

###### *Amendment*

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

#### **Amendment 126**

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

##### **Article 12 – paragraph 3 – subparagraph 2**

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

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

###### *Amendment*

***deleted***

#### **Amendment 127**

##### **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-

###### *Amendment*

The manufacturer shall, upon a reasoned request from a national authority **or the Commission**, provide that authority **or the Commission**, through the approval

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*.

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

## Amendment 128

### Proposal for a regulation

#### Article 12 – paragraph 4 – subparagraph 2

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

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

##### *Amendment*

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

## Amendment 129

### Proposal for a regulation

#### Article 13 – title

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

Obligations of manufacturer's representatives *concerning market surveillance*

##### *Amendment*

Obligations of manufacturer's representatives

## Amendment 130

### Proposal for a regulation

#### Article 13 – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 131**

**Proposal for a regulation**

**Article 13 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 132**

**Proposal for a regulation**

**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 133

### Proposal for a regulation

#### Article 13 – paragraph 3 – introductory part

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

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

##### *Amendment*

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

## Amendment 134

### Proposal for a regulation

#### Article 14 – paragraph 2 – subparagraph 1

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

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

##### *Amendment*

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

## Amendment 135

### Proposal for a regulation

#### Article 14 – paragraph 3

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

3. Where the importer considers that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, and in particular ***that*** it does not correspond to its type-approval, ***he*** shall not place on the market, allow to enter into service or register the vehicle, system, component or

##### *Amendment*

3. Where the importer considers that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, and in particular ***where*** it does not correspond to its type-approval, ***the importer*** shall not place on the market, allow to enter into service or register the vehicle, system,

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

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

## Amendment 136

### Proposal for a regulation Article 14 – paragraph 6

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 137

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

#### *Text proposed by the Commission*

#### *Amendment*

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

## Amendment 138

### Proposal for a regulation Article 15 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 139

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 140

### Proposal for a regulation Article 16 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

2. ***The distributor shall, to protect the environment, health and safety of consumers, investigate complaints and non-conformities of vehicles, systems, components, separate technical units, parts or equipment that he has placed on the market. Furthermore, all complaints and/or non-conformities concerning environmental or safety aspects of the vehicle shall be communicated to the importer or manufacturer without delay.***

**Amendment 141**

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

*Text proposed by the Commission*

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

*Amendment*

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



the vehicle, system, component or separate technical unit until it has been brought into conformity.

## Amendment 142

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 143

### Proposal for a regulation Article 17 – paragraph 3

#### *Text proposed by the Commission*

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

#### *Amendment*

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

measures taken by the manufacturer.

#### **Amendment 144**

##### **Proposal for a regulation Article 17 – paragraph 4**

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

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

###### *Amendment*

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

#### **Amendment 145**

##### **Proposal for a regulation Article 20 – paragraph 2**

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

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

###### *Amendment*

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

#### **Amendment 146**

##### **Proposal for a regulation Article 20 – paragraph 4**

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

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

###### *Amendment*

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

approval all applicable technical requirements. Verification shall include a documentary check of all requirements covered by an EU type-approval for an incomplete type of vehicle granted in the course of a multi-stage procedure, *even* where granted for a different category of vehicle.

approval all applicable technical requirements, *in accordance with the procedures laid down in Annex XVII*. Verification shall include a documentary check of all requirements covered by an EU type-approval for an incomplete type of vehicle granted in the course of a multi-stage procedure, *including* where granted for a different category of vehicle. *It shall also include a check that the performance of the systems that were granted type-approval separately are still in conformity with those type-approvals after they have been incorporated into a whole vehicle.*

#### **Amendment 147**

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

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

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

###### *Amendment*

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

#### **Amendment 148**

##### **Proposal for a regulation Article 20 – paragraph 6 a (new)**

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

###### *Amendment*

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

#### **Amendment 149**

##### **Proposal for a regulation Article 21 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 150**

**Proposal for a regulation**

**Article 22 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 151**

**Proposal for a regulation**

**Article 22 – paragraph 1 – point d**

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 152

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 153

### Proposal for a regulation Article 23 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 154

### Proposal for a regulation Article 23 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 155

### Proposal for a regulation

#### Article 23 – paragraph 2 – subparagraph 1

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

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

##### *Amendment*

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

## Amendment 156

### Proposal for a regulation

#### Article 23 – paragraph 3 – subparagraph 1 – point a

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

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

##### *Amendment*

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

## Amendment 157

### Proposal for a regulation

#### Article 23 – paragraph 3 – subparagraph 1 – point b

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

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

##### *Amendment*

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

made to the vehicle.

## Amendment 158

### Proposal for a regulation

#### Article 23 – paragraph 3 – subparagraph 2

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

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

##### *Amendment*

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

## Amendment 159

### Proposal for a regulation

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

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

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

##### *Amendment*

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

*During the period of validity of the EU type-approval, access shall be granted to the software, hardware and algorithms of the vehicle in order to allow verification that the requirements of this Regulation are complied with during periodic inspection. After the expiration of the type approval certificate and in the event of non-renewal of that certificate, the access shall continue to be granted upon request. The information to be disclosed for those particular purposes is not to be such as to undermine the confidentiality of*

*proprietary information and intellectual property. The manufacturer shall communicate to the approval authority and the technical service - in a standardised form - the version of the software governing safety-related systems and components and settings or other calibrations applied to emissions-related systems and components at the time of the application for type-approval. In order to detect subsequent unlawful changes to the software, the technical service shall be entitled to mark the software by setting corresponding parameters.*

## Amendment 160

### Proposal for a regulation

#### Article 24 – paragraph 2 – point d

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

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

##### *Amendment*

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

## Amendment 161

### Proposal for a regulation

#### Article 24 – paragraph 4 – subparagraph 2

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

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

##### *Amendment*

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



## Amendment 162

### Proposal for a regulation Article 24 – paragraph 5

#### *Text proposed by the Commission*

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

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

## Amendment 163

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 164

### Proposal for a regulation Article 25 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 165**

**Proposal for a regulation  
Article 25 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

**Amendment 166**

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

*Text proposed by the Commission*

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

*Amendment*

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

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

of its refusal or withdrawal of any EU type-approval, stating the reasons for its decision. ***The approval authority shall also update this information on the online database.***

