

Compromise cell in green

Note: Differences between IMCO's position and the Commission's proposal are highlighted in ***Bold/italics***. Differences between the Council's position and the Commission's proposal are underlined. **Bold underline** in the Council column indicates where the Council has amended Commission's text. ***Bold/italics/underline*** in the Commission column indicates IMCO and Council are amending the Commission's proposal in the same manner.

Proposal	IMCO Report	Council Text <u>29/06/2012</u>	Final text
Proposal for a EUROPEAN PARLIAMENT AND COUNCIL REGULATION Regulation (EU) No .../ <u>2010</u> of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (Text with EEA relevance)		Proposal for a EUROPEAN PARLIAMENT AND COUNCIL REGULATION Regulation (EU) No .../ <u>2012</u> of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (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 national Parliaments,			
Having regard to the opinion of the European Economic and Social Committee ,			
Having regard to the opinion of the Committee of the Regions			
Acting in accordance with the ordinary legislative procedure, Whereas:		Acting in accordance with the ordinary legislative procedure <u>laid down in Article 294 of the Treaty</u> , Whereas:	
(1) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital must be ensured. To that end a comprehensive EC type-approval system for two- or three-wheel vehicles was established by Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 on the type-approval of such vehicles ¹ . Those principles should continue to apply for this Regulation and <u>its</u> delegated and implementing acts.		(1) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital must be ensured. To that end a comprehensive EC type-approval system for two- or three-wheel vehicles was established by Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 on the type-approval of such vehicles. Those principles should continue to apply for this Regulation and delegated and implementing acts <u>adopted on the basis thereof</u> .	
	<i>(1a) The internal market should be based on transparent, simple and consistent rules which provide legal certainty and clarity from which businesses and consumers alike can benefit.</i>		
(2) The EU type-approval system is intended to enable each Member State to confirm that each type of vehicle has undergone the checks provided for in this Regulation, in <u>its</u> delegated and implementing acts and its manufacturer has obtained a type-approval certificate. It furthermore obliges manufacturers to issue a certificate of		(2) The EU type-approval system is intended to enable each Member State to confirm that each type of vehicle has undergone the checks provided for in this Regulation, <u>and</u> in delegated and implementing acts <u>adopted on the basis thereof</u> , and its manufacturer has obtained a type-approval certificate. It furthermore obliges manufacturers to issue a	

<p>conformity for each vehicle produced in accordance with the type-approval. When a vehicle is accompanied by such certificate it may be sold and registered for use throughout the Union.</p>		<p>certificate of conformity for each vehicle produced in accordance with the type-approval. When a vehicle is accompanied by such certificate it may be made available and registered for use throughout the Union.</p>	
<p>(3) This Regulation aims to lay down harmonised rules for the approval of L-category vehicles, with a view to ensuring the functioning of the internal market. L-category vehicles are two-, three- or four-wheel vehicles such as powered two-wheel vehicles, tricycles, on-road quads and mini-cars. In addition, the objectives are to simplify the current legal framework, to contribute to a lower, more proportionate share in overall road transport emissions, to increase the overall level of safety, to adapt to technical progress and to strengthen the rules on market surveillance.</p>	<p>(3) This Regulation aims to lay down harmonised rules for the approval of L-category vehicles, with a view to ensuring the functioning of the internal market. L-category vehicles are two-, three- or four-wheel vehicles such as powered two-wheel vehicles, tricycles, all-terrain vehicles, side-by-side vehicles, on-road quads and mini-cars. In addition, the objectives are to simplify the current legal framework, to contribute to a lower, more proportionate share in overall road transport emissions, to increase the overall level of safety, to adapt to technical progress and to strengthen the rules on market surveillance.</p> <hr/> <p>¹ See also the Commission communications entitled "Action Plan on Urban Mobility" (COM(2009)0490), "Thematic Strategy on air pollution" (COM(2005)0446), and "Towards a European road safety area" (COM(2010)0389).</p>	<p>(3) This Regulation aims to lay down harmonised rules for the approval of L-category vehicles, with a view to ensuring the functioning of the internal market. L-category vehicles are two-, three- or four-wheel vehicles such as powered two-wheel vehicles, tricycles, on-road quads and quadri-mobiles. In addition, the objectives of this Regulation are to simplify the current legal framework, to reduce the emissions from L-category vehicles, thus resulting in a more proportionate share of L-category vehicle emissions in overall road transport emissions, to increase the overall level of safety, to adapt to technical progress and to strengthen the rules on market surveillance.</p>	
<p>(4) Directive 2002/24/EC and its separate directives have been substantially amended several times. In the interests of clarity, rationality and simplification, Directive 2002/24/EC and its separate directives should be repealed and replaced by one Regulation and a small number of delegated and implementing acts. The use of the form of a regulation should ensure that the</p>		<p>(4) Directive 2002/24/EC and its separate Directives have been substantially amended several times. In the interests of clarity, rationality and simplification, Directive 2002/24/EC and its separate Directives should be repealed and replaced by one Regulation and a small number of delegated and implementing acts. The adoption of a Regulation ensures that the provisions</p>	

<p>provisions are directly applicable and can be updated much faster and more efficiently to take better account of technical progress.</p>		<p><u>concerned</u> are directly applicable and can be updated much faster and more efficiently to take better account of technical progress.</p>	
		<p><u>(4a) This Regulation is without prejudice to measures at national or Union level regarding the use of L-category vehicles on the road, such as specific drivers' licence requirements, limitations of the maximum speed or measures regulating the access to certain roads.</u></p>	
		<p><u>(4b) In order to ensure a high level of vehicle functional safety, occupational safety and environmental protection the technical requirements and environmental standards applicable to vehicles, systems, components and separate technical units with regard to type-approval should be harmonised.</u></p>	
<p>(5) In order to simplify the type-approval legislation in line with the recommendations of the report CARS 21: A Competitive Automotive Regulatory System for the 21st century, it is appropriate to repeal all separate <u>directives</u> without reducing the level of protection. The requirements set out in those <u>directives</u> should be carried over to this Regulation or its delegated acts and should be replaced, where appropriate, with references to the corresponding regulations of the United Nations Economic Commission for Europe (UNECE), <u>as incorporated into Union law in accordance with Article 4 of Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European</u> Union to the Agreement of</p>		<p>(5) In order to simplify the type-approval legislation in line with the recommendations of the report CARS 21: A Competitive Automotive Regulatory System for the 21st century¹, it is appropriate to repeal all separate <u>Directives</u> without reducing the level of protection. The requirements set out in those <u>Directives</u> should be carried over to this Regulation or its delegated acts and should be replaced, where appropriate, with references to the corresponding regulations of the United Nations Economic Commission for Europe (UNECE) <u>to which the Union has acceded as a contracting party</u> to the Agreement of the United Nations Economic Commission for Europe <u>concerning the adoption of</u> uniform technical prescriptions</p>	

¹ ~~COM(2007) 22 final~~ http://ec.europa.eu/enterprise/sectors/automotive/files/pagesbackground/competitiveness/cars21finalreport_en.pdf

<p>the United Nations Economic Commission for Europe. <u>This concerns the adoption of uniform technical prescriptions for wheeled vehicles, <u>systems, components or separate technical units</u> which can be fitted to or used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement')</u> . To reduce the administrative burden of the type-approval process, vehicle manufactures should be allowed to type-approve in accordance with this Regulation, where appropriate, directly by means of obtaining approval under the relevant UNECE regulations <u>listed</u> in the Annexes to this Regulation <u>and in the separate</u> delegated acts.</p>		<p>for wheeled vehicles, <u>equipment and parts</u> which can be fitted to or used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement')². To reduce the administrative burden of the type-approval process, vehicle manufactures should be allowed to type-approve in accordance with this Regulation, where appropriate, directly by means of obtaining approval under the relevant UNECE³ regulations <u>referred to</u> in the Annexes to this Regulation <u>or in the delegated acts adopted under this Regulation</u>.</p>	
<p>(6) Consequently, UNECE regulations and the amendments thereto to which the <u>European</u> Union accedes, in application of Decision 97/836/EC, should be incorporated within the EU type-approval <u>procedure either as requirements for EU vehicle type-approval, or as alternatives to existing Union law. In particular, where the Union decides that a UNECE regulation should become part of the EU vehicle type-approval requirements and replace existing legislation of the Union,</u> the power should be delegated to the Commission to adopt the necessary adaptations to this Regulation or to adopt the necessary <u>implementing</u> acts.</p>		<p>(6) Consequently, UNECE regulations and the amendments thereto to which the Union accedes, in application of Decision 97/836/EC, should be incorporated within the EU type-approval procedure. <u>Accordingly,</u> the power should be delegated to the Commission to adopt the necessary adaptations to this Regulation or to adopt the necessary <u>delegated</u> acts.</p>	

² Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') (OJ L 346, 17.12.1997, p.78)

³ <http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29pub/wp29pub2002e.pdf>.

<p>(7) This Regulation should contain substantive requirements for environmental protection and vehicle functional safety. The main elements of this Regulation are based on the results of an Impact Assessment and analysing different options by listing possible advantages and disadvantages in terms of economic, environmental, safety and societal aspects. Qualitative and quantitative aspects were both included in this analysis. After comparison of the different options and identification of preferred options, they were chosen to form the basis for this Regulation.</p>		<p>(7) This Regulation should contain substantive requirements for environmental protection and vehicle functional safety. The main elements of <u>the relevant requirements</u> of this Regulation are based on the results of an impact assessment⁴ <u>carried out by the Commission</u> analysing different options by listing possible advantages and disadvantages in terms of economic, environmental, safety and societal aspects. Qualitative and quantitative aspects were both included in this analysis. After comparison of the different options and identification of preferred options, they were chosen to form the basis for this Regulation.</p>	
<p>(8) The objectives of this Regulation should not be affected by the fitting of certain systems, components or separate technical units after vehicles have been <u>sold</u>, registered or entered into service. Thus, appropriate measures should be taken in order to make sure that systems, components or separate technical units which can be fitted to vehicles, and which could significantly impair the functioning of systems that are essential for environmental protection or functional safety, are subject to prior control by an approval authority before they are <u>sold</u>, registered or are entering into service.</p>		<p>(8) The objectives of this Regulation should not be affected by the fitting of certain systems, components or separate technical units after vehicles have been <u>placed on the market</u>, registered or entered into service. Thus, appropriate measures should be taken in order to make sure that systems, components or separate technical units which can be fitted to vehicles, and which could significantly impair the functioning of systems that are essential for environmental protection or functional safety, are subject to prior control by an approval authority before they are <u>placed on the market</u>, registered or are entering into service.</p>	
<p>(9) Directive 95/1/EC of the European Parliament and the Council of 2 February 1995 on the maximum design speed, maximum torque and maximum net engine power of two- or three-wheel motor vehicles gave the possibility to Member States to</p>		<p>(9) Directive 95/1/EC of the European Parliament and the Council of 2 February 1995 on the maximum design speed, maximum torque and maximum net engine power of two- or three-wheel motor vehicles⁸ gave the possibility to Member States to</p>	

4

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010SC1152:en:NOT>

<p>refuse the initial registration and any subsequent registration within their territory of vehicles with a maximum net power of more than 74 kW. The anticipated correlation between safety and absolute power limitation could not be confirmed in several scientific studies. For that reason and in order to remove internal barriers to trade on the Union market, this option should no longer be maintained. Other, more effective safety measures should be introduced to help reduce the high numbers of fatalities and injuries among riders of powered two-wheel vehicles in road accidents in the Union.</p>		<p>refuse the initial registration and any subsequent registration within their territory of vehicles with a maximum net power of more than 74 kW. The anticipated correlation between safety and absolute power limitation could not be confirmed in several scientific studies. For that reason and in order to remove internal barriers to trade on the Union market, this option should no longer be maintained. Other, more effective safety measures should be introduced to help reduce the high numbers of fatalities and injuries among riders of powered two-wheel vehicles in road accidents in the Union.</p>	
<p>(10) This Regulation constitutes a set of specific safety and environmental requirements. Therefore, it is important to establish provisions to ensure that, in cases where a vehicle presents a serious risk for users or the environment, the manufacturer or any other economic operator in the supply chain has taken effective protective measures, including the recall of vehicles, within the meaning of Article 20 of Regulation 765/2008/<u>EC</u> 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 . Approval authorities should therefore be able to assess whether these measures are sufficient or not.</p>		<p>(10) This Regulation constitutes a set of specific safety and environmental requirements. Therefore, it is important to establish provisions to ensure that, in cases where a vehicle presents a serious risk for users or the environment, the manufacturer or any other economic operator in the supply chain has taken effective protective measures, including the recall of vehicles, within the meaning of Article 20 of 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 products⁵. Approval authorities should therefore be able to assess whether these measures are sufficient or not.</p>	
		<p><u>(10a) This Regulation sets environmental requirements for two stages with the second stage (Euro5) being mandatory for new types of vehicles as of 1.1.2020, thereby creating long-term planning</u></p>	

⁵ OJ L 218, 13.8.2008, p. 30

		<p><u>security for the vehicle manufacturers and the supplier industry. Based on future available data an environmental effect study stipulated in Article 21 will provide additional underpinning through modelling, technical feasibility and cost-effectiveness analysis based on the then latest available data.. In addition, the study will i.a. assess the feasibility and cost-effectiveness of in-service conformity testing requirements, off-cycle emission requirements and a particulate number emission limit for certain (sub-) categories. On the basis of the study results, the Commission will then consider presenting a proposal introducing these new elements into future type-approval legislation applicable after the stages foreseen in this Regulation.</u></p>	
<p>(11) With the aim of simplifying and accelerating the type-approval legislation, a new regulatory approach has been introduced in EU vehicle type-approval legislation, under which the legislator in the ordinary legislative procedure sets out only the fundamental rules and principles and delegates the legislation of further technical details to the Commission. With regard to substantive requirements, this Regulation should therefore lay down only fundamental provisions on functional safety, and environmental performance and delegate to the Commission <u>the power</u> to lay down the technical specifications.</p>	<p>(11) With the aim of simplifying and accelerating the type-approval legislation, a new regulatory approach has been introduced in EU vehicle type-approval legislation, under which the legislator in the ordinary legislative procedure sets out only the fundamental rules and principles and delegates the legislation of further technical details to the Commission. With regard to substantive requirements, this Regulation should therefore lay down only fundamental provisions on functional safety, and environmental performance and delegate to the Commission the power to lay down the technical specifications. <i>The provisions need to be adapted to the different types of vehicles and limited to appropriate safety requirement for type-approval of systems, components and separate technical units.</i></p>	<p>(11) With the aim of simplifying and accelerating the adoption of type-approval legislation, a new regulatory approach has been introduced in EU vehicle type-approval legislation, under which the legislator in the ordinary legislative procedure sets out only the fundamental rules and principles and delegates the legislation of further technical details to the Commission. With regard to substantive requirements, this Regulation should therefore lay down only fundamental provisions on functional safety, and environmental performance, and empower the Commission to lay down the technical specifications.</p>	

	<i>(11a) In the interest of clarity, rationality and simplification, this Regulation should not contain too many implementation stages for the introduction of stricter emission levels and safety requirements.</i>		
	<i>(11b) Given the current economic climate, the capacities of the sector and the size of its operators, the industry should be allowed sufficient time to adapt to the new provisions laid down in this Regulation and to the technical specifications delegated to the Commission. Timely definition of requirements is essential to ensuring sufficient lead time for manufacturers to develop, test and implement technical solutions on production vehicles, and for manufacturers and type-approval authorities in the Member States to put in place the necessary administrative systems.</i>		
(12) Market surveillance in the automotive sector and in particular the L-category vehicle sector should be improved by enhancing the legal provisions governing conformity of production and specifying the obligations of the economic operators in the supply chain. In particular, the role and responsibilities of the authorities in the Member States in charge of type-approval and market surveillance should be clarified, and the requirements relating to the competence, obligations and performance of the technical services that perform vehicle type-approval reinforced. Compliance with the type-approval and conformity-of-production requirements of the legislation governing the automotive sector should remain the key responsibility of the type-approval authorities, while market	(12) Market surveillance in the automotive sector and in particular the L-category vehicle sector should be improved by enhancing the legal provisions governing conformity of production and specifying the obligations of the economic operators in the supply chain. In particular, the role and responsibilities of the authorities in the Member States in charge of type-approval and market surveillance should be clarified, and the requirements relating to the competence, obligations and performance of the technical services that perform vehicle type-approval reinforced. Compliance with the type-approval and conformity-of-production requirements of the legislation governing the automotive sector should remain the key responsibility of the type-approval authorities, while market surveillance may be a competence shared		

<p>surveillance may be a competence shared between different national authorities.</p>	<p>between different national authorities. <i>Effective coordination and monitoring at Union and national level should be deployed to ensure that market surveillance and type-approval authorities make use of the new measures effectively.</i></p>		
<p>(13) In order to prevent misuse, <i>any</i> simplified procedure for small-series vehicles should be restricted to <i>cases of very limited production</i>. It is therefore necessary to define precisely the concept of small series in terms of the number of vehicles <u>sold, registered and entered into service.</u></p>	<p>(13) In order to prevent misuse, <i>the</i> simplified procedure for small-series vehicles should be restricted to <i>limited numbers of vehicles</i>. It is therefore necessary to define precisely the concept of small series in terms of the number of vehicles sold, registered and entered into service. <i>Individual approval should apply to a particular vehicle, so as to accommodate a more simplified and affordable application to unique amateur-built vehicles.</i></p>	<p>(13) <u>In certain limited cases, it is appropriate to allow for national small series type-approval.</u> In order to prevent misuse, any simplified procedure for small-series vehicles should be restricted to cases of very limited production. It is therefore necessary to define precisely the concept of small series in terms of the number of vehicles.</p>	
		<p><u>(13a) The national authorities' obligations laid down in the market surveillance provisions of this Regulation are more specific than the corresponding provisions of Regulation (EC) No 765/2008.</u></p>	
<p>(14) In order to ensure that the procedure for monitoring conformity of production <u>is</u> correctly implemented and functions properly, manufacturers should be regularly checked by the competent authority or by an appropriately qualified technical service appointed for that purpose.</p>		<p>(14) In order to ensure that the procedure for monitoring conformity of production, <u>which is one of the cornerstones of the EU type-approval system, has been</u> correctly implemented and functions properly, manufacturers should be regularly checked by the competent authority or by an appropriately qualified technical service appointed for that purpose.</p>	
		<p><u>(14a) Unrestricted access to vehicle repair information, via a standardised format which can be used to retrieve the technical information, and effective competition on the market for vehicle repair and maintenance information services are</u></p>	

		<u>necessary to improve the functioning of the internal market, particularly as regards the free movement of goods, freedom of establishment and freedom to provide services.</u>	
		<u>A great proportion of such information is related to on-board diagnostic (OBD) systems and their interaction with other vehicle systems. It is appropriate to lay down technical specifications that the websites of the manufacturers should follow, along with targeted measures to ensure reasonable access for small and medium-sized enterprises.</u>	
(15) Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.			
<u>(16) According to Article 291 of the Treaty on the Functioning of the European Union, rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers should be laid down in advance by regulations adopted in accordance with the ordinary legislative procedure. Pending adoption of such new regulations, Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission continues to apply, with the exception of the regulatory procedure with scrutiny, which is no longer applicable.</u>	<i>deleted</i>	<u>deleted</u>	
<u>(17) The Commission should be empowered</u>	(17) In order to supplement or amend certain non-essential elements of legislative acts	<u>deleted</u>	

<p><u>to adopt delegated acts in accordance with Article 290 TFEU in respect of functional safety and environmental performance, testing, access to repair and maintenance information and appointment of technical services and their specific authorised tasks, in order to supplement or amend certain non-essential elements of legislative acts through provisions of general application. Such empowerment should not allow for amendment of the enforcement dates set out in Annex IV or emission limit values set out in Annex VI. Amendments to those dates or values should be established by the ordinary legislative procedure set out in Article 114 TFEU."</u></p>	<p>through provisions of general application, <i>the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of functional safety and environmental performance, testing, access to repair and maintenance information and appointment of technical services and their specific authorised tasks.</i> Such empowerment should not allow for amendment of the enforcement dates set out in Annex IV or emission limit values set out in Annex VI <i>or the enhanced functional safety requirements set out in Annex VIII.</i> Amendments to those dates, <i>general requirements</i> or values should be established by the ordinary legislative procedure set out in Article 114 TFEU. <i>It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.</i></p>		
		<p><u>(17a) In order to supplement this Regulation with further technical details, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the approval of L-category vehicles and systems, components and separate technical units designed and constructed for such vehicles. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should</u></p>	

		<p><u>ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.</u></p>	
<p>(18) <u>The Commission should be empowered to adopt an implementing act in accordance with Article 291 of the Treaty in order to lay down uniform conditions for the implementation of this Regulation with regard to the list of information to be provided in applying for type-approval, type-approval procedures, templates for manufacturers' additional plates, EU type-approval certificates, list of type-approvals issued, numbering system for EU type-approvals, and procedures to ensure conformity of production.</u> With regard to those items, uniform conditions for implementation in the Member States are needed in order to ensure the proper functioning of the internal market by facilitating the mutual recognition of administrative decisions taken in the different Member States, -in particular type-approvals-, and the acceptance of documents issued by vehicle manufacturers (in particular certificates of conformity).</p>	<p>(18) In order to <i>ensure</i> uniform conditions for the implementation of this Regulation with regard to the list of information to be provided in applying for type-approval, type-approval procedures, templates for manufacturers' additional plates, EU type-approval certificates, list of type-approvals issued, numbering system for EU type-approvals, and procedures to ensure conformity of production, <i>implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers¹.</i> With regard to those items, uniform conditions for implementation in the Member States are needed in order to ensure the proper functioning of the internal market by facilitating the mutual recognition of administrative decisions taken in the different Member States, -in particular type-approvals-, and the acceptance of documents issued by vehicle manufacturers (in particular certificates of conformity).</p> <p>_____</p> <p>¹ <i>OJ L 55, 28.2.2011, p. 13.</i></p>	<p><u>(18) In order to ensure uniform conditions for the implementation of this Regulation, implementing power should be conferred on the Commission. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers¹¹.</u></p>	

¹¹ **OJ L 55, 28.2.2011, p. 13.**

<p>(19) <u>Since the objective of a fully harmonised internal market through the introduction of a compulsory system of EU type-approval for L-category vehicles cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity. In accordance with the principle of proportionality this Regulation does not go beyond what is necessary in order to achieve this objective.</u></p>		<p>(19) In the context of the revision of Directive 2007/46/EC, the delineation between this Regulation and Directive 2007/46/EC should be considered in the light of the experience gained by Member States with the application of this Regulation, in particular in order to ensure fair competition between vehicles categories.deleted</p>	
	<p><i>(19a) Within 2 years of the entry into force of this Regulation, the Commission should assess, on the basis of the outcome of a study, the need for and, if necessary, adopt, a new proposal. That proposal should address at least the following questions: whether the 450 kg weight limitation remains relevant; whether the distinction between 3 and 4- wheelers remains relevant in view of recent developments and whether further adaption is needed due to market development in the area of e-vehicles.</i></p>		
<p>(20) The following Directives should be repealed:</p>			
		<p><u>– Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC;</u></p>	
<p>– Directive 2009/139/EC of the European Parliament and of the Council of 25 November 2009 on statutory markings for</p>			

two- or three-wheel motor vehicles ;			
– Directive 2009/80/EC of the European Parliament and of the Council of 13 July 2009 on the identification of controls, tell-tales and indicators for two or three-wheel motor vehicles ;	–		
– Directive 2009/79/EC of the European Parliament and of the Council of 13 July 2009 on passenger hand-holds on two-wheel motor vehicles (Codified version) ;			
– Directive 2009/78/EC of the European Parliament and of the Council of 13 July 2009 on stands for two-wheel motor vehicles ;			
– Directive 2009/67/EC of the European Parliament and of the Council of 13 July 2009 on the installation of lighting and light-signalling devices on two or three-wheel motor vehicles ;			
– Directive 2009/62/EC of the European Parliament and of the Council of 13 July 2009 relating to the space for mounting the rear registration plate of two or three-wheel motor vehicles ;			
– Directive 2002/51/EC of the European Parliament and of the Council of 19 July 2002 on the reduction of the level of pollutant emissions from two- and three-wheel motor vehicles and amending Directive 97/24/EC ;			
<u>– Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or</u>		<i>moved to the beginning of the list</i>	

<u>three-wheel motor vehicles and repealing Council Directive 92/61/EEC;</u>			
<u>– Directive 2000/7/EC of the European Parliament and of the Council of 20 March 2000 on speedometers for two- or three-wheel motor vehicles and amending Council Directive 92/61/EEC on the type-approval of two- or three-wheel motor vehicles ;</u>			
– Directive 97/24/EC of the European Parliament and of the Council of 17 June 1997 on certain components and characteristics of two or three-wheel motor vehicles ;			
– Directive 95/1/EC of the European Parliament and of the Council of 2 February 1995 on the maximum design speed, maximum torque and maximum net engine power of two or three-wheel motor vehicles ;			
– Council Directive 93/93/EEC of 29 October 1993 on the masses and dimensions of two or three-wheel motor vehicles ;			
– Council Directive 93/33/EEC of 14 June 1993 on protective devices intended to prevent unauthorised use of two- or three-wheel motor vehicles ;			
– Council Directive 93/30/EEC of 14 June 1993 on audible warning devices for two-or three-wheel motor vehicles ;			
– Council Directive 93/14/EEC of 5 April 1993 on the braking of two or three-wheel motor vehicles..			

		<p><u>(21) Since the objective of this Regulation, namely to lay down harmonised rules on the administrative and technical requirements for the approval and market surveillance of L-category vehicles, cannot be sufficiently achieved by the Member States acting alone, and can therefore, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.</u></p>	
CHAPTER I SUBJECT MATTER, SCOPE AND DEFINITIONS			GREEN - agreed in principle
Article 1 Subject matter			GREEN - agreed in principle
1. This Regulation establishes the administrative and technical requirements for the approval and market surveillance of all new vehicles referred to in Article 2 (1).		<p>1. This Regulation establishes the administrative and technical requirements for the approval of all new vehicles, systems, components and separate technical units referred to in Article 2 (1). <u>This Regulation does not apply to approval of individual vehicles except that Member States granting such approvals shall accept any type-approval of vehicles, systems, components and separate technical units granted under this Regulation instead of</u></p>	GREEN - agreed in principle - clarification of scope

		<u>under the relevant national requirements.</u>	
2. This Regulation also establishes the requirements for the <u>sale and entry into service</u> of systems, components and separate technical units <u>intended for vehicles approved</u> in accordance with this Regulation.		2. This Regulation also establishes the requirements for the <u>market surveillance of vehicles,</u> systems, components and separate technical units <u>subject to approval</u> in accordance with this Regulation. <u>In addition, it also establishes the requirements for the market surveillance of parts and equipment for such vehicles.</u>	GREEN - agreed in principle - clarification addition of market surveillance
3. This Regulation <u>shall be</u> without prejudice to the application of <u>the relevant</u> legislation <u>of the Union</u> on <u>vehicle functional safety and environmental performance.</u>		3. This Regulation <u>is</u> without prejudice to the application of legislation on <u>road safety.</u>	GREEN - agreed in principle
Article 2 Scope			GREEN - agreed in principle
1. This Regulation applies to <u>the type-approval and individual approval</u> of all <u>new</u> two- or three-wheel vehicles and quadricycles as described in Article 4 and Annex I (hereinafter ‘L-category vehicles’), that are intended to travel on public roads, including where designed and constructed in more <u>than one</u> stage, and to <u>the type-approval and individual approval of the</u> systems, components and separate technical units designed and constructed for such vehicles.		1. This Regulation <u>shall apply</u> to all two- or three-wheel vehicles and quadricycles as described in Article 4 and Annex I (hereinafter ‘L-category vehicles’), that are intended to travel on public roads, including where designed and constructed in <u>one or more</u> stages, and to systems, components and separate technical units, <u>as well as parts and equipments,</u> designed and constructed for such vehicles.	GREEN - agreed in principle – addition of parts and equipment as there are market surveillance provisions

		It also applies to enduro motorcycles (L3e-AxE (x=1, 2 or 3)), trial motorcycles (L3e-AxT (x=1, 2 or 3)) and heavy all terrain vehicles-quads (L7Be) as defined in Article 4 and Annex I of the present Regulation.	YELLOW - issue linked to the discussion on classification
2. This Regulation does not apply to the following vehicles:			GREEN - agreed in principle
(a) vehicles with a maximum design speed not exceeding 6 km/h;			GREEN - agreed in principle
(b) vehicles exclusively intended for use by the physically handicapped;			GREEN - agreed in principle
(c) vehicles exclusively intended for pedestrian control;			GREEN - agreed in principle
(d) vehicles exclusively intended for <u>on-road or off-road</u> use in competition;	(d) vehicles exclusively intended for use in competition;	(d) vehicles exclusively intended for use in competition	GREEN - agreed in principle (d) vehicles exclusively intended for use in competition;
(e) vehicles <u>exclusively intended</u> for use by the armed <u>forces, law enforcement agencies</u> , civil defence services, <u>fire brigades or public-works bodies</u> ;	(e) vehicles exclusively intended for use by the armed forces, law enforcement agencies, civil defence services, fire brigades or <i>providers of public works or public services</i> ;	(e) vehicles <u>designed and constructed</u> for use by the armed <u>services</u> , civil defence, <u>fire services, forces responsible for maintaining public order and emergency</u>	GREEN - agreed in principle - alignment to Directive 2007/46/EC

		<u>medical services</u> ;	
(f) agricultural or forestry vehicles subject to Directive 2003/37/EC of the European Parliament and of the Council ⁴⁹ , machines subject to Directives 2006/42/EC ⁵⁰ and 97/68/EC of the European Parliament and of the Council ⁵¹ and motor vehicles subject to Directive 2007/46/EC of the European Parliament and of the Council ⁵² ;			GREEN - agreed in principle
<i>(g) vehicles primarily intended for off-road use and designed to travel on unpaved surfaces;</i>	<i>deleted</i>		GREEN - agreed in principle
(h) cycles with pedal assistance which are equipped with an auxiliary electric <i>motor having a maximum continuous rated power of 0.25 kW, where the output of the motor is cut off when the cyclist stops pedalling and is otherwise progressively reduced and finally cut off</i> as the vehicle reaches a speed of 25 km/h;	(h) cycles with pedal assistance which are equipped with an auxiliary electric <i>propulsion</i> , the output <i>of which</i> is cut off as the vehicle reaches a speed of 25 km/h, <i>or sooner, if the cyclist stops pedalling; such cycles shall not be considered to be motor vehicles</i> ;	(h) <u>pedal</u> cycles with pedal assistance-which are equipped with an auxiliary electric motor having a maximum continuous rated power of less than or equal to 250 W , where the output of the motor is cut off when the cyclist stops pedalling and is otherwise progressively reduced and finally cut off before the vehicle speed reaches 25 km/h;	Pedelecs: Basic understanding between EP and Council to go back to the original text of the EC without excluding possible linguistic changes.
(i) self-balancing <u>machines</u> ;	(i) self-balancing machines <i>with a maximum design speed of 25 km/h; such machines</i>	(i) self-balancing <u>vehicles</u> ;	GREEN - in pp agreement on the CEU text

⁴⁹ OJ L 171, 9.7.2003, p. 1.
⁵⁰ OJ L 157, 9.6.2006, p. 24.
⁵¹ OJ L 59, 27.2.1998, p. 1
⁵² OJ L 263, 9.10.2007, p. 1

	<i>shall not be considered to be motor vehicles;</i>		
(j) vehicles not equipped with at least one seating position.	(j) vehicles not equipped with at least one seating position- <i>with a maximum design speed of 25 km/h; such vehicles shall not be considered to be motor vehicles;</i>		GREEN - in pp agreement on the CEU text
	<i>(ja) vehicles equipped with an electric motor, a maximum design speed of less than 25 km/h and an unladen mass of less than 25 kg; such vehicles shall not be considered to be motor vehicles.</i>		GREEN - deletion
		<u>(k) vehicles equipped with any seating positions of the driver or rider having the R-point height ≤ 540 mm in case of categories L1e, L3e and L4e or an R-point height < 400 mm in case of categories L2e, L5e, L6e and L7e.</u>	GREEN - in pp agreement on the CEU text
			GREEN - agreed in principle
Article 3 Definitions			GREEN - agreed in principle
For the purposes of this Regulation and the acts listed in Annex II, except as otherwise provided therein, the following definitions shall apply:			GREEN - agreed in principle

1. 'type-approval' means the procedure whereby an approval authority certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements;			GREEN - agreed in principle
2. 'type-approval certificate' means the document whereby the approval authority officially certifies that a type of vehicle, system, component or separate technical unit is approved;			GREEN - agreed in principle
3. 'whole-vehicle type-approval' means a type-approval whereby an approval authority certifies that a complete vehicle satisfies the relevant administrative provisions and technical requirements;		3. 'whole-vehicle type-approval' means a type-approval whereby an approval authority certifies that an incomplete , a complete or completed vehicle type satisfies the relevant administrative provisions and technical requirements;	GREEN - agreed in principle
4. 'EU type-approval' means the procedure whereby an approval authority certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements of this Regulation;			GREEN - agreed in principle
5. 'EU type-approval certificate' means the certificate based on the model set out in the implementing act adopted under this Regulation or the communication form accompanying the relevant equivalent		5. 'EU type-approval certificate' means the certificate based on the template set out in the implementing act adopted under this Regulation or the communication form set out in the relevant UNECE regulations	GREEN - agreed in principle

UNECE regulations <u>listed in the delegated acts</u> ;		<u>referred to in this Regulation or its delegated acts</u> ;	
6. ‘system type-approval’ means a type-approval whereby an approval authority certifies that a system built into a vehicle of a specific type satisfies the relevant administrative provisions and technical requirements;			GREEN - agreed in principle
7. ‘separate technical unit type-approval’ means a type-approval whereby an approval authority certifies that a separate technical unit satisfies the relevant administrative provisions and technical requirements in relation to one or more specified types of vehicles;			GREEN - agreed in principle
8. ‘component type-approval’ means a type-approval whereby an approval authority certifies that a component independently of a vehicle satisfies the relevant administrative provisions and technical requirements;			GREEN - agreed in principle
9. ‘national type-approval’ means a type-approval procedure laid down by the national law of a Member State, the validity of such approval being restricted to the territory of that Member State;			GREEN - agreed in principle

<p>10. <u>‘individual approval certificate’ means a document whereby the approval authority officially certifies that a particular vehicle is approved;</u></p>		<p>deleted</p>	<p>GREEN – agreed in principle</p>
<p>11. ‘certificate of conformity’ means <u>a document that is based on the model set out in the implementing act and which is issued by the <i>vehicle</i> manufacturer to certify that a vehicle, at the time of its completion, corresponds to a type of vehicle type- approved in accordance with this Regulation;</u></p>	<p>11. ‘certificate of conformity’ means a document that is based on the model set out in the implementing act and which is issued by the manufacturer to certify that a vehicle, at the time of its completion, corresponds to a type of vehicle type-approved in accordance with this Regulation;</p>	<p>11. ‘certificate of conformity’ means <u>the</u> document issued by the manufacturer, <u>which certifies</u> that a <u>produced vehicle conforms to <u>the approved</u></u> vehicle type;</p>	<p>GREEN - agreed in principle – deletion of in all respects</p> <p>11. ‘certificate of conformity’ means <u>the</u> document issued by the manufacturer, <u>which certifies</u> that, at the time of its <u>production a vehicle conforms to <u>the approved</u></u> vehicle type;</p>
<p>12. ‘base vehicle’ means any vehicle <u>covered by this Regulation</u> which is used at the initial stage of a multi-stage type-approval process;</p>		<p>12. ‘base vehicle’ means any vehicle which is used at the initial stage of a multi-stage type-approval process;</p>	<p>GREEN - agreed in principle</p>
<p>13. ‘incomplete vehicle’ means any vehicle which must undergo at least one further stage of completion in order to meet the relevant technical requirements of this Regulation;</p>			<p>GREEN - agreed in principle</p>
<p>14. ‘completed vehicle’ means a vehicle resulting from the process of multi-stage type-approval which meets the relevant technical requirements of this Regulation;</p>			<p>GREEN - agreed in principle</p>

<p>15. ‘complete vehicle’ means any vehicle which need not be completed in order to meet the relevant technical requirements of this Regulation;</p>			<p>GREEN - agreed in principle</p>
<p>16. ‘system’ means an assembly of devices combined to perform one or more specific functions in a vehicle and which is subject to the requirements of this Regulation or any of the delegated or implementing acts;</p>		<p>16. ‘system’ means an assembly of devices combined to perform one or more specific functions in a vehicle and which is subject to the requirements of this Regulation or any of its delegated or implementing acts;</p>	<p>GREEN - agreed in principle</p>
<p>17. ‘component’ means a device subject to the requirements of this Regulation or any of its delegated or implementing acts which is intended to be part of a vehicle and may be type-approved independently of a vehicle in accordance with this Regulation and its delegated or implementing acts;</p>		<p>17. ‘component’ means a device subject to the requirements of this Regulation or any of its delegated or implementing acts and intended to be part of a vehicle which may be type-approved independently of a vehicle in accordance with this Regulation and its delegated or implementing acts where those acts make express provision for so doing;</p>	<p>GREEN - agreed in principle</p>
<p>18. ‘separate technical unit’ means a combination of devices subject to the requirements of this Regulation or any of its delegated or implementing acts which is intended to be part of a vehicle and may be type-approved separately in accordance with this Regulation and its delegated or implementing acts;</p>		<p>18. ‘separate technical unit’ means a device subject to the requirements of this Regulation or any of its delegated or implementing acts and intended to be part of a vehicle, which may be type-approved separately, but only in relation to one or more specified types of vehicle where those acts make express provision for so doing;</p>	<p>GREEN - agreed in principle – deletion of “or”</p> <p>18. ‘separate technical unit’ means a device subject to the requirements of this Regulation or any of its delegated or implementing acts and inotended to be part of a vehicle, which may be type-approved separately, but only in relation to one or more specified types of vehicle where those acts make express provision for so doing;</p>

		<u>18a. '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 or equipment for the assembly of the vehicle in question, including those parts or equipment which are manufactured on the same production line as these parts, or equipment and, based on a rebuttable presumption, parts or equipment for which the manufacturer certifies that the parts or equipment 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;</u>	GREEN - agreed in principle
		<u>18b. 'parts' means goods used for the assembly of a vehicle as well as spare parts;</u>	GREEN - agreed in principle
		<u>18c. 'spare parts' means goods which are to be installed in or on a vehicle so as to replace original parts of that vehicle, including goods such as lubricants which are necessary for the use of a vehicle, with the exception of fuel;</u>	GREEN - agreed in principle
		<u>18d. 'equipment' means any goods other than parts which can be added to or installed on a vehicle.</u>	GREEN - agreed in principle
19. Functional safety' means the absence of unacceptable risk of physical injury or of		19. functional safety' means the absence of unacceptable risk of physical injury or of	GREEN - agreed in principle

damage to the health of people owing to hazards caused by mal-functional behaviour of mechanical, hydraulic, pneumatic, electrical and /or electronic systems, components or separate technical units;		damage to the health of people or to properties owing to hazards caused by mal-functional behaviour of mechanical, hydraulic, pneumatic, electrical or electronic systems, components or separate technical units;	
		19a. advanced brake system’ means an anti-lock brake system, a combined brake system or both. <i>(moved from explanatory notes)</i>	GREEN - agreed in principle
		19b. ‘anti-lock brake system’ means a system that senses wheel slip and automatically modulates the pressure producing the braking forces at the wheel(s) to limit the degree of wheel slip. <i>(moved from explanatory notes)</i>	GREEN - agreed in principle
		19c. ‘combined brake system’ means:	GREEN - agreed in principle
		(a) for vehicle categories L1e and L3e: a brake system where at least two brakes on different wheels are operated by actuation of a single control;	GREEN - agreed in principle
		(b) for vehicle category L4e: a service brake system where the brakes on at least the front and rear wheels are operated by actuation of a single control (if the rear	GREEN - agreed in principle - cfr. UNECE Regulation 78 (b) for vehicle category L4e: a service

