

MEETING DOCUMENT No. TA 19/16

Motor Vehicles

**Proposal for a Regulation of the European Parliament and of the Council
on the approval and market surveillance of motor vehicles and their trailers,
and of systems, components and separate technical units intended for such vehicles**

Working Party on Technical Harmonisation - Motor Vehicles

8 June 2016

Delegations will find attached comments from the Romanian delegation.

**RO comments to Art. 1 - 4 and 87 – 98 of
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the
approval and market surveillance of motor vehicles and their trailers, and of systems, components
and separate technical units intended for such vehicles
(doc. 5712/16)**

Art. 1 para. 1

1. This Regulation establishes the administrative provisions and technical requirements for the type-approval and placing on the market of all new vehicles, systems, components and separate technical units intended for such vehicles referred to in Article 2(1). It also applies to individual vehicle approvals.	1. This Regulation establishes the administrative provisions and technical requirements for the type-approval and placing on the market of all new vehicles, systems, components and separate technical units intended for such vehicles referred to in Article 2(1). It also applies to individual vehicle approvals. This Regulation also establishes the provisions for the placing on the market and entry into service of parts and equipment that may pose a serious risk to the correct functioning of essential systems-of vehicles referred to in Article 2(1).
<i>Justification:</i> See Art. 55 and 56. A similar text was included in the Directive 2007/46/CE.	

Art. 2 para. 3 (c)

(c) any self-propelled vehicle designed and constructed specifically to perform work and that, because of its construction characteristics, is not suitable for carrying passengers or for transporting goods.	(c) any self-propelled vehicle designed and constructed specifically to perform work and that, because of its construction characteristics, is not suitable for carrying passengers or for transporting goods. <u>Such approvals shall be without prejudice to the application of Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery.</u>
<i>Justification:</i> We consider that it is usefull to maintain this text existing in Directive 2007/46/CE.	

Art. 3 pt. (16)

(16) ‘registration’ means the permanent or temporary administrative authorisation for the entry into service in road traffic of a vehicle, including the identification of the vehicle and the issuing of a serial number;	(16) ‘registration’ means the permanent [or temporary] administrative authorisation for the entry into service in road traffic of a vehicle, including the identification of the vehicle and the issuing of a serial number;
<i>Justification:</i> A discussion regarding the “temporary registration” is necessary. It is possible that in some MS the procedure for the temporary registration for new vehicles to be more simple, without the application of the complete EU type-approval legislation. If a such vehicle is transferred in another MS it may be considered as a “already registered vehicle” and to be subject of the legislation for used vehicle, even it is practically a new vehicle. That is a possibility to avoid the EU type-approval legislation.	

Art. 3 para. (22)

(22) ‘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 and of the regulatory acts listed in Annex IV;	(22) ‘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 and / <u>or</u> of the regulatory acts listed in Annex IV;
<i>Justification:</i> Editorial improvement (using and is applicable only for WVTA).	

Art. 3 para. (37)

(37) ‘base vehicle’ means any vehicle that is used at the initial stage of a multi-stage type-approval;	(37) ‘base vehicle’ means any vehicle that is used at the initial stage of a multi-stage type-approval; <u>that vehicle may not meet all specifications of a motor vehicle as defined in point (10);</u>
<i>Justification:</i> according to the manufacturers, the current definition is not consistent with motor vehicles supplied without internal combustion engine, to be transformed into electric vehicles, for example.	

Art. 3 pts. (38) – (40) TO BE DELETED

<i>Justification:</i> those definitions are already included in definition (1).

Art. 3 para. 43

‘end-of-series vehicle’ means a vehicle that is part of a stock and that, due to the entry into force of new technical requirements against which it has not been type-approved, cannot or can no longer be made available on the market, registered or entered into service;	‘end-of-series vehicle’ means a vehicle that is part of a stock <u>or which is not yet completed</u> and that, due to the entry into force of new technical requirements against which it has not been type-approved, cannot or can no longer be made available on the market, registered or entered into service <u>[unless the procedure of Article 47 are applied];</u>
<i>Justification:</i> Editorial improvement.	

Directive 2007/46/EC includes the definition of : ‘information document’ (37), ‘information folder’ (38), ‘information package’ (39), ‘index to the information package’ (40) – do the Commission consider that they are not any more necessary ?

Chapter XVI – GENERAL SCRUTINY RESERVATION.

Art. 89 para. 4

4. Member States shall notify the provisions implementing paragraphs 1 to 3 to the Commission by dd/mm/yyyy [<i>PO: please insert the date 12 months after entry into force of this Regulation.</i>] and shall notify the Commission without delay of any subsequent amendment affecting those provisions.	4. Member States shall notify the provisions implementing paragraphs 1 to 3 to the Commission by dd/mm/yyyy [<i>PO: please insert the date 12 <u>24</u> months after entry into force of this Regulation.</i>] and shall notify the Commission without delay of any subsequent amendment affecting those provisions.
<i>Justification:</i> The penalties shall be established by the national law. The existing national procedure requires about 2 years.	

Art. 90 - TO BE DELETED

<i>Justification:</i> The penalties should remain at the national level. We could accept only the administrative actions of the Commissions as provided in the Regulation.
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Art. 91 – 94 TO BE DELETED

<i>Justification:</i> We do not agree with the introduction in the Framework Regulation of provisions regarding other normative acts. We propose to adopt a separate Regulation for those 4 Regulations.

Art. 96 (4)

4. Technical services already designated before the entry into force of this Regulation shall be subject to the assessment referred to in Article 77. The designation of technical services already designated before the entry into force of this Regulation shall be renewed within [two] years of the entry into force of this Regulation where those technical services comply with the relevant requirements set out in this Regulation. The validity of the designation of technical services made before the entry into force of this Regulation shall terminate at the latest [two] years after the date of entry into force of this Regulation.
<i>Justification:</i> That period should be established according the final version of the assesement and designation procedure and having in view the MS and Commission administrative possibilities to reassess all the existing TS.

Art. 98

<p>This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>. It shall apply from 1 January 201X.</p> <p>However, from [...] [<i>PO: please insert the date 12- months after entry into force of this Regulation.</i>], national authorities shall not refuse to grant EU type-approval or national type-approval for a new type of vehicle, or prohibit registration, placing on the market or entry into service of a new vehicle where the vehicle concerned complies with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation, if a manufacturer so requests.</p>	<p>This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>. It shall apply from 1 January 201X.</p> <p>However, from [...] [<i>PO: please insert the date 12 24 months after entry into force of this Regulation.</i>], national authorities shall not refuse to grant EU type-approval or national type-approval for a new type of vehicle, or prohibit registration, placing on the market or entry into service of a new vehicle where the vehicle concerned complies with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation, if a manufacturer so requests.</p>
<p><i>Justification:</i> There are implementation aspects that shall be established by the national law. The existing national procedure requires about 2 years.</p>	