## Amendment 167

### Proposal for a regulation

#### Article 26 – paragraph 1 – point d

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

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

##### *Amendment*

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

## Amendment 168

### Proposal for a regulation

#### Article 28 – paragraph 1

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

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

##### *Amendment*

1. ***For the purpose of EU type-approvals the approval authority shall verify*** compliance with the technical requirements of this Regulation and of the ***relevant*** regulatory acts listed in Annex IV ***by means of appropriate tests performed by designated technical services.***

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

## Amendment 169

### Proposal for a regulation

#### Article 28 – paragraph 2

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

2. The manufacturer shall provide the approval authority with the vehicles,

##### *Amendment*

2. The manufacturer shall provide the ***relevant technical services and*** approval

systems, components or separate technical units that are required under the relevant acts listed in Annex IV for the performance of the required tests.

authority with the vehicles, systems, components or separate technical units that are required under the relevant acts listed in Annex IV for the performance of the required tests.

## **Amendment 170**

### **Proposal for a regulation**

#### **Article 28 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The required tests shall be performed in accordance with the relevant regulatory acts listed in Annex IV. Where a range of values is provided for in the test procedures set out in the relevant regulatory acts, the technical services shall be able to set the parameters and conditions used to perform the appropriate tests referred to in paragraph 1. In the case of whole vehicle type-approval, the authorities shall ensure that the vehicles selected for testing represent the worst case with respect to compliance with the respective criteria and that the vehicles selected will not lead to the attainment of results that are systematically divergent from the performance when those vehicles are operated under conditions that might reasonably be expected to be encountered in normal operation and use.***

## **Amendment 348**

### **Proposal for a regulation**

#### **Article 28 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. In order to verify compliance with***

**Article 3(10) and Article 5(2) of Regulation (EC) No 715/2007, the Commission, type-approval authorities and technical services may diverge from the standard test procedures and range of values and shall modify conditions and parameters in a non-predictable manner, and in particular may also do so beyond the values and procedures prescribed in the regulatory acts listed in Annex IV.**

## Amendment 171

### Proposal for a regulation Article 29 – paragraph 2

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 172

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

*authority shall carry out subsequent checks at least once a year at random intervals which it shall determine.*

## Amendment 173

### Proposal for a regulation Article 29 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 174

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

*Text proposed by the Commission*

*Amendment*

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

5. An approval authority that has granted an EU type-approval and **that** establishes that the manufacturer no longer produces the vehicles, systems, components or separate technical units in conformity with the approved type, **with the requirements of this Regulation or with the requirements of the regulatory acts listed in Annex IV**, or **that** establishes that the certificates of conformity no longer comply with Articles 34 and 35, even though production is continued, shall take the necessary measures to ensure that the **arrangements** for conformity of production **are** followed correctly or withdraw the type-approval. **The approval authority may decide to take all necessary restrictive measures in accordance with Articles 53 and 54.**

## Amendment 175

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 176

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 177

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

*Text proposed by the Commission*

3. The **national fee structure** shall **also cover** the costs **for the compliance**

*Amendment*

3. The **Commission** shall **ensure that** the costs **of the** inspections and tests

*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>.

*mandated* by the Commission in accordance with Article 9 *are covered*. The general budget of the European Union *shall be used for this purpose*.

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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 (OJ L 298, 26.10.2012, p. 1–96).*

#### **Amendment 178**

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

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

4. Member States shall notify the details of their *national fee structure* to the other Member States and the Commission. The first notification shall be effected on [date of entry into force of this Regulation + 1 year]. Subsequent updates of the national fee structures shall be notified to the other Member States and to the Commission on a yearly basis.

###### *Amendment*

4. Member States shall notify the details of their *financial mechanism or mechanisms* to the other Member States and the Commission. The first notification shall be effected on [date of entry into force of this Regulation + 1 year]. Subsequent updates of the national fee structures shall be notified to the other Member States and to the Commission on a yearly basis.

#### **Amendment 179**

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



*Text proposed by the Commission*

*Amendment*

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

**deleted**

## **Amendment 180**

### **Proposal for a regulation Article 31 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 181**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 182**

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

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

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

***Prior to*** the expiry of the type-approval certificate, it may be renewed upon application by the manufacturer and only where the approval authority has verified that the type of vehicle ***as a whole*** complies with all the requirements, ***including testing protocols,*** of the relevant regulatory acts for new vehicles ***of that approved type. Where the approval authority establishes that this subparagraph applies, it is not necessary for the tests referred to in Article 28 to be repeated.***

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

## **Amendment 183**

### **Proposal for a regulation Article 33 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 184**

### **Proposal for a regulation**

#### **Article 33 – paragraph 2 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

## **Amendment 185**

### **Proposal for a regulation**

#### **Article 34 – paragraph 4**

*Text proposed by the Commission*

(4) The person(s) authorised to sign certificates of conformity shall be employed by the manufacturer and shall be duly authorised to **fully** engage the legal responsibility of the manufacturer with respect to the design and the construction of the vehicle or to the conformity of its production.

*Amendment*

(4) The person(s) authorised to sign certificates of conformity shall be employed by the manufacturer and shall be duly authorised to engage the legal responsibility of the manufacturer with respect to the design and the construction of the vehicle or to the conformity of its production.