		<u>wheel and sidecar wheel are braked by the same brake system, this is regarded as the rear brake);</u>	<u>brake system where the brakes on at least the front and rear wheels are operated by actuation of a single control (if the rear wheel and sidecar wheel are braked by the same brake system, this is regarded as the rear brake);</u>
		<u>(c) for vehicle categories L2e, L5e, L6e and L7e: a brake system where the brakes on all wheels are operated by actuation of a single control.</u> (moved from explanatory notes)	GREEN - agreed in principle
		<u>19d. ‘automatically switching on of lighting’ means a lighting system turned on when the ignition switch or the engine on-off switch is in the on-position.</u> (moved from explanatory notes)	GREEN – agreed in principle
20. ‘pollution control device’ means those components of a vehicle that control <u>and</u> /or reduce tailpipe and/or evaporative emissions;		20. ‘pollution control device’ means those components of a vehicle that control or reduce tailpipe and/or evaporative emissions;	GREEN - agreed in principle
		<u>20a. ‘replacement pollution control device’ means a device or an assembly of such devices that is intended to replace an original pollution control device and that can be approved as a separate technical unit as defined in the delegated acts to this Regulation.</u>	GREEN - agreed in principle

<p>21. 'seating position' means <u>a space declared by the manufacturer as one where the 50th percentile human dummy can be installed or a saddle;</u></p>		<p>21. 'seating position' means;</p>	<p>GREEN - agreed in principle</p>
		<p><u>(a) a saddle accommodating either the driver or a passenger, which is used by sitting in a forward facing astride position or</u></p>	<p>GREEN - agreed in principle</p>
		<p><u>(b) any seat facing the front which can accommodate at the minimum a person with the size of an anthropomorphic manikin of a 50th percentile adult male, in the case of the driver;</u></p>	<p>GREEN - agreed in principle</p>
<p>22. 'compression ignition engine' means a combustion engine working according to the principles of the 'Diesel' <u>combustion process</u> and is abbreviated as CI engine;</p>		<p>22. 'compression ignition engine' means a combustion engine working according to the principles of the 'Diesel' <u>cycle</u> and is abbreviated as CI engine;</p>	<p>GREEN - agreed in principle – deletion of "(CI)"</p> <p>22. 'compression ignition engine' means a combustion engine working according to the principles of the 'Diesel' <u>cycle</u> and is abbreviated as CI engine;</p>
<p>23. 'positive ignition engine' means a combustion engine working according to the principles of the 'Otto' <u>combustion process</u> and is abbreviated as PI engine;</p>		<p>23. 'positive ignition engine' means a combustion engine working according to the principles of the 'Otto' <u>cycle</u> and is abbreviated as PI engine;</p>	<p>GREEN - agreed in principle – deletion of "(CI)"</p> <p>23. 'positive ignition engine' means a combustion engine working according to the principles of the 'Otto' <u>cycle</u> and is abbreviated as PI engine;</p>

24. 'hybrid vehicle' means a powered vehicle equipped with at least two different energy converters and two different energy storage systems (on-vehicle) for the purpose of vehicle propulsion;			GREEN - agreed in principle
25. 'hybrid electric vehicle' means <u>a hybrid vehicle that, for the purpose of propulsion, draws energy from both of the following on-vehicle sources of stored energy:</u>		25. 'hybrid electric vehicle' means <u>a vehicle, including vehicles which draw energy from a consumable fuel only for the purpose of re-charging the electrical energy/power storage device, that, for the purpose of mechanical propulsion, draws energy from both of the following on-vehicle sources of stored energy/power:</u>	GREEN - agreed in principle
(a) a consumable fuel,			GREEN - agreed in principle
(b) <u>an</u> electric energy storage device;		(b) <u>a battery, capacitor, flywheel / generator or other</u> electrical energy <u>or power</u> storage device;	GREEN - agreed in principle
26. 'propulsion' means a combustion engine, an electric engine, any hybrid application or a combination of these engine types or any other engine type;			GREEN - agreed in principle
		26a. ' <u>maximum continuous rated power</u> ' means the maximum thirty minutes power at the output shaft of an electric engine as	GREEN - agreed in principle

		<u>set out in UNECE regulation 85;</u>	
		<u>26b. 'maximum net power' means the maximum power of a combustion engine available on the test bench at the end of the crankshaft or equivalent component;</u>	GREEN - agreed in principle
27. 'defeat device' means any element of design which senses temperature, vehicle speed, engine speed and/or load, transmission gear, manifold vacuum or any other parameter for the purpose of activating, modulating, delaying or deactivating the operation of any part of the emission control and exhaust after-treatment system and which reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal vehicle operation and use;			GREEN - agreed in principle
28. 'durability' means the ability of components and systems to last so that the <u>applicable emission limits</u> can still be met after a mileage as defined in Annex VII and so that vehicle functional safety is <u>guaranteed over the entire life of a vehicle</u> , if the vehicle is used under normal or intended circumstances;		28. 'durability' means the ability of components and systems to last so that the <u>environmental performance as laid down in Article 21 and Annex V</u> can still be met after a mileage as defined in Annex VII and so that vehicle functional safety is <u>ensured</u> , if the vehicle is used under normal or intended circumstances <u>and serviced according to the manufacturer's recommendations</u> ;	GREEN - agreed in principle

29. 'engine capacity' means:			GREEN - agreed in principle
(a) for reciprocating piston engines, the nominal engine swept volume,			GREEN - agreed in principle
(b) for rotary-piston (Wankel) engines, double the nominal engine swept volume;			GREEN - agreed in principle
30. 'evaporative emissions' means the hydrocarbon vapours lost from the fuel storage and supply system of a motor vehicle and are hydrocarbon emissions other than those from tailpipe emissions;			GREEN - agreed in principle
31. SHED test' means a vehicle test in a sealed house for evaporation determination, in which a special evaporative emission test is conducted as defined in a delegated act ;		31. 'SHED test' means a vehicle test in a sealed house for evaporation determination, in which a special evaporative emission test is conducted;	GREEN - agreed in principle
32. 'gaseous-fuel system' means a system composed of gaseous fuel storage, fuel supply, metering and control components fitted to an engine in order to allow the engine to run on LPG, CNG or hydrogen as a mono-fuel, bi-fuel or multi-fuel application;			GREEN - agreed in principle
33. 'pollutant' means the exhaust gas		33. ' <u>gaseous</u> pollutant' means the exhaust	GREEN - agreed in principle

emissions of carbon monoxide (CO), oxides of nitrogen (NO _x) expressed in nitrogen dioxide (NO ₂) equivalent, particulate matter (PM)_{2.5} and hydrocarbons (HC), assuming a ratio of:		gas emissions of carbon monoxide (CO), oxides of nitrogen (NO _x) expressed in nitrogen dioxide (NO ₂) equivalent, and hydrocarbons (HC):	
(a) <u>C₁H_{1.85} for petrol,</u>		<u>Deleted</u>	GREEN - agreed in principle
<u>(b) C₁H_{1.86} for diesel;</u>		<u>Deleted</u>	GREEN - agreed in principle
34. 'tailpipe emissions' means the emission of pollutants at the tailpipe of the vehicle;			GREEN - agreed in principle
35. 'particulate matter' means components of the exhaust gas which are removed from the diluted exhaust gas at a maximum temperature of 325 K (52 °C) by means of the filters described in the test procedure for verifying average tailpipe emissions <u>in a delegated act;</u>		35. 'particulate matter' means components of the exhaust gas which are removed from the diluted exhaust gas at a maximum temperature of 325 K (52 °C) by means of the filters described in the test procedure for verifying average tailpipe emissions;	GREEN - agreed in principle – references to delegated acts are deleted from definitions
36. 'World Motorcycle Testing Cycle' means the world harmonised emission laboratory test cycle WMTC as defined by UNECE global technical regulation 2;		36. 'World wide harmonized Motorcycle Testing Cycle' means the world harmonised emission laboratory test cycle WMTC as defined by UNECE global technical regulation No 2;	GREEN – agreed in principle

<p>37. ‘manufacturer’ means <u>the person or body</u> who is responsible to the approval authority for all aspects of the type-approval, authorisation process, for ensuring conformity of production and who is also responsible for market surveillance concerns for their produced vehicles, systems, components and separate technical units, whether or not the person <u>or body</u> is directly involved in all stages of the construction of the vehicle, system, component or separate technical unit which is the subject of the approval process;</p>		<p>37. ‘manufacturer’ means <u>any natural or legal</u> person who is responsible to the approval authority for all aspects of the type-approval, <u>or</u> authorisation process, for ensuring conformity of production and who is also responsible for market surveillance concerns for their produced vehicles, systems, components and separate technical units, whether or not the <u>natural or legal</u> person is directly involved in all stages of the <u>design and</u> construction of the vehicle, system, component or separate technical unit which is the subject of the approval process;</p>	<p>GREEN - agreed in principle</p>
<p>38. ‘manufacturer’s representative’ means any natural or legal person established in the Union who is duly appointed by the manufacturer to represent the manufacturer before the approval authority and to act on the manufacturer's behalf in matters covered by this Regulation;</p>			<p>GREEN - agreed in principle</p>
<p>39. ‘importer’ means any natural or legal person established within the Union who <u>sells, registers or is responsible for the entry into service of</u> a vehicle, system, component <u>or</u> separate technical unit from a third country on the Union market;</p>		<p>39. ‘importer’ means any natural or legal person established within the Union who <u>places on the market</u> a vehicle, system, component, separate technical unit, <u>part or equipment</u> from a third country on the Union market;</p>	<p>GREEN - agreed in principle</p>
<p>40. ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who <u>sells, registers or is responsible for the entry into service of</u> a vehicle, system, component <u>or</u></p>	<p>40. ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who <u>makes</u> a vehicle, system, component or separate</p>	<p>40. ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who <u>makes available</u>, a vehicle, system, component, separate technical unit, <u>part or equipment</u></p>	<p>GREEN - agreed in principle</p>

separate technical unit on the Union market;	technical unit <i>available</i> on the Union market;	on the Union market;	
41. ‘economic operator’ means the manufacturer, the manufacturer’s representative, the importer or the distributor;			GREEN - agreed in principle
42. ‘approval authority’ means the authority of a Member State established or appointed by the Member State, and notified to the Commission by the Member State, with competence for all aspects of the approval of a type of vehicle, system, component or separate technical unit <u>or of the individual approval of a vehicle</u> , for the authorisation process, for issuing and, if appropriate, withdrawing approval certificates, for acting as the contact point for the approval authorities of other Member States, for designating the technical services and for ensuring that the manufacturer meets his obligations regarding conformity of production;		42. ‘approval authority’ means the authority of a Member State established or appointed by the Member State, and notified to the Commission by the Member State, with competence for all aspects of the approval of a type of vehicle, system, component or separate technical unit, for the authorisation process, for issuing and, if appropriate, withdrawing <u>or refusing</u> approval certificates, for acting as the contact point for the approval authorities of other Member States, for designating the technical services and for ensuring that the manufacturer meets his obligations regarding <u>the</u> conformity of production, <u>or of the individual approval of a vehicle</u> ;	GREEN - agreed in principle
43. ‘market surveillance authority’ means an authority of a Member State responsible for carrying out market surveillance on its territory;			GREEN - agreed in principle
		<u>43a. market surveillance means the activities carried out and measures taken by national authorities to ensure that</u>	GREEN - Agreement to take over CEU text (1st trialogue)

		<u>vehicles, systems, components or separate technical units made available on the Union market comply with the requirements set out in the relevant Union harmonisation legislation and do not endanger health, safety or any other aspect of public interest protection;</u>	
44. ‘national authority’ means an approval authority, <u>a market surveillance authority</u> or any other authority in a Member State <u>involved in and responsible for type-approval, registration, market surveillance or import control</u> in respect of vehicles, systems, components or separate technical units <u>covered by this Regulation</u> ;		44. ‘national authority’ means an approval authority <u>responsible for approval of vehicles, systems, components or separate technical units covered by this Regulation</u> or any other authority <u>involved in and responsible for market surveillance, border, control or registration</u> in a Member State in respect of vehicles, systems, components or separate technical units, <u>parts or equipment</u> ;	GREEN - agreed in principle - deletion of “import” 44. ‘national authority’ means an approval authority <u>responsible for approval of vehicles, systems, components or separate technical units covered by this Regulation</u> or any other authority <u>involved in and responsible for market surveillance, border control or registration</u> in a Member <u>of the entry into the Union market in</u> respect of vehicles, systems, components or separate technical units, <u>parts or equipment</u> ;
45. ‘technical service’ means an organisation or body designated by the approval authority of a Member State as a testing laboratory to carry out tests, or as a conformity assessment body to carry out the initial assessment and other tests or inspections, on behalf of the approval authority;		45. ‘technical service’ means an organisation or body designated by the approval authority of a Member State as a testing laboratory to carry out tests, or as a conformity assessment body to carry out the initial assessment and other tests or inspections, on behalf of the approval authority, <u>it being possible for the approval authority itself to carry out those functions</u> ;	GREEN - agreed in principle + request from EP to Council for more information
		<u>45a. ‘In-service conformity testing’ means testing of a representative sample of vehicles from the market fleet in order to</u>	GREEN - agreed in principle + request from EP to Council for more

		<u>verify that the tailpipe and evaporative emissions and the functional safety and associated safety performance of the vehicle type continue to comply with the requirements of this Regulation, throughout the normal life of the vehicles under normal conditions of use;</u>	information
46. 'self-testing' means the performance of tests in its own facilities, the registration of the test results and the submission of a report, including conclusions, to the approval authority by a manufacturer that has been designated as a technical service in order to assess compliance with certain requirements;			GREEN - agreed in principle
47. 'virtual testing method' means computer simulations, including calculations, to demonstrate whether a vehicle, system, component or separate technical unit fulfils the technical requirements of <u>this Regulation or its delegated and implementing acts</u> , without requiring the use of a physical vehicle, system, component or separate technical unit;		47. 'virtual testing method' means computer simulations, including calculations, to demonstrate whether a vehicle, <u>a</u> system, <u>a</u> component or <u>a</u> separate technical unit fulfils the technical requirements of delegated <u>act referred to in Article 30(5)</u> ; without requiring the use of a physical vehicle, system, component or separate technical unit;	GREEN - agreed in principle
48. ' <u>On-board diagnostics</u> ' is a <u>monitoring system able to identify the likely area of component or system malfunctioning, storing diagnostic trouble codes and environmental information in a computer memory, reporting these upon the request of a generic scan tool and warning the driver of severe functional safety and/or</u>		48. ' <u>on-board diagnostic system or OBD system</u> ' means a system <u>which has the capability of identifying the likely area of malfunction by means of fault codes stored in a computer memory;</u>	GREEN – agreed in principle - alignment with Directive 2007/46 - refined in art 19

<p><u>environmental concerns through illumination of the malfunction indicator light on the instrument panel;</u></p>			
<p>49. ‘vehicle repair and maintenance information’ means all information required for diagnosis, servicing, inspection, periodic monitoring, repair, re-programming or re-initialising of a vehicle and which manufacturers provide to their authorised dealers and repairers, including all subsequent amendments and supplements to such information. This information <u>shall include</u> all information required for fitting <u>systems, components or separate technical units</u> on vehicles;</p>	<p>49. ‘vehicle repair and maintenance information’ means all information required for diagnosis, servicing, inspection, periodic monitoring, repair, re-programming or re-initialising of a vehicle and which manufacturers provide to their authorised dealers and repairers, including all subsequent amendments and supplements to such information. This information shall include all information required for <i>identifying and</i> fitting systems, <i>parts</i>, components or separate technical units on vehicles;</p>	<p>49. ‘vehicle repair and maintenance information’ means all information required for diagnosis, servicing, inspection, periodic monitoring, repair, re-programming or re-initialising of a vehicle and which manufacturers provide to their authorised dealers and repairers, including all subsequent amendments and supplements to such information. This information <u>includes</u> all information required for fitting <u>of parts and equipment</u> on vehicles;</p>	<p>GREEN - agreed in principle</p>
<p>50. ‘independent operator’ means <u>undertakings</u> other than authorised dealers and repairers which are directly or indirectly involved in the repair and maintenance of <u>motor</u> vehicles;</p>	<p>50. ‘independent operator’ means <i>any natural or legal person</i> other than authorised dealers and repairers which are directly or indirectly involved in the repair and maintenance of motor vehicles, <i>in particular repairers, manufacturers or distributors of repair equipment, tools or spare parts, publishers of technical information, roadside assistance operators, operators offering inspection, testing and training services, and manufacturers and installers of equipment for alternative fuel vehicles;</i></p>	<p>50. ‘independent operator’ means undertakings other than authorised dealers and repairers which are directly or indirectly involved in the repair and maintenance of vehicles, <u>in particular repairers, manufacturers or distributors of repair equipment, tools or spare parts, publishers of technical information, automobile clubs, roadside assistance operators, operators offering inspection and testing services, operators offering training for installers, manufacturers and repairers of equipment for alternative fuel vehicles;</u></p>	<p>GREEN - agreed in principle – alignment with Regulation (EC) 715/2007</p>
	<p><i>50a. ‘authorised dealer or repairer’ means any natural or legal person who is a</i></p>	<p><u>50a. ‘authorised repairer’ means a provider of repair and maintenance</u></p>	<p>GREEN - agreed in principle</p>

	<i>member of the vehicle manufacturer's distribution system;</i>	<u>services for vehicles operating within the distribution system set up by a supplier of vehicles;</u>	
<u>51. 'new vehicle' a vehicle meeting one of the following conditions:</u>		<u>deleted</u>	GREEN - agreed in principle
<u>(a) has never been previously registered, or</u>		<u>deleted</u>	GREEN - agreed in principle
<u>(b) has been registered for less than six months at the time of application for an individual approval;</u>		<u>deleted</u>	GREEN - agreed in principle
52. 'end-of-series vehicle' means any vehicle that is part of a stock which cannot be sold , registered or enter into service owing to the entry into force of new technical requirements against which it has not been approved;		52. 'end-of-series vehicle' means any vehicle that is part of a stock which cannot be made available on the market or can no longer be made available on the market , registered or enter into service owing to the entry into force of new technical requirements against which it has not been approved;	GREEN - agreed in principle
53. 'powered two-wheeler' means a powered two-wheel vehicle, including powered two-wheel cycles, two-wheel mopeds and two-wheel motorcycles, and is abbreviated as 'PTW';			GREEN - agreed in principle

	<i>53a. 'enduro motorcyle' means a powered two-wheeler with special use meeting the classification criteria for L3e-S1;</i>		YELLOW - issue linked to the discussion on classification
	<i>53b. 'trial motorcycle' means a powered two-wheeler with special use meeting the classification criteria for L3e-S2;</i>		YELLOW - issue linked to the discussion on classification
54. 'powered tricycle' means a powered three-wheel vehicle meeting the classification criteria for L5e category vehicles;			GREEN - agreed in principle
55. 'quadricycle' means a four-wheel vehicle meeting the classification criteria for L6e or L7e category vehicles;			GREEN - agreed in principle
56. 'self-balancing machine' means a vehicle concept that is based on an inherent unstable equilibrium and needs an auxiliary control system to maintain its balance, and which includes powered one-wheel vehicles or powered two-wheel, two-track vehicles;		56. 'self-balancing machine' means a vehicle concept that is based on an inherent unstable equilibrium and that needs an auxiliary control system to maintain its balance, and which includes powered one-wheel vehicles or powered two-wheel, two-track vehicles;	GREEN - agreed in principle
<u>57. 'on-road quad' means a four-wheel vehicle designed to be driven on paved, public roads which meets the criteria for light on-road quads, category L6Ae, or heavy on-road quads, category L7Ae;</u>		<u>deleted</u>	YELLOW - issue linked to the discussion on classification

	<i>57a. 'all-terrain vehicle' (ATV) means a vehicle meeting the classification criteria for L7Be-A1; [This amendment (L7Be-A1 category for ATV) applies throughout the text.]</i>		RED – to be discussed at trilogue level
	<i>57b. 'side-by-side' (SbS) vehicle means a vehicle meeting the classification criteria of L7Be-A2; [This amendment (L7Be-A2 category for SbS) applies throughout the text.]</i>		RED – to be discussed at trilogue level
<u>58. 'trailer' means any non-self-propelled vehicle designed and constructed to be towed by an L-category vehicle;</u>		<u>deleted</u>	GREEN - agreed in principle
59. 'twinned wheels' means two wheels mounted on the same axle which are considered to be one wheel, whereby the distance between the centres of their areas of contact with the ground is equal to or less than 460 mm;			GREEN - agreed in principle
60. '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, to be known as the registration number, be it permanently, temporarily or for a short period of time;			GREEN - agreed in principle

61. 'entry into service' means the first use, for its intended purpose, in the Union, of a vehicle, system, component or separate technical unit <u>covered by this Regulation</u> ;		61. 'entry into service' means the first use, for its intended purpose, in the Union, of a vehicle, system, component, or separate technical unit, <u>part or equipment</u> ;	GREEN - agreed in principle
<u>62. 'sale' means any sale, from vehicle manufacturer to retailer or the sale to the end user;</u>		<u>deleted</u>	GREEN - agreed in principle - replaced by "to make available on the market" – alignment with the new legislative framework
63. ' <u>to make</u> available on the market' means any supply of a vehicle, system, component <u>or</u> separate technical unit for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;		63. ' <u>making</u> available on the market' means any supply of a vehicle, system, component, separate technical unit, <u>part or equipment</u> for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	GREEN - agreed in principle
64. ' <u>to place</u> on the market' means making available a vehicle, system, component <u>or</u> separate technical unit for the first time in the Union;		64. ' <u>placing</u> on the market' means making available a vehicle, system, component, separate technical unit, <u>part or equipment</u> for the first time in the Union;	GREEN - agreed in principle
65. 'vehicle type' means a group of vehicles, including variants and versions of a particular category that do not differ in at least the following essential respects:			GREEN - agreed in principle
(a) category <u>or</u> subcategory;		(a) category <u>and</u> subcategory;	GREEN - agreed in principle

(b) manufacturer;			GREEN - agreed in principle
(c) chassis, frame, sub-frame, floor pan or structure to which major components are attached;			GREEN - agreed in principle
<u>(d) operating principles of their propulsion;</u>		<u>deleted</u>	GREEN - agreed in principle
(e) type designation given by the manufacturer;			GREEN - agreed in principle
66. 'variant' means a vehicle of the same type where:			GREEN - agreed in principle
(a) the basic characteristics of the bodywork shape are the same;			GREEN - agreed in principle
(b) they have the same propulsion and propulsion configuration;			GREEN - agreed in principle
(c) where a combustion engine is part of the propulsion, they have the same engine operating cycle;			GREEN - agreed in principle

(d) they have the same number and arrangement of cylinders;			GREEN - agreed in principle
(e) they have the same type of gearbox;			GREEN - agreed in principle
(f) the difference in mass in running order between the lowest value and the highest value does not exceed 20 % of the lowest value;			GREEN - agreed in principle
(g) the difference in the maximum permissible mass between the lowest value and the highest value does not exceed 20 % of the lowest value;			GREEN - agreed in principle
(h) the difference in the cylinder capacity of the power unit (in the case of a combustion unit) between the lowest value and the highest value does not exceed 30 % of the lowest value;		(h) the difference in the cylinder capacity of the power unit (in the case of a combustion unit) between the lowest value and the highest value does not exceed 30 % of the lowest value; and	GREEN - agreed in principle
(i) the difference in the power output of the power unit between the lowest value and the highest value does not exceed 30 % of the lowest value;		(i) the difference in the power output of the power unit between the lowest value and the highest value does not exceed 30 % of the lowest value;	GREEN - agreed in principle

67. 'version' means a vehicle which consists of a combination of items shown in the information package referred to in Article 27(10).		67. 'version' means a vehicle which consists of a combination of items shown in the information package referred to in Article 27(10).	GREEN - agreed in principle
		<u>67a. 'external combustion engine' means a heat engine in which combustion and expansion chambers are physically separated and where an internal working fluid is heated by combustion in an external source. Heat from the external combustion expands the internal working fluid which then by expanding and acting on the mechanism of the engine, produces motion and usable work;</u>	GREEN - agreed in principle
	<i>67a. 'Powertrain' means the components and systems of a vehicle that generate power and deliver it to the road surface, including the engine(s), the engine management systems or any other control module, the pollution control devices, the transmission and its control, either a drive shaft or belt drive or chain drive, the differentials, the final drive, and the driven wheel tyre (radius).</i>	<u>68. 'powertrain' means the components and systems of a vehicle that generate power and deliver it to the road surface, including the engine(s), the engine management systems or any other control module, the pollution environmental protection control devices including pollutant emissions and noise abatement systems, the transmission and its control, either a drive shaft or belt drive or chain drive, the differentials, the final drive, and the driven wheel tyre (radius);</u> <i>[moved from Article 18]</i>	RED — dialogue — linked to the discussion on art-18
		<u>69. 'mono fuel vehicle' means a vehicle that is designed to run primarily on one type of fuel;</u>	GREEN - agreed in principle

		<u>69a. ‘mono fuel gas vehicle’ means a monofuel vehicle that primarily runs on LPG, NG/biomethane, or hydrogen but may also have a petrol system for emergency purposes or starting only, where the petrol tank does not contain more than 5 litres of petrol;</u>	GREEN - agreed in principle
		<u>70. ‘E5’ means a fuel blend of 5% anhydrous ethanol and 95% gasoline;</u>	GREEN - agreed in principle
		<u>71. ‘LPG’ means liquefied petroleum gas which is composed of propane and butane liquefied by storage under pressure;</u>	GREEN - agreed in principle
		<u>72. ‘NG’ means natural gas containing a very high methane content;</u>	GREEN - agreed in principle
		<u>72a. ‘Biomethane’ means a renewable natural gas made from organic sources that starts out as ‘biogas’ but then is cleaned up in a process called ‘biogas to biomethane’ which removes the impurities in biogas such as carbon dioxide, siloxanes and hydrogen sulfides (H2S);</u>	GREEN - agreed in principle
		<u>74. ‘bi fuel vehicle’ means a vehicle with two separate fuel storage systems that can run part-time on two different fuels and is</u>	GREEN - agreed in principle

		<u>designed to run on only one fuel at a time;</u>	
		<u>74a. 'bi fuel gas vehicle' means a bi fuel vehicle that can run on petrol and also on either LPG, NG/biomethane or hydrogen;</u>	GREEN - agreed in principle
		<u>75. 'flex fuel vehicle' means a vehicle with one fuel storage system that can run on different blends of two or more fuels;</u>	GREEN - agreed in principle
		<u>76. 'E85' means a fuel blend of 85% anhydrous ethanol and 15% gasoline;</u>	GREEN - agreed in principle
		<u>77. 'flex fuel ethanol vehicle' means a flex fuel vehicle that can run on petrol or a mixture of petrol and ethanol up to an 85 per cent ethanol blend;</u>	GREEN - agreed in principle
		<u>78. 'H₂NG' means a fuel blend of hydrogen and natural gas.</u>	GREEN - agreed in principle
		<u>78a. 'flex fuel H₂NG vehicle' means a flex fuel vehicle that can run on different blends of hydrogen and NG/biomethane;</u>	
		<u>79. 'flex fuel biodiesel vehicle' means a flex fuel vehicle that can run on mineral diesel or a blend of mineral diesel and</u>	GREEN - agreed in principle

		<u>biodiesel;</u>	
		<u>80. 'B5' means a fuel blend of up to 5% biodiesel and 95% petroleum diesel.</u>	GREEN - agreed in principle
		<u>81. 'biodiesel' means a vegetable oil- or animal fat-based diesel fuel consisting of long-chain alkyl esters produced in a sustainable way.</u>	GREEN - agreed in principle
		<u>81a 'pure electric vehicle' means a vehicle powered by:</u>	GREEN - agreed in principle
		<u>(a) a system consisting of one or more electric energy storage devices, one or more electric power conditioning devices and one or more electric machines that convert stored electric energy to mechanical energy delivered at the wheels for propulsion of the vehicle;</u>	GREEN - agreed in principle
		<u>(b) an auxiliary electric propulsion fitted to a vehicle designed to pedal.</u>	GREEN - agreed in principle
		<u>(redundant with definition 81a) 82. 'pure electric vehicle' means a vehicle powered by an electric power train only, without systems for recharging the electrical energy/power storage device using a</u>	GREEN - agreed in principle

		<u>consumable fuel.</u>	
		<u>83. ‘hydrogen fuel cell vehicle’ means a vehicle powered by a fuel cell that converts chemical energy from hydrogen into electric energy, for propulsion of the vehicle.</u>	GREEN - agreed in principle
		<u>84. ‘R-point’ or ‘seating reference point’ means a design point defined by the vehicle manufacturer for each seating position and established with respect to the three-dimensional reference system.</u>	
Article 4 Vehicle categories			GREEN - agreed in principle
1. L-category vehicles comprise <i>powered</i> two-, three- and four-wheel vehicles as categorised in <u>the following paragraphs</u> and Annex I, including <i>powered cycles</i> , two- and three-wheel mopeds, two- and three-wheel motorcycles, motorcycles with side-cars, light and heavy on-road quads, and light and heavy <u>mini-cars</u> .	1. L-category vehicles comprise two-, three- and four-wheel vehicles as categorised in the following paragraphs and Annex I, including two- and three-wheel mopeds, two- and three-wheel motorcycles, motorcycles with side-cars, light and heavy on-road quads, <i>ATVs, SbS vehicles</i> , and light and heavy mini-cars.	1. L-category vehicles comprise powered two-, three- and four-wheel vehicles as categorised in <u>this Article</u> and Annex I, including powered cycles, two- and three-wheel mopeds, two- and three-wheel motorcycles, motorcycles with side-cars, light and heavy on-road quads, and light and heavy <u>quadri-mobiles</u> .	YELLOW – linked to the classification
2. For the purposes of this Regulation, the following vehicle categories and subcategories apply, as described in Annex I:		2. For the purposes of this Regulation, the following vehicle categories and subcategories <u>shall</u> apply, as described in Annex I:	GREEN - agreed in principle

(a) Category L1e vehicle (light two-wheel powered vehicle), sub-categorised into:			GREEN - agreed in principle
<i>(i) L1Ae vehicle (powered cycle);</i>	<i>deleted</i>		RED - trilogue
(ii) L1Be vehicle (two-wheel moped).			GREEN - agreed in principle
(b) Category L2e vehicle (three-wheel moped).		(b) Category L2e vehicle (three-wheel moped) sub-categorised into:	GREEN - agreed in principle
		<u>(i) L2e-P vehicle (three-wheel moped designed for passenger transport);</u>	GREEN - agreed in principle
		<u>(ii) L2e-U vehicle (three wheel moped designed for utility purposes).</u>	GREEN - agreed in principle
(c) Category L3e vehicle (two-wheel			

motorcycle), sub-categorised by:			
(i) motorcycle performance ⁵³ , further sub-categorised into		(i) motorcycle performance, further sub-categorised into:	GREEN - agreed in principle
– A1 vehicle (low-performance motorcycle);	– L3e -A1 vehicle (low-performance motorcycle);	– L3e - A1 vehicle (low-performance motorcycle);	GREEN - agreed in principle
– A2 vehicle (medium-performance motorcycle);	– L3e -A2 vehicle (medium-performance motorcycle);	– L3e - A2 vehicle (medium-performance motorcycle);	GREEN - agreed in principle
– A3 vehicle (high-performance motorcycle).	– L3e -A3 vehicle (high-performance motorcycle).	– L3e - A3 vehicle (high-performance motorcycle).	GREEN - agreed in principle
		(ia) special use:	GREEN - agreed in principle
		– L3e - A1E, L3e-A2E or L3e-A3E enduro motorcycles;	GREEN - agreed in principle (1st trilogue)
		– L3e - A1T, L3e-A2T or L3e-A3T trial motorcycles.	GREEN - agreed in principle (1st trilogue)
(ii) maximum designed vehicle speed:	deleted	deleted	GREEN - agreed in principle

– lower than or equal to 130 km/h;	<i>deleted</i>	<u>deleted</u>	GREEN - agreed in principle
– higher than 130 km/h.	<i>deleted</i>	<u>deleted</u>	GREEN - agreed in principle
	<i>(ii) special use:</i>		GREEN - Agreement to use Council classification for enduro and motorcycles (1st trilogue)
	– <i>L3e-S1 vehicle (enduro motorcycle);</i>		GREEN - Agreement to use Council classification for enduro and motorcycles (1st trilogue)
	– <i>L3e-S2 vehicle (trial motorcycle)</i>		GREEN - Agreement to use Council classification for enduro and motorcycles (1st trilogue)
(d) Category L4e vehicle (two-wheel motorcycle with side-car).			GREEN - agreed in principle
(e) Category L5e vehicle (powered tricycle), sub-categorised into:			GREEN - agreed in principle
(i) <u>Subcategory</u> L5Ae vehicle (tricycle);	(i) L5Ae vehicle (tricycle);	(i) L5Ae vehicle (tricycle), <u>vehicle mainly designed for passenger transport;</u>	GREEN - agreed in principle
(ii) <u>Subcategory</u> L5Be vehicle (commercial tricycle), <u>further sub-categorised in:</u>	(ii) L5Be vehicle (commercial tricycle), further sub-categorised in:	(ii) L5Be vehicle (commercial tricycle):	GREEN - agreed in principle

– L5Be – U vehicle: utility tricycle exclusively designed for the carriage of goods;		utility tricycle exclusively designed for the carriage of goods;	GREEN - agreed in principle
– L5Be – P vehicle: vehicle mainly designed and used for passenger transport.		deleted	GREEN - agreed in principle
(f) Category L6e vehicle (light quadricycles), sub-categorised into:		(f) Category L6e vehicle (light quadricycles), sub-categorised into:	GREEN - agreed in principle
(i) L6Ae vehicle (light on-road quad);		(i) L6e-Ae vehicle (light on-road quad);	GREEN - agreed in principle
(ii) L6Be vehicle (light mini-car), further sub-categorised into:		(ii) L6e-Be vehicle (light quadri-mobile), further sub-categorised into:	GREEN - agreed in principle
– L6Be – U vehicle: utility vehicle exclusively designed for the carriage of goods;		– L6e-Be – U vehicle (light quadri-mobile for utility purposes): utility vehicle exclusively designed for the carriage of goods;	GREEN - agreed in principle
– L6Be – P vehicle: vehicle mainly designed and used for passenger transport.		– L6e-Be – P vehicle (light quadri-mobile for passenger transport): vehicle mainly designed for passenger transport.	GREEN - agreed in principle

(g) Category L7e vehicle (heavy quadricycles), sub-categorised into:			GREEN - agreed in principle
(i) Subcategory L7Ae vehicle (heavy on-road quad);	(i) L7Ae vehicle (heavy on-road quad);	(i) L7e-Ae vehicle (heavy on-road quad) subcategorized into:	GREEN - agreed in principle
		- L7e-A1: A1 on-road quad;	
		- L7e-A2: A2 on-road quad;	
	(ia) <i>L7Be vehicle, sub-categorised into:</i>	(ii) L7e-Be vehicle (Heavy all terrain vehicle) subcategorized into;	RED - trilogue
	- L7Be-A1: all-terrain vehicle (ATV);	- L7e-Be-ATV: All Terrain Vehicle quad(ATV);	RED - trilogue
	- L7Be-A2: side-by-side vehicles (SbS); [This amendment (introduction of two new categories L7Be-A1 and L7Be-A2) applies throughout the text.]	- L7e-Be-SbS: Sside-by-side vehiele buggy(SbS);	RED - trilogue
(ii) Subcategory L7Be vehicle (heavy mini-car), sub-categorised into:	(ii) L7Ce vehicle (heavy mini-car), sub-categorised into:	(iii) L7e-Ce vehicle (heavy quadri-mobile), sub-categorised into:	GREEN - agreement on Council text (trilogue I)
- L7Be – U vehicle: utility vehicle exclusively designed for the carriage of goods;	- L7Ce – U vehicle: utility vehicle exclusively designed for the carriage of goods;	- L7e-Ce – U vehicle: utility vehicle exclusively designed for the carriage of goods;	GREEN - agreement on Council text (trilogue I)

– <u>L7Be</u> – P vehicle: vehicle mainly designed and used for passenger transport.	– <u>L7Ce</u> – P vehicle: vehicle mainly designed and used for passenger transport. <i>[This amendment (current L7Be category becoming L7Ce category) applies throughout the text.]</i>	– <u>L7e-Ce</u> – P vehicle: vehicle mainly designed for passenger transport.	GREEN - agreement on Council text (trilogue I)
3. The L-category vehicles listed in paragraph 2 are further classified according to the propulsion of the vehicle into the following sub-categories:		3. The L-category vehicles listed in paragraph 2 are further classified according to the propulsion of the vehicle into the following sub-categories:	GREEN - agreed in principle
(a) propelled with an internal combustion engine:			GREEN - agreed in principle
– compression ignition (CI);			GREEN - agreed in principle
– positive ignition (PI);			GREEN - agreed in principle
(b) propelled with an external combustion engine, a turbine or a rotary piston engine, whereby, for the purpose of complying with environmental and functional safety requirements, a vehicle equipped with such a propulsion is considered the same as a vehicle propelled with a PI internal combustion engine;			GREEN - agreed in principle

(c) propelled by an engine that runs on pre-compressed air and does not emit higher levels of pollutants and/or inert gases than the levels present in ambient air, whereby, with regard to functional safety requirements and fuel storage and supply, such a vehicle is considered to be a vehicle operated on gaseous fuel;			GREEN - agreed in principle
(d) propelled with an electric engine;			GREEN - agreed in principle
(e) a hybrid vehicle that combines any propulsion configuration referred to in the preceding subparagraphs (a), (b), (c) or (d) or any multiple combination of these propulsion configurations including multiple combustion and/or electric engines.			GREEN - agreed in principle
4. As regards the categorisation of L-category vehicles in paragraph 2; a vehicle that does not come under a certain category because it exceeds at least one of the criteria stipulated for that category falls into the next category whose criteria it meets. This applies to the following groups of categories and subcategories:		4. As regards the classification of L-category vehicles in paragraph 2; a vehicle that does not come under a certain category because it exceeds at least one of the criteria stipulated for that category falls into the next category whose criteria it meets. This applies to the following groups of categories and subcategories:	GREEN - agreed in principle
(a) category L1e with its <i>subcategories L1Ae and L1Be</i> and category L3e with its	(a) category L1e with its <i>subcategory L1Be</i> and category L3e with its subcategories L3e-		YELLOW – linked with classification issue (trialogue)

subcategories L3e - A1, L3e - A2 <i>and</i> L3e - A3;	A1, L3e-A2 , L3e-A3, <i>L3e-S1 and L3e-S2</i> ;		
(b) category L2e and category L5e with its subcategories L5Ae and L5Be;			GREEN - agreed in principle
(c) category L6e with its subcategories L6Ae and L6Be and category L7e with its subcategories <u>L7Ae and L7Be</u> ;	(c) category L6e with its subcategories L6Ae and L6Be and category L7e with its subcategories L7Ae, L7Be <i>and</i> L7Ce;	(c) category L6e with its subcategories L6Ae and L6Be and category L7e with its subcategories <u>L7e-Ae, L7e-Be and L7e-Ce</u> ;	GREEN - agreed in principle
(d) any other logical sequence of categories and/or subcategories proposed by the manufacturer and approved by the type-approval authority.			GREEN - agreed in principle
		<u>5. Notwithstanding the (sub)classification criteria set-out in paragraphs 1 to 4 and Annex I, additional subcategories shall apply as set out in Annex V, in order to harmonise environmental test procedures at the international level by referring to UNECE regulations and UNECE global technical regulations.</u>	GREEN - agreed in principle

		<u>Article 4a</u> <i>Mass in running order determination</i>	GREEN - agreed in principle
		<u>The mass in running order of an L-category vehicle shall be determined by measuring the mass of the unladen vehicle ready for normal use and:</u>	GREEN - agreed in principle
		<u>(a) include the mass of liquids and;</u>	GREEN - agreed in principle
		<u>(b) include the mass of standard equipment in accordance with the manufacturer's specifications and;</u>	GREEN - agreed in principle
		<u>(c) include the mass of 'fuel' in the fuel tank(s) that shall be filled to at least 90 % of its or their capacity(ies);</u>	GREEN - agreed in principle
		<u>(i) if a vehicle is propelled with a 'liquid fuel' this shall be considered as 'fuel' under point (c) or;</u>	GREEN - agreed in principle
		<u>(ii) if a vehicle is propelled with a liquid 'fuel / oil mixture';</u>	GREEN - agreed in principle
		<u>(1) if fuel to propel the vehicle and</u>	GREEN - agreed in principle

