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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 5329/22 - C(2022) 54 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 13.1.2022 amending Delegated Regulation (EU) 2018/985 as regards its transitional provisions for certain agricultural and forestry vehicles fitted with engines in the power range greater than or equal to 56kW and less than 130kW in order to address the impact of the COVID-19 crisis - Intention not to raise objections to a delegated act

1. On 13 January 2022, the Commission submitted the above draft Delegated Regulation to the Council in accordance with Article 19 (3)(6) of Regulation (EU) No 167/2013¹ and the transitional provisions laid down in Regulation (EU) 2016/1628².

¹ Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1–51); Latest consolidated version: 18 April 2019;

² Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 16.9.2016, p. 53); Latest consolidated version: 30 June 2021;

2. The above-mentioned transitional provisions were amended by Commission Delegated Regulation (EU) 2018/985³. The Covid-19 pandemic has caused continuous disruption in the application of the legally required deadlines for fitting the non-road mobile machinery with transition engines in the power range between 56kW and 130kW. Regulation (EU) 2021/1068⁴ extended the deadline for the production of such machinery by 6 months and the deadline for placing it on the market by 9 months.
3. In order to ensure the smooth functioning of the internal market and provide legal certainty, it is necessary to prolong further the above transitional provisions for those categories of engines. Such prolongation will have no environmental impact.
4. Delegations had until 15 February 2022 to object to the delegated act. By this deadline, no delegation has raised any objections or made any comments.
5. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm the non-opposition to the draft Delegated Regulation, as set out in document ST 5329/22 as an item without discussion at one of its forthcoming meetings.

³ Commission Delegated Regulation (EU) 2018/985 of 12 February 2018 supplementing Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards environmental and propulsion unit performance requirements for agricultural and forestry vehicles and their engines and repealing Commission Delegated Regulation (EU) 2015/96 (OJ L 182, 18.7.2018, p.1);TA

⁴ Regulation (EU) 2021/1068 of the European Parliament and of the Council of 24 June 2021 amending Regulation (EU) 2016/1628 as regards its transitional provisions for certain machinery fitted with engines in the power range greater than or equal to 56kW and less than 130kW, and greater than or equal to 300kW, in order to address the impact of the COVID-19 crisis (OJ L 230, 30.6.2021, p. 1).