**Amendment 186**

**Proposal for a regulation**

**Article 36 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

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

**Amendment 187**

**Proposal for a regulation**

**Article 38 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 188

### Proposal for a regulation Article 40 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 189

### Proposal for a regulation Article 40 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 190

### Proposal for a regulation Article 41 – paragraph 3 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 191

### Proposal for a regulation Article 42 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 192**

**Proposal for a regulation  
Article 42 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 193**

**Proposal for a regulation  
Article 43 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 194**

**Proposal for a regulation  
Article 43 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 195**

**Proposal for a regulation**

**Article 43 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

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

**Amendment 196**

**Proposal for a regulation**

**Article 44 – paragraph 3**

*Text proposed by the Commission*

3. A Member State shall permit a vehicle for which another Member State has granted a national individual vehicle approval in accordance with Article 43 to be made available on the market, registered or entered into service, unless that Member State has reasonable grounds to believe that the relevant alternative requirements against which the vehicle has been

*Amendment*

3. A Member State shall permit a vehicle for which another Member State has granted a national individual vehicle approval in accordance with Article 43 to be made available on the market, registered or entered into service, unless that Member State has reasonable grounds to believe that the relevant alternative requirements against which the vehicle has been

approved are not equivalent to its own.

approved are not equivalent to its own *or that the vehicle does not comply with those requirements.*

## Amendment 197

### Proposal for a regulation Article 45 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 198

### Proposal for a regulation Article 45 – paragraph 2

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 199

### Proposal for a regulation Article 46 – paragraph 1 – subparagraph 2

#### *Text proposed by the Commission*

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

#### *Amendment*

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



## Amendment 201

### Proposal for a regulation

#### Article 47 – paragraph 1 – subparagraph 2

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

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

##### *Amendment*

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

## Amendment 202

### Proposal for a regulation

#### Article 47 – paragraph 3 – subparagraph 1

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

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

##### *Amendment*

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

## Amendment 203

### Proposal for a regulation

#### Article 47 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 204**

**Proposal for a regulation  
Article 47 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 205**

**Proposal for a regulation  
Article 47 – paragraph 6**

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 206

### Proposal for a regulation Article 49 – title

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 207

### Proposal for a regulation Article 49 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 208

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

*Text proposed by the Commission*

*Amendment*

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

*deleted*

#### **Amendment 209**

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

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

*Text proposed by the Commission*

*Amendment*

*Article 20 of Regulation (EC) No 765/2008 shall apply to the risk assessment of the product.*

#### **Amendment 210**

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

**Article 49 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

#### **Amendment 211**

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

**Article 49 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The relevant approval authority shall inform the Commission and the other Member States of the results of the evaluation referred to in paragraph 1 and the action required of the economic operator.**

**deleted**

## **Amendment 212**

### **Proposal for a regulation Article 49 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 49a**

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

**1. Where, after performing the evaluation pursuant to Article 49, the Market surveillance authorities of one Member State find that a vehicle, system, component or separate technical unit presents a serious risk to the health or safety of persons or to other aspects of the protection of public interests covered by this Regulation or is not compliant with this Regulation, it shall require without delay the relevant economic operator to take all appropriate corrective measures to ensure that the vehicle, system, component or separate technical unit concerned, when placed on the market, registered or entered into service, no longer presents that risk or this non-compliance.**

**2. The economic operator shall, in accordance with the obligations referred to in Articles 11 to 19, ensure that all appropriate corrective measures are taken in respect of all concerned vehicles, systems, components or separate technical**

*units that it has placed on the market, registered or has entered into service in the Union*

**3.** *Where the economic operator does not take adequate corrective measures within the period referred to in paragraph 1 or where the risk requires a rapid action, the national authorities shall take all appropriate provisional restrictive measures to prohibit or restrict the making available on the market, registration or entry into service of the concerned vehicles, systems, components or separate technical units on their national market, or to withdraw them from that market or to recall them.*

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

## **Amendment 213**

### **Proposal for a regulation Article 50 – title**

*Text proposed by the Commission*

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

*Amendment*

*Corrective and restrictive measures at EU level*

## **Amendment 214**

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

*Text proposed by the Commission*

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

*Amendment*

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

*the approval about its findings.*

## Amendment 215

### Proposal for a regulation

#### Article 50 – paragraph 1 – subparagraph 2

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

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

##### *Amendment*

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

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

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

## Amendment 216

### Proposal for a regulation

#### Article 50 – paragraph 2

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

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

***(a) failure of the vehicle, system, component or separate technical unit to meet requirements relating to the health or safety of persons, the protection of the***

##### *Amendment*

***deleted***

*environment or to other aspects of the protection of public interests covered by this Regulation;*

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

#### **Amendment 217**

##### **Proposal for a regulation Article 50 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

#### **Amendment 218**

##### **Proposal for a regulation Article 50 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

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



## Amendment 219

### Proposal for a regulation Article 50 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

4. Where, within one month ***after notification*** referred to in paragraph 1, an objection has been raised by either another Member State or the Commission in respect of a ***corrective or*** restrictive measure taken by a Member State, ***or where the Commission has considered that a national measure is contrary to Union legislation, the Commission shall, without delay, consult the Member States concerned and the relevant economic operator or operators.***

## Amendment 220

### Proposal for a regulation Article 50 – paragraph 5

*Text proposed by the Commission*

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

*Amendment*

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

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

## **Amendment 221**

### **Proposal for a regulation Article 50 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 222**

### **Proposal for a regulation Article 50 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

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

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

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

## **Amendment 223**

### **Proposal for a regulation Article 51**

**Article 51**

*deleted*

**Union safeguard procedure**

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

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

**2. Where the Commission considers the national measure to be justified, all Member States shall take the necessary measures to ensure that the non-compliant vehicle, system, component or separate technical unit is withdrawn from their market, and shall inform the Commission accordingly. Where the Commission considers the national measure to be unjustified, the Member State concerned shall withdraw or adapt the measure, in accordance with the Commission decision referred to in paragraph 1.**

**3. Where the national measure is considered justified and is attributed to shortcomings in regulatory acts referred to in Annex IV, the Commission shall**

*propose appropriate measures as follows:*

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

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

## **Amendment 224**

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

*Text proposed by the Commission*

*Amendment*

#### *Article 51a*

#### *Corrective and restrictive measures following Commission market surveillance activities*

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

*Where the economic operator does not take adequate corrective measures within the period referred to in the first subparagraph or where the risk requires rapid action, the Commission shall adopt implementing acts setting out any Union*

*corrective or restrictive measure that it considers to be necessary at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).*

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

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

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

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

## **Amendment 225**

### **Proposal for a regulation Article 52**

*Text proposed by the Commission*

*Amendment*

#### *Article 52*

*deleted*

*Compliant vehicles, systems, components or separate technical units that present a serious risk to safety or serious harm to health and the environment*

*1. Where, having performed an evaluation under Article 49(1), a Member State finds that vehicles, systems, components or separate technical units, although they comply with the applicable requirements or are properly marked, present a serious risk to safety or may*