		<u>lubrication oil are pre-mixed then this 'pre-mixture' shall be considered as 'fuel' under point (c);</u>	
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		<u>(2) if fuel to propel the vehicle and lubrication oil are stored separately then only 'fuel' propelling the vehicle shall be considered as 'fuel' under point (c); or</u>	GREEN - agreed in principle
		<u>(iii) if a vehicle is propelled by a gaseous fuel, a liquefied gaseous fuel or is running on compressed air, the mass of 'fuel' in the gaseous fuel tank(s) under point (c) may be set to 0 kg; and</u>	GREEN - agreed in principle
		<u>(d) include the mass of the bodywork, the cabin, the doors and;</u>	GREEN - agreed in principle
		<u>(e) include the masses of glazing, the coupling, the spare wheel(s) as well as the mass of tools and;</u>	GREEN - agreed in principle
		<u>(f) exclude the mass of the driver (75 kg) and passenger (65 kg) and;</u>	GREEN - agreed in principle
		<u>(g) exclude the mass of the machines or equipment installed on the load platform area;</u>	GREEN - agreed in principle
		<u>(h) in the case of a hybrid or fully electric-propelled vehicle, exclude the mass of the</u>	GREEN - agreed in principle

		<u>propulsion battery/ies and;</u>	
		<u>(i) in the case of (a) mono- , bi- or multi-fuel vehicle(s), exclude the mass of a gaseous-fuelling system as well as the mass of storage tanks for gaseous fuel and;</u>	GREEN - agreed in principle
		<u>(i) in the case of pre-compressed air propulsion, exclude the mass of storage tank(s) to store compressed air.</u>	GREEN - agreed in principle
CHAPTER II GENERAL OBLIGATIONS			GREEN - agreed in principle
Article 5 <u>General obligations</u> of Member States <u>and national authorities</u>		Article 5 <u>Obligations</u> of Member States	GREEN - agreed in principle – alignment with new legal framework terminology
1. Member States shall establish <u>and</u> appoint the <u>type</u> -approval authorities competent in matters concerning approval and market surveillance authorities competent in matters concerning market surveillance in accordance with this Regulation. Member States shall notify the Commission of the establishment and appointment of such authorities <u>in accordance with Article 68.</u>		1. Member States shall establish <u>or</u> appoint the approval authorities competent in matters concerning approval and <u>the</u> market surveillance authorities competent in matters concerning market surveillance in accordance with this Regulation. Member States shall notify the Commission of the establishment and appointment of such authorities.	GREEN - agreed in principle

<p>The notification of the type-approval and market surveillance authorities shall include their name, address, including electronic address, and area of responsibility.</p>		<p>The notification of the approval and market surveillance authorities shall include their name, address, including electronic address, and area of responsibility. <u>The Commission shall publish on its website a list and details of the approval authorities.</u></p>	<p>GREEN - agreed in principle</p>
<p>2. National authorities shall permit the sale, registration and entry into service of, only vehicles, components and separate technical units that satisfy the requirements of this Regulation.</p>		<p>2. Member States shall permit placing on the market, registration or entry into service of only such vehicles, components and separate technical units that satisfy the requirements of this Regulation.</p>	<p>GREEN - agreed in principle</p>
<p>3. National authorities shall not prohibit, restrict or impede the sale registration of vehicles, components or separate technical units, or their sale or entry into service or their use on the road on grounds related to aspects of their construction and functioning covered by this Regulation, if they satisfy its requirements.</p>		<p>3. Member States shall not prohibit, restrict or impede placing on the market, registration or entry into service of vehicles, systems, components or separate technical units on grounds related to aspects of their construction and functioning covered by this Regulation, if they satisfy its requirements.</p>	<p>GREEN - agreed in principle</p>
<p>4. Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units entering the Union market in accordance with Chapter III of Regulation (EC) No 765/2008.</p>		<p>4. Member States shall organise and carry out market surveillance and controls of vehicles, systems, components or separate technical units being placed on the Union market in accordance with Chapter III of 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^{53a}.</p>	<p>GREEN - agreed in principle</p>

^{53a} **J L 218, 13.8.2008, p. 30.**

Article 6 General obligations of approval authorities		Article 6 Obligations of approval authorities	GREEN - agreed in principle
1. Approval authorities shall ensure that manufacturers applying for type-approval comply with their obligations under this Regulation.			GREEN - agreed in principle
2. Approval authorities shall approve only vehicles, systems, components or separate technical units that satisfy the requirements of this Regulation.		2. Approval authorities shall approve only such vehicles, systems, components or separate technical units that satisfy the requirements of this Regulation.	GREEN - agreed in principle
		Article 6 a Market surveillance measures	GREEN - agreement to take over Council text (1st trilogue)
		1. For type-approved vehicles, systems, components and separate technical units market surveillance authorities shall perform, on an adequate scale, appropriate documentary checks, taking into account established principles of risk assessment, complaints and other information.	GREEN - agreement to take over Council text (1st trilogue)
		Market surveillance authorities may require economic operators to make such documentation and information available as deemed necessary for the purpose of	GREEN - agreement to take over Council text (1st trilogue)

		<u>carrying out their activities.</u>	
		<u>Where economic operators present certificates attesting conformity, market surveillance authorities shall take due account of such certificates.</u>	GREEN - agreement to take over Council text (1st trilogue)
		<u>2. For parts and equipment other than those covered in paragraph 1 Article of 19 (1) of Regulation (EC) No 765/2008 applies in its entirety.</u>	GREEN - agreement to take over Council text (1st trilogue)
Article 7 <u>General obligations</u> of manufacturers		Article 7 <u>Obligations</u> of manufacturers	GREEN - agreed in principle
1. Manufacturers shall ensure that when their vehicles, systems, components or separate technical units are sold or are entering into service, these are manufactured and approved in accordance with the requirements set out in this Regulation and the delegated and implementing acts adopted under this Regulation.		1. Manufacturers shall ensure that when their vehicles, systems, components or separate technical units are placed on the market or are entering into service, these are manufactured and approved in accordance with the requirements set out in this Regulation and the delegated and implementing acts adopted under this Regulation.	GREEN - agreed in principle
In the case of multi-stage type-approval, each manufacturer is responsible for the approval and conformity of production of the systems,		<u>1a.</u> In the case of multi-stage type-approval, each manufacturer is responsible for the approval and conformity of production of the	GREEN - agreed in principle

<p>components or separate technical units added at the stage of vehicle completion handled by the manufacturer. Any manufacturer who modifies components or systems already approved at earlier stages shall be responsible for the approval and conformity of production of those components and systems.</p>		<p>systems, components or separate technical units added at the stage of vehicle completion handled by the manufacturer. Any manufacturer who modifies components or systems already approved at earlier stages shall be responsible for the approval and conformity of production of the modified components and systems.</p>	
<p>2. Manufacturers who modify the incomplete vehicle such that it qualifies as a different category of vehicle, with the consequence that the legal requirements already assessed in a previous stage of approval have changed, are also responsible for compliance with the changed requirements.</p>		<p>2. Manufacturers who modify the incomplete vehicle in such a manner that it qualifies as a different category of vehicle, with the consequence that the legal requirements already assessed in a previous stage of approval have changed, are also responsible for compliance with the applicable requirements to the category of vehicles for which the modified vehicle qualifies.</p>	<p>GREEN - agreed in principle</p>
<p>3. For the purposes of approval of vehicles, systems, components or separate technical units covered by this Regulation manufacturers established outside the Union shall appoint a single representative established within the Union to represent them before the approval authority.</p>			<p>GREEN - agreed in principle</p>
<p>4. They shall furthermore appoint a representative for the purposes of market surveillance, which may be the representative referred to in the second paragraph or one additional representative.</p>	<p>4. Manufacturers shall furthermore appoint a representative for the purposes of market surveillance, which may be the representative referred to paragraph 3 or one additional representative.</p>	<p>4. Manufacturers established outside the Union shall furthermore appoint a single representative established within the Union for the purposes of market surveillance, which may be the representative referred to in the paragraph 3 or one additional representative.</p>	<p>GREEN - agreed in principle</p>
<p>5. Manufacturers shall be responsible to the</p>			<p>GREEN - agreed in principle</p>

<p>approval authority for all aspects of the approval process and for ensuring conformity of production, whether or not they are directly involved in all stages of the construction of a vehicle, system, component or separate technical unit.</p>			
<p>6. Manufacturers shall ensure that procedures are in place for series production to remain in conformity. Changes in design of a vehicle, system, component or separate technical unit or characteristics and changes in the requirements to which a vehicle, system, component or separate technical unit is declared to conform shall be adequately taken into account.</p>		<p>6. <u>In accordance with the specific provisions of this Regulation and the delegated and implementing acts adopted under this Regulation, manufacturers</u> shall ensure that procedures are in place for series production to remain in conformity <u>with the approved type</u>. Changes in design of a vehicle, system, component or separate technical unit or characteristics and changes in the requirements to which a vehicle, system, component or separate technical unit is declared to conform shall be adequately taken into account.</p>	<p>GREEN - agreed in principle</p>
<p>7. In addition to the statutory marking and type-approval marks fixed to their vehicles, <u>systems</u>, components or separate technical units in accordance with Article 37, manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on their vehicles, <u>systems</u>, components or separate technical units or, where that is not possible <u>for systems, components or separate technical units</u>, on the packaging or in a document accompanying the <u>system</u>, component or separate technical unit. <u>The address must indicate a single point at which the manufacturer can be contacted.</u></p>		<p>7. In addition to the statutory marking and type-approval marks fixed to their vehicles, components or separate technical units in accordance with Article 37, manufacturers shall indicate their name, registered trade name or registered trade mark and the address <u>in the European Union</u> at which they can be contacted on their vehicles, components or separate technical units <u>made available on the Union market</u> or, where that is not possible for components or separate technical units, on the packaging or in a document accompanying the component or separate technical unit.</p>	<p>GREEN - agreed in principle</p>

8. Manufacturers shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in this Regulation.			GREEN - agreed in principle
Article 8 Obligations of manufacturers concerning <u>conformity of</u> vehicles, systems, components <u>or separate technical</u> units		Article 8 Obligations of manufacturers concerning <u>their products that are not in conformity or do present a serious risk</u>	GREEN – confirmed by EP negotiating team “serious risk” reference to product safety Directive
1. Manufacturers who consider or have reason to believe that <u>when</u> their vehicle, system, component or separate technical unit <u>which</u> has been <u>sold</u> or <u>enters</u> into service is not in conformity with this Regulation or the delegated and implementing acts adopted under this Regulation shall immediately take the corrective measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it or to recall it, as appropriate.		1. Manufacturers who consider or have reason to believe that their vehicle, system, component or separate technical unit <u>that</u> has been <u>placed on the market</u> or <u>entered</u> into service is not in conformity with this Regulation or the delegated and implementing acts adopted under this Regulation shall immediately take the corrective measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it or to recall it, as appropriate.	GREEN – EP prefers wordking from the goods package: consider or have reason to believe
		<u>The manufacturer shall immediately inform the approval authority which granted the approval, giving details, in particular, of the non-compliance and of any corrective action taken.</u>	GREEN - agreed in principle

<p>2. Where the vehicle, system, component or separate technical unit presents a risk, manufacturers shall immediately inform the market surveillance and approval authorities of the Member States in which the vehicle, system, component or separate technical unit was sold or had entered into service to that effect, giving details, in particular, of the non-conformity and any corrective measures taken.</p>		<p>2. Where the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, manufacturers shall immediately inform the market surveillance and approval authorities of the Member States in which the vehicle, system, component or separate technical unit, part or equipment was made available on the market or had entered into service to that effect, giving details, in particular, of the non-conformity and any corrective measures taken.</p>	<p>GREEN – confirmed by EP negotiating team “serious risk” reference to product safety Directive</p>
<p>3. Manufacturers shall keep the information folder referred to in Article 25 and the certificates of conformity referred to in Article 36 at the disposal of the approval authorities for a period of at least 10 years.</p>		<p>3. Manufacturers shall keep the information package referred to in Article 27(10) and in addition the vehicle manufacturer shall keep a copy of the certificates of conformity referred to in Article 36 at the disposal of the approval authorities for a period of at least 10 years after the placing on the market of the vehicle and for a period of at least 5 years after the placing on the market for a system, component or separate technical unit.</p>	<p>GREEN – confirmed by EP negotiating team “serious risk” reference to product safety Directive</p>
<p>4. Manufacturers shall, following a substantiated request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the vehicle, system, component or separate technical unit, in one of the official languages of the Member State of that authority. Manufacturers shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by</p>		<p>4. Manufacturers shall, following a reasoned request from a competent Member State authority, provide that authority through the type-approval authority with a copy of the EU type-approval certificate or the authorisation referred to in Articles 53(1) and 53(2) demonstrating conformity of the vehicle, system, component or separate technical unit, in a language which can be easily understood by that authority. Manufacturers shall cooperate with the</p>	<p>GREEN - agreed in principle – reference to new legal framework – addition of art 53(2)</p> <p>4. Manufacturers shall, following a reasoned request from a competent Member State authority, provide that authority through the type-approval authority with a copy of the EU type-approval certificate or the authorisation referred to in Article 53(1) and 53(2) demonstrating the conformity of the vehicle, system, component or separate</p>

<p>their vehicles, systems, components or separate technical units which have been sold, registered or entered into service.</p>		<p>Member State authority on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the risks posed by their vehicles, systems, components or separate technical units which have been placed on the market, registered or entered into service.</p>	<p>technical unit, in a language which can be easily understood by that authority. Manufacturers shall cooperate with the Member State authority on any action taken in accordance with Article 20 of Regulation (EC) No 765/2008 to eliminate the risks posed by their vehicles, systems, components or separate technical units which have been placed on the market, registered or entered into service.</p>
<p>Article 9 Obligations of manufacturers' representative concerning market surveillance</p>		<p>Article 9 Obligations of manufacturer's representatives concerning market surveillance</p>	<p>GREEN - agreed in principle</p>
<p>The manufacturer's representative for market surveillance shall perform the tasks specified in the mandate received from the manufacturer. This mandate shall allow the representative to do at least the following:</p>		<p>The manufacturer's representative for market surveillance shall perform the tasks specified in the mandate received from the manufacturer. This mandate shall allow a representative to do at least the following:</p>	<p>GREEN - agreed in principle</p>
<p>(1) keep the information folder referred to in Article 25 and the certificates of conformity referred to in Article 36 at the disposal of the approval authorities for a period of at least 10 years;</p>		<p>(a) have access to the information referred to in Article 25 and the certificates of conformity referred to in Article 36 so that they can be placed at the disposal of the approval authorities for a period of at least 10 years; after the placing on the market of the vehicle and for a period of at least 5 years after the placing on the market for a system, component or separate technical unit.]</p>	<p>GREEN - Agreement on Council text</p>
<p>(2) following a substantiated request from an approval authority, provide that authority with all the information and documentation</p>		<p>(b) following a reasoned request from an approval authority, provide that authority with all the information and documentation</p>	<p>GREEN - agreed in principle</p>

necessary to demonstrate the conformity of a vehicle, system, component or separate technical unit;		necessary to demonstrate the conformity of production of a vehicle, system, component or separate technical unit;	
(3) cooperate with the market surveillance and/or approval authorities, at their request, on any action taken to eliminate the risk posed by vehicles, systems, components or separate technical units covered by their mandate.		(c) cooperate with the market surveillance or approval authorities, at their request, on any action taken to eliminate the serious risk posed by vehicles, systems, components, separate technical units, parts or equipment covered by their mandate.	GREEN - agreed in principle – components replaced by equipment (b) cooperate with the market surveillance or approval authorities, at their request, on any action taken to eliminate the serious risk posed by vehicles, systems, components, separate technical units, parts or equipment covered by their mandate.
Article 10 General obligations of importers		Article 10 Obligations of importers	GREEN - agreed in principle – deletion of “General” Article 10 Obligations of importers
1. Importers shall sell or register or be responsible for entry into service only compliant vehicles, systems, components or separate technical units on the Union market .	1. Importers shall sell or register only compliant and safe vehicles, systems, components or separate technical units on the Union market.	1. Importers shall place on the market only compliant vehicles, systems, components or separate technical units which have either received EU type-approval or which fulfil the requirements for national or individual approval, or parts or equipment entirely subject to the requirements of Regulation (EC) No 765/2008 .	YELLOW - Council checked back with MS on the addition of safety – Only in MS could support this - Type approval is full harmonisation when in type approved is supposed to be safe – To be discussed by EP negotiating team – agreed deletion of "Union" 1. Importers shall place on the market only compliant vehicles, systems, components or separate technical units which have either received EU type-approval or which fulfil the requirements for national or individual approval, or parts or equipment entirely subject to the requirements of Regulation (EC) No

			765/2008 120618: CEU rejects addition of "and safe", to be checked by MEPs
2. Before the sale, registration or entry into service of a vehicle, system, component or separate technical unit, importers shall ensure that the vehicle, system, component or separate technical unit is EU type approved. Importers shall ensure that the information package complies with the requirements of Article 27(10), that the vehicle, system, component or separate technical unit bears the required type-approval mark, is accompanied by the required documents, complies with Article 7(7) and that the manufacturer has complied with the requirements of Article 7(6).		2. Before the placing on the market of a type-approved vehicle, system, component or separate technical unit, importers shall ensure that there is an information package complying with the requirements of Article 27(10), that the vehicle, system, component or separate technical unit bears the required type-approval mark and complies with Article 7(7). In the case of a vehicle, the importer shall verify that the vehicle is accompanied by the required certificate of conformity .	GREEN - agreed in principle
3. Where importers consider or have reason to believe that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, in particular does not correspond to its type-approval, they shall not sell or register the vehicle, system, component or separate technical unit until it has been brought into conformity. Furthermore, where they consider or have reason to believe that the vehicle, system, component or separate technical unit presents a risk, they shall inform the manufacturer, the market surveillance and approval authorities to that effect.	3. Where importers consider or have reason to believe that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, in particular does not correspond to its type-approval, they shall contact the competent authorities and shall not sell or register the vehicle, system, component or separate technical unit until they have received confirmation from the competent authorities that it is in conformity with this Regulation . Furthermore, where they consider or have reason to believe that the vehicle, system, component or separate technical unit presents a risk, they shall inform the manufacturer, the market surveillance and approval authorities to that	3. Where importers consider or have a reason to believe that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, in particular does not correspond to its type-approval or individual approval , they shall not place on the market, allow its entering into service or register the vehicle, system, component or separate technical unit until it has been brought into conformity. Furthermore, where they consider or have reason to believe that the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, they shall inform the manufacturer, and the market surveillance authorities. For type-approved vehicles, systems, components and	GREEN - Agreement on Council text

	effect.	<u>separate technical units they shall also inform the approval authority that has granted the approval to that effect.</u>	
4. Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the vehicle, system, component <u>or</u> separate technical unit or, where this is not possible <u>for systems, components or separate technical units</u> , on its packaging or in a document accompanying the system, component <u>or</u> separate technical unit.		4. Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the vehicle, system, component, separate technical unit, <u>part or equipment</u> , or, where this is not possible on its packaging or in a document accompanying the system, component, separate technical unit, <u>part or equipment</u> .	GREEN - agreed in principle
5. Importers shall ensure that the vehicle, system, component or separate technical unit is accompanied by the required instructions and information, as required in accordance with Article <u>59</u> , in the official languages of the Member States concerned.		5. Importers shall ensure that the vehicle, system, component or separate technical unit is accompanied by the required instructions and information, as required in accordance with Article <u>58</u> , in the official languages of the Member States concerned.	GREEN - agreed in principle
6. Importers shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in this Regulation.			GREEN - agreed in principle
7. When deemed appropriate with regard to the risks presented by a vehicle, system, component <u>or</u> separate technical unit, importers shall, to protect the health and safety of consumers, investigate and, if necessary, keep a register of complaints and		7. When deemed appropriate with regard to the <u>serious</u> risks presented by a vehicle, system, component, separate technical unit, <u>part or equipment</u> , importers shall, to protect the health and safety of consumers, investigate and, if necessary, keep a register	GREEN - agreed in principle

<p>recalls of non-conforming vehicles, systems, components or separate technical units and keeping distributors informed of such monitoring.</p>		<p>of complaints and recalls of vehicles, systems, components, separate technical units, parts or equipment and keep distributors informed of such monitoring.</p>	
<p>Article 11 Obligations of importers concerning conformity of a vehicle, system, component or separate technical unit</p>		<p>Article 11 Obligations of importers concerning their products that are not in conformity or do present a serious risk</p>	<p>GREEN - agreed in principle</p>
<p>1. Importers who consider or have reason to believe that a vehicle, system, component or separate technical unit which they have sold registered or are responsible for the entry into service is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it or to recall it, as appropriate.</p>		<p>1. Importers who consider or have reason to believe that a vehicle, system, component or separate technical unit which they have placed on the market, registered or are responsible for the entry into service is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that vehicle, system, component or separate technical unit into conformity, to withdraw it or to recall it, as appropriate.</p>	<p>GREEN - agreed in principle</p>
<p>2. Where a vehicle, system, component or separate technical unit presents a risk, importers shall immediately inform the market surveillance and approval authorities of the Member States in which they have made the vehicle, system, component or separate technical unit available to that effect, giving details, in particular, of the non- conformity and any corrective measures taken.</p>		<p>2. Where a vehicle, system, component, separate technical unit, part or equipment presents a serious risk, importers shall immediately inform thereof the market surveillance and approval authorities of the Member States in which they have made the vehicle, system, component, separate technical unit, part or equipment available on the market, giving details, in particular, of the serious risk and any corrective measures taken.</p>	<p>GREEN - agreed in principle</p>

<p>3. Importers shall, for a period of 10 years, keep a copy of the certificate of conformity at the disposal of the market surveillance and approval authorities and ensure that the information package as referred to in Article 27(10) can be made available to those authorities, upon request.</p>		<p>3. Importers shall, for a period of 10 years <u>after the placing on the market of the vehicle and for a period of at least 5 years as from the placing on the market for a system, component or separate technical unit</u>, keep a copy of the certificate of conformity at the disposal of the market surveillance and approval authorities and ensure that the information package as referred to in Article 27(10) can be made available to those authorities, upon request.</p>	<p>GREEN - agreed in principle</p>
<p>4. Importers shall, following a <u>substantiated</u> request from a national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a vehicle, system, component or separate technical unit in <u>one of the official languages of the Member State of</u> that authority. Importers shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by a vehicle, system, component <u>or</u> separate technical unit which they have <u>sold, registered or are responsible for entry into service of a vehicle, system, component or separate technical unit.</u></p>		<p>4. Importers shall, following a <u>reasoned</u> request from a national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a vehicle, system, component or separate technical unit in <u>a language which can be easily understood by</u> that authority^{53b}. Importers shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by a vehicle, system, component, separate technical unit, <u>part or equipment</u> which they have <u>placed on the market.</u></p>	<p>GREEN - agreed in principle</p>

^{53b} NB: From NLF, see for e.g. construction products (Article 11(8)), Regulation 305/2011 of 4.11.2011, OJ L 88, p.5.

<p>Article 12 General obligations of distributors</p>		<p>Article 12 Obligations of distributors</p>	<p>GREEN - agreed in principle - deletion of "general"</p> <p>Article 12</p> <p>Obligations of distributors</p>
<p>1. Distributors shall act with due care in relation to the requirements applicable in the case of the sale, registration or entry into service of a vehicle, system, component or separate technical unit .</p>		<p>1. Distributors shall act with due care in relation to the requirements applicable in the case of the making available on the market of a vehicle, system, component, separate technical unit, part or equipment.</p>	<p>GREEN - agreed in principle</p>
<p>2. Before selling, registering or the entry into service of a vehicle, system, component or separate technical unit, distributors shall verify that the 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 in the official languages of the Member State in which the vehicle, system, component or separate technical unit is to be sold, registered or enters into service, and that the manufacturer and the importer have complied with the requirements set out in Article 7(6), 7 (7) and 10 (4).</p>		<p>2. Before making available on the market, registration or-entry into service of a vehicle, system, component or separate technical unit, distributors shall verify that the vehicle, system, component or separate technical unit bears the required statutory marking or type-approval mark, that it is accompanied by the required documents and by instructions and safety information in the official languages of the Member State in which the vehicle, system, component or separate technical unit is to be made available on the market, and that the manufacturer and the importer have complied with the requirements set out in Articles 10(2), 10 (4) and 37 (1) and (2).</p>	<p>EC will get back to the word marking / information in the official languages : languages that can be easily understood</p> <p>CEU: Reference to NLF</p> <p>GREEN - Agreement on CEU text</p>
<p>3. Distributors shall ensure that, while a vehicle, system, component or separate technical unit is under their responsibility, storage or transport conditions do not</p>			

jeopardise its compliance with the requirements set out in this Regulation.			
Article 13 Obligations of distributors concerning <u>conformity of a vehicle, system, component or separate technical unit</u>		Article 13 Obligations of distributors concerning <u>their products that are not in conformity or do present a serious risk</u>	GREEN - agreed in principle
1. Where distributors consider or have reason to believe that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, they shall <u>not sell or register the vehicle, system, component or separate technical unit and shall prevent its entry into service until it has been brought into conformity.</u>	1. Where distributors consider or have reason to believe that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, <u>they shall contact the competent authorities and shall not sell or register the vehicle, system, component or separate technical unit until they have received confirmation from the competent authorities that it is in conformity with this Regulation</u> and shall prevent its entry into service until it has been brought into conformity.	1. Where distributors consider or have reason to believe that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, they shall not <u>make available, register or enter into service</u> the vehicle, system, component or separate technical unit until it has been brought into conformity.	EP prefers wording from the Goods package formula: consider or have reason to believe GREEN - Agreement on Council text
2. Distributors who consider or have reason to believe that a vehicle, system, component or separate technical unit which they have <u>sold</u> or registered or for which they are responsible for the entry into service, is not in conformity with this Regulation, shall make sure that the corrective measures <u>are taken</u> necessary to bring that vehicle, system, component or separate technical unit into conformity, <u>to withdraw it</u> or to recall it, <u>as</u> appropriate.		2. Distributors who consider or have reason to believe that a vehicle, system, component or separate technical unit which they have <u>made available on the market</u> or registered or for which they are responsible for the entry into service, is not in conformity with this Regulation, shall <u>inform the manufacturer or the manufacturer's representative to</u> make sure that the corrective measures necessary to bring that vehicle, system, component or separate	EP prefers wording from the Goods package formula: consider or have reason to believe GREEN - Agreement on Council text

		technical unit into conformity or to recall it, if appropriate, are taken in accordance with Article 8(1) or 11(1).	
3. Where the vehicle, system, component or separate technical unit presents a risk, distributors shall immediately inform, to that effect and giving details, in particular, of the non-conformity and of any corrective measures taken, the market surveillance and approval authorities of the Member States in which they sold, registered or in which distributors were responsible for the entry into service of the vehicle, system, component or separate technical unit as well as the manufacturer and the importer.		3. Where the vehicle, system, component, separate technical unit, part or equipment presents a serious risk, distributors shall immediately inform thereof , and give details, in particular, of the serious risk and of any corrective measures taken by the manufacturer , the market surveillance and approval authorities of the Member States in which they made available on the market the vehicle, system, component, separate technical unit, part or equipment as well as the manufacturer and the importer of any action taken .	GREEN - agreed in principle
4. Distributors shall, following a substantiated request from a national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a vehicle, system, component or separate technical unit . They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by the vehicle, system, component or separate technical unit which they have sold or registered or for which they were responsible for its entry into service .		4. Distributors shall, following a reasoned request from a national authority, ensure that the manufacturer provide the national authority with the information specified in article 8 (4) or that the importer provide the national authority with the information specified in Article 11 (3) . They shall cooperate with that authority, at its request, 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 which they have made available on the Union market .	GREEN - agreed in principle

<p>Article 14 Additional obligations of importers and distributors</p>		<p>Article 14 Cases in which obligations of manufacturers apply to importers and distributors</p>	<p>GREEN - agreed in principle</p>
<p>An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Articles 7 to 9, where the importer or distributor sells, registers or is responsible for the entry into service of a vehicle, system, component or separate technical unit under its name or trademark or modifies a vehicle, system, component or separate technical unit already sold, registered or entered into service in such a way that compliance with the applicable requirements may be affected.</p>		<p>An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Articles 7 to 9, where the importer or distributor makes available on the market, registers or is responsible for the entry into service of a vehicle, system, component or separate technical unit under its name or trademark or modifies a vehicle, system, component or separate technical unit already made available on the market, registered or entered into service in such a way that compliance with the applicable requirements may be affected.</p>	<p>GREEN - agreed in principle</p>
<p>Article 15 Identification of economic operators</p>			<p>GREEN - agreed in principle</p>
<p>Economic operators shall, on request, identify the following to the market surveillance and approval authorities, for a period of 10 years:</p>		<p>Economic operators shall, on request, identify the following to the market surveillance and approval authorities, for a period of 10 years for a vehicle and for a period of 5 years: for a system, component, separate technical unit, part or equipment:</p>	<p>GREEN - agreed in principle</p>

(1) any economic operator who has supplied them with a vehicle, system, component or separate technical unit;		(a) any economic operator who has supplied them with a vehicle, system, component, separate technical unit, part or equipment ;	GREEN - agreed in principle
(2) any economic operator to whom they have supplied a vehicle, system, component or separate technical unit.		(b) any economic operator to whom they have supplied a vehicle, system, component, separate technical unit, part or equipment .	GREEN - agreed in principle
CHAPTER III SUBSTANTIVE REQUIREMENTS			GREEN - agreed in principle
Article 16 General substantive requirements			GREEN - agreed in principle
1. L-category vehicles and systems, components and separate technical units intended for such vehicles shall comply with the requirements listed in Annex II to VIII.		1. L-category vehicles and systems, components and separate technical units intended for such vehicles shall comply with the requirements listed in Annexes II to VIII applicable to the relevant vehicle (sub)-categories .	GREEN - agreed in principle
		1a. L-category vehicles or their systems, components or separate technical units, whose electromagnetic compatibility is fully addressed in the delegated act regarding vehicle construction and the implementing act adopted under this Regulation, shall not be subject to the requirements of Directive 2004/108/EC on	GREEN - agreed in principle

		<u>the approximation of the laws of the Member States relating to electromagnetic compatibility.</u>	
2. In order to <u>ensure a high level of safety and environmental protection</u> , the Commission shall <u>lay down</u> detailed technical requirements, <u>including test procedures and limit values where applicable, only for requirements other than the environmental limits and thresholds listed in Annex VI and VII to this Regulation, by means of delegated acts in accordance with Articles 76, 77 and 78.</u>	2. In order to ensure a high level of safety and environmental protection, the Commission shall lay down detailed technical requirements, including test procedures and limit values where applicable, only for requirements other than the environmental limits and thresholds listed in Annex VI and VII to this Regulation, by means of delegated acts in accordance with <i>Article 76. Those detailed technical requirements shall be such as to increase, or at least maintain, the level of safety and environmental protection afforded by the Directives referred to in Article 81.</i>	2. In order to <u>complete the L-category vehicle type-approval requirements laid down in this Regulation</u> , the Commission shall <u>adopt delegated acts in accordance with Article 76 concerning the</u> detailed technical requirements <u>and test procedures as summarised in Annex II (A), (B) and (C), thereby ensuring a high level of safety and environmental protection as defined in the relevant provisions of this Regulation. The first of those delegated acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].</u>	YELLOW - Corresponding text in the T Regulation 120618: To be confirmed by EP negotiating team
	<i>2a. Any measures adopted in accordance with paragraph 2 shall be preceded by an evaluation resulting in a report and strive for a fair balance between the following elements:</i>		GREEN - agreed in principle – Delete EP text
	<i>(a) the existence of a serious risk to the safety or environmental performance of the technical requirements under consideration; and</i>		GREEN - agreed in principle – Delete EP text
	<i>(b) the effect on consumers and manufacturers (including in the after-market) of the imposition under this Article of any additional requirements.</i>		GREEN - agreed in principle – Delete EP text

Article 17 Prohibition of defeat devices			
The use of defeat devices that reduce the effectiveness of safety, electromagnetic compatibility, the on-board diagnostics system, sound abatement or <u>of</u> pollutant emission abatement systems shall be prohibited. An element of design shall not be considered a defeat device if any of the following conditions is met:		The use of defeat devices that reduce the effectiveness of safety, electromagnetic compatibility, the on-board diagnostics system, sound abatement or pollutant emission abatement systems shall be prohibited. An element of design shall not be considered a defeat device if any of the following conditions is met:	GREEN - agreed in principle
(1) the need for the device is justified in terms of protecting the engine against damage or accident and ensuring safe operation of the vehicle;		(a) the need for the device is justified in terms of protecting the engine against damage or accident and ensuring safe operation of the vehicle;	GREEN - agreed in principle
(2) the device does not function beyond the requirements of engine starting;		(b) the device does not function beyond the requirements of engine starting;	GREEN - agreed in principle
(3) the operating conditions are included to a substantial extent in the test procedures for verifying if the vehicle complies with this Regulation and with its delegated and implementing acts.		(c) the operating conditions are included to a substantial extent in the test procedures for verifying if the vehicle complies with this Regulation and with its delegated and implementing acts.	GREEN - agreed in principle

<p>Article 18 Measures regarding <i>modifications to the powertrain</i> of vehicles</p>	<p>Article 18 Measures <i>for manufacturers</i> regarding <i>tampering with L-category</i> of vehicles</p>	<p>Article 18 Measures for manufacturers regarding modifications to the powertrain of vehicles</p>	<p>GREEN - Article 18 Measures for manufacturers regarding modifications to the powertrain of vehicles Not reflected in Council text</p>
<p><u>1. ‘Powertrain’ means the components and systems of a vehicle that generate power and deliver it to the road surface, including the engine(s), the engine management systems or any other control module, the pollution control devices, the transmission and its control, either a drive shaft or belt drive or chain drive, the differentials, the final drive, and the driven wheel tyre (radius).</u></p>	<p><i>deleted</i></p>	<p><u>deleted</u> [moved to Article 3 (68)]</p>	<p>GREEN - moved to art 3</p>
<p>2. L-category vehicles <u>shall be equipped</u> with designated <u>measures</u> to prevent tampering of a vehicle's powertrain, <u>to be laid down in a delegated act by means of a series of technical requirements and specifications</u> with the aim:</p>	<p>2. L-category vehicles shall be equipped with designated measures to prevent tampering with a vehicle's powertrain with the aim:</p>	<p>2. <u>Vehicle manufacturers shall equip</u> L-category vehicles, <u>with the exception of subcategories L3e-A3 and L4e-A3,</u> with designated <u>features</u> to prevent tampering of a vehicle's powertrain, by means of a series of technical requirements and specifications with the aim:</p>	<p>GREEN - Council text</p>
<p>(a) to prevent modifications that may prejudice safety, in particular by increasing vehicle performance through tampering with the powertrain in order to increase the maximum torque and/ or power and/or maximum designed vehicle speed <u>as declared by the manufacturer of a vehicle upon type-approval,</u> and/or</p>		<p>(a) to prevent modifications that may prejudice safety, in particular by increasing vehicle performance through tampering with the powertrain in order to increase the maximum torque and/ or power and/or maximum designed vehicle speed <u>which have been duly established during the type-approval procedure as followed by the manufacturer of the vehicle,</u> and/or</p>	<p>GREEN - Council text</p>

(b) to prevent damage to the environment.			
3. The Commission shall lay down the specific requirements regarding the measures referred to in paragraph 2 by means of a <u>delegated act adopted in accordance with Articles 76, 77 and 78.</u>	3. The Commission shall, <i>by the date specified in Article 82(2)</i> lay down the specific requirements regarding the measures referred to in paragraph 2 by means of a delegated act in accordance with <i>Article 76.</i>	3. The Commission shall adopt delegated acts in accordance with Article 76 concerning the specific requirements regarding the measures referred to in paragraph 2 and in order to facilitate compliance with paragraph 5 of this Article. The first set of those delegated acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].	GREEN - Council text
4. After a modification of the powertrain, a vehicle shall comply with the technical requirements of the initial vehicle category and subcategory, or, if applicable, the new vehicle category and subcategory, which were in force when the original vehicle was sold , registered or entered into service, including the latest amendments to the requirements.	<i>deleted</i>	4. After a modification of the powertrain, a vehicle shall comply with the technical requirements of the initial vehicle category and subcategory, or, if applicable, the new vehicle category and subcategory, which were in force when the original vehicle was placed on the market , registered or entered into service, including the latest amendments to the requirements. <u>Where the vehicle manufacturer designs the powertrain of a vehicle type in such a way as to allow for its modification so that a vehicle no longer conforms to the approved type, but would correspond to an additional variant or version, the vehicle manufacturer shall include the relevant information for each variant or version so created in the application and each variant or version shall be explicitly type-approved. If the modified vehicle falls into a new category or subcategory, application shall be made</u>	GREEN - Council text

		<u>for a new type-approval.</u>	
		<u>5. Without prejudice to paragraph 2, in order to avoid modifications or adjustments with adverse effects on the functional safety or on the environmental performance of the vehicle, the manufacturer shall endeavour to prevent through best engineering practice that such modifications or adjustments are technically possible, unless such modifications or adjustments are explicitly declared and contained in the information folder and thus covered by the type-approval.</u>	GREEN - Council text

	<p align="center"><i>Article 18a</i></p> <p align="center"><i>Measures and proceedings regarding modifications to L-category vehicles by the users or those acting on their behalf</i></p>		compromise: deleted
	<p><i>1. If substantial modifications are made to the powertrain components by the user or by those acting on his behalf, the vehicle shall comply with the technical requirements of the initial vehicle category and subcategory, or, if applicable, the new vehicle category and subcategory, which were in force when the original vehicle was sold, registered or entered into service. Those modifications shall be inspected and approved by the competent authorities of the Member States.</i></p>		compromise: deleted
	<p><i>2. Without prejudice to this Article, Chapter XI applies.</i></p>		compromise: deleted
	<p><i>3. For the purposes of paragraph 1, a modification shall be deemed substantial when it affects the safety of the vehicle or its emissions to the environment, or when it renders the original type approval obsolete.</i></p>		compromise: deleted
<p align="center">Article 19 General requirements of on-board diagnostic systems</p>			

<u>1. Four years after the date referred to in the second subparagraph of Article 82, all new vehicles in subcategories L1Be, L3e, L5e, L6Ae and L7Ae shall be equipped with the first stage of an on-board diagnostic (OBD) system which monitors and reports on electric circuit continuity, shorted and open electric circuits and circuit rationality of the engine and vehicle management systems (OBD I).</u>	1. <i>Two</i> years after the date referred to in Article 82(2), all new vehicles in subcategories L3e, L5e, L6Ae and L7Ae shall be equipped with the first stage of an on-board diagnostic (OBD) system which monitors and reports on electric circuit continuity, shorted and open electric circuits and circuit rationality of the engine and vehicle management systems (OBD I).	<u>deleted</u>	
	<i>1a. Three years after the date referred to in Article 82(2), all new vehicles in subcategory L1Be and all existing types of vehicles in subcategories L3e, L5e, L6Ae and L7Ae shall be equipped with OBD I.</i>		
	<i>1b. Four years after the date referred to in Article 82(2), all existing types of vehicles in subcategory L1Be shall be equipped with OBD I.</i>		
	<i>1c. Five years after the date referred to in Article 82(2), all new vehicles in subcategories L6Be, L7Be and L7Ce shall be equipped with OBD I.</i>		
<u>2. Six years after the date referred to in the second subparagraph of Article 82, all</u>	2. Six years after the date referred to in Article 82(2), all <i>existing types of</i> vehicles in	<u>deleted</u>	

