

Ares(2018)5236519

From: [REDACTED] (GROW)
Sent: Thursday, October 11, 2018 2:06 PM
To: [REDACTED]@mpit.gov.pl'
Cc: [REDACTED]@mpit.gov.pl; GROW C4 MEETINGS; [REDACTED] (GROW)
Subject: RE: Implementation of regulation 2016/1628 - question about art. 57

Dear [REDACTED],

Thank you for your two messages which we have carefully studied. We are pleased to provide you with the following information:

- Only the EU type-approval requires the issue of the document, not the authorisation for the placing on the market; however, please note that in accordance with Art 31(1), engines placed on the market of engines under the exemptions in Art 34(5) and (6) must be accompanied by a "statement of conformity" document which the manufacturers has to issue
- As regards Art 57(2)e: any information which an authority is entitled to request from economic operators or OEMs, within the obligations laid down in regulation (EU) 2016/1628
- As regards Art 57(2)g: this must be seen with the requirements under Art 58, as these are the ones which are of relevance for transition engines. As for the exemptions under Art 34 and 35, these are referenced by other provisions under Art 57(2), e.g. points (h), (k) or (l)

As regards your question 3) below, could you please provide us with additional explanations as it is not clear to us what you actually seek to be clarified.

Kind regards,

[REDACTED]
[REDACTED]



European Commission

DG for Internal Market, Industry, Entrepreneurship and SMEs
Unit C.4 – Automotive and Mobility Industries

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From: [REDACTED]@mpit.gov.pl [mailto:[REDACTED]@mpit.gov.pl]
Sent: Tuesday, October 09, 2018 5:13 PM
To: [REDACTED] (GROW); GROW C4 MEETINGS
Cc: [REDACTED]@mpit.gov.pl
Subject: Impelementation of regulation 2016/1628 - queastion about art. 57

Dear [REDACTED]

Further to my e-mail from 8th of October (17h08) we have some additional questions concerning regulation 2016/1628:

1) art. 57 (2) e “refusing to provide access to information;” – what kind of information do legislator exactly mean? (only information needed by approval authorities and the market surveillance authorities or it has more brother meaning - especially taking under consideration art. 43)

2) art. 57 (2) g “placing on the market transition engines and non-road mobile machinery in which such engines are installed in violation of the exemption provisions” – what kind of exemption do legislator exactly mean? (especially taking under consideration art. 34, 35 and 58)

3) regarding *regulation 2008/765 of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93* and recent EC guidelines to use more often “formal non-compliance” category can we (PL) indicate from art. 57 (2) infringements that we want treat as “formal non-compliance” (other legislations who refer to regulation 765/2018 explicitly enumerate infringements that are treated as formal non-compliance. Polish legislation implementing regulation 2008/765 use category formal non-compliance)

Kind regards

[Redacted signature]

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