*seriously harm the environment or public health, it shall require the relevant economic operator to take all appropriate corrective measures to ensure that the vehicle, system, component or separate technical unit concerned, when placed on the market, registered or entered into service, no longer presents that risk, or it shall take restrictive measures to withdraw the vehicle, system, component or separate technical unit from the market or to recall it within a reasonable period, depending on the nature of the risk.*

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

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

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

*4. The Commission shall consult without delay the Member States and the relevant economic operator or operators and, in particular, the approval authority that granted the type-approval, and shall evaluate the national measure taken. On the basis of that evaluation, the Commission shall decide whether the national measure referred to in paragraph 1 is considered justified or not, and where necessary, propose appropriate measures. Those implementing acts shall be adopted in accordance with the examination*

*procedure referred to in Article 87(2).*

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

## **Amendment 226**

### **Proposal for a regulation Article 53**

*Text proposed by the Commission*

*Amendment*

#### **Article 53**

*deleted*

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

*1. Where vehicles, systems, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark do not conform to the approved type, or are not in conformity with this regulation or were approved on the basis of incorrect data, the approval authorities, market surveillance authorities or the Commission may take the necessary restrictive measures in accordance with Article 21 of Regulation (EC) No 765/2008, to prohibit or restrict the making available on the market, registration or entry into service on the market of non-compliant vehicles, systems, components or separate technical units, or to withdraw them from that market or to recall them, including the withdrawal of the type-approval by the approval authority that granted the EU type-approval, until the relevant economic operator has taken all appropriate corrective measures to ensure that vehicles, systems, components or separate technical units are brought into conformity.*

*2. For the purposes of paragraph 1, deviations from the particulars in the EU type-approval certificate or the*

*information package shall be deemed to constitute a failure to conform to the approved type.*

#### **Amendment 227**

##### **Proposal for a regulation Article 54 – title**

*Text proposed by the Commission*

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

*Amendment*

Non-compliant *EU type approval*

#### **Amendment 228**

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

*Text proposed by the Commission*

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

*Amendment*

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

#### **Amendment 229**

##### **Proposal for a regulation Article 54 – paragraph 2**

*Text proposed by the Commission*

2. *The approval authority or market*

*Amendment*

2. *Where within one month after the*



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

*notification, the non-conformity of the type-approval is confirmed by the approval authority that granted the EU type-approval, that approval authority shall withdraw the type-approval.*

#### **Amendment 230**

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

##### **Article 54 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

#### **Amendment 231**

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

##### **Article 54 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

## Amendment 232

### Proposal for a regulation Article 54 – paragraph 5

*Text proposed by the Commission*

*Amendment*

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

## Amendment 233

### Proposal for a regulation Article 54 – paragraph 6

*Text proposed by the Commission*

*Amendment*

**6. Where non-conformity is established by the approval authority that granted the EU type-approval for a vehicle, system, component or separate technical unit, that approval authority shall require without delay the relevant economic operator to take all appropriate corrective measures to bring the vehicle, system, component or separate technical unit into compliance and where necessary the approval authority that granted the EU type-approval shall take the measures referred to in Article 53(1) as soon as possible and at the latest within one month of the date of the request.** *deleted*

## Amendment 234

### Proposal for a regulation Article 54 – paragraph 7

*Text proposed by the Commission*

*Amendment*

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

**deleted**

## **Amendment 235**

### **Proposal for a regulation**

#### **Article 54 – paragraph 8 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where, within one month after the notification of the **restrictive measures taken** by an approval authority **or a market surveillance authority in accordance with Article 53(1)**, an objection has been raised by **another Member State in respect of the notified restrictive measure or where the Commission establishes a non-compliance in accordance with Article 9(5)**, the Commission shall consult without delay the Member States **and the relevant economic operator or operators and**, in particular, the approval authority that granted the type-approval, **and shall evaluate the national measure taken. On the basis of that evaluation, the Commission may decide to take the necessary restrictive measures foreseen in Article 53(1) by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**

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

## Amendment 236

### Proposal for a regulation Article 54 – paragraph 8 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 237

### Proposal for a regulation Article 54 – paragraph 8 b (new)

*Text proposed by the Commission*

*Amendment*

**8b.** *Where following Commission checks in accordance with Article 9, the Commission considers that a type-approval that has been granted is not compliant with this Regulation, the Commission shall, without delay, consult the Member States and, in particular, the approval authority that granted the type-approval and the relevant economic operator. After such consultations have taken place, the Commission shall adopt implementing acts containing its decision as to whether the type-approval that has been granted is compliant with this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).*

## Amendment 238

### Proposal for a regulation Article 54 – paragraph 9

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 239

### Proposal for a regulation Article 55

*Text proposed by the Commission*

*[...]*

*Amendment*

*deleted*

## Amendment 240

### Proposal for a regulation Article 56

*Text proposed by the Commission*

*[...]*

*Amendment*

*deleted*

## Amendment 241

### Proposal for a regulation Article 57

**Article 57**

**deleted**

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

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

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

**3. The manufacturer shall propose to the approval authority that granted the type-approval a set of appropriate remedies to bring the vehicles, systems, components or separate technical units in conformity and, where appropriate, to neutralise the serious risk referred to in Article 20 of Regulation (EC) No 765/2008.**

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

*delay.*

#### **Amendment 242**

#### **Proposal for a regulation Article 58**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

#### **Amendment 243**

#### **Proposal for a regulation Article 59**

*Text proposed by the Commission*

*Amendment*

*Article 59*

*deleted*

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

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

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

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

*Where the measure is addressed to a specific economic operator, it shall be notified without delay to the economic*

*operator concerned, who shall at the same time be informed of the remedies available under the law of the Member State concerned and of the time limits to which such remedies are subject.*

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

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

#### **Amendment 244**

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

##### **Article 60 – paragraph 3 – subparagraph 2**

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

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

###### *Amendment*

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

#### **Amendment 245**

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

##### **Article 63 – paragraph 1**

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

1. The manufacturer shall not supply any technical information related to the particulars of the type of vehicle, system, component or separate technical unit provided for in this Regulation, **or** in the delegated or implementing acts adopted

###### *Amendment*

1. The manufacturer shall not supply any technical information related to the particulars of the type of vehicle, system, component or separate technical unit provided for in this Regulation, in the delegated or implementing acts adopted



pursuant to this Regulation, that diverges from the particulars of the type-approved by the approval authority.

pursuant to this Regulation, *or in the regulatory acts listed in Annex IV*, that diverges from the particulars of the type-approved by the approval authority.