<p><u>new vehicles in subcategories L6Be and L7Be shall be equipped with OBD I.</u></p>	<p>subcategories L6Be, L7Be <i>and</i> L7Ce shall be equipped with OBD I.</p>		
	<p><i>2a. Seven years after the date referred to in Article 82(2), all new vehicles shall be equipped with OBD I.</i></p>		
<p><u>3. Eight years after the date referred to in the second subparagraph of Article 82, all new vehicles shall be equipped with OBD I.</u></p>	<p>3. Eight years after the date referred to in Article 82(2), all <i>existing types of</i> vehicles shall be equipped with OBD I.</p>	<p><u>deleted</u></p>	
<p><u>4. Following confirmation in a decision adopted by the Commission in accordance with Article 21(4), eight years after the date referred to in the second subparagraph of Article 82, all new vehicles in (sub-)categories L1Be, L3e, L5e, L6Ae and L7Ae shall in addition also be equipped with the second stage of an on-board diagnostic system (OBD II) which, in addition to OBD I, monitors not only complete failures but also deterioration of systems, components or separate technical units during vehicle life under the condition that its cost-effectiveness is proven in the environmental effect study referred to in article 21(4) and (5).</u></p>	<p>4. Following confirmation in a decision adopted by the Commission in accordance with Article 21(4), <i>six</i> years after the date referred to in Article 82(2), all new vehicles in (sub-)categories L3e, L5e, L6Ae and L7Ae shall also be equipped with the second stage of an on-board diagnostic system (OBD II) which, in addition to OBD I, monitors not only complete failures but also deterioration of systems, components or separate technical units during vehicle life under the condition that its cost-effectiveness is proven in the environmental effect study referred to in Article 21(4) and (5).</p>	<p><u>deleted</u></p>	
	<p><i>4a. Following confirmation in a decision adopted by the Commission in accordance with Article 21(4), seven years after the date</i></p>	<p><u>4a. From the application dates set out in Annex IV, L-category vehicles shall be equipped with an on-board diagnostic</u></p>	

	<i>referred to in Article 82(2), all existing types of vehicles in (sub-)categories L3e, L5e, L6Ae and L7Ae shall also be equipped with OBD II which, in addition to OBD I, monitors not only complete failures but also deterioration of systems, components or separate technical units during vehicle life under the condition that its cost-effectiveness is proven in the environmental effect study referred to in Article 21(4) and (5).</i>	<u>(OBD) system which complies with the functional requirements and test procedures as laid down in the delegated acts, referred to in paragraph 6 of this Article and according to the application dates as set out to in Annex IV to this Regulation.</u>	
<u>5. The detailed OBD emission thresholds are laid down in Annex VI(B).</u>		<u>5. From the dates set out in 1.8.1 and 1.8.1a of Annex IV, vehicle (sub-)categories L3e, L4e, L5e-Ae, L6e-Ae and L7e-Ae shall be equipped with an OBD stage I system which monitors for any electric circuit and electronics failure of the emissions control system and reports those failures which result in the emission thresholds as laid down in part B (1) of Annex VI being exceeded.</u>	Dialogue II: Clarification requested by the EP
		<u>5a. From the dates set out in 1.8.2 of Annex IV, vehicle (sub-)categories L3e to L7e shall be equipped with an OBD stage I system which monitors for any electric circuit and electronics failure of the emissions control system and which is triggered when the emission thresholds as laid down in part B (2) of Annex VI are being exceeded. OBD stage I systems for these vehicle (sub-)categories shall also report the triggering of any operating mode which significantly reduces engine torque.</u>	Dialogue II: Clarification requested by the EP
		<u>5b. From the dates set out in 1.8.3 of Annex IV and subject to the results of the environmental effect study as referred to</u>	

		<u>in paragraphs 4 and 5 of Article 21, vehicle (sub-)categories L3e, L5e-A, L6e-Ae and L7e-Ae shall in addition be equipped with an OBD stage II system which monitors and reports emissions control system failures and degradation which results in the OBD emission thresholds as laid down in part B (2) of Annex VI being exceeded.</u>	
6. <u>Powers are conferred on the Commission to adopt, in accordance with Article 76, 77 and 78 a delegated act laying down the detailed technical requirements related to on-board diagnostics, including functional OBD requirements and test procedures for the subjects listed in paragraphs 1 to 5 in order to ensure a high level of functional safety, environmental protection and the same standardised level of access to repair and maintenance information for all vehicle repairers.</u>	6. <i>The Commission shall, by means of a delegated act</i> in accordance with Article 76, lay down the detailed technical requirements related to <i>OBD</i> , including functional requirements and test procedures in order to ensure a high level of functional safety, environmental protection and the same standardised level of access to repair and maintenance information for all vehicle repairers.	6. <u>In order to harmonise the on-board diagnostic system reporting of functional safety or emission control system faults and facilitate effective and efficient repair of a vehicle, the Commission shall be empowered to adopt delegated acts in accordance with Article 76 concerning the detailed technical requirements related to on-board diagnostics, including functional OBD requirements and test procedures for the subjects listed in paragraphs 4a to 5b and as referred to in Annex II(C8) and test type VIII referred to in Annex V.</u>	
Article 20 Requirements for the functional safety of vehicles			
1. Manufacturers shall ensure that vehicles are designed, constructed and assembled so as to minimise the risk of injury to the vehicle occupants and other road users. <u>The vehicle functional safety shall be guaranteed over the entire life of a vehicle, if the vehicle is used under normal or intended circumstances</u>		1. Manufacturers shall ensure that vehicles are designed, constructed and assembled so as to minimise the risk of injury to the vehicle occupants and <u>to</u> other road users.	GREEN - agreed in principle

		<p><u>1a. The manufacturer shall ensure that the functional safety of the vehicle shall endure throughout the normal life of the vehicle under normal conditions of use. The manufacturer shall provide a statement in the information folder confirming that the endurance of the systems, parts and equipment critical for functional safety is ensured through appropriate testing and use of good engineering practice.</u></p>	<p>GREEN - Agreed</p> <p>EC: entire life = from cradle to grave, normal life = mileages in Annex on durability (cfr. Framework Directive on passenger cars)</p>
<p>2. Manufacturers shall ensure that vehicles, systems, components and separate technical units comply with the relevant requirements set out in Annexes II and VIII and comply with the test procedures and performance requirements as laid down in a delegated act.</p>		<p>2. Manufacturers shall ensure that vehicles, systems, components and separate technical units comply with the relevant requirements set out in Annexes II and VIII and comply with the test procedures and performance requirements as laid down in a delegated act <u>referred to in paragraph 4.</u></p>	
		<p><u>2a. Components of vehicles, whose hazards of electrical nature are fully addressed in the delegated or implementing acts adopted under this Regulation, shall not be subject to the requirements of Directive 2006/95/EC on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits.</u></p>	<p>YELLOW – Need to be checked by EP negotiators - EC: Avoid overlap between this Regulation and a horizontal Directive</p>
<p><u>3. The requirements referred to in paragraphs 1 and 2 shall apply to vehicles, systems, components and separate</u></p>		<p><u>deleted [text already in para. 2.]</u></p>	<p>YELLOW – Further explanation required by CEU/EC</p>

<p><u>technical units insofar as they are declared applicable to the relevant vehicle category by this Regulation.</u></p>			
<p>4. In order to ensure that a high level of safety is obtained, the Commission shall <u>lay down</u> specific requirements regarding the functional safety of vehicles, <u>including test procedures and limit values, by means of a delegated act in accordance with Articles 76, 77 and 78.</u></p>	<p>4. In order to ensure that a high level of safety is obtained, the Commission shall lay down specific requirements regarding the functional safety of vehicles, including test procedures and limit values, by means of a delegated act in accordance with <i>Article 76. Those specific requirements shall be such as to increase, or at least maintain, the level of safety afforded by the Directives referred to in Article 81.</i></p>	<p>4. In order to ensure that a high level of <u>functional</u> safety is obtained, the Commission shall <u>adopt delegated acts in accordance with Article 76 on the</u> specific requirements <u>listed in Annex II Part B</u> regarding the functional safety of vehicles, <u>and where applicable, base itself on the enhanced functional safety requirements laid down in Annex VIII. The first of those delegated acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].</u></p>	
		<p><u>4a. The Commission shall adopt in a second step no later than [insert date: five years after the date specified in Article 82(2)] delegated act in accordance to Article 76, in order to harmonise the normal life requirements and tests to ensure vehicle structure integrity as listed in Annex II Part B.17.</u></p>	
		<p><u>5. The Commission shall be empowered to adopt an implementing act in order to lay down a template for the manufacturer's statement. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].</u></p>	

<p>Article 21 Requirements for environmental performance</p>			
<p>1. Manufacturers shall ensure that vehicles are designed, constructed and assembled so as to minimise the impact on the environment. Manufacturers shall ensure that type-approved vehicles meet the environmental requirements over vehicle life as set out in <u>Annexes V, VI and VII</u> .</p>		<p>1. Manufacturers shall ensure that vehicles are designed, constructed and assembled so as to minimise the impact on the environment. Manufacturers shall ensure that type-approved vehicles meet the environmental performance requirements as set out in Annexes II, V and VI and within the durability mileage as set out in <u>Annex VII</u>.</p>	<p>In pp agreed on Council text</p>
<p>2. Manufacturers shall ensure that vehicles, systems, components and separate technical units comply with the test procedures and test requirements to be laid down in a delegated act referred to in paragraph 12.</p>		<p>2. Manufacturers shall ensure that vehicles, systems, components and separate technical units comply with the test procedures and test requirements as set out in Annex V within the application dates set out in AnnexIV to this Regulation to be laid down in a delegated act referred to in paragraph 12.</p>	<p>In pp agreed on Council text</p>
<p>3. Manufacturers shall ensure that type-approval requirements for verifying durability requirements are met. At the choice of the manufacturer one of the following durability test procedures may be used to provide evidence to the type-approval authority that the environmental performance of a type-approved vehicle is durable:</p>		<p>3. Manufacturers shall ensure that type-approval requirements for verifying durability requirements are met. At the choice of the manufacturer one of the following durability test procedures shall be used to provide evidence to the type-approval authority that the environmental performance of a type-approved vehicle is durable:</p>	<p>In pp agreed on Council text</p>

<p>(a) actual durability testing <u>of</u> vehicles <u>by covering a</u> distance set out in part A of Annex VII and demonstrate to the type-approval authority that the environmental requirements set out in this Regulation and its delegated and implementing acts are met during mileage accumulation of the vehicle in regular intervals and at the end of mileage accumulation;</p>		<p>(a) actual durability testing <u>with full mileage accumulation:</u></p>	<p>In pp agreed on Council text</p>
		<p><u>The testing vehicles shall physically accumulate the full distance set out in part A of Annex VII and shall be tested in accordance with the procedure laid down in test type V as set out in the delegated act referred to in paragraph 12. The emission test results up to and including the full distance set out in part A of Annex VII shall be lower than the environmental limits set out in part A of Annex VI;</u></p>	<p>In pp agreed on Council text</p>
<p><u>(b) by multiplying</u> the deterioration factors set out in part B of Annex VII and the environmental test results of a vehicle which has accumulated more than 100 km after it was first started at the end of the production line; <u>the calculation results</u> shall be lower than the environmental limits from part A of Annex VI <u>and prove the following:</u></p>		<p><u>(b) actual durability testing with partial mileage accumulation:</u></p>	<p>In pp agreed on Council text</p>
		<p><u>The test vehicles shall physically accumulate a minimum of 50% of the full distance set out in part A of Annex VII and shall be tested in accordance with the procedure laid down in test type V as set out in the delegated act referred to in paragraph 12. As specified in that act, the test results shall be extrapolated up to the full distance set out in part A of Annex VII. Both the test results and the extrapolated results shall be lower than the environmental limits set out in part A of Annex VI.</u></p>	<p>In pp agreed on Council text</p>
		<p><u>(c) mathematical durability procedure:</u> <u>For each emission constituent, the product of the multiplication of</u> the deterioration factor set out in part B of Annex VII and the environmental test result of a vehicle which has accumulated more than 100 km after it was first started at the end of the production line shall be lower than the environmental limit <u>set out in</u> part A of Annex VI.</p>	<p>In pp agreed on Council text</p>

<p><u>- The manufacturer shall in this procedure demonstrate to the type-approval authority the environmental performance of a vehicle which has accumulated more than 100 km after it was first started at the end of the production line, equipped with rapidly aged systems and components;</u></p>		<p><u>delete</u></p>	<p>In pp agreed on Council text</p>
<p><u>- When using this procedure the manufacturer shall provide evidence to the type-approval authority and prove the validity of the correlation between the two durability procedures set out in (a) and (b).</u></p>		<p><u>delete</u></p>	<p>In pp agreed on Council text</p>
<p>4. By <u>1 January 2016 at the latest</u>, the Commission shall carry out a comprehensive environmental effect study. The study shall evaluate the air quality and the share of pollutants contributed by L-category vehicles and shall cover the requirements of test types I, IV, V, VII and VIII listed in Annex V. It shall collate and evaluate the latest scientific data, scientific research findings, modelling and cost efficiency with a view to establishing definitive policy measures <i>by confirmation of the Euro 5 enforcement dates (Euro 6 dates for L3e motorcycles) laid down in Annex IV and the Euro 5 (Euro 6 for L3e motorcycles) environmental requirements laid down in Annexes V, VI(A3), VI(B2), VI(C2) and Annex VII concerning Euro 5 (Euro 6 for L3e motorcycles) durability mileages and deterioration factors.</i></p>	<p>4. By 1 January 2016, the Commission shall carry out a comprehensive environmental effect study. The study shall evaluate the air quality and the share of pollutants contributed by L-category vehicles and shall cover the requirements of test types I, IV, V, VII and VIII listed in Annex V. It shall collate and evaluate the latest scientific data, scientific research findings, modelling and cost efficiency with a view to establishing definitive policy measures <i>on issues referred to in paragraph 5.</i></p>	<p>4. By <u>[add date: the date referred to in Article 82(2)]</u> at the latest, the Commission shall carry out a comprehensive environmental effect study. The study shall evaluate the air quality and the share of pollutants contributed by L-category vehicles and shall cover the requirements of test types I, IV, V, VII and VIII listed in Annex V. It shall collate and evaluate the latest scientific data, scientific research findings, modelling and cost efficiency with a view to establishing definitive policy measures by confirmation <u>and final establishment</u> of the Euro 5 enforcement laid down in Annex IV and the Euro 5 environmental requirements laid down in Annexes V, <u>in parts A3, B2 and C2 of Annex VI</u> and <u>in</u> Annex VII concerning Euro 5 durability mileages and deterioration factors.</p>	<p>In pp agreed on Council text</p>

5. Based on the findings <u>of the environmental effect study the Commission shall confirm:</u>	5. <i>The Commission shall report to the European Parliament and to the Council on the findings of the environmental effect study and proposed definitive policy measures as regards:</i>	5. Based on the findings referred to in paragraph 4 of this Article , the Commission shall by [add date: 1 year after the date referred to in Article 82(2)] present to the European Parliament and the Council a report on the following:	In pp agreed on Council text
(a) the enforcement dates of the Euro 5 level (Euro 6 for category L3e motorcycles) referred to in Annex IV;		(a) the enforcement dates of the Euro 5 level referred to in Annex IV;	In pp agreed on Council text
(b) the Euro 5 emission limits (Euro 6 for category L3e motorcycles) referred to in Annex VI(A3) and the OBD thresholds in Annex VI(B2);	(b) the Euro 5 emission limits (Euro 6 for category L3e motorcycles) referred to in <i>Annex V</i> , Annex VI(A3) and the OBD thresholds in Annex VI(B2);	(b) the Euro 5 emission limits referred to in part A3 of Annex VI and the OBD thresholds in part B2 of Annex VI;	In pp agreed on Council text
(c) that all new vehicles in (sub-)categories L3e, L5e, L6Ae and L7Ae in addition to OBD stage I shall also be equipped with OBD stage II at the Euro 5 level (Euro 6 for category L3e motorcycles) ;		(c) that all new types of vehicles in (sub-)categories L3e, L5e, L6Ae and L7e-Ae shall , in addition to OBD stage I, also be equipped with OBD stage II at the Euro 5 level ;	In pp agreed on Council text
		<i>(d) the durability mileages for the Euro 5 level referred to in part A of Annex VII and the deterioration factors for the Euro 5 level referred to in part B of Annex VII; [moved from (f)]</i>	In pp agreed on Council text
		<i>The Commission shall make any appropriate legislative proposals in the light of that report.</i>	

		<u>5a. Basing itself on the results of the environmental effect study, the Commission shall adopt a delegated act in accordance with Article 76 stipulating</u>	In pp agreed on Council text
<u>(d) that in-service conformity testing requirements shall be introduced at the Euro 5 level (Euro 6 for L3e motorcycles), for which (sub-)categories of L-category vehicles this in-service conformity testing shall be introduced and by when it shall become mandatory for all L-category vehicle categories. "In-service conformity" means testing of representative vehicles from the market fleet in order to verify if the technical measures taken by the manufacturer continue to be such as to ensure that the tailpipe and evaporative emissions are effectively limited and the functional safety measures and associated safety performance levels are actually met, pursuant to this Regulation, throughout the normal life of the vehicles under normal conditions of use.</u>		<u>delete</u>	In pp agreed on Council text
(e) which of the (sub-)categories <u>L1Ae</u> , L1Be, L2e, L5Be, L6Be <u>and L7Be</u> for the Euro 5 level should only be subject to SHED testing <u>or alternatively</u> should only be subject to fuel tank and tubing permeation testing, with the test limits listed in Annex <u>VI(C2)</u> .	(e) which of the (sub-)categories L1Be, L2e, L5Be, L6Be, L7Be <u>and L7Ce</u> for the Euro 5 level should only be subject to SHED testing or alternatively should only be subject to fuel tank and tubing permeation testing, with the test limits listed in Annex VI(C2);	(e) which of the (sub-)categories L1Be, L2e, L5Be, L6Be, <u>L7e-Be and L7e-BCBe</u> for the Euro 5 level should only be subject to SHED testing <u>and or which should only be subject</u> to fuel tank and tubing permeation testing, with the test limits listed in part C2 of Annex VI;	In pp agreed on Council text
<u>(f) the durability mileages for the Euro 5 level (Euro 6 for category L3e</u>		<u>delete [moved to d]</u>	In pp agreed on Council text

<p><u>motorcycles) referred to in Annex VII(A) and the deterioration factors for the Euro 5 level (Euro 6 for L3e motorcycles) referred to in Annex VII(B).</u></p>			
<p><u>(g) to determine the feasibility, the associated enforcement date and for which (sub-)categories off-cycle emission requirements shall be introduced beyond the Euro 5 level (Euro 6 for L3e motorcycles).</u></p>		<p><u>delete</u></p>	<p>In pp agreed on Council text</p>
<p><u>6. Fully electric-propelled vehicles and/or vehicles propelled only with pre-compressed air are excluded from the environmental requirements listed in Annex V, test type I to VIII. These vehicles shall comply with the functional requirements of OBD, as laid down in a delegated act in order to repair these vehicles efficiently in case of malfunction.</u></p>		<p><u>6. Manufacturers shall ensure that L-category vehicles comply with the applicable test requirements regarding environmental performance for approval and extensions as laid down in Annex V a.</u></p>	<p>In pp agreed on Council text</p>
		<p><u>6a. With regards to test type I, the relevant emission limit for test type I for L3e-AxE (Enduro, x=1, 2 or 3) and L3e-AxT (Trial, x= 1, 2 or 3) motorcycles shall be the sum of L₂ (THC) and L₃ (NO_x) of Annex VI (A). The emission test results (NO_x + THC) shall be smaller than or equal to this limit (L₂ + L₃).</u></p>	
<p><u>7. Gaseous-fuelled vehicles shall comply with type-approval emission limits and with the OBD emission thresholds for</u></p>		<p><u>deleted</u></p>	<p>In pp agreed on Council text</p>

<p><u>positive ignition (PI) engines. They shall also comply with the associated test procedures and requirements as defined in a delegated act as referred to in paragraph 12. Mono-, bi- or multi-fuel gaseous-propelled vehicles and/or hybrid electric vehicles are excluded from SHED test requirements for evaporative emissions. Electric hybrid and/or gaseous-fuelled vehicles partially propelled with a PI engine running on gasoline, gasoline blends or ethanol shall only comply with fuel tank and fuel supply line permeability requirements as laid down in a delegated act referred to in paragraph 12.</u></p>			
<p><u>8. Vehicles propelled with a CI engine that consumes only low-volatile diesel or diesel-equivalent fuels shall be excluded from the evaporative emission test limits and requirements.</u></p>		<p><u>deleted</u></p>	<p>In pp agreed on Council text</p>
<p><u>9. Vehicles of category L4e must meet the environmental requirements laid down in Annex V for vehicles of category L3e, whereby at the choice of the manufacturer for test types I, IV, VII and VIII of Annex V either only the base powered vehicle is tested, without the side car being fitted or the complete assembly.</u></p>		<p>9. Vehicles of category L4e shall meet the environmental requirements laid down in Annex V for vehicles of category L3e, whereby for test types I, IV, VII and VIII of Annex V either the complete assembly of base powered vehicle is tested with the sidecar being fitted or only the base powered vehicle without the side car being fitted as appropriate.</p>	<p>In pp agreed on Council text</p>
<p><u>10. 'Replacement pollution control device' means a device or an assembly of such devices that is intended to replace an</u></p>		<p><u>deleted</u> <i>[moved to Article 3 (20a)]</i></p>	<p>In pp agreed on Council text</p>

<p><u>original pollution control device and that can be approved as a separate technical unit as defined in the delegated and implementing acts to this Regulation.</u></p>			
<p>Manufacturers shall ensure that all replacement pollution control devices sold or at the entry into service in the European Union, are type-approved in accordance with this Regulation.</p>		<p>Manufacturers shall ensure that all replacement pollution control devices placed on the market or at the entry into service in the Union, are type-approved in accordance with this Regulation.</p>	<p>In pp agreed on Council text</p>
<p>11. The requirements referred to in paragraphs 1 to 10 shall apply to vehicles, systems, components and separate technical units in accordance with Annex II.</p>			<p>In pp agreed on Council text</p>
<p>12. In order to ensure a high level of environmental protection, the Commission shall lay down the detailed technical specifications on environmental requirements including test procedures for the subjects listed in paragraphs 2, 3, 4 and 5 by means of a delegated act in accordance with Articles 76, 77 and 78.</p>	<p>12. In order to ensure a high level of environmental protection, the Commission shall lay down the detailed technical specifications on environmental requirements including test procedures for the subjects listed in paragraphs 2, 3, 4 and 5 by means of a delegated act in accordance with <i>Article 76. Those detailed technical specifications shall be such as to increase, or at least maintain, the level of safety afforded by the Directives referred to in Article 81.</i></p>	<p>12. In order to ensure a high level of environmental protection, the Commission shall be empowered to adopt delegated acts in accordance with Article 76 concerning the detailed technical specifications on environmental requirements for the subjects referred to in paragraphs 1, 2, 3, 5a and 6 including test procedures.</p>	<p>In pp agreed on Council text</p>

<p>Article 22 Additional environmental requirements with regards to greenhouse gas emissions and fuel consumption</p>		<p>Article 22 Additional environmental requirements with regards to greenhouse gas emissions, fuel consumption and electric energy consumption and electric range</p>	<p>GREEN - agreed in principle</p>
<p>1. CO₂ (Carbon dioxide) emissions shall be determined in the applicable laboratory emission test cycle by the manufacturer and reported to the approval authority. Fuel consumption shall be either calculated based on the type-approval emission laboratory results or measured and reported to the approval authority.</p>		<p>1. CO₂ (Carbon dioxide) emissions shall be determined in the applicable laboratory emission test cycle by the manufacturer and reported by the manufacturer to the approval authority. Fuel consumption and/or electric energy consumption and electric range shall be either calculated based on the type-approval emission laboratory test results or measured, witnessed by the technical service and reported to the approval authority.</p>	<p>GREEN - agreed in principle</p>
<p>2. The CO₂ measurement result and the calculated or measured fuel consumption shall be included in the information folder and both shall also be indicated on the certificate of conformity.</p>		<p>2. The CO₂ measurement result, the calculated or measured fuel consumption, electric energy consumption and electric range shall be included in the information folder as specified in the implementing act referred to in Article 25(24), and the relevant information shall also be indicated on the certificate of conformity.</p>	<p>YELLOW - To be discussed in relation with art 25</p>
<p>In addition to the indication on the certificate of conformity, the manufacturers shall ensure that the CO₂ emission and fuel consumption data are provided to the buyer of the vehicle at the time of purchase of a new vehicle, in a format which they consider appropriate.</p>		<p>In addition to the indication on the certificate of conformity, the manufacturers shall ensure that the CO₂ emission, fuel consumption, electric energy consumption and electric range data are provided to the buyer of the vehicle at the time of purchase of a new vehicle, in a format which they consider appropriate.</p>	<p>GREEN - agreed in principle</p>
<p>3. The Commission shall lay down the CO₂ emission measurement and fuel consumption calculation or measurement methods by</p>	<p>3. The Commission shall lay down the CO₂ emission measurement and fuel consumption calculation or measurement methods by</p>	<p>3. The Commission shall be empowered to adopt delegated acts in accordance with Article 76 concerning Test type VII test</p>	<p>GREEN - agreed in principle</p>

<u>means of a delegated act, adopted in accordance with Articles 76, 77 and 78.</u>	means of a delegated act, adopted in accordance with <i>Article 76</i> .	<u>procedure requirements regarding CO₂ emission measurement, fuel consumption, electric energy consumption and electric range calculation or and measurement methods.</u>	
CHAPTER IV EU TYPE-APPROVAL PROCEDURES			
Article 23 Procedures for EU type-approval			
1. When applying for type approval of a vehicle, the manufacturer may choose one of the following procedures:			GREEN - Agreement on Council text 1. When applying for type-approval of a <u>whole</u> vehicle, the manufacturer may choose one of the following procedures:
(a) step-by-step type-approval;			
(b) single-step type-approval;			
	<i>(ba) mixed type-approval;</i>	<u>(ba) mixed type-approval.</u>	GREEN - Agreement on Council text (c) <u>mixed type-approval.</u>
(c) multi-stage approval.		<u>In addition, the manufacturer of vehicle categories as laid down in paragraph 4 may choose the</u> multi-stage approval.	GREEN - agreed in principle <u>In addition, the manufacturer of vehicle categories as laid down in paragraph 4 may choose the</u> multi-stage approval.

<p><u>For the type approval of systems, components or separate technical units, the single- step type-approval procedure shall apply.</u></p>		<p><u>Only the single-step type-approval procedure is applicable for</u> the type-approval of systems, components or separate technical units</p>	<p>GREEN - agreed in principle</p> <p><u>Only the single-step type-approval procedure is applicable for</u> the type-approval of systems, components or separate technical units.</p>
<p>2. Step-by-step type-approval shall consist in the step-by-step collection of the whole set of EU type-approval certificates for the systems, components and separate technical units forming part of the vehicle, and which leads, at the final stage, to the approval of the whole vehicle.</p>			
<p>3. Single-step type-approval shall consist in the approval of a vehicle as a whole by means of a single operation.</p>			
	<p><i>3a. Mixed type-approval shall consist of a step-by-step type-approval procedure for which one or more system approvals are achieved during the final stage of the approval of the whole vehicle, without it being necessary to issue the EU type-approval certificates for those systems.</i></p>	<p><u>3a. Mixed type-approval is a step-by-step type-approval procedure for which one or more system approvals are achieved during the final stage of the approval of the whole vehicle, without it being necessary to issue the EU type-approval certificates for those systems.</u></p>	<p>GREEN - agreed in principle – alignment with T-Regulation</p> <p><u>3a. Mixed type-approval is a step-by-step type-approval procedure for which one or more system approvals are achieved during the final stage of the approval of the whole vehicle, without it being necessary to issue the EU type-approval certificates for those systems.</u></p>
<p>4. In a multi-stage type-approval procedure, one or more approval authorities certify that, depending on the state of completion, an incomplete or completed type of vehicle</p>			

<p>satisfies the relevant administrative provisions and technical requirements of this Regulation.</p>			
<p>Multi-stage type-approval shall be granted in respect of a type of incomplete or completed vehicle which conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant acts listed in Annex II, having regard to the state of completion of the vehicle.</p>			
<p>The type-approval for the final stage of completion shall be granted only after the <u>type-approval authority has verified that the type-approval(s) issued for the incomplete vehicle certify that the</u> vehicle type approved at the final stage meets all technical requirements <u>applicable at the time when the type-approval(s) were issued, to the category of vehicle for which the type-approval for the completed vehicle is granted.</u></p>		<p>The type-approval for the final stage of completion shall be granted <u>only</u> after the approval authority has verified that the vehicle type approved at the final stage meets <u>at that time all applicable technical requirements; this shall include a documentary check of all requirements covered by a type-approval for an incomplete vehicle granted in the course of a multistage procedure, even where granted for a different (sub-)category of vehicle.</u></p>	<p>GREEN - agreed in principle</p> <p>The type-approval for the final stage of completion shall be granted <u>only</u> after the approval authority has verified that the vehicle type approved at the final stage meets <u>at that time all applicable technical requirements; this shall include a documentary check of all requirements covered by a type-approval for an incomplete vehicle granted in the course of a multistage procedure, even where granted for a different (sub-)category of vehicle.</u></p>
<p>The multi-stage approval referred to in <u>point (c)</u> of paragraph 1 shall apply only to utility vehicles of sub-categories L5Be – U, L6Be – U and <u>L7Be – U.</u></p>	<p>The multi-stage approval referred to in point (c) of paragraph 1 shall apply only to utility vehicles of sub-categories L5Be–U, L6Be–U and <u>L7Ce–U.</u></p>	<p>The multi-stage approval referred to in <u>the second subparagraph</u> of paragraph 1 shall apply only to utility vehicles of sub-categories <u>L2e - U, L4e,</u> L5Be – U, L6Be – U and <u>L7Ce – U.</u></p>	<p>GREEN - agreed in principle</p> <p>The multi-stage approval referred to in <u>the second subparagraph</u> of paragraph 1 shall apply only to utility vehicles of sub-categories <u>L2e - U, L4e,</u> L5Be – U, L6Be – U and <u>L7Ce – U.</u></p>

<p>5. The choice of approval procedure shall not affect the applicable requirements with which the approved vehicle type has to comply at the time of issuing of the whole-vehicle type-approval.</p>		<p>5. The choice of approval procedure shall not affect the applicable substantive requirements with which the approved vehicle type has to comply at the time of issuing of the whole-vehicle type-approval.</p>	<p>GREEN - agreed in principle</p> <p>5. The choice of approval procedure shall not affect the applicable substantive requirements with which the approved vehicle type has to comply at the time of issuing of the whole-vehicle type-approval.</p>
	<p><i>5a. The Commission shall lay down the detailed arrangements with regard to type-approval procedures by means of delegated acts in accordance with Article 76.</i></p>		<p>YELLOW — Presidency will check back with MS</p> <p>CE: no substance for 2 separate acts and templates should be in implementing acts, relation with 6 (detailed arrangements include templates)</p>
<p>6. <u>Implementing powers are conferred on the Commission in order to lay down templates for the details of the</u> arrangements <i>with regard to</i> type-approval procedures <u>in Article 73.</u></p>	<p>6. <i>The Commission shall adopt implementing acts</i> in order to lay down templates for the <i>detailed</i> arrangements <i>regarding</i> type-approval procedures. <i>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).</i></p>	<p>6. In order to ensure a uniform application of this Article, the Commission be empowered to shall adopt delegated acts in accordance with Article 76 concerning the detailed arrangements with regard to type-approval procedures by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first set of those implementing delegated acts shall be adopted by [insert date: one year before the date specified in article 82(2)].</p>	<p>YELLOW — cfr paragraph 5</p>
<p>Article 24 Application for type-approval</p>			
<p>1. The manufacturer shall submit the application for type-approval to the approval</p>			

authority.			
2. Only one application may be submitted in respect of a particular type of vehicle, system, component or separate technical unit and it may be submitted in only one Member State.			
3. A separate application shall be submitted for each type to be approved.			
Article 25 Information folder			
1. The applicant shall provide to the approval authority an information folder.			
2. The information folder shall include the following:	2. The information folder shall include <i>at least</i> the following <i>information</i> :		YELLOW – to be checked if Members can accept Council txt Presidency: considers this already covered by (d)
<u>(1) an information document in accordance with the template established by the Commission pursuant to Article 73;</u>	(1) <i>all data, drawings, photographs and other information required in the delegated act adopted pursuant to paragraph 3a;</i>	(a) an information document;	YELLOW – to be checked if Members can accept Council txt
<u>(2) all data, drawings, photographs and other information required in the implementing act adopted pursuant to</u>	(2) <i>an information document in accordance with the template established by the</i>	(b) all data, drawings, photographs and other information;	YELLOW – to be checked if Members can accept Council txt

<u>Article 73;</u>	<i>Commission pursuant to paragraph 3b;</i>		
(3) for vehicles, indication of the procedure chosen in accordance with Article 23(1).		(c) for vehicles, indication of the procedure chosen in accordance with Article 23(1);	YELLOW – to be checked if Members can accept Council txt
		<u>(d) any additional information requested by the type approval authority in the context of the application procedure.</u>	YELLOW – to be checked if Members can accept Council txt
3. The information folder may be supplied on paper or in electronic format.		3. The information folder may be supplied on paper or in electronic format <u>as admissible by the technical service and by the approval authority.</u>	YELLOW – to be checked if Members can accept Council txt
	<i>3a. The Commission shall determine, by means of delegated acts in accordance with Article 76, the information to be provided to the approval authority pursuant to paragraph 2, taking into account the requirements laid down in Article 26.</i>	<u>4. The Commission lay down templates for the information document and for the information folder by means of implementing act that shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first set of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].</u>	RED - Linked to delegated acts
	<i>3b. The Commission shall adopt implementing acts in order to establish the templates for the information folder and the information document referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the</i>		

	<i>examination procedure referred to in Article 74(2).</i>		
Article 26 Specific requirements for information to be provided in the application for type-approval under different procedures			
1. An application for step-by-step type-approval shall be accompanied by an information folder in accordance with Article 25 and by the complete set of type-approval certificates required pursuant to each of the applicable acts listed in Annex II.		1. An application for step-by-step type-approval shall be accompanied by an information folder in accordance with Article 25 and by the complete set of type-approval certificates required pursuant to each of the applicable acts <u>and UNECE regulations</u> listed in Annex II.	GREEN - agreed in principle 1. An application for step-by-step type-approval shall be accompanied by an information folder in accordance with Article 25 and by the complete set of type-approval certificates required pursuant to each of the applicable acts <u>and UNECE regulations</u> listed in Annex II.
		<u>In the case of the type-approval of a system or separate technical unit, pursuant to the applicable acts listed in Annex II, the approval authority shall have access to the related information folder until such time as the approval is either issued or refused.</u>	GREEN - agreed in principle <u>In the case of the type-approval of a system or separate technical unit, pursuant to the applicable acts listed in Annex II, the approval authority shall have access to the related information folder until such time as the approval is either issued or refused.</u>
2. An application for single-step type-approval shall be accompanied by an information folder in accordance with Article 25 containing the relevant information in relation to the acts listed in Annex II.			

