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## **INFORMATION NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 168/2013 as regards specific measures on L-category end-of-series vehicles in response to the COVID-19 outbreak - Outcome of the European Parliament's first reading (Brussels, 19 to 22 October 2020)

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### **I. INTRODUCTION**

On 14 October 2020, the Permanent Representatives Committee confirmed that, should the European Parliament approve the abovementioned Commission proposal without amendments, the Council would approve the European Parliament's position.

In this context, the rapporteur, Maria GRAPINI (S&D, RO), presented a report on behalf of the Committee on the Internal Market and Consumer Protection, aiming at taking over the Commission proposal. No other amendments were tabled.

## II. VOTE

The Parliament adopted its first-reading position on 20 October 2020 by taking over the Commission's proposal. This position is contained in its legislative resolution.

The Council should therefore be in a position to approve the European Parliament's position as set out in the Annex hereto, thus bringing to a close the first reading for both Institutions.

The legislative act would then be adopted in the wording which corresponds to the European Parliament's position.

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**P9\_TA(2020)0268**

**Amending Regulation (EU) No 168/2013 as regards specific measures on L-category end-of-series vehicles in response to the COVID-19 pandemic \*\*\*I**

**European Parliament legislative resolution of 20 October 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 168/2013 as regards specific measures on L-category end-of-series vehicles in response to the COVID-19 outbreak (COM(2020)0491 – C9-0285/2020 – 2020/0251(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2020)0491),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0285/2020),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - after consulting the European Economic and Social Committee,
  - having regard to the undertaking given by the Council representative by letter of 14 October 2020 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rules 59 and 52(1) of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0190/2020),
1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

**Position of the European Parliament adopted at first reading on 20 October 2020 with a view to the adoption of Regulation (EU) 2020/... of the European Parliament and of the Council amending Regulation (EU) No 168/2013 as regards specific measures on L-category end-of-series vehicles in response to the COVID-19 pandemic**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

After consulting the European Economic and Social Committee,

Acting in accordance with the ordinary legislative procedure<sup>1</sup>,

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<sup>1</sup> Position of the European Parliament of 20 October 2020.

Whereas:

- (1) The COVID-19 crisis has caused disruption to the supply chain of critical parts and components for L-category vehicles and a sizeable drop in demand for those vehicles. This has led to significant delays for manufacturers in clearing their stock of Euro 4 vehicles that, according to Annex IV to Regulation (EU) No 168/2013 of the European Parliament and of the Council<sup>2</sup>, need to be registered before the application of the environmental Euro 5 step on 1 January 2021.
- (2) The end-of-series rules laid down in Regulation (EU) No 168/2013 allow manufacturers to continue to make available on the market, register or enter into service a limited part of a stock of L-category vehicles which cannot be made available on the market, or can no longer be made available on the market, owing to the entry into force of new technical requirements against which those vehicles have not been approved.
- (3) Considering the disruption caused by the COVID-19 crisis, it is apparent that the end-of-series rules in Regulation (EU) No 168/2013 do not constitute an appropriate mechanism to address the amount of Euro 4 L-category vehicles that manufacturers will have in stock following the application of the environmental Euro 5 step.

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<sup>2</sup> Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).

- (4) Given the exceptional circumstances caused by the COVID-19 crisis, and to avoid potential market disruption, it is necessary to amend Regulation (EU) No 168/2013 to include specific measures on end-of-series vehicles in response to the COVID-19 crisis.
- (5) In order to ensure that the application of these specific end-of-series measures is restricted to vehicles that were in stock at the moment of the national lockdowns, the amount of vehicles benefiting from these specific end-of-series measures should not exceed the number of Euro 4 L-category vehicles that were in stock on 15 March 2020.

- (6) Since the objective of this Regulation, namely to amend the end-of-series rules, applicable for the year 2021, of Regulation (EU) No 168/2013 in response to the COVID-19 crisis, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, 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 (TEU). In accordance with the principle of proportionality, as set out in that article, this Regulation does not go beyond what is necessary to achieve that objective.
- (7) In view of the urgency entailed by the exceptional circumstances caused by the COVID-19 crisis, it is considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (8) Regulation (EU) No 168/2013 should therefore be amended accordingly,
- (9) This Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

## Article 1

The following article is inserted in Chapter XI of Regulation (EU) No 168/2013:

### ‘Article 44a

Specific measures on end-of-series vehicles in response to the COVID-19 pandemic

1. By way of derogation from Article 44, and subject to paragraphs 2, 3 and 4 of this Article, vehicles conforming to a type of vehicle the EU type-approval of which will become invalid on 1 January 2021 pursuant to Article 37(2), point (a), may be made available on the market, registered or entered into service as end-of-series vehicles until 31 December 2021.
2. The number of end-of-series vehicles referred to in paragraph 1 of this Article shall not exceed the number of vehicles with an EU type-approval that will become invalid on 1 January 2021 pursuant to Article 37(2), point (a), and that were in stock on 15 March 2020.

3. A manufacturer who wishes to benefit from the derogation referred to in paragraph 1 shall submit a request to the national authority of each Member State where the vehicles in question are to be made available on the market, registered or entered into service, indicating the number of end-of-series vehicles for which the derogation referred to in paragraph 1 is requested.

The national authority concerned shall decide, within a month of receiving the request, whether to permit the registration of those end-of-series vehicles within its territory, and in what number.

4. A special entry qualifying the vehicles as ‘2021 - end-of-series’ shall be made on the certificate of conformity of the vehicles put into service under paragraph 1.
5. By 1 July 2021, Member States shall inform the Commission on the number of vehicles for which end-of-series status has been granted under this Article.’

## Article 2

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

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

Done at ...,

*For the European Parliament*

*For the Council*

*The President*

*The President*

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