## Amendment 246

### Proposal for a regulation

#### Article 65 – paragraph 1 – subparagraph 1

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

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

##### *Amendment*

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

## Amendment 247

### Proposal for a regulation

#### Article 65 – paragraph 2 – subparagraph 2

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

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

##### *Amendment*

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

*task associated with their business in the aftermarket supply chain.*

## Amendment 248

### Proposal for a regulation Article 65 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 249

### Proposal for a regulation Article 65 – paragraph 10

*Text proposed by the Commission*

*Amendment*

10. The Commission **shall be** empowered to adopt delegated acts in accordance with Article 88 to amend and supplement Annex XVIII to take account of technical and regulatory developments or prevent misuse by updating the requirements concerning the access to vehicle OBD and vehicle repair and maintenance information and by adopting and integrating the standards referred to in paragraphs 2 and 3.

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

*by technical design.*

## **Amendment 250**

### **Proposal for a regulation Article 66 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

## **Amendment 251**

### **Proposal for a regulation Article 67 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

## **Amendment 252**

### **Proposal for a regulation Article 69 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

in order to verify compliance by the manufacturer.

in order to verify compliance by the manufacturer. ***The approval authority shall request the approval authority that granted the whole vehicle type-approval to investigate the complaint and subsequently request evidence from the vehicle manufacturer that its system is in compliance with the Regulation. The results of that investigation shall be communicated within three months of the request to the national approval authority and the independent operator or trade association concerned.***

## Amendment 253

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

#### *Text proposed by the Commission*

1. The type approval authority designated by the Member State in accordance with Article 7(3), ***hereinafter referred to as the ‘type-approval authority’***, shall be responsible for the assessment, designation, notification and the monitoring of technical services, including, where appropriate, the subcontractors or subsidiaries of those technical services.

#### *Amendment*

1. The type approval authority designated by the Member State in accordance with Article 7(3), ***or the accreditation body in accordance with Regulation (EC) No 765/2008, (together, the ‘the designating body’)***, shall be responsible for the assessment, designation, notification and the monitoring of technical services ***in the respective Member State***, including, where appropriate, the subcontractors or subsidiaries of those technical services.

## Amendment 254

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 255

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 256

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 257

### Proposal for a regulation Article 71 – paragraph 5

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 258

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

*Text proposed by the Commission*

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

#### **Amendment 259**

##### **Proposal for a regulation Article 71 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

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

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

#### **Amendment 260**

##### **Proposal for a regulation Article 71 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

9. ***The outcome of the peer-review shall be communicated to all Member States and to the Commission and a summary of the outcome shall be made publicly available. It shall be discussed by***

***deleted***

*the Forum established in Article 10 on the basis of an assessment of this outcome carried out by the Commission and issue recommendations.*

#### **Amendment 261**

##### **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*

*deleted*

#### **Amendment 262**

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

*Text proposed by the Commission*

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

*Amendment*

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

#### **Amendment 263**

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

*Text proposed by the Commission*

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

*Amendment*

3. A technical service shall be established under the national law of a Member State and have legal personality, except for ***a technical service belonging to a type-approval authority and for an***

Article 76.

accredited in-house technical service of a manufacturer, as referred to in Article 76.

## Amendment 264

### Proposal for a regulation Article 73 – paragraph 5

*Text proposed by the Commission*

5. The personnel of a technical service shall observe professional secrecy with regard to all information obtained in carrying out their tasks under this Regulation, except in relation to the **approval** authority or where required by Union or national law.

*Amendment*

5. The personnel of a technical service shall observe professional secrecy with regard to all information obtained in carrying out their tasks under this Regulation, except in relation to the **designating** authority or where required by Union or national law.

## Amendment 265

### Proposal for a regulation Article 74 – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 266

### Proposal for a regulation Article 75 – paragraph 1

*Text proposed by the Commission*

1. Technical services may **subcontract**, with the agreement of their designating **type-approval** authority, some of the

*Amendment*

1. Technical services may, with the agreement of their **designating** authority, **or, in the case of accreditation, 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.

***national accreditation body, subcontract*** some of the categories of activities for which they have been designated in accordance with Article 72(1), or have those activities carried out by a subsidiary.

## Amendment 267

### Proposal for a regulation Article 75 – paragraph 2

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 268

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 269

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 270**

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

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 271**

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

##### **Article 76 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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

#### **Amendment 272**

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

##### **Article 77 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

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

### **Amendment 273**

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

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

*Text proposed by the Commission*

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

### **Amendment 274**

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

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

*Text proposed by the Commission*

**Representatives of the type-approval authorities of at least two other Member**

*Amendment*

**1b. In cases where the assessment is performed by the type-approval authority,**

*States shall, in coordination with the type-approval authority of the Member State in which the applicant technical service is established, and together with a representative of the Commission, form a joint assessment team and participate in the assessment of the applicant technical service, including the on-site assessment. The designating type-approval authority of the Member State where the applicant technical service is established shall give those representatives timely access to the documents necessary to assess the applicant technical service.*

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

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

## **Amendment 275**

### **Proposal for a regulation**

#### **Article 77 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. In cases where the assessment is carried out by an accreditation body the applicant technical service shall deliver to the type-approval authority a valid accreditation certificate and the corresponding evaluation report proving the fulfilment of the requirements set out in Appendix 2 of Annex V for the activities for which the applicant technical service is applying to be designated.*

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

## Amendment 276

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

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 277

### Proposal for a regulation Article 77 – paragraph 5

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 278

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

*Text proposed by the Commission*

*Amendment*

The ***type-approval*** authority shall notify the assessment report to the Commission and to designating authorities of the other Member States with documentary evidence regarding the competence of the technical

The ***designating*** authority shall notify the assessment report to the Commission and to designating authorities of the other Member States with documentary evidence regarding the competence of the technical

service and the arrangements in place to regularly monitor the technical service and ensure that it continues to comply with the requirements of this Regulation.

service and the arrangements in place to regularly monitor the technical service and ensure that it continues to comply with the requirements of this Regulation.