		<u>2a. In the case of a mixed type-approval procedure, the information folder shall be accompanied by one or more type-approval certificates required pursuant to each of the applicable separate acts and UNECE regulations referred to in the delegated acts adopted under this Regulation and shall include, insofar as no type-approval certificate is presented, the relevant information required in the implementing measures to this Regulation, in relation to the acts listed in Annex II.</u>	YELLOW – Awaiting final text by CE I20518: CE will confirm alignment with T
3. Without prejudice to paragraphs 1 and 2, the following information shall be supplied for the purposes of multi-stage type-approval:		3. Without prejudice to paragraphs 1, 2 and 2a , the following information shall be supplied for the purposes of multi-stage type-approval:	GREEN - agreed in principle 3. Without prejudice to paragraphs 1, 2 and 2a , the following information shall be supplied for the purposes of multi-stage type-approval:
(a) in the first stage, those parts of the information folder and the EU type-approval certificates required for a complete vehicle which are relevant to the state of completion of the base vehicle;			
(b) in the second and subsequent stages, those parts of the information folder and the EU type-approval certificates which are relevant to the current stage of construction, 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 made to the vehicle.		-(b) in the second and subsequent stages, those parts of the information folder and the EU type-approval certificates which are relevant to the current stage of construction, 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.	GREEN - agreed in principle (b) in the second and subsequent stages, those parts of the information folder and the EU type-approval certificates which are relevant to the current stage of construction, 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 he

			has made to the vehicle.
		<u>The information specified in points (a) and (b) may be supplied in accordance with paragraph 2a.</u>	GREEN - agreed in principle <u>The information specified in points (a) and (b) may be supplied in accordance with paragraph 2a.</u>
4. The approval authority may, by reasoned request, require the manufacturer to supply any additional information needed to enable a decision to be taken on which tests are required or to facilitate the execution of those tests.			
CHAPTER V CONDUCT OF EU TYPE-APPROVAL PROCEDURES			
Article 27 General provisions			
1. Approval authorities shall grant an EU type-approval only after verifying the conformity of production procedures referred to in Article 31 and the compliance of the type of vehicle, system, component or separate technical unit with the applicable requirements.			
2. EU type-approvals shall be granted in accordance with Articles 29, <u>30, 31 and 32.</u>		2. EU type-approvals shall be granted in accordance with this Chapter.	GREEN - Agreement on CEU text

<p>3. If an approval authority finds that a type of vehicle, system, component or separate technical unit, though conforming to the required provisions, presents a serious risk to safety or may seriously harm the environment or public health, it may refuse to grant EU type-approval. In this case, it shall immediately send to the approval authorities of the other Member States and the Commission a detailed file explaining the reasons for its decision and setting out the evidence for its findings.</p>			
<p>4. EU type-approval certificates shall be numbered in accordance with a harmonised system <u>as laid down in the implementing act adopted in accordance with Article 73.</u></p>	<p>4. EU type-approval certificates shall be numbered in accordance with a harmonised system. <i>The Commission shall adopt implementing acts in order to establish such a system. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).</i></p>	<p>4. EU type-approval certificates shall be numbered in accordance with a harmonised system <u>laid down by the Commission by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first set of those delegated acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].</u></p>	<p>YELLOW – in principle agreed except for the date</p> <p>4. EU type-approval certificates shall be numbered in accordance with a harmonised system <u>laid down by the Commission by means of an implementing act. That implementing act shall be adopted for the first time no later than 1 January 2013 in accordance with the examination procedure referred to in Article 74(2).</u></p>
<p>5. The approval authority shall, within one month, send to the approval authorities of the other Member States a copy of the EU vehicle type-approval certificate, together with the attachments, for each type of vehicle which it has approved. The copy may take the form of <u>an</u> electronic file.</p>		<p>5. The approval authority shall, within one month, send to the approval authorities of the other Member States a copy of the EU vehicle type-approval certificate, together with the attachments, for each type of vehicle which it has approved <u>[by means of a common secure electronic exchange system]</u>. The copy may <u>also</u> take the form of <u>a secure</u> electronic file.</p>	<p>EP requests further info from Council and EC, proposes reference to the existing system in recital – EP to make a proposal</p> <p>Presidency: avoid making a monopoly</p> <p>GREEN - Agreed in pp</p>

<p>6. The approval authority shall inform without delay the approval authorities of the other Member States of its refusal or withdrawal of any vehicle approval, together with the reasons for its decision.</p>			
<p>7. At three-monthly intervals, the approval authority shall send to the approval authorities of the other Member States a list of the EU type-approvals it has granted, amended, refused to grant or withdrawn for systems, components or separate technical units during the preceding period.</p>			
<p>8. If so requested by an approval authority of another Member State, the approval authority which has granted an EU type-approval shall, within one month of receiving that request, send to the former a copy of the EU type-approval certificate <u>in question requested</u>, together with the attachments. The copy may take the form of <u>an</u> electronic file.</p>		<p>8. If so requested by an approval authority of another Member State, the approval authority which has granted an EU type-approval shall, within one month of receiving that request, send to the former a copy of the <u>requested</u> EU type-approval certificate, together with the attachments <u>by means of a common secure electronic exchange system</u>. The copy may <u>also</u> take the form of <u>a secure</u> electronic file.</p>	<p>GREEN - Agreed in pp - Cfr paragraph 5</p> <p>8. If so requested by an approval authority of another Member State, the approval authority which has granted an EU type-approval shall, within one month of receiving that request, send to the former a copy of the <u>requested</u> EU type-approval certificate, together with the attachments <u>by means of a common secure electronic exchange system</u>. <u>The copy may also take the form of an electronic file.</u></p>
<p>9. If so requested by the Commission, the approval authority shall submit the information referred to in paragraphs 5 to 8 to the Commission as well.</p>			
<p>10. The approval authority shall put together an information package consisting of the information folder accompanied by the test reports and all other documents added by the technical service or by the approval authority to the information folder in the course of</p>		<p>10. The approval authority shall put together an information package consisting of the information folder accompanied by the test reports and all other documents added by the technical service or by the approval authority to the information folder in the course of</p>	<p>Green – agreed in principle</p> <p>10. The approval authority shall put together an information package consisting of the information folder accompanied by the test reports and all other documents added by the</p>

<p>carrying out their functions. The information package shall contain an index listing of the contents of the information package, suitably numbered or otherwise marked so as to identify clearly all the pages and the format of each document such as to present a record of the successive steps in the management of the EU type-approval, in particular the dates of revisions and updating.</p>		<p>carrying out their functions. The information package shall contain an index listing of the contents of the information package, suitably numbered or otherwise marked so as to identify clearly all the pages and the format of each document such as to present a record of the successive steps in the management of the EU type-approval, in particular the dates of revisions and updating. <u>The approval authority shall keep information contained in the information package available for a period of 10 years after the end of validity of the approval concerned.</u></p>	<p>technical service or by the approval authority to the information folder in the course of carrying out their functions. The information package shall contain an index listing of the contents of the information package, suitably numbered or otherwise marked so as to identify clearly all the pages and the format of each document such as to present a record of the successive steps in the management of the EU type-approval, in particular the dates of revisions and updating. <u>The approval authority shall keep information contained in the information package available for a period of 10 years after the end of validity of the approval concerned.</u></p>
<p>Article 28 Specific provisions concerning the <u>issuing of EU whole-vehicle</u> type-approval</p>		<p>Article 28 Specific provisions concerning the <u>EU</u> type-approval <u>certificate</u></p>	<p>Green – agreed in principle Article 28 Specific provisions concerning the <u>EU</u> type-approval <u>certificate</u></p>
<p>1. The type-approval certificate shall contain, as attachments, the following:</p>		<p>1. The <u>EU</u> type-approval certificate shall contain, as attachments, the following:</p>	<p>GREEN – agreed in principle 1. The <u>EU</u> type-approval certificate shall contain, as attachments, the following:</p>
<p>(a) the information package referred to in Article 27(10);</p>			
<p>(b) the test results;</p>			
<p>(c) the name(s) and specimen(s) of the signature(s) of the person(s) authorised to</p>			

sign certificates of conformity and a statement of their position in the company.			
		<u>(d) in the case of an EU whole vehicle type-approval, a filled-out specimen of the certificate of conformity.</u>	GREEN – agreed in principle <u>(d) in the case of an EU whole vehicle type-approval, a filled-out specimen of the certificate of conformity.</u>
2. The type-approval certificate shall be issued on the basis of <i>the</i> template <u>laid down in implementing act adopted in accordance with Article 73.</u>	2. The <i>Commission shall adopt implementing acts in order to establish a template for an EU</i> type-approval certificate. <i>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2). The type-approval certificate</i> shall be issued on the basis of <i>that</i> template.	2. The EU type-approval certificate shall be issued on the basis of the template laid down <u>by the Commission by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].</u>	YELLOW – agreed except the date 2. The EU type-approval certificate shall be issued on the basis of the template laid down <u>by the Commission by means of an implementing act. That implementing act shall be adopted for the first time no later than 1 January 2013 in accordance with the examination procedure referred to in Article 74(2).</u>
3. In respect of each type of vehicle, the approval authority shall:			
(a) complete all the relevant sections of the EU type-approval certificate, including the test results sheet appended thereto, <u>in accordance with the template for the type-approval certificate;</u>		(a) complete all the relevant sections of the EU type-approval certificate, including the test results sheet appended thereto;	GREEN – agreed in principle (a) complete all the relevant sections of the EU type-approval certificate, including the test results sheet appended thereto;
(b) compile the index to the information package;			
(c) issue the completed certificate, together with its attachments, to the applicant without			YELLOW – Presidency will check back

delay.			with MS
		<u>The Commission shall lay down the template for the test results sheet referred to in point a) of this paragraph by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].</u>	YELLOW – agreed in principle except the date The Commission shall for the first time no later than 1 January 2013 lay down the template for the test results sheet referred to in point a) of this paragraph by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2).
4. In the case of an EU type-approval for which, in accordance with Article 39 , restrictions have been imposed as to its validity, or certain provisions of this Regulation or the delegated and implementing acts adopted under this Regulation have been waived, the EU type-approval certificate shall specify those restrictions or waivers.		4. In the case of an EU type-approval for which, in accordance with Article 38 , restrictions have been imposed as to its validity, or certain provisions of this Regulation or the delegated and implementing acts adopted under this Regulation have been waived, the EU type-approval certificate shall specify those restrictions or waivers.	GREEN – agreed in principle 4. In the case of an EU type-approval for which, in accordance with Article 38 , restrictions have been imposed as to its validity, or certain provisions of this Regulation or the delegated and implementing acts adopted under this Regulation have been waived, the EU type-approval certificate shall specify those restrictions or waivers.
		<u>5. Where the manufacturer chooses the mixed type-approval procedure, the approval authority shall complete the information document with the references to the test reports, established by the implementing act referred to in Article 30(1), for which no EU type-approval certificate is available.</u>	GREEN – agreed in principle <u>5. Where the manufacturer chooses the mixed type-approval procedure, the approval authority shall complete the information document with the references to the test reports, established by the implementing act referred to in Article 30(1), for which no EU type-approval certificate is available.</u>

<p>Where the manufacturer chooses the single-step type-approval procedure, the approval authority shall establish a list of applicable requirements or acts and append that list to the EU type-approval certificate.</p>		<p>6. Where the manufacturer chooses the single-step type-approval procedure, the approval authority shall establish a list of applicable requirements or acts and append that list to the EU type-approval certificate. <u>The Commission shall adopt the template for such a list by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].</u></p>	<p>YELLOW – agreed in principle except the date</p> <p>6. Where the manufacturer chooses the single-step type-approval procedure, the approval authority shall establish a list of applicable requirements or acts and append that list to the EU type-approval certificate. <u>The Commission shall adopt for the first time no later than 1 January 2013 the template for such a list by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2).</u></p>
<p>Article 29 Specific provisions concerning systems, components or separate technical units</p>			
<p>1. EU type-approval shall be granted in respect of a system which conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant acts listed in Annex II.</p>			
<p>2. An EU type-approval for a component or separate technical unit shall be granted in respect of a component or separate technical unit that conforms to the particulars in the information folder and which meets the technical requirements laid down in the relevant separate acts listed in Annex II.</p>			

3. Where components or separate technical units, whether or not intended for repair, servicing or maintenance, are also covered by a system type-approval with respect to a vehicle, no additional component or separate technical unit approval shall be required unless provided for under the relevant acts listed in Annex II.			
4. Where a component or separate technical unit fulfils its function or offers a specific feature only in conjunction with other parts of the vehicle, thereby making it possible to verify compliance with the requirements only when the component or separate technical unit is operating in conjunction with those other vehicle parts, the scope of the EU type-approval of the component or the separate technical unit shall be restricted accordingly.			
In such cases, the EU type-approval certificate shall specify any restriction on the use of the component or separate technical unit and shall indicate the special conditions for its mounting.			
Where such a component or separate technical unit is fitted by the vehicle manufacturer, compliance with any applicable restrictions on use or conditions for mounting shall be verified at the time			

when the vehicle is approved.			
<i>Article 30</i> <i>Tests required for EU type-approval</i>			
1. Compliance with the technical prescriptions laid down in this Regulation and in the acts listed in Annex II shall be demonstrated by means of appropriate tests performed by designated technical services.			
The test procedures referred to in the first subparagraph and the specific equipment and tools prescribed to perform those tests shall be those laid down in the relevant acts listed in Annex II.			
		<u>The format of the test report shall comply with the general requirements as laid down by the Commission in an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].</u>	YELLOW – agreed in principle except the date <u>The format of the test report shall comply with the general requirements as laid down by the Commission for the first time no later than 1 January 2013 in an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2).</u>
2. The manufacturer shall make available to the approval authority as many vehicles, components or separate technical units as are required under the relevant acts listed in			

Annex II for the performance of the required tests.			
3. The required tests shall be performed on vehicles, components and separate technical units which are representative of the type to be approved.			
However, the manufacturer may select, in agreement with the approval authority, a vehicle, system, component or separate technical unit which, while not representative of the type to be approved, combines a number of the most unfavourable features with regard to the required level of performance. Virtual testing methods may be used to aid decision-making during the selection process.			
4. Subject to the agreement of the approval authority, virtual testing methods may be used as alternatives to the test procedures referred to in paragraph 1 at the request of the manufacturer with respect to those requirements listed in the delegated acts <u>adopted under this Regulation</u> .		4. Subject to the agreement of the approval authority, virtual testing methods may be used as alternatives to the test procedures referred to in paragraph 1 at the request of the manufacturer with respect to those requirements established in the delegated acts <u>referred to in paragraph 6</u> .	
5. Virtual testing methods shall fulfil the conditions set out in the delegated acts <u>adopted under this Regulation</u> .		5. Virtual testing methods shall fulfil the conditions set out in the delegated acts <u>referred to in paragraph 6</u> .	

<p>6. In order to ensure that the results obtained through virtual testing are as meaningful as those obtained through physical testing, the Commission shall lay down the requirements which can be subject to virtual testing and the conditions under which the virtual testing must be performed, by means of a delegated act in accordance with Articles 76, 77 and 78.</p>	<p>6. In order to ensure that the results obtained through virtual testing are as meaningful as those obtained through physical testing, the Commission shall lay down the requirements which can be subject to virtual testing and the conditions under which the virtual testing must be performed, by means of a delegated act in accordance with <i>Article 76. When adopting that delegated act, the Commission shall take as a basis the requirements and procedures provided for in Annex XVI to Directive 2007/47/EC, as appropriate.</i></p>	<p>6. In order to ensure that the results obtained through virtual testing are as meaningful as those obtained through physical testing, the Commission shall be empowered to adopt delegated acts in accordance with Article 76 concerning the requirements which can be subject to virtual testing and the conditions under which the virtual testing shall be performed. When adopting those, the Commission shall take as a basis the requirement and procedures provided for in Annex XVI to Directive 2007/46/EC on "Specific conditions required from virtual testing methods and regulatory acts for which virtual testing methods may be used by a manufacturer or a technical service.", as appropriate. [AM 65]</p>	<p>CEU will check back with MS whether this is acceptable</p> <p>CE: in principle ok with EP addition</p> <p><i>Directive 2007/46/EC</i></p> <p>GREEN - Agreement on CEU text</p>
<p>Article 31 Conformity of production arrangements</p>			
<p>1. An approval authority which grants an EU type-approval shall take the necessary measures to verify, if need be in cooperation with the approval authorities of the other Member States, that adequate arrangements have been made to ensure that production vehicles, systems, components or separate technical units, as the case may be, conform to the approved type.</p>		<p>1. An approval authority which grants an EU type-approval shall take the necessary measures to verify, if necessary in cooperation with the approval authorities of the other Member States, that adequate arrangements have been made to ensure that the vehicles, systems, components or separate technical units in production, as the case may be, conform to the approved type.</p>	<p>GREEN – agreed in principle</p> <p>1. An approval authority which grants an EU type-approval shall take the necessary measures to verify, if necessary in cooperation with the approval authorities of the other Member States, that adequate arrangements have been made to ensure that the vehicles, systems, components or separate technical units in production, as the case may be, conform to the approved type.</p>
		<p>1a. An approval authority which grants a whole-vehicle type-approval shall take the necessary measures to verify that certificates of conformity issued by the</p>	<p>GREEN – agreed in principle</p> <p>1a. An approval authority which grants a whole-vehicle type-approval shall take the</p>

		<u>manufacturer conform to Article 36. To that end, the approval authority shall verify that a sufficient number of samples of certificates of conformity conform to Article 36 and that the manufacturer has made adequate arrangements to ensure that the data in the certificates of conformity are correct.</u>	<u>necessary measures to verify that certificates of conformity issued by the manufacturer conform to Article 36. To that end, the approval authority shall verify that a sufficient number of samples of certificates of conformity conform to Article 36 and that the manufacturer has made adequate arrangements to ensure that the data in the certificates of conformity are correct.</u>
2. An approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, if <u>need be</u> in cooperation with the approval authorities of the other Member States, that the arrangements referred to in <u>paragraph 1</u> continue to be adequate <u>and</u> that production vehicles, systems, components or separate technical units, as the case may be, continue to conform to the approved type.		2. An approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, if <u>needed</u> , in cooperation with the approval authorities of the other Member States, that the arrangements referred to in <u>paragraphs 1 and 1a</u> continue to be adequate <u>so</u> that production vehicles, systems, components or separate technical units, as the case may be, continue to conform to the approved type <u>and certificates of conformity continue to comply with Article 36.</u>	GREEN – agreed in principle 2. An approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, if <u>needed</u> , in cooperation with the approval authorities of the other Member States, that the arrangements referred to in <u>paragraphs 1 and 1a</u> continue to be adequate <u>so</u> that production vehicles, systems, components or separate technical units, as the case may be, continue to conform to the approved type <u>and certificates of conformity continue to comply with Article 36.</u>
3. In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type the approval authority which has granted the EU type-approval may carry out any of the checks or tests required for the regulatory requirements that are the subject of the EU type-approval on samples taken at the premises of the manufacturer, including production facilities. <u>The details of the verification procedures will be set out in an implementing act adopted under this Regulation in accordance with Article 73.</u>	3. In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority which has granted the EU type-approval may carry out any of the checks or tests required for the regulatory requirements that are the subject of the EU type-approval on samples taken at the premises of the manufacturer, including production facilities.	3. In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority which has granted the EU type-approval may carry out any of the checks or tests required for the regulatory requirements that are the subject of the EU-type approval on samples taken at the premises of the manufacturer, including production facilities.	GREEN – agreed in principle 3. In order to verify that a vehicle, system, component or separate technical unit conforms to the approved type, the approval authority which has granted the EU type-approval may carry out any of the checks or tests required for the regulatory requirements that are the subject of the EU type-approval on samples taken at the premises of the manufacturer, including production facilities.

<p>4. When an approval authority which has granted an EU type-approval establishes that the arrangements referred to in paragraph 1 are not being applied, deviate significantly from the arrangements and control plans agreed, have ceased to be applied, or are no longer considered to be adequate, even though production is continued, it shall take the necessary measures to ensure that the procedure for conformity of production is followed correctly or shall withdraw the type-approval.</p>		<p>4. When an approval authority which has granted an EU type-approval establishes that the arrangements referred to in paragraph 1 and 1a are not being applied, deviate significantly from the arrangements and control plans agreed, have ceased to be applied, or are no longer considered to be adequate, even though production is continued, it shall take the necessary measures to ensure that the procedure for conformity of production is followed correctly or shall withdraw the type-approval.</p>	<p>GREEN – agreed in principle</p> <p>4. When an approval authority which has granted an EU type-approval establishes that the arrangements referred to in paragraph 1 and 1a are not being applied, deviate significantly from the arrangements and control plans agreed, have ceased to be applied, or are no longer considered to be adequate, even though production is continued, it shall take the necessary measures to ensure that the procedure for conformity of production is followed correctly or shall withdraw the type-approval.</p>
<p>5. <u>The powers to adopt the implementing act laying down</u> the detailed arrangements with regard to conformity of production <u>are conferred on the Commission in accordance with Article 73 of this Regulation.</u></p>	<p>5. <i>The Commission shall lay down, by means of delegated acts in accordance with Article 76, the detailed arrangements with regard to conformity of production and the verification procedures related thereto. The Commission may periodically review, as appropriate, such arrangements and procedures. When adopting those delegated acts, the Commission shall take as a basis the arrangements and procedures provided for in the Directives referred to in Article 81.</i></p>	<p>5. The Commission shall be empowered to adopt delegated acts in accordance with Article 57 concerning the detailed arrangements with regard to conformity of production by means of implementing acts. Those implementing delegated acts shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first at those implementing delegated acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].</p>	<p>YELLOW – entree into force + issue implementing and delegated acts</p>
<p>CHAPTER VI AMENDMENTS TO EU TYPE- APPROVALS</p>			
<p>Article 32 General provisions</p>			
<p>1. The manufacturer shall inform without delay the approval authority that granted the</p>			

<p>EU type-approval of any change in the particulars recorded in the information package.</p>			
<p>That approval authority shall decide which of the procedures laid down in Article 33 is to be followed.</p>			
<p>Where necessary, the approval authority may decide, after consulting the manufacturer that a new EU type-approval is to be granted.</p>			
<p>2. An application for the amendment of an EU type-approval shall be submitted exclusively to the approval authority that granted the original EU type-approval.</p>			
<p>3. If the approval authority finds that, for the purposes of making an amendment, inspections or tests need to be repeated, it shall inform the manufacturer accordingly.</p>			
<p>The procedures referred to in Article 33 shall apply only if, on the basis of those inspections or tests, the approval authority concludes that the requirements for EU type-approval continue to be fulfilled.</p>			<p>Reverted to EC proposal</p>

Article 33 Revisions and extensions of EU <u>type</u> <u>approvals</u>		Article 33 Revisions and extensions of EU <u>type</u> - <u>approvals</u>	GREEN – agreed in principle Article 33 Revisions and extensions of EU <u>type</u> - <u>approvals</u>
1. If particulars recorded in the information package have changed, without requiring inspections or tests to be repeated, the amendment shall be designated a ‘revision’.			
In such cases, the approval authority shall issue the revised page of the information package as necessary, marking each revised page to show clearly the nature of the change and the date of re-issue. A consolidated, updated version of the information package, accompanied by a detailed description of the changes, shall be deemed to meet this requirement.			
2. The amendment shall be designated an ‘extension’ when particulars recorded in the information package have changed and any of the following occurs:			
(a) further inspections or tests are required;			
(b) any information on the EU type-approval certificate, with the exception of its attachments, has changed;			

(c) new requirements under any act listed in Annex II applicable to the approved vehicle type or to the approved system, component or separate technical unit become applicable.			
In the case of an extension, the approval authority shall issue a revised EU type-approval certificate denoted by an extension number, incremented in accordance with the number of successive extensions already granted. The approval certificate shall clearly show the reason for the extension and the date of re-issue.			
3. Whenever amended pages or a consolidated, updated version are issued, the index to the information package attached to the approval certificate shall be amended accordingly to show the date of the most recent extension or revision, or the date of the most recent consolidation of the updated version.			
		<u>4. No amendment to the approval of a type of vehicle shall be required if the new requirements referred to in paragraph 2 (c) are, from a technical point of view, irrelevant to that type of vehicle or concern categories of vehicle other than the category to which it belongs.</u>	GREEN – agreed in principle <u>4. No amendment to the approval of a type of vehicle shall be required if the new requirements referred to in paragraph 2 (c) are, from a technical point of view, irrelevant to that type of vehicle or concern categories of vehicle other than</u>

			<u>the category to which it belongs.</u>
Article 34 Issue and notification of amendments			
1. In the case of an extension, all relevant sections of the EU type-approval certificate, the attachments thereto, and the index to the information package shall be updated. The updated certificate and its attachments shall be issued to the applicant without delay.			Reverted to EC text
2. In the case of a revision, the revised documents or the consolidated, updated version, as appropriate, including the revised index to the information package, shall be issued by the approval authority to the applicant without delay.			Reverted to EC text
3. The approval authority shall notify any amendment made to EU type-approvals to the approval authorities of the other Member States in accordance with the procedures set out in Article 27.			
CHAPTER VII VALIDITY OF EU TYPE-APPROVAL			

<p>Article 35 Termination of validity</p>			
<p>1. EU type-approvals shall be issued for an unlimited duration.</p>			
<p>2. An EU type-approval of a vehicle shall cease to be valid in any of the following cases:</p>			
<p>(a) new requirements in any act applicable to the approved vehicle type become mandatory for the sale, registration or entry into service of new vehicles, and it is not possible to update the type-approval accordingly;</p>		<p>(a) new requirements in any act applicable to the approved vehicle type become mandatory for the making available on the market, registration or entry into service of vehicles, and it is not possible to update the type-approval accordingly;</p>	<p>GREEN – agreed in principle</p> <p>(a) new requirements in any act applicable to the approved vehicle type become mandatory for the making available on the market, registration or entry into service of vehicles, and it is not possible to update the type-approval accordingly;</p>
<p>(b) production of the approved vehicle is definitively discontinued voluntarily;</p>			
<p>(c) the validity of the approval expires by virtue of a special restriction in accordance with Article 38.</p>		<p>(c) the validity of the approval expires by virtue of a special restriction in accordance with Articles 31(3) or 51(1)</p>	<p>GREEN - Agreement on the deletion of special</p> <p>(c) the validity of the approval expires by virtue of a restriction in accordance with Article 38</p>
		<p><u>(d) the approval has been withdrawn according to Articles 31(4) or 51(1).</u></p>	<p>GREEN – agreed in principle</p>

3. Where only one variant within a type or one version within a variant becomes invalid, the EU type-approval of the vehicle in question shall lose validity only in so far as the particular variant or version is concerned.			
4. When production of a particular type of vehicle is definitively discontinued, the manufacturer shall notify the approval authority that granted the EU type-approval for that vehicle.			
Upon receiving the notification referred to in the first subparagraph, the approval authority which granted the EU type-approval for the vehicle shall inform the approval authorities of the other Member States accordingly within one month.			
5. Without prejudice to paragraph 4, in cases where an EU type-approval of a vehicle is due to become invalid, the manufacturer shall notify the approval authority that granted the EU type-approval.			
The approval authority that granted the EU type-approval shall without delay communicate all relevant information to the approval authorities of the other Member		The approval authority that granted the EU type-approval shall without delay communicate all relevant information to the approval authorities of the other Member	Cfr art 28(c) – reference to 46 to be checked if aligned with T-Reg GREEN - Agreed

States so as to enable the application, where appropriate, of Article <u>39</u> .		States so as to enable the application, where appropriate, of Article <u>46</u> .	
The communication referred to in the second subparagraph shall specify, in particular, the date of production and the vehicle identification number of the last vehicle produced.			
CHAPTER VIII CERTIFICATE OF CONFORMITY AND MARKINGS			
Article 36 Certificate of conformity			
1. The manufacturer, in its capacity as the holder of a <u>whole</u> -vehicle type-approval, shall deliver a certificate of conformity as a paper document to accompany each vehicle, whether complete, incomplete or completed, which is manufactured in conformity with the approved vehicle type.		1. The manufacturer, in its capacity as the holder of a vehicle type-approval, shall deliver a certificate of conformity as a paper document to accompany each vehicle, whether complete, incomplete or completed, which is manufactured in conformity with the approved vehicle type.	GREEN – agreed in principle 1. The manufacturer, in its capacity as the holder of a vehicle type-approval, shall deliver a certificate of conformity as a paper document to accompany each vehicle, whether complete, incomplete or completed, which is manufactured in conformity with the approved vehicle type.
Such a certificate shall be delivered free of charge to the buyer together with the vehicle. Its delivery may not be made dependent on an explicit request or the submission of additional information to the manufacturer.			

		<p><u>Upon request of the owner of the vehicle, the vehicle manufacturer shall, during a period of 10 years after the production date of the vehicle, issue a duplicate of the certificate of conformity to the vehicle owner, against a payment not exceeding the cost of issuing it. The word "duplicate" shall be clearly visible on the face of any duplicate certificate.</u></p> <p>[Sub-para. moved from para. 10]</p>	<p>GREEN - Agreement on CEU text</p>
<p>2. The manufacturer shall use the template for the certificate of conformity <u>given in implementing measures adopted by the Commission in accordance with Article 73.</u></p>	<p>2. <i>The Commission shall adopt implementing acts in order to establish a template for a certificate of conformity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).</i> The manufacturer shall use the template for the certificate of conformity adopted by the Commission.</p>	<p>2. The manufacturer shall use the template for the certificate of conformity <u>adopted by the Commission by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2). The certificate of conformity shall be designed to prevent forgery. To that end, the implementing act shall provide that the paper used in the certificate shall be protected by several security printing features. The first set of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].</u></p>	<p>YELLOW – discussion on entry into force – EP shall put forward to make a new proposal</p>
<p>3. <u>Unless a different agreement has been concluded with the buyer of the vehicle, the certificate of conformity shall be drawn up in the official language of the Member State where the vehicle is purchased.</u></p>	<p>3. <i>The certificate of conformity shall be drawn up in one of the official languages of the Union. Any Member State may request the certificate of conformity to be translated into its own official language or languages.</i></p>	<p>3. <u>The certificate of conformity shall be drawn up in one of the official languages of the Union. Any Member State may request the certificate of conformity to be translated into its own official language of languages.</u></p>	<p>YELLOW – to be discussed further (EP shall make new proposal)</p>

<p>4. The certificate of conformity shall be designed to prevent forgery. To that end, the paper used shall be protected either by coloured graphics or by a watermark in the form of the manufacturer's identification mark.</p>		<p>deleted</p> <p><i>[Moved to Article 36(4), including AT suggestion]</i></p>	<p>GREEN – agreed in principle</p> <p>Agreed on deletion, moved to paragraph 2</p>
		<p>4a. The person(s) authorised to sign certificates of conformity shall be in the manufacturer's organisation and shall be duly authorised by the management to fully engage the legal responsibility of the manufacturer with respect to the design and the construction or to the conformity of the production of the vehicle.</p>	<p>GREEN – agreed in principle</p> <p>4a. The person(s) authorised to sign certificates of conformity shall be in the manufacturer's organisation and shall be duly authorised by the management to fully engage the legal responsibility of the manufacturer with respect to the design and the construction or to the conformity of the production of the vehicle.</p>
<p>5. The certificate of conformity shall be completed in its entirety and shall not contain restrictions as regards the use of the vehicle other than those <i>provided for in the implementing act adopted in accordance with Article 73.</i></p>	<p>5. The certificate of conformity shall be completed in its entirety and shall not contain restrictions as regards the use of the vehicle other than those <i>imposed by the approval authority.</i></p>	<p>5. The certificate of conformity shall be completed in its entirety and. It shall only not contain restrictions as regards the use of the vehicle other than those provided for in this Regulation or any of its delegated as laid down by the Commission for by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first set of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].</p>	<p>YELLOW – agreed in principle except the date</p> <p>5. The certificate of conformity shall be completed in its entirety. It shall only contain restrictions as regards the use of the vehicle laid down by the Commission for the first time no later than 1 January 2013 by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).</p>
<p>6. In the case of an incomplete or completed vehicle, the manufacturer shall fill in only</p>		<p>6. In the case of an incomplete or completed vehicle, the manufacturer shall fill in only</p>	<p>GREEN – agreed in principle</p>

<p>those items of the certificate of conformity which have been added or changed at the current stage of approval and, if applicable, shall attach to the certificate all certificates of conformity delivered at the previous <u>stage</u>.</p>		<p>those items of the certificate of conformity which have been added or changed at the current stage of approval and, if applicable, shall attach to the certificate all certificates of conformity delivered at the previous <u>stages</u>.</p>	<p>6. In the case of an incomplete or completed vehicle, the manufacturer shall fill-in only those items of the certificate of conformity which have been added or changed at the current stage of approval and, if applicable, shall attach to the certificate all certificates of conformity delivered at the previous <u>stages</u>.</p>
<p>7. The certificate of conformity, <u>as set out in the implementing act adopted under this Regulation</u>, shall, for vehicles approved in accordance with Article <u>39(2)</u>, display in its title the phrase ‘For complete/completed vehicles, type-approved in application of Article <u>39</u> (provisional approval)’.</p>	<p>7. The certificate of conformity, as set out in the implementing act adopted under this Regulation, shall, for vehicles approved in accordance with Article <u>38(2)</u>, display in its title the phrase ‘For complete/completed vehicles, type-approved in application of Article <u>38 of Regulation (EU) No .../2012 of the European Parliament and of the Council of ...⁺ on the approval and market surveillance of two- or three- wheel vehicles and quadricycles</u> (provisional approval)’.</p>	<p>7. The certificate of conformity-shall, for vehicles approved in accordance with Article <u>38(2)</u>, display in its title the phrase ‘For complete/completed vehicles, type-approved in application of Article <u>38 of Regulation (EU) No .../... [this Regulation]</u> (provisional approval)’.</p>	<p>GREEN – agreed in principle</p> <p>7. The certificate of conformity-shall, for vehicles approved in accordance with Article <u>38(2)</u>, display in its title the phrase ‘For complete/completed vehicles, type-approved in application of Article <u>38 of Regulation (EU) No .../... [this Regulation]</u> (provisional approval)’.</p>
<p>8. The certificate of conformity, as set out in <u>the implementing act adopted under this Regulation</u>, shall, for vehicles type-approved in accordance with Article <u>41</u>, display in its title the phrase ‘For complete/completed vehicles type-approved in small series’, and in close proximity thereto the year of production followed by a sequential number, between 1 and the limit indicated in the table set out in the implementing act, denoting, in respect of each year of production, the position of that vehicle within the production sequence for that year.</p>	<p>8. The certificate of conformity, as set out in the implementing act adopted under this Regulation, shall, for vehicles type-approved in accordance with Article <u>40</u>, display in its title the phrase ‘For complete/completed vehicles type-approved in small series’, and in close proximity thereto the year of production followed by a sequential number, between 1 and the limit indicated in the table set out in the implementing act, denoting, in respect of each year of production, the position of that vehicle within the production sequence for that year.</p>	<p><u>deleted</u></p>	<p>GREEN – agreed in principle</p> <p>deleted</p>

⁺ *OJ: please insert the number and date of this Regulation.*

<p>9. Without prejudice to the provisions of paragraph 1, the manufacturer may transmit data or information contained in the certificate of conformity by electronic means to the national authorities.</p>		<p>9. Without prejudice to paragraph 1, the manufacturer may transmit the certificate of conformity by electronic means to the registration authority of the Member State.</p>	<p>GREEN – agreed in principle - Alignment with T-Reg</p> <p>9. Without prejudice to paragraph 1, the manufacturer may transmit the certificate of conformity by electronic means to the registration authority of the Member State.</p>
<p>10. A duplicate of the certificate of conformity may be issued only by the manufacturer. The word ‘duplicate’ shall be clearly visible on the face of any duplicate certificate.</p>		<p>deleted [moved to para. 1, sub-para 3]</p>	<p>GREEN - Agreed</p>
<p>Article 37 Statutory marking of vehicles and type-approval mark of components or separate technical units</p>		<p>Article 37 Statutory plate with the appropriate marking of vehicles and type-approval mark of components or separate technical units</p>	<p>GREEN – agreed in principle</p> <p>Article 37 Statutory plate with the appropriate marking of vehicles and type-approval mark of components or separate technical units</p>
<p>1. The manufacturer of a vehicle shall affix to each vehicle manufactured in conformity with the approved type a statutory plate required by the relevant delegated or implementing act listed in Annex II.</p>		<p>1. The manufacturer of a vehicle shall affix to each vehicle manufactured in conformity with the approved type a statutory plate with the appropriate marking required by the relevant implementing act adopted pursuant to paragraph 3 of this Article.</p>	<p>YELLOW</p> <p>EC might propose new wording</p>
<p>2. The manufacturer of a component or separate technical unit, whether or not it is part of a system, shall affix to each component or separate technical unit manufactured in conformity with the approved type the type-approval mark required by the relevant delegated or</p>		<p>2. The manufacturer of a component or separate technical unit, whether or not it is part of a system, shall affix to each component or separate technical unit manufactured in conformity with the approved type the type-approval mark required by the relevant implementing act</p>	<p>YELLOW</p> <p>EC might propose new wording</p>

implementing act <u>listed in Annex II</u> .		<u>adopted pursuant to this Regulation or the relevant UNECE regulation.</u>	
3. Where no such type-approval mark is required for a component or separate technical unit , the manufacturer shall affix at least the trade name or trade mark of the manufacturer, the type number and an identification number.		Where no such type-approval mark is required, the manufacturer shall affix at least the trade name or trade mark of the manufacturer, the type number or an identification number.	GREEN – agreed in principle Where no such type-approval mark is required, the manufacturer shall affix at least the trade name or trade mark of the manufacturer, the type number or an identification number.
4. The <u>EU</u> statutory plate with appropriate marking and type-approval mark shall be in accordance with the model set out in the implementing act laid down in article 73 adopted under this Regulation.	4. The <i>Commission shall adopt implementing acts in order to establish an</i> EU statutory plate and type-approval mark. <i>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2). The EU statutory plate and type-approval mark shall be in accordance with the model set out in those implementing acts.</i>	3. The statutory plate and <u>EU</u> type-approval mark shall be in accordance with the model set out by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)].	YELLOW – In principle agreed except entry into force 4 3. The statutory plate and <u>EU</u> type-approval mark shall be in accordance with the model set out by the Commission for the first time no later than 1 January 2013 by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).
CHAPTER IX EXEMPTIONS FOR NEW TECHNOLOGIES OR CONCEPTS		CHAPTER IX EXEMPTIONS FOR NEW TECHNOLOGIES OR <u>NEW</u> CONCEPTS	
Article 38 Exemptions for new technologies or new concepts			
1. The manufacturer may apply for an EU type-approval in respect of a type of system, component or separate technical unit that incorporates new technologies or concepts		1. The manufacturer may apply for an EU type-approval in respect of a type of vehicle , system, component or separate technical unit that incorporates new technologies or	GREEN – Agreement on Council text

which are incompatible with one or more acts listed in Annex II.		concepts which are incompatible with one or more acts listed in Annex II.	
2. The approval authority shall grant the EU type-approval referred to in paragraph 1 when all of the following conditions are met:			
(a) the application states the reasons why the technologies or concepts in question make the system, component or separate technical unit incompatible with one or more acts listed in Annex II;			
(b) the application describes the safety and environmental implications of the new technology and the measures taken in order to ensure at least an equivalent level of safety and environmental protection as that provided by the requirements from which exemption is sought;			
(c) test descriptions and results are presented which prove that the condition in point (b) is met.			
3. The granting of an exemption for new technologies or new concepts shall be subject to authorisation by the Commission granted by way of a decision adopted in accordance with the procedure referred to		The granting of such an EU type approval exempting new technologies or new concepts shall be subject to authorisation by the Commission. That authorisation shall be given in the form of an implementing	GREEN – Agreement on Council text

<u>in Article 74(2).</u>		<u>act adopted in accordance with the examination procedure referred to in Article 74(2).</u>	
4. Pending the decision on authorisation by the Commission, the approval authority may grant a provisional approval, valid only in the territory of the Member State in question , in respect of a type of vehicle covered by the exemption sought. The approval authority shall inform the Commission and the other Member States thereof without delay by means of a file containing the information referred to in paragraph 2.		Pending the decision on authorisation by the Commission, the approval authority may already issue the EU type approval, but it shall be provisional , valid only in the territory of that Member State, in respect of a type of vehicle covered by the exemption sought. The approval authority shall inform the Commission and the other Member States thereof without delay by means of a file containing the information referred to in paragraph 2.	GREEN – Agreement on Council text
		<u>The provisional nature and the limited territorial validity shall be apparent from the heading of the type-approval certificate and the heading of the certificate of conformity. Implementing powers are conferred on the Commission in order to provide for harmonised templates for the type-approval certificate and the certificate of conformity.</u>	GREEN – Agreement on Council text
5. Other approval authorities may decide to accept the provisional approval referred to in paragraph 4 within their territory.		Other approval authorities may decide to accept in writing the provisional approval referred to in paragraph 4 within their territory.	GREEN – Agreement on Council text
6. Where appropriate, the authorisation by			

<p>the Commission referred to in paragraph 3 shall also specify whether it is subject to any restrictions. In all cases, the type-approval shall be valid for at least 36 months.</p>			
<p>7. If the Commission decides to refuse authorisation, the approval authority shall immediately give notice to the holder of the provisional type-approval referred to in paragraph 4 that the provisional approval will be revoked six months after the date of the Commission's refusal.</p>			
<p>However, vehicles manufactured in conformity with the provisional approval before it ceases to be valid may be sold, registered or entered into service in any Member State that accepted the provisional approval.</p>		<p>However, vehicles manufactured in conformity with the provisional approval before it ceases to be valid may be placed on the market, registered or enter into service in any Member State that accepted the provisional approval.</p>	<p>GREEN – Agreement on Council text</p>
<p>Article 39 Subsequent <u>need to</u> adaptation of <u>legal requirements</u></p>		<p>Article 39 Subsequent adaptation of <u>delegated and implementing acts</u></p>	<p>GREEN – Agreement on Council text</p>
<p>1. Where the Commission authorises the granting of an exemption pursuant to Article 38, it shall, where necessary, take the necessary steps to adapt the delegated or implementing acts concerned to technological developments.</p>		<p>1. Where the Commission authorises the granting of an exemption pursuant to Article 38, it shall immediately take the necessary steps to adapt the delegated or implementing acts concerned to technological developments.</p>	<p>GREEN – Agreement on Council text</p>

<p>Where an exemption under Article 38 relates to a UNECE regulation, the Commission shall propose an amendment to the UNECE regulation in accordance with the procedure applicable under the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions⁵⁴.</p>		<p>Where the exemption under Article 38 relates to a UNECE regulation, the Commission shall propose an amendment to the relevant UNECE regulation in accordance with the procedure applicable under the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions.</p>	<p>GREEN – Agreement on Council text</p>
<p>As soon as the relevant acts have been amended, any restriction linked to the Commission decision authorising the exemption shall be lifted.</p>		<p>2. As soon as the relevant acts have been amended, any restriction in the Commission decision authorising the exemption shall be lifted.</p>	<p>GREEN – Agreement on Council text</p>
<p>If the necessary steps to adapt the delegated or implementing acts have not been taken, the Commission may, at the request of the Member State which granted the approval, authorise by means of a decision adopted in accordance with the procedure referred to in Article 74(2) the Member State to extend the type-approval.</p>		<p>If the necessary steps to adapt the delegated or implementing acts have not been taken, the Commission may, at the request of the Member State which granted the approval, authorise by means of a decision in the form of an implementing act adopted in accordance with the examination procedure referred to in Article 74(2) the Member State to extend the type-approval.</p>	<p>GREEN – Agreement on Council text</p>
<p>CHAPTER X</p>			

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http://ec.europa.eu/enterprise/sectors/automotive/technical-harmonisation/global-harmonisation/index_en.htm#h2-1

VEHICLES PRODUCED IN SMALL SERIES			
Article 40 National type-approval of small series		Article 40 National type-approval of small series	
1. The manufacturer may apply for a type-approval of small series of a type of vehicle within the quantitative annual limits set out in Annex III.		1. The manufacturer may apply for a national type-approval of small series of a type of vehicle within the quantitative annual limits set out in Annex III.	GREEN – Agreement on Council text
2. These limits shall apply to the sale , registration or entry into service of vehicles of the approved type on the Union market in a given year.		These limits shall apply to the making available on the market , registration or entry into service of vehicles of the approved type on the market of each Member State in a given year.	GREEN – Agreement on Council text
For the type- approval of small series the approval authority may, if it has reasonable grounds to do so , waive one or more of the provisions of one or more of the acts listed in Annex II, provided that it specifies alternative requirements.		For the type of vehicles referred to in paragraph 1, Member States may waive one or more of the delegated acts listed in Annex II, provided that they lay down relevant alternative requirements.	GREEN – Agreement on Council text
3. The alternative requirements referred to in paragraph 1 shall ensure a level of functional safety and environmental protection which is equivalent as far as possible to that provided for by the relevant act or acts listed in Annex II.		Alternative requirements means administrative provisions and technical requirements which aim to ensure a level of functional safety and environmental protection and occupational safety which is equivalent to the greatest extent practicable to the level provided for by the	GREEN – Agreement on Council text

