



Conseil de
l'Union européenne

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Origine:	Présidence/Secrétariat général du Conseil
Destinataire:	Comité des représentants permanents (1 ^{re} partie)
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Objet:	Proposition de RÈGLEMENT DU PARLEMENT EUROPÉEN ET DU CONSEIL modifiant le règlement (UE) 2016/1628 en ce qui concerne la prorogation de l'habilitation conférée à la Commission pour adopter des actes délégués - Mandat de négociation avec le Parlement européen

I. CONTEXTE ET TENEUR DE LA PROPOSITION

1. Le 17 mars 2022, la Commission a transmis la proposition visée en objet au Parlement européen et au Conseil.

2. La Commission propose de modifier le règlement (UE) 2016/1628 du Parlement européen et du Conseil¹.

Le règlement (UE) 2016/1628 a limité toutes les habilitations conférées à la Commission pour adopter des actes délégués à une période de cinq ans qui a expiré le 6 octobre 2021. Étant donné qu'il est nécessaire d'actualiser certains éléments des actes relatifs à la réception par type en fonction du progrès technique ou d'introduire d'autres modifications conformément aux habilitations, la proposition de la Commission modifie l'article 55, paragraphe 2, du règlement (UE) 2016/1628 pour prévoir une habilitation de cinq ans supplémentaires avec la possibilité de prorogation tacite.

II. EXAMEN AU NIVEAU DU GROUPE

3. La proposition a été présentée par la Commission et examinée par le groupe "Harmonisation technique" (Véhicules à moteur) le 31 mars 2022. Le groupe a pu s'entendre sur le texte de la proposition de la Commission sans amendements.

¹ Règlement (UE) 2016/1628 du Parlement européen et du Conseil relatif aux exigences concernant les limites d'émission pour les gaz polluants et les particules polluantes et la réception par type pour les moteurs à combustion interne destinés aux engins mobiles non routiers, modifiant les règlements (UE) n° 1024/2012 et (UE) n° 167/2013 et modifiant et abrogeant la directive 97/68/CE (JO L 252 du 16.9.2016, p. 53 –117).

III. CONCLUSION

4. Le Comité des représentants permanents est dès lors invité à:

- confirmer l'accord intervenu au sein du groupe;
- confirmer que, si le Parlement européen approuvait sans amendements la proposition de la Commission qui figure à l'annexe, le Conseil approuverait la position du Parlement européen, aboutissant à l'adoption du règlement sous la forme de la proposition de la Commission sans amendements qui figure à l'annexe (sous réserve de sa mise au point par les juristes-linguistes des deux institutions);
- autoriser la présidence à envoyer une lettre au président de la commission ENVI et en informer le Parlement européen.

I. CONTEXT AND CONTENT OF THE PROPOSAL

1. On 17 March 2022, the Commission transmitted the above-mentioned proposal to the European Parliament and to the Council.
2. The Commission proposes to amend Regulation (EU) 2016/1628 of the European Parliament and of the Council².

Regulation (EU) 2016/1628 limited all empowerments of the Commission to adopt delegated acts to a period of five years which expired on 6 October 2021. As there is a need to update elements of type-approval acts to technical progress or to introduce other amendments in line with the empowerments, the Commission's proposal amends Article 55(2) of Regulation (EU) 2016/1628 to provide for an empowerment of another five years with the possibility for tacit extension.

II. EXAMINATION AT WORKING PARTY LEVEL

3. The proposal was presented by the Commission and further examined by the Working Party on Technical Harmonisation (Motor Vehicles) on 31 March 2022. The Working Party could agree to the text of the Commission's proposal without any amendments.

² Regulation (EU) 2016/1628 of the European Parliament and of the Council 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 –117).

III. CONCLUSION

4. In view of the above, the Permanent Representatives Committee is invited to:
- to confirm the agreement reached by the Working Party;
 - confirm that should the European Parliament approve the Commission's proposal without amendments as set out in the Annex, the Council would approve the European Parliament's position, resulting in the adoption of the Regulation in the form of the Commission's proposal without amendments as set out in the Annex (subject to revision by the lawyer-linguists of both institutions);
 - authorise the Presidency to send a letter to the Chair of the ENVI Committee and to inform the European Parliament thereof.
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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Regulation (EU) 2016/1628 as regards the extension of the empowerment of the
Commission to adopt delegated acts**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee³,

Acting in accordance with the ordinary legislative procedure,

³ OJ C , , p. .

Whereas:

- (1) Regulation (EU) 2016/1628 of the European Parliament and of the Council⁴ lays down essential provisions on the emission of gaseous and particulate pollutants and type-approval for internal combustion engines for non-road mobile machinery, and empowers the Commission to lay down the technical specifications in delegated and implementing acts. Article 55(2) of that Regulation conferred this delegation of power to the Commission for a limited period of five years, which expired on 6 October 2021. As there is a need to update elements of the type-approval legislation to technical progress or to introduce other amendments in line with the empowerments, including a delegated act that sets in-service monitoring requirements for internal combustion engines installed in non-road mobile machinery, the empowerment of the Commission to adopt delegated acts should be extended with the possibility of further extension.
- (2) Regulation (EU) 2016/1628 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

⁴ 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).

Article 1

In Article 55 of Regulation (EU) 2016/1628, paragraph 2 is replaced by the following:

‘2. The power to adopt delegated acts referred to in Articles 19(2), Article 24(11), Article 25(4), Article 26(6), Article 34(9), Article 42(4), Article 43(5) and Article 48 shall be conferred on the Commission for a period of ten years from 6 October 2016. The Commission shall draw up a report in respect of the delegation of power not later than 6 January 2026 and nine months before the end of each following five-year period. The delegation of power shall be tacitly extended for periods of five years, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.’

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President