#### **Amendment 279**

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

##### **Article 77 – paragraph 7 – subparagraph 2**

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

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

###### *Amendment*

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

#### **Amendment 280**

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

##### **Article 77 – paragraph 8**

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

8. The **type-approval** authorities of the other Member States and the Commission may review the assessment report and the documentary evidence, raise questions or concerns and request further documentary evidence within one month after the notification of the assessment report and the documentary evidence.

###### *Amendment*

8. The **designating** authorities of the other Member States and the Commission may review the assessment report and the documentary evidence, raise questions or concerns and request further documentary evidence within one month after the notification of the assessment report and the documentary evidence.

#### **Amendment 281**

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

##### **Article 77 – paragraph 9**

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

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

###### *Amendment*

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

within four weeks following their receipt.

within four weeks following their receipt.

## Amendment 282

### Proposal for a regulation Article 77 – paragraph 10

#### *Text proposed by the Commission*

10. The ***type-approval*** authorities of the other Member States or the Commission may individually or jointly address recommendations to the ***type-approval*** authority of the Member State where the applicant technical service is established within four weeks following the receipt of the response referred to in paragraph 9. That ***type-approval*** authority shall take account of the recommendations when it takes the decision on the designation of the technical service. Where that ***type-approval*** authority decides not to follow the recommendations addressed by the other Member States or the Commission, it shall give the reasons therefor within two weeks after taking its decision.

#### *Amendment*

10. The ***designating*** authorities of the other Member States or the Commission may individually or jointly address recommendations to the ***designating*** authority of the Member State where the applicant technical service is established within four weeks following the receipt of the response referred to in paragraph 9. That ***designating*** authority shall take account of the recommendations when it takes the decision on the designation of the technical service. Where that ***designating*** authority decides not to follow the recommendations addressed by the other Member States or the Commission, it shall give the reasons therefor within two weeks after taking its decision.

## Amendment 283

### Proposal for a regulation Article 78 – paragraph 2 – subparagraph 1

#### *Text proposed by the Commission*

Within ***28 days*** of a notification, a Member State or the Commission may raise written objections, setting out its arguments, with regard either to the technical service or to its monitoring by the ***type-approval*** authority. When a Member State or the Commission raises objections, the effect of the notification shall be suspended. In this case, the Commission shall consult the parties involved and shall ***decide by means of an*** implementing ***act*** whether the suspension of the notification can be lifted or not. ***That*** implementing ***act*** shall be adopted in accordance with the

#### *Amendment*

Within ***one month*** of a notification, a Member State or the Commission may raise written objections, setting out its arguments, with regard either to the technical service or to its monitoring by the ***designating*** authority. When a Member State or the Commission raises objections, the effect of the notification shall be suspended. In this case, the Commission shall consult the parties involved and shall ***adopt*** implementing ***acts in order to decide*** whether the suspension of the notification can be lifted or not. ***Those*** implementing ***acts*** shall be adopted in accordance with

examination procedure referred to in Article 87(2).

the examination procedure referred to in Article 87(2).

#### **Amendment 284**

##### **Proposal for a regulation Article 78 – paragraph 3**

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

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

###### *Amendment*

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

#### **Amendment 285**

##### **Proposal for a regulation Article 78 – paragraph 4**

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

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

###### *Amendment*

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

#### **Amendment 286**

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

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

Where the ***type-approval*** authority has ascertained or has been informed that a technical service no longer complies with the requirements laid down in this

###### *Amendment*

Where the ***designating*** authority has ascertained or has been informed that a technical service no longer complies with the requirements laid down in this



Regulation, that authority shall restrict, suspend or withdraw the designation, as appropriate, depending on the seriousness of the failure to comply with those requirements.

Regulation, that authority shall restrict, suspend or withdraw the designation, as appropriate, depending on the seriousness of the failure to comply with those requirements.

#### **Amendment 287**

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

##### **Article 79 – paragraph 1 – subparagraph 2**

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

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

###### *Amendment*

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

#### **Amendment 288**

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

##### **Article 79 – paragraph 3 – subparagraph 1**

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

The *type-approval* authority shall inform the other *type-approval* authorities and the Commission when non-compliance of the technical service has an impact on type-approval certificates issued on the basis of the inspection and test reports issued by the technical service subject of the change in notification.

###### *Amendment*

The *designating* authority shall inform the other *designating* authorities and the Commission when non-compliance of the technical service has an impact on type-approval certificates issued on the basis of the inspection and test reports issued by the technical service subject of the change in notification.

#### **Amendment 289**

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

##### **Article 79 – paragraph 3 – subparagraph 2**

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

Within two months after having notified the changes to the notification, the *type-approval* authority shall submit a report on its findings regarding the non-compliance to the Commission and the other *type-*

###### *Amendment*

Within two months after having notified the changes to the notification, the *designating* authority shall submit a report on its findings regarding the non-compliance to the Commission and the

*approval* authorities. Where necessary to ensure the safety of vehicles, systems, components or separate technical units already placed on the market, the designating *type-approval* authority shall instruct the concerned approval authorities to suspend or withdraw within a reasonable period of time, any certificates which were unduly issued.

other *designating* authorities. Where necessary to ensure the safety of vehicles, systems, components or separate technical units already placed on the market, the *designating* authority shall instruct the concerned approval authorities to suspend or withdraw within a reasonable period of time, any certificates which were unduly issued.

## Amendment 290

### Proposal for a regulation

#### Article 79 – paragraph 4 – introductory part

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

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

##### *Amendment*

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

## Amendment 291

### Proposal for a regulation

#### Article 79 – paragraph 4 – point a

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

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

##### *Amendment*

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

## Amendment 292

### Proposal for a regulation

#### Article 79 – paragraph 4 – point b

*Text proposed by the Commission*

(b) in the case of restriction or withdrawal of a **notification**, for a period of three months after the restriction or withdrawal. The type-approval authority that issued the certificates may extend the validity of the certificates for further periods of three months, for a maximum period altogether, of twelve months, provided it is assuming during that period the functions of the technical service whose notification has been restricted or withdrawn.