		<u>provisions in</u> Annex II.	
		<u>For the type of vehicles referred to in paragraph 1, Member States may waive one or more of the administrative provisions of this Regulation or the implementing acts adopted under the Regulation.</u>	
		<u>The provisions referred to in this paragraph shall only be waived where a Member State has reasonable grounds for doing so.</u>	
4. For the type-approval of vehicles under this Article, systems, components or separate technical units which are type-approved in accordance with the acts listed in Annex II shall be accepted.		3. For the national type-approval of vehicles under this Article, systems, components or separate technical units which are type-approved in accordance with the acts listed in Annex II shall be accepted.	GREEN – Agreement on Council text
4. The type-approval certificate for vehicles type-approved in accordance with this Article shall be drafted in accordance with the <u>model set out in implementing act adopted pursuant to Article 73</u> , but shall not bear the heading ‘EU vehicle type-approval certificate’ and shall specify the content of the waivers granted pursuant to paragraph 1. Type-approval certificates shall be numbered in accordance with the <u>implementing act adopted pursuant to Article 73</u> .	4. The type-approval certificate for vehicles type-approved in accordance with this Article shall be drafted in accordance with the <u>template adopted by the Commission pursuant to Article 28(2)</u> , but shall not bear the heading ‘EU vehicle type-approval certificate’ and shall specify the content of the waivers granted pursuant to paragraph 1. Type-approval certificates shall be numbered in accordance with the <u>harmonised system adopted by the Commission pursuant to Article 27(4)</u> .	4. The type-approval certificate for vehicles type-approved in accordance with this Article shall be drafted in accordance with the <u>template referred to in Article 28(2)</u> , but shall not bear the heading ‘EU vehicle type-approval certificate’ and shall specify the content of the waivers granted pursuant to paragraph 1. Type-approval certificates shall be numbered in accordance with the <u>[numbering] [harmonised] system referred to in Article 27(4)</u> .	Agreement to include last sentence of EP Proposal (Harmonised) to agree with Tractors) GREEN - Harmonised instead of numbering cfr. T-Reg

		<u>4a. The type approval certificate shall specify the nature of the waivers granted pursuant to paragraph 2 subparagraph 1 and paragraph 2 subparagraph 3.</u>	
5. The validity of a national type-approval of small series shall be restricted to the territory of the Member State whose approval authority granted the approval.			
However, at the request of the manufacturer, a copy of the type-approval certificate and its attachments shall be sent by registered mail or by electronic mail to the approval authorities of the Member States designated by the manufacturer.		<u>5a.</u> However, at the request of the manufacturer, a copy of the type-approval certificate and its attachments shall be sent by registered mail or by electronic mail to the approval authorities of the Member States designated by the manufacturer.	GREEN – Agreement on Council text
Within <u>3</u> months of receipt of the request referred to in <u>subparagraph 2</u> , the approval authorities of the Member States designated by the manufacturer shall decide whether or not they accept the type-approval. They shall formally communicate their decision to the approval authority which granted the national type-approval of small series.		<u>5b.</u> Within <u>three</u> months of receipt of the request referred to in <u>paragraph 5a</u> , the approval authorities of the Member States designated by the manufacturer shall decide whether or not they accept the type-approval. They shall formally communicate their decision to the approval authority which granted the national type-approval of small series.	GREEN – Agreement on Council text
The approval authorities of the Member States shall accept the national type-approval unless they have reasonable grounds to believe that the technical provisions according to which the vehicle was approved are not equivalent to their own.		<u>5c.</u> The approval authorities of the Member States shall accept the national type-approval unless they have reasonable grounds to believe that the technical provisions according to which the vehicle was approved are not equivalent to their own.	GREEN – Agreement on Council text

<p>6. At the request of an applicant <u>of a national type-approval of small series</u> who wishes to <u>sell, register or to be responsible for the entry into service of</u> a vehicle in another Member State, the approval authority <u>which</u> granted <u>a national type-approval of small series</u> shall provide <u>that applicant</u> with a copy of the type-approval certificate including the information package. <u>The type-approval authority of the other Member State shall permit the sale, registration or entry into service of a vehicle unless it has reasonable grounds to believe that the technical provisions according to which the vehicle was approved are not equivalent to its own.</u></p>		<p>6. At the request of an applicant who wishes to <u>place on the market or</u> register a vehicle <u>with national type-approval of small series</u> in another Member State <u>than the one designated by the manufacturer,</u> the approval authority <u>of this Member State shall request the approval authority that granted the national type-approval of small series to provide the national authority of the other Member State</u> with a copy of the type-approval certificate including the information package. <u>Paragraphs 5b and 5c shall apply.</u></p>	<p>GREEN – Agreement on Council text</p>
<p><u>CHAPTER XI</u> <u>INDIVIDUAL APPROVALS</u></p>		<p><u>deleted</u></p>	
<p><u>Article 41</u> <u>Individual approvals</u></p>		<p><u>deleted</u></p>	
<p><u>1. At the request of the owner of the vehicle, approval authorities shall grant an individual approval to a vehicle which conforms to the description appended to the application and complies with the provisions of this Regulation.</u></p>		<p><u>deleted</u></p>	

<p><u>2. In the individual approval procedure, approval authorities shall certify that the vehicle complies with the relevant acts listed in Annex II.</u></p>		<p><u>deleted</u></p>	
<p><u>3. An individual approval shall apply to a particular vehicle, whether it is unique or not.</u></p>	<p>3. An individual approval shall apply to a particular vehicle, whether it is unique or not, <i>and in particular to unique vehicles built by private individuals.</i></p>	<p><u>deleted</u></p>	
<p><u>4. Applications for individual approval shall cover a maximum of 5 vehicles of the same type.</u></p>		<p><u>deleted</u></p>	
<p><u>5. After granting the type-approval, the approval authority shall without delay issue the individual approval certificate.</u></p>		<p><u>deleted</u></p>	
<p><u>6. The format of the individual approval certificate shall be based on the template for the EU type-approval certificate as set out in an implementing act adopted pursuant to Article 73 and shall contain at least the information necessary to complete the application for registration provided for in Council Directive 1999/37/EC⁵⁵.</u></p>	<p>6. The format of the individual approval certificate shall be based on the template for the EU type-approval certificate adopted <i>by the Commission</i> pursuant to <i>Article 28(2)</i> and shall contain at least the information necessary to complete the application for registration provided for in Council Directive 1999/37/EC⁵⁵.</p>	<p><u>deleted</u></p>	

⁵⁵ OJ L 138, 1.6.1999, p. 57.

⁵⁵ OJ L 138, 1.6.1999, p. 57

<u>Individual approval certificates shall not bear the heading ‘EU vehicle approval’. An individual approval certificate shall bear the vehicle identification number of the vehicle concerned.</u>		<u>deleted</u>	
<u>7. This Article shall apply to vehicles which, at the time of the application for individual approval, have not previously been sold or of which the entry into service did not happen yet, involving identification and the issuing of a registration number, including temporary or short-term registration or professional registration, or have only been sold, registered or have been entering into service for less than six months.</u>	7. This Article shall apply to vehicles which, at the time of the application for individual approval, have not previously been sold or of which the entry into service did not happen yet, involving identification and the issuing of a registration number, including temporary or short-term registration or professional registration, or have only been sold, registered or have been entering into service for less than six months <i>or to unique vehicles built by private individuals.</i>	<u>deleted</u>	
<u>8. This Chapter may apply to vehicles which have been type-approved in accordance with this Regulation and which have been modified before being sold, registered or before the entry into service of the vehicle.</u>		<u>deleted</u>	
<u>Article 42</u> <u>Exemptions for individual approvals</u>		<u>deleted</u>	
<u>1. An approval authority may exempt the</u>	1. An approval authority may exempt the	<u>deleted</u>	

<p><u>vehicle from compliance with requirements laid down in one or more of the acts listed in Annex II, provided that the approval authority imposes alternative requirements and has reasonable grounds for such exemption.</u></p>	<p>vehicle from compliance with requirements laid down in one or more of the acts listed in Annex II, provided that the approval authority imposes alternative requirements and has reasonable grounds for such exemption. <i>An exemption of this kind may be granted in particular for unique vehicles built by private individuals, in order to keep costs to an acceptable level.</i></p>		
<p><u>2. The alternative requirements shall ensure a level of functional safety and environmental protection which is equivalent as far as possible to that provided for by the relevant act listed in Annex II.</u></p>		<p><u>deleted</u></p>	
<p><u>Approval authorities shall not carry out destructive tests. They shall use any relevant information provided by the applicant of an individual approval to establish compliance with the alternative requirements.</u></p>		<p><u>deleted</u></p>	
<p><u>Approval authorities shall accept any EU type-approval for a system, component or separate technical unit instead of the alternative requirements.</u></p>		<p><u>deleted</u></p>	
	<p><i>The alternative requirements for unique amateur-built vehicles shall ensure a satisfactory level of functional safety and environmental protection which is reasonable and fair to that provided for by</i></p>		

	<i>the relevant subject listed in Annex II.</i>		
<u>3. The approval authority shall grant the individual approval if the vehicle conforms to the description appended to the application and satisfies the applicable technical requirements and shall without delay issue the individual approval certificate.</u>		<u>deleted</u>	
<u>The format of the individual approval certificate shall be based on the template of the EU type-approval certificate referred to in Article 28(2) and shall contain at least the information necessary to complete the application for registration provided for in Council Directive 1999/37/EC⁵⁶.</u>		<u>deleted</u>	
<u>Individual approval certificates shall not bear the heading "EU vehicle approval". An individual approval certificate shall bear the vehicle identification number of the vehicle concerned.</u>		<u>deleted</u> <i>[Redundant with Art 41(6). Deleted 42(2a) and replaced Art 43(5) with Art43(5a). The same to be done for the T-cat Regulation.]</i>	
	<i>3a. Where a competent authority intends to refuse the placing on the market, registration or entry into service of a vehicle which has been granted an individual approval by an approval authority from another Member State, it shall send the person concerned written notice of such</i>		

⁵⁶ OJ L 138, 1.6.1999, p. 57.

	<i>intention, specifying the technical provisions on which the decision is to be based and setting out technical or scientific evidence to the effect that:</i>		
	<i>(a) the intended decision is justified on the grounds set out in paragraph 3; and</i>		
	<i>(b) the intended decision is appropriate for the purpose of achieving the objective pursued and does not go beyond what is necessary in order to attain that objective.</i>		
	<i>Any intended decision shall be based on the characteristics of the vehicle in question.</i>		
	<i>The person concerned shall, following receipt of such notice, be allowed at least 20 working days in which to submit comments. The notice shall specify the time limit within which comments may be submitted.</i>		
	<i>3b. Any decision to refuse the placing on the market, registration or entry into service of a vehicle which has been granted an individual approval by an approval authority from another Member State shall be notified in writing to the person concerned and to the Commission within a period of 20 working days from the expiry</i>		

	<i>of the time limit for the receipt of comments set in accordance with paragraph 3a. It shall take due account of those comments and shall state the grounds on which it is based, including the reasons for rejecting the arguments, if any, put forward by the person concerned, and the technical or scientific evidence as referred to in paragraph 1 of this Article.</i>		
	<i>Where duly justified by the complexity of the issue, the competent authority may, once only, extend the period specified in the first subparagraph by a maximum of 20 working days.</i>		
	<i>Such an extension shall be duly reasoned and shall be notified to the person concerned before the expiry of the initial period.</i>		
	<i>Any decision to refuse sale, registration or entry into service of a vehicle which has been granted an individual approval by an approval authority from another Member State, shall also specify the remedies available under the law in force in the Member State concerned and the time limits applying to such remedies. Such a decision may be challenged before national courts or tribunals or other instances of appeal.</i>		

	<p><i>3c. Where, after giving written notice in accordance with paragraph 3a, the competent authority decides not to adopt a decision to refuse the placing on the market, registration or entry into service of a vehicle which has been granted an individual approval by an approval authority from another Member State, it shall immediately inform the person concerned accordingly and deliver all the documents necessary for the vehicle in question to be placed on the market, registered or put into service.</i></p>		
	<p><i>3d. When the competent authority fails to notify the person concerned of a decision to refuse the placing on the market, registration or entry into service of a vehicle which has been granted an individual approval by an approval authority from another Member State within the period specified in paragraph 3b, the vehicle shall be deemed to be lawfully placed on the market, registered or put into service in that Member State insofar as the application of its technical provisions as referred to in paragraph 3a is concerned. In such a case, the competent authority shall immediately deliver all the documents necessary for the vehicle in question to be placed on the market, registered or put into service.</i></p>		

3e. References in this Article to the person concerned shall be considered references to the economic operator or, as the case may be, to any other person who requests to the competent authority of a Member State that a vehicle which has been granted an individual approval by an approval authority from another Member State be placed on the market, registered or put into service in the Member State of the requesting competent authority.

<p align="center">Article 43 <u>Validity and acceptance of individual approval</u></p>		<p><u>deleted</u></p>	
<p><u>1. The validity of an individual approval shall be restricted to the territory of the Member State in which it was granted.</u></p>		<p><u>deleted</u></p>	
<p><u>2. For the purpose of sale, registration and entry into service in another Member State of a vehicle which has been granted an individual approval, the approval authority that granted the approval shall, on request, provide the applicant of an individual approval with a statement of the technical provisions against which the vehicle was approved and any additional information stating in detail the nature of the technical requirements satisfied by that particular vehicle.</u></p>		<p><u>deleted</u></p>	
<p><u>3. With regard to a vehicle which has been granted an individual approval by an approval authority of one Member State in accordance with the provisions of Article 34, the other Member States shall permit the sale, registration and entry into of a vehicle unless they have reasonable grounds to believe that the technical provisions against which the vehicle was approved are not equivalent to their own.</u></p>		<p><u>deleted</u></p>	

<p><u>4. At the request of the owner of the vehicle, approval authorities shall grant an individual approval to a vehicle which complies with the provisions of this Regulation. In such a case, approval authorities shall accept the individual approval and shall permit the sale, registration and entry into service of this vehicle.</u></p>		<p><u>deleted</u> (see Article 41)</p>	
<p><u>Article 44</u> <u>Specific provisions concerning individual approvals</u></p>		<p><u>deleted</u></p>	
<p><u>1. The provisions of this Chapter may apply to vehicles which have been type-approved in accordance with this Regulation and which have been modified before their first sale, registration or entry into service.</u></p>		<p><u>deleted</u></p>	
<p><u>2. The procedure set out in this Chapter may apply to a particular vehicle during the successive stages of its completion in accordance with a multi-stage type-approval procedure.</u></p>		<p><u>deleted</u></p>	
<p><u>3. The procedure set out in this Chapter may not replace an intermediate stage within the normal sequence of a multi-stage type-approval procedure and may not apply for the purposes of obtaining the first-stage approval of a vehicle.</u></p>		<p><u>deleted</u></p>	
<p>CHAPTER XII <u>SALE, REGISTRATION AND ENTRY</u></p>		<p>CHAPTER XII <u>MAKING AVAILABLE ON THE</u></p>	<p>GREEN – Agreement on Council text</p>

INTO SERVICE		<u>MARKET</u>, REGISTRATION <u>OR</u> ENTRY INTO SERVICE	
Article 45 <u>Sale</u> , registration <u>and</u> entry into service of vehicles		Article 45 <u>Making available on the market</u> , registration <u>or</u> entry into service of vehicles	GREEN – Agreement on Council text
1. Without prejudice to Articles <u>41</u> and <u>42</u> , vehicles for which EU whole-vehicle type-approval is mandatory or for which the manufacturer has obtained such type-approval under this Regulation shall be <u>sold</u> , registered or may enter into service only if they are accompanied by a valid certificate of conformity issued in accordance with Article 36.		1. Without prejudice to <u>the provisions of</u> Articles <u>48</u> and <u>49</u> , vehicles for which EU whole-vehicle type-approval is mandatory or for which the manufacturer has obtained such type-approval under this Regulation shall <u>only</u> be <u>made available on the market</u> , registered or may enter into service only if they are accompanied by a valid certificate of conformity issued in accordance with Article 36.	GREEN – Agreement on Council text
In the case <u>of incomplete</u> vehicles, <u>the sale</u> or entry into service of such vehicles is permitted, but the authorities responsible for vehicle registration of the Member States may refuse to allow the <u>permanent</u> registration and use on the road of such vehicles.		In the case <u>where such</u> vehicles <u>are incomplete</u> , <u>making available on the market</u> or entry into service of such vehicles is permitted, but the authorities responsible for vehicle registration of the Member States may refuse to allow the registration and use on the road of such vehicles.	GREEN – Agreement on Council text
<u>2. As regards small-series vehicles, the number of vehicles sold, registered and their entry into service in the Union in the course of a single year shall not exceed the number of units set out in Annex III.</u>		<u>deleted</u> <i>[Redundant with Article 40(1)]</i>	GREEN – Agreement on Council text

<p><u>3. Paragraph 1 shall not apply to vehicles intended for use by the armed forces or by civil protection, fire-fighting or public order services or to vehicles type-approved in accordance with Articles 40 or 43.</u></p>		<p><u>deleted</u> [See Article 2(2)(e)]</p>	<p>GREEN – Agreement on Council text</p>
<p><u>4. At the request of the owner of the vehicle, approval authorities shall grant an individual approval to a vehicle which complies with the provisions of this Regulation. In such a case, approval authorities shall accept the individual approval and shall permit the vehicle to be sold, registered and permit the entry into service of the vehicle.</u></p>		<p><u>deleted</u></p>	<p>GREEN – Agreement on Council text</p>
<p>Article 46 <u>Sale</u>, registration <u>and</u> entry into service of end-of-series vehicles</p>		<p>Article 46 <u>Making available on the market</u>, registration <u>or</u> entry into service of end-of-series vehicles</p>	<p>GREEN – Agreement on Council text</p>
<p>1. Subject to the end-of-series limits and time limit specified in paragraphs 2 and 4, vehicles conforming to a type of vehicle whose EU type-approval is no longer valid may be registered.</p>		<p>1. Subject to the end-of-series limits and time limit specified in paragraphs 2 and 4, vehicles conforming to a type of vehicle whose EU type-approval is no longer valid may <u>no longer be made available on the market</u>, registered <u>or entered into service</u>.</p>	<p>GREEN – Agreement on Council text</p>

<p>The first subparagraph shall apply only to vehicles within the territory of the Union which were covered by a valid EU type-approval at the time of their production, but which had not been registered before that EU type-approval lost its validity.</p>		<p>The first subparagraph shall apply only to vehicles within the territory of the Union which were covered by a valid EU type-approval at the time of their production, but which had not either been made available, registered or entered into service before that EU type-approval lost its validity.</p>	<p>GREEN – Agreement on Council text</p>
<p>2. Paragraph 1 shall apply, in the case of complete vehicles, for a period of twelve months from the date on which validity of the EU type-approval expired and, in the case of completed vehicles, for a period of eighteen months from that date.</p>		<p>2. Paragraph 1 shall apply, in the case of complete vehicles, for a period of twenty-four months from the date on which validity of the EU type-approval expired and, in the case of completed vehicles, for a period of eighteen thirty months from that date.</p>	
<p>3. A manufacturer who wishes to benefit from the provisions of paragraph 1 shall submit a request to the national authority of each Member State where the vehicles in question are to be registered. That request shall specify any technical or economic reasons preventing those vehicles from complying with the new type-approval requirements.</p>		<p>3. A manufacturer who wishes to benefit from the provisions of paragraph 1 shall submit a request to the national authority of each Member State where the vehicles in question are either to be made available on the market, registered or are entering into service. That request shall specify any technical or economic reasons preventing those vehicles from complying with the new type-approval requirements.</p>	<p>GREEN – Agreement on Council text</p>
<p>The national authority concerned shall decide, within three months of receiving the request, whether and in what number to permit the registration of those vehicles within their territory.</p>			

<p>4. The amount of end-of-series vehicle shall not exceed 10 % of the number of vehicles registered in the two preceding years or 10 vehicles per Member State, whatever is the highest.</p>	<p>4. The amount of end-of-series vehicle shall not exceed 10 % of the number of vehicles registered in the two preceding years or 50 vehicles per Member State, whatever is the highest.</p>	<p>4. The amount of end-of-series vehicles shall not exceed 10 % of the number of vehicles registered in the two preceding years or 100 vehicles per Member State, whatever is the highest.^{56a}</p>	<p>GREEN - Agreement for 100</p>
<p>5. <u>Before their registration, the manufacturer shall issue a new certificate of conformity for end-of-series vehicles</u> qualifying the vehicles as "end-of-series" <u>and indicating the number and the Member State of first registration in conformity with the template for the certificate of conformity established by the Commission in accordance with Article 73.</u></p>	<p>5. Before their registration, the manufacturer shall issue a new certificate of conformity for end-of-series vehicles qualifying the vehicles as "end-of-series" and indicating the number and the Member State of first registration in <i>accordance</i> with the template for the certificate of conformity established by the Commission in accordance with Article 36(2).</p>	<p>5. <u>A special entry</u> qualifying the vehicles as "end-of-series" <u>shall be made on the certificate of conformity of the vehicles put into service under this procedure.</u></p>	<p>GREEN - Agreement on Council text: cfr footnote 56b "special entry"</p>
<p>6. Member States shall ensure that the number of vehicles to be registered under the procedure set out in this Article is effectively monitored.</p>		<p>6. Member States shall ensure that the number of vehicles to be <u>made available on the market, registered or entering into service</u> under the procedure set out in this Article is effectively monitored.</p>	<p>GREEN – Agreement on Council text</p>
<p>7. This Article shall apply only to discontinuation due to termination of validity of the type-approval in the case referred to in Article 35(2).</p>			

^{56a} **Several delegations: keep current system of Directive 2002/24/EC (100 vehicles).**

<p>Article 47 Sale and entry into service of components and separate technical units</p>		<p>Article 47 Making available on the market or entry into service of components and separate technical units</p>	<p>GREEN – Agreement on Council text</p>
<p>1. Components or separate technical units may be sold and the entry into service is allowed only if they comply with the requirements of the relevant delegated acts listed in Annex II and are properly marked in accordance with Article 37.</p>		<p>1. Components or separate technical units may only be made available on the market or enter into service if they comply with the requirements of the relevant acts listed in Annex II and are properly marked in accordance with Article 37.</p>	<p>GREEN – Agreement on Council text</p>
<p>2. Paragraph 1 shall not apply in the case of components or separate technical units which are specifically constructed or designed for new vehicles not covered by this Regulation.</p>			
<p>3. By way of derogation from paragraph 1, Member States may permit the sale and entry into service of components or separate technical units which have been exempted from one or more provisions of this Regulation under Article 38 or are intended for mounting on vehicles covered by approvals granted under Articles 40 and 41 that concern the component or separate technical unit in question.</p>		<p>3. By way of derogation from paragraph 1, Member States may permit the making available on the market or entry into service of components or separate technical units which have been exempted from one or more provisions of this Regulation under Article 38 or are intended for mounting on vehicles covered by approvals granted under Articles 40 and 41 that concern the component or separate technical unit in question.</p>	<p>GREEN – Agreement on Council text</p>
<p>4. By way of derogation from paragraph 1, and unless otherwise provided for in this Regulation or in one of its delegated acts,</p>		<p>4. By way of derogation from paragraph 1, and unless otherwise provided for in this Regulation or in one of its delegated acts,</p>	<p>GREEN – Agreement on Council text</p>

<p>Member States may permit the sale or entry into service of components or separate technical units which are intended for mounting on vehicles which, when sold or at the entry into service, were not required to be EU type-approved by this Regulation or by Directive 2002/24/EC.</p>		<p>Member States may permit the making available on the market or entry into service of components or separate technical units which are intended for mounting on vehicles which, when made available on the market or entered into service, were not required to be type-approved by this Regulation or by Directive 2002/24/EC.</p>	
<p>CHAPTER XIII SAFEGUARD CLAUSES</p>		<p><i>for this Chapter see drafting proposal in a separate document</i></p>	
<p>Article 48 Procedure for dealing with vehicles, systems, components or separate technical units presenting a risk at national level</p>		<p>Article 48 Procedure for dealing with vehicles, systems, components or separate technical units presenting a serious risk at national level</p>	<p>GREEN – Agreement on Council text</p>
<p>1. Where the market surveillance authorities of one Member State have taken action pursuant to Article 20 of Regulation (EC) No 765/2008, or where they have sufficient reason to believe that a vehicle, system, component or separate technical unit covered by this Regulation presents a risk to the health or safety of persons or to other aspects of the protection of public interests covered by this Regulation, the approval 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 and/or approval authorities.</p>		<p>1. Where the market surveillance authorities of one Member State have taken action pursuant to Article 20 of Regulation (EC) No 765/2008, or where they 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, the approval authority that granted the approval 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</p>	<p>GREEN – Agreement on Council text</p>

		and/or approval authorities.	
Where, in the course of that evaluation, the market surveillance and/or approval authorities find that the vehicle, system, component or separate technical unit does not comply with the requirements laid down in this Regulation, they shall without delay require the relevant economic operator to take all appropriate corrective action to bring the vehicle, system, component or separate technical unit into compliance with those requirements, to withdraw the vehicle, system, component or separate technical unit from the market, or to recall it within a reasonable period, commensurate with the nature of the risk.		Where, in the course of that evaluation, the approval authority that granted the approval finds that the vehicle, system, component or separate technical unit does not comply with the requirements laid down in this Regulation, they shall without delay require the relevant economic operator to take all appropriate corrective action to bring the vehicle, system, component or separate technical unit into compliance with those requirements, to withdraw the vehicle, system, component or separate technical unit from the market, or to recall it within a reasonable period, commensurate with the nature of the risk.	GREEN – Agreement on Council text
<u>The approval authorities shall inform the relevant technical service of the measures taken in accordance with the first and second subparagraphs.</u> Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in the second subparagraph.		The approval authority that granted the approval shall inform the relevant technical service of the measures taken in accordance with the first and second subparagraphs. Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in the second subparagraph.	GREEN – Agreement on Council text
2. Where the approval authority consider that non-conformity is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and the action required of the economic operator.		2. Where the approval authorities consider that non-conformity is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and the action required of the economic operator.	

<p>3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all non-compliant vehicles, systems, components or separate technical units that it has sold, registered or is responsible for its entry into service throughout the Union.</p>		<p>3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all non-compliant vehicles, systems, components or separate technical units that it has placed on the market, registered or is responsible for its entry into service in the Union.</p>	<p>GREEN – Agreement on Council text</p>
<p>4. Where the economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the national authorities shall take all appropriate measures to prohibit or restrict the sale, registration or entry into service of non-compliant vehicles, systems, components or separate technical units on their national market, to withdraw them from that market or to recall them.</p>		<p>4. Where the economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the national authorities shall take all appropriate measures to prohibit or restrict the making available on the market, registration or entry into service of non-compliant vehicles, systems, components or separate technical units on their national market, to withdraw them from that market or to recall them.</p>	<p>GREEN – Agreement on Council text</p>
<p>5. The national authorities shall inform the Commission and the other Member States, without delay, of those measures.</p>			
<p>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 measures taken, and the arguments put forward by the relevant economic operator. In particular, the approval authority</p>		<p>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 measures taken, and the arguments put forward by the relevant economic operator. In particular, the approval</p>	

shall indicate whether the non-conformity is due to either of the following:		authorities shall indicate whether the non-conformity 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; or		(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;	GREEN – Agreement on Council text
(b) shortcomings in the relevant acts listed in Annex II.			
6. Member States other than the Member State initiating the procedure shall within one month inform the Commission and the other Member States of any 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.		6. Member States shall within one month inform the Commission and the other Member States of any 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.	GREEN – Agreement on Council text
7. Where, within one month of receipt of the information referred to in paragraph 6, no objection has been raised by either another Member State or the Commission in respect of a measure taken by a Member State, that measure shall be deemed justified .		7. Where, within one month of receipt of the information referred to in paragraph 6, no objection has been raised by either another Member State or the Commission in respect of a measure taken by a Member State, that measure shall be evaluated by the Commission according to Article 49 .	

<p>8. Member States shall ensure that appropriate restrictive measures are taken in respect of the vehicle, system, component or separate technical unit concerned, such as withdrawal of the vehicle, system, component or separate technical unit from their market, without delay.</p>			
<p>Article 49 Union safeguard procedure</p>			
<p>1. Where, during the procedure set out in <i>Article 41</i>, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to the legislation of the Union, the Commission shall without delay evaluate the national measure after consulting Member States and the relevant economic operator or operators. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.</p>	<p>1. Where, during the procedure set out in <i>Article 48</i>, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to the legislation of the Union, the Commission shall without delay evaluate the national measure after consulting Member States and the relevant economic operator or operators. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.</p>	<p>1. Where, during the procedure set out in paragraphs 3 and 4 of Article 41 48, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to the Union legislation, the Commission shall without delay evaluate the national measure after consulting Member States and the relevant economic operator or operators. On the basis of the results of that evaluation, the Commission shall decide, in accordance with the procedure set out in Article 74, whether the national measure is considered justified or not.</p>	<p>GREEN – Agreement on Council text</p>
<p>The Commission shall communicate its decision to all Member States and to the relevant economic operator or operators.</p>			
<p>2. If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant vehicle, system, component or</p>		<p>2. If the national measure is considered justified by the Commission, all Member States shall take the measures necessary to ensure that the non-compliant vehicle,</p>	

<p>separate technical unit is withdrawn from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.</p>		<p>system, component or separate technical unit is withdrawn from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw or adapt the measure again, in accordance with the decision referred to in paragraph 1.</p>	
<p>3. Where the national measure is considered justified and is attributed to shortcomings in this Regulation or in delegated or implementing acts adopted under this Regulation, the Commission shall propose appropriate measures as follows:</p>			
<p>(a) where delegated or implementing acts adopted under this Regulation are concerned, the Commission shall propose the necessary amendments to the act concerned;</p>			
<p>(b) where UNECE regulations are concerned, the Commission shall propose the necessary draft amendments to the relevant UNECE regulations in accordance with the procedure applicable under the Revised 1958 Agreement.</p>			
<p>Article 50 Compliant vehicles, systems, components or separate technical units that present a risk</p>		<p>Article 50 Compliant vehicles, systems, components or separate technical units that present a serious risk</p>	<p>GREEN – Agreement on Council text</p>

<p>1. Where, having performed an evaluation under Article 49(1), a <u>national authority</u> 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 <u>that national authority</u> shall require the relevant economic operator to take all appropriate measures to ensure that the vehicle, system, component or separate technical unit concerned, when <u>sold or</u> registered or after its entry into service, no longer presents that risk, to withdraw the vehicle, system, component or separate technical unit from the market or to recall it within a reasonable period, commensurate with the nature of the risk. The registration authority may, <u>for a maximum period of six months</u>, refuse to allow such vehicles to be registered in its territory.</p>		<p>1. Where, having performed an evaluation under Article 48(1), a <u>Member State</u> 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, <u>it</u> shall require the relevant economic operator to take all appropriate measures to ensure that the vehicle, system, component or separate technical unit concerned, when <u>placed on the market</u>, registered or after its entry into service, no longer presents that risk, to withdraw the vehicle, system, component or separate technical unit from the market or to recall it within a reasonable period, commensurate with the nature of the risk. The <u>Member State</u> may refuse <u>to register</u> such vehicles <u>as long as the vehicle manufacturer has not taken all these appropriate measures</u>.</p>	<p>GREEN – Agreement on Council text</p>
<p>2. For a vehicle, system, component or separate technical unit as referred to in paragraph 1, the economic operator shall ensure that corrective action is taken in respect of all such vehicles, systems, components or separate technical units <u>sold</u>, registered or <u>at the entry</u> into service in the Union.</p>		<p>2. For a vehicle, system, component or separate technical unit as referred to in paragraph 1, the economic operator shall ensure that corrective action is taken in respect of all such vehicles, systems, components or separate technical units <u>placed on the market</u>, registered or <u>entered</u> into service in the Union.</p>	<p>GREEN – Agreement on Council text</p>
<p>3. The Member State shall within one month inform the Commission and the other Member States of all available details, in particular the data necessary for the</p>			

<p>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 measures taken.</p>			
<p>4. The Commission shall, without delay, consult 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 is justified or not, and where necessary, propose appropriate measures.</p>		<p>4. The Commission shall, without delay, consult 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 is considered justified or not, and where necessary, propose appropriate measures.</p>	
<p>5. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.</p>			
<p style="text-align: center;">Article 51 Vehicles, systems, components or separate technical units not in conformity with the approved type</p>			
<p>1. Where new 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, the approval authority which</p>		<p>1. Where new 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, the approval authority which</p>	<p>GREEN - Agreement on CEU text</p>

<p>granted the EU type-approval shall take the necessary measures, including the withdrawal of type-approval, to ensure that production vehicles, systems, components or separate technical units, as the case may be, are brought into conformity with the approved type. <u>The approval authorities shall inform the approval authorities of the other Member States of the measures taken within one month.</u></p>		<p>granted the EU type-approval shall take the necessary measures, including the withdrawal of type-approval, to ensure that vehicles, systems, components or separate technical units in production, as the case may be, are brought into conformity with the approved type. <i>[already in Article 46(6) second sub-para]</i></p>	
<p>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 failure to conform to the approved type. <u>A vehicle shall not be deemed to deviate from the approved type where tolerances are permitted by the relevant regulatory acts listed in Annex II and those tolerances are respected.</u></p>		<p>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 failure to conform to the approved type.</p>	<p>GREEN – Agreement on Council text</p>
<p>3. If an approval authority demonstrates that new vehicles, components or separate technical units accompanied by a certificate of conformity or bearing an approval mark issued in another Member State do not conform to the approved type, it may ask the approval authority which granted the EU type-approval to verify that vehicles, systems, components or separate technical units in production continue to conform to the approved type. On receipt of such a request, the approval authority which granted the EU type-approval shall take the requisite action as soon as possible and at the latest within three months of the date of the request.</p>			
<p>4. The approval authority shall request the</p>			

<p>approval authority which granted the EU type-approval for a system, component, separate technical unit or incomplete vehicle to take the necessary action to ensure that vehicles in production are brought back into conformity with the approved type in the following cases:</p>			
<p>(a) for an EU vehicle type-approval, where the non-conformity of a vehicle is attributable exclusively to the non-conformity of a system, component or separate technical unit;</p>			
<p>(b) for a multi-stage type-approval, where the non-conformity of a completed vehicle is attributable exclusively to the non-conformity of a system, component or separate technical unit that forms part of the incomplete vehicle or to the non-conformity of the incomplete vehicle itself.</p>			
<p>5. On receipt of such a request, the approval authority concerned shall take the necessary action, if necessary in conjunction with the approval authority making the request, as soon as possible and at the latest within three months of the date of the request.</p>			
<p>6. Where non-conformity is established, the approval authority of the Member State that granted the EU type-approval for a system, component or separate technical unit or for the incomplete vehicle shall take the measures set out in paragraph 1.</p>		<p>6. Where non-conformity is established, the approval authority of the Member State that granted the EU type-approval for the system, component or separate technical unit or for the incomplete vehicle shall take the measures set out in paragraph 1.</p>	<p>GREEN – Agreement on Council text</p>

The approval authorities shall inform each other within one month of any withdrawal of EU type-approval and of the reasons therefor.			
7. If the approval authority that granted the EU type-approval disputes the non-conformity notified to it, the Member States concerned shall endeavour to settle the dispute. The Commission shall be kept informed and, where necessary, shall hold appropriate consultations with a view to reaching a settlement.			
Article 52 <u>Systems, components or separate technical units which</u> pose a significant risk to the correct functioning of essential systems		Article 52 <u>Placing on the market and entry into service of parts or equipment that may</u> pose a serious risk to the correct functioning of essential systems	GREEN – Agreement on Council text
1. <u>Systems, components or separate technical units</u> that may pose a <u>significant</u> risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance may not be <u>sold</u> , registered or enter into service shall be prohibited unless they have been authorised by an approval authority in accordance with <u>paragraph 4 and Article 53(1) and (2)</u> .		1. <u>Parts or equipment</u> that may pose a <u>serious</u> risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance shall not be <u>placed on the market</u> , registered or enter into service <u>and</u> shall be prohibited unless they have been authorised by an approval authority in accordance with Article 53(1) and (2).	GREEN – Agreement on Council text
2. <u>The</u> Commission shall <u>establish</u> a list of <u>the systems, components or separate</u>	2. The Commission shall establish a list of the systems, components or separate	2. <u>In order to ensure the uniform application of paragraph 1, the</u>	GREEN – Agreement on Council text

<p><u>technical units</u> covered by paragraph 1 <u>by means of delegated acts in accordance with Articles 76, 77 and 78, taking account of available information on the following:</u></p>	<p>technical units covered by paragraph 1 by means of delegated acts in accordance with <u>Article 76, on the basis of the following elements:</u></p>	<p>Commission shall <u>be empowered to adopt implementing acts to draw up a list of such parts or equipment on the basis of available information, and in particular information communicated by the Member States, regarding:</u></p>	
<p>(a) the seriousness of the risk to the safety or environmental performance of vehicles fitted with the <u>systems, components or separate technical units</u> in question;</p>		<p>(a) the seriousness of the risk to the safety or environmental performance of vehicles fitted with the <u>parts or equipment</u> in question;</p>	<p>GREEN – Agreement on Council text</p>
<p>(b) the effect on consumers and after-market manufacturers of the imposition under this Article of a possible authorisation requirement for <u>systems, components or separate technical units.</u></p>		<p>(b) the <u>possible</u> effect on consumers and after-market manufacturers of the imposition under this Article of a possible authorisation requirement for <u>parts or equipment.</u></p>	<p>GREEN – Agreement on Council text</p>
		<p><u>Those implementing acts shall be adopted in accordance with the procedure laid down in Article 74.</u></p>	
<p><u>3. ‘Original components’ are vehicle parts manufactured according to the specifications and production standards provided by the vehicle manufacturer for the production of components for the assembly of the vehicle in question, including those components which are manufactured on the same production line as these components, and, based on a rebuttable presumption, components for which the manufacturer certifies that they match the quality of the components used</u></p>		<p><u>deleted</u></p>	<p>GREEN – Agreement on Council text CE: cfr. art 3, 18a</p>

<p><u>for the assembly of the vehicle in question and have been manufactured according to the specifications and production standards of the vehicle manufacturer; the same applies to separate technical units.</u></p>			
<p>Paragraph 1 shall not apply to original <u>systems, components or separate technical units</u> and to <u>systems, components or separate technical units</u> that are type-approved in accordance with the provisions of one of the acts listed in Annex II, except where the approval relates to aspects other than those covered in paragraph 1.</p>		<p>Paragraph 1 shall not apply to original <u>parts or equipment</u> and to <u>parts or equipment</u> that are type-approved in accordance with the provisions of one of the acts listed in Annex II, except where the approval relates to aspects other than those covered in paragraph 1.</p>	<p>GREEN – Agreement on Council text</p>
<p>Paragraph 1 shall not apply to <u>systems, components or separate technical units</u> produced for vehicles intended <u>exclusively for racing on roads. If systems, components or separate technical units on a list in a delegated act to this Regulation</u> have a dual use, <u>for vehicles intended exclusively for racing on roads and for vehicles intended for use on public roads, they may not be sold or offered for sale to consumers.</u></p>	<p>Paragraph 1 shall not apply to systems, components or separate technical units produced for vehicles intended exclusively for <i>sport activities not taking place on the public road</i>. If systems, components or separate technical units on a list in a delegated act to this Regulation have a dual use, for vehicles intended exclusively for <i>those sport activities</i> and for vehicles intended for use on public roads, they may not be sold or offered for sale to consumers.</p>	<p>Paragraph 1 shall not apply to <u>parts or equipment exclusively</u> produced for <u>racing</u> vehicles <u>not</u> intended for <u>use on public roads. If parts or equipment included in a list established by a delegated act referred to in paragraph 2 have a dual use for racing and on the road, these parts or equipment may not be made available to the general public for use in on-road vehicles unless they comply with the requirements of this Article. Where appropriate, the Commission shall adopt provisions for identifying the parts or equipment referred to in this paragraph.</u></p>	<p>GREEN - Agreed</p>
<p>4. The Commission shall, to the extent necessary, lay down the model and numbering system for the certificate referred to in third subparagraph of Article 53(1) as</p>	<p>4. The Commission shall <i>adopt implementing acts in order to</i>, to the extent necessary, lay down the model and numbering system for the certificate referred</p>	<p><i>4. The Commission shall lay down the model and numbering system for the certificate referred to in third subparagraph of Article 53(2) as well as all aspects relating to the</i></p>	<p>GREEN – Agreement on Council text</p>

well as all aspects relating to the procedure <u>by means of implementing act</u> in accordance with <u>Article 73</u> .		to in the third subparagraph of Article 53(1) as well as all aspects relating to the procedure. <i>Those implementing acts shall be adopted</i> in accordance with <i>the examination procedure referred to in Article 74(2)</i> .	<i>procedure referred to in that Article by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2). The first of those implementing acts shall be adopted by [insert date: one year before the date specified in Article 82(2)]. duplication of Article 53 (2a)</i>	
The Commission, shall lay down the requirements which such components must fulfil, the marking, packaging and the appropriate tests by means of delegated acts in accordance with Articles 76, 77 and 78 .		The Commission, shall lay down the requirements which such components must fulfil, the marking, packaging and the appropriate tests by means of delegated acts in accordance <i>with Article 76</i> .	4a. The Commission, shall be empowered to adopt delegated acts in accordance with Article 76 concerning the requirements which the parts and equipment referred to in paragraph 1 shall fulfil .	GREEN – Agreement on Council text
5. The requirements referred to in paragraph 4 may be based on the acts listed in Annex II or may consist of a comparison of the system, component or separate technical unit with the performance of the original vehicle, or of any of its parts, as appropriate. In either case the requirements shall ensure that the systems, components or separate technical units do not impair the functioning of those systems that are essential for the safety of the vehicle or its environmental performance.			These requirements may be based on the acts listed in Annex II or may consist of a comparison of the parts or equipment with the environmental or safety performance of the original vehicle, or of any of its parts, as appropriate. In either case the requirements shall ensure that the parts or equipment do not impair the functioning of those systems that are essential for the safety of the vehicle or its environmental performance.	GREEN – Agreement on Council text
Article 53 Systems, components or separate technical units which pose a significant risk to the correct functioning of essential systems — related requirements			Article 53 Parts or equipment that may pose a serious risk to the correct functioning of essential systems — related requirements	GREEN – Agreement on Council text
1. For the purposes of Article 52(1), the			1. For the purposes of Article 52(1), the	GREEN – Agreement on Council text

<p>manufacturer of <u>systems, components or separate technical units</u> shall submit to the approval authority a test report drafted by a designated technical service which certifies that the <u>systems, components or separate technical units</u> for which authorisation is sought comply with the requirements referred to in Article 52(4). The manufacturer may submit only one application per type per part to only one approval authority.</p>		<p>manufacturer of <u>parts or equipment</u> shall submit to the approval authority <u>an application accompanied by</u> a test report drafted by a designated technical service which certifies that the <u>parts or equipment</u> for which authorisation is sought comply with the requirements referred to in Article 52(4a). The manufacturer may submit only one application per type per part to only one approval authority.</p>	
		<p><u>If so requested by the competent authority of another Member State, the approval authority which has given the authorisation shall, within one month of receiving that request, send to the former a copy of the requested authorisation certificate together with the attachments by means of a common secure electronic exchange system. The copy may also take the form of a secure electronic file.</u> <i>[parallel with Article 27(8)]</i></p>	<p>GREEN – Agreement on Council text</p>
<p>2. The application shall include details of the manufacturer of <u>the systems, components or separate technical units</u>, the type, identification and part numbers of the <u>systems, components or separate technical units</u>, the vehicle manufacturer's name, type of vehicle and, if appropriate, year of construction or any other information permitting the identification of the vehicle to which the <u>systems, components or separate technical units</u> are to be fitted.</p>		<p>2. The application shall include details of the manufacturer of <u>parts or equipment</u>, the type, identification and part numbers of the <u>parts or equipment</u>, the vehicle manufacturer's name, type of vehicle and, if appropriate, year of construction or any other information permitting the identification of the vehicle to which the <u>parts or equipment</u> are to be fitted.</p>	<p>GREEN – Agreement on Council text</p>
<p>When the approval authority is satisfied,</p>		<p>When the approval authority is satisfied,</p>	<p>GREEN – Agreement on Council text</p>

<p>taking account of the test report and other evidence, that the <u>systems, components or separate technical units</u> in question comply with the requirements referred to in Article 52(4), it shall <u>issue a certificate to the manufacturer without delay. This certificate shall</u> authorise the <u>systems, components or separate technical units</u> to be <u>sold</u> and <u>the entry</u> into service <u>in the Union</u> subject to the second subparagraph of paragraph <u>2</u>.</p>		<p>taking account of the test report and other evidence, that the <u>parts or equipment</u> in question comply with the requirements referred to in Article 52(4), it shall authorise the <u>parts or equipment</u> to be <u>placed on the Union market</u> and <u>to be entered</u> into service subject to the second subparagraph of paragraph <u>3</u>.</p>	
		<p><u>The approval authority shall issue a certificate to the manufacturer without delay.</u></p>	<p>GREEN – Agreement on Council text</p>
<p> </p>		<p><u>2a. The Commission shall be empowered to adopt an implementing act in order to lay down a template and numbering system for the certificate referred to in the third subparagraph of Article 53(2) as well as all aspects relating to the procedure of authorisation referred to in the present Article. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(2).</u></p>	<p>GREEN – Agreement on Council text</p>
<p>3. The manufacturer shall inform without delay the approval authority that <u>issued the certificate</u> of any change affecting the conditions under which it was issued. That approval authority shall decide whether the <u>certificate</u> has to be reviewed or reissued and whether further tests are necessary.</p>		<p>3. The manufacturer shall inform without delay the approval authority that <u>gave the authorisation</u> of any change affecting the conditions under which it was issued. That approval authority shall decide whether the <u>authorisation</u> has to be reviewed or reissued and whether further tests are necessary.</p>	<p>GREEN – Agreement on Council text</p>
<p>The manufacturer shall be responsible for ensuring that the <u>systems, components or</u></p>		<p>The manufacturer shall be responsible for ensuring that the <u>parts or equipment</u> are</p>	<p>GREEN – Agreement on Council text</p>

<p>separate technical units are produced and continue to be produced under the conditions under which the certificate was issued.</p>		<p>produced and continue to be produced under the conditions under which the authorisation was issued.</p>	
<p>4. Before delivering any authorisation, the approval authority shall verify the existence of satisfactory arrangements and procedures for ensuring effective control of conformity of production.</p>		<p>4. Before delivering any authorisation, the approval authority shall verify the existence of satisfactory arrangements and procedures for ensuring effective control of the conformity of production.</p>	<p>GREEN – Agreement on Council text</p>
<p>Where the approval authority finds that the conditions for issuing the authorisation are no longer fulfilled, it shall request the manufacturer to take the necessary measures to ensure that the systems, components or separate technical units are brought back into conformity. If necessary, it shall withdraw the authorisation.</p>		<p>Where the approval authority finds that the conditions for issuing the authorisation are no longer fulfilled, it shall request the manufacturer to take the necessary measures to ensure that the parts or equipment are brought back into conformity. If necessary, it shall withdraw the authorisation.</p>	<p>GREEN – Agreement on Council text</p>
<p>4. Approval authorities from different Member States shall bring any disagreement in relation to the certificates referred to in the third subparagraph of paragraph 1 to the attention of the Commission. The Commission shall take the appropriate measures in order to resolve the disagreement, including, where necessary, requiring the withdrawal of the authorisation, after having consulted the approval authorities.</p>		<p>5. Approval authorities from different Member States shall bring any disagreement in relation to the authorisation referred to in the second subparagraph of paragraph 2 to the attention of the Commission. The Commission shall take the appropriate measures in order to resolve the disagreement, including, where necessary, requiring the withdrawal of the authorisation, after having consulted the approval authorities.</p>	<p>GREEN – Agreement on Council text</p>
<p>5. Until the list referred to in Article 52(2) has been established, Member States may</p>		<p>6. Until the list referred to in Article 52(2) has been established, Member States may</p>	<p>GREEN – Agreement on Council text</p>

<p>maintain national provisions dealing with <u>systems, components or separate technical units</u> which may affect the correct functioning of systems essential for the safety of the vehicle or its environmental performance.</p>		<p>maintain national provisions dealing with <u>parts or equipment</u> which may affect the correct functioning of systems essential for the safety of the vehicle or its environmental performance.</p>	
<p>Article 54 Recall of vehicles, systems, components or separate technical units,</p>		<p>Article 54 Recall of vehicles, systems, components or separate technical units</p>	<p>GREEN – Agreement on Council text</p>
<p>1. Where a manufacturer who has been granted an EU whole-vehicle type-approval is obliged, in accordance with Regulation (EC) 765/2008 to recall vehicles <u>sold</u>, registered or for which <u>entry into service</u> the manufacturer was responsible because a system, component or separate technical unit fitted to the vehicle presents a serious risk to safety, public health or environmental protection, whether or not duly approved in accordance with this Regulation, or because a part not subject to any specific requirements under type-approval legislation presents a serious risk to safety, public health or environmental protection, that manufacturer shall immediately inform the approval authority that granted the vehicle approval thereof.</p>		<p>1. Where a manufacturer who has been granted an EU whole-vehicle type-approval is obliged, in accordance with Regulation (EC) <u>No 765/2008</u> to recall vehicles <u>placed on the market</u>, registered or for which the manufacturer was responsible <u>for the entry into service</u>, because a system, component or separate technical unit fitted to the vehicle presents a serious risk to safety, public health or environmental protection, whether or not duly approved in accordance with this Regulation, or because a part not subject to any specific requirements under type-approval legislation presents a serious risk to safety, public health or environmental protection, that manufacturer shall immediately inform the approval authority that granted the vehicle approval thereof.</p>	<p>GREEN – Agreement on Council text</p>
<p>2. Where a manufacturer of systems, components or separate technical units, who has been granted an EU type-approval is obliged, in accordance with Regulation (EC) 765/2008, to recall systems, components or</p>		<p>2. Where a manufacturer of systems, components or separate technical units, who has been granted an EU type-approval is obliged, in accordance with Regulation (EC) <u>No 765/2008</u>, to recall systems, components</p>	<p>GREEN – Agreement on Council text</p>

<p>separate technical units which have been sold or for which the manufacturer was responsible for the entry into service because these present a serious risk to safety, occupational safety, public health or environmental protection, whether or not duly approved in accordance with this Regulation, the manufacturer shall immediately inform the approval authority that granted the approval.</p>		<p>or separate technical units which have been placed on the market or for which the manufacturer was responsible for the entry into service, because these present a serious risk to safety, occupational safety, public health or environmental protection, whether or not duly approved in accordance with this Regulation, the manufacturer shall immediately inform the approval authority that granted the approval.</p>	
<p>3. The manufacturer shall propose to the approval authority a set of appropriate remedies to neutralise the risk referred to in paragraphs 1 and 2. The approval authority shall communicate the proposed remedies to the approval authorities of the other Member States without delay.</p>		<p>3. The manufacturer shall propose to the approval authority a set of appropriate remedies to neutralise the serious risk referred to in paragraphs 1 and 2. The approval authority shall communicate the proposed remedies to the approval authorities of the other Member States without delay.</p>	<p>GREEN – Agreement on Council text</p>
<p>The approval authorities shall ensure that the measures are effectively implemented in their respective territories.</p>		<p>The approval authorities shall ensure that the remedies are effectively implemented in their respective territories.</p>	<p>GREEN – Agreement on Council text</p>
<p>4. If the remedies are considered to be insufficient or not implemented quickly enough by the approval authority concerned, it shall inform the approval authority that granted the EU vehicle type-approval without delay.</p>		<p>4. If the remedies are considered to be insufficient or not implemented quickly enough by the approval authority concerned, it shall inform the approval authority that granted the vehicle EU type-approval without delay.</p>	<p>GREEN – Agreement on Council text</p>
<p>The approval authority that granted the EU type-approval shall then inform the</p>		<p>The approval authority that granted the EU type-approval shall then inform the</p>	<p>GREEN – Agreement on Council text</p>

<p>manufacturer. If the manufacturer does not propose and implement effective corrective measures, the approval authority which granted the EU type-approval shall take all protective measures required, including the withdrawal of the EU type-approval. In the case of withdrawal of the EU type-approval, the approval authority shall notify the manufacturer, the approval authorities of the other Member States and the Commission by registered letter or equivalent electronic means within one month.</p>		<p>manufacturer. If the manufacturer does not propose and implement effective corrective measures, the approval authority which granted the EU type-approval shall take all protective measures required, including the withdrawal of the EU type-approval. In the case of withdrawal of the EU type-approval, the approval authority shall notify thereof the manufacturer, the approval authorities of the other Member States and the Commission by registered letter or equivalent electronic means within one month.</p>	
<p>Article 55 Notification of decisions and remedies available</p>			
<p>1. All decisions taken pursuant to the provisions of this Regulation and all decisions refusing or withdrawing EU type-approval, refusing registration, prohibiting or restricting the sale, registration, entry into service or requiring withdrawal from the market shall state in detail the reasons on which they are based.</p>		<p>1. All decisions taken pursuant to the provisions of this Regulation and all decisions refusing or withdrawing EU type-approval, refusing registration, prohibiting or restricting the placing on the market, registration or entry into service requiring withdrawal from the market shall state in detail the reasons on which they are based.</p>	<p>GREEN – Agreement on Council text</p>
<p>2. Any such decision shall be notified to the party concerned, who shall, at the same time, be informed of the remedies available to it under the laws in force in the Member State concerned and of the time limits allowed for the exercise of such remedies.</p>			

CHAPTER XIV INTERNATIONAL REGULATIONS			
Article 56 UNECE regulations required for EU type-approval			
1. UNECE regulations to which the Union has acceded and which are listed in this Regulation or in the delegated acts adopted under this Regulation shall be part of the EU type-approval of a vehicle.		1. UNECE regulations or amendments thereto to which the Union has acceded and which are listed in this Regulation or in the delegated acts adopted under this Regulation shall be part of the requirements for the EU type-approval of a vehicle.	YELLOW – TBC by shadows
		1a. The approval authorities of the Member States shall accept approvals granted in accordance with those UNECE regulations and, where applicable, the relevant approval marks, in place of the corresponding approvals and approval marks granted in accordance with this Regulation and its delegated acts. <i>[moved from Article 57(2)]</i>	YELLOW – TBC by shadows
2. When the Union has decided to apply on a compulsory basis a UNECE regulation for the purpose of EU vehicle type-approval in accordance with Article 4(4) of Council Decision 97/836/EC , the Commission shall amend the annexes to this Regulation as appropriate, by means of a delegated act in accordance with Articles 76, 77 and 78 .		2. When the Union has voted in favour of a UNECE regulation or amendments thereto for the purpose of EU vehicle type-approval, the Commission shall adopt a delegated act in accordance with Article 76 in order to make the UNECE regulation or its amendments compulsory, as appropriate .	GREEN – Agreement on Council text
The delegated act amending the annexes to this Regulation shall specify the dates of		That delegated act shall specify the dates of compulsory application of the UNECE	GREEN – Agreement on Council text

compulsory application of the UNECE regulation or its amendments.		regulation or its amendments <u>and shall include transitional provisions where appropriate.</u>	
		<u>[The Commission shall adopt separate delegated acts reflecting the mandatory application of UNECE regulations].</u>	GREEN – Agreement on Council text
<u>Article 57</u> <u>UNECE regulations and EU type-approval of vehicles produced in small series</u>		<u>deleted</u>	GREEN – Agreement on Council text
<u>1. The UNECE regulations listed in this Regulation shall be considered as equivalent to the corresponding delegated acts in as much as they share the same scope and subject matter.</u>		<u>deleted</u>	GREEN – Agreement on Council text
<u>2. The approval authorities of the Member States shall accept approvals granted in accordance with those UNECE regulations and, where applicable, the relevant approval marks in lieu of the corresponding approvals and approval marks granted in accordance with this Regulation and its delegated acts.</u>		<u>deleted</u> <i>[moved to Article 56 (1a)]</i>	GREEN – Agreement on Council text
<u>3. Where the Union has decided to apply, for the purposes of paragraph 1, a new UNECE regulation or a UNECE regulation as amended, the Commission shall amend the annexes to this Regulation or the delegated acts as appropriate, by</u>		<u>deleted</u> <i>[redundant with Article 56(1) modified]</i>	GREEN – Agreement on Council text

<u>means of a delegated act in accordance with Articles 76, 77 and 78.</u>			
CHAPTER XV PROVISION OF TECHNICAL INFORMATION			
Article 58 Information intended for users			
1. The manufacturer may not supply any technical information related to the particulars provided for in this Regulation, its implementing acts or delegated acts listed in Annex II <u>where such information</u> diverges from the particulars approved by the approval authority.		1. The manufacturer may not supply any technical information related to the particulars provided for in this Regulation, its implementing acts or delegated acts listed in Annex II <u>which</u> diverges from the particulars approved by the approval authority.	GREEN – Agreement on Council text
2. Where an implementing or delegated act listed in Annex II so provides, the manufacturer shall make available to users all relevant information and necessary instructions describing any special conditions or restrictions linked to the use of a vehicle, a system, a component or a separate technical unit.			
3. <u>That</u> information shall be supplied in the official languages of the Member State where the vehicle is to be <u>sold</u> , registered <u>and</u> is to be entering into service. It shall be provided, after acceptance by the approval authority, in the owner's manual.		3. <u>The</u> information <u>referred to in paragraph 2</u> shall be supplied in the official languages of the Member State where the vehicle is to be <u>placed on the market</u> , registered <u>or</u> is to be entering into service. It shall be provided, after acceptance by the approval authority, in the owner's manual.	GREEN – Agreement on Council text

<p>Article 59 Information intended for manufacturers of components or separate technical units</p>			
<p>1. The vehicle manufacturer shall make available to the manufacturers of components or separate technical units all particulars which are necessary for EU type-approval of components or separate technical units, or are necessary to obtain an authorisation under Article 46, including, where applicable, drawings referred to in the acts listed in Annex II.</p>		<p>1. The vehicle manufacturer shall make available to the manufacturers of components or separate technical units all particulars which are necessary for EU type-approval of components or separate technical units; or to obtain an authorisation under Article 52, including, where applicable, drawings referred to in the delegated acts listed in Annex II.</p>	<p>GREEN – Agreement on Council text</p>
<p>The vehicle manufacturer may impose a binding agreement on the manufacturers of components or separate technical units to protect the confidentiality of any information which is not in the public domain, including information related to intellectual property rights.</p>			
<p>2. The manufacturer of components or separate technical units, in its capacity as the holder of an EU type-approval certificate which, in accordance with Article 22(4), includes restrictions on use or special mounting conditions or both shall provide all the detailed information thereon to the vehicle manufacturer.</p>		<p>2. The manufacturer of components or separate technical units, in its capacity as the holder of an EU type-approval certificate which, in accordance with Article 22(4), includes restrictions on use or special mounting conditions or both, shall provide all the detailed information thereon to the vehicle manufacturer.</p>	<p>GREEN – Agreement on Council text</p>
<p>Where a delegated act listed in Annex II so provides, the manufacturer of components or separate technical units shall provide, together with the components or separate technical units produced, instructions</p>			

regarding restrictions on use or special mounting conditions or both.			
CHAPTER XVI Access to vehicle repair and maintenance information		CHAPTER XVI Access to repair and maintenance information	GREEN – Agreement on Council text
Article 60 Manufacturers' obligations			
1. Manufacturers shall provide unrestricted access to vehicle repair and maintenance information to independent operators through websites using a standardised format in a readily accessible and prompt manner. In particular, this <i>access</i> shall be <i>granted</i> in a manner which is non-discriminatory compared to the <i>access granted</i> to authorised dealers and repairers.	1. Manufacturers shall provide unrestricted access to vehicle repair and maintenance information to independent operators through websites using a standardised format in a readily accessible and prompt manner. In particular, this <i>information</i> shall be <i>made available</i> in a manner which is non-discriminatory compared to the <i>repair and maintenance information provided</i> to authorised dealers and repairers <i>and to independent operators. Vehicles shall be supplied with all information, special equipment and accessories essential to enable them to be adjusted, maintained and used safely.</i>	1. Manufacturers shall provide unrestricted access to vehicle repair and maintenance information to independent operators through websites using a standardised format in a readily accessible and prompt manner. In particular, this access shall be granted in a manner which is non-discriminatory compared to the <u>provision given or</u> access granted to authorised dealers and repairers. <u>This obligation does not apply insofar as a vehicle has been approved as small series or individually.</u>	GREEN – Agreement on Council text
	<i>1a. Manufacturers shall make vehicle repair and maintenance information available in an itemised, user-friendly and legible way.</i>		GREEN – Agreement on Council text
2. Until the Commission has adopted a common standard, the information referred to in paragraph 1 shall be submitted in a consistent manner that can be processed by independent operators with reasonable effort.			

Manufacturers shall also make training material available to independent operators and authorised dealers and repairers.			
3. The information referred to in paragraph 1 shall include as a minimum all of the following:			
(a) the unique vehicle identification number;		(a) an unequivocal vehicle identification number;	GREEN - Agreement in pp EC: Alignment with art 6 Reg. 615/2007.
(b) service handbooks including repair and maintenance records;	(b) service handbooks including repair and maintenance records and service schedules ;	(b) service handbooks including repair and maintenance records and service schedules ;	EP: maintenance records including service schedules CEU: Will check with MS GREEN - Agreed
(c) technical manuals;	(c) technical manuals and technical service bulletins ;	(c) technical manuals and technical service bulletins ;	CEU: will check with MS GREEN - Agreed
(d) component and diagnosis information (such as minimum and maximum theoretical values for measurements);			
(e) wiring diagrams;			
(f) diagnostic trouble codes, including manufacturer-specific codes;			
(g) the software identification and calibration verification numbers applicable to a vehicle type;			
(h) information concerning, and delivered by			

means of, proprietary tools and equipment;			
(i) data record information and two-directional monitoring and test data;			
(j) work units.			
4. Authorised dealers or repairers within the distribution system of a given vehicle manufacturer shall be regarded as independent operators for the purposes of this Regulation in cases where they provide repair or maintenance services for vehicles in respect of which they are not members of the vehicle manufacturer's distribution system.		4. Authorised dealers or repairers within the distribution system of a given vehicle manufacturer shall be regarded as independent operators for the purposes of this Regulation to the extent that they provide repair or maintenance services for vehicles in respect of which they are not members of the vehicle manufacturer's distribution system.	CEU: Alignment with T-Regulation EP: TBC by shadows GREEN - Agreed
5. The vehicle repair and maintenance information shall always be available, except as required for the maintenance of the information system.		5. The vehicle repair and maintenance information shall always be available, except as required for maintenance purposes of the information system.	GREEN – Agreement on Council text
6. For the manufacture and servicing of OBD-compatible replacement or service parts and diagnostic tools and test equipment, manufacturers shall provide the relevant OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested component, diagnostic-tool or test-equipment manufacturer or repairer .		6. For the purposes of manufacture and servicing of OBD-compatible replacement or service parts and diagnostic tools and test equipment, manufacturers shall provide the relevant OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer or repairer of component, diagnostic tool or test equipment.	GREEN – Agreement on Council text
7. For the design and manufacture of automotive equipment for alternative-fuel	7. For the design and manufacture of automotive equipment for alternative-fuel	7. For the purposes of design and manufacture of automotive equipment for	GREEN – Agreement on Council text

vehicles, manufacturers shall provide the relevant OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer, installer or repairer of equipment for alternative-fuel vehicles.	vehicles, manufacturers shall provide the relevant OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer, <i>distributor</i> , installer or repairer of equipment for alternative-fuel vehicles.	alternative-fuel vehicles, manufacturers shall provide the relevant OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer, installer or repairer of equipment for alternative-fuel vehicles.	
8. When applying for EU type -approval or national type -approval, the manufacturer shall provide the approval authority with proof of compliance with this Regulation <u>in relation to access to vehicle repair and maintenance information and</u> to the information <u>referred to in paragraph 5.</u>		8. When applying for EU approval or national approval, the manufacturer shall provide the approval authority with proof of compliance with this Regulation <u>relating</u> to the information <u>required in this Article.</u>	GREEN – Agreement on CEU text 8. When applying for EU approval or national type -approval, the manufacturer shall provide the approval authority with proof of compliance with this Regulation <u>relating</u> to the information <u>required in this Article.</u>
In the event that such information is not available, or does not conform to this Regulation and its delegated acts, <u>at that point in time</u> , the manufacturer shall provide it within six months from the date of type-approval.		In the event that such information is not available, or does not conform to this Regulation and its delegated <u>and implementing</u> acts, <u>when applying for EU type-approval or national type-approval</u> , the manufacturer shall provide it within six months from the date of type-approval.	GREEN – Agreement on CEU text
		<u>The Commission shall be empowered to adopt an implementing act in order to lay down a template of a certificate on access to vehicle OBD and vehicle repair and maintenance information providing such proof of compliance to the type approval authority]. That implementing act shall be adopted in accordance with the examination procedure referred to in</u>	GREEN – Agreement on Council text

		<u>Article 74(2).</u>	
9. If such proof of compliance is not provided within that period, the approval authority shall take appropriate measures to ensure compliance.		9. If such proof of compliance is not provided within the period referred to in the second subparagraph of paragraph 8 , the approval authority shall take appropriate measures to ensure compliance.	GREEN – Agreement on Council text
10. The manufacturer shall make subsequent amendments and supplements to vehicle repair and maintenance information available on its websites at the same time they are made available to authorised repairers.			
11. Where the repair and maintenance records of a vehicle are kept in a central database of the vehicle manufacturer or on its behalf, independent repairers shall have access free of charge to such records and shall be able to enter information on the repair and maintenance which they have performed.	11. Where the repair and maintenance records of a vehicle are kept in a central database of the vehicle manufacturer or on its behalf, independent operators shall have access free of charge to such records and shall be able to enter information on the repair and maintenance which they have performed.	11. Where repair and maintenance records of a vehicle are kept in a central database of the vehicle manufacturer or on its behalf, independent repairers shall have access to such records free of charge and shall be able to enter information on repair and maintenance which they have performed.	YELLOW – TBC by shadows EP: independent operators as defined by Regulation in art 3,50 EC: This is just intended for repairers EP: proposes CEU to consider only repairers
12. The Commission shall lay down the details of the requirements with regard to access to repair and maintenance information by means of a delegated act in accordance with Articles 76, 77 and 78.		12. The Commission shall be empowered to adopt delegated acts in accordance with Article 76 laying down the details of the requirements with regard to access to repair and maintenance information, in particular technical specifications relating to the way in which vehicle repair and maintenance information shall be provided.	GREEN – Agreement on Council text
Article 61 Division of obligations with regard to		Article 61 Obligations with regard to several type-	GREEN – Agreement on Council text

several type-approval holders		approval holders	
<p>1. In the case of step-by-step type-approval, including multi-stage type-approval, the manufacturer responsible for each individual type-approval shall also be responsible for communicating repair information relating to the particular system, component or separate technical unit or to the particular stage to both the final manufacturer and independent operators.</p>		<p>1. In the case of step-by-step type-approval or of multi-stage type-approval, the manufacturer responsible for the respective type-approval shall also be responsible for communicating repair information relating to the particular system, component or separate technical unit or to the particular stage to both the final manufacturer and independent operators.</p>	<p>GREEN – Agreement on Council text</p>
<p>2. The final manufacturer shall be responsible for providing information about the whole vehicle to independent operators.</p>			
<p>Article 62 Fees for access to vehicle repair and maintenance information</p>			
<p>1. Manufacturers may charge reasonable and proportionate fees for access to vehicle repair and maintenance information covered by this Regulation. A fee shall not be considered reasonable or proportionate if it discourages access by failing to take into account the extent to which the independent operator uses the information.</p>		<p>1. Manufacturers may charge reasonable and proportionate fees for access to vehicle repair and maintenance information covered by this Regulation. A fee shall not be reasonable or proportionate if it discourages access by failing to take into account the extent to which the independent operator uses it.</p>	<p>GREEN – Agreement on Council text</p>
<p>2. Manufacturers shall make available vehicle repair and maintenance information on a daily, monthly, and yearly basis, whereby fees for access to such information may vary in accordance with the respective periods of time for which access is granted.</p>		<p>2. Manufacturers shall make available vehicle repair and maintenance information on a daily, monthly, and yearly basis, with fees for access to such information varying in accordance with the respective periods of time for which access is granted.</p>	<p>GREEN – Agreement on Council text</p>

<u>Article 63</u> <u>Penalties</u>		Article 63 <u>Forum on Access to Vehicle Information</u>	EC – Exists for passenger cars and trucks, the idea is to enlarge this to L vehicles. GREEN - Confirmed by MEPs
<u>1. Member States shall provide for penalties for infringement by manufacturers of the provisions 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. Member States shall notify those provisions to the Commission by [6 months after publication of this Regulation] and shall notify the Commission without delay of any subsequent amendment affecting them.</u>		<u>deleted</u> [MOVED 78a]	GREEN – Agreement on Council text
<u>2. The types of infringements which are subject to a penalty shall include:</u>		<u>deleted</u>	GREEN – Agreement on Council text
<u>(a) making false declarations during approval procedures or procedures leading to a recall;</u>		<u>deleted</u>	GREEN – Agreement on Council text
<u>(b) falsifying test results for type-approval or in-service conformity;</u>		<u>deleted</u>	GREEN – Agreement on Council text
<u>(c) withholding data or technical specifications which could lead to recall or withdrawal of type-approval;</u>		<u>deleted</u>	GREEN – Agreement on Council text
<u>(d) use of defeat devices;</u>		<u>deleted</u>	GREEN – Agreement on Council text

<u>(e) refusal to provide access to information.</u>		<u>deleted</u>	GREEN – Agreement on Council text
		<u>The scope of application of the activities carried out by the Forum on Access to Vehicle Information established in accordance with Article 13(9) of Commission Regulation (EC) No 692/2008⁶ shall be extended to the vehicles covered by this Regulation.</u>	EC – Exists for passenger cars and trucs, the idea is to enlarge this to L vehicles. GREEN - Confirmed by MEPs
		<u>On the basis of evidence of deliberate or unintentional misuse of vehicle OBD and vehicle repair and maintenance information, the Forum shall advise the Commission on measures to prevent such misuse of information.</u>	EC – Exists for passenger cars and trucs, the idea is to enlarge this to L vehicles. GREEN - Confirmed by MEPs
CHAPTER XVII DESIGNATION AND NOTIFICATION OF TECHNICAL SERVICES			
Article 64 Requirements relating to technical services			
1. <u>For the purposes of designation</u> pursuant to Article 66 and <u>notification pursuant to Article 68</u> , technical <u>services shall meet</u> the requirements laid down in paragraphs 2 to 11.		1. <u>Designating approval authorities shall ensure that before they designate a technical service</u> For the purposes of designation pursuant to Article 66, <u>this</u> technical services shall meet <u>meets</u> the requirements laid down in paragraphs 2 to 11 <u>of this Article.</u>	GREEN – Agreement on Council text

⁶ OJ L 199, 28.7.2008, p.1

<p>2. A technical service shall be established under the national law of a Member State and have legal personality.</p>		<p>2. Without prejudice to Article 66a (1) a technical service shall be established under the national law of a Member State^{56d} and have legal personality.</p>	<p>GREEN – Agreement on Council text EP's proposal to change the reference is accepted by CEU</p>
<p>3. A technical service shall be a third-party body independent of the vehicle, system, component or separate technical unit it assesses.</p>		<p>3. A technical service shall be a third-party body independent of the process of design, manufacturing, provision, assembly, use, supply or maintenance of the vehicle, system, component or separate technical unit it assesses.</p>	
<p>A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of vehicles, systems, components or separate technical units which it assesses, tests or inspects may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered as fulfilling the requirements of the first subparagraph.</p>			
<p>4. A technical service, its top-level management and the personnel responsible for carrying out the assessment tasks may not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the vehicles, systems, components or separate technical units which they assess, nor the authorised representative of any of those parties. This shall not preclude the use of assessed</p>		<p>4. A technical service, its top-level management and the personnel responsible for carrying out the categories of activities for which they are designated in accordance with Article 66(1) shall assessment tasks may not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the vehicles, systems, components or separate technical units which they assess, nor represent the</p>	

^{56d} **NB: this does not prevent the possibility to use a technical service established in another Member State.**

<p>vehicles, systems, components or separate technical units that are necessary for the operation of the technical service or the use of such vehicles, systems, components or separate technical units for personal purposes.</p>		<p>authorised representative of any of those parties- engaged in those activities. This shall not preclude the use of assessed vehicles, systems, components or separate technical units referred to in paragraph 3 that are necessary for the operation of the technical service or the use of such vehicles, systems, components or separate technical units for personal purposes.</p>	
<p><u>A technical service, its top-level management and the personnel responsible for carrying out the assessment, testing or inspection tasks may not be directly involved in the design, manufacture or construction, marketing, installation, use or maintenance of those vehicles, systems, components or separate technical units, or represent the parties engaged in those activities. They may not engage in any activity that may conflict with their independence of judgment or integrity in relation to the assessment activities for which they are notified. This shall in particular apply to consultancy services.</u></p>		<p>deleted</p>	
<p>Technical services shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.</p>		<p>A tTechnical services shall ensure that the activities of their-its subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity categories of assessment activities.</p>	
<p>5. Technical services and their personnel shall carry out the assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly</p>		<p>5. A tTechnical services and their-its personnel shall carry out the assessment categories of activities for which it has been designated with the highest degree of professional integrity and the requisite technical competence in the specific field and</p>	

<p>financial, which might influence their judgment or the results of their assessment activities, especially such pressures or inducements emanating from persons or groups of persons with an interest in the results of those activities.</p>		<p>shall be free from all pressures and inducements, particularly financial, which might influence their judgment or the results of their assessment activities, especially such pressures or inducements emanating from persons or groups of persons with an interest in the results of those activities.</p>	
<p>6. Technical services shall be capable of carrying out all the conformity assessment tasks assigned to them and for which they have been notified, whether those tasks are carried out by the technical service itself or on its behalf and under its responsibility.</p>		<p>6. At Technical services shall be capable of carrying out all the categories of activities conformity assessment tasks assigned to them and for which they have it has been notified designated in accordance with Article 66(1), whether those tasks are carried out by the technical service itself or on its behalf and under its responsibility.</p>	
<p>7. At all times and for each assessment task and each kind or category of vehicles, systems, components or separate technical units for which it has been notified, technical services shall have at its disposal the necessary:</p>		<p>7. by demonstrating, to the satisfaction of its designating approval authority, that they haveAt all times and for each assessment task and each kind or category of vehicles, systems, components or separate technical units for which it has been notified, technical services shall have at its disposal the following:</p>	<p>GREEN – Agreement on Council text</p>
<p>(a) personnel with technical knowledge and sufficient and appropriate experience to perform the assessment task;</p>		<p>(a) personnel with appropriate skills, specific technical skills, specific knowledge and vocational training as well as sufficient and appropriate experience to perform the assessment task;</p>	
<p>(b) descriptions of the procedures for the assessment task, ensuring the transparency and reproducibility of those procedures, whereby the technical service shall have</p>		<p>(b) descriptions of the procedures relevant for the assessment taskcategories of activities for which it is seeking to be designated, ensuring the transparency and</p>	

<p><u>appropriate policies and procedures as well as appropriate policies and procedures in place that distinguish between tasks it carries out as a technical service and other activities;</u></p>		<p>reproducibility of those procedures, whereby the technical service shall have appropriate policies and procedures as well as appropriate policies and procedures in place that distinguish between tasks it carries out as a technical service and other activities;</p>	
<p>(c) procedures for the performance of activities which take due account of the <u>size of an undertaking, the sector in which it operates, its structure, the</u> degree of complexity of the technology of the vehicle, system, component or separate technical unit in question, and the mass or serial nature of the production process.</p>		<p>(c) procedures for the performance of their <u>the categories of</u> activities in the area of type approval and conformity of production <u>for which it is seeking to be designated</u> which take due account of the degree of complexity of the technology of the vehicle, system, component or separate technical unit in question, and the mass or serial nature of the production process.</p>	
<p>8. Technical services shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities.</p>		<p>§d) <u>Technical services shall have the means necessary to perform in an appropriate manner</u> the technical and administrative tasks connected with the conformity assessment <u>categories of activities for which it is seeking to be designated in an appropriate manner</u> and shall that it has <u>have</u> access to all necessary equipment or facilities.</p>	
		<p><u>In addition, it shall demonstrate to the designating approval authority its compliance with the standards laid down in the delegated act referred to in Article 66b which are relevant for the categories of activities it will carry out.</u></p> <p><i>[moved from Article 66, §4, but with last sentence deleted as Art 44(2) refers to national IVA and in L-Cat vehicles there is no multi-stage TA in IVA (unlike in M / N vehicles)]</i></p>	
<p>9. The personnel responsible for carrying</p>		<p>deleted</p>	

<u>out conformity assessment activities shall have the following</u>			
<u>(a) sound technical and vocational training covering all the conformity assessment activities for which the technical service has been notified;</u>		deleted	
<u>(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;</u>		deleted	
<u>(c) appropriate knowledge and understanding of the safety and environmental requirements and other relevant provisions of this Regulation and the acts listed in Annex II;</u>		deleted	
<u>(d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.</u>		deleted	
10. The impartiality of the technical services, their top-level management and the assessment personnel shall be guaranteed.		10.7. The impartiality of the technical services, their top-level management and the assessment personnel shall be guaranteed. They shall not engage in any activity that may conflict with their independence of judgment or integrity in relation to the categories of activities for which they are designated.	
<u>11. The remuneration of the top-level management and assessment personnel of a technical service shall not depend on the number of assessments carried out or on the results of those assessments.</u>		deleted	
12. Technical services shall take out liability insurance unless liability is assumed by the		12.8. Technical services shall take out liability insurance related to their abilities	

<p>Member State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment.</p>		<p>unless liability is assumed by the Member State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment.</p>	
<p>13. The personnel of a technical service shall observe professional secrecy with regard to all information obtained in carrying out their tasks under this Regulation or any provision of national law giving effect to it, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.</p>		<p>139. The personnel of a technical service shall observe professional secrecy with regard to all information obtained in carrying out their tasks under this Regulation or any provision of national law giving effect to it, except in relation to the designating approval authority or where required by EU or national law competent authorities of the Member State where the technical service is carrying out its activities or where the type approval has been issued. Proprietary rights shall be protected.</p>	<p>GREEN – Agreement on Council text</p>
<p>Article 65 Subsidiaries of and subcontracting by technical services</p>			
<p>1. Activities may be subcontracted or carried out by a subsidiary only with the agreement of the manufacturer.</p>		<p>1.-Technical services may subcontract some of their activities for which they have been designated in accordance with Article 66(1) or have these activities carried out by a subsidiary only with the agreement of their designating approval authority.</p>	<p>GREEN – Agreement on Council text</p>
<p>2. Where a technical service subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 64 and shall inform the notifying authority accordingly.</p>		<p>2. Where a technical service subcontracts specific tasks connected with conformity assessment the categories of activities for which it has been designated or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 64 and shall</p>	<p>GREEN – Agreement on Council text</p>

		inform the designating approval authority accordingly.	
3. Technical services shall take full responsibility for the tasks performed by any subcontractors or subsidiaries, wherever these are established.		3. Technical services shall take full responsibility for the tasks performed by any of their subcontractors or subsidiaries, wherever these are established.	
4. Technical services shall keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under this Regulation.		4. Technical services shall keep at the disposal of the designating approval authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried tasks performed out by them under this Regulation.	GREEN – Agreement on Council text
Article 66 Designation of technical services			
<u>1. Technical services designated by approval authorities for the purposes of this Article shall comply with the provisions of this Regulation.</u>		deleted <i>[Redundant in view of the changes to Article 64]</i>	
<u>2. The technical services shall carry out themselves or supervise the tests required for approval or inspections as set out in this Regulation or in one of the acts listed in Annex II, except where alternative procedures are permitted. The technical services may not conduct tests or inspections for which they have not been duly designated.</u>		2. Technical services shall carry out themselves or supervise the tests required for approval or inspections as set out in this Regulation or in one of the acts listed in Annex II, except where alternative procedures are permitted. The technical services may not conduct tests or inspections for which they have not been duly designated. deleted <i>[Moved to Article 71, §.1 as this is more an</i>	GREEN – Agreement on Council text