*Amendment*

(b) in the case of restriction or withdrawal of a **designation**, for a period of three months after the restriction or withdrawal. The type-approval authority that issued the certificates may extend the validity of the certificates for further periods of three months, for a maximum period altogether, of twelve months, provided it is assuming during that period the functions of the technical service whose notification has been restricted or withdrawn.

**Amendment 293**

**Proposal for a regulation**  
**Article 79 – paragraph 6**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 294**

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 295

### Proposal for a regulation

#### Article 80 – paragraph 1 – subparagraph 2

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

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

##### *Amendment*

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

## Amendment 296

### Proposal for a regulation

#### Article 80 – paragraph 1 – subparagraph 3

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

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

##### *Amendment*

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

## Amendment 297

### Proposal for a regulation

#### Article 80 – paragraph 3 – subparagraph 1

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

The ***type-approval*** authority of the Member State in which the technical service is established shall ensure that the technical

##### *Amendment*

The ***designating*** authority of the Member State in which the technical service is established shall ensure that the technical

service carries out its obligation laid down in paragraph 2, unless there is a legitimate reason for not doing so.

service carries out its obligation laid down in paragraph 2, unless there is a legitimate reason for not doing so.

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

## **Amendment 298**

### **Proposal for a regulation**

#### **Article 80 – paragraph 3 – subparagraph 4**

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

The technical service or the *type-approval* authority may request that any information transmitted to the authorities of another Member State or to the Commission shall be treated confidentially.

##### *Amendment*

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

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

## **Amendment 299**

### **Proposal for a regulation**

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

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

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

##### *Amendment*

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

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

## Amendment 300

### Proposal for a regulation

#### Article 80 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

*The outcome of the assessment shall be communicated to all Member States and to the Commission and a summary of the outcome shall be made publicly available. It shall be discussed by the Forum established pursuant to Article 10.*

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

## Amendment 301

### Proposal for a regulation

#### Article 81 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

The Commission shall investigate all cases where concerns have been brought to its attention regarding the competence of a technical service or the continued compliance by a technical service with the requirements and responsibilities to which it is subject under this Regulation. It may also commence such investigations on its own initiative.

*Amendment*

The Commission, *working in conjunction with the type-approval authority of the Member State concerned*, shall investigate all cases where concerns have been brought to its attention regarding the competence of a technical service or the continued compliance by a technical service with the requirements and responsibilities to which it is subject under this Regulation. It may also commence such investigations on its own initiative.

## Amendment 302

### Proposal for a regulation

#### Article 81 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall *consult* the type-approval authority of the Member

*Amendment*

2. The Commission shall *cooperate with* the type-approval authority of the

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

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

### Amendment 303

#### Proposal for a regulation

##### Article 82 – paragraph 4

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

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

###### *Amendment*

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

### Amendment 304

#### Proposal for a regulation

##### Article 83 – paragraph 1

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

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

###### *Amendment*

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

## Amendment 305

### Proposal for a regulation

#### Article 84 – paragraph 2 – point a

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

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

##### *Amendment*

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

## Amendment 306

### Proposal for a regulation

#### Article 88 – paragraph 2

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

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

##### *Amendment*

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

## Amendment 307

### Proposal for a regulation

#### Article 88 – paragraph 3

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

3. The delegation of power referred to in Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), **Article 55(2) and (3), Article 56(2)**, Article 60(3), Article 65(10), Article

##### *Amendment*

3. The delegation of power referred to in Article 4(2), Article 5(2), **Article 6(7a)**, Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), **Article 33(1a)**, Article 34(2), Article 60(3), Article 65(10), Article 76(4)



76(4) and Article 90(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

and Article 90(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

## Amendment 308

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

*Text proposed by the Commission*

*Amendment*

**3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.**

## Amendment 309

### Proposal for a regulation Article 88 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. A delegated act adopted pursuant to Article 4(2), Article 5(2), Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), Article 34(2), **Article 55(2) and (3), Article 56(2)**, Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to

5. A delegated act adopted pursuant to Article 4(2), Article 5(2), **Article 6(7a)**, Article 10(3), Article 22(3), Article 24(3), Article 25(5), Article 26(2), Article 28(5), Article 29(6), **Article 33(1a)**, Article 34(2), Article 60(3), Article 65(10), Article 76(4) and Article 90(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European

the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

### **Amendment 353**

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

##### **Article 89 – title**

*Text proposed by the Commission*

Penalties

*Amendment*

Penalties *and liabilities*

### **Amendment 310**

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

##### **Article 89 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 311

### Proposal for a regulation

#### Article 89 – paragraph 2 – point a

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 312

### Proposal for a regulation

#### Article 89 – paragraph 2 – point b

*Text proposed by the Commission*

(b) falsifying test results for type-approval;

*Amendment*

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

## Amendment 313

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 354

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

*(cb) where it is established, by means of tests or inspections for compliance purposes, or alternative means, that vehicles, components, systems or separate technical units do not comply with the type-approval requirements laid down in this Regulation or any of the regulatory acts listed in Annex IV or that the type approval has been granted on the basis of incorrect data.*

#### **Amendment 314**

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

##### **Article 89 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

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

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

#### **Amendment 315**

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

##### **Article 89 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

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

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

#### **Amendment 355**

**Proposal for a regulation**  
**Article 89 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Where it is established that vehicles, components, systems or separate technical units do not comply with the type-approval requirements laid down in this Regulation or any of the regulatory acts listed in Annex IV, economic operators should be liable for any damage caused to owners of affected vehicles as a result of non-compliance or following a recall.**

**Amendment 316**

**Proposal for a regulation**  
**Article 90 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where the compliance verification by the Commission referred to in Article 9(1) and (4), or Article 54(1) reveals non-compliance of the vehicle, system, component, separate technical unit with the requirements laid down in this Regulation, the Commission may impose administrative fines upon the concerned economic operator for the infringement of this Regulation. The administrative fines provided for shall be effective, proportionate and dissuasive. In particular the fines shall be proportionate to the number of non-compliant vehicles registered in the Union market, or the number of non-compliant systems, components or separate technical unit made available on the Union market.