			<i>operational obligation</i>	
3. Technical services shall fall into one or more of the five following categories of activities, depending on their field of competence:			31. Technical services shall fall into be designated according to one or more of the five four following categories of activities, depending on their field of competence:	
(a) category A, technical services which carry out in their own facilities the tests referred to in this Regulation and in the acts listed in Annex II;				
(b) category B, technical services which supervise the tests referred to in this Regulation and in the acts listed in Annex II, where such tests are performed in the manufacturer's facilities or in the facilities of a third party;				
(c) category C, technical services which assess and monitor on a regular basis the manufacturer's procedures for controlling conformity of production;				
(d) category D, technical services which supervise or perform tests or inspections for the surveillance of conformity of production;				
<u>(e) category E, technical services in charge of individual approvals.</u>			deleted	
<u>4. Technical services shall demonstrate appropriate skills, specific technical knowledge and proven experience in the specific fields covered by this Regulation and the acts listed in Annex II. In addition, technical services shall comply with the standards laid down in the delegated act referred to in paragraph 11 which are relevant for the activities they</u>			<u>4. Technical services shall demonstrate appropriate skills, specific technical knowledge and proven experience in the specific fields covered by this Regulation and the acts listed in Annex II. In addition, technical services shall comply with the standards laid down in the delegated act referred to in Article 66b which are relevant for the activities they</u>	GREEN – Agreement on Council text

	<u>carry out.</u>		<p><u>carry out. However, such compliance is not required for the purposes of the last stage of a multi-stage type approval as referred to in Article 44(2).deleted</u></p> <p><u>[moved to in Article 44(2).64, §8]</u></p>	
5.	An approval authority may be designated as a technical service for one or more of the activities referred to in paragraph 3.		52. An approval authority may be designated as a technical service for one or more of the activities referred to in paragraph 31.	
			<p><u>5a3. Technical services of a third country, other than those designated in accordance with Article 66b, may be notified for the purposes of Article 68. but -only if such an acceptance of technical services is provided for by a bilateral agreement between the Union and the third country concerned. This shall not prohibit a technical service established under the national law of a Member State in accordance with Article 64(2) establishing subsidiary offices in third countries, provided that subsidiary offices are directly managed and controlled by the designated service.</u></p>	GREEN – Agreement on Council text
			<p><i>Article 66a</i></p> <p><i>Accredited in-house technical services of the manufacturer</i></p>	GREEN – Agreement on Council text
6.	An accredited in-house body of a manufacturer may be used as a technical service to carry out assessment activities for the undertaking of which it forms part only for category A activities with regard to technical requirements for which self-testing is allowed by a delegated act adopted under		<p><u>1. An accredited in-house technical service of a manufacturer may be used designated to carry out assessment activities for the undertaking of which it forms part only for category A activities with regard to technical requirements for which self-testing is allowed by a delegated act adopted under this</u></p>	GREEN – Agreement on Council text

<p>this Regulation. That body shall constitute a separate and distinct part of the undertaking and shall not be involved in the design, production, supply, installation or maintenance of the vehicles, systems, components or separate technical units it assesses.</p>		<p>Regulation. That technical service shall constitute a separate and distinct part of the undertaking and shall not be involved in the design, production manufacturing, supply, installation or maintenance of the vehicles, systems, components or separate technical units it assesses.</p>	
<p><u>7.</u> An accredited in-house body shall meet the following requirements:</p>		<p><u>2.</u> An accredited in-house technical service shall meet the following requirements:</p>	<p>GREEN – Agreement on Council text</p>
<p>(a) it shall be accredited in accordance with Regulation (EC) No 765/2008;</p>		<p>(a) In addition to being designated by the approval authority of a Member State it shall be accredited by a national accreditation body as defined in Article 2(11) of Regulation (EC) No 765/2008 and in accordance with the standards and procedure referred to in Article 66b;</p>	<p>GREEN – Agreement on Council text</p>
<p>(b) the body and its personnel shall be organisationally identifiable and have reporting methods within the undertaking of which they form part which ensure their impartiality and demonstrate it to the relevant national accreditation body;</p>		<p>(b) the accredited in-house technical service and its personnel shall be organisationally identifiable and have reporting methods within the undertaking of which they form part which ensure their impartiality and demonstrate it to the relevant national accreditation body;</p>	<p>GREEN – Agreement on Council text</p>
<p>(c) neither the body nor its personnel shall be responsible for the design, manufacture, supply, installation, operation or maintenance of the vehicles, systems, components or separate technical</p>		<p>(c) neither the accredited in-house technical service nor its personnel shall be responsible for the design, manufacture, supply, installation, operation or maintenance of the vehicles, systems, components or separate</p>	<p>GREEN – Agreement on Council text</p>

<p>units they assess nor shall they engage in any activity that might conflict with their independence of judgment or integrity in relation to their assessment activities;</p>		<p>technical units they assess nor shall they engage in any activity that might conflict with their independence of judgment or integrity in relation to their assessment categories of activities for which they have been designated;</p>	
<p>(d) the body shall supply its services exclusively to the undertaking of which it forms part.</p>		<p>(d) the accredited in-house technical service shall supply its services exclusively to the undertaking of which it forms part.</p>	<p>GREEN – Agreement on Council text</p>
<p>8. An accredited in-house body shall not be notified to the Member States or the Commission, for the purposes of Article 68 but information concerning its accreditation shall be given by the undertaking of which it forms part or by the national accreditation body to the notifying authority at the request of that authority.</p>		<p>3. An accredited in-house technical service needs not to be notified to the Commission, for the purposes of Article 68 but information concerning its accreditation shall be given by the undertaking of which it forms part or by the national accreditation body to the notifying designating approval authority at the request of that authority.</p>	<p>GREEN – Agreement on Council text</p>
<p>9. A manufacturer or a subcontracting party acting on its behalf may be designated as a technical service only for category A activities with regard to technical requirements for which self-testing is allowed in a delegated act adopted under this Regulation.</p>		<p>deleted <i>(redundant with para. 1)</i></p>	
<p>10. Technical services of a third country, other than those designated in accordance with paragraph 9, may be notified for the purposes of Article 68 only under a bilateral agreement between the Union and the third country in question.</p>		<p>deleted <i>(moved to Article 66(5a),)</i></p>	<p>GREEN – Agreement on Council text</p>
		<p>Article 66b</p>	<p>GREEN – Agreement on Council text</p>

		<u>Procedures for performance standards and assessment of technical services</u>	
<p>11. In order to ensure that these services meet the same high level of performance standards in all Member States, the Commission shall lay down the standards with which the technical services have to comply and the procedure for the assessment of technical services by means of a delegated act in accordance with <u>Articles 76, 77 and 78</u>.</p>	<p>11. In order to ensure that these services meet the same high level of performance standards in all Member States, the Commission shall lay down the standards with which the technical services have to comply and the procedure for the assessment of technical services by means of a delegated act in accordance with <i>Article 76. When adopting that delegated act, the Commission shall take as a basis the arrangements and procedures provided for in Appendix 1 and 2 to Annex V to Directive 2007/46/EC, as appropriate.</i></p>	<p>11. In order to ensure that these technical services meet the same high level of performance standards in all Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 76 concerning the standards with which the technical services have to comply and the procedure for the their assessment in accordance with Article 67 and their accreditation in accordance with Article 66a of technical services.</p>	<p>GREEN – Agreement on Council text</p>
<p>Article 67 Assessment of the skills of technical services</p>			
<p>1. The competent authority shall draw up an assessment report demonstrating that the designated and notified technical service has been assessed for its compliance with the requirements.</p>		<p>1. The competent designating approval authority shall draw up an assessment report demonstrating that the candidate technical service has been assessed for its compliance with the requirements of this Regulation and the delegated acts adopted under this Regulation. ^{56e}</p>	<p>GREEN – Agreement on Council text</p>

^{56e} Some delegations: add the following sub-para.: "This may include a certificate of accreditation issued by an accreditation body." (Q 19/11, Q 21/11), same as Directive 2007/46/EC, be there or not an accreditation, same validity of type-approval authorities and same procedures. Other delegations: reservation on this addition. Accreditation certificate can be emitted by another organism. If a technical service is designated directly by the type-approval authority (that can always access tests), what need for accreditation? COM: whenever a technical service has an accreditation certificate, authorities have to take into account that certificate.

		This report may include a certificate of accreditation issued by an accreditation body.	
2. The assessment on which the report referred to in paragraph 1 is based shall be conducted in accordance with the provisions laid down in a delegated act adopted under this Regulation . The assessment report shall be reviewed after a maximum period of three years .		2. The assessment on which the report referred to in paragraph 1 is based shall be conducted in accordance with the provisions laid down in a delegated act referred to in Article 66b . The assessment report shall be reviewed after a maximum period of at least every three -three years.	GREEN – Agreement on Council text
3. The assessment report shall be communicated to the Commission upon request. Where the assessment is not based on an accreditation certificate issued by a national accreditation body attesting that the technical service fulfils the requirements of this Regulation, the notifying authority shall provide the Commission and the other Member States with documentary evidence which attests the technical service's competence and the arrangements in place to ensure that the technical service is monitored regularly and will continue to satisfy the requirements of this Regulation and its delegated acts.		3. The assessment report shall be communicated to the Commission upon request. In such cases, and where the assessment is not based on an accreditation certificate issued by a national accreditation body attesting that the technical service fulfils the requirements of this Regulation, the notifying designating approval authority shall provide the Commission with documentary evidence which attests the technical service's competence and the arrangements in place to ensure that the technical service is monitored regularly by the designating approval authority and satisfies the requirements of this Regulation and its delegated acts.	GREEN – Agreement on Council text
4. An approval authority that intends to be designated as a technical service shall demonstrate compliance through documentary evidence. This shall include an assessment conducted by auditors independent of the activity being assessed. Such auditors may be from within the same		The approval authority that intends to be designated as a technical service in accordance with Article 66(2) shall demonstrate document compliance through documentary evidence. This shall include an assessment conducted by auditors independent of the activity being assessed.	GREEN – Agreement on Council text

organisation provided that they are managed separately from personnel undertaking the assessed activity.		Such auditors may be from the same organisation provided that they are managed separately from personnel undertaking the assessed activity.	
5. An accredited in-house body designated as a technical service shall comply with the relevant provisions of this Article.		5. An accredited in-house technical service shall comply with the relevant provisions of this Article.	GREEN – Agreement on Council text
Article 68 Procedures for notification			
1. Member States shall notify to the Commission the name, the address including electronic address, the responsible persons and the category of activities for each designated technical service, as well as any subsequent modifications thereto . The notification shall state for which subjects listed in Annex II the technical services have been designated.		1. Member States shall notify to the Commission the name, the address including electronic address, the responsible persons and the category of activities for-with respect to each designated technical service they have designated , as well as any subsequent modifications thereto to these designations . The notification shall state for which subjects listed in Annex II the technical services have been designated.	
2. A technical service may conduct the activities referred to in Article 66 for the purposes of type-approval for the Member State which designated it only if it has been notified beforehand to the Commission and where no objections are raised by the Commission or the other Member States within two weeks of a notification where an accreditation certificate is used or within two months of a notification where accreditation is not used .		2. A technical service may conduct the activities referred to in Article 66 (31) on behalf of the designating approval authority responsible for the purposes of type-approval for the Member State which designated it only if it has been notified beforehand to the Commission in accordance with the provisions of paragraph 1 and where no objections are raised by the Commission or the other Member States within two weeks of a notification where an accreditation certificate is used or within two months of a notification	GREEN – Agreement on Council text

		where an accreditation certificate is not used.	
3. The same technical service may be designated and notified by several Member States irrespective of the category of activities it conducts.		3. The same technical service may be designated and notified by several designating approval authorities and notified by the Member States of these designating approval authorities, irrespective of the category or categories of activities it will conduct in accordance with Article 66(1) conducts.	
4. The Commission and the other Member States shall be notified of any subsequent relevant changes to the notification.		4. The Commission and the other Member States shall be notified of any subsequent relevant changes to the notification designation.	
5. Where a specific organisation or competent body carrying out an activity not included in those referred to in Article 66 needs to be designated in application of an act listed in Annex II, the notification shall be made in accordance with this Article.		5. Where a specific organisation or competent body carrying out an activity not included in those referred to in Article 66(31) needs to be designated in application of an act listed in Annex II, the notification shall be made in accordance with this Article.	GREEN – Agreement on Council text
6. The Commission shall publish on its website a list and details of the approval authorities and technical services.		6. The Commission shall publish on its website a list and details of the technical services notified in accordance with this Article. <i>[list of approval authorities already in Article 5(1)]</i>	GREEN – Agreement on Council text

Article 69 Changes to <u>notifications</u>		Article 69 Changes to <u>designations</u>	GREEN – Agreement on Council text
<p>1. Where a <u>notifying</u> authority has ascertained or has been informed that a technical service no longer meets the requirements laid down in this Regulation, or that it is failing to fulfil its obligations, the <u>notifying</u> authority shall restrict, suspend or withdraw <u>notification</u> as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. The notifying <u>authority</u> shall immediately inform the Commission <u>and the other Member States</u> accordingly.</p>		<p>1. Where a <u>notifying designating approval authority Member State</u> has ascertained or has been informed that a technical service <u>designated by it</u> no longer meets the requirements laid down in this Regulation, or that it is failing to fulfil its obligations, the <u>notifying designating approval authority Member State</u> shall restrict, suspend or withdraw <u>designation</u> as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. The <u>notifying Member State that has notified this technical service</u> shall immediately inform the Commission <u>and the other Member States</u> accordingly. <u>The Commission shall modify accordingly the information published referred to in Article 68(6).</u></p>	GREEN – Agreement on Council text
<p>2. In the event of restriction, suspension or withdrawal of <u>notification</u>, or where the technical service has ceased its activity, the <u>notifying Member State</u> shall take appropriate steps to ensure that the files of that technical service are either processed by another technical service or kept available for the <u>competent notifying and</u> market surveillance authorities at their request.</p>		<p>2. In the event of restriction, suspension or withdrawal of <u>designation</u>, or where the technical service has ceased its activity, the <u>notifying designating approval authority Member State</u> shall take appropriate steps to ensure that the files of that technical service are either processed by another technical service or kept available for the <u>designating approval authority competent notifying and/or for the</u> market surveillance authorities at their request.</p>	GREEN – Agreement on Council text

<p>Article 70 Challenge to the competence of technical services</p>			
<p>1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention, regarding the competence of a technical service or the continued fulfilment by a technical service of the requirements and responsibilities to which it is subject.</p>			
<p>2. The notifying Member State shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the technical service concerned.</p>		<p>2. The notifying Member State of the designating approval authority shall provide the Commission, on request, with all information relating to the basis for the designation or the maintenance of the competence designation of the technical service concerned.</p>	<p>GREEN – Agreement on Council text</p>
<p>3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.</p>			
<p>4. Where the Commission ascertains that a technical service does not meet or no longer meets the requirements for its notification, it shall inform the notifying Member State accordingly and request it to take the necessary corrective measures, including the withdrawal of the notification if necessary.</p>		<p>4. Where the Commission ascertains that a technical service does not meet or no longer meets the requirements for its designation, it shall inform the notifying Member State of the designating approval authority accordingly, with a view to establish - inco- operation with that Member State - the corrective measures necessary, and shall request it that Member State to take the these necessary corrective measures, including the withdrawal of the notification designation if necessary.</p>	<p>GREEN – Agreement on Council text</p>

<p>Article 71 Operational obligations of technical services</p>			
<p>1. Technical services shall carry out conformity assessments in accordance with the assessment procedures provided for in this Regulation.</p>		<p>1. Technical services shall carry out conformity assessments the categories of activities for which they have been designated on behalf of the designating approval authority and in accordance with the assessment and test procedures provided for in this Regulation and the acts listed in Annex II.</p>	
		<p>1a. Technical services shall carry out themselves or supervise the tests required for at all times allow their designating approval or inspections as set out in this Regulations or in one of the acts listed in Annex II, except where alternative procedures are permitted. The technical services shall not conduct tests, authority to witness the technical service during the conformity assessments or inspections for which they have not been duly designated by their approval authority. as appropriate.</p> <p><i>[Moved from Article 66, §.2 as this is more an operational obligation]</i></p>	<p>GREEN – Agreement on Council text</p>
		<p>2. Technical services shall at all times:</p>	
		<p>(i) allow their designating approval authority to witness the technical service during the conformity assessment as appropriate; and</p>	
		<p>(ii) without prejudice to Article 64(9) and 72, provide their designating approval authority such information on their categories of activities falling under this</p>	

<p><u>2. Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators. Technical services shall perform their activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the technology of the vehicle, system, component or separate technical unit in question and the mass or serial nature of the production process.</u></p>		<p><u>Regulation as may be requested.</u></p> <p><u>2. Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators. Technical services shall perform their activities in the area of type-approval and conformity of production taking due account of the degree of complexity of the technology of the vehicle, system, component or separate technical unit in question and the mass or serial nature of the production process.deleted</u></p> <p><i>[Deleted as part of the agreement reached at the Council WP meeting of 8 June 2012, see also Article 66 with regard to technical services of category E.]</i></p>	
<p><u>3. In so doing, they shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the vehicle, system, component or separate technical unit with the provisions of this Regulation.</u></p>		<p><u>3. When carrying out conformity assessment, technical services shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the vehicle, system, component or separate technical unit with the provisions of this Regulation.deleted</u></p>	<p>GREEN – Agreement on Council text</p>
<p>4. Where a technical service finds that requirements laid down in this Regulation have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall request the type-approval authority not to issue a type-approval certificate unless the appropriate corrective measures have been taken to the</p>		<p>43. Where a technical service finds that requirements laid down in this Regulation have not been met by a manufacturer, it shall report this to the designating type-approval authority with a view for the latter to require the manufacturer to take appropriate corrective measures and subsequently not to issue a type-approval</p>	<p>YELLOW</p> <p>EP - Can COM/Council explain, why the phrase 'to the satisfaction of the technical service' has been deleted in this para and added to the next?</p> <p>CEU – will check back with MS</p>

satisfaction of the technical service .		certificate unless the appropriate corrective measures have been taken to the satisfaction of the approval authority .	
5. Where, in the course of monitoring conformity of production following the issue of a type-approval certificate, a technical service finds that a vehicle, system, component or separate technical unit no longer complies with this Regulation, it shall require the manufacturer to take appropriate corrective measures and shall request the type-approval authority to suspend or withdraw the type-approval certificate if necessary.		54. Where, in the course of monitoring conformity of production following the issue of a type-approval certificate, a technical service acting on behalf of the designating approval authority finds that a vehicle, system, component or separate technical unit no longer complies with this Regulation, it shall report this to the type designating approval authority. The type-approval authority shall take the appropriate measures as foreseen in Article 31.	YELLOW EP - Can COM/Council explain, why the phrase ' to the satisfaction of the technical service' has been added in this para and deleted from the one above? CEU – will check back with MS
6. Where corrective measures are not taken or do not have the required effect, the technical service shall request the type-approval authority to restrict, suspend or withdraw the type-approval certificate, as appropriate.		deleted	GREEN – Agreement on Council text
Article 72 Information obligations of technical services			
1. Technical services shall inform the approval authority of the following:		1. Technical services shall inform the their designating approval authority of the following:	
(a) any non-conformity encountered which may require a refusal, restriction, suspension or withdrawal of a type-approval certificate;			
(b) any circumstances affecting the scope of and conditions for their notification ;		(b) any circumstances affecting the scope of and conditions for their designation ;	GREEN – Agreement on Council text

(c) any request for information which they have received from market surveillance authorities regarding their assessment activities;		(c) any request for information which they have received from market surveillance authorities regarding their assessment activities;	GREEN – Agreement on Council text
2. On request from the approval authority, assessment activities shall be performed within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.		2. On request from their designating approval authority, technical services shall provide information on the assessment activities within the scope of their designation and on any other activity performed, including cross-border activities and subcontracting.	GREEN – Agreement on Council text
<u>3. Technical services shall provide the other technical services notified under this Regulation which carry out similar assessment activities covering the same vehicle, system, component or separate technical unit with relevant information on issues relating to negative and, on request, positive assessment results.</u>		<u>deleted</u>	<p>EP - Can Council/COM explain why they do not want the sharing of information between technical services?</p> <p>EC – Sharing commercial sensitive information can hurt commercial undertakings, concerns exchanges between third bodies (not authorities)</p> <p>GREEN - Confirmed by MEPs</p>
CHAPTER XVIII IMPLEMENTING MEASURES AND DELEGATION			
<i>Article 73</i> <i>Implementing measures</i>	<i>deleted</i>		YELLOW – TBC by shadows in cooperation with EP Legal service
<i>In order to lay down uniform conditions for the implementation of this Regulation, the Commission shall, in accordance with the procedure referred to in Article 74, adopt implementing acts laying down</i> <i>implementing measures to establish the</i>	<i>deleted</i>	<u>For the purposes of achieving the objectives of this Regulation and in order to lay down uniform conditions for the implementation of this Regulation, the Commission shall, in accordance with the procedure referred to in Article 74(2), adopt</u>	YELLOW – TBC by shadows in cooperation with EP Legal service

<u>following:</u>		implementing acts laying down the following implementing measures:	
		(aa) a template for the manufacturer's declaration regarding the endurance of functional safety critical systems, parts and equipment referred to in Article 20(5);	YELLOW – TBC by shadows in cooperation with EP Legal service
<i>(a) the details of the arrangements with regard to type-approval procedures <u>in accordance with Article 23(6)</u> ;</i>	<i>deleted</i>	(a) the <u>detailed</u> arrangements with regard to type-approval procedures <u>referred to in Article 23(6)</u> ; deleted	YELLOW – TBC by shadows in cooperation with EP Legal service
<i>(b) templates for the information folder and the information document <u>in accordance with Article 25(2)</u> ;</i>	<i>deleted</i>	(b) templates for the information folder and for the information document referred to in Article 25(2) ;	YELLOW – TBC by shadows in cooperation with EP Legal service
<i>(c) a numbering system of EU type-approval certificates <u>in accordance with Article 27(4)</u> ;</i>	<i>deleted</i>	(c) a numbering system of EU type-approval certificates referred to in Article 27(4) ;	YELLOW – TBC by shadows in cooperation with EP Legal service
<i>(d) a template for an EU type-approval certificate <u>in accordance with Article 28 (2)</u> ;</i>	<i>deleted</i>	(d) a template for an EU type-approval certificate referred to in Article 28 (2) ;	YELLOW – TBC by shadows in cooperation with EP Legal service
		(da) a template for the test results sheet appended to the EU type-approval certificate referred to in Article 28(3);	YELLOW – TBC by shadows in cooperation with EP Legal service

		<u>(db) a template of the list of applicable requirements or acts referred to in Article 28(6);</u>	YELLOW – TBC by shadows in cooperation with EP Legal service
		<u>(dc) the general requirements for the format of test report referred to in Article 30(1);</u>	YELLOW – TBC by shadows in cooperation with EP Legal service
<u>(e) the details of the arrangements with regard to conformity of production in accordance with Article 31;</u>	<i>deleted</i>	(e) the detailed arrangements with regard to conformity of production referred to in Article 31(5);	YELLOW – TBC by shadows in cooperation with EP Legal service
<u>(f) the template of a certificate of conformity in accordance with Article 36(2);</u>	<i>deleted</i>	<u>(f) the template of a certificate of conformity referred to in Article 36(2);</u>	YELLOW – TBC by shadows in cooperation with EP Legal service
		<u>(fa) the list of restrictions on the certificate of conformity as regards the use of the vehicle referred to in Article 36(5);</u>	YELLOW – TBC by shadows in cooperation with EP Legal service
<u>(g) the model of the EU type-approval mark in accordance with Article 37(4);</u>	<i>deleted</i>	<u>(g) the model of the EU type-approval mark referred to in Article 37(4);</u>	YELLOW – TBC by shadows in cooperation with EP Legal service
		<u>(h) an authorisation to grant EU type-approval exempting new technologies or new concepts referred to in Article 38(3);</u>	YELLOW – TBC by shadows in cooperation with EP Legal service

		<u>(i) an authorisation to a Member State to extend the type-approval referred to in Article 39(2);</u>	YELLOW – TBC by shadows in cooperation with EP Legal service
		<u>(j) a list of parts and equipment as referred to in Article 52(2);</u>	
		<u>(k) the model and the numbering system for the certificate referred to in third subparagraph of Article 53(2) as well as all aspects relating to the procedure of authorisation referred to in that Article;</u>	YELLOW – TBC by shadows in cooperation with EP Legal service
		<u>(l) the template of a certificate providing proof of compliance to the type approval authority as referred to in Article 60(8).</u>	YELLOW – TBC by shadows in cooperation with EP Legal service
Article 74 Committee		Article 74 Committee <u>procedure</u>	GREEN – Agreement on Council text
1. The Commission shall be assisted by the Technical Committee – Motor Vehicles established <u>under</u> Article 40 of Directive 2007/46/EC.	1. The Commission shall be assisted by the Technical Committee – Motor Vehicles established under Article 40 of Directive 2007/46/EC. <i>That committee is a committee within the meaning of Regulation (EU) No 182/2011.</i>	1. The Commission shall be assisted by the Technical Committee – Motor Vehicles [established <u>by</u> Article 40 of Directive 2007/46/EC]. <u>That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</u>	YELLOW – TBC by shadows in cooperation with EP Legal service

2. Where reference is made to this paragraph, <u>Article 5 and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.</u>	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, <u>Article 5 of Regulation (EU) No 182/2011 shall apply.</u>	YELLOW – TBC by shadows in cooperation with EP Legal service
		<u>Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.</u>	
Article 75 Amendment of the Annexes		Article 75 Amendment of the Annexes ^{56f}	YELLOW – TBC by shadows in cooperation with EP Legal service
1. The Commission <u>may</u> adopt <u>amendments to the Annexes of this Regulation by means of</u> delegated acts in accordance with <u>Articles 76, 77 and 78.</u>	1. The Commission may adopt amendments to the Annexes of this Regulation, <i>in order to adapt them to the development of scientific and technical knowledge</i> , by means of delegated acts in accordance with <i>Article 76</i> .	1. <u>Without prejudice to the other provisions of this Regulation relating to the amendment of its Annexes, the Commission shall also be empowered to adopt delegated acts in accordance with Article 76 concerning the amendments to:</u>	YELLOW – TBC by shadows in cooperation with EP Legal service
		<u>(0i) Annex I (B) and (C) of this Regulation as regards the introduction of additional functional safety and vehicle construction requirements for subcategory L7e-A heavy on-road quads;</u>	
		<u>deleted</u>	<u>GREEN – Agreement on Council text</u>

^{56f} **Some delegations: reservation. Other delegations: scrutiny reservation. Other delegations: when amendments concern the scope they must be decided by the Ordinary legislative procedure. One delegation: we must specify precisely what will come under the delegated acts.**

		(transferred to Art. 4(5))	
		<u>(i) Annexes II and V of this Regulation in order to introduce documents references and corrigenda;</u>	YELLOW – TBC by shadows in cooperation with EP Legal service EP - Can COUNCIL/COM explain why they want DAs only for Annexes II, V and part of VI?
		<u>(ii) Parts (C) and (D) of Annex VI in order to take account of the results of the study referred to in Article 21(4) and adoption of UN regulations.</u>	YELLOW – TBC by shadows in cooperation with EP Legal service EP - Can COUNCIL/COM explain why they want DAs only for Annexes II, V and part of VI?
<u>2. When, pursuant to Decision 97/836/EC, new UNECE regulations or amendments to existing UNECE regulations to which the Union has acceded are adopted, the Commission shall, by means of a delegated act in accordance with Articles 76, 77 and 78 amend Annex II to this Regulation accordingly.</u>	<i>deleted</i>	<u>deleted</u>	GREEN – Agreement on Council text
Article 76 Exercise of delegation	Article 76 Exercise of the delegation		GREEN – Agreement on Council text
1. The <i>powers</i> to adopt <u>the</u> delegated acts referred to in Articles 16, 18, 19, 20, 21, 22, 30, 52, 56, 57, 60, 66 and 75 shall be conferred on the Commission <u>for an indeterminate period of time.</u>	1. The <i>power</i> to adopt delegated acts is conferred on the Commission <u>subject to the conditions laid down in this Article.</u>	1. The power to adopt delegated acts <u>is conferred on the Commission subject to the conditions laid down in this Article.</u>	GREEN – Agreement on Council text
	<u>1a. The power to adopt delegated acts referred to in Articles 16, 18, 19, 20, 21, 22, 30, 52, 56, 57, 60, 66 and 75 shall be</u>	<u>1a. The delegation of power</u> referred to in Articles 16(2), 18(3), 19(6), 20(4), 20 (4a), 21(5a), 21(12), 22(3), 23(6), 30(6), 31(5).	YELLOW – TBC by shadows in cooperation with EP Legal service

	<i>conferred on the Commission for an indeterminate period of time from ...</i> *	52(2) and (4a), 56(2), 60(12), 66b and 75 (1) shall be conferred on the Commission for a period of five years from ... *.	
		The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period.	YELLOW – TBC by shadows in cooperation with EP Legal service
	<i>Ib. The delegation of power referred to in Articles 16, 18, 19, 20, 21, 22, 30, 52, 56, 57, 60, 66 and 75 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.</i>	<u>Ib. The delegation of power referred to in Articles 16(2), 18(3), 19(6), 20(4), 20(4a), 21(5a), 21(12), 22(3), 23 (6), 30(6), 31 (5), 52(4a), 56(2), 60(12), 66b and 75 (1) may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.</u>	YELLOW – TBC by shadows in cooperation with EP Legal service
2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
3. <u>The powers to adopt delegated acts are conferred on the Commission subject to the</u>	3. <i>A delegated act adopted pursuant to Articles 16, 18, 19, 20, 21, 22, 30, 52, 56, 57, 60, 66 and 75 shall enter into force only if</i>	<u>3. A delegated act adopted pursuant to Article 16(2), 18(3), 19(6), 20(4), 20(4a), 21(5a), -21(12), 22(3), 23(6), 30(6), 31 (5).</u>	YELLOW – TBC by shadows in cooperation with EP Legal service

* OJ: Please insert the date of application of this Regulation.

* **Date of entry into force of this Regulation.**

<u>conditions laid down in Article 77 and 78.</u>	<i>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 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.</i>	<u>52(4a), 56(2), 60(12), 66b and 75 (1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to 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 2 months at the initiative of the European Parliament or the Council.</u>	
<u>Article 77</u> <u>Revocation of delegation</u>	<i>deleted</i>	<u>deleted</u>	GREEN – Agreement on Council text
<u>1. The delegation of power referred to in Articles 16, 18, 19, 20, 21, 22, 30, 52, 56, 57, 60, 66 and 75 may be revoked at any time by the European Parliament or by the Council.</u>	<i>deleted</i>	<u>deleted</u>	GREEN – Agreement on Council text
<u>2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.</u>	<i>deleted</i>	<u>deleted</u>	GREEN – Agreement on Council text
<u>3. A revocation decision shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be</u>	<i>deleted</i>	<u>deleted</u>	GREEN – Agreement on Council text

<u>published in the Official Journal of the European Union.</u>			
<u>Article 78</u> <u>Objections to delegated acts</u>	<i>deleted</i>	<u>deleted</u>	GREEN – Agreement on Council text
<u>1. The European Parliament and the Council may object to a delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council, this period shall be extended by one month.</u>	<i>Deleted</i>	<u>deleted</u>	GREEN – Agreement on Council text
<u>2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, or if, before that date, the European Parliament and the Council have both informed the Commission that they have decided not to raise objections, the delegated act shall enter into force at the date stated in its provisions.</u>	<i>deleted</i>	<u>deleted</u>	GREEN – Agreement on Council text
<u>3. If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.</u>	<i>deleted</i>	<u>deleted</u>	GREEN – Agreement on Council text
CHAPTER XIX FINAL PROVISIONS			
		Article 78a 63 Penalties*	GREEN – Agreement on Council text

* Moved from ex-Article 63.

		<u>1. Member States shall provide for penalties for infringement by economic operators of the provisions of this Regulation and its delegated or implementing acts. They shall take all measures necessary to ensure that the penalties are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [24 months after publication of this Regulation] and shall notify the Commission without delay of any subsequent amendment affecting them.</u>	GREEN – Agreement on Council text
		<u>2. The types of infringements which are subject to a penalty shall inter alia include:</u>	GREEN – Agreement on Council text
		<u>(a) making false declarations during approval procedures or procedures leading to a recall;</u>	GREEN – Agreement on Council text
		<u>(b) falsifying test results for type-approval or in-service conformity;</u>	GREEN – Agreement on Council text
		<u>(c) withholding data or technical specifications which could lead to [recall] [refusal]^{56g} or withdrawal of type-approval;</u>	GREEN – Agreement on Council text

^{56g} **Some delegations: scrutiny reservation. Need for other sanctions as well. COM: "shall include" means that the list is not exhaustive, "inter alia" added for clarification. Other delegations: sanctions should apply to all requirements of the Regulation since here sanctions apply only to those trying to comply. They should also apply to importers and distributors/retailers. COM: "economic operators" covers them all.**

		<u>(d) use of defeat devices;</u>	GREEN – Agreement on Council text
		<u>(e) refusal to provide access to information;</u>	GREEN – Agreement on Council text
		<u>(f) economic operators making available on the market vehicles, systems, components or separate technical units subject to approval without such approval or falsifying documents or markings in that intention.</u>	GREEN – Agreement on Council text
Article 79 Transitional provisions			
1. This Regulation shall not invalidate any EU type-approval granted to vehicles or to systems, components or separate technical units before the date specified in Article 82(2).		<u>1. Without prejudice to other provisions of this Regulation,</u> this Regulation shall not invalidate any EU type-approval granted to vehicles or to systems, components or separate technical units before the date specified in Article 82(2).	GREEN – Agreement on Council text
		<u>1a. Save where provided otherwise, EU type approvals granted to vehicles, systems, components or separate technical units under the acts referred to under Article 81(1) shall remain valid until the dates specified in Annex IV for existing types of vehicles.</u>	GREEN – Agreement on Council text
		<u>1b. By way of derogation from this</u>	

		<u>Regulation, new vehicle type of categories L1e, L2e and L6e or new systems, components or separate technical units intended for such vehicle types shall continue to be type-approved under Directive 2002/24/EC until [insert date specified in Article 82(2) plus one year, minus one day (e.g. 31 Dec 2016)].</u>	
2. Approval authorities shall continue to grant extension of approvals to the vehicles, systems, components or separate technical units referred to in paragraph 1 in accordance with Directive 2002/24/EC and any of the directives listed in Article 81(1).		2. Approval authorities shall continue to grant extension of approvals to the vehicles, systems, components or separate technical units referred to in paragraph 1 in accordance with Directive 2002/24/EC and any of the directives listed in Article 81(1). <u>However, such approvals shall not be used for the purposes of obtaining a whole vehicle type approval under this Regulation.</u> ^{56h}	GREEN – Agreement on Council text
		<u>3. By way of derogation from Directive 2002/24/EC, type-approval shall also be granted for vehicles which comply with the provisions of this Regulation and its delegated acts on environmental and propulsion requirements as referred to in Annex II Part A before [OJ: please insert date referred to in Article 82(2)].</u>	GREEN – Agreement on Council text
		<u>4. National authorities shall not prohibit, restrict or impede the registration, placing on the market or entry into service of vehicles complying with the approved type.</u>	GREEN – Agreement on Council text

^{56h} To be clarified in other parts of this document that it is not required to re-test the vehicle if the requirements have not changed versus the old directive.

Article 80 Report			
1. No later than 1 January 2018 Member States shall inform the Commission of the application of the type-approval procedures laid down in this Regulation.		1. No later than [OJ please insert date: five years after the date referred to in Article 82(2)] Member States shall inform the Commission of the application of the type-approval procedures laid down in this Regulation.	GREEN – Agreement on Council text
2. On the basis of the information supplied under paragraph 1, the Commission shall report to the European Parliament and the Council on the application of this Regulation no later than 1 January 2019 .		2. On the basis of the information supplied under paragraph 1, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation no later than [OJ: please insert date: 6 years after the date referred to in Article 82(2)]. In particular, the report shall consider whether on the basis of experience gained with the application of this Regulation it would be appropriate to provide in Chapter X also for EU type-approval of small series. If this-it is considered necessary, the Commission shall present a proposal to that effect.	GREEN – Agreement on Council text
		Article 80a Review on advanced braking systems	
		1. By [insert date: [4] years after date referred to in Article 82(2)], the Commission shall submit a report to the European Parliament and to the Council.	

			<p>2. This report shall examine the mandatory fitting of both an anti-lock brake system and a supplemental combined brake system at the choice of the manufacturer to L3e-A1 subcategory motor cycles. It shall be based on an assessment of the technical feasibility of such a requirement, a cost-effectiveness analysis, a road accident analysis and a consultation of relevant stakeholders. It shall furthermore take into account existing related European and international standards.</p>	
			<p>3. Member States shall provide to the Commission by [insert date: 12] years after date referred to in Article 82(2)] statistics on road accidents of the motor cycles in question for the preceding four years which are based on the vehicle classification as laid down in Annex I and the type of advanced brake system fitted.</p>	
			<p>4. On the basis of the results of the report, the Commission shall consider presenting a legislative proposal on the mandatory fitting of advanced brake system to the vehicle subcategories in question.</p>	
			<p>Article 80b</p> <p>Review on individual vehicles approvals</p>	
			<p>1. By [insert date: 7] years after date referred to in Article 82(2)], the Commission shall submit a report to the European Parliament and to the Council regarding the subjects referred to in paragraph 3.</p>	

			2. The report shall be based on a consultation of relevant stakeholders and shall take into account existing related European and international standards.	
			3. By [one year before the date mentioned in para. 1] the Member States shall report to the Commission on:	
			(a) the number of individual approvals granted to L-category vehicles before their first registration per year by the national authorities of that Member State since the date referred to in Article 82(2);	
			(b) the national criteria upon which such approvals were based insofar as these criteria deviated from the requirements obligatory for EU type approval.	
			4. The report shall be accompanied, where appropriate, by legislative proposals, and shall examine the inclusion of individual approvals in the Regulation on the basis of harmonised requirements.	
	Article 81 Repeal			
	1. Directives 93/14/EEC, 93/30/EEC, 93/33/EEC, 93/93/EEC, 95/1/EC, 97/24/EC, 2000/7/EC, 2002/24/EC, 2002/51/EC, 2009/62/EC, 2009/67/EC, 2009/78/EC, 2009/79/EC, 2009/80/EC and 2009/139/EC are hereby repealed from the date referred to in Article 82(2).		1. Without prejudice to Article 79(2) , Directives 93/14/EEC, 93/30/EEC, 93/33/EEC, 93/93/EEC, 95/1/EC, 97/24/EC, 2000/7/EC, 2002/24/EC, 2002/51/EC, 2009/62/EC, 2009/67/EC, 2009/78/EC, 2009/79/EC, 2009/80/EC and 2009/139/EC are repealed with effect from [OJ: please insert date: the date specified in Article 82(2) plus one year (e.g. 01 January 2017)] .	GREEN – Agreement on Council text

2. References to the repealed directives shall be construed as references to this Regulation and shall be read, as regards Directive 2002/24/EC, in accordance with the correlation table set out in Annex IX.		2. References to the repealed Directives shall be construed as references to this Regulation and shall be read, as regards Directive 2002/24/EC, in accordance with the correlation table set out in Annex IX.	GREEN – Agreement on Council text
Article 82 Entry into force and application			
1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.			
2. It shall apply from <i>1 January 2013</i> .	2. It shall apply from <i>1 January 2014</i> .	2. It shall apply from 1 January 2016 .	GREEN – Agreement on Council text
This Regulation shall be binding in its entirety and directly applicable all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.	GREEN – Agreement on Council text