Where the compliance verification by the Commission referred to in Article 9(1) and (4), or Article 54(1) **or by market surveillance authorities as referred to in Article 8(1)** reveals non-compliance of the vehicle, system, component, separate technical unit with the requirements laid down in this Regulation, the Commission may impose administrative fines upon the concerned economic operator for the infringement of this Regulation. The administrative fines provided for shall be effective, proportionate and dissuasive. In particular the fines shall be proportionate to the number of non-compliant vehicles registered in the Union market, or the number of non-compliant systems, components or separate technical unit made available on the Union market.

## Amendment 317

### Proposal for a regulation

#### Article 90 – paragraph 1 – subparagraph 2

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

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

##### *Amendment*

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

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

## Amendment 318

### Proposal for a regulation

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

Regulation (EC) No 715/2007

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

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

##### *Amendment*

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

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

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

#### **Amendment 345**

##### **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.*

#### **Amendment 346**

##### **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 with proposals, as appropriate, for new technology-neutral Euro7 emission limits applicable by 2025 for all M1 and N1 vehicles placed on the Union market."*

### **Amendment 319**

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

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

### **Amendment 320**

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

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



500

500

250

250

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

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

*Amendment*

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

**Amendment 322****Proposal for a regulation  
Annex XVIII – point 2 – introductory part***Text proposed by the Commission**Amendment*

2. Access to vehicle OBD and vehicle repair and maintenance

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

## Amendment 323

### Proposal for a regulation

#### Annex XVIII – point 2 – point 2.8

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

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

##### *Amendment*

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

## Amendment 324

### Proposal for a regulation

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

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

##### *Amendment*

***2.8a. For the purpose of vehicle OBD, diagnostics, repair and maintenance, the direct vehicle data stream shall be made available through the serial port on the standardised data link connector specified in paragraph 6.5.1.4 of Appendix 1 of Annex 11 to UNECE Regulation No 83 and Section 4.7.3 of Annex 9B to UNECE Regulation No 49.***

## Amendment 325

### Proposal for a regulation

#### Annex XVIII – point 6 – point 6.1 – paragraph 3

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

##### *Amendment*

Information on all parts of the vehicle, with

Information on all parts of the vehicle, with

which the vehicle, as identified by the VIN and any additional criteria such as wheelbase, engine output, trim level or options, is equipped by the vehicle manufacturer and that can be replaced by spare parts offered by the vehicle manufacturer to its authorised repairers or dealers or third parties by means of reference to original equipment (OE) parts number, shall be made available in a database that is *easily* accessible to independent operators.

which the vehicle, as identified by the VIN and any additional criteria such as wheelbase, engine output, trim level or options, is equipped by the vehicle manufacturer and that can be replaced by spare parts offered by the vehicle manufacturer to its authorised repairers or dealers or third parties by means of reference to original equipment (OE) parts number, shall be made available, *in the form of machine readable and electronically processable datasets*, in a database that is accessible to independent operators.

## Amendment 326

### Proposal for a regulation Annex XVIII – point 6 – point 6.3

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 327

### Proposal for a regulation Annex XVIII – point 6 – point 6.4

#### *Text proposed by the Commission*

6.4. *With regard to vehicles falling in the scope of Regulation (EC) No 595/2009*, reprogramming of control units shall be conducted in accordance with either ISO 22900-2 or SAE J2534 or TMC *RP1210B* using non-proprietary hardware. *Ethernet, serial cable or local area network (LAN) interface and alternative media like*

#### *Amendment*

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

*compact disc (CD), digital versatile disc (DVD) or solid state memory device for infotainment systems (e.g. navigation systems, telephone) may also be used, but on the condition that no proprietary communication software (e.g. drivers or plug-ins) or hardware is required.* For the validation of the compatibility of the manufacturer-specific application and the vehicle communication interfaces (VCI) complying to ISO 22900-2 or SAE J2534 or TMC **RP1210B**, the manufacturer shall offer *either* a validation of independently developed VCIs *or the* information, *and* loan of any special hardware, required for a VCI manufacturer to conduct such validation himself. The conditions of Article 67(1) shall apply to fees for such validation or information and hardware.

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

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

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

*Corresponding conformity compliance must be ensured either by mandating CEN to develop appropriate conformity standards or by using existing ones such*

as SAE J2534-3.

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

## Amendment 328

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

*Text proposed by the Commission*

*Amendment*

***6.8a. In the event that vehicle OBD and vehicle repair and maintenance information available on a manufacturer's website does not contain specific relevant information to permit the proper design and manufacture of alternative fuels retrofit systems, any interested alternative fuels retrofit system manufacturer shall be able to obtain the information required in sections 1, 3, and 4 of the information document set out in Annex I by contacting the manufacturer directly with such a request. Contact details for that purpose shall be clearly indicated on the manufacturer's website and the information shall be provided within 30 days. Such information need only be provided for alternative fuels retrofit systems that are subject to UNECE Regulation No 115 or for alternative fuels retrofit components that form part of systems subject to UNECE Regulation No 115, and need only be provided in response to a request that clearly specifies the exact specification of the vehicle model for which the information is required and that specifically confirms that the information is required for the development of alternative fuels retrofit systems or components subject to UNECE***

**Amendment 329**

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

*Text proposed by the Commission*

*Amendment*

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

**Amendment 330**

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

*Text proposed by the Commission*

*Amendment*

***7b. Provisions for electronic system security***

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

*calibration or prevention of vehicle theft to be so protected.*

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

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

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

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

## **Amendment 331**

### **Proposal for a regulation Annex XVIII – appendix 2 – point 3.1.1**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 332**

**Proposal for a regulation**

**Annex XVIII – appendix 2 – point 3.1.2**

*Text proposed by the Commission*

3.1.2. details of how to obtain and interpret all the fault codes that do not comply with the standards prescribed in paragraph 4.7.3 of Annex 9B to UNECE Regulation No 49;

*Amendment*

3.1.2. details of how to obtain and interpret all the fault codes that do not comply with the standards prescribed in paragraph 4.7.3 of Annex 9B to UNECE Regulation No 49 **and in paragraph 6.5.1.4 of Annex 11 to UNECE Regulation